

In the House of Representatives, U. S.,

October 1, 2020.

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 925) entitled “An Act to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2024.” and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforementioned bill, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

1 SECTION 1. SHORT TITLE.

2 *This Act may be cited as “The Heroes Act”.*

3 SEC. 2. TABLE OF CONTENTS.

4 *The table of contents for this Act is as follows:*

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. References.

**DIVISION A—CORONAVIRUS RECOVERY SUPPLEMENTAL
APPROPRIATIONS ACT, 2021**

**DIVISION B—PROVIDING RELIEF TO STUDENTS, INSTITUTIONS OF
HIGHER EDUCATION, LOCAL EDUCATIONAL AGENCIES, AND
STATE VOCATIONAL REHABILITATION AGENCIES**

Title I—Higher Education Provisions

Title II—Impact Aid and Migrant Education Coronavirus Relief

Title III—Career, Technical, and Adult Education

Title IV—Disability Employment

DIVISION C—PROTECTION FOR FAMILIES AND WORKERS

Title I—Amendments to Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave Act

Title II—COVID–19 Every Worker Protection Act of 2020

Title III—COVID–19 Protections under Longshore and Harbor Workers’ Compensation Act

Title IV—Worker’s Compensation for Federal and Postal Employees Diagnosed with COVID–19

Title V—COVID–19 Workforce Development Response Activities

DIVISION D—HUMAN SERVICES AND COMMUNITY SUPPORTS

Title I—Stronger Child Abuse Prevention and Treatment

Title II—Child Nutrition and the Special Supplemental Nutrition Program for Women, Infants, and Children

Title III—Related Programs

DIVISION E—SMALL BUSINESS PROVISIONS

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Title II—Modifications to the Paycheck Protection Program

Title III—Tax Provisions

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Title V—Micro-SBIC and Equity Investment Enhancement

Title VI—Miscellaneous

DIVISION F—REVENUE PROVISIONS

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Title II—Provisions to Prevent Business Interruption

Title III—Net Operating Losses

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Title I—Relief for Multiemployer Pension Plans

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Title III—Other Retirement Related Provisions

DIVISION H—GIVING RETIREMENT OPTIONS TO WORKERS ACT

DIVISION I—CONTINUED ASSISTANCE TO UNEMPLOYED WORKERS

Title I—Extensions of CARES Act Unemployment Benefits for Workers

Title II—Additional Weeks of Benefit Eligibility

Title III—Clarifications and Improvements to Pandemic Unemployment Assistance

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Title V—Corrective Action for Processing Backlogs

Title VI—Additional Benefits for Mixed Earners

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DIVISION J—EMERGENCY ASSISTANCE, ELDER JUSTICE, AND CHILD AND FAMILY SUPPORT

Title I—Emergency assistance

Title II—Reauthorization of Funding for Programs to Prevent, Investigate, and Prosecute Elder Abuse, Neglect, and Exploitation
Title III—Fairness for Seniors and People with Disabilities During COVID–19
Title IV—Supporting Foster Youth and Families through the Pandemic
Title V—Pandemic State Flexibilities

DIVISION K—HEALTH PROVISIONS

Title I—Medicaid Provisions
Title II—Medicare Provisions
Title III—Private Insurance Provisions
Title IV—Application to Other Health Programs
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Title VI—Public Health Assistance
Title VII—Vaccine Development, Distribution, Administration, and Awareness
Title VIII—Other Matters

DIVISION L—VETERANS AND SERVICEMEMBERS PROVISIONS

DIVISION M—CONSUMER PROTECTION AND TELECOMMUNICATIONS PROVISIONS

Title I—COVID–19 Price Gouging Prevention
Title II—E-Rate Support for Wi-Fi Hotspots, Other Equipment, Connected Devices, and Connectivity
Title III—Emergency Benefit for Broadband Service
Title IV—Continued Connectivity
Title V—Don’t Break Up the T-Band
Title VI—COVID–19 Compassion and Martha Wright Prison Phone Justice

DIVISION N—AGRICULTURE PROVISIONS

Title I—Livestock and Poultry
Title II—Dairy
Title III—Specialty Crops and Other Commodities
Title IV—Commodity Credit Corporation
Title V—Conservation
Title VI—Nutrition
Title VII—Rural Development

DIVISION O—COVID–19 HERO ACT

Title I—Providing Medical Equipment for First Responders and Essential Workers
Title II—Protecting Renters and Homeowners From Evictions and Foreclosures
Title III—Protecting People Experiencing Homelessness
Title IV—Suspending Negative Credit Reporting and Strengthening Consumer and Investor Protections
Title V—Protecting Student Borrowers
Title VI—Standing Up for Small Businesses, Minority-Owned Businesses, and Non-Profits
Title VII—Promoting and Advancing Communities of Color through Inclusive Lending
Title VIII—Providing Assistance for State, Territory, Tribal, and Local Governments
Title IX—Support for a Robust Global Response to the Covid–19 Pandemic
Title X—Providing Oversight and Protecting Taxpayers

*DIVISION P—ACCESS ACT**DIVISION Q—TRANSPORTATION AND INFRASTRUCTURE**Title I—Aviation**Title II—Federal Emergency Management Agency**Title III—Other matters**DIVISION R—ACCOUNTABILITY AND GOVERNMENT OPERATIONS**Title I—Accountability**Title II—Census Matters**Title III—Federal Workforce**Title IV—Federal Contracting Provisions**Title V—District of Columbia**Title VI—Other Matters**DIVISION S—FOREIGN AFFAIRS PROVISIONS**Title I—Matters Relating to the Department of State**Title II—Global Health Security Act of 2020**Title III—Securing America From Epidemics Act**DIVISION T—JUDICIARY MATTERS**Title I—Immigration Matters**Title II—Prisons and jails**Title III—Victims of Crime Act Amendments**Title IV—Jabara-Heyer NO HATE Act**Title V—Bankruptcy Protections**DIVISION U—OTHER MATTERS**Title I—Presumption of Service Connection for Coronavirus Disease 2019**Title II—Coronavirus Relief Fund Amendments**Title III—Energy and Environment Provisions**Title IV—Miscellaneous Matters***1 SEC. 3. REFERENCES.**

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

1 ***DIVISION A—CORONAVIRUS RECOVERY***
2 ***SUPPLEMENTAL APPROPRIATIONS***
3 ***ACT, 2021***

4 *The following sums are hereby appropriated, out of*
5 *any money in the Treasury not otherwise appropriated, for*
6 *the fiscal year ending September 30, 2021, and for other*
7 *purposes, namely:*

8 ***TITLE I***

9 ***AGRICULTURE, RURAL DEVELOPMENT, FOOD***
10 ***AND DRUG ADMINISTRATION, AND RELATED***
11 ***AGENCIES***

12 ***DEPARTMENT OF AGRICULTURE***

13 ***AGRICULTURAL PROGRAMS***

14 ***OFFICE OF INSPECTOR GENERAL***

15 *For an additional amount for “Office of Inspector*
16 *General”, \$2,500,000, to remain available until expended,*
17 *to prevent, prepare for, and respond to coronavirus, domes-*
18 *tically or internationally: Provided, That the funding made*
19 *available under this heading in this Act shall be used for*
20 *conducting audits and investigations of projects and activi-*
21 *ties carried out with funds made available to the Depart-*
22 *ment of Agriculture to prevent, prepare for, and respond*
23 *to coronavirus, domestically or internationally: Provided*
24 *further, That such amounts shall be in addition to any*
25 *other amounts available for such purposes: Provided fur-*

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

5 *RURAL DEVELOPMENT PROGRAMS*

6 *RURAL HOUSING SERVICE*

7 *SALARIES AND EXPENSES*

8 *For an additional amount for “Salaries and Ex-*
9 *penses”, \$10,000,000, to prevent, prepare for, and respond*
10 *to coronavirus, domestically or internationally, including*
11 *administrative expenses: Provided, That such amounts shall*
12 *be in addition to any other amounts available for such pur-*
13 *poses: Provided further, That such amount is designated by*
14 *the Congress as being for an emergency requirement pursu-*
15 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
16 *Emergency Deficit Control Act of 1985.*

17 *RENTAL ASSISTANCE PROGRAM*

18 *For an additional amount for “Rental Assistance Pro-*
19 *gram”, \$309,000,000, to prevent, prepare for, and respond*
20 *to coronavirus, including for temporary adjustment of wage*
21 *income losses for residents of housing financed or assisted*
22 *under section 514, 515, or 516 of the Housing Act of 1949,*
23 *without regard to any existing eligibility requirements*
24 *based on income: Provided, That such amount is designated*
25 *by the Congress as being for an emergency requirement pur-*

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

3 **DOMESTIC FOOD PROGRAMS**

4 **FOOD AND NUTRITION SERVICE**

5 **SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR**

6 **WOMEN, INFANTS, AND CHILDREN (WIC)**

7 *For an additional amount for the “Special Supple-*
8 *mental Nutrition Program for Women, Infants, and Chil-*
9 *dren”, \$400,000,000: Provided, That such amount is des-*
10 *ignated by the Congress as being for an emergency require-*
11 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985.*

13 **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

14 *For an additional amount for “Supplemental Nutri-*
15 *tion Assistance Program”, \$10,000,000,000, to prevent, pre-*
16 *pare for, and respond to coronavirus: Provided, That such*
17 *amounts shall be in addition to any other amounts avail-*
18 *able for such purposes: Provided further, That such amount*
19 *is designated by the Congress as being for an emergency*
20 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
21 *anced Budget and Emergency Deficit Control Act of 1985.*

22 **COMMODITY ASSISTANCE PROGRAM**

23 *For an additional amount for “Commodity Assistance*
24 *Program”, \$450,000,000, for the emergency food assistance*
25 *program as authorized by section 27(a) of the Food and*

1 *Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section*
2 *204(a)(1) of the Emergency Food Assistance Act of 1983*
3 *(7 U.S.C. 7508(a)(1)): Provided, That such amount is des-*
4 *ignated by the Congress as being for an emergency require-*
5 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985.*

7 *DEPARTMENT OF HEALTH AND HUMAN*

8 *SERVICES*

9 *FOOD AND DRUG ADMINISTRATION*

10 *SALARIES AND EXPENSES*

11 *For an additional amount for “Salaries and Ex-*
12 *penses”, \$1,500,000, to remain available until expended, to*
13 *prevent, prepare for, and respond to coronavirus, domesti-*
14 *cally or internationally, for the purposes of holding one or*
15 *more advisory committee meetings to discuss requests for*
16 *authorization or applications for approval of vaccines for*
17 *coronavirus: Provided, That such amount is designated by*
18 *the Congress as being for an emergency requirement pursu-*
19 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *GENERAL PROVISIONS—THIS TITLE*

22 *SEC. 101. For an additional amount for grants to*
23 *Rural Utilities Service borrowers, as authorized in section*
24 *701 of division N of this Act, to prevent, prepare for, and*
25 *respond to coronavirus, \$2,600,000,000, to remain available*

1 *until September 30, 2022: Provided, That such amount is*
2 *designated by Congress as being for an emergency require-*
3 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *SEC. 102. For an additional amount for the Common-*
6 *wealth of the Northern Mariana Islands, \$14,000,000, for*
7 *nutrition assistance to prevent, prepare for, and respond*
8 *to coronavirus: Provided, That such amounts shall be in*
9 *addition to any other amounts available for such purposes:*
10 *Provided further, That such amount is designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *SEC. 103. For an additional amount for the Common-*
15 *wealth of Puerto Rico, \$1,236,000,000, for nutrition assist-*
16 *ance to prevent, prepare for, and respond to coronavirus:*
17 *Provided, That such amounts shall be in addition to any*
18 *other amounts available for such purposes: Provided fur-*
19 *ther, That such amount is designated by the Congress as*
20 *being for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

23 *SEC. 104. For an additional amount for American*
24 *Samoa, \$9,117,000, for nutrition assistance to prevent, pre-*
25 *pare for, and respond to coronavirus: Provided, That such*

1 amounts shall be in addition to any other amounts avail-
2 able for such purposes: Provided further, That such amount
3 is designated by the Congress as being for an emergency
4 requirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 SEC. 105. The matter preceding the first proviso under
7 the heading “Commodity Assistance Program” in title I of
8 division B of the Coronavirus Aid, Relief, and Economic
9 Security Act (Public Law 116–136), is amended by striking
10 “to prevent, prepare for, and respond to coronavirus, do-
11 mesticallly or internationally,”: Provided, That the amounts
12 repurposed pursuant to the amendment made by this sec-
13 tion that were previously designated by the Congress as an
14 emergency requirement pursuant to the Balanced Budget
15 and Emergency Deficit Control Act of 1985 are designated
16 by the Congress as an emergency requirement pursuant to
17 section 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 SEC. 106. For an additional amount for the program
20 established under section 7522 of the Food, Conservation,
21 and Energy Act of 2008 (7 U.S.C. 5936), to prevent, pre-
22 pare for, and respond to coronavirus, \$20,000,000: Pro-
23 vided, That such amount is designated by the Congress as
24 being for an emergency requirement pursuant to section

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

3 *SEC. 107. Section 11004 in title I of division B of the*
4 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
5 *lic Law 116–136) is amended by inserting after the fourth*
6 *proviso the following: “Provided further, That the condition*
7 *set forth in section 9003(f) of the Farm Security and Rural*
8 *Investment Act of 2002 shall apply with respect to all con-*
9 *struction, alteration, or repair work carried out, in whole*
10 *or in part, with funds made available by this section:”:* *Pro-*
11 *vided, That amounts repurposed pursuant to the amend-*
12 *ments made pursuant to this section are designated by the*
13 *Congress as being for an emergency requirement pursuant*
14 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985.*

16 *SEC. 108. For necessary expenses for salary and re-*
17 *lated costs associated with Agriculture Quarantine and In-*
18 *spection Services activities pursuant to 21 U.S.C. 136a(6),*
19 *and in addition to any other funds made available for this*
20 *purpose, there is appropriated, out of any money in the*
21 *Treasury not otherwise appropriated, \$350,000,000, to re-*
22 *main available until September 30, 2022, to offset the loss*
23 *resulting from the coronavirus pandemic of quarantine and*
24 *inspection fees collected pursuant to sections 2508 and 2509*
25 *of the Food, Agriculture, Conservation, and Trade Act of*

1 1990 (21 U.S.C. 136, 136a): Provided, That amounts made
2 available in this section and under the heading “Animal
3 and Plant Health Inspection Service—Salaries and Ex-
4 penses” in the Coronavirus Aid, Relief, and Economic Secu-
5 rity Act (Public Law 116–136) shall be treated as funds
6 collected by fees authorized under sections 2508 and 2509
7 of the Food, Agriculture, Conservation, and Trade Act of
8 1990 (21 U.S.C. 136, 136a) for purposes of section 421(f)
9 of the Homeland Security Act of 2002 (6 U.S.C. 231(f)):
10 Provided further, That, the amounts repurposed in this sec-
11 tion that were previously designated by the Congress as an
12 emergency requirement pursuant to the Balanced Budget
13 and Emergency Deficit Control Act of 1985 are designated
14 by the Congress as an emergency requirement pursuant to
15 section 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985: Provided further, That
17 such amount is designated by the Congress as being for an
18 emergency requirement pursuant to section 251(b)(2)(A)(i)
19 of the Balanced Budget and Emergency Deficit Control Act
20 of 1985.

1 *TITLE II*
2 *COMMERCE, JUSTICE, SCIENCE, AND RELATED*
3 *AGENCIES*

4 *DEPARTMENT OF COMMERCE*
5 *INTERNATIONAL TRADE ADMINISTRATION*
6 *OPERATIONS AND ADMINISTRATION*

7 *For an additional amount for “Operations and Ad-*
8 *ministration”, \$20,000,000, to prevent, prepare for, and re-*
9 *spond to coronavirus: Provided, That such amount is des-*
10 *ignated by the Congress as being for an emergency require-*
11 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985.*

13 *MINORITY BUSINESS DEVELOPMENT AGENCY*
14 *MINORITY BUSINESS DEVELOPMENT*

15 *For an additional amount for “Minority Business De-*
16 *velopment”, \$25,000,000, for necessary expenses for the*
17 *Business Centers and Specialty Centers, including any cost*
18 *sharing requirements that may exist, for assisting minority*
19 *business enterprises to prevent, prepare for, and respond to*
20 *coronavirus, including identifying and accessing local,*
21 *State, and Federal government assistance related to such*
22 *virus: Provided, That such amount is designated by the*
23 *Congress as being for an emergency requirement pursuant*
24 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *BUREAU OF THE CENSUS*
2 *CURRENT SURVEYS AND PROGRAMS*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For an additional amount for “Current Surveys and*
5 *Programs”, \$10,000,000: Provided, That such sums may be*
6 *transferred to the Bureau of the Census Working Capital*
7 *Fund for necessary expenses incurred as a result of the*
8 *coronavirus, including for payment of salaries and leave*
9 *to Bureau of the Census staff resulting from the suspension*
10 *of data collection for reimbursable surveys conducted for*
11 *other Federal agencies: Provided, That such transfer author-*
12 *ity is in addition to any other transfer authority provided*
13 *by law: Provided further, That such amount is designated*
14 *by the Congress as being for an emergency requirement pur-*
15 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
16 *Emergency Deficit Control Act of 1985.*

17 *PERIODIC CENSUSES AND PROGRAMS*

18 *For an additional amount for “Periodic Censuses and*
19 *Programs”, \$400,000,000, to remain available until Sep-*
20 *tember 30, 2022, to prevent, prepare for, and respond to*
21 *coronavirus: Provided, That such amount is designated by*
22 *the Congress as being for an emergency requirement pursu-*
23 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

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

4 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
5 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

6 *For an additional amount for “Procurement, Acquisi-*
7 *tion and Construction”, \$42,000,000, to prevent, prepare*
8 *for, and respond to coronavirus, by supporting continuity*
9 *of National Weather Service life and property related oper-*
10 *ations: Provided, That such amount is designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
13 *Emergency Deficit Control Act of 1985.*

14 *FISHERIES PROMOTION FUND*

15 *For an additional amount for “Fisheries Promotion*
16 *Fund”, \$100,000,000, to remain available until September*
17 *30, 2022, to prevent, prepare for, and respond to*
18 *coronavirus, for grants authorized by the Saltonstall-Ken-*
19 *edy Act of 1954 (15 U.S.C. 713c): Provided, That within*
20 *the amount appropriated under this heading in this Act,*
21 *up to 2 percent of funds may be transferred to the “Oper-*
22 *ations, Research, and Facilities” account for management,*
23 *administration, and oversight of funds provided under this*
24 *heading in this Act: Provided further, That such transfer*
25 *authority is in addition to any other transfer authority*

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

5 *FISHERIES DISASTER ASSISTANCE*

6 *For an additional amount for “Fisheries Disaster As-*
7 *sistance”, \$250,000,000, for activities authorized under sec-*
8 *tion 12005 of the Coronavirus Aid, Relief, and Economic*
9 *Security Act of 2020 (Public Law 116–136), including for*
10 *necessary expenses to provide assistance to Tribal, subsist-*
11 *ence, commercial, and charter fishery participants affected*
12 *by the novel coronavirus (COVID–19), which may include*
13 *direct relief payments: Provided, That of the funds provided*
14 *under this heading in this Act, \$25,000,000 shall be for*
15 *Tribal fishery participants who belong to Federally recog-*
16 *nized Tribes in any of the Nation’s States and territories:*
17 *Provided further, That such amount is designated by the*
18 *Congress as being for an emergency requirement pursuant*
19 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *DEPARTMENTAL MANAGEMENT*

22 *OFFICE OF INSPECTOR GENERAL*

23 *For an additional amount for “Office of Inspector*
24 *General”, \$2,000,000, to remain available until expended*
25 *to prevent, prepare for, and respond to coronavirus, includ-*

1 *ing the impact of coronavirus on the work of the Depart-*
2 *ment of Commerce and to carry out investigations and au-*
3 *dits related to the funding made available for the Depart-*
4 *ment of Commerce in this Act and in title II of division*
5 *B of Public Law 116–136: Provided, That such amount is*
6 *designated by the Congress as being for an emergency re-*
7 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
8 *anced Budget and Emergency Deficit Control Act of 1985.*

9 *ADMINISTRATIVE PROVISIONS—DEPARTMENT OF*

10 *COMMERCE*

11 *SEC. 201. Notwithstanding any other provision of law,*
12 *the Federal share for grants provided by the Economic De-*
13 *velopment Administration under Public Law 116–93 and*
14 *Public Law 116–136 shall be 100 percent: Provided, That*
15 *the amounts repurposed in this section that were previously*
16 *designated by the Congress as an emergency requirement*
17 *pursuant to the Balanced Budget and Emergency Deficit*
18 *Control Act of 1985 are designated by the Congress as an*
19 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985.*

22 *SEC. 202. The Secretary of Commerce may waive, in*
23 *whole or in part, the matching requirements under section*
24 *306 and 306A, and the cost sharing requirements under sec-*
25 *tion 315, of the Coastal Zone Management Act of 1972 (16*

1 *U.S.C. 1455, 1455a, and 1461 respectively) as necessary for*
2 *fiscal years 2020, 2021, and 2022 upon written request by*
3 *a coastal State.*

4 *SEC. 203. Amounts provided by this Act, or any other*
5 *Act making appropriations for fiscal year 2021, for the*
6 *Hollings Manufacturing Extension Partnership under the*
7 *heading “National Institute of Standards and Tech-*
8 *nology—Industrial Technology Services” shall not be sub-*
9 *ject to cost share requirements under section 25(e)(2) of the*
10 *National Institute of Standards and Technology Act (15*
11 *U.S.C. 278k(e)(2)): Provided, That the authority made*
12 *available pursuant to this section shall be elective for any*
13 *Manufacturing Extension Partnership Center that also re-*
14 *ceives funding from a State that is conditioned upon the*
15 *application of a Federal cost sharing requirement.*

16 *DEPARTMENT OF JUSTICE*

17 *FEDERAL PRISON SYSTEM*

18 *SALARIES AND EXPENSES*

19 *For an additional amount for “Salaries and Ex-*
20 *penses”, \$620,000,000, to prevent, prepare for, and respond*
21 *to coronavirus, including the impact of coronavirus on the*
22 *work of the Department of Justice, to include funding for*
23 *medical testing and services, personal protective equipment,*
24 *hygiene supplies and services, and sanitation services: Pro-*
25 *vided, That such amount is designated by the Congress as*

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

4 *OFFICE OF INSPECTOR GENERAL*

5 *For an additional amount for “Office of Inspector*
6 *General”, \$3,000,000, to remain available until expended*
7 *to prevent, prepare for, and respond to coronavirus, includ-*
8 *ing the impact of coronavirus on the work of the Depart-*
9 *ment of Justice and to carry out investigations and audits*
10 *related to the funding made available for the Department*
11 *of Justice in this Act and in title II of division B of Public*
12 *Law 116–136: Provided, That such amount is designated*
13 *by the Congress as being for an emergency requirement pur-*
14 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985.*

16 *STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES*

17 *OFFICE ON VIOLENCE AGAINST WOMEN*

18 *VIOLENCE AGAINST WOMEN PREVENTION AND*

19 *PROSECUTION PROGRAMS*

20 *For an additional amount for “Violence Against*
21 *Women Prevention and Prosecution Programs”,*
22 *\$375,000,000, to remain available until expended, of*
23 *which—*

24 *(1) \$100,000,000 is for formula grants to States*
25 *and territories to combat violence against women, as*

1 *authorized by part T of title I of the Omnibus Crime*
2 *Control and Safe Streets Acts of 1968;*

3 (2) *\$40,000,000 is for transitional housing as-*
4 *sistance grants for victims of domestic violence, dat-*
5 *ing violence, stalking, or sexual assault, as authorized*
6 *by section 40299 of the Violent Crime Control and*
7 *Law Enforcement Act of 1994 (Public Law 103–322;*
8 *“1994 Act”);*

9 (3) *\$100,000,000 is for formula grants to States*
10 *and territories for sexual assault victims assistance,*
11 *as authorized by section 41601 of the 1994 Act;*

12 (4) *\$20,000,000 is for rural domestic violence*
13 *and child abuse enforcement assistance grants, as au-*
14 *thorized by section 40295 of the 1994 Act;*

15 (5) *\$15,000,000 is for grants to support families*
16 *in the justice system, as authorized by section 1301*
17 *of the Victims of Trafficking and Violence Protection*
18 *Act of 2000 (Public Law 106–386);*

19 (6) *\$50,000,000 is for grants to Tribal govern-*
20 *ments, Tribal coalitions, Tribal non-profit organiza-*
21 *tions and Tribal organizations that serve Native vic-*
22 *tims for purposes authorized under 34 U.S.C.*
23 *10441(d), 34 U.S.C. 12511(d), 34 U.S.C. 10452 and*
24 *34 U.S.C. 12511(e);*

1 (7) \$25,000,000 is for grants to enhance cul-
2 turally specific services for victims of domestic vio-
3 lence, dating violence, sexual assault, and stalking, as
4 authorized under 34 U.S.C. 20124 (commonly re-
5 ferred to as the “Culturally Specific Services Pro-
6 gram”); and

7 (8) \$25,000,000 is for grants for outreach and
8 services to underserved populations as authorized
9 under 34 U.S.C. 20123 (commonly referred to as the
10 “Underserved Program”):

11 *Provided, That a recipient of such funds shall not be subject,*
12 *as a condition for receiving the funds, to any otherwise-*
13 *applicable requirement to provide or obtain other Federal*
14 *or non-Federal funds: Provided further, That such amount*
15 *is designated by the Congress as being for an emergency*
16 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
17 *anced Budget and Emergency Deficit Control Act of 1985.*

18 OFFICE OF JUSTICE PROGRAMS

19 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

20 For an additional amount for “State and Local Law
21 Enforcement Assistance”, \$250,000,000, to remain avail-
22 able until expended, for offender reentry programs and re-
23 search, as authorized by the Second Chance Act of 2007
24 (Public Law 110–199) and by the Second Chance Reauthor-
25 ization Act of 2018 (Public Law 115–391), without regard

1 *to the time limitations specified at section 6(1) of such Act,*
2 *to prevent, prepare for, and respond to coronavirus: Pro-*
3 *vided, That a recipient of funds made available under this*
4 *heading in this Act shall not be subject, as a condition for*
5 *receiving the funds, to any otherwise-applicable require-*
6 *ment to provide or obtain other Federal or non-Federal*
7 *funds: Provided further, That such amount is designated*
8 *by the Congress as being for an emergency requirement pur-*
9 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *For an additional amount for “State and Local Law*
12 *Enforcement Assistance”, \$600,000,000, to remain avail-*
13 *able until expended, for grants, contracts, cooperative agree-*
14 *ments, and other assistance as authorized by the Pandemic*
15 *Justice Response Act (title II of division T of this Act, re-*
16 *ferred to in this paragraph as “the Act”): Provided, That*
17 *\$500,000,000 is to establish and implement policies and*
18 *procedures to prevent, detect, and stop the presence and*
19 *spread of COVID–19 among arrestees, detainees, inmates,*
20 *correctional facility staff, and visitors to the facilities; and*
21 *for pretrial citation and release grants, as authorized by*
22 *the Act: Provided further, That \$25,000,000 is for Rapid*
23 *COVID–19 Testing, as authorized by the Act: Provided fur-*
24 *ther, That \$75,000,000 is for grants for Juvenile Specific*
25 *Services, as authorized by the Act: Provided further, That*

1 *a recipient of funds made available under this heading in*
2 *this Act shall not be subject, as a condition for receiving*
3 *the funds, to any otherwise-applicable requirement to pro-*
4 *vide or obtain other Federal or non-Federal funds: Provided*
5 *further, That such amount is designated by the Congress*
6 *as being for an emergency requirement pursuant to section*
7 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985.*

9 *JUVENILE JUSTICE PROGRAMS*

10 *For an additional amount for “Juvenile Justice Pro-*
11 *grams”, \$100,000,000, to remain available until expended,*
12 *to prevent, prepare for, and respond to coronavirus, of*
13 *which \$50,000,000 shall be for juvenile justice programs au-*
14 *thorized by section 221 of the Juvenile Justice and Delin-*
15 *quency Prevention Act of 1974, and \$50,000,000 shall be*
16 *for programs authorized by the Victims of Child Abuse Act*
17 *of 1990: Provided, That funds made available under this*
18 *heading in this Act shall be made available without any*
19 *otherwise applicable requirement that a recipient of such*
20 *funds provide any other Federal funds, or any non-Federal*
21 *funds, as a condition for receiving the funds made available*
22 *under such heading: Provided further, That such amount*
23 *is designated by the Congress as being for an emergency*
24 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
25 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *SCIENCE*2 *NATIONAL SCIENCE FOUNDATION*3 *RESEARCH AND RELATED ACTIVITIES*4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Research and Related*
6 *Activities”, \$2,587,000,000, to remain available until Sep-*
7 *tember 30, 2022, to prevent, prepare for, and respond to*
8 *coronavirus, including to fund research grants: Provided,*
9 *That up to \$2,537,000,000 shall be for necessary expenses,*
10 *including extensions of existing research grants, cooperative*
11 *agreements, scholarships, fellowships, and apprenticeships:*
12 *Provided further, That \$1,000,000 shall be for a study on*
13 *the spread of COVID–19 related disinformation, as de-*
14 *scribed in section 204 of this Act: Provided further, That,*
15 *of the amount appropriated under this heading in this Act,*
16 *up to 2 percent of funds may be transferred to the “Agency*
17 *Operations and Award Management” account for manage-*
18 *ment, administration, and oversight of funds provided*
19 *under this heading in this Act: Provided further, That such*
20 *transfer authority is in addition to any other transfer au-*
21 *thority provided by law: Provided further, That such*
22 *amount is designated by the Congress as being for an emer-*
23 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *EDUCATION AND HUMAN RESOURCES*

2 *For an additional amount for “Education and*
3 *Human Resources”, \$300,000,000, to remain available*
4 *until September 30, 2022, to prevent, prepare for, and re-*
5 *spond to coronavirus, including extensions of existing re-*
6 *search grants, cooperative agreements, scholarships, fellow-*
7 *ships, and apprenticeships: Provided, That, of the amount*
8 *appropriated under this heading in this Act, up to 2 per-*
9 *cent of funds may be transferred to the “Agency Operations*
10 *and Award Management” account for management, admin-*
11 *istration, and oversight of funds provided under this head-*
12 *ing in this Act: Provided further, That such transfer author-*
13 *ity is in addition to any other transfer authority provided*
14 *by law: Provided further, That such amount is designated*
15 *by the Congress as being for an emergency requirement pur-*
16 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
17 *Emergency Deficit Control Act of 1985.*

18 *ADMINISTRATIVE PROVISION—SCIENCE*19 *STUDY ON COVID–19 DISINFORMATION*

20 *SEC. 204. (a) STUDY.—No later than 30 days after*
21 *the date of enactment of this Act, the Director of the Na-*
22 *tional Science Foundation shall enter into an arrangement*
23 *with the National Academies of Science, Engineering, and*
24 *Medicine (National Academies) to conduct a study on the*
25 *current understanding of the spread of COVID–19-related*

1 *disinformation on the internet and social media platforms.*

2 *The study shall address the following:*

3 *(1) the role disinformation and misinformation*
4 *has played in the public response to COVID–19;*

5 *(2) the sources of COVID–19-related*
6 *disinformation—both foreign and domestic—and the*
7 *mechanisms by which that disinformation influences*
8 *the public debate;*

9 *(3) the role social media plays in the dissemina-*
10 *tion and promotion of COVID–19 disinformation and*
11 *misinformation content and the role social media*
12 *platforms play in the organization of groups seeking*
13 *to spread COVID–19 disinformation;*

14 *(4) the potential financial returns for creators or*
15 *distributors of COVID–19 disinformation, and the*
16 *role such financial incentives play in the propagation*
17 *of COVID–19 disinformation;*

18 *(5) potential strategies to mitigate the dissemi-*
19 *nation and negative impacts of COVID–19*
20 *disinformation, including specifically, the dissemina-*
21 *tion of disinformation on social media, including*
22 *through improved disclosures; and*

23 *(6) an analysis of the limitations of these miti-*
24 *gation strategies, and an analysis of how these strate-*

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TITLE III

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$100,000,000, 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.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$100,000,000, 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.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$10,000,000, 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

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

3 *OPERATION AND MAINTENANCE, AIR FORCE*

4 *For an additional amount for “Operation and Mainte-*
5 *nance, Air Force”, \$100,000,000, to prevent, prepare for,*
6 *and respond to coronavirus, domestically or internation-*
7 *ally: Provided, That such amount is designated by the Con-*
8 *gress as being for an emergency requirement pursuant to*
9 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
10 *gency Deficit Control Act of 1985.*

11 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

12 *For an additional amount for “Operation and Mainte-*
13 *nance, Defense-Wide”, \$10,000,000, to prevent, prepare for,*
14 *and respond to coronavirus, domestically or internation-*
15 *ally: Provided, That such amount is designated by the Con-*
16 *gress as being for an emergency requirement pursuant to*
17 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
18 *gency Deficit Control Act of 1985.*

19 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

20 *DEFENSE HEALTH PROGRAM*

21 *For an additional amount for “Defense Health Pro-*
22 *gram”, \$705,000,000, of which \$175,000,000 shall be for op-*
23 *eration and maintenance, and \$530,000,000 shall be for re-*
24 *search, development, test and evaluation, to prevent, pre-*
25 *pare for, and respond to coronavirus, domestically or inter-*

1 *nationally: Provided, That prior to the obligation of such*
2 *funds the Assistant Secretary of Defense (Health Affairs)*
3 *shall submit to the Committees on Appropriations of the*
4 *House of Representatives and the Senate a spend plan on*
5 *the use of funds made available under this heading in this*
6 *Act: Provided further, That such amount is designated by*
7 *the Congress as being for an emergency requirement pursu-*
8 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 **GENERAL PROVISIONS—THIS TITLE**

11 *SEC. 301. For an additional amount for “Operation*
12 *and Maintenance, Army”, \$400,000,000, to prevent, pre-*
13 *pare for, and respond to coronavirus, domestically or inter-*
14 *nationally: Provided, That such amount shall be used for*
15 *necessary expenses, including salaries, cleaning, utilities*
16 *and personal protective equipment, for recreational entities,*
17 *childcare development centers and other entities affected by*
18 *the coronavirus that derive funding from non-appropriated*
19 *accounts: Provided, That prior to the obligation of such*
20 *funds the Secretary of the Army shall submit to the Com-*
21 *mittees on Appropriations of the House of Representatives*
22 *and the Senate a spend plan on the use of funds made avail-*
23 *able by this section: Provided further, That such amount*
24 *is designated by the Congress as being for an emergency*

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

3 SEC. 302. For an additional amount for “Operation
4 and Maintenance, Navy”, \$400,000,000, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: Provided, That such amount shall be used for
7 necessary expenses, including salaries, cleaning, utilities
8 and personal protective equipment, for recreational entities,
9 childcare development centers and other entities affected by
10 the coronavirus that derive funding from non-appropriated
11 accounts: Provided, That prior to the obligation of such
12 funds the Secretary of the Navy shall submit to the Commit-
13 tees on Appropriations of the House of Representatives and
14 the Senate a spend plan on the use of funds made available
15 by this section: Provided further, That such amount is des-
16 igned by the Congress as being for an emergency require-
17 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985.

19 SEC. 303. For an additional amount for “Operation
20 and Maintenance, Air Force”, \$500,000,000, to prevent,
21 prepare for, and respond to coronavirus, domestically or
22 internationally: Provided, That such amount shall be used
23 for necessary expenses, including salaries, cleaning, utilities
24 and personal protective equipment, for recreational entities,
25 childcare development centers and other entities affected by

1 *the coronavirus that derive funding from non-appropriated*
2 *accounts: Provided, That prior to the obligation of such*
3 *funds the Secretary of the Air Force shall submit to the*
4 *Committees on Appropriations of the House of Representa-*
5 *tives and the Senate a spend plan on the use of funds made*
6 *available by this section: Provided further, That such*
7 *amount is designated by the Congress as being for an emer-*
8 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
9 *the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *SEC. 304. For an additional amount for “Operation*
12 *and Maintenance, Marine Corps”, \$100,000,000, to prevent,*
13 *prepare for, and respond to coronavirus, domestically or*
14 *internationally: Provided, That such amount shall be used*
15 *for necessary expenses, including salaries, cleaning, utilities*
16 *and personal protective equipment, for recreational entities,*
17 *childcare development centers and other entities affected by*
18 *the coronavirus that derive funding from non-appropriated*
19 *accounts: Provided, That prior to the obligation of such*
20 *funds the Secretary of the Navy shall submit to the Commit-*
21 *tees on Appropriations of the House of Representatives and*
22 *the Senate a spend plan on the use of funds made available*
23 *by this section: Provided further, That such amount is des-*
24 *ignated by the Congress as being for an emergency require-*

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

3 *TITLE IV*

4 *ENERGY AND WATER*

5 *DEPARTMENT OF THE INTERIOR*

6 *BUREAU OF RECLAMATION*

7 *WATER AND RELATED RESOURCES*

8 *For an additional amount for “Water and Related Re-*
9 *sources”, \$7,000,000, to prevent, prepare for, and respond*
10 *to coronavirus, domestically or internationally: Provided,*
11 *That such amount is designated by the Congress as being*
12 *for an emergency requirement pursuant to section*
13 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *DEPARTMENT OF ENERGY*

16 *ENERGY PROGRAMS*

17 *SCIENCE*

18 *For an additional amount for “Science”,*
19 *\$143,000,000, for necessary expenses to offset the costs of*
20 *impacts due to the coronavirus pandemic or public health*
21 *measures related to the coronavirus pandemic for the fol-*
22 *lowing projects:*

- 23 *(1) Core Facility Revitalization,*
24 *(2) Large Synoptic Survey Telescope Camera,*
25 *(3) Linac Coherent Light Source II,*

1 (4) *Muon to Electron Conversion Experiment,*
2 *and*

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

8 *DEPARTMENTAL ADMINISTRATION*

9 *For an additional amount for “Departmental Admin-*
10 *istration”, \$1,300,000, to prevent, prepare for, and respond*
11 *to coronavirus, domestically or internationally, including*
12 *for necessary expenses related to personal protective equip-*
13 *ment: Provided, That such amount is designated by the Con-*
14 *gress as being for an emergency requirement pursuant to*
15 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
16 *gency Deficit Control Act of 1985.*

17 *GENERAL PROVISIONS—THIS TITLE*

18 *SEC. 401. Funds appropriated in this title may be*
19 *made available to restore amounts, either directly or*
20 *through reimbursement, for obligations incurred for the*
21 *same purposes to prevent, prepare for, and respond to*
22 *coronavirus prior to the date of enactment of this Act.*

23 *SEC. 402. (a) Requirements relating to non-Federal*
24 *cost-share grants and cooperative agreements for the Delta*
25 *Regional Authority under section 382D of the Agricultural*

1 *Act of 1961 and Consolidated Farm and Rural Develop-*
2 *ment Act (7 U.S.C. 2009aa—3) are waived for grants*
3 *awarded in fiscal year 2020 and in subsequent years in*
4 *response to economic distress directly related to the impacts*
5 *of the Coronavirus Disease (COVID-19).*

6 **(b)** *Requirements relating to non-Federal cost-share*
7 *grants and cooperative agreements for the Northern Border*
8 *Regional Commission under section 15501(d) of title 40,*
9 *United States Code, are waived for grants awarded in fiscal*
10 *year 2020 and in subsequent years in response to economic*
11 *distress directly related to the impacts of the Coronavirus*
12 *Disease (COVID-19).*

13 **(c)** *Requirements relating to non-Federal cost-share*
14 *grants and cooperative agreements for the Denali Commis-*
15 *sion are waived for grants awarded in fiscal year 2020 and*
16 *in subsequent years in response to economic distress directly*
17 *related to the impacts of the Coronavirus Disease (COVID-*
18 *19).*

19 **(d)** *Amounts repurposed pursuant to this section that*
20 *were previously designated by the Congress as an emergency*
21 *requirement pursuant to the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985 are designated by the*
23 *Congress as an emergency requirement pursuant to section*
24 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985.*

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

3 *TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Salaries and Ex-*
6 *penses”, \$2,500,000, to remain available until expended, to*
7 *prevent, prepare for, and respond to coronavirus, domesti-*
8 *cally or internationally: Provided, That such amount is*
9 *designated by the Congress as being for an emergency re-*
10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
11 *anced Budget and Emergency Deficit Control Act of 1985.*

12 *HOMEOWNER ASSISTANCE FUND*

13 *For activities and assistance authorized in section 202*
14 *of division O of this Act, \$21,000,000,000, to remain avail-*
15 *able until expended: Provided, That such amount is des-*
16 *ignated by the Congress as being for an emergency require-*
17 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
18 *Budget and Emergency Deficit Control Act of 1985.*

19 *CORONAVIRUS STATE FISCAL RELIEF FUND*

20 *For making payments to States, territories, and Tribal*
21 *governments to mitigate the fiscal effects stemming from the*
22 *public health emergency with respect to the Coronavirus*
23 *Disease (COVID–19), \$257,000,000,000 to remain available*
24 *until expended, which shall be in addition to any other*
25 *amounts available for making payments to States, terri-*

1 *tories, and Tribal governments for any purpose (including*
2 *payments made under section 601 of the Social Security*
3 *Act), of which:*

4 (1) *\$9,500,000,000 shall be for making pay-*
5 *ments to the Commonwealth of Puerto Rico,*
6 *United States Virgin Islands, Guam, Common-*
7 *wealth of the Northern Mariana Islands, and*
8 *American Samoa: Provided, That of the amount*
9 *made available in this paragraph, half shall be*
10 *allocated equally among each entity specified in*
11 *this paragraph, and half shall be allocated as an*
12 *additional amount to each such entity in an*
13 *amount which bears the same proportion to half*
14 *of the total amount provided under this para-*
15 *graph as the relative population of each such en-*
16 *tity bears to the total population of all such enti-*
17 *ties;*

18 (2) *\$9,500,000,000 shall be for making pay-*
19 *ments to Tribal governments, of which—*

20 (A) *\$1,000,000,000 shall be allocated*
21 *equally between each Tribal government;*
22 *and*

23 (B) *\$8,500,000,000 shall be allocated*
24 *as an additional amount to each Tribal*
25 *government in an amount determined by*

1 *the Secretary of the Treasury, in consulta-*
2 *tion with the Secretary of the Interior and*
3 *Tribal governments, that is based on in-*
4 *creased aggregate expenditures of each such*
5 *Tribal government (or a tribally-owned en-*
6 *tity of such Tribal government) in fiscal*
7 *year 2020 relative to aggregate expenditures*
8 *in fiscal year 2019 by the Tribal govern-*
9 *ment (or tribally-owned entity) and deter-*
10 *mined in such manner as the Secretary de-*
11 *termines appropriate to ensure that all*
12 *amounts available pursuant to this sub-*
13 *paragraph are distributed to Tribal govern-*
14 *ments:*

15 *Provided, That not later than 24 hours before*
16 *any payments for Tribal governments are dis-*
17 *tributed by the Secretary of the Treasury pursu-*
18 *ant to this paragraph, the Secretary of the*
19 *Treasury shall publish on the website of the De-*
20 *partment of the Treasury a detailed description*
21 *of the funding allocation formulas used pursuant*
22 *to this paragraph, and a detailed description of*
23 *the procedure and methodology used to determine*
24 *such funding allocation formula: Provided Fur-*
25 *ther, That not later than 7 days after any pay-*

1 *ments for Tribal governments are so distributed,*
2 *the Secretary shall publish on the website of the*
3 *Department of the Treasury the date and*
4 *amount of all fund disbursements, broken down*
5 *by individual Tribal government recipient; and*
6 (3) *\$238,000,000,000 shall be for making pay-*
7 *ments to each of the 50 States and the District of Co-*
8 *lumbia, of which—*

9 (A) *an amount equal to \$1,250,000,000 less*
10 *the amount allocated for the District of Colum-*
11 *bia pursuant to section 601(c)(6) of the Social*
12 *Security Act, shall only be for payment to the*
13 *District of Columbia, in addition to any other*
14 *funding available for such purpose (including*
15 *payments under subparagraph (B) of this para-*
16 *graph): Provided, That the Secretary of the*
17 *Treasury shall pay all amounts provided by this*
18 *section directly to the District of Columbia not*
19 *less than 5 days after the date of enactment of*
20 *this Act; and*

21 (B) *the remainder shall be allocated between*
22 *each such entity in an amount which bears the*
23 *same proportion to the total amount provided*
24 *under this paragraph as the average estimated*
25 *number of seasonally-adjusted unemployed indi-*

1 *viduals (as measured by the Bureau of Labor*
2 *Statistics Local Area Unemployment Statistics*
3 *program) in each such entity in August 2020*
4 *bears to the average estimated number of season-*
5 *ally-adjusted unemployed individuals in all such*
6 *entities: Provided, That the Secretary of the*
7 *Treasury shall adjust, on a pro rata basis, the*
8 *amount allocated to each such entity pursuant to*
9 *the matter preceding this proviso in this para-*
10 *graph to the extent necessary to ensure a min-*
11 *imum payment of \$500,000,000 to each such en-*
12 *tity:*

13 *Provided, That any entity receiving a payment from funds*
14 *made available under this heading in this Act shall only*
15 *use such amounts to respond to, mitigate, cover costs or re-*
16 *place foregone revenues not projected on January 31, 2020*
17 *stemming from the public health emergency, or its negative*
18 *economic impacts, with respect to the Coronavirus Disease*
19 *(COVID–19): Provided further, That if the Inspector Gen-*
20 *eral of the Department of the Treasury determines that an*
21 *entity receiving a payment from amounts provided under*
22 *this heading has failed to comply with the preceding pro-*
23 *viso, the amount equal to the amount of funds used in viola-*
24 *tion of such proviso shall be booked as a debt of such entity*
25 *owed to the Federal Government, and any amounts recov-*

1 ered shall be deposited into the general fund of the Treasury
2 as discretionary offsetting receipts: Provided further, That
3 for purposes of the preceding provisos under this heading
4 in this Act, the population of each entity described in any
5 such proviso shall be determined based on the most recent
6 year for which data are available from the Bureau of the
7 Census, or in the case of an Indian tribe, shall be deter-
8 mined based on data certified by the Tribal government:
9 Provided further, That an entity receiving a payment from
10 amounts provided under this heading may transfer funds
11 to a private nonprofit organization (as that term is defined
12 in paragraph (17) of section 401 of the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a spe-
14 cial-purpose unit of local government or a multi-state entity
15 involved in the transportation of passengers or cargo: Pro-
16 vided further, That as used under this heading in this Act,
17 the term “Tribal government” has the same meaning as
18 specified in section 601(g) of the Social Security Act (42
19 U.S.C. 601(g)), as added by section 5001 of the CARES
20 Act (Public Law 116–136) and amended by section 201 of
21 division U of this Act, and the term “State” means one
22 of the 50 States: Provided further, That the Secretary of
23 Treasury shall make all payments prescribed under this
24 heading in this Act not later than 30 days after the date
25 of enactment of this Act: Provided further, That such

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

5 *CORONAVIRUS LOCAL FISCAL RELIEF FUND*

6 *For making payments to metropolitan cities, counties,*
7 *and other units of general local government to mitigate the*
8 *fiscal effects stemming from the public health emergency*
9 *with respect to the Coronavirus Disease (COVID–19),*
10 *\$179,000,000,000, to remain available until expended,*
11 *which shall be in addition to any other amounts available*
12 *for making payments to metropolitan cities, counties, and*
13 *other units of general local government (including pay-*
14 *ments made under section 601 of the Social Security Act),*
15 *of which—*

16 *(1) \$89,500,000,000 shall be for making pay-*
17 *ments to metropolitan cities and other units of gen-*
18 *eral local government (as those terms are defined in*
19 *section 102 of the Housing and Community Develop-*
20 *ment Act of 1974 (42 U.S.C. 5302)), of which—*

21 *(A) \$62,650,000,000 shall be allocated pur-*
22 *suant to the formula under section 106(b)(1) of*
23 *the Housing and Community Development Act of*
24 *1974 (42 U.S.C. 5306(b)(1)) to metropolitan cit-*
25 *ies (as defined in section 102(a)(4) of such Act*

1 (42 U.S.C. 5302(a)(4)), including metropolitan
2 cities that have relinquished or deferred their
3 status as a metropolitan city as of the date of en-
4 actment of this Act; and

5 (B) \$26,850,000,000 shall be distributed to
6 each State (as that term is defined in section 102
7 of the Housing and Community Development Act
8 of 1974 (42 U.S.C. 5302)) for use by units of
9 general local government, other than counties or
10 parishes, in nonentitlement areas (as defined in
11 such section 102) of such States in an amount
12 which bears the same proportion to the total
13 amount provided under this subparagraph as the
14 total population of such units of general local
15 government within the State bears to the total
16 population of all such units of general local gov-
17 ernment in all such States: Provided, That a
18 State shall pass-through the amounts received
19 under this subparagraph, within 30 days of re-
20 ceipt, to each such unit of general local govern-
21 ment in an amount that bears the same propor-
22 tion to the amount distributed to each such State
23 as the population of such unit of general local
24 government bears to the total population of all
25 such units of general local government within

1 *each such State: Provided further, That if a*
2 *State has not elected to distribute amounts allo-*
3 *cated under this paragraph, the Secretary of the*
4 *Treasury shall pay the applicable amounts*
5 *under this subparagraph to such units of general*
6 *local government in the State not later than 30*
7 *days after the date on which the State would oth-*
8 *erwise have received the amounts from the Sec-*
9 *retary; and*

10 (2) *\$89,500,000,000 shall be paid directly to*
11 *counties within the 50 States, the District of Colum-*
12 *bia, the Commonwealth of Puerto Rico, the United*
13 *States Virgin Islands, Guam, the Commonwealth of*
14 *the Northern Mariana Islands, and American Samoa*
15 *in an amount which bears the same proportion to the*
16 *total amount provided under this paragraph as the*
17 *relative population of each such county bears to the*
18 *total population of all such entities: Provided, That*
19 *no county that is an “urban county” (as defined in*
20 *section 102 of the Housing and Community Develop-*
21 *ment Act of 1974 (42 U.S.C. 5302)) shall receive less*
22 *than the amount the county would otherwise receive*
23 *if the amount distributed under this paragraph were*
24 *allocated to metropolitan cities and urban counties*
25 *under section 106(b) of the Housing and Community*

1 *Development Act of 1974 (42 U.S.C. 5306(b)): Pro-*
2 *vided further, That in the case of an amount to be*
3 *paid to a county that is not a unit of general local*
4 *government, the amount shall instead be paid to the*
5 *State in which such county is located, and such State*
6 *shall distribute such amount to units of general local*
7 *government within such county in an amounts that*
8 *bear the same proportion as the population of such*
9 *units of general local government bear to the total*
10 *population of such county: Provided further, That for*
11 *purposes of this paragraph, the District of Columbia*
12 *shall be considered to consist of a single county that*
13 *is a unit of general local government:*

14 *Provided further, That any entity receiving a payment*
15 *from funds made available under this heading in this Act*
16 *shall only use such amounts to respond to, mitigate, cover*
17 *costs or replace foregone revenues not projected on January*
18 *31, 2020 stemming from the public health emergency, or*
19 *its negative economic impacts, with respect to the*
20 *Coronavirus Disease (COVID–19): Provided further, That*
21 *if the Inspector General of the Department of the Treasury*
22 *determines that an entity receiving a payment from*
23 *amounts provided under this heading has failed to comply*
24 *with the preceding proviso, the amount equal to the amount*
25 *of funds used in violation of such proviso shall be booked*

1 as a debt of such entity owed to the Federal Government,
2 and any amounts recovered shall be deposited into the gen-
3 eral fund of the Treasury as discretionary offsetting re-
4 ceipts: Provided further, That for purposes of the preceding
5 provisos under this heading in this Act, the population of
6 each entity described in any such proviso shall be deter-
7 mined based on the most recent year for which data are
8 available from the Bureau of the Census, or in the case of
9 an Indian tribe, shall be determined based on data certified
10 by the Tribal government: Provided further, That an entity
11 receiving a payment from amounts provided under this
12 heading may transfer funds to a private nonprofit organi-
13 zation (as that term is defined in paragraph (17) of section
14 401 of the McKinney-Vento Homeless Assistance Act (42
15 U.S.C. 11360(17)), or to a special-purpose unit of local gov-
16 ernment or a multi-state entity involved in the transpor-
17 tation of passengers or cargo: Provided further, That noth-
18 ing in paragraph (1) or (2) shall be construed as prohib-
19 iting a unit of general local government that has formed
20 a consolidated government, or that is geographically con-
21 tained (in full or in part) within the boundaries of another
22 unit of general local government from receiving a distribu-
23 tion under each of subparagraphs (A) and (B) under para-
24 graph (1) or under paragraph (2), as applicable, based on
25 the respective formulas specified contained therein: Pro-

1 *vided further, That the amounts otherwise determined for*
2 *distribution to units of local government under each of sub-*
3 *paragraphs (A) and (B) under paragraph (1) and under*
4 *paragraph (2) shall each be adjusted by the Secretary of*
5 *the Treasury on a pro rata basis to the extent necessary*
6 *to comply with the amount appropriated and the require-*
7 *ments specified in each paragraph and subparagraph, as*
8 *applicable: Provided further, That as used under this head-*
9 *ing in this Act, the term “county” means a county, parish,*
10 *or other equivalent county division (as defined by the Bu-*
11 *reau of the Census): Provided further, That for purposes of*
12 *the preceding provisos under this heading in this Act, the*
13 *population of an entity shall be determined based on the*
14 *most recent year for which data are available from the Bu-*
15 *reau of the Census: Provided further, That such amount is*
16 *designated by Congress as being for an emergency require-*
17 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
18 *Budget and Emergency Deficit Control Act of 1985.*

19 *COVID-19 MULTI-STATE AGENCY FISCAL RELIEF FUND*

20 *For making payments to multi-State entities that are*
21 *involved in the transportation of passengers or cargo and*
22 *are suffering revenue losses due to the Coronavirus Disease*
23 *2019 (COVID–19) pandemic, \$100,000,000, to remain*
24 *available until expended, which shall be in addition to any*
25 *other amounts available for making payments to States,*

1 *metropolitan cities, counties, and other units of state and*
2 *general local government (including payments made under*
3 *section 601 of the Social Security Act), and which shall be*
4 *paid directly to multi-State entities (as that term is used*
5 *in 15 U.S.C. 9041(10)(D)) for use by multi-State entities:*
6 *Provided, That the funds provided under this paragraph*
7 *shall be allocated to a multi-State entity that is an eligible*
8 *issuer and multi-State entity under the terms set forth by*
9 *the Federal Reserve on June 3, 2020 for the Municipal Li-*
10 *quidity Facility established by the Board of Governors of*
11 *the Federal Reserve System: Provided further, That such*
12 *amounts shall be allocated by the Secretary of the Treasury*
13 *proportionally to each multi-State entity covered under this*
14 *paragraph based on an amount equal to the product ob-*
15 *tained by multiplying the total amount appropriated to the*
16 *Secretary under this paragraph and the quotient obtained*
17 *by dividing—*

18 (1) *the total gross operating revenue of the multi-*
19 *State entity receiving funds for fiscal year 2018; by*

20 (2) *the total gross operating revenue for fiscal*
21 *year 2018 of all multi-State entities that are eligible*
22 *to receive funds under this paragraph:*

23 *Provided further, That neither a State nor local government*
24 *may serve as a pass-through for any amounts received by*
25 *a multi-State entity: Provided further, That such sums shall*

1 *be distributed directly by the Secretary to each multi-State*
2 *entity not later than December 31, 2020: Provided further,*
3 *That such amount is designated by the Congress as being*
4 *for an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985.*

7 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*

8 *FUND PROGRAM ACCOUNT*

9 *For an additional amount for the “Community Devel-*
10 *opment Financial Institutions Fund Program Account”,*
11 *\$1,000,000,000, to prevent, prepare for, and respond to*
12 *coronavirus, domestically or internationally: Provided,*
13 *That the Community Development Financial Institutions*
14 *Fund (CDFI) shall provide grants using a formula that*
15 *takes into account criteria such as certification status, fi-*
16 *nancial and compliance performance, portfolio and balance*
17 *sheet strength, and program capacity: Provided further,*
18 *That not less than \$25,000,000 shall be for financial assist-*
19 *ance, technical assistance, and training and outreach pro-*
20 *grams designed to benefit Native American, Native Hawai-*
21 *ian, and Alaska Native communities: Provided further,*
22 *That the CDFI Fund shall make funds provided under this*
23 *heading in this Act available to grantees not later than 60*
24 *days after the date of enactment of this Act: Provided fur-*
25 *ther, That funds made available under this heading may*

1 *be used for administrative expenses, including administra-*
2 *tion of CDFI Fund programs and the New Markets Tax*
3 *Credit Program: Provided further, That such amount is des-*
4 *ignated by the Congress as being for an emergency require-*
5 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985.*

7 *ADMINISTRATIVE PROVISION—INTERNAL REVENUE*

8 *SERVICE*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 501. For an additional amount for fiscal year*
11 *2021, and in addition to the amounts otherwise available*
12 *to the Internal Revenue Service for the purposes specified*
13 *in this section, \$359,000,000, to prevent, prepare for, and*
14 *respond to coronavirus, including for costs associated with*
15 *the extended filing season: Provided, That such funds may*
16 *be transferred by the Commissioner to the “Taxpayer Serv-*
17 *ices”, “Enforcement”, or “Operations Support” accounts of*
18 *the Internal Revenue Service for an additional amount to*
19 *be used solely to prevent, prepare for, and respond to*
20 *coronavirus, domestically or internationally: Provided fur-*
21 *ther, That the Committees on Appropriations of the House*
22 *of Representatives and the Senate shall be notified in ad-*
23 *vance of any such transfer: Provided further, That such*
24 *transfer authority is in addition to any other transfer au-*
25 *thority provided by law: Provided further, That not later*

1 *than 30 days after the date of enactment of this Act, the*
2 *Commissioner shall submit to the Committees on Appro-*
3 *priations of the House of Representatives and the Senate*
4 *a spending plan and subsequent quarterly reports detailing*
5 *the actual and expected expenditures of such funds: Pro-*
6 *vided further, That such amount is designated by the Con-*
7 *gress as being for an emergency requirement pursuant to*
8 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985.*

10

THE JUDICIARY

11

COURT OF APPEALS, DISTRICT COURTS, AND OTHER

12

JUDICIAL SERVICES

13

SALARIES AND EXPENSES

14

15 *For an additional amount for “Salaries and Ex-*
16 *penses”, \$25,000,000, to prevent, prepare for, and respond*
17 *to coronavirus, domestically or internationally: Provided,*
18 *That such amount is designated by the Congress as being*
19 *for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
Deficit Control Act of 1985.

1 *INDEPENDENT AGENCIES*2 *ELECTION ASSISTANCE COMMISSION*3 *ELECTION RESILIENCE GRANTS*4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for payments by the Elec-*
6 *tion Assistance Commission to States for contingency plan-*
7 *ning, preparation, and resilience of elections for Federal of-*
8 *fice, \$3,600,000,000: Provided, That of the amount provided*
9 *under this heading, up to \$5,000,000 may be transferred*
10 *to and merged with “Election Assistance Commission—Sal-*
11 *aries and Expenses”: Provided further, That such transfer*
12 *authority is in addition to any other transfer authority*
13 *provided by law: Provided further, That under this heading*
14 *the term “State” means each of the 50 States, the District*
15 *of Columbia, the Commonwealth of Puerto Rico, Guam,*
16 *American Samoa, the United States Virgin Islands, and*
17 *the Commonwealth of the Northern Mariana Islands: Pro-*
18 *vided further, That the amount of the payments made to*
19 *a State under this heading shall be consistent with sections*
20 *101(d) and 103 of the Help America Vote Act of 2002 (52*
21 *U.S.C. 20903): Provided further, That not later than 30*
22 *days after the date of enactment of this Act, the Election*
23 *Assistance Commission shall obligate the funds to States*
24 *under this heading in this Act: Provided further, That not*
25 *less than 50 percent of the amount of the payment made*

1 *to a State under this heading in this Act shall be allocated*
 2 *in cash or in kind to the units of local government which*
 3 *are responsible for the administration of elections for Fed-*
 4 *eral office in the State: Provided further, That such amount*
 5 *is designated by the Congress as being for an emergency*
 6 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
 7 *anced Budget and Emergency Deficit Control Act of 1985.*

8 *ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE*

9 *COMMISSION*

10 *SEC. 502. (a) The last proviso under the heading*
 11 *“Election Assistance Commission—Election Security*
 12 *Grants” in the Financial Services and General Government*
 13 *Appropriations Act, 2020 (division C of Public Law 116–*
 14 *93; 133 Stat. 2461) shall not apply with respect to any*
 15 *payment made to a State using funds appropriated or oth-*
 16 *erwise made available to the Election Assistance Commis-*
 17 *sion under the Coronavirus Aid, Relief, and Economic Se-*
 18 *curity Act (Public Law 116–136).*

19 *(b) The first proviso under the heading “Election As-*
 20 *istance Commission—Election Security Grants” in the*
 21 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
 22 *lic Law 116–136) is amended by striking “within 20 days*
 23 *of each election in the 2020 Federal election cycle in that*
 24 *State,” and inserting “not later than October 30, 2021,”.*

1 (c) *The fourth proviso under the heading “Election As-*
2 *istance Commission—Election Security Grants” in the*
3 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
4 *lic Law 116–136) is amended by striking “December 31,*
5 *2020” and inserting “September 30, 2021”.*

6 (d) *A State may elect to reallocate funds allocated*
7 *under the heading “Election Assistance Commission—Elec-*
8 *tion Security Grants” in the Coronavirus Aid, Relief, and*
9 *Economic Security Act (Public Law 116–136) or under this*
10 *heading in this Act as funds allocated under the heading*
11 *“Election Assistance Commission—Election Security*
12 *Grants” in the Financial Services and General Government*
13 *Appropriations Act, 2020 (division C of Public Law 116–*
14 *93; 133 Stat. 2461) that were spent to prevent, prepare for,*
15 *and respond to coronavirus, domestically or internation-*
16 *ally, for the 2020 Federal election cycle; or funds allocated*
17 *under the heading “Election Assistance Commission—Elec-*
18 *tion Reform Program” in the Financial Services and Gov-*
19 *ernment Appropriations Act, 2018 (division E of Public*
20 *Law 115–141) that were spent to prevent, prepare for, and*
21 *respond to coronavirus, domestically or internationally, for*
22 *the 2020 Federal election cycle.*

23 (e) *This section shall take effect as if included in the*
24 *enactment of the Coronavirus Aid, Relief, and Economic*
25 *Security Act (Public Law 116–136).*

1 (f) *The amounts repurposed pursuant to this section*
2 *that were previously designated by the Congress as an emer-*
3 *gency requirement pursuant to the Balanced Budget and*
4 *Emergency Deficit Control Act of 1985 are designated by*
5 *the Congress as an emergency requirement pursuant to sec-*
6 *tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency*
7 *Deficit Control Act of 1985.*

8 *FEDERAL COMMUNICATIONS COMMISSION*
9 *SALARIES AND EXPENSES*

10 *For an additional amount for “Salaries and Ex-*
11 *penses”, \$24,000,000, for implementing title VIII of the*
12 *Communications Act of 1934 (47 U.S.C. 641 et seq.), as*
13 *added by the Broadband DATA Act (Public Law 116–130):*
14 *Provided, That such amount is designated by the Congress*
15 *as being for an emergency requirement pursuant to section*
16 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
17 *Deficit Control Act of 1985.*

18 *For an additional amount for “Salaries and Ex-*
19 *penses”, \$200,000,000, to remain available until expended,*
20 *to prevent, prepare for, and respond to coronavirus, domes-*
21 *tically or internationally, including to support efforts of*
22 *health care providers to address coronavirus by providing*
23 *telecommunications services, information services, and de-*
24 *vices necessary to enable the provision of telehealth services*
25 *during an emergency period, as defined in section*

1 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-
2 5(g)(1)): Provided, That the Federal Communications Com-
3 mission may rely on the rules of the Commission under part
4 54 of title 47, Code of Federal Regulations, in admin-
5 istering the amount provided under the heading in this Act
6 if the Commission determines that such administration is
7 in the public interest: Provided further, That up to
8 \$4,000,000 shall be used by the Office of Inspector General
9 to audit and conduct investigations of funds made available
10 in this Act or in the Coronavirus Aid, Relief, and Economic
11 Security Act (Public Law 116–136) to the Federal Commu-
12 nications Commission for the provision of telehealth services
13 during an emergency period, and that the Office of Inspec-
14 tor General shall report to the Committees on Appropria-
15 tions of the House of Representatives and the Senate, the
16 Committee on Energy and Commerce of the House of Rep-
17 resentatives, and the Committee on Commerce, Science, and
18 Transportation of the Senate each month, until all emer-
19 gency telehealth funding has been obligated, on the status
20 of approved applications, pending applications, and re-
21 jected applications for such funding, and on recommenda-
22 tions to improve the transparency and fairness of distribu-
23 tion of such funding: Provided further, That such amount
24 is designated by the Congress as being for an emergency

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

3 *EMERGENCY CONNECTIVITY FUND*

4 *For an additional amount for the “Emergency*
5 *Connectivity Fund”, \$12,000,000,000, to remain available*
6 *until September 30, 2022, to prevent, prepare for, and re-*
7 *spond to coronavirus, domestically or internationally,*
8 *through the provision of funding for Wi-fi hotspots, other*
9 *equipment, connected devices, and advanced telecommuni-*
10 *cations and information services to schools and libraries as*
11 *authorized in section 201 of division M of this Act: Pro-*
12 *vided, That such amount is designated by the Congress as*
13 *being for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985.*

16 *EMERGENCY BROADBAND CONNECTIVITY FUND*

17 *For an additional amount for the “Emergency*
18 *Broadband Connectivity Fund”, \$3,000,000,000, to prevent,*
19 *prepare for, and respond to coronavirus, domestically or*
20 *internationally, through the provision of an emergency ben-*
21 *efit for broadband service as authorized in section 301 of*
22 *division M of this Act: Provided, That such amount is des-*
23 *ignated by the Congress as being for an emergency require-*
24 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
25 *Budget and Emergency Deficit Control Act of 1985.*

1 *GENERAL SERVICES ADMINISTRATION*
2 *TECHNOLOGY MODERNIZATION FUND*

3 *For an additional amount for the “Technology Mod-*
4 *ernization Fund”, \$1,000,000,000, to remain available*
5 *until September 30, 2022, for technology-related moderniza-*
6 *tion activities to prevent, prepare for, and respond to*
7 *coronavirus, domestically or internationally: Provided,*
8 *That such amount is designated by the Congress as being*
9 *for an emergency requirement pursuant to section*
10 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985.*

12 *NATIONAL ARCHIVES AND RECORDS ADMINISTRATION*
13 *RECORDS CENTER REVOLVING FUND*

14 *For an additional amount for the “Records Center Re-*
15 *volving Fund” for the Federal Record Centers Program,*
16 *\$92,000,000, to prevent, prepare for, and respond to*
17 *coronavirus, domestically or internationally, which shall be*
18 *for offsetting the loss resulting from the coronavirus pan-*
19 *demic of the user charges collected by such Fund pursuant*
20 *to subsection (c) under the heading “Records Center Revolv-*
21 *ing Fund” in Public Law 106–58, as amended (44 U.S.C.*
22 *2901 note): Provided, That the amount provided under this*
23 *heading in this Act may be used to reimburse the Fund*
24 *for obligations incurred for this purpose prior to the date*
25 *of the enactment of this Act: Provided further, That such*

1 amount is provided without regard to the limitation in sub-
2 section (d) under the heading “Records Center Revolving
3 Fund” in Public Law 106–58, as amended (44 U.S.C. 2901
4 note): Provided further, That such amount is designated by
5 the Congress as being for an emergency requirement pursu-
6 ant to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 OFFICE OF PERSONNEL MANAGEMENT

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$1,000,000, to remain available until expended to
13 prevent, prepare for, and respond to coronavirus, domesti-
14 cally or internationally: Provided, That such amount is
15 designated by the Congress as being for an emergency re-
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 SMALL BUSINESS ADMINISTRATION

19 EMERGENCY EIDL GRANTS

20 For an additional amount for “Emergency EIDL
21 Grants” for the cost of emergency EIDL grants authorized
22 by section 1110 of division A of the CARES Act (Public
23 Law 116–136), \$50,000,000,000, to remain available until
24 expended, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally: Provided,

1 *That of the amount provided under this heading in this*
2 *Act, \$40,000,000,000 shall be for carrying out subsection*
3 *(i) of such section 1110: Provided further, That such*
4 *amount is designated by the Congress as being for an emer-*
5 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
6 *the Balanced Budget and Emergency Deficit Control Act*
7 *of 1985.*

8 *ADMINISTRATIVE PROVISION—SMALL BUSINESS*

9 *ADMINISTRATION*

10 *SEC. 503. For fiscal year 2021, commitments for gen-*
11 *eral business loans authorized under paragraphs (1)*
12 *through (35) of section 7(a) of the Small Business Act (15*
13 *U.S.C. 636(a)) shall not exceed \$75,000,000,000 for a com-*
14 *bination of amortizing term loans and the aggregated max-*
15 *imum line of credit provided by revolving loans.*

16 *UNITED STATES POSTAL SERVICE*

17 *PAYMENT TO POSTAL SERVICE FUND*

18 *For an additional payment to the “Postal Service*
19 *Fund”, for revenue forgone due to coronavirus,*
20 *\$15,000,000,000, to remain available until September 30,*
21 *2022: Provided, That the Postal Service, during the*
22 *coronavirus emergency, shall prioritize the purchase of, and*
23 *make available to all Postal Service employees and facili-*
24 *ties, personal protective equipment, including gloves, masks,*
25 *and sanitizers, and shall conduct additional cleaning and*

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

6 *OFFICE OF INSPECTOR GENERAL*

7 *SALARIES AND EXPENSES*

8 *For an additional amount for “Salaries and Ex-*
9 *penses”, \$15,000,000, to remain available until expended,*
10 *to prevent, prepare for, and respond to coronavirus, domes-*
11 *tically or internationally: Provided, That such amount is*
12 *designated by the Congress as being for an emergency re-*
13 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
14 *anced Budget and Emergency Deficit Control Act of 1985.*

15 *GENERAL PROVISIONS—THIS TITLE*

16 *SEC. 504. (a) OVERSIGHT OF COVERED FUNDS.—The*
17 *matter preceding the first proviso under the heading “Inde-*
18 *pendent Agencies—Pandemic Response Accountability*
19 *Committee” in title V of division B of the CARES Act*
20 *(Public Law 116–136) is amended by striking “funds pro-*
21 *vided in this Act to prevent, prepare for, and respond to*
22 *coronavirus, domestically or internationally” and inserting*
23 *“‘covered funds’, as that term is defined in section 15010*
24 *of this Act”.*

1 (b) *DEFINITION OF COVERED FUNDS.*—Section
2 15010(a)(6) of division B of the Coronavirus, Aid, Relief,
3 and Economic Security Act (Public Law 116–136) is
4 amended—

5 (1) in subparagraph (A), by striking “this Act”
6 and inserting “the Coronavirus Aid, Relief, and Eco-
7 nomic Security Act (divisions A and B) (Public Law
8 116–136)”; and

9 (2) by striking subparagraph (D) and inserting:

10 “(D) the Paycheck Protection Program and
11 Health Care Enhancement Act (Public Law
12 116–139);

13 “(E) all divisions of this Act; or

14 “(F) The Heroes Act; and”.

15 (c) *APPOINTMENT OF CHAIRPERSON.*—Section
16 15010(c) of division B of the Coronavirus Aid, Relief, and
17 Economic Security Act (Public Law 116–136) is amend-
18 ed—

19 (1) in paragraph (1), by striking “and (D)” and
20 inserting “(D), and (E)”; and

21 (2) in paragraph (2)(E), by inserting “of the
22 Council” after “Chairperson”.

23 (d) *RETROACTIVE REPORTING ON LARGE COVERED*
24 *FUNDS.*—

1 (1) *DEFINITIONS.*—*In this subsection, the terms*
2 *“agency” and “large covered funds” have the mean-*
3 *ings given those terms in section 15011 of division B*
4 *of the Coronavirus, Aid, Relief, and Economic Secu-*
5 *urity Act (Public Law 116–136).*

6 (2) *GUIDANCE.*—

7 (A) *IN GENERAL.*—*Not later than 14 days*
8 *after the date of enactment of this Act, the Direc-*
9 *tor of the Office of Management and Budget shall*
10 *issue guidance for agencies to ensure the collec-*
11 *tion and timely reporting for the obligation and*
12 *expenditure of large covered funds under division*
13 *A of the CARES Act (Public Law 116–136) on*
14 *and after the date of enactment of that Act.*

15 (B) *REQUIREMENT.*—*The guidance issued*
16 *under subparagraph (A) shall require that, not*
17 *later than 120 days after the date of enactment*
18 *of this Act, agencies shall make all reports re-*
19 *quired under section 15011 of division B of the*
20 *CARES Act (Public Law 116–136) relating to*
21 *large covered funds under division A of such Act*
22 *that have been expended or obligated during the*
23 *period beginning on the date of enactment of the*
24 *CARES Act (Public Law 116–136) and ending*

1 *on the day before the date of enactment of this*
2 *Act.*

3 (C) *RULE OF CONSTRUCTION.*—*Nothing in*
4 *this subsection shall be construed to affect the*
5 *deadlines for reporting under section 15011 of*
6 *division B of the CARES Act (Public Law 116–*
7 *136) relating to large covered funds that have*
8 *been expended or obligated under divisions A or*
9 *B of such Act, on or after the date of enactment*
10 *of this Act.*

11 (c) *DESIGNATION.*—*Amounts repurposed under this*
12 *section that were previously designated by the Congress, re-*
13 *spectively, as an emergency requirement or as being for dis-*
14 *aster relief pursuant to the Balanced Budget and Emer-*
15 *gency Deficit Control Act are designated by the Congress*
16 *as being for an emergency requirement pursuant to section*
17 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985 or as being for disaster relief*
19 *pursuant to section 251(b)(2)(D) of the Balanced Budget*
20 *and Emergency Deficit Control Act of 1985.*

21 *SEC. 505. Title V of division B of the CARES Act*
22 *(Public Law 116–136) is amended by striking the fifth pro-*
23 *viso under the heading “General Services Administration—*
24 *Real Property Activities—Federal Buildings Fund”:* *Pro-*
25 *vided, That the amounts repurposed pursuant to this sec-*

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

7 *TITLE VI*

8 *HOMELAND SECURITY*

9 *OFFICE OF INSPECTOR GENERAL*

10 *OPERATIONS AND SUPPORT*

11 *For an additional amount for “Operations and Sup-*
12 *port”, \$3,000,000, for oversight of activities supported by*
13 *funds provided under “Federal Emergency Management*
14 *Agency—Disaster Relief Fund” in title VI of division B*
15 *of Public Law 116–136, in addition to amounts otherwise*
16 *available for such purposes: Provided, That such amount*
17 *is designated by the Congress as being for an emergency*
18 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
19 *anced Budget and Emergency Deficit Control Act of 1985.*

20 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

21 *FEDERAL ASSISTANCE*

22 *For an additional amount for “Federal Assistance”,*
23 *\$1,300,000,000, to prevent, prepare for, and respond to*
24 *coronavirus, of which \$500,000,000 shall be for Assistance*
25 *to Firefighter Grants for the purchase of personal protective*

1 *equipment and related supplies, mental health evaluations,*
2 *training, and temporary infectious disease de-contamina-*
3 *tion or sanitizing facilities and equipment; of which*
4 *\$500,000,000 shall be for Staffing for Adequate Fire and*
5 *Emergency Response Grants; of which \$100,000,000 shall*
6 *be for Emergency Management Performance Grants; and*
7 *of which \$200,000,000 shall be for the Emergency Food and*
8 *Shelter Program: Provided, That such amount is designated*
9 *by the Congress as being for an emergency requirement pur-*
10 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
11 *Emergency Deficit Control Act of 1985.*

12 **GENERAL PROVISIONS—THIS TITLE**

13 *SEC. 601. Notwithstanding any other provision of law,*
14 *funds made available in this Act for “Federal Emergency*
15 *Management Agency—Federal Assistance” in this Act shall*
16 *only be used for the purposes specifically described under*
17 *that heading.*

18 *SEC. 602. (a) Subsections (c)(2) and (k) of section 33*
19 *of the Federal Fire Prevention and Control Act of 1974 (15*
20 *U.S.C. 2229) shall not apply to amounts appropriated for*
21 *“Federal Emergency Management Agency—Federal Assist-*
22 *ance” for Assistance to Firefighter Grants in this Act.*

23 *(b) Subsection (k) of section 33 of the Federal Fire Pre-*
24 *vention and Control Act of 1974 (15 U.S.C. 2229) shall not*
25 *apply to amounts provided for “Federal Emergency Man-*

1 *agement Agency—Federal Assistance” for Assistance to*
2 *Firefighter Grants in title III of division D of Public Law*
3 *116–93 and in title VI of division B of Public Law 116–*
4 *136.*

5 *(c) Amounts repurposed under this section that were*
6 *previously designated by the Congress as an emergency re-*
7 *quirement or as being for disaster relief pursuant to the*
8 *Balanced Budget and Emergency Deficit Control Act are*
9 *designated by the Congress as being for an emergency re-*
10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
11 *anced Budget and Emergency Deficit Control Act of 1985*
12 *or as being for disaster relief pursuant to section*
13 *251(b)(2)(D) of the Balanced Budget and Emergency Def-*
14 *icit Control Act of 1985.*

15 *SEC. 603. Subsections (a)(1)(A), (a)(1)(B), (a)(1)(E),*
16 *(c)(1), (c)(2), and (c)(4) of section 34 of the Federal Fire*
17 *Prevention and Control Act of 1974 (15 U.S.C. 2229a) shall*
18 *not apply to amounts appropriated for “Federal Emergency*
19 *Management Agency—Federal Assistance” for Staffing for*
20 *Adequate Fire and Emergency Response Grants in this Act*
21 *and in division D, title III of the Consolidated Appropria-*
22 *tions Act, 2020 (Public Law 116–93).*

1 *TITLE VII*
2 *INTERIOR, ENVIRONMENT, AND RELATED*
3 *AGENCIES*
4 *DEPARTMENT OF THE INTERIOR*
5 *UNITED STATES FISH AND WILDLIFE SERVICE*
6 *RESOURCE MANAGEMENT*

7 *For an additional amount for “Resource Manage-*
8 *ment”, \$45,000,000, of which \$15,000,000 shall be for wild-*
9 *life inspections, interdictions, and investigations and for*
10 *domestic and international efforts to address wildlife traf-*
11 *ficking; and of which \$30,000,000 shall be for the care of*
12 *captive species listed under the Endangered Species Act,*
13 *rescued and confiscated wildlife, and other Federally-owned*
14 *animals in facilities experiencing lost revenues due to the*
15 *coronavirus: Provided, That such amount is designated by*
16 *the Congress as being for an emergency requirement pursu-*
17 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *NATIONAL PARK SERVICE*
20 *NATIONAL RECREATION AND PRESERVATION*
21 *For an additional amount for “National Recreation*
22 *and Preservation”, \$20,000,000 for grants as authorized by*
23 *the 9/11 Memorial Act (Public Law 115–413), to prevent,*
24 *prepare for, and respond to coronavirus. Provided, That*
25 *such amount is designated by the Congress as being for an*

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

4 *BUREAU OF INDIAN AFFAIRS*

5 *OPERATION OF INDIAN PROGRAMS*

6 *For an additional amount for “Operation of Indian*
7 *Programs”, \$900,000,000, to prevent, prepare for, and re-*
8 *spond to coronavirus, of which—*

9 *(1) \$100,000,000 shall be for housing improve-*
10 *ment;*

11 *(2) \$780,000,000 shall be for providing Tribal*
12 *government services, for Tribal government employee*
13 *salaries to maintain operations, and cleaning and*
14 *sanitization of Tribally owned and operated facilities;*
15 *and*

16 *(3) \$20,000,000 shall be used to provide and de-*
17 *liver potable water:*

18 *Provided, That none of the funds appropriated herein shall*
19 *be obligated until 3 days after the Bureau of Indian Affairs*
20 *provides a detailed spend plan, which includes distribution*
21 *and use of funds by Tribe, to the Committees on Appropria-*
22 *tions of the House of Representatives and the Senate: Pro-*
23 *vided further, That such amounts shall be in addition to*
24 *any other amounts available for such purposes: Provided*
25 *further, That the Bureau shall notify the Committees on*

1 *Appropriations of the House of Representatives and the*
2 *Senate quarterly on the obligations and expenditures of the*
3 *funds provided by this Act: Provided further, That assist-*
4 *ance received herein shall not be included in the calculation*
5 *of funds received by those Tribal governments who partici-*
6 *pate in the “Small and Needy” program: Provided further,*
7 *That such amounts, if transferred to Indian Tribes and*
8 *Tribal organizations under the Indian Self-Determination*
9 *and Education Assistance Act (1) will be transferred on a*
10 *one-time basis, (2) are non-recurring funds that are not*
11 *part of the amount required by 25 U.S.C. 5325, and (3)*
12 *may only be used for the purposes identified under this*
13 *heading in this Act, notwithstanding any other provision*
14 *of law: Provided further, That section 1308 of this Act shall*
15 *not apply to tribal contracts entered into by the Bureau*
16 *of Indian Affairs with this appropriation: Provided further,*
17 *That such amount is designated by the Congress as being*
18 *for an emergency requirement pursuant to section*
19 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
20 *Deficit Control Act of 1985.*

21 *DEPARTMENTAL OFFICES*

22 *INSULAR AFFAIRS*

23 *ASSISTANCE TO TERRITORIES*

24 *For an additional amount for “Assistance to Terri-*
25 *ories”, \$1,000,000,000, to remain available until expended,*

1 to prevent, prepare for, respond to, and recover from
2 coronavirus, of which (1) \$993,000,000 is for Capital Im-
3 provement Project grants for hospitals and other critical in-
4 frastructure; and (2) \$7,000,000 is for territorial assistance,
5 including general technical assistance: Provided, That any
6 appropriation for disaster assistance under this heading in
7 this Act or previous appropriations Acts may be used as
8 non-Federal matching funds for the purpose of hazard miti-
9 gation grants provided pursuant to section 404 of the Rob-
10 ert T. Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5170c): Provided further, That amounts
12 repurposed pursuant to this section that were previously
13 designated by the Congress as an emergency requirement
14 pursuant to the Balanced Budget and Emergency Deficit
15 Control Act of 1985 are designated by the Congress as an
16 emergency requirement pursuant to section 251(b)(2)(A)(i)
17 of the Balanced Budget and Emergency Deficit Control Act
18 of 1985: Provided further, That such amount is designated
19 by the Congress as being for an emergency requirement pur-
20 suant to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 OFFICE OF INSPECTOR GENERAL

23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$5,000,000, to remain available until expended:

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

5 *ENVIRONMENTAL PROTECTION AGENCY*

6 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

7 *For an additional amount for “Environmental Pro-*
8 *grams and Management”, \$50,000,000, for environmental*
9 *justice grants as described in section 302 of division U of*
10 *this Act: Provided, That such amounts shall be in addition*
11 *to any other amounts available for such purposes: Provided*
12 *further, That such amount is designated by the Congress*
13 *as being for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985.*

16 *DEPARTMENT OF HEALTH AND HUMAN*
17 *SERVICES*

18 *INDIAN HEALTH SERVICE*

19 *INDIAN HEALTH SERVICES*

20 *For an additional amount for “Indian Health Serv-*
21 *ices”, \$1,734,000,000, to remain available until expended,*
22 *to prevent, prepare for, respond to, and provide health serv-*
23 *ices related to coronavirus, of which—*

24 *(1) \$1,000,000,000 shall be used to supplement*
25 *reduced third party revenue collections;*

1 (2) \$500,000,000 shall be used for direct health
2 and telehealth services, including to purchase supplies
3 and personal protective equipment;

4 (3) \$140,000,000 shall be used to expand
5 broadband infrastructure and information technology
6 for telehealth and electronic health record system pur-
7 poses;

8 (4) \$20,000,000 shall be used to address the
9 needs of domestic violence victims and homeless indi-
10 viduals and families;

11 (5) not less than \$64,000,000 shall be for Urban
12 Indian Organizations; and,

13 (6) not less than \$10,000,000 shall be used to
14 provide and deliver potable water:

15 *Provided, That such funds shall be allocated at the discre-*
16 *tion of the Director of the Indian Health Service, and shall*
17 *be in addition to any other amounts available for such pur-*
18 *poses: Provided further, That such amounts, if transferred*
19 *to Tribes and Tribal organizations under the Indian Self-*
20 *Determination and Education Assistance Act, will be trans-*
21 *ferred on a one-time basis and that these non-recurring*
22 *funds are not part of the amount required by section 106*
23 *of the Indian Self-Determination and Education Assistance*
24 *Act (25 U.S.C. 5325), and that such amounts may only*
25 *be used for the purposes identified under this heading not-*

1 *withstanding any other provision of law: Provided further,*
2 *That none of the funds appropriated under this heading*
3 *in this Act for telehealth broadband activities shall be avail-*
4 *able for obligation until 3 days after the Indian Health*
5 *Service provides to the Committees on Appropriations of*
6 *the House of Representatives and the Senate, a detailed*
7 *spend plan that includes the cost, location, and expected*
8 *completion date of each activity: Provided further, That the*
9 *Indian Health Service shall notify the Committees on Ap-*
10 *propriations of the House of Representatives and the Senate*
11 *quarterly on the obligations and expenditures of the funds*
12 *provided by this Act: Provided further, That section 1308*
13 *of this Act shall not apply to tribal contracts entered into*
14 *by the Bureau of Indian Affairs with this appropriation:*
15 *Provided further, That such amount is designated by the*
16 *Congress as being for an emergency requirement pursuant*
17 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *INDIAN HEALTH FACILITIES*

20 *For an additional amount for “Indian Health Facili-*
21 *ties”, \$600,000,000, to prevent, prepare for, and respond*
22 *to coronavirus, to modify existing health facilities to pro-*
23 *vide isolation or quarantine space, to purchase and install*
24 *updated equipment necessary, and for maintenance and im-*
25 *provement projects necessary to the purposes specified in*

1 *this Act: Provided, That such amounts may be used to sup-*
2 *plement amounts otherwise available for such purposes*
3 *under “Indian Health Facilities”: Provided further, That*
4 *such amounts shall be in addition to any other amounts*
5 *available for such purposes: Provided further, That such*
6 *amounts, if transferred to Tribes and Tribal organizations*
7 *under the Indian Self-Determination and Education Assist-*
8 *ance Act, will be transferred on a one-time basis and that*
9 *these non-recurring funds are not part of the amount re-*
10 *quired by section 106 of the Indian Self-Determination and*
11 *Education Assistance Act (25 U.S.C. 5325), and that such*
12 *amounts may only be used for the purposes identified under*
13 *this heading notwithstanding any other provision of law:*
14 *Provided further, That the Indian Health Service shall no-*
15 *tify the Committees on Appropriations of the House of Rep-*
16 *resentatives and the Senate quarterly on the obligations and*
17 *expenditures of the funds provided by this Act: Provided*
18 *further, That section 1308 of this Act shall not apply to*
19 *tribal contracts entered into by the Bureau of Indian Af-*
20 *fairs with this appropriation: Provided further, That such*
21 *amount is designated by the Congress as being for an emer-*
22 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
23 *the Balanced Budget and Emergency Deficit Control Act*
24 *of 1985.*

1 *NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES*

2 *NATIONAL ENDOWMENT FOR THE ARTS*

3 *GRANTS AND ADMINISTRATION*

4 *For an additional amount for “Grants and Adminis-*
5 *tration”, \$135,000,000, for grants to respond to the impacts*
6 *of coronavirus: Provided, That such funds are available*
7 *under the same terms and conditions as grant funding ap-*
8 *propriated to this heading in Public Law 116–94: Provided*
9 *further, That 40 percent of the funds made available under*
10 *this heading in this Act shall be distributed to State arts*
11 *agencies and regional arts organizations and 60 percent of*
12 *such funds shall be for direct grants: Provided further, That*
13 *notwithstanding any other provision of law, such funds*
14 *may also be used by the recipients of such grants for pur-*
15 *poses of the general operations of such recipients: Provided*
16 *further, That the matching requirements under subsections*
17 *(e), (g)(4)(A), and (p)(3) of section 5 of the National Foun-*
18 *ation on the Arts and Humanities Act of 1965 (20 U.S.C.*
19 *954) may be waived with respect to such grants: Provided*
20 *further, That such amount is designated by the Congress*
21 *as being for an emergency requirement pursuant to section*
22 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
23 *Deficit Control Act of 1985.*

1 *NATIONAL ENDOWMENT FOR THE HUMANITIES*2 *GRANTS AND ADMINISTRATION*

3 *For an additional amount for “Grants and Adminis-*
4 *tration”, \$135,000,000, for grants to respond to the impacts*
5 *of coronavirus: Provided, That such funds are available*
6 *under the same terms and conditions as grant funding ap-*
7 *propriated to this heading in Public Law 116–94: Provided*
8 *further, That 40 percent of the funds made available under*
9 *this heading in this Act shall be distributed to state human-*
10 *ities councils and 60 percent of such funds shall be for direct*
11 *grants: Provided further, That notwithstanding any other*
12 *provision of law, such funds may also be used by the recipi-*
13 *ents of such grants for purposes of the general operations*
14 *of such recipients: Provided further, That the matching re-*
15 *quirements under subsection (h)(2)(A) of section 7 of the*
16 *National Foundation on the Arts and Humanities Act of*
17 *1965 may be waived with respect to such grants: Provided*
18 *further, That such amount is designated by the Congress*
19 *as being for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

1 *TITLE VIII*
2 *DEPARTMENTS OF LABOR, HEALTH AND HUMAN*
3 *SERVICES, AND EDUCATION, AND RELATED*
4 *AGENCIES*

5 *DEPARTMENT OF LABOR*
6 *EMPLOYMENT AND TRAINING ADMINISTRATION*
7 *TRAINING AND EMPLOYMENT SERVICES*
8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For an additional amount for “Training and Employ-*
10 *ment Services”, \$2,140,000,000, to prevent, prepare for, and*
11 *respond to coronavirus, of which \$15,000,000 shall be trans-*
12 *ferred to “Program Administration” to carry out activities*
13 *in this Act, Public Law 116–127 and Public Law 116–136*
14 *for full-time equivalent employees, information technology*
15 *upgrades needed to expedite payments and support imple-*
16 *mentation, including to expedite policy guidance and dis-*
17 *bursement of funds, technical assistance and other assist-*
18 *ance to States and territories to speed payment of Federal*
19 *and State unemployment benefits, and of which the remain-*
20 *ing amounts shall be used to carry out activities under the*
21 *Workforce Innovation and Opportunity Act (referred to in*
22 *this Act as “WIOA”) as follows:*

23 *(1) \$485,000,000 for grants to the States for*
24 *adult employment and training activities, including*
25 *incumbent worker trainings, transitional jobs, on-the-*

1 *job training, individualized career services, sup-*
2 *portive services, needs-related payments, and to facili-*
3 *tate remote access to training services provided*
4 *through a one-stop delivery system through the use of*
5 *technology: Provided, That an adult shall not be re-*
6 *quired to meet the requirements of section*
7 *134(c)(3)(B) of the WIOA: Provided further, That an*
8 *adult who meets the requirements described in section*
9 *2102(a)(3)(A) of Public Law 116–136 may be eligible*
10 *for participation: Provided further, That priority*
11 *may be given to individuals who are adversely im-*
12 *acted by economic changes due to the coronavirus,*
13 *including individuals seeking employment, dislocated*
14 *workers, individuals with barriers to employment, in-*
15 *dividuals who are unemployed, or individuals who*
16 *are underemployed;*

17 (2) *\$518,000,000 for grants to the States for*
18 *youth activities, including supportive services, sum-*
19 *mer employment for youth, and to facilitate remote*
20 *access to training services provided through a one-*
21 *stop delivery system through the use of technology:*
22 *Provided, That individuals described in section*
23 *2102(a)(3)(A) of Public Law 116–136 may be eligible*
24 *for participation as an out-of-school youth if they*
25 *meet the requirements of clauses (i) and (ii) of section*

1 *129(a)(1)(B) or as in-school youth if they meet the re-*
2 *quirements of clauses (i) and (iii) of section*
3 *129(a)(1)(C) of the WIOA; Provided further, That*
4 *priority shall be given for out-of-school youth and*
5 *youth with multiple barriers to employment: Provided*
6 *further, That funds shall support employer partner-*
7 *ships for youth employment and subsidized employ-*
8 *ment, and partnerships with community-based orga-*
9 *nizations to support such employment;*

10 *(3) \$597,000,000 for grants to States for dis-*
11 *located worker employment and training activities,*
12 *including incumbent worker trainings, transitional*
13 *jobs, on-the-job training, individualized career serv-*
14 *ices, supportive services, needs-related payments, and*
15 *to facilitate remote access to training services pro-*
16 *vided through a one-stop delivery system through the*
17 *use of technology: Provided, That a dislocated worker*
18 *shall not be required to meet the requirements of sec-*
19 *tion 134(c)(3)(B) of the WIOA: Provided further,*
20 *That a dislocated worker who meets the requirements*
21 *described in section 2102(a)(3)(A) of Public Law*
22 *116–136 may be eligible for participation;*

23 *(4) \$500,000,000 for the dislocated workers as-*
24 *sistance national reserve; and*

1 *tion of the Federal-State unemployment insurance*
2 *system; and*

3 *(2) \$500,000,000 from the Trust Fund is for*
4 *grants to States in accordance with section 6 of the*
5 *Wagner-Peyser Act:*

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

10 *WAGE AND HOUR DIVISION*

11 *SALARIES AND EXPENSES*

12 *For an additional amount for “Wage and Hour Divi-*
13 *sion”, \$6,500,000 to prevent, prepare for, and respond to*
14 *coronavirus, including for the administration, oversight,*
15 *and coordination of worker protection activities related*
16 *thereto: Provided, That the Secretary of Labor shall use*
17 *funds provided under this heading to support enforcement*
18 *activities and outreach efforts to make individuals, particu-*
19 *larly low-wage workers, aware of their rights under division*
20 *C and division E of Public Law 116–127 and this Act: Pro-*
21 *vided further, That such amount is designated by the Con-*
22 *gress as being for an emergency requirement pursuant to*
23 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
24 *gency Deficit Control Act of 1985.*

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

3 For an additional amount for “Occupational Safety
4 and Health Administration”, \$100,000,000 for implemen-
5 tation of section 202 of division B this Act, and for worker
6 protection and enforcement activities to prevent, prepare
7 for, and respond to coronavirus, of which \$25,000,000 shall
8 be for Susan Harwood training grants and at least
9 \$70,000,000 shall be to hire additional compliance safety
10 and health officers, and for state plan enforcement, to pro-
11 tect workers from coronavirus by enforcing all applicable
12 standards and directives, including 29 CFR 1910.132, 29
13 CFR 1910.134, section 5(a)(1) of the Occupational Safety
14 and Health Act of 1970, and 29 CFR 1910.1030: Provided,
15 That activities to protect workers from coronavirus sup-
16 ported by funds provided under this heading includes addi-
17 tional enforcement of standards and directives referenced in
18 the preceding proviso at slaughterhouses, poultry processing
19 plants, and agricultural workplaces: Provided further, That
20 within 15 days of the date of enactment of this Act, the
21 Secretary of Labor shall submit a spending and hiring plan
22 for the funds made available under this heading, and a
23 monthly staffing report until all funds are expended, to the
24 Committees on Appropriations of the House of Representa-
25 tives and the Senate: Provided further, That within 15 days

1 *of the date of enactment of this Act, the Secretary of Labor*
2 *shall submit a plan for the additional enforcement activities*
3 *described in the third proviso to the Committees on Appro-*
4 *priations of the House of Representatives and the Senate:*
5 *Provided further, That such amount is designated by the*
6 *Congress as being for an emergency requirement pursuant*
7 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For an additional amount for “Office of Inspector*
11 *General”, \$5,000,000, to remain available until expended,*
12 *to prevent, prepare for, and respond to coronavirus. Pro-*
13 *vided, That such amount is designated by the Congress as*
14 *being for an emergency requirement pursuant to section*
15 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
16 *Deficit Control Act of 1985.*

17 *ADMINISTRATIVE PROVISIONS—DEPARTMENT OF LABOR*

18 *SEC. 801. (a) There is hereby appropriated for an ad-*
19 *ditional amount for fiscal year 2021 for “Department of*
20 *Labor—Employment Training Administration—State Un-*
21 *employment Insurance and Employment Service Oper-*
22 *ations”, \$28,600,000, to be expended from the Employment*
23 *Security Administration Account in the Unemployment*
24 *Trust Fund (“the Trust Fund”) to carry out title III of*
25 *the Social Security Act: Provided, That such amount shall*

1 *only become available for obligation if the Average Weekly*
2 *Insured Unemployment (“AWIU”) for fiscal year 2021 is*
3 *projected, by the Department of Labor during fiscal year*
4 *2021 to exceed 1,728,000: Provided further, That to the ex-*
5 *tent that the AWIU for fiscal year 2021 is projected by the*
6 *Department of Labor to exceed 1,728,000, an additional*
7 *\$28,600,000 from the Trust Fund shall be made available*
8 *for obligation during fiscal year 2021 for every 100,000 in-*
9 *crease in the AWIU level (including a pro rata amount for*
10 *any increment less than 100,000): Provided further, That,*
11 *except as specified in this section, amounts provided herein*
12 *shall be available under the same authority and conditions*
13 *applicable to funds provided to carry out title III of the*
14 *Social Security Act under the heading “Department of*
15 *Labor—Employment Training Administration—State Un-*
16 *employment Insurance and Employment Service Oper-*
17 *ations” in division A of Public Law 116–94: Provided fur-*
18 *ther, That such amounts shall be in addition to any other*
19 *funds made available in any fiscal year for such purposes:*
20 *Provided further, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

24 *(b)(1) Section 101(8) of the Continuing Appropria-*
25 *tions Act, 2021 (division A of H.R. 8337 of the 116th Con-*

1 *gress), is amended by inserting “except the first proviso fol-*
2 *lowing paragraph (6) under the heading ‘Department of*
3 *Labor—State Unemployment Insurance and Employment*
4 *Service Operations’ ” before the period.*

5 (2) *Any obligations and expenditures made for*
6 *projects or activities described in this section before*
7 *the date of enactment of this Act pursuant to the first*
8 *proviso following paragraph (6) under the heading*
9 *“Department of Labor—State Unemployment Insur-*
10 *ance and Employment Service Operations” as pro-*
11 *vided by section 101 of the Continuing Appropria-*
12 *tions Act, 2021 shall be charged to the appropriation*
13 *provided by this section, consistent with section 107*
14 *of the Continuing Appropriations Act, 2021.*

15 SEC. 802. (a) *Any funds made available under this*
16 *Act to support or fund apprenticeship programs shall only*
17 *be used for, or provided to, apprenticeship programs as de-*
18 *finied in subsection (b) of this section, including any funds*
19 *awarded for the purposes of grants, contracts, or cooperative*
20 *agreements, or the development, implementation, or admin-*
21 *istration, of an apprenticeship program.*

22 (b) *The term “apprenticeship” means an apprentice-*
23 *ship program registered under the Act of August 16, 1937*
24 *(commonly known as the “National Apprenticeship Act”)*
25 *(50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) and that*

1 *complies with the requirements of subpart A of part 29,*
2 *Code of Federal Regulations, and part 30 of such title (as*
3 *in effect on September 30, 2020).*

4 *DEPARTMENT OF HEALTH AND HUMAN*
5 *SERVICES*

6 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

7 *PRIMARY HEALTH CARE*

8 *For an additional amount for “Primary Health*
9 *Care”, \$7,600,000,000, for necessary expenses to prevent,*
10 *prepare for, and respond to coronavirus, for grants and co-*
11 *operative agreements under the Health Centers Program, as*
12 *defined by section 330 of the Public Health Service Act, and*
13 *for grants to Federally qualified health centers, as defined*
14 *in section 1861(aa)(4)(B) of the Social Security Act, and*
15 *for eligible entities under the Native Hawaiian Health Care*
16 *Improvement Act, including maintenance or expansion of*
17 *health center and system capacity and staffing levels: Pro-*
18 *vided, That sections 330(r)(2)(B), 330(e)(6)(A)(iii), and*
19 *330(e)(6)(B)(iii) shall not apply to funds provided under*
20 *this heading in this Act: Provided further, That funds pro-*
21 *vided under this heading in this Act may be used to (1)*
22 *purchase equipment and supplies to conduct mobile testing*
23 *for SARS–CoV–2 or COVID–19; (2) purchase and main-*
24 *tain mobile vehicles and equipment to conduct such testing;*
25 *and (3) hire and train laboratory personnel and other staff*

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

6 *HEALTH WORKFORCE*

7 *For an additional amount for “Health Workforce”,*
8 *\$1,000,000,000, to remain available until September 30,*
9 *2022, to prevent, prepare for, and respond to coronavirus,*
10 *of which \$800,000,000 shall be for carrying out title III*
11 *of the Public Health Service Act with respect to the health*
12 *workforce and \$200,000,000 shall be for carrying out section*
13 *846 of such Act: Provided, That of the amount made avail-*
14 *able under this heading in this Act for carrying out title*
15 *III of the Public Health Service Act with respect to the*
16 *health workforce, \$100,000,000 shall be made available for*
17 *purposes of providing public health services through a sup-*
18 *plemental grant or grants to states currently participating*
19 *in the NHSC State Loan Repayment Program notwith-*
20 *standing section 338I(b) of the PHS Act, to make awards*
21 *as authorized under section 338I(j) of the Public Health*
22 *Service (PHS) Act, and notwithstanding the health profes-*
23 *sional shortage area requirements under 338I, the Secretary*
24 *may develop rules needed to implement this proviso: Pro-*
25 *vided further, That for purposes of the previous proviso,*

1 *notwithstanding section 338I(d)(2) of the PHS Act, no*
2 *more than 10 percent of funds made available in such sup-*
3 *plemental grants may be used by the state for administra-*
4 *tion of the State Loan Repayment Program in that state:*
5 *Provided further, That for the purposes of these funds, the*
6 *term “primary health services” and “primary health care*
7 *services” as referenced in section 338I of the PHS Act, in-*
8 *cludes public health services, as defined by the Secretary:*
9 *Provided further, That such amount is designated by the*
10 *Congress as being for an emergency requirement pursuant*
11 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985.*

13 *MATERNAL AND CHILD HEALTH*

14 *For an additional amount for “Maternal and Child*
15 *Health”, \$500,000,000, to prevent, prepare for, and respond*
16 *to coronavirus, for carrying out title V of the Social Secu-*
17 *rity Act with respect to maternal and child health: Pro-*
18 *vided, That notwithstanding sections 502(a)(1) and*
19 *502(b)(1) of the Social Security Act, such funds shall be*
20 *available for awards to states and territories to carry out*
21 *special projects of regional and national significance pursu-*
22 *ant to section 501(a)(2) of such Act: Provided further, That*
23 *such amount is designated by the Congress as being for an*
24 *emergency requirement pursuant to section 251(b)(2)(A)(i)*

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

3 *RYAN WHITE HIV/AIDS PROGRAM*

4 *For an additional amount for “Ryan White HIV/*
5 *AIDS Program”, \$100,000,000, to prevent, prepare for, and*
6 *respond to coronavirus: Provided, That awards from funds*
7 *provided under this heading in this Act shall be through*
8 *modifications to existing contracts and supplements to ex-*
9 *isting grants and cooperative agreements under parts A, B,*
10 *C, D, and F, or section 2692(a) of title XXVI of the Public*
11 *Health Service Act: Provided further, That such supple-*
12 *ments shall be awarded using a data-driven methodology*
13 *determined by the Secretary of Health and Human Serv-*
14 *ices: Provided further, That sections 2604(c), 2612(b), and*
15 *2651(c) of the Public Health Service Act shall not apply*
16 *to funds provided under this heading in this Act: Provided*
17 *further, That the Secretary may waive any penalties and*
18 *administrative requirements as may attach to these funds*
19 *or to funds awarded under title XXVI with respect to the*
20 *Ryan White HIV/AIDS program as necessary to ensure*
21 *that the funds may be used efficiently: Provided further,*
22 *That such amount is designated by the Congress as being*
23 *for an emergency requirement pursuant to section*
24 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985.*

1 *CENTERS FOR DISEASE CONTROL AND PREVENTION*2 *CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT*

3 *For an additional amount for “CDC–Wide Activities*
4 *and Program Support”, \$13,700,000,000, to prevent, pre-*
5 *pare for, and respond to coronavirus, domestically or inter-*
6 *nationally: Provided, That of the amount provided under*
7 *this heading in this Act, \$1,000,000,000 shall be for Public*
8 *Health Emergency Preparedness cooperative agreements*
9 *under section 319C–1 of the Public Health Service Act: Pro-*
10 *vided further, That, of the amount provided under this*
11 *heading in this Act, \$1,000,000,000 shall be for necessary*
12 *expenses for grants for core public health infrastructure for*
13 *State, local, Territorial, or Tribal health departments as*
14 *described in section 550 of division K of this Act: Provided*
15 *further, That of the amount made available under this head-*
16 *ing in this Act for specified programs, not less than*
17 *\$100,000,000 shall be allocated to tribes, tribal organiza-*
18 *tions, urban Indian health organizations, or health service*
19 *providers to tribes: Provided further, That of the amount*
20 *made available under this heading in this Act, not less than*
21 *\$1,000,000,000 shall be for global disease detection and*
22 *emergency response: Provided further, That of the amount*
23 *provided under this heading in this Act, not less than*
24 *\$200,000,000 shall be for public health data surveillance*
25 *and analytics infrastructure modernization: Provided fur-*

1 *ther, That of the amount made available under this heading*
2 *in this Act, \$7,000,000,000 shall be for activities to plan,*
3 *prepare for, promote, distribute, administer, monitor, and*
4 *track coronavirus vaccines, as described in section 703 of*
5 *division K of this Act, to ensure broad-based distribution,*
6 *access, and vaccine coverage: Provided further, That of the*
7 *amount made available under this heading in this Act,*
8 *\$1,000,000,000 shall be for necessary expenses for grants for*
9 *an evidence-based public awareness campaign on the im-*
10 *portance of vaccinations, as described in section 704 of divi-*
11 *sion K of this Act: Provided further, That of the amount*
12 *made available under this heading in this Act,*
13 *\$2,000,000,000 shall be for necessary expenses for grants to*
14 *State, local, Tribal, or territorial health departments to*
15 *purchase or procure personal protective equipment and*
16 *other workplace safety measures for use in containment and*
17 *mitigation of COVID-19 transmission among essential*
18 *workers, as well as provide funding to employers of essential*
19 *workers for containment and mitigation of COVID-19*
20 *transmission among essential workers in their workplaces,*
21 *as described in section 651 of division K of this Act: Pro-*
22 *vided further, That of the amount made available under this*
23 *heading in this Act, up to \$500,000,000 shall be for activi-*
24 *ties to plan, prepare for, promote, distribute, administer,*
25 *monitor, and track seasonal influenza vaccines to ensure*

1 *broad-based distribution, access, and vaccine coverage: Pro-*
2 *vided further, That funds made available under this head-*
3 *ing in this Act may reimburse CDC obligations incurred*
4 *for vaccine planning, preparation, promotion, and dis-*
5 *tribution prior to the enactment of this Act: Provided fur-*
6 *ther, That the Director of CDC shall report to the Commit-*
7 *tees on Appropriations of the House of Representatives and*
8 *the Senate within 60 days of enactment of this Act on an*
9 *enhanced seasonal influenza vaccination strategy to include*
10 *nationwide vaccination goals and specific actions that CDC*
11 *will take to achieve such goals: Provided further, That funds*
12 *appropriated under this heading in this Act for grants may*
13 *be used for the rent, lease, purchase, acquisition, construc-*
14 *tion, alteration, or renovation of non-Federally owned fa-*
15 *cilities to improve preparedness and response capability at*
16 *the State and local level: Provided further, That all con-*
17 *struction, alteration, or renovation work, carried out, in*
18 *whole or in part, with funds appropriated under this head-*
19 *ing in this Act, or under this heading in the CARES Act*
20 *(Public Law 116–136), shall be subject to the requirements*
21 *of section 1621(b)(1)(I) of the Public Health Service Act*
22 *(42 U.S.C. 300s–1(b)(1)(I)): Provided further, That such*
23 *amount is designated by the Congress as being for an emer-*
24 *gency requirement pursuant to section 251(b)(2)(A)(i) of*

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

3 *NATIONAL INSTITUTES OF HEALTH*

4 *NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS*

5 *DISEASES*

6 *For an additional amount for “National Institute of*
7 *Allergy and Infectious Diseases”, \$500,000,000, to remain*
8 *available until September 30, 2024, to prevent, prepare for,*
9 *and respond to coronavirus: Provided, That such amount*
10 *is designated by the Congress as being for an emergency*
11 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
12 *anced Budget and Emergency Deficit Control Act of 1985.*

13 *NATIONAL INSTITUTE OF MENTAL HEALTH*

14 *For an additional amount for “National Institute of*
15 *Mental Health”, \$200,000,000, to remain available until*
16 *September 30, 2024, to prevent, prepare for, and respond*
17 *to coronavirus: Provided, That such amount is designated*
18 *by the Congress as being for an emergency requirement pur-*
19 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *OFFICE OF THE DIRECTOR*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For an additional amount for “Office of the Director”,*
24 *\$4,021,000,000, to remain available until September 30,*
25 *2024, to prevent, prepare for, and respond to coronavirus,*

1 *domestically or internationally: Provided, That not less*
2 *than \$3,000,000,000 of the amount provided under this*
3 *heading in this Act shall be for offsetting the costs related*
4 *to reductions in lab productivity resulting from the*
5 *coronavirus pandemic or public health measures related to*
6 *the coronavirus pandemic: Provided further, That up to*
7 *\$1,021,000,000 of the amount provided under this heading*
8 *in this Act shall be to support additional scientific research*
9 *or the programs and platforms that support research: Pro-*
10 *vided further, That funds made available under this head-*
11 *ing in this Act may be transferred to the accounts of the*
12 *Institutes and Centers of the National Institutes of Health*
13 *(“NIH”): Provided further, That this transfer authority is*
14 *in addition to any other transfer authority available to the*
15 *NIH: Provided further, That such amount is designated by*
16 *the Congress as being for an emergency requirement pursu-*
17 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

20 *ADMINISTRATION*

21 *HEALTH SURVEILLANCE AND PROGRAM SUPPORT*

22 *For an additional amount for “Health Surveillance*
23 *and Program Support”, \$8,500,000,000, to prevent, pre-*
24 *pare for, and respond to coronavirus: Provided, That of the*
25 *funds made available under this heading in this Act,*

1 \$3,500,000,000 shall be for grants for the substance abuse
2 prevention and treatment block grant program under sub-
3 part II of part B of title XIX of the Public Health Service
4 Act (“PHS Act”): Provided further, That of the funds made
5 available under this heading in this Act, \$4,000,000,000
6 shall be for grants for the community mental health services
7 block grant program under subpart I of part B of title XIX
8 of the PHS Act: Provided further, That of the amount made
9 available in the previous proviso, the Assistant Secretary
10 is directed to provide no less than 50 percent of funds di-
11 rectly to facilities defined in section 1913(c) of the PHS
12 Act: Provided further, That of the amount made available
13 under this heading in this Act, not less than \$600,000,000
14 is available for Certified Community Behavioral Health
15 Clinic Expansion Grant program: Provided further, That
16 of the amount made available under this heading in this
17 Act, not less than \$50,000,000 shall be available for suicide
18 prevention programs: Provided further, That of the funds
19 made available under this heading in this Act,
20 \$100,000,000 shall be for activities and services under
21 Project AWARE: Provided further, That of the funds made
22 available under this heading in this Act, \$10,000,000 shall
23 be for the National Child Traumatic Stress Network: Pro-
24 vided further, That of the amount made available under this
25 heading in this Act, \$240,000,000 is available for activities

1 *authorized under section 501(o) of the PHS Act: Provided*
2 *further, That of the amount made available under this head-*
3 *ing in this Act for specified programs, not less than*
4 *\$150,000,000 shall be allocated to tribes, tribal organiza-*
5 *tions, urban Indian health organizations, or health or be-*
6 *havioral health service providers to tribes: Provided further,*
7 *That with respect to the amount appropriated under this*
8 *heading in this Act the Substance Abuse and Mental Health*
9 *Services Administration may waive requirements with re-*
10 *spect to allowable activities, timelines, or reporting require-*
11 *ments for the Substance Abuse Prevention and Treatment*
12 *Block Grant and the Community Mental Health Services*
13 *Block Grant as deemed necessary to facilitate a grantee’s*
14 *response to coronavirus: Provided further, That such*
15 *amount is designated by the Congress as being for an emer-*
16 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
17 *the Balanced Budget and Emergency Deficit Control Act*
18 *of 1985.*

19 *CENTERS FOR MEDICARE & MEDICAID SERVICES*

20 *PROGRAM MANAGEMENT*

21 *For an additional amount for “Program Manage-*
22 *ment”, \$500,000,000, to prevent, prepare for, and respond*
23 *to coronavirus, for State strike teams for resident and em-*
24 *ployee safety in skilled nursing facilities and nursing facili-*
25 *ties, including activities to support clinical care, infection*

1 control, and staffing pursuant to section 208 of division K
2 of this Act: Provided, That such amount is designated by
3 the Congress as being for an emergency requirement pursu-
4 ant to section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 ADMINISTRATION FOR CHILDREN AND FAMILIES

7 LOW INCOME HOME ENERGY ASSISTANCE

8 For an additional amount for “Low Income Home En-
9 ergy Assistance”, \$4,500,000,000, to prevent, prepare for,
10 and respond to coronavirus, for making payments under
11 subsection (b) of section 2602 of the Low-Income Home En-
12 ergy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): Pro-
13 vided, That of the amount provided under this heading in
14 this Act, \$2,250,000,000 shall be allocated as though the
15 total appropriation for such payments for fiscal year 2021
16 was less than \$1,975,000,000: Provided further, That sec-
17 tion 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
18 shall not apply to funds made available under this heading
19 in this Act: Provided further, That such amount is des-
20 ignated by the Congress as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985.

1 *shall, for the duration of the COVID–19 public health emer-*
2 *gency, implement enrollment and eligibility policies that*
3 *support the fixed costs of providing child care services by*
4 *delinking provider reimbursement rates from an eligible*
5 *child’s absence and a provider’s closure due to the COVID–*
6 *19 public health emergency: Provided further, That the Sec-*
7 *retary shall remind States that CCDBG State plans do not*
8 *need to be amended prior to utilizing existing authorities*
9 *in the Child Care and Development Block Grant Act for*
10 *the purposes provided herein: Provided further, That States,*
11 *Territories, and Tribes are authorized to use funds appro-*
12 *priated under this heading in this Act to provide child care*
13 *assistance to health care sector employees, emergency re-*
14 *sponders, sanitation workers, farmworkers, and other work-*
15 *ers deemed essential during the response to coronavirus by*
16 *public officials, without regard to the income eligibility re-*
17 *quirements of section 658P(4) of such Act: Provided further,*
18 *That funds appropriated under this heading in this Act*
19 *shall be available to eligible child care providers under sec-*
20 *tion 658P(6) of the CCDBG Act, even if such providers were*
21 *not receiving CCDBG assistance prior to the public health*
22 *emergency as a result of the coronavirus, for the purposes*
23 *of cleaning and sanitation, and other activities necessary*
24 *to maintain or resume the operation of programs: Provided*
25 *further, That no later than 60 days after the date of enact-*

1 *ment of this Act, each State, Territory, and Tribe that re-*
2 *ceives funding under this heading in this Act shall submit*
3 *to the Secretary a report, in such manner as the Secretary*
4 *may require, describing how the funds appropriated under*
5 *this heading in this Act will be spent and that no later*
6 *than 90 days after the date of enactment of this Act, the*
7 *Secretary shall submit to the Committees on Appropria-*
8 *tions of the House of Representatives and the Senate, the*
9 *Committee on Education and Labor of the House of Rep-*
10 *resentatives, and the Committee on Health, Education,*
11 *Labor, and Pensions of the Senate a report summarizing*
12 *such reports from the States, Territories, and Tribes: Pro-*
13 *vided further, That, no later than October 31, 2021, each*
14 *State, Territory, and Tribe that receives funding under this*
15 *heading in this Act shall submit to the Secretary a report,*
16 *in such manner as the Secretary may require, describing*
17 *how the funds appropriated under this heading in this Act*
18 *were spent and that no later than 60 days after receiving*
19 *such reports from the States, Territories, and Tribes, the*
20 *Secretary shall submit to the Committees on Appropria-*
21 *tions of the House of Representatives and the Senate, the*
22 *Committee on Education and Labor of the House of Rep-*
23 *resentatives, and the Committee on Health, Education,*
24 *Labor, and Pensions of the Senate a report summarizing*
25 *such reports from the States, Territories, and Tribes: Pro-*

1 *vided further, That payments made under this heading in*
2 *this Act may be obligated in this fiscal year or the suc-*
3 *ceeding two fiscal years: Provided further, That funds ap-*
4 *propriated under this heading in this Act may be made*
5 *available to restore amounts, either directly or through re-*
6 *imbursement, for obligations incurred to prevent, prepare*
7 *for, and respond to coronavirus, prior to the date of enact-*
8 *ment of this Act: Provided further, That such amount is*
9 *designated by the Congress as being for an emergency re-*
10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
11 *anced Budget and Emergency Deficit Control Act of 1985.*

12 *For an additional amount for “Payments to States for*
13 *the Child Care and Development Block Grant”,*
14 *\$50,000,000,000, for necessary expenses to carry out the*
15 *Child Care Stabilization Fund program, as authorized by*
16 *section 803 of this Act: Provided, That such funds shall be*
17 *available without regard to the requirements in subpara-*
18 *graphs (C) through (E) of section 658E(c)(3) or section*
19 *658G of the Child Care and Development Block Grant Act:*
20 *Provided further, That funds made available under this*
21 *heading in this Act may be made available to restore*
22 *amounts, either directly or through reimbursement, for obli-*
23 *gations incurred prior to the date of enactment of this Act*
24 *for the purposes provided herein: Provided further, That*
25 *such amount is designated by the Congress as being for an*

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

4 *CHILD CARE STABILIZATION FUND*

5 *SEC. 803. (a) DEFINITIONS.—In this section:*

6 *(1) CCDBG TERMS.—The terms “eligible child*
7 *care provider”, “Indian tribe”, “lead agency”, “tribal*
8 *organization”, “Secretary”, and “State” have the*
9 *meanings given the terms in section 658P of the Child*
10 *Care and Development Block Grant Act of 1990 (42*
11 *U.S.C. 9858n) except as otherwise provided in this*
12 *section.*

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

20 *(b) GRANTS.—From the amounts appropriated to*
21 *carry out this section and under the authority of section*
22 *658O of the Child Care and Development Block Grant Act*
23 *of 1990 (42 U.S.C. 9858m) and this section, the Secretary*
24 *shall award child care stabilization grants to the lead agen-*
25 *cy of each State (as defined in that section 658O), territory*
26 *described in subsection (a)(1) of such section, Indian tribe,*

1 *and tribal organization from allotments and payments*
2 *made under subsection (c)(2), not later than 30 days after*
3 *the date of enactment of this Act.*

4 *(c) SECRETARIAL RESERVATION AND ALLOTMENTS.—*

5 *(1) RESERVATION.—The Secretary shall reserve*
6 *not more than 1 percent of the funds appropriated to*
7 *carry out this section for the Federal administration*
8 *of grants described in subsection (b). Amounts re-*
9 *served by the Secretary for administrative expenses*
10 *shall remain available until fiscal year 2024.*

11 *(2) ALLOTMENTS.—The Secretary shall use the*
12 *remainder of the funds appropriated to carry out this*
13 *section to award allotments to States, as defined in*
14 *section 6580 of the Child Care Development Block*
15 *Grant Act of 1990 (42 U.S.C. 9858m), and payments*
16 *to territories, Indian tribes, and tribal organizations*
17 *in accordance with paragraphs (1) and (2) of sub-*
18 *section (a), and subsection (b), of section 6580 of the*
19 *Child Care and Development Block Grant Act of 1990*
20 *(42 U.S.C. 9858m).*

21 *(d) STATE RESERVATIONS AND SUBGRANTS.—*

22 *(1) RESERVATION.—A lead agency for a State*
23 *that receives a child care stabilization grant pursuant*
24 *to subsection (b) shall reserve not more than 10 per-*
25 *cent of such grant funds—*

1 (A) to administer subgrants made to quali-
2 fied child care providers under paragraph (2),
3 including to carry out data systems building
4 and other activities that enable the disbursement
5 of payments of such subgrants;

6 (B) to provide technical assistance and sup-
7 port in applying for and accessing the subgrant
8 opportunity under paragraph (2), to eligible
9 child care providers (including to family child
10 care providers, group home child care providers,
11 and other non-center-based child care providers,
12 providers in rural areas, and providers with
13 limited administrative capacity), either directly
14 or through resource and referral agencies or
15 staffed family child care networks;

16 (C) to publicize the availability of subgrants
17 under this section and conduct widespread out-
18 reach to eligible child care providers (including
19 family child care providers, group home child
20 care providers, and other non-center-based child
21 care providers, providers in rural areas, and
22 providers with limited administrative capacity),
23 either directly or through resource and referral
24 agencies or staffed family child care networks, to

1 *ensure eligible child care providers are aware of*
2 *the subgrants available under this section;*

3 *(D) to carry out the reporting requirements*
4 *described in subsection (f); and*

5 *(E) to carry out activities to improve the*
6 *supply and quality of child care during and*
7 *after the COVID–19 public health emergency,*
8 *such as conducting community needs assess-*
9 *ments, carrying out child care cost modeling,*
10 *making improvements to child care facilities, in-*
11 *creasing access to licensure or participation in*
12 *the State’s tiered quality rating system, and car-*
13 *rying out other activities described in section*
14 *658G(b) of the Child Care and Development*
15 *Block Grant Act of 1990 (42 U.S.C. 9858e(b)), to*
16 *the extent that the lead agency can carry out ac-*
17 *tivities described in this subparagraph without*
18 *preventing the lead agency from fully conducting*
19 *the activities described in subparagraphs (A)*
20 *through (D).*

21 (2) *SUBGRANTS TO QUALIFIED CHILD CARE PRO-*

22 *VIDERS.—*

23 *(A) IN GENERAL.—The lead agency shall*
24 *use the remainder of the grant funds awarded*
25 *pursuant to subsection (b) to make subgrants to*

1 *qualified child care providers described in sub-*
2 *paragraph (B), to support the stability of the*
3 *child care sector during and after the COVID–*
4 *19 public health emergency and to ensure the*
5 *maintenance of a delivery system of child care*
6 *services throughout the State that provides for*
7 *child care in a variety of settings, including the*
8 *settings of family child care providers, and for a*
9 *variety of ages, including care for infants and*
10 *toddlers. The lead agency shall provide the*
11 *subgrant funds in advance of provider expendi-*
12 *tures for costs described in subsection (e), except*
13 *as provided in subsection (e)(2).*

14 *(B) QUALIFIED CHILD CARE PROVIDER.—*
15 *To be qualified to receive a subgrant under this*
16 *paragraph, a provider shall be an eligible child*
17 *care provider that—*

18 *(i) was providing child care services on*
19 *or before March 1, 2020; and*

20 *(ii) on the date of submission of an ap-*
21 *plication for the subgrant, was either—*

22 *(I) open and available to provide*
23 *child care services; or*

24 *(II) closed due to the COVID–19*
25 *public health emergency.*

1 (C) *SUBGRANT AMOUNT.*—*The lead agency*
2 *shall make subgrants, from amounts awarded*
3 *pursuant to subsection (b), to qualified child care*
4 *providers, and the amount of such a subgrant to*
5 *such a provider shall—*

6 (i) *be based on the provider’s stated av-*
7 *erage operating expenses during the period*
8 *(of not longer than 6 months) before March*
9 *1, 2020, or before the provider’s last day of*
10 *operation for a provider that operates sea-*
11 *sonally, and at minimum cover such oper-*
12 *ating expenses for the intended length of the*
13 *subgrant;*

14 (ii) *account for increased costs of pro-*
15 *viding or preparing to provide child care as*
16 *a result of the COVID–19 public health*
17 *emergency, such as provider and employee*
18 *compensation and existing benefits (existing*
19 *as of March 1, 2020) and the implementa-*
20 *tion of new practices related to sanitization,*
21 *group size limits, and social distancing;*

22 (iii) *be adjusted for payments or reim-*
23 *bursements made to an eligible child care*
24 *provider to carry out the Child Care and*
25 *Development Block Grant Act of 1990 (42*

1 *U.S.C. 9857 et seq.) or the Head Start Act*
2 *(42 U.S.C. 9831 et seq.) if the period of*
3 *such payments or reimbursements overlaps*
4 *with the period of the subgrant award; and*
5 *(iv) be adjusted for payments or reim-*
6 *bursements made to an eligible child care*
7 *provider through the Paycheck Protection*
8 *Program set forth in section 7(a)(36) of the*
9 *Small Business Act (15 U.S.C. 636(a)(36)),*
10 *as added by section 1102 of the Coronavirus*
11 *Aid, Relief, and Economic Security Act*
12 *(Public Law 116–136) if the period of such*
13 *payments or reimbursements overlaps with*
14 *the period of the subgrant award.*

15 (D) *APPLICATION.—*

16 (i) *ELIGIBILITY.—To be eligible to re-*
17 *ceive a subgrant under this paragraph, a*
18 *child care provider shall submit an applica-*
19 *tion to a lead agency at such time and in*
20 *such manner as the lead agency may re-*
21 *quire. Such application shall include—*

22 (I) *a good-faith certification that*
23 *the ongoing operations of the child care*
24 *provider have been impacted as a re-*

1 *sult of the COVID–19 public health*
2 *emergency;*

3 *(II) for a provider described in*
4 *subparagraph (B)(ii)(I), an assurance*
5 *that, for the duration of the subgrant—*

6 *(aa) the provider will give*
7 *priority for available slots (in-*
8 *cluding slots that are only tempo-*
9 *rarily available) to—*

10 *(AA) children of essen-*
11 *tial workers (such as health*
12 *care sector employees, emer-*
13 *gency responders, sanitation*
14 *workers, farmworkers, child*
15 *care employees, and other*
16 *workers determined to be es-*
17 *sential during the response to*
18 *coronavirus by public offi-*
19 *cial), children of workers*
20 *whose places of employment*
21 *require their attendance,*
22 *children experiencing home-*
23 *lessness, children with dis-*
24 *abilities, children at risk of*
25 *child abuse or neglect, and*

1 *children in foster care, in*
2 *States, tribal communities,*
3 *or localities where stay-at-*
4 *home or related orders are in*
5 *effect; or*

6 *(BB) children of work-*
7 *ers whose places of employ-*
8 *ment require their attend-*
9 *ance, children experiencing*
10 *homelessness, children with*
11 *disabilities, children at risk*
12 *of child abuse or neglect, chil-*
13 *dren in foster care, and chil-*
14 *dren whose parents are in*
15 *school or a training pro-*
16 *gram, in States, tribal com-*
17 *munities, or localities where*
18 *stay-at-home or related or-*
19 *ders are not in effect;*

20 *(bb) the provider will imple-*
21 *ment policies in line with guid-*
22 *ance from the Centers for Disease*
23 *Control and Prevention and the*
24 *corresponding State, tribal, and*
25 *local authorities, and in accord-*

1 *ance with State, tribal, and local*
2 *orders, for child care providers*
3 *that remain open, including guid-*
4 *ance on sanitization practices,*
5 *group size limits, and social*
6 *distancing;*

7 *(cc) for each employee, the*
8 *provider will pay the full com-*
9 *ensation described in subsection*
10 *(e)(1)(C), including any benefits,*
11 *that was provided to the employee*
12 *as of March 1, 2020 (referred to*
13 *in this clause as “full compensa-*
14 *tion”), and will not take any ac-*
15 *tion that reduces the weekly*
16 *amount of the employee’s com-*
17 *ensation below the weekly*
18 *amount of full compensation, or*
19 *that reduces the employee’s rate of*
20 *compensation below the rate of*
21 *full compensation; and*

22 *(dd) the provider will pro-*
23 *vide relief from copayments and*
24 *tuition payments for the families*
25 *enrolled in the provider’s program*

1 and prioritize such relief for fami-
2 lies struggling to make either type
3 of payments;

4 (III) for a provider described in
5 subparagraph (B)(ii)(II), an assurance
6 that—

7 (aa) for the duration of the
8 provider's closure due to the
9 COVID-19 public health emer-
10 gency, for each employee, the pro-
11 vider will pay full compensation,
12 and will not take any action that
13 reduces the weekly amount of the
14 employee's compensation below the
15 weekly amount of full compensa-
16 tion, or that reduces the employ-
17 ee's rate of compensation below
18 the rate of full compensation;

19 (bb) children enrolled as of
20 March 1, 2020, will maintain
21 their slots, unless their families
22 choose to disenroll the children;

23 (cc) for the duration of the
24 provider's closure due to the
25 COVID-19 public health emer-

1 agency, the provider will provide
2 relief from copayments and tui-
3 tion payments for the families en-
4 rolled in the provider's program
5 and prioritize such relief for fami-
6 lies struggling to make either type
7 of payments; and

8 (dd) the provider will resume
9 operations when the provider is
10 able to safely implement policies
11 in line with guidance from the
12 Centers for Disease Control and
13 Prevention and the corresponding
14 State, tribal, and local authori-
15 ties, and in accordance with
16 State, tribal, and local orders;

17 (IV) information about the child
18 care provider's—

19 (aa) program characteristics
20 sufficient to allow the lead agency
21 to establish the child care pro-
22 vider's priority status, as de-
23 scribed in subparagraph (F);

1 *(bb) program operational*
2 *status on the date of submission of*
3 *the application;*

4 *(cc) type of program, includ-*
5 *ing whether the program is a cen-*
6 *ter-based child care, family child*
7 *care, group home child care, or*
8 *other non-center-based child care*
9 *type program;*

10 *(dd) total enrollment on the*
11 *date of submission of the applica-*
12 *tion and total capacity as allowed*
13 *by the State and tribal authori-*
14 *ties; and*

15 *(ee) receipt of assistance, and*
16 *amount of assistance, through a*
17 *payment or reimbursement de-*
18 *scribed in subparagraph (C)(iv),*
19 *and the time period for which the*
20 *assistance was made;*

21 *(V) information necessary to de-*
22 *termine the amount of the subgrant,*
23 *such as information about the pro-*
24 *vider's stated average operating ex-*

1 *penses over the appropriate period, de-*
2 *scribed in subparagraph (C)(i); and*

3 *(VI) such other limited informa-*
4 *tion as the lead agency shall determine*
5 *to be necessary to make subgrants to*
6 *qualified child care providers.*

7 *(ii) FREQUENCY.—The lead agency*
8 *shall accept and process applications sub-*
9 *mitted under this subparagraph on a roll-*
10 *ing basis.*

11 *(iii) UPDATES.—The lead agency*
12 *shall—*

13 *(I) at least once a month, verify*
14 *by obtaining a self-attestation from*
15 *each qualified child care provider that*
16 *received such a subgrant from the*
17 *agency, whether the provider is open*
18 *and available to provide child care*
19 *services or is closed due to the COVID–*
20 *19 public health emergency;*

21 *(II) allow the qualified child care*
22 *provider to update the information*
23 *provided in a prior application; and*

24 *(III) adjust the qualified child*
25 *care provider’s subgrant award as nec-*

1 *essary, based on changes to the appli-*
2 *cation information, including changes*
3 *to the provider's operational status.*

4 *(iv) EXISTING APPLICATIONS.—If a*
5 *lead agency has established and imple-*
6 *mented a grant program for child care pro-*
7 *viders that is in effect on the date of enact-*
8 *ment of this Act, and an eligible child care*
9 *provider has already submitted an applica-*
10 *tion for such a grant to the lead agency*
11 *containing the information specified in*
12 *clause (i), the lead agency shall treat that*
13 *application as an application submitted*
14 *under this subparagraph. If an eligible*
15 *child care provider has already submitted*
16 *such an application containing part of the*
17 *information specified in clause (i), the pro-*
18 *vider may submit to the lead agency an ab-*
19 *breviated application that contains the re-*
20 *maining information, and the lead agency*
21 *shall treat the 2 applications as an applica-*
22 *tion submitted under this subparagraph.*

23 *(E) MATERIALS.—*

24 *(i) IN GENERAL.—The lead agency*
25 *shall provide the materials and other re-*

1 *sources related to such subgrants, including*
2 *a notification of subgrant opportunities and*
3 *application materials, to qualified child*
4 *care providers in the most commonly spoken*
5 *languages in the State.*

6 (ii) *APPLICATION.—The application*
7 *shall be accessible on the website of the lead*
8 *agency within 30 days after the lead agency*
9 *receives grant funds awarded pursuant to*
10 *subsection (b) and shall be accessible to all*
11 *eligible child care providers, including fam-*
12 *ily child care providers, group home child*
13 *care providers, and other non-center-based*
14 *child care providers, providers in rural*
15 *areas, and providers with limited adminis-*
16 *trative capacity.*

17 (F) *PRIORITY.—In making subgrants under*
18 *this section, the lead agency shall give priority*
19 *to qualified child care providers that, prior to or*
20 *on March 1, 2020—*

21 (i) *provided child care during non-*
22 *traditional hours;*

23 (ii) *served dual language learners, chil-*
24 *dren with disabilities, children experiencing*
25 *homelessness, children in foster care, chil-*

1 *dren from low-income families, or infants*
2 *and toddlers;*

3 *(iii) served a high proportion of chil-*
4 *dren whose families received subsidies under*
5 *the Child Care and Development Block*
6 *Grant Act of 1990 (42 U.S.C. 9857 et seq.)*
7 *for the child care; or*

8 *(iv) operated in communities, includ-*
9 *ing rural communities, with a low supply*
10 *of child care.*

11 *(G) PROVIDERS RECEIVING OTHER ASSIST-*
12 *ANCE.—The lead agency, in determining whether*
13 *a provider is a qualified child care provider,*
14 *shall not take into consideration receipt of a*
15 *payment or reimbursement described in subpara-*
16 *graph (C)(iii) or subparagraph (C)(iv).*

17 *(H) AWARDS.—The lead agency shall equi-*
18 *tably make subgrants under this paragraph to*
19 *center-based child care providers, family child*
20 *care providers, group home child care providers,*
21 *and other non-center-based child care providers,*
22 *such that qualified child care providers are able*
23 *to access the subgrant opportunity under this*
24 *paragraph regardless of the providers' setting,*
25 *size, or administrative capacity.*

1 (I) *OBLIGATION.*—*The lead agency shall ob-*
2 *ligate at least 50 percent of funds available to*
3 *carry out this section for subgrants described in*
4 *this paragraph, within 6 months of the date of*
5 *the enactment of this Act.*

6 (e) *USES OF FUNDS.*—

7 (1) *IN GENERAL.*—*A qualified child care pro-*
8 *vider that receives funds through such a subgrant*
9 *may use the funds for the costs of—*

10 (A) *payroll;*

11 (B) *employee benefits, including group*
12 *health plan benefits during periods of paid sick,*
13 *medical, or family leave, and insurance pre-*
14 *miums;*

15 (C) *employee salaries or similar compensa-*
16 *tion, including any income or other compensa-*
17 *tion to a sole proprietor or independent con-*
18 *tractor that is a wage, commission, income, net*
19 *earnings from self-employment, or similar com-*
20 *ensation;*

21 (D) *employee recruitment and retention;*

22 (E) *payment on any mortgage obligation;*

23 (F) *rent (including rent under a lease*
24 *agreement);*

25 (G) *utilities and facility maintenance;*

1 (H) insurance;

2 (I) providing premium pay for child care
3 providers and other employees who provide serv-
4 ices during the COVID–19 public health emer-
5 gency;

6 (J) sanitization and other costs associated
7 with cleaning;

8 (K) personal protective equipment and other
9 equipment necessary to carry out the functions of
10 the child care provider;

11 (L) training and professional development
12 related to health and safety practices, including
13 the proper implementation of policies in line
14 with guidance from the Centers for Disease Con-
15 trol and Prevention and the corresponding State,
16 tribal, and local authorities, and in accordance
17 with State, tribal, and local orders;

18 (M) purchasing or updating equipment and
19 supplies to serve children during nontraditional
20 hours

21 (N) modifications to child care services as a
22 result of the COVID–19 public health emergency,
23 such as limiting group sizes, adjusting staff-to-
24 child ratios, and implementing other heightened
25 health and safety measures;

1 (O) mental health supports for children and
2 employees; and

3 (P) other goods and services necessary to
4 maintain or resume operation of the child care
5 program, or to maintain the viability of the
6 child care provider as a going concern during
7 and after the COVID–19 public health emer-
8 gency.

9 (2) REIMBURSEMENT.—The qualified child care
10 provider may use the subgrant funds to reimburse the
11 provider for sums obligated or expended before the
12 date of enactment of this Act for the cost of a good
13 or service described in paragraph (1) to respond to
14 the COVID–19 public health emergency.

15 (f) REPORTING.—

16 (1) INITIAL REPORT.—A lead agency receiving a
17 grant under this section shall, within 60 days after
18 making the agency’s first subgrant under subsection
19 (d)(2) to a qualified child care provider, submit a re-
20 port to the Secretary that includes—

21 (A) data on qualified child care providers
22 that applied for subgrants and qualified child
23 care providers that received such subgrants, in-
24 cluding—

1 (i) the number of such applicants and
2 the number of such recipients;

3 (ii) the number and proportion of such
4 applicants and recipients that received pri-
5 ority and the characteristic or characteris-
6 tics of such applicants and recipients asso-
7 ciated with the priority;

8 (iii) the number and proportion of
9 such applicants and recipients that are—

10 (I) center-based child care pro-
11 viders;

12 (II) family child care providers;

13 (III) group home child care pro-
14 viders; or

15 (IV) other non-center-based child
16 care providers; and

17 (iv) within each of the groups listed in
18 clause (iii), the number of such applicants
19 and recipients that are, on the date of sub-
20 mission of the application—

21 (I) open and available to provide
22 child care services; or

23 (II) closed due to the COVID-19
24 public health emergency;

1 (B) *the total capacity of child care pro-*
2 *viders that are licensed, regulated, or registered*
3 *in the State on the date of the submission of the*
4 *report;*

5 (C) *a description of—*

6 (i) *the efforts of the lead agency to pub-*
7 *licize the availability of subgrants under*
8 *this section and conduct widespread out-*
9 *reach to eligible child care providers about*
10 *such subgrants, including efforts to make*
11 *materials available in languages other than*
12 *English;*

13 (ii) *the lead agency’s methodology for*
14 *determining amounts of subgrants under*
15 *subsection (d)(2);*

16 (iii) *the lead agency’s timeline for dis-*
17 *bursing the subgrant funds; and*

18 (iv) *the lead agency’s plan for ensuring*
19 *that qualified child care providers that re-*
20 *ceive funding through such a subgrant com-*
21 *ply with assurances described in subsection*
22 *(d)(2)(D) and use funds in compliance with*
23 *subsection (e); and*

24 (D) *such other limited information as the*
25 *Secretary may require.*

1 (2) *QUARTERLY REPORT.*—*The lead agency*
2 *shall, following the submission of such initial report,*
3 *submit to the Secretary a report that contains the in-*
4 *formation described in subparagraphs (A), (B), and*
5 *(D) of paragraph (1) once a quarter until all funds*
6 *allotted for activities authorized under this section are*
7 *expended.*

8 (3) *FINAL REPORT.*—*Not later than 60 days*
9 *after a lead agency receiving a grant under this sec-*
10 *tion has obligated all of the grant funds (including*
11 *funds received under subsection (h)), the lead agency*
12 *shall submit a report to the Secretary, in such man-*
13 *ner as the Secretary may require, that includes—*

14 (A) *the total number of eligible child care*
15 *providers who were providing child care services*
16 *on or before March 1, 2020, in the State and the*
17 *number of such providers that submitted an ap-*
18 *plication under subsection (d)(2)(D);*

19 (B) *the number of qualified child care pro-*
20 *viders in the State that received funds through*
21 *the grant;*

22 (C) *the lead agency’s methodology for deter-*
23 *mining amounts of subgrants under subsection*
24 *(d)(2);*

1 (D) the average and range of the subgrant
2 amounts by provider type (center-based child
3 care, family child care, group home child care, or
4 other non-center-based child care provider);

5 (E) the percentages of the child care pro-
6 viders that received such a subgrant, that, on or
7 before March 1, 2020—

8 (i) provided child care during non-
9 traditional hours;

10 (ii) served dual language learners, chil-
11 dren with disabilities, children experiencing
12 homelessness, children in foster care, chil-
13 dren from low-income families, or infants
14 and toddlers;

15 (iii) served a high proportion of chil-
16 dren whose families received subsidies under
17 the Child Care and Development Block
18 Grant Act of 1990 (42 U.S.C. 9857 et seq.)
19 for the child care; and

20 (iv) operated in communities, includ-
21 ing rural communities, with a low supply
22 of child care;

23 (F) the number of children served by the
24 child care providers that received such a
25 subgrant, for the duration of the subgrant;

1 (G) the percentages, of the child care pro-
2 viders that received such a subgrant, that are—

3 (i) center-based child care providers;

4 (ii) family child care providers;

5 (iii) group home child care providers;

6 or

7 (iv) other non-center-based child care
8 providers;

9 (H) the percentages, of the child care pro-
10 viders listed in subparagraph (G) that are, on
11 the date of submission of the application—

12 (i) open and available to provide child
13 care services; or

14 (ii) closed due to the COVID–19 public
15 health emergency;

16 (I) information about how child care pro-
17 viders used the funds received under such a
18 subgrant;

19 (J) information about how the lead agency
20 used funds reserved under subsection (d)(1); and

21 (K) information about how the subgrants
22 helped to stabilize the child care sector.

23 (4) *REPORTS TO CONGRESS.*—

24 (A) *FINDINGS FROM INITIAL REPORTS.*—

25 Not later than 60 days after receiving all reports

1 *required to be submitted under paragraph (1),*
2 *the Secretary shall provide a report to the Com-*
3 *mittee on Education and Labor of the House of*
4 *Representatives, to the Committee on Health,*
5 *Education, Labor and Pensions of the Senate,*
6 *and to the Committees on Appropriations of the*
7 *House of Representatives and the Senate, sum-*
8 *marizing the findings from the reports received*
9 *under paragraph (1).*

10 *(B) FINDINGS FROM FINAL REPORTS.—Not*
11 *later than 36 months after the date of enactment*
12 *of this Act, the Secretary shall provide a report*
13 *to the Committee on Education and Labor of the*
14 *House of Representatives, to the Committee on*
15 *Health, Education, Labor and Pensions of the*
16 *Senate, and to the Committees on Appropria-*
17 *tions of the House of Representatives and the*
18 *Senate, summarizing the findings from the re-*
19 *ports received under paragraph (3).*

20 *(g) SUPPLEMENT NOT SUPPLANT.—Amounts made*
21 *available to carry out this section shall be used to supple-*
22 *ment and not supplant other Federal, State, and local pub-*
23 *lic funds expended to provide child care services for eligible*
24 *individuals, including funds provided under the Child Care*

1 *and Development Block Grant Act of 1990 (42 U.S.C. 9857*
2 *et seq.) and State child care programs.*

3 *(h) REALLOTMENT OF UNOBLIGATED FUNDS.—*

4 *(1) UNOBLIGATED FUNDS.— A State, Indian*
5 *tribe, or tribal organization that anticipates being*
6 *unable to obligate all grant funds received under this*
7 *section by September 30, 2022 shall notify the Sec-*
8 *retary, at least 60 days prior to such date, of the*
9 *amount of funds it anticipates being unable to obli-*
10 *gate by such date. A State, Indian tribe, or tribal or-*
11 *ganization shall return to the Secretary any grant*
12 *funds received under this section that the State, In-*
13 *dian tribe, or tribal organization does not obligate by*
14 *September 30, 2022.*

15 *(2) REALLOTMENT.—The Secretary shall award*
16 *new allotments and payments, in accordance with*
17 *subsection (c)(2), to covered States, Indian tribes, or*
18 *tribal organizations from funds that are returned*
19 *under paragraph (1) within 60 days of receiving such*
20 *funds. Funds made available through the new allot-*
21 *ments and payments shall remain available to each*
22 *covered State, Indian tribe, or tribal organization*
23 *until September 30, 2023.*

24 *(3) COVERED STATE, INDIAN TRIBE, OR TRIBAL*
25 *ORGANIZATION.—For purposes of paragraph (2), a*

1 covered State, Indian tribe, or tribal organization is
2 a State, Indian tribe, or tribal organization that re-
3 ceived an allotment or payment under this section
4 and was not required to return grant funds under
5 paragraph (1).

6 (i) *EXCEPTIONS.*—*The Child Care and Development*
7 *Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), excluding*
8 *requirements in subparagraphs (C) through (E) of section*
9 *658E(c)(3), section 658G, and section 658J(c) of such Act*
10 *(42 U.S.C. 9858c(c)(3), 9858e, 9858h(c)), shall apply to*
11 *child care services provided under this section to the extent*
12 *the application of such Act does not conflict with the provi-*
13 *sions of this section. Nothing in this Act shall be construed*
14 *to require a State, Indian tribe, or tribal organization to*
15 *submit an application, other than the application described*
16 *in section 658E or 658O(c) of the Child Care and Develop-*
17 *ment Block Grant Act of 1990 (42 U.S.C. 9858c, 9858m(c)),*
18 *to receive a grant under this Act.*

19 (j) *APPLICATION.*—*In carrying out the Child Care and*
20 *Development Block Grant Act of 1990 with funds other than*
21 *the funds made available under this heading in this Act,*
22 *the Secretary shall calculate the amounts of appropriated*
23 *funds described in subsections (a) and (b) of section 658O*
24 *of such Act (42 U.S.C. 9858m) by excluding funds made*
25 *available under this heading in this Act.*

1 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

2 *For an additional amount for “Children and Families*
3 *Services Programs”, \$3,700,000,000, to prevent, prepare*
4 *for, and respond to coronavirus, which shall be used as fol-*
5 *lows:*

6 (1) *\$1,700,000,000 for making payments under*
7 *the Head Start Act, including for Federal adminis-*
8 *trative expenses, and allocated in an amount that*
9 *bears the same ratio to such portion as the number*
10 *of enrolled children served by the agency involved*
11 *bears to the number of enrolled children by all Head*
12 *Start agencies: Provided, That none of the funds*
13 *made available in this paragraph shall be included in*
14 *the calculation of the “base grant” in subsequent fis-*
15 *cal years, as such term is defined in sections*
16 *640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the*
17 *Head Start Act: Provided further, That funds made*
18 *available in this paragraph are not subject to the al-*
19 *location requirements of section 640(a) of the Head*
20 *Start Act;*

21 (2) *\$100,000,000 for Family Violence Prevention*
22 *and Services grants as authorized by section 303(a)*
23 *and 303(b) of the Family Violence Prevention and*
24 *Services Act with such funds available to grantees*
25 *without regard to matching requirements under sec-*

1 *tion 306(c)(4) of such Act, of which \$2,000,000 shall*
2 *be for the National Domestic Violence Hotline: Pro-*
3 *vided, That the Secretary of Health and Human*
4 *Services may make such funds available for providing*
5 *temporary housing and assistance to victims of fam-*
6 *ily, domestic, and dating violence;*

7 *(3) \$75,000,000 for child welfare services as au-*
8 *thorized by subpart 1 of part B of title IV of the So-*
9 *cial Security Act (other than sections 426, 427, and*
10 *429 of such subpart), with such funds available to*
11 *grantees without regard to matching requirements*
12 *under section 424(a) of that Act or any applicable re-*
13 *ductions in Federal financial participation under sec-*
14 *tion 424(f) of that Act;*

15 *(4) \$225,000,000 for necessary expenses for com-*
16 *munity-based grants for the prevention of child abuse*
17 *and neglect under section 209 of the Child Abuse Pre-*
18 *vention and Treatment Act, which the Secretary shall*
19 *make without regard to sections 203(b)(1) and 204(4)*
20 *of such Act;*

21 *(5) \$100,000,000 for necessary expenses for the*
22 *Child Abuse Prevention and Treatment Act State*
23 *Grant program as authorized by Section 112 of such*
24 *Act; and*

1 (6) \$1,500,000,000 for necessary expenses for
2 grants to carry out the Low-Income Household Drink-
3 ing Water and Wastewater Assistance program, as de-
4 scribed in section 303 of division U of this Act:

5 *Provided, That funds made available under this heading*
6 *in this Act may be used for the purposes provided herein*
7 *to reimburse costs incurred between January 20, 2020, and*
8 *the date of award: Provided further, That such amount is*
9 *designated by the Congress as being for an emergency re-*
10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
11 *anced Budget and Emergency Deficit Control Act of 1985.*

12 ADMINISTRATION FOR COMMUNITY LIVING

13 AGING AND DISABILITY SERVICES PROGRAMS

14 *For an additional amount for “Aging and Disability*
15 *Services Programs”, \$1,000,000,000, to prevent, prepare*
16 *for, and respond to the coronavirus: Provided, That of the*
17 *amount made available under this heading in this Act,*
18 *\$925,000,000 shall be for activities authorized under the*
19 *Older Americans Act of 1965 (“OAA”), including*
20 *\$200,000,000 for supportive services under part B of title*
21 *III; \$480,000,000 for nutrition services under subparts 1*
22 *and 2 of part C of title III; \$20,000,000 for nutrition serv-*
23 *ices under title VI; \$150,000,000 for supportive services for*
24 *family caregivers under part E of title III; \$44,000,000 for*
25 *evidence-based health promotion and disease prevention*

1 *services under part D of title III; \$6,000,000 for aging net-*
2 *work support activities to develop targeted outreach strate-*
3 *gies to reach particularly at-risk populations, including*
4 *populations targeted under section 306(a)(4)(A)(i)(l) of*
5 *such Act; \$20,000,000 for elder rights protection activities,*
6 *including the long-term ombudsman program under title*
7 *VII; and \$5,000,000 shall be for grants to States to support*
8 *the network of statewide senior legal services, including ex-*
9 *isting senior legal hotlines, efforts to expand such hotlines*
10 *to all interested States, and legal assistance to providers,*
11 *in order to ensure seniors have access to legal assistance,*
12 *with such fund allotted to States consistent with paragraphs*
13 *(1) through (3) of section 304(a) of the OAA: Provided fur-*
14 *ther, That State matching requirements under sections*
15 *304(d)(1)(D) and 373(g)(2) of the OAA shall not apply to*
16 *funds made available under this heading: Provided further,*
17 *That of the amount made available under this heading in*
18 *this Act, \$50,000,000 shall be for activities authorized in*
19 *the Developmental Disabilities Assistance and Bill of*
20 *Rights Act of 2000: Provided further, That of the amount*
21 *made available under this heading in this Act, \$25,000,000*
22 *shall be for activities authorized in the Assistive Technology*
23 *Act of 2004: Provided further, That of the amount made*
24 *available in the preceding proviso, \$5,000,000 shall be for*
25 *the purchase of equipment to allow interpreters to provide*

1 *appropriate and essential services to the hearing-impaired*
2 *community: Provided further, That for the purposes of the*
3 *funding provided in the preceding proviso, during the emer-*
4 *gency period described in section 1135(g)(1)(B) of the So-*
5 *cial Security Act, for purposes of section 4(e)(2)(A) of the*
6 *Assistive Technology Act of 2004, the term “targeted indi-*
7 *viduals and entities” (as that term is defined in section*
8 *3(16) of the Assistive Technology Act of 2004) shall be*
9 *deemed to include American Sign Language certified inter-*
10 *preters who are providing interpretation services remotely*
11 *for individuals with disabilities: Provided further, That*
12 *during such emergency period, for the purposes of the pre-*
13 *vious two provisos, to facilitate the ability of individuals*
14 *with disabilities to remain in their homes and practice so-*
15 *cial distancing, the Secretary shall waive the prohibitions*
16 *on the use of grant funds for direct payment for an assistive*
17 *technology device for an individual with a disability under*
18 *sections 4(e)(2)(A) and 4(e)(5) of such Act: Provided fur-*
19 *ther, That such amount is designated by the Congress as*
20 *being for an emergency requirement pursuant to section*
21 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
22 *Deficit Control Act of 1985.*

23 *For an additional amount for “Aging and Disability*
24 *Services Programs”, \$175,000,000, to prevent, prepare for,*

1 *and respond to the coronavirus, which shall be used as fol-*
2 *lows:*

3 (1) *\$5,000,000 for elder abuse, neglect, and ex-*
4 *ploitation forensic centers, as authorized by section*
5 *2031(f) of the Social Security Act (42 U.S.C.*
6 *1397l(f));*

7 (2) *\$14,000,000 for grants for long-term care*
8 *staffing and technology, as authorized by section*
9 *2041(d) of the Social Security Act (42 U.S.C.*
10 *1397m(d));*

11 (3) *\$123,000,000 for adult protective services*
12 *functions and grants, as authorized by sections*
13 *2042(a)(2), 2042(b)(5), and 2042(c)(6) of the Social*
14 *Security Act (42 U.S.C. 1397m—1);*

15 (4) *\$18,000,000 for long-term care ombudsman*
16 *program grants and training, as authorized by sec-*
17 *tions 2043(a)(2) and 2043(b)(2) of the Social Secu-*
18 *rity Act (42 U.S.C. 1397m—2);*

19 (5) *\$14,000,000 for investigation systems and*
20 *training, as authorized by sections 6703(b)(1)(C) and*
21 *6703(b)(2)(C) of the Patient Protection and Afford-*
22 *able Care Act (42 U.S.C. 1395i—3a(b)); and*

23 (6) *\$1,000,000 for assessment reports, as author-*
24 *ized by section 207 of division J of this Act:*

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

5 *OFFICE OF THE SECRETARY*

6 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

7 *For an additional amount for “Public Health and So-*
8 *cial Services Emergency Fund”, \$21,025,000,000, to pre-*
9 *vent, prepare for, and respond to coronavirus, domestically*
10 *or internationally, including the development of necessary*
11 *countermeasures and vaccines, prioritizing platform-based*
12 *technologies with U.S.-based manufacturing capabilities,*
13 *the purchase of vaccines, therapeutics, diagnostics, nec-*
14 *essary medical supplies, as well as medical surge capacity,*
15 *addressing blood supply chain, workforce modernization,*
16 *telehealth access and infrastructure, initial advanced man-*
17 *ufacturing, novel dispensing, enhancements to the U.S.*
18 *Commissioned Corps, and other preparedness and response*
19 *activities: Provided, That funds appropriated under this*
20 *paragraph in this Act may be used to develop and dem-*
21 *onstrate innovations and enhancements to manufacturing*
22 *platforms to support such capabilities: Provided further,*
23 *That the Secretary of Health and Human Services shall*
24 *purchase vaccines developed using funds made available*
25 *under this paragraph in this Act to respond to an outbreak*

1 *or pandemic related to coronavirus in quantities deter-*
2 *mined by the Secretary to be adequate to address the public*
3 *health need: Provided further, That products purchased by*
4 *the Federal government with funds made available under*
5 *this paragraph in this Act, including vaccines, therapeutics,*
6 *and diagnostics, shall be purchased in accordance with Fed-*
7 *eral Acquisition Regulation guidance on fair and reason-*
8 *able pricing: Provided further, That the Secretary may take*
9 *such measures authorized under current law to ensure that*
10 *vaccines, therapeutics, and diagnostics developed from*
11 *funds provided in this Act will be affordable in the commer-*
12 *cial market: Provided further, That in carrying out the pre-*
13 *vious proviso, the Secretary shall not take actions that delay*
14 *the development of such products: Provided further, That*
15 *products purchased with funds appropriated under this*
16 *paragraph in this Act may, at the discretion of the Sec-*
17 *retary of Health and Human Services, be deposited in the*
18 *Strategic National Stockpile under section 319F-2 of the*
19 *Public Health Service Act: Provided further, That funds ap-*
20 *propriated under this paragraph in this Act may be trans-*
21 *ferred to, and merged with, the fund authorized by section*
22 *319F-4, the Covered Countermeasure Process Fund, of the*
23 *Public Health Service Act: Provided further, That of the*
24 *amount made available under this paragraph in this Act,*
25 *\$20,000,000,000 shall be available to the Biomedical Ad-*

1 *vanced Research and Development Authority for necessary*
2 *expenses of advanced research, development, manufacturing,*
3 *production, and purchase of vaccines, therapeutics, and an-*
4 *cillary medical products to prevent the spread of SARS-*
5 *CoV-2 and COVID-19, as described in section 702 of divi-*
6 *sion K of this Act: Provided further, That of the amount*
7 *made available under this paragraph in this Act,*
8 *\$500,000,000 shall be available to the Biomedical Advanced*
9 *Research and Development Authority for the construction,*
10 *renovation, or equipping of U.S.-based next generation*
11 *manufacturing facilities, other than facilities owned by the*
12 *United States Government: Provided further, That of the*
13 *amount made available under this paragraph in this Act,*
14 *\$500,000,000 shall be available to the Biomedical Advanced*
15 *Research and Development Authority to promote innova-*
16 *tion in antibacterial research and development: Provided*
17 *further, That funds made available under this paragraph*
18 *in this Act may be used for grants for the rent, lease, pur-*
19 *chase, acquisition, construction, alteration, or renovation of*
20 *non-Federally owned facilities to improve preparedness and*
21 *response capability at the State and local level: Provided*
22 *further, That funds appropriated under this paragraph in*
23 *this Act may be used for the construction, alteration, ren-*
24 *ovation or equipping of non-Federally owned facilities for*
25 *the production of vaccines, therapeutics, diagnostics, and*

1 medicines and other items purchased under section 319F–
2 2(a) of the Public Health Service Act where the Secretary
3 determines that such a contract is necessary to assure suffi-
4 cient domestic production of such supplies: Provided fur-
5 ther, That all construction, alteration, or renovation work,
6 carried out, in whole or in part, with fund appropriated
7 under this heading in this Act, the CARES Act (P.L. 116–
8 136), or the Paycheck Protection Program and Health Care
9 Enhancement Act (P.L. 116–139), shall be subject to the
10 requirements of 42 U.S.C. 300s-1(b)(1)(I): Provided further,
11 That not later than seven days after the date of enactment
12 of this Act, and weekly thereafter until the public health
13 emergency related to coronavirus is no longer in effect, the
14 Secretary shall report to the Committees on Appropriations
15 of the House of Representatives and the Senate on the cur-
16 rent inventory of ventilators and personal protective equip-
17 ment in the Strategic National Stockpile, including the
18 numbers of face shields, gloves, goggles and glasses, gowns,
19 head covers, masks, and respirators, as well as deployment
20 of ventilators and personal protective equipment during the
21 previous week, reported by state and other jurisdiction: Pro-
22 vided further, That not later than the first Monday in Feb-
23 ruary of fiscal year 2021 and each fiscal year thereafter,
24 the Secretary shall include in the annual budget submission
25 for the Department, and submit to the Congress, the Sec-

1 *retary's request with respect to expenditures necessary to*
2 *maintain the minimum level of relevant supplies in the*
3 *Strategic National Stockpile, including in case of a signifi-*
4 *cant pandemic, in consultation with the working group*
5 *under section 319F(a) of the Public Health Service Act and*
6 *the Public Health Emergency Medical Countermeasures*
7 *Enterprise established under section 2811–1 of such Act:*
8 *Provided further, That such amount is designated by the*
9 *Congress as being for an emergency requirement pursuant*
10 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
11 *Emergency Deficit Control Act of 1985.*

12 *For an additional amount for “Public Health and So-*
13 *cial Services Emergency Fund”, \$50,000,000,000, to re-*
14 *main available until expended, to prevent, prepare for, and*
15 *respond to coronavirus, for necessary expenses to make pay-*
16 *ments under the Health Care Provider Relief Fund as de-*
17 *scribed in section 611 of division K of this Act: Provided,*
18 *That such amount is designated by the Congress as being*
19 *for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

22 *For an additional amount for “Public Health and So-*
23 *cial Services Emergency Fund”, \$75,000,000,000, to re-*
24 *main available until expended, to prevent, prepare for, and*
25 *respond to coronavirus, for necessary expenses to carry out*

1 *the COVID–19 National Testing and Contact Tracing Ini-*
2 *tiative, as described in subtitle D of title V of division K*
3 *of this Act: Provided, That such amount is designated by*
4 *the Congress as being for an emergency requirement pursu-*
5 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
6 *Emergency Deficit Control Act of 1985.*

7 *DEPARTMENT OF EDUCATION*

8 *STATE FISCAL STABILIZATION FUND*

9 *For an additional amount for “State Fiscal Stabiliza-*
10 *tion Fund”, \$208,058,000,000, to prevent, prepare for, and*
11 *respond to coronavirus: Provided, That the Secretary of*
12 *Education (referred to under this heading as “Secretary”)*
13 *shall make grants to the Governor of each State for support*
14 *of elementary, secondary, and postsecondary education and,*
15 *as applicable, early childhood education programs and serv-*
16 *ices: Provided further, That of the amount made available,*
17 *the Secretary shall first allocate up to one-half of 1 percent*
18 *to the outlying areas and one-half of 1 percent to the Bu-*
19 *reau of Indian Education (“BIE”) for BIE-funded schools*
20 *and Tribal Colleges or Universities for activities consistent*
21 *with this heading under such terms and conditions as the*
22 *Secretary may determine and in consultation with the Sec-*
23 *retary of the Interior: Provided further, That the Secretary*
24 *may reserve up to \$30,000,000 for administration and over-*
25 *sight of the activities under this heading: Provided further,*

1 *That the Secretary shall allocate 61 percent of the remain-*
2 *ing funds made available to carry out this heading to the*
3 *States on the basis of their relative population of individ-*
4 *uals aged 5 through 24 and allocate 39 percent on the basis*
5 *of their relative number of children counted under section*
6 *1124(c) of the Elementary and Secondary Education Act*
7 *of 1965 (referred to under this heading as “ESEA”) as*
8 *State grants: Provided further, That State grants shall sup-*
9 *port statewide elementary, secondary, and postsecondary*
10 *activities; subgrants to local educational agencies; and, sub-*
11 *grants to public institutions of higher education: Provided*
12 *further, That States shall allocate 85 percent of the funds*
13 *received under the fourth proviso as subgrants to local edu-*
14 *cational agencies in proportion to the amount of funds such*
15 *local educational agencies received under part A of title I*
16 *of the ESEA in the most recent fiscal year: Provided fur-*
17 *ther, That subgrants provided under the preceding proviso*
18 *shall be administered by State educational agencies: Pro-*
19 *vided further, That States shall allocate 13 percent of the*
20 *funds received under the fourth proviso as subgrants to pub-*
21 *lic institutions of higher education, of which 75 percent*
22 *shall be apportioned according to the relative share in the*
23 *State of students who received Pell Grants who are not ex-*
24 *clusively enrolled in distance education courses prior to the*
25 *coronavirus emergency at the institution in the previous*

1 *award year and 25 percent shall be apportioned according*
2 *to the relative share in the State of the total enrollment of*
3 *students at the institution who are not exclusively enrolled*
4 *in distance education courses prior to the coronavirus emer-*
5 *gency at the institution in the previous award year: Pro-*
6 *vided further, That the Governor may use any funds re-*
7 *ceived under the fourth proviso that are not specifically re-*
8 *served under this heading for additional support to elemen-*
9 *tary, secondary, and postsecondary education, including*
10 *supports for under-resourced institutions, institutions with*
11 *high burden due to the coronavirus, and institutions who*
12 *did not possess distance education capabilities prior to the*
13 *coronavirus emergency: Provided further, That the Gov-*
14 *ernor shall return to the Secretary any funds received that*
15 *the Governor does not award to local educational agencies*
16 *and public institutions of higher education or otherwise*
17 *commit within two years of receiving such funds, and the*
18 *Secretary shall reallocate such funds to the remaining*
19 *States in accordance with the fourth proviso: Provided fur-*
20 *ther, That Governors shall use State grants and subgrants*
21 *to maintain or restore State and local fiscal support for*
22 *elementary, secondary and postsecondary education: Pro-*
23 *vided further, That funds for local educational agencies*
24 *may be used for any activity authorized by the ESEA, in-*
25 *cluding the Native Hawaiian Education Act and the Alaska*

1 *Native Educational Equity, Support, and Assistance Act,*
2 *the Individuals with Disabilities Education Act (“IDEA”),*
3 *subtitle B of title VII of the McKinney-Vento Homeless As-*
4 *sistance Act, the Adult Education and Family Literacy Act*
5 *or the Carl D. Perkins Career and Technical Education Act*
6 *of 2006 (“the Perkins Act”): Provided further, That a State*
7 *or local educational agency receiving funds under this head-*
8 *ing may use the funds for activities coordinated with State,*
9 *local, tribal, and territorial public health departments to*
10 *detect, prevent, or mitigate the spread of infectious disease*
11 *or otherwise respond to coronavirus; support online learn-*
12 *ing by purchasing educational technology and internet ac-*
13 *cess for students, which may include assistive technology or*
14 *adaptive equipment, that aids in regular and substantive*
15 *educational interactions between students and their class-*
16 *room instructor; provide ongoing professional development*
17 *to staff in how to effectively provide quality online aca-*
18 *demic instruction; provide assistance for children and fami-*
19 *lies to promote equitable participation in quality online*
20 *learning; plan and implement activities related to supple-*
21 *mental afterschool programs and summer learning, includ-*
22 *ing providing classroom instruction or quality online learn-*
23 *ing during the summer months; plan for and coordinate*
24 *during long-term closures, provide technology for quality*
25 *online learning to all students, and how to support the*

1 *needs of low-income students, racial and ethnic minorities,*
2 *students with disabilities, English learners (including*
3 *through such activities as are authorized under Title III*
4 *of the ESEA, such as ensuring the access of English learners*
5 *to online learning, supporting professional development on*
6 *digital instruction for English learners, engagement with*
7 *the parents of English learners, expanded summer and*
8 *after-school programs, and mental health supports), stu-*
9 *dents experiencing homelessness, and children in foster care,*
10 *including how to address learning gaps that are created or*
11 *exacerbated due to long-term closures; support the con-*
12 *tinuity of student engagement through social and emotional*
13 *learning; and other activities that are necessary to main-*
14 *tain the operation of and continuity of services in local edu-*
15 *cational agencies, including maintaining employment of*
16 *existing personnel, and reimbursement for eligible costs in-*
17 *curring during the national emergency: Provided further,*
18 *That a public institution of higher education that receives*
19 *funds under this heading shall use funds for education and*
20 *general expenditures (including defraying expenses due to*
21 *lost revenue, reimbursement for expenses already incurred,*
22 *and payroll) and grants to students for expenses directly*
23 *related to coronavirus and the disruption of campus oper-*
24 *ations (which may include emergency financial aid to stu-*
25 *dents for tuition, food, housing, technology, health care, and*

1 *child care costs that shall not be required to be repaid by*
2 *such students) or for the acquisition of technology and serv-*
3 *ices directly related to the need for distance education and*
4 *the training of faculty and staff to use such technology and*
5 *services (which shall not include payment to contractors for*
6 *the provision of pre-enrollment recruitment activities): Pro-*
7 *vided further, That an institution of higher education may*
8 *not use funds received under this heading to increase its*
9 *endowment or provide funding for capital outlays associ-*
10 *ated with facilities related to athletics, sectarian instruc-*
11 *tion, or religious worship: Provided further, That funds*
12 *may be used to support hourly workers, such as education*
13 *support professionals, classified school employees, and ad-*
14 *junct and contingent faculty: Provided further, That a Gov-*
15 *ernor of a State desiring to receive an allocation under this*
16 *heading shall submit an application at such time, in such*
17 *manner, and containing such information as the Secretary*
18 *may reasonably require: Provided further, That the Sec-*
19 *retary shall issue a notice inviting applications not later*
20 *than 15 days after the date of enactment of this Act: Pro-*
21 *vided further, That any State receiving funding under this*
22 *heading shall maintain its percent of total spending on ele-*
23 *mentary, secondary, and postsecondary education in fiscal*
24 *year 2019 for fiscal years 2020, 2021, and 2022: Provided*
25 *further, That a State's application shall include assurances*

1 *that the State will maintain support for elementary and*
2 *secondary education in fiscal year 2020, fiscal year 2021,*
3 *and fiscal year 2022 at least at the level of such support*
4 *that is the average of such State's support for elementary*
5 *and secondary education in the 3 fiscal years preceding the*
6 *fiscal year for which State support for elementary and sec-*
7 *ondary education is provided: Provided further, That any*
8 *State receiving funding under this heading shall maintain*
9 *or exceed its per pupil spending on elementary and sec-*
10 *ondary education in fiscal year 2019 or the proportion of*
11 *such State's spending on elementary and secondary edu-*
12 *cation in fiscal year 2019 for fiscal years 2020, 2021, and*
13 *2022: Provided further, That a State educational agency*
14 *shall only be eligible to receive funds under this Act if the*
15 *State in which such agency is located, in either of fiscal*
16 *years 2021 and 2022, does not reduce State funding for a*
17 *high-need local educational agency (defined as a local edu-*
18 *cational agency that has a higher percentage of economi-*
19 *cally disadvantaged students than the median local edu-*
20 *cational agency in the state) such that the per-pupil reduc-*
21 *tion in State funds in each such high-need local educational*
22 *agency is more than the overall per-pupil reduction in State*
23 *funds, as calculated by the total reduction in State funds*
24 *provided to all local educational agencies in the State di-*
25 *vided by the total student enrollment across all local edu-*

1 *cational agencies in the State: Provided further, That a*
2 *State's application shall include assurances that the State*
3 *will maintain State support for higher education (not in-*
4 *cluding support for capital projects or for research and de-*
5 *velopment or tuition and fees paid by students) in fiscal*
6 *year 2020, fiscal year 2021, and fiscal year 2022 at least*
7 *at the level of such support that is the average of such*
8 *State's support for higher education (which shall include*
9 *State and local government funding to institutions of higher*
10 *education and state financial aid) in the 3 fiscal years pre-*
11 *ceding the fiscal year for which State support for higher*
12 *education is provided, and that any such State's support*
13 *for higher education funding, as calculated as spending for*
14 *public higher education per full-time equivalent student,*
15 *shall be at least the same in fiscal year 2022 as it was*
16 *in fiscal year 2019: Provided further, That in such applica-*
17 *tion, the Governor shall provide baseline data that dem-*
18 *onstrates the State's current status in each of the areas de-*
19 *scribed in such assurances in the preceding provisos: Pro-*
20 *vided further, That a State's application shall include as-*
21 *surances that the State will not construe any provisions*
22 *under this heading as displacing any otherwise applicable*
23 *provision of any collective-bargaining agreement between*
24 *an eligible entity and a labor organization as defined by*
25 *section 2(5) of the National Labor Relations Act (29 U.S.C.*

1 152(5)) or analogous State law: Provided further, That a
2 State's application shall include assurances that the State
3 shall maintain the wages, benefits, and other terms and con-
4 ditions of employment set forth in any collective-bargaining
5 agreement between the eligible entity and a labor organiza-
6 tion, as defined in the preceding proviso: Provided further,
7 That a State's application shall include assurances that all
8 students with disabilities (as defined by section 602 of
9 IDEA) are afforded their full rights under IDEA, including
10 all rights and services outlined in individualized education
11 programs ("IEPs") (as defined in section 614(d) of IDEA),
12 individualized family services plans (as defined by section
13 636 of IDEA), and in section 504 of the Rehabilitation Act
14 of 1973: Provided further, That a State receiving funds
15 under this heading shall submit a report to the Secretary,
16 at such time and in such manner as the Secretary may
17 require, that describes the use of funds provided under this
18 heading: Provided further, That no recipient of funds under
19 this heading shall use funds to provide financial assistance
20 to students to attend private elementary or secondary
21 schools, unless such funds are used to provide special edu-
22 cation and related services to children with disabilities
23 whose IEPs require such placement, and where the school
24 district maintains responsibility for providing such chil-
25 dren a free appropriate public education, as authorized by

1 *IDEA: Provided further, That a local educational agency,*
2 *State, institution of higher education, or other entity that*
3 *receives funds under “State Fiscal Stabilization Fund”,*
4 *shall to the greatest extent practicable, continue to pay its*
5 *employees and contractors during the period of any disrup-*
6 *tions or closures related to coronavirus: Provided further,*
7 *That the terms “elementary education” and “secondary*
8 *education” have the meaning given such terms under State*
9 *law: Provided further, That the term “institution of higher*
10 *education” has the meaning given such term in section 101*
11 *of the Higher Education Act of 1965: Provided further, That*
12 *the term “fiscal year” shall have the meaning given such*
13 *term under State law: Provided further, That the term*
14 *“State” means each of the 50 States, the District of Colum-*
15 *bia, and the Commonwealth of Puerto Rico: Provided fur-*
16 *ther, That such amount is designated by the Congress as*
17 *being for an emergency requirement pursuant to section*
18 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985.*

20 *ELEMENTARY AND SECONDARY SCHOOL EMERGENCY*

21 *FACILITIES AID*

22 *For an additional amount for “Elementary and Sec-*
23 *ondary School Emergency Facilities Aid”, \$5,000,000,000*
24 *to prevent, prepare for, and respond to coronavirus: Pro-*
25 *vided, That such amount is designated by the Congress as*

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

4 *ADMINISTRATIVE PROVISION—ELEMENTARY AND*
5 *SECONDARY SCHOOL EMERGENCY FACILITIES AID*

6 *SEC. 804. (a)(1) GRANTS.—From the amount made*
7 *available under this heading in this Act, the Secretary shall*
8 *make elementary and secondary school emergency facilities*
9 *grants to each State educational agency with an approved*
10 *application. The Secretary shall issue a notice inviting ap-*
11 *plications not later than 30 days of enactment of this Act*
12 *and approve or deny applications not later than 30 days*
13 *after receipt.*

14 *(2) For purposes of this section, a State des-*
15 *ignated agency shall mean the State educational*
16 *agency, unless the Governor of a State designates a*
17 *State agency other than the educational agency as re-*
18 *sponsible for school facilities improvement under this*
19 *section and informs the Secretary of such designation*
20 *and the term “State” means each of the 50 States, the*
21 *District of Columbia, and the Commonwealth of Puer-*
22 *to Rico .*

23 *(b)(1) ALLOCATIONS TO STATES.—The amount of each*
24 *grant under subsection (a) shall be allocated by the Sec-*
25 *retary to each State in the same proportion as each State*

1 *received under part A of title I of the ESEA of 1965 in*
2 *the most recent fiscal year.*

3 (2) *STATE RESERVATION.—A State may reserve*
4 *not more than ½ of 1 percent for administration*
5 *costs.*

6 (3) *RESERVATION FOR OUTLYING AREAS AND BU-*
7 *REAU OF INDIAN EDUCATION-FUNDED SCHOOLS.—The*
8 *Secretary shall reserve from the amount made avail-*
9 *able under this heading in this Act—*

10 (A) *one-half of 1 percent, to provide assist-*
11 *ance to the outlying areas; and*

12 (B) *one-half of 1 percent, for payments to*
13 *the Secretary of the Interior to provide assist-*
14 *ance to Bureau of Indian Education-funded*
15 *schools.*

16 (c) *SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—*
17 *Within 60 days of the State's approved application under*
18 *paragraph (a), each State shall allocate the remaining*
19 *grant funds awarded to the State under this section as sub-*
20 *grants to local educational agencies in the State, with the*
21 *grant funds allocated to the local educational agencies with*
22 *the highest percentages of students eligible for a free or re-*
23 *duced price lunch under the Richard B. Russell National*
24 *School Lunch Act (42. U.S.C. 1751 et. seq.) with the public*

1 *school facilities with the highest needs related to the*
2 *coronavirus as determined by the State.*

3 (1) *PUBLIC NOTICE.*—*The State educational*
4 *agency shall make subgrant information available to*
5 *the public on the State educational agency website,*
6 *including the local educational agencies that received*
7 *subgrant awards and the amounts provided to each*
8 *local educational agency.*

9 (2) *SUBGRANT APPLICATIONS.*—*To be considered*
10 *for a subgrant under this section, a qualified local*
11 *educational agency shall submit an application to the*
12 *State educational agency that shall include at min-*
13 *imum—*

14 (A) *a description of the coronavirus-related*
15 *school facility needs within the local educational*
16 *agency; and*

17 (B) *an estimate of how much addressing the*
18 *coronavirus-related facility needs will cost.*

19 (d) *USES OF FUNDS.*—*A local educational agency that*
20 *receives funds under this section may use the funds for any*
21 *of the following:*

22 (1) *School facility repairs and improvements to*
23 *enable operation of schools to reduce risk of virus*
24 *transmission and exposure to environmental health*
25 *hazards, and to support student health needs.*

1 (2) *Inspection, testing, maintenance, repair, re-*
2 *placement, and upgrade projects to improve the in-*
3 *door air quality in school facilities, including me-*
4 *chanical and non-mechanical heating, ventilation,*
5 *and air conditioning systems, filtering, purification*
6 *and other air cleaning, fans, control systems, and*
7 *window and door repair and replacement.*

8 (3) *School facility repairs and improvements to*
9 *support improved personal hygiene, such as repair,*
10 *replacement, and installation of sinks for hand wash-*
11 *ing and touchless water dispensers for drinking, and*
12 *health isolation areas.*

13 (4) *Inspection, testing, maintenance, repair, and*
14 *replacement of school facility potable water systems to*
15 *provide safe drinking water after prolonged shutoffs.*

16 (5) *Improvements to finishes, such as painting*
17 *and other surface repair, needed to enable effective*
18 *sanitizing.*

19 (6) *Improvements to school grounds needed to en-*
20 *able outdoor instruction and other physically*
21 *distanced school activities.*

22 (7) *Training of school facility staff in associa-*
23 *tion with the above uses of funds.*

1 (8) *Planning, assessment, management, design,*
2 *renovation, repair and construction activities in asso-*
3 *ciation with the above uses of funds.*

4 (9) *Inspection, testing, maintenance, repair, re-*
5 *placement, and upgrade projects to electrical systems*
6 *to allow or improve information technology to provide*
7 *virtual education.*

8 (e) *PRIORITY.*—*A local educational agency that re-*
9 *ceives funds under this section shall prioritize funds for its*
10 *school facilities that have the most significant facility im-*
11 *provement needs with respect to responding to covid-19, in-*
12 *cluding those identified by the Centers for Disease Control*
13 *and Prevention.*

14 (f) *REPORTING.*—(1) *The local educational agency*
15 *shall include the following information in a report to the*
16 *State educational agency within 60 days of receipt of grant*
17 *funds—*

18 (A) *which schools benefitted from the funds in*
19 *this section;*

20 (B) *how much funding each selected school re-*
21 *ceived; and*

22 (C) *a description of how the grant funds were*
23 *used.*

1 *for expenses already incurred, technology costs associated*
2 *with a transition to distance education, sign language and*
3 *captioning costs associated with a transition to distance*
4 *education, faculty and staff trainings, and payroll) directly*
5 *caused by coronavirus and to enable emergency financial*
6 *aid to students for expenses directly related to coronavirus*
7 *and the disruption of university operations (which may in-*
8 *clude food, housing, transportation, technology, health care,*
9 *and child care), of which \$20,000,000 shall be transferred*
10 *to “Howard University” to help defray expenses (which*
11 *may include lost revenue, reimbursement for expenses al-*
12 *ready incurred, technology costs associated with a transi-*
13 *tion to distance education, technology costs associated with*
14 *a transition to distance education, faculty and staff*
15 *trainings, and payroll) directly related to coronavirus and*
16 *to enable grants to students for expenses directly related to*
17 *coronavirus and the disruption of university operations*
18 *(which may include food, housing, transportation, tech-*
19 *nology, health care, and child care), of which \$11,000,000*
20 *shall be transferred to “Gallaudet University” to help de-*
21 *fray expenses (which may include lost revenue, reimburse-*
22 *ment for expenses already incurred, technology costs associ-*
23 *ated with a transition to distance education, sign language*
24 *and captioning costs associated with a transition to dis-*
25 *tance education, faculty and staff trainings, and payroll)*

1 *directly related to coronavirus and to enable grants to stu-*
2 *dents for expenses directly related to coronavirus and the*
3 *disruption of university operations (which may include*
4 *food, housing, transportation, technology, health care, and*
5 *child care), and of which the remaining amounts shall be*
6 *used to carry out parts A and B of title III, parts A and*
7 *B of title V, subpart 4 of part A of title VII, and part B*
8 *of title VII of the Higher Education Act of 1965 (“HEA”)*
9 *as follows:*

10 (1) *\$3,500,000,000 for parts A and B of title III,*
11 *parts A and B of title V, and subpart 4 of part A*
12 *of title VII of the HEA to address needs directly re-*
13 *lated to coronavirus: Provided, That such amount*
14 *shall be allocated by the Secretary proportionally to*
15 *such programs covered under this paragraph and*
16 *based on the relative share of funding appropriated to*
17 *such programs in the Further Consolidated Appro-*
18 *priations Act, 2020 (Public Law 116–94) and distrib-*
19 *uted to institutions of higher education as follows:*

20 (A) *Except as otherwise provided in sub-*
21 *paragraph (B), for eligible institutions under*
22 *part B of title III and subpart 4 of part A of*
23 *title VII of the Higher Education Act, the Sec-*
24 *retary shall allot to each eligible institution an*
25 *amount using the following formula:*

1 (i) 70 percent according to a ratio
2 equivalent to the number of Pell Grant re-
3 cipients in attendance at such institution at
4 the end of the school year preceding the be-
5 ginning of that fiscal year and the total
6 number of Pell Grant recipients at all such
7 institutions;

8 (ii) 20 percent according to a ratio
9 equivalent to the total number of students
10 enrolled at such institution at the end of the
11 school year preceding the beginning of that
12 fiscal year and the number of students en-
13 rolled at all such institutions; and

14 (iii) 10 percent according to a ratio
15 equivalent to the total endowment size at all
16 eligible institutions at the end of the school
17 year preceding the beginning of that fiscal
18 year and the total endowment size at such
19 institutions;

20 (B) For eligible institutions under section
21 326 of the Higher Education Act, the Secretary
22 shall allot to each eligible institution an amount
23 in proportion to the award received from fund-
24 ing for such institutions in the Further Consoli-

1 *dated Appropriations Act, 2020 (Public Law*
2 *116–94);*

3 *(C) For eligible institutions under section*
4 *316 of the Higher Education Act, the Secretary*
5 *shall allot funding according to the formula in*
6 *section 316(d)(3) of the Higher Education Act;*

7 *(D) Notwithstanding section 318(f) of the*
8 *Higher Education Act, for eligible institutions*
9 *under section 318 of the Higher Education Act,*
10 *the Secretary shall allot funding according to the*
11 *formula in section 318(e) of the Higher Edu-*
12 *cation Act;*

13 *(E) Except as provided in subparagraphs*
14 *(C) and (D), for eligible institutions under part*
15 *A of title III of the Higher Education Act and*
16 *parts A and B of title V, the Secretary shall*
17 *issue an application for eligible institutions to*
18 *demonstrate unmet need, and the Secretary shall*
19 *allow eligible institutions to apply for funds*
20 *under one of the programs for which they are eli-*
21 *gible.*

22 *(2) \$8,400,000,000 for part B of title VII of the*
23 *HEA for institutions of higher education (as defined*
24 *in section 101 or 102(c) of the HEA) to address needs*
25 *directly related to coronavirus as follows:*

1 (A) \$7,000,000,000 shall be provided to pri-
2 vate, nonprofit institutions of higher education,
3 by apportioning—

4 (i) 75 percent according to the relative
5 share of enrollment of Federal Pell Grant
6 recipients who are not exclusively enrolled
7 in distance education courses prior to the
8 coronavirus emergency; and

9 (ii) 25 percent according to the relative
10 share of the total enrollment of students who
11 were not Federal Pell Grant recipients who
12 are not exclusively enrolled in distance edu-
13 cation courses prior to the coronavirus
14 emergency.

15 (B) \$1,400,000,000 shall be for institutions
16 of higher education with unmet need related to
17 the coronavirus, including institutions of higher
18 education that offer their courses and programs
19 exclusively through distance education:

20 *Provided, That funds shall be used to make payments to*
21 *such institutions to provide emergency grants to students*
22 *who attended such institutions at any point during the*
23 *coronavirus emergency and for any component of the stu-*
24 *dent's cost of attendance (as defined under section 472 of*
25 *the HEA), including tuition, food, housing, course mate-*

1 rials, technology, health care, and child care): Provided fur-
2 ther, That institutions of higher education may use such
3 funds to defray expenses (including lost revenue, reimburse-
4 ment for expenses already incurred, technology costs associ-
5 ated with a transition to distance education, faculty and
6 staff trainings, and payroll) incurred by institutions of
7 higher education: Provided further, That such payments
8 shall not be used to increase endowments, to pay contractors
9 for the provision of pre-enrollment recruitment activities,
10 or provide funding for capital outlays associated with fa-
11 cilities related to athletics, sectarian instruction, or reli-
12 gious worship: Provided further, That any private, non-
13 profit institution of higher education that is not otherwise
14 eligible for a grant of at least \$1,000,000 under paragraph
15 (2)(A)(ii) of this heading and has a total enrollment of at
16 least 500 students shall be eligible to receive, from amounts
17 reserved under paragraph (2)(A)(i), an amount equal to
18 whichever is the lesser of the total loss of revenue and in-
19 creased costs associated with the coronavirus or \$1,000,000:
20 Provided further, That of the funds provided under para-
21 graph 2(B), the Secretary shall make an application avail-
22 able for institutions of higher education to demonstrate
23 unmet need, which shall include for this purpose a dramatic
24 decline in revenue as a result of campus closure, exceptional
25 costs or challenges implementing distance education plat-

1 *forms due to lack of a technological infrastructure, serving*
2 *a large percentage of students who lack access to adequate*
3 *technology to move to distance education, serving a region*
4 *or community that has been especially impacted by in-*
5 *creased unemployment and displaced workers, serving com-*
6 *munities or regions where the number of coronavirus cases*
7 *has imposed exceptional costs on the institution, and other*
8 *criteria that the Secretary shall identify after consultation*
9 *with institutions of higher education or their representa-*
10 *tives: Provided further, That no institution may receive an*
11 *award under the preceding proviso unless it has submitted*
12 *an application that describes the impact of the coronavirus*
13 *on the institution and the ways that the institution will*
14 *use the funds to ameliorate such impact: Provided further,*
15 *That the Secretary shall reallocate any funds received from*
16 *an institution to remaining institutions in accordance with*
17 *paragraph 2(A): Provided further, That the Secretary shall*
18 *brief the Committees on Appropriations fifteen days in ad-*
19 *vance of making any application available for funds under*
20 *paragraph (2)(B): Provided further, That such amount is*
21 *designated by the Congress as being for an emergency re-*
22 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
23 *anced Budget and Emergency Deficit Control Act of 1985.*

1 *INSTITUTE OF EDUCATION SCIENCES*

2 *For an additional amount for “Institute of Education*
3 *Sciences”, \$32,000,000 to prevent, prepare for, and respond*
4 *to coronavirus for carrying out the National Assessment of*
5 *Educational Progress Authorization Act (title III of Public*
6 *Law 107–279): Provided, That such amount is designated*
7 *by the Congress as being for an emergency requirement pur-*
8 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *DEPARTMENTAL MANAGEMENT*11 *OFFICE OF INSPECTOR GENERAL*

12 *For an additional amount for “Office of Inspector*
13 *General”, \$7,000,000, to remain available until expended,*
14 *to prevent, prepare for, and respond to coronavirus, includ-*
15 *ing for salaries and expenses necessary for oversight, inves-*
16 *tigations and audits of programs, grants, and projects fund-*
17 *ed in this Act to respond to coronavirus: Provided, That*
18 *such amount is designated by the Congress as being for an*
19 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
20 *of the Balanced Budget and Emergency Deficit Control Act*
21 *of 1985.*

22 *GENERAL PROVISIONS—DEPARTMENT OF EDUCATION*

23 *SEC. 805. The remaining unobligated balances of funds*
24 *made available to “Department of Education—Office of In-*
25 *spector General” in title VIII of division B of the CARES*

1 *Act (Public Law 116–136) are hereby rescinded, and an*
2 *amount of additional new budget authority equivalent to*
3 *the amount rescinded is hereby appropriated, for an addi-*
4 *tional amount for fiscal year 2021, to remain available*
5 *until expended, for the same purposes and under the same*
6 *authorities as they were originally appropriated, and shall*
7 *be in addition to any other funds available for such pur-*
8 *poses: Provided, That the amounts appropriated by this sec-*
9 *tion may also be used for investigations and are available*
10 *until expended: Provided further, That amounts rescinded*
11 *pursuant to this section that were previously designated by*
12 *the Congress as an emergency requirement pursuant to the*
13 *Balanced Budget and Emergency Deficit Control Act of*
14 *1985 are designated by the Congress as being for an emer-*
15 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
16 *the Balanced Budget and Emergency Deficit Control Act*
17 *of 1985: Provided further, That such amount is designated*
18 *by the Congress as being for an emergency requirement pur-*
19 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *SEC. 806. Section 18004(c) of the Coronavirus Aid,*
22 *Relief, and Economic Security Act (P.L. 116–136) is*
23 *amended by striking “to cover any costs associated with sig-*
24 *nificant changes to the delivery of instruction due to the*
25 *coronavirus” and inserting “to defray expenses (including*

1 *lost revenue, reimbursement for expenses already incurred,*
2 *technology costs associated with a transition to distance*
3 *education, faculty and staff trainings, payroll) incurred by*
4 *institutions of higher education.”: Provided, That amounts*
5 *repurposed pursuant to the amendment made by this sec-*
6 *tion that were previously designated by the Congress as an*
7 *emergency requirement pursuant to the Balanced Budget*
8 *and Emergency Deficit Control Act of 1985 are designated*
9 *by the Congress as an emergency requirement pursuant to*
10 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
11 *gency Deficit Control Act of 1985.*

12 *SEC. 807. With respect to the allocation and award*
13 *of funds under this title, the Secretary of Education is pro-*
14 *hibited from—*

15 *(a) establishing a priority or preference not specified*
16 *in this title; and*

17 *(b) imposing limits on the use of such funds not speci-*
18 *fied in this title.*

19 *SEC. 808. (a) LOCAL ACTIVITIES AND IN-PERSON*
20 *CARE.—Notwithstanding each provision in part B of title*
21 *IV of the Elementary and Secondary Education Act of 1965*
22 *(20 U.S.C. 7171 et seq.) that requires activities under such*
23 *part to be carried out during nonschool hours or periods*
24 *when school is not in session, for school year 2020–2021,*
25 *an eligible entity that is awarded a subgrant under section*

1 4204 of such Act (20 U.S.C. 7174) for community learning
2 centers may use such subgrant funds—

3 (1) to carry out activities described in section
4 4205 of such Act (20 U.S.C. 7175), regardless of
5 whether such activities are conducted in-person or
6 virtually, or during school hours or when school is in
7 session; and

8 (2) to provide in-person care during—

9 (A) the regular school day for students eligi-
10 ble to receive services under part B of title IV of
11 such Act (20 U.S.C. 7171 et seq.); and

12 (B) a period in which full-time in-person
13 instruction is not available for all such students
14 served by such eligible entity.

15 (b) REQUIREMENTS.—An eligible entity may carry out
16 the activities described in subsection (a)(1) and the in-per-
17 son care described in subsection (a)(2) if—

18 (1) such activities and in-person care supple-
19 ment but do not supplant regular school day require-
20 ments;

21 (2) such eligible entity complies with section
22 4204(b)(2)(D) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7174(b)(2)(D)) with re-
24 spect to the activities carried out pursuant to this
25 Act; and

1 *and respond to coronavirus, including to carry out the Do-*
2 *mestic Volunteer Service Act of 1973 (“1973 Act”) and the*
3 *National and Community Service Act of 1990 (“1990*
4 *Act”): Provided, That \$228,000,000 of the funds made*
5 *available in this paragraph may be used to make new and*
6 *additional awards to new and existing AmeriCorps grant-*
7 *ees and may be used to provide adjustments to awards*
8 *under subtitle C of title I of the 1990 Act for which the*
9 *Chief Executive Officer of CNCS determines that a waiver*
10 *of the Federal share limitation is warranted under section*
11 *2521.70 of title 45 of the Code of Federal Regulations: Pro-*
12 *vided further, That of the amount provided in this para-*
13 *graph, \$26,000,000 shall be for programs under title I, part*
14 *A of the 1973 Act: Provided further, That of the amount*
15 *provided in this paragraph, \$35,000,000 shall be for pro-*
16 *grams under title II of the 1973 Act, and not less than*
17 *\$23,000,000 of these funds shall be available for the pro-*
18 *gram under title II, part C of the 1973 Act: Provided fur-*
19 *ther, That of the amounts provided under this paragraph:*
20 *(1) up to 1 percent of the funds in this paragraph may*
21 *be used to defray the costs of conducting grant application*
22 *reviews, including the use of outside peer reviewers and elec-*
23 *tronic management of the grants cycle; (2) \$9,000,000 shall*
24 *be available to provide assistance to State commissions on*
25 *national and community service, under section 126(a) of*

1 *the 1990 Act; (3) \$5,000,000 shall be available to carry out*
2 *subtitle E of the 1990 Act; and (4) \$12,000,000 shall be*
3 *available for expenses authorized under section*
4 *501(a)(4)(F) of the 1990 Act, which shall be awarded by*
5 *CNCS on a competitive basis: Provided further, That for*
6 *the purposes of carrying out the 1990 Act, satisfying the*
7 *requirements in section 122(c)(1)(D) of such Act may in-*
8 *clude a determination of need by the local community: Pro-*
9 *vided further, That up to \$21,000,000 may be transferred*
10 *for necessary expenses of administration as provided under*
11 *section 501(a)(5) of the 1990 Act and under section 504(a)*
12 *of the 1973 Act: Provided further, That such amount is des-*
13 *ignated by the Congress as being for an emergency require-*
14 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
15 *Budget and Emergency Deficit Control Act of 1985.*

16 *PAYMENT TO THE NATIONAL SERVICE TRUST*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “National Service*
19 *Trust”, \$14,000,000, to remain available until expended:*
20 *Provided, That CNCS may transfer additional funds from*
21 *the amount provided under the heading “Corporation for*
22 *National and Community Service” in this Act for grants*
23 *made under subtitle C of title I of the 1990 Act to this ap-*
24 *propriation upon determination that such transfer is nec-*
25 *essary to support the activities of national service partici-*

1 *pants and after notice is transmitted to the Committees on*
2 *Appropriations of the House of Representatives and the*
3 *Senate: Provided further, That the amount appropriated for*
4 *or transferred to the National Service Trust may be invested*
5 *under section 145(b) of the 1990 Act without regard to the*
6 *requirement to apportion funds under 31 U.S.C. 1513(b):*
7 *Provided further, That such amount is designated by the*
8 *Congress as being for an emergency requirement pursuant*
9 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *CORPORATION FOR PUBLIC BROADCASTING*

12 *For an additional amount for fiscal year 2021 for*
13 *“Corporation for Public Broadcasting,” \$175,000,000 to*
14 *prevent, prepare for, and respond to coronavirus, including*
15 *for fiscal stabilization grants to public telecommunications*
16 *entities, as defined by 47 U.S.C. 397(12), with no deduction*
17 *for administrative or other costs of the Corporation, to*
18 *maintain programming and services and preserve small*
19 *and rural stations threatened by declines in non-Federal*
20 *revenues: Provided, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

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

6 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

7 *For an additional amount for “Office of the Inspector*
8 *General”, \$500,000, to remain available until expended, to*
9 *prevent, prepare for, and respond to coronavirus, including*
10 *salaries and expenses necessary for oversight, investigations*
11 *and audits of the Railroad Retirement Board and railroad*
12 *unemployment insurance benefits funded in this Act and*
13 *Public Law 116–136: Provided, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *SOCIAL SECURITY ADMINISTRATION*

18 *LIMITATION ON ADMINISTRATIVE EXPENSES*

19 *For an additional amount for “Limitation on Admin-*
20 *istrative Expenses”, \$40,500,000, to prevent, prepare for,*
21 *and respond to coronavirus, domestically or internation-*
22 *ally, for necessary expenses to carry out additional recovery*
23 *rebates to individuals, as described in section 101 of divi-*
24 *sion F of this Act: Provided, That of the amount made*
25 *available under this heading in this Act, \$2,500,000, to re-*

1 *main available until September 30, 2025, shall be trans-*
2 *ferred to “Social Security Administration—Office of In-*
3 *pector General” for necessary expenses in carrying out the*
4 *provisions of the Inspector General Act of 1978: Provided*
5 *further, That such amount is designated by the Congress*
6 *as being for an emergency requirement pursuant to section*
7 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
8 *Deficit Control Act of 1985.*

9 **GENERAL PROVISIONS—THIS TITLE**

10 *SEC. 810. Notwithstanding any other provision of law,*
11 *funds made available under each heading in this title shall*
12 *only be used for the purposes specifically described under*
13 *that heading.*

14 *SEC. 811. Funds appropriated by this title may be*
15 *used by the Secretary of the Department of Health and*
16 *Human Services to appoint, without regard to the provi-*
17 *sions of sections 3309 through 3319 of title 5 of the United*
18 *States Code, candidates needed for positions to perform crit-*
19 *ical work relating to coronavirus for which—*

20 *(1) public notice has been given; and*

21 *(2) the Secretary has determined that such a*
22 *public health threat exists.*

23 *SEC. 812. Funds made available by this title may be*
24 *used to enter into contracts with individuals for the provi-*
25 *sion of personal services (as described in section 104 of part*

1 37 of title 48, Code of Federal Regulations (48 CFR
2 37.104)) to support the prevention of, preparation for, or
3 response to coronavirus, domestically and internationally,
4 subject to prior notification to the Committees on Appro-
5 priations of the House of Representatives and the Senate:
6 Provided, That such individuals may not be deemed em-
7 ployees of the United States for the purpose of any law ad-
8 ministered by the Office of Personnel Management: Pro-
9 vided further, That the authority made available pursuant
10 to this section shall expire on September 30, 2024.

11 *SEC. 813. Not later than 30 days after the date of en-*
12 *actment of this Act, the Secretary of Health and Human*
13 *Services shall provide a detailed spend plan of anticipated*
14 *uses of funds made available to the Department of Health*
15 *and Human Services in this Act, including estimated per-*
16 *sonnel and administrative costs, to the Committees on Ap-*
17 *propriations of the House of Representatives and the Sen-*
18 *ate: Provided, That such plans shall be updated and sub-*
19 *mitted to such Committees every 60 days until September*
20 *30, 2024: Provided further, That the spend plans shall be*
21 *accompanied by a listing of each contract obligation in-*
22 *curred that exceeds \$5,000,000 which has not previously*
23 *been reported, including the amount of each such obligation.*

24 *SEC. 814. Of the funds appropriated by this title under*
25 *the heading “Public Health and Social Services Emergency*

1 *Fund*”, \$25,000,000 shall be transferred to, and merged
2 with, funds made available under the heading “Office of the
3 Secretary, Office of Inspector General”, and shall remain
4 available until expended, for oversight of activities sup-
5 ported with funds appropriated to the Department of
6 Health and Human Services in this Act: Provided, That
7 the Inspector General of the Department of Health and
8 Human Services shall consult with the Committees on Ap-
9 propriations of the House of Representatives and the Senate
10 prior to obligating such funds: Provided further, That the
11 transfer authority provided by this section is in addition
12 to any other transfer authority provided by law.

13 *TITLE IX*

14 *LEGISLATIVE BRANCH*

15 *SENATE*

16 *CONTINGENT EXPENSES OF THE SENATE*

17 *SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE*

18 *For an additional amount for “Sergeant at Arms and*
19 *Doorkeeper of the Senate”, \$6,345,000, to remain available*
20 *until expended, to prevent, prepare for, and respond to*
21 *coronavirus, which shall be allocated in accordance with a*
22 *spend plan submitted to the Committee on Appropriations*
23 *of the Senate: Provided, That such amount is designated*
24 *by the Congress as being for an emergency requirement pur-*

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

3 *HOUSE OF REPRESENTATIVES*

4 *ALLOWANCES AND EXPENSES*

5 *For an additional amount for “Allowances and Ex-*
6 *penses”, \$37,000,000, to remain available until expended,*
7 *for necessary expenses for Business Continuity and Disaster*
8 *Recovery, to prevent, prepare for, and respond to*
9 *coronavirus, to be allocated in accordance with a spend*
10 *plan submitted to the Committee on Appropriations of the*
11 *House of Representatives by the Chief Administrative Offi-*
12 *cer and approved by such Committee: Provided, That such*
13 *amount is designated by the Congress as being for an emer-*
14 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
15 *the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *JOINT ITEMS*

18 *OFFICE OF THE ATTENDING PHYSICIAN*

19 *For an additional amount for “Office of the Attending*
20 *Physician”, \$600,000, to remain available until expended,*
21 *to prevent, prepare for, and respond to coronavirus: Pro-*
22 *vided, That such amount is designated by the Congress as*
23 *being for an emergency requirement pursuant to section*
24 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
25 *Deficit Control Act of 1985.*

1 *CAPITOL POLICE*2 *SALARIES*3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For an additional amount for “Salaries”,*
5 *\$12,000,000, to prevent, prepare for, and respond to*
6 *coronavirus: Provided, That amounts provided under this*
7 *heading in this Act may be transferred between Capitol Po-*
8 *lice “Salaries” and “General Expenses” for the purposes*
9 *provided herein without the approval requirement of section*
10 *1001 of the Legislative Branch Appropriations Act, 2014*
11 *(2 U.S.C. 1907a); Provided further, That such amount is*
12 *designated by the Congress as being for an emergency re-*
13 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
14 *anced Budget and Emergency Deficit Control Act of 1985.*

15 *CONGRESSIONAL BUDGET OFFICE*16 *SALARIES AND EXPENSES*

17 *For an additional amount for “Salaries and Ex-*
18 *penses”, \$1,200,000, to prevent, prepare for, and respond*
19 *to coronavirus: Provided, That such amount is designated*
20 *by the Congress as being for an emergency requirement pur-*
21 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
22 *Emergency Deficit Control Act of 1985.*

1 *ARCHITECT OF THE CAPITOL*2 *CAPITAL CONSTRUCTION AND OPERATIONS*

3 *For an additional amount for “Capital Construction*
4 *and Operations”, \$150,000,000, to remain available until*
5 *expended, to supplement the funding made available to the*
6 *Architect for the purposes described in title IX of division*
7 *B of the CARES Act (Public Law 116–136): Provided, That*
8 *this additional amount also may be used for the purchase*
9 *and distribution of supplies to respond to coronavirus in-*
10 *cluding, but not limited to, cleaning and sanitation sup-*
11 *plies, masks and/or face coverings to Congressional offices,*
12 *committees, and visitors, including provisions for travel*
13 *and other necessary work carried out by staff in their Con-*
14 *gressional Districts and State Offices, wherever located:*
15 *Provided further, That such amount is designated by the*
16 *Congress as being for an emergency requirement pursuant*
17 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *LIBRARY OF CONGRESS*20 *SALARIES AND EXPENSES*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For an additional amount for “Salaries and Ex-*
23 *penses”, \$12,000,000, to prevent, prepare for, and respond*
24 *to coronavirus, including to offset losses resulting from the*
25 *coronavirus pandemic of amounts collected pursuant to the*

1 *Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C.*
2 *150), for revolving fund activities pursuant to sections 182*
3 *and 182a through 182e of title 2, United States Code, sec-*
4 *tions 708(d) and 1316 of title 17, United States Code, and*
5 *sections 111(d)(2), 119(b)(3), 803(e), and 1005 of such title,*
6 *and for reimbursement of the Little Scholars Child Develop-*
7 *ment Center for salaries for employees, as authorized by this*
8 *title: Provided, That the Library of Congress may transfer*
9 *amounts appropriated under this heading in this Act to*
10 *other applicable appropriations of the Library of Congress*
11 *to prevent, prepare for, and respond to coronavirus: Pro-*
12 *vided further, That such amount is designated by the Con-*
13 *gress as being for an emergency requirement pursuant to*
14 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985.*

16 **GOVERNMENT PUBLISHING OFFICE**

17 **GOVERNMENT PUBLISHING OFFICE BUSINESS**

18 **OPERATIONS REVOLVING FUND**

19 *For an additional amount for “Government Pub-*
20 *lishing Office Business Operations Revolving Fund”,*
21 *\$7,000,000, to prevent, prepare for, and respond to*
22 *coronavirus, which shall be for offsetting losses resulting*
23 *from the coronavirus pandemic of amounts collected pursu-*
24 *ant to section 309 of title 44, United States Code: Provided,*
25 *That funds appropriated under this heading in this Act*

1 *may be made available to restore amounts, either directly*
2 *or through reimbursement, for obligations incurred to pre-*
3 *vent, prepare for, and respond to coronavirus, domestically*
4 *or internationally, prior to the date of enactment of this*
5 *Act: Provided further, That such amount is designated by*
6 *the Congress as being for an emergency requirement pursu-*
7 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
8 *Emergency Deficit Control Act of 1985.*

9 **GOVERNMENT ACCOUNTABILITY OFFICE**

10 **SALARIES AND EXPENSES**

11 *For an additional amount for “Salaries and Ex-*
12 *penses”, \$88,500,000, to remain available until expended,*
13 *to prevent, prepare for, and respond to coronavirus, which*
14 *shall be for audits and investigations and for reimburse-*
15 *ment of the Tiny Findings Child Development Center for*
16 *salaries for employees, as authorized by this title: Provided,*
17 *That not later than 90 days after the date of enactment*
18 *of this Act, the Government Accountability Office shall sub-*
19 *mit to the Committees on Appropriations of the House of*
20 *Representatives and the Senate a spend plan specifying*
21 *funding estimates and a timeline for such audits and inves-*
22 *tigations: Provided further, That such amount is designated*
23 *by the Congress as being for an emergency requirement pur-*
24 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *GENERAL PROVISIONS—THIS TITLE*2 *SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND*
3 *EXPENSES OF SENATE EMPLOYEE CHILD CARE CENTER*

4 *SEC. 901. The Secretary of the Senate shall reimburse*
5 *the Senate Employee Child Care Center for personnel costs*
6 *incurred until September 30, 2021, for employees of such*
7 *Center who have been ordered to cease working due to meas-*
8 *ures taken in the Capitol complex to combat coronavirus,*
9 *from amounts in the appropriations account “Miscella-*
10 *neous Items” within the contingent fund of the Senate.*

11 *SEC. 902. Funds appropriated to the Architect of the*
12 *Capitol in this Act also may be used to restore amounts,*
13 *either directly or through reimbursement, for obligations in-*
14 *curred by the Architect to prevent, prepare for, and respond*
15 *to Coronavirus Disease 2019 (COVID–19) prior to the date*
16 *of enactment of this Act. Funds used to restore amounts*
17 *to other Architect of the Capitol accounts shall assume the*
18 *original period of availability of such accounts.*

19 *AUTHORITY OF ARCHITECT OF THE CAPITOL TO MAKE*
20 *EXPENDITURES IN RESPONSE TO EMERGENCIES*

21 *SEC. 903. (a) COVERAGE OF COMMUTING EX-*
22 *PENSES.—Section 1305(a)(2) of the Legislative Branch*
23 *Appropriations Act, 2010 (2 U.S.C. 1827(a)(2)) is amended*
24 *by inserting after “refreshments”, the following: “transpor-*
25 *tation and other related expenses incurred by employees in*

1 *commuting between their residence and their place of em-*
2 *ployment”.*

3 **(b) AUTHORITY TO PROVIDE SUPPLIES AND**
4 **SERVICES THROUGHOUT FACILITIES AND**
5 **GROUNDS UNDER THE ARCHITECT OF THE CAP-**
6 **ITOL’S CARE.**—*Section 1305 of the Legislative Branch*
7 *Appropriations Act, 2010 (2 U.S.C. 1827) is further*
8 *amended by inserting after subsection (a)(2), the following:*
9 *“(3) May accept contributions of, and incur obligations and*
10 *make expenditures for, supplies, products, services, and*
11 *operational costs necessary to respond to the emergency,*
12 *which may be provided throughout all facilities and*
13 *grounds under the care of the Architect of the Capitol wher-*
14 *ever located, on a reimbursable or non-reimbursable basis*
15 *subject to the availability of funds.”.*

16 **(c) EFFECTIVE DATE.**—*The amendment made by*
17 *subsections (a) and (b) shall apply with respect to fiscal*
18 *year 2020 and each succeeding fiscal year.*

19 **SEC. 904.** *Notwithstanding the provisions of section*
20 *6304(c) of title 5, United States Code, any annual leave*
21 *accumulated by an employee of the Government Publishing*
22 *Office in excess of the limits prescribed in section 6304(a)*
23 *of title 5, United States Code, remains to the credit of the*
24 *employee until December 31, 2021.*

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

8 *For an additional amount for “General Operating Ex-*
9 *penses, Veterans Benefits Administration”, \$338,000,000, to*
10 *prevent, prepare for, and respond to coronavirus, including*
11 *the elimination of backlogs that may have occurred: Pro-*
12 *vided, That amounts provided under this heading in this*
13 *Act made available for the elimination of backlogs may not*
14 *be used to increase the number of permanent positions: Pro-*
15 *vided further, That of the amounts provided under this*
16 *heading, up to \$198,000,000 shall be to improve the Veteran*
17 *Benefits Administration’s education systems, including im-*
18 *plementation of changes to chapters 30 through 36 of part*
19 *III of title 38, United States Code in the Harry W. Colmery*
20 *Veterans Educational Assistance Act of 2017 (Public Law*
21 *115–48), in a bill to authorize the Secretary of Veterans*
22 *Affairs to treat certain programs of education converted to*
23 *distance learning by reason of emergencies and health-re-*
24 *lated situations in the same manner as programs of edu-*
25 *cation pursued at educational institutions, and for other*

1 *purposes (Public Law 116–128), and in the Student Vet-*
2 *eran Coronavirus Response Act of 2020 (Public Law 116–*
3 *140): Provided further, That such amount is designated by*
4 *the Congress as being for an emergency requirement pursu-*
5 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
6 *Emergency Deficit Control Act of 1985.*

7 *VETERANS HEALTH ADMINISTRATION*

8 *MEDICAL COMMUNITY CARE*

9 *For an additional amount for “Medical Community*
10 *Care”, \$100,000,000, for a one-time emergency payment to*
11 *existing State Extended Care Facilities for Veterans, to pre-*
12 *vent, prepare for, and respond to coronavirus: Provided,*
13 *That such payments shall be in proportion to each State’s*
14 *share of the total resident capacity in such facilities as of*
15 *January 4, 2020 where such capacity includes only vet-*
16 *erans on whose behalf the Department pays a per diem*
17 *amount pursuant to 38 United States Code 1741 or 1745:*
18 *Provided further, That amounts made available to “Vet-*
19 *erans Health Administration—Medical Services” in divi-*
20 *sion B of Public Law 116–136, may be transferred to and*
21 *merged with the Medical Community Care account to be*
22 *used for the purposes provided under this heading in this*
23 *Act, and shall be in addition to any other amounts avail-*
24 *able for such purposes: Provided further, That amounts*
25 *transferred pursuant to the preceding proviso that were pre-*

1 *viously designated by the Congress as an emergency require-*
2 *ment pursuant to the Balanced Budget and Emergency Def-*
3 *icit Control Act of 1985 are designated by the Congress as*
4 *an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985: Provided further, That such*
7 *amount is designated by the Congress as being for an emer-*
8 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
9 *the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *NATIONAL CEMETERY ADMINISTRATION*

12 *For an additional amount for “National Cemetery Ad-*
13 *ministration”, \$26,000,000, to prevent, prepare for, and re-*
14 *spond to coronavirus: Provided, That such amount is des-*
15 *ignated by the Congress as being for an emergency require-*
16 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
17 *Budget and Emergency Deficit Control Act of 1985.*

18 *DEPARTMENTAL ADMINISTRATION*

19 *BOARD OF VETERANS APPEALS*

20 *For an additional amount for “Board of Veterans Ap-*
21 *peals”, \$4,000,000, to prevent, prepare for, and respond to*
22 *coronavirus: Provided, That such amount is designated by*
23 *the Congress as being for an emergency requirement pursu-*
24 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
25 *Emergency Deficit Control Act of 1985.*

1 *INFORMATION TECHNOLOGY SYSTEMS*

2 *For an additional amount for “Information Tech-*
3 *nology Systems”, \$45,000,000, to remain available until*
4 *September 30, 2021, to prevent, prepare for, and respond*
5 *to coronavirus: Provided, That amounts provided under*
6 *this heading shall be to improve the Veteran Benefits Ad-*
7 *ministration’s education systems, including implementa-*
8 *tion of changes to chapters 30 through 36 of part III of*
9 *title 38, United States Code in the Harry W. Colmery Vet-*
10 *erans Educational Assistance Act of 2017 (Public Law 115–*
11 *48), in a bill to authorize the Secretary of Veterans Affairs*
12 *to treat certain programs of education converted to distance*
13 *learning by reason of emergencies and health-related situa-*
14 *tions in the same manner as programs of education pursued*
15 *at educational institutions, and for other purposes (Public*
16 *Law 116–128), and in the Student Veteran Coronavirus*
17 *Response Act of 2020 (Public Law 116–140): Provided fur-*
18 *ther, That such amount is designated by the Congress as*
19 *being for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

1 *RELATED AGENCIES*
2 *DEPARTMENT OF DEFENSE—CIVIL*
3 *CEMETERIAL EXPENSES, ARMY*
4 *SALARIES AND EXPENSES*

5 *For an additional amount for “Salaries and Ex-*
6 *penses”, \$2,000,000, to prevent, prepare for, and respond*
7 *to coronavirus: Provided, That such amount is designated*
8 *by the Congress as being for an emergency requirement pur-*
9 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
10 *Emergency Deficit Control Act of 1985.*

11 *AMERICAN BATTLE MONUMENTS COMMISSION*
12 *SALARIES AND EXPENSES*

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

19 *GENERAL PROVISIONS—THIS TITLE*
20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 1001. Title X of division B of the Coronavirus*
22 *Aid, Relief, and Economic Security Act (Public Law 116–*
23 *136) is amended under the heading “Department of Vet-*
24 *erans Affairs—Departmental Administration—Grants for*
25 *Construction of State Extended Care Facilities” by striking*

1 *“including to modify or alter existing hospital, nursing*
2 *home, and domiciliary facilities in State homes: Provided,”*
3 *and inserting in lieu thereof the following: “which shall be*
4 *for modifying or altering existing hospital, nursing home,*
5 *and domiciliary facilities in State homes: Provided, That*
6 *the Secretary shall conduct a new competition or competi-*
7 *tions to award grants to States using funds provided under*
8 *this heading in this Act: Provided further, That such grants*
9 *may be made to reimburse States for the costs of modifica-*
10 *tions or alterations that have been initiated or completed*
11 *before an application for a grant under this section is ap-*
12 *proved by the Secretary: Provided further, That the use of*
13 *funds provided under this heading in this Act shall not be*
14 *subject to state matching fund requirement, application re-*
15 *quirements, cost thresholds, the priority list, deadlines,*
16 *award dates under sections 8134 and 8135 of title 38,*
17 *United States Code, and part 59 of chapter I of title 38,*
18 *Code of Federal Regulations, and shall not be subject to re-*
19 *quirements of section 501(d) of title 38, United States Code:*
20 *Provided further, That the Secretary may establish and ad-*
21 *just rolling deadlines for applications for such grants and*
22 *may issue multiple rounds of application periods for the*
23 *award of such grants under this section: Provided further,”:*
24 *Provided, That amounts repurposed pursuant to this sec-*
25 *tion that were previously designated by the Congress as an*

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

6 *SEC. 1002. Of the unobligated balances available to the*
7 *Department of Veterans Affairs from title X of division B*
8 *of the Coronavirus Aid, Relief, and Economic Security Act*
9 *(Public Law 116–136) for “Veterans Health Administra-*
10 *tion, Medical Services”, up to \$100,000,000 may be trans-*
11 *ferred to “Departmental Administration, Information*
12 *Technology Systems” to prevent, prepare for, and respond*
13 *to coronavirus, domestically or internationally, for im-*
14 *provements to supply chain systems including the Defense*
15 *Medical Logistics Standard Support system: Provided,*
16 *That not more than \$50,000,000 may be transferred to de-*
17 *velopment subaccount for the Supply Chain Management*
18 *project: Provided further, That the transferred funds shall*
19 *be in addition to any other funds made available for this*
20 *purpose: Provided further, That the amounts transferred in*
21 *this section that were previously designated by the Congress*
22 *as an emergency requirement pursuant to the Balanced*
23 *Budget and Emergency Deficit Control Act of 1985 are des-*
24 *ignated by the Congress as an emergency requirement pur-*

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

3

TITLE XI

4 *DEPARTMENT OF STATE, FOREIGN OPERATIONS,*
5 *AND RELATED PROGRAMS*

6

DEPARTMENT OF STATE

7

ADMINISTRATION OF FOREIGN AFFAIRS

8

DIPLOMATIC PROGRAMS

9 *For an additional amount for “Diplomatic Pro-*
10 *grams”, \$500,000,000, for necessary expenses to prevent,*
11 *prepare for, and respond to coronavirus, including for evac-*
12 *uation expenses, emergency preparedness, maintaining con-*
13 *sular operations, and other operations and maintenance re-*
14 *quirements related to the consequences of coronavirus, do-*
15 *mestically or internationally, of which \$425,000,000 shall*
16 *be for Consular and Border Security Programs, to remain*
17 *available until expended, for offsetting losses resulting from*
18 *the coronavirus pandemic of fees collected and deposited*
19 *into such account pursuant to section 7081 of Public Law*
20 *115–31: Provided, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For an additional amount for “Office of Inspector*
3 *General”, \$4,400,000, for oversight of activities conducted*
4 *by the Department of State and made available to prevent,*
5 *prepare for, and respond to coronavirus by this title and*
6 *by prior acts: Provided, That such amount is designated*
7 *by the Congress as being for an emergency requirement pur-*
8 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *UNITED STATES AGENCY FOR INTERNATIONAL*
11 *DEVELOPMENT*12 *FUNDS APPROPRIATED TO THE PRESIDENT*13 *OPERATING EXPENSES*

14 *For an additional amount for “Operating Expenses”,*
15 *\$50,000,000, to prevent, prepare for, and respond to*
16 *coronavirus and for other operations and maintenance re-*
17 *quirements related to the consequences of coronavirus: Pro-*
18 *vided, That such amount is designated by the Congress as*
19 *being for an emergency requirement pursuant to section*
20 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
21 *Deficit Control Act of 1985.*

22 *OFFICE OF INSPECTOR GENERAL*

23 *For an additional amount for “Office of Inspector*
24 *General”, \$3,500,000, for oversight of activities conducted*
25 *by the United States Agency for International Development*

1 *and made available to prevent, prepare for, and respond*
2 *to coronavirus by this title and by prior acts: Provided,*
3 *That such amount is designated by the Congress as being*
4 *for an emergency requirement pursuant to section*
5 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
6 *Deficit Control Act of 1985*

7 *BILATERAL ECONOMIC ASSISTANCE*

8 *FUNDS APPROPRIATED TO THE PRESIDENT*

9 *GLOBAL HEALTH PROGRAMS*

10 *For an additional amount for “Global Health Pro-*
11 *grams”, \$3,690,925,000, for necessary expenses to prevent,*
12 *prepare for, and respond to coronavirus: Provided, That*
13 *such funds shall be administered by the Administrator of*
14 *the United States Agency for International Development:*
15 *Provided further, That of the funds appropriated under this*
16 *heading in this title, not less than \$150,000,000 shall be*
17 *transferred to, and merged with, funds made available for*
18 *the Emergency Reserve Fund established pursuant to sec-*
19 *tion 7058(c)(1) of the Department of State, Foreign Oper-*
20 *ations, and Related Programs Appropriations Act, 2017*
21 *(division J of Public Law 115–31): Provided further, That*
22 *funds made available pursuant to the preceding proviso*
23 *shall be made available under the terms and conditions of*
24 *such section, as amended: Provided further, That funds ap-*
25 *propriated by this paragraph in this title shall be made*

1 *available for a contribution to a multilateral vaccine devel-*
2 *opment partnership to support epidemic preparedness: Pro-*
3 *vided further, That of the funds appropriated by this para-*
4 *graph in this title, not less than \$3,500,000,000 shall be*
5 *made available for a United States Contribution to The*
6 *GAVI Alliance: Provided further, That funds appropriated*
7 *by this paragraph in this title shall be allocated and allot-*
8 *ted within 60 days of the date of enactment of this Act:*
9 *Provided further, That such amount is designated by the*
10 *Congress as being for an emergency requirement pursuant*
11 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985.*

13 *For an additional amount for “Global Health Pro-*
14 *grams”, \$4,535,925,000, for necessary expenses to prevent,*
15 *prepare for, and respond to coronavirus: Provided, That*
16 *such funds shall be administered by the United States Glob-*
17 *al AIDS Coordinator: Provided further, That not less than*
18 *\$3,500,000,000 shall be made available as a United States*
19 *contribution to the Global Fund to Fight AIDS, Tubercu-*
20 *losis and Malaria (Global Fund): Provided further, That*
21 *funds made available to the Global Fund pursuant to the*
22 *previous proviso shall be made available notwithstanding*
23 *section 202(d)(4)(A)(i) of the United States Leadership*
24 *Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003*
25 *(22 U.S.C. 7622(d)(4)(A)(i)): Provided further, That funds*

1 *appropriated under this heading for fiscal years 2020 and*
2 *2021 which are designated as being for an emergency re-*
3 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
4 *anced Budget and Emergency Deficit Control Act of 1985*
5 *and made available as a United States contribution to the*
6 *Global Fund shall not be considered a contribution for the*
7 *purpose of applying section 202(d)(4)(A)(i): Provided fur-*
8 *ther, That funds appropriated by this paragraph in this*
9 *title shall be allocated and allotted within 60 days of the*
10 *date of enactment of this Act: Provided further, That such*
11 *amount is designated by the Congress as being for an emer-*
12 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
13 *the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985.*

15 *DEVELOPMENT ASSISTANCE*

16 *For an additional amount for “Development Assist-*
17 *ance”, \$250,000,000, for necessary expenses to prevent, pre-*
18 *pare for, and respond to coronavirus, including to address*
19 *related economic, and stabilization requirements, of which*
20 *not less than \$150,000,000 shall be made available to main-*
21 *tain access to basic education and not less than \$45,000,000*
22 *shall be to maintain access to not-for-profit institutions of*
23 *higher education for costs related to the consequences of*
24 *coronavirus: Provided, That such institutions of higher edu-*
25 *cation shall meet standards equivalent to those required for*

1 *United States institutional accreditation by a regional ac-*
2 *creditation agency recognized by the United States Depart-*
3 *ment of Education: Provided further, That funds made*
4 *available under this heading in this title shall be allocated*
5 *and allotted within 60 days of the date of enactment of this*
6 *Act: Provided further, That such amount is designated by*
7 *the Congress as being for an emergency requirement pursu-*
8 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *INDEPENDENT AGENCIES*

11 *INTER-AMERICAN FOUNDATION*

12 *For an additional amount for “Inter-American Foun-*
13 *dation”, \$15,000,000, for necessary expenses to prevent, pre-*
14 *pare for, and respond to coronavirus, including to address*
15 *related economic and stabilization requirements: Provided,*
16 *That funds made available under this heading in this title*
17 *shall be allocated and allotted within 60 days of the enact-*
18 *ment of this Act: Provided further, That such amount is*
19 *designated by the Congress as being for an emergency re-*
20 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
21 *anced Budget and Emergency Deficit Control Act of 1985.*

22 *UNITED STATES AFRICAN DEVELOPMENT FOUNDATION*

23 *For an additional amount for “United States African*
24 *Development Foundation”, \$15,000,000, for necessary ex-*
25 *penses to prevent, prepare for, and respond to coronavirus,*

1 *including to address related economic and stabilization re-*
2 *quirements: Provided, That funds made available under this*
3 *heading in this title shall be allocated and allotted within*
4 *60 days of the enactment of this Act: Provided further, That*
5 *such amount is designated by the Congress as being for an*
6 *emergency requirement pursuant to section 251(b)(2)(A)(i)*
7 *of the Balanced Budget and Emergency Deficit Control Act*
8 *of 1985.*

9 *MULTILATERAL ASSISTANCE*

10 *FUNDS APPROPRIATED TO THE PRESIDENT*

11 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

12 *For an additional amount for “International Organi-*
13 *zations and Programs”, \$935,250,000, to remain available*
14 *until September 30, 2022, for necessary expenses to prevent,*
15 *prepare for, and respond to coronavirus and to support the*
16 *United Nations Global Humanitarian Response Plan*
17 *COVID–19, of which not less than \$750,000,000 shall be*
18 *for the World Food Programme, and not less than*
19 *\$185,250,000 shall be for the United Nations Children’s*
20 *Fund: Provided, That funds made available under this*
21 *heading in this title shall be allocated and allotted within*
22 *60 days of the date of enactment of this Act: Provided fur-*
23 *ther, That such amount is designated by the Congress as*
24 *being for an emergency requirement pursuant to section*

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

3 **GENERAL PROVISIONS—THIS TITLE**

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 1101. The authorities and limitations of section*
6 *402 of the Coronavirus Preparedness and Response Supple-*
7 *mental Appropriations Act (division A of Public Law 116-*
8 *123) shall apply to funds appropriated by this title as fol-*
9 *lows:*

10 *(1) Subsections (a), (d), (e), and (f) shall apply*
11 *to funds under the heading “Diplomatic Programs”;*
12 *and*

13 *(2) Subsections (c), (d), (e), and (f) shall apply*
14 *to funds under the heading “Global Health Pro-*
15 *grams”, and “Development Assistance”.*

16 *SEC. 1102. Funds appropriated by this title under the*
17 *headings “Diplomatic Programs”, “Operating Expenses”,*
18 *“Global Health Programs”, and “Development Assistance”*
19 *may be used to reimburse such accounts administered by*
20 *the Department of State and the United States Agency for*
21 *International Development, for obligations incurred to pre-*
22 *vent, prepare for, and respond to coronavirus prior to the*
23 *date of enactment of this Act.*

24 *SEC. 1103. The reporting requirements of section*
25 *406(b) of the Coronavirus Preparedness and Response Sup-*

1 *plemental Appropriations Act, 2020 (division A of Public*
2 *Law 116–123) shall apply to funds appropriated by this*
3 *title.*

4 *SEC. 1104. Section 404 of the Coronavirus Prepared-*
5 *ness and Response Supplemental Appropriations Act (divi-*
6 *sion A of Public Law 116–123) shall apply to funds appro-*
7 *priated by this title under the same headings as specified*
8 *by such section.*

9 *SEC. 1105. Notwithstanding the limitations in sections*
10 *609(i) and 609(j) of the Millennium Challenge Act of 2003*
11 *(2211 U.S.C. 7708(j), 7715), the Millennium Challenge Cor-*
12 *poration may, subject to the availability of funds, extend*
13 *any compact in effect as of January 29, 2020, for up to*
14 *one additional year, to account for delays related to*
15 *coronavirus: Provided, That the Corporation shall notify*
16 *the Committees on Appropriations and Foreign Relations*
17 *of the Senate and the Committees on Appropriations and*
18 *Foreign Affairs of the House of Representatives prior to*
19 *providing any such extension.*

20 *SEC. 1106. The Secretary of State and the heads of*
21 *other Federal agencies may rely upon the authority of sec-*
22 *tion 5924 of title 5, United States Code, without regard to*
23 *the foreign area limitations referenced therein, to make pay-*
24 *ments for education allowances to employees who are in the*
25 *United States on ordered or authorized departure, or for*

1 *ing necessary expenses for operating costs and capital out-*
2 *lays: Provided, That such amounts are in addition to any*
3 *other amounts made available for this purpose: Provided*
4 *further, That obligations of amounts under this heading in*
5 *this Act shall not be subject to the limitation on obligations*
6 *under the heading “Office of the Secretary—Working Cap-*
7 *ital Fund” in division H of the Further Consolidated Ap-*
8 *propriations Act, 2020 (Public Law 116–94): Provided fur-*
9 *ther, That such amount is designated by the Congress as*
10 *being for an emergency requirement pursuant to section*
11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
12 *Deficit Control Act of 1985.*

13 *ESSENTIAL AIR SERVICE*

14 *In addition to funds provided to the “Payments to Air*
15 *Carriers” program in Public Law 116–94 to carry out the*
16 *essential air service program under section 41731 through*
17 *41742 of title 49, United States Code, \$75,000,000, to be*
18 *derived from the general fund of the Treasury, and to be*
19 *made available to the Essential Air Service and Rural Im-*
20 *provement Fund, to prevent, prepare for, and respond to*
21 *coronavirus: Provided, That such amount is designated by*
22 *the Congress as being for an emergency requirement pursu-*
23 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
24 *Emergency Deficit Control Act of 1985.*

1 *FEDERAL AVIATION ADMINISTRATION*2 *OPERATIONS*

3 *For an additional amount for “Operations”,*
4 *\$50,000,000, to be derived from the general fund, for nec-*
5 *essary expenses to provide Federal Aviation Administration*
6 *(FAA) employees with masks or protective face coverings,*
7 *gloves, and sanitizer and wipes with sufficient alcohol con-*
8 *tent and to ensure FAA facilities are cleaned, disinfected,*
9 *and sanitized in accordance with Centers for Disease Con-*
10 *trol and Prevention guidance: Provided further, That such*
11 *amount is designated by the Congress as being for an emer-*
12 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
13 *the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985.*

15 *GRANTS-IN-AID FOR AIRPORTS*

16 *For an additional amount for “Grants-In-Aid for Air-*
17 *ports”, \$13,500,000,000, to prevent, prepare for, and re-*
18 *spond to coronavirus, to remain available until September*
19 *30, 2026: Provided, That amounts made available under*
20 *this heading in this Act shall be derived from the general*
21 *fund of the Treasury: Provided further, That funds provided*
22 *under this heading in this Act shall only be available to*
23 *sponsors of airports in categories defined in section 47102*
24 *of title 49, United States Code: Provided further, That the*
25 *requirements of chapter 471 of such title, except for project*

1 *eligibility, shall apply to funds provided for any contract*
2 *awarded (after the date of enactment of this Act) for airport*
3 *development and funded under this heading: Provided fur-*
4 *ther, That funds provided under this heading in this Act*
5 *may not be used for any purpose not directly related to*
6 *the airport: Provided further, That of the amounts appro-*
7 *priated under this heading in this Act—*

8 (1) *Not less than \$500,000,000 shall be to pay*
9 *the local share of eligible costs for which a grant is*
10 *made under this heading under the Department of*
11 *Transportation Appropriations Act, 2021: Provided,*
12 *That any remaining funds after the apportionment*
13 *under this paragraph (1) shall be distributed as de-*
14 *scribed in paragraph (2) under this heading in this*
15 *Act:*

16 (2) *Not less than \$12,500,000,000 shall be avail-*
17 *able for any purpose for which airport revenues may*
18 *lawfully be used: Provided, That such funds shall be*
19 *allocated among eligible primary airports (as defined*
20 *in section 47102(16) of title 49 United States Code)*
21 *based on each airport's calendar year 2019*
22 *enplanements as a percentage of total 2019*
23 *enplanements for all eligible primary service airports:*
24 *Provided further, That sponsors provide relief equal-*
25 *ing at least 25 percent of the amount allocated to an*

1 *airport under this paragraph to on-airport car rent-*
2 *al, on-airport parking, and in-terminal airport con-*
3 *cessions (as defined in part 23 of title 49, Code of*
4 *Federal Regulations) in the form of waiving rent,*
5 *minimum annual guarantees, lease obligations, fees,*
6 *or penalties, or, at the request of the owner of an in-*
7 *terminal concession, to provide for a buyout of such*
8 *concession: Provided further, That the sponsor shall*
9 *give the highest priority to an owner who qualifies as*
10 *an small businesses with maximum gross receipts less*
11 *than \$56 million: Provided further, That the Federal*
12 *share payable of the costs for which a grant is made*
13 *under this paragraph shall be 100 percent; and*

14 *(3) Up to \$200,000,000 shall be available for*
15 *general aviation airports and commercial service air-*
16 *ports that are not primary airports for any purpose*
17 *for which airport revenues may lawfully be used, and,*
18 *which the Secretary shall apportion directly to each*
19 *eligible airport, as defined in paragraphs (7), (8),*
20 *and (16) of section 47102 of title 49, United States*
21 *Code, based on the categories published in the most*
22 *current National Plan of Integrated Airport Systems,*
23 *reflecting the percentage of the aggregate published el-*
24 *igible development costs for each such category, and*
25 *then dividing the allocated funds evenly among the el-*

1 *eligible airports in each category, rounding up to the*
2 *nearest thousand dollars: Provided, That the Federal*
3 *share payable of the costs for which a grant is made*
4 *under this paragraph shall be 100 percent: Provided*
5 *further, That any remaining funds after the appor-*
6 *tionment under this paragraph (3) shall be distrib-*
7 *uted as described in paragraph (2) under this head-*
8 *ing in this Act:*

9 *Provided further, That the matter preceding the first pro-*
10 *viso under this heading in title XII of division B of the*
11 *CARES Act (Public Law 116-136) is amended by striking*
12 *“to remain available until expended” and inserting “to re-*
13 *main available until September 30, 2025”:* *Provided fur-*
14 *ther, That amounts made available under this heading in*
15 *title XII of division B of the CARES Act (Public Law 116-*
16 *136) shall not be subject to the limitation on obligations*
17 *in any act making appropriations: Provided further, That*
18 *any funds under the previous proviso designated as airport*
19 *grants that are unobligated, recovered by or returned to the*
20 *Federal Aviation Administration (FAA) within 5 years*
21 *from the date of enactment of the CARES Act (Public Law*
22 *116-36) shall be pooled and redistributed as described in*
23 *paragraph (2) under this heading in this Act: Provided fur-*
24 *ther, That the FAA may redistribute funds under the pre-*
25 *vious proviso on more than one occasion: Provided further,*

1 *That any airport that had been allocated more than four*
2 *times annual operating expenses under this heading in title*
3 *XII of division B of the CARES Act (Public Law 116-136)*
4 *shall not be eligible for funds allocated or redistributed*
5 *under this Act: Provided further, That the Administrator*
6 *of the FAA may retain up to 0.1 percent of the funds pro-*
7 *vided under this heading in this Act to fund the award and*
8 *oversight by the Administrator of grants made under this*
9 *heading in this Act: Provided further, That obligations of*
10 *funds under this heading in this Act shall not be subject*
11 *to any limitations on obligations provided in any Act mak-*
12 *ing appropriations: Provided further, That all airport*
13 *sponsors receiving funds under this heading in this Act*
14 *shall continue to employ, through September 30, 2021, at*
15 *least 90 percent of the number of individuals employed*
16 *(after making adjustments for retirements or voluntary em-*
17 *ployee separations) by each airport as of March 27, 2020:*
18 *Provided further, That the Secretary may waive the work-*
19 *force retention requirement in the previous proviso, if the*
20 *Secretary determines the airport is experiencing economic*
21 *hardship as a direct result of the requirement, or the re-*
22 *quirement reduces aviation safety or security: Provided fur-*
23 *ther, That the workforce retention requirement shall not*
24 *apply to nonhub airports or nonprimary airports receiving*
25 *funds under this heading in this Act: Provided further, That*

1 *amounts repurposed by the provisions under this heading*
2 *in this Act that were previously designated by the Congress*
3 *as an emergency requirement pursuant to the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985 are des-*
5 *ignated by the Congress as an emergency requirement pur-*
6 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985: Provided further,*
8 *That such amount is designated by the Congress as being*
9 *for an emergency requirement pursuant to section*
10 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
11 *Deficit Control Act of 1985.*

12 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

13 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

14 *Of prior year unobligated contract authority and liq-*
15 *uidating cash provided for Motor Carrier Safety in the*
16 *Transportation Equity Act for the 21st Century (Public*
17 *Law 105–178), SAFETEA–LU (Public Law 109–59), or*
18 *other appropriations or authorization acts, in addition to*
19 *amounts already appropriated in fiscal year 2020 for*
20 *“Motor Carrier Safety Operations and Programs”,*
21 *\$238,500 in additional obligation limitation is provided*
22 *and repurposed for obligations incurred to support activi-*
23 *ties to prevent, prepare for, and respond to coronavirus:*
24 *Provided, That such amount is designated by the Congress*
25 *as being for an emergency requirement pursuant to section*

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

3 *FEDERAL RAILROAD ADMINISTRATION*
4 *NORTHEAST CORRIDOR GRANTS TO THE NATIONAL*
5 *RAILROAD PASSENGER CORPORATION*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For an additional amount for “Northeast Corridor*
8 *Grants to the National Railroad Passenger Corporation”,*
9 *\$1,392,085,000, to remain available until expended, to pre-*
10 *vent, prepare for, and respond to coronavirus, including to*
11 *enable the Secretary of Transportation to make or amend*
12 *existing grants to the National Railroad Passenger Cor-*
13 *poration for activities associated with the Northeast Cor-*
14 *ridor, as authorized by section 11101(a) of the Fixing*
15 *America’s Surface Transportation Act (division A of Public*
16 *Law 114–94): Provided, That not less than \$219,610,000*
17 *of the amounts made available under this heading in this*
18 *Act and the “National Network Grants to the National*
19 *Railroad Passenger Corporation” heading in this Act shall*
20 *be made available for use by the National Railroad Pas-*
21 *senger Corporation in lieu of capital payments from States*
22 *and commuter rail passenger transportation providers sub-*
23 *ject to the cost allocation policy developed pursuant to sec-*
24 *tion 24905(c) of title 49, United States Code: Provided fur-*
25 *ther, That, notwithstanding sections 24319(g) and*

1 24905(c)(1)(A)(i) of title 49, United States Code, such use
2 of funds does not constitute cross-subsidization of commuter
3 rail passenger transportation: Provided further, That not
4 more than \$91,800,000 of the amounts made available
5 under this heading in this Act shall be made available for
6 use by the National Railroad Passenger Corporation to
7 repay or prepay debt incurred by the National Railroad
8 Passenger Corporation under financing arrangements en-
9 tered into prior to the enactment of this Act and to pay
10 required reserves, costs, and fees related to such debt, includ-
11 ing for loans from the Department of Transportation and
12 loans that would otherwise have been paid from National
13 Railroad Passenger Corporation revenues: Provided further,
14 That the Secretary may retain up to \$4,890,000 of the
15 amounts made available under both this heading in this
16 Act and the “National Network Grants to the National
17 Railroad Passenger Corporation” heading in this Act to
18 fund the costs of project management and oversight of ac-
19 tivities authorized by section 11101(c) of the Fixing Amer-
20 ica’s Surface Transportation Act (division A of Public Law
21 114–94): Provided further, That \$1,000,000 of the amounts
22 made available under both this heading in this Act and the
23 “National Network Grants to the National Railroad Pas-
24 senger Corporation” heading in this Act shall be transferred
25 to “National Railroad Passenger Corporation—Office of

1 *Inspector General—Salaries and Expenses” for conducting*
2 *audits and investigations of projects and activities carried*
3 *out with amounts made available in this Act and in title*
4 *XII of division B of the Coronavirus Aid, Relief, and Eco-*
5 *nomic Security Act (Public Law 116–136) under the head-*
6 *ings “Northeast Corridor Grants to the National Railroad*
7 *Passenger Corporation” and “National Network Grants to*
8 *the National Railroad Passenger Corporation”:* *Provided*
9 *further, That amounts made available under this heading*
10 *in this Act may be transferred to and merged with “Na-*
11 *tional Network Grants to the National Railroad Passenger*
12 *Corporation” to prevent, prepare for, and respond to*
13 *coronavirus: Provided further, That such amount is des-*
14 *ignated by the Congress as being for an emergency require-*
15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985.*

17 *NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD*

18 *PASSENGER CORPORATION*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For an additional amount for “National Network*
21 *Grants to the National Railroad Passenger Corporation”,*
22 *\$1,007,915,000, to remain available until expended, to pre-*
23 *vent, prepare for, and respond to coronavirus, including to*
24 *enable the Secretary of Transportation to make or amend*
25 *existing grants to the National Railroad Passenger Cor-*

1 *poration for activities associated with the National Network*
2 *as authorized by section 11101(b) of the Fixing America's*
3 *Surface Transportation Act (division A of Public Law 114-*
4 *94): Provided, That not less than \$349,700,000 of the*
5 *amounts made available under this heading in this Act*
6 *shall be made available for use by the National Railroad*
7 *Passenger Corporation to be apportioned toward State pay-*
8 *ments required by the cost methodology policy adopted pur-*
9 *suant to section 209 of the Passenger Rail Investment and*
10 *Improvement Act of 2008 (Public Law 110-432): Provided*
11 *further, That a State-supported route's share of such fund-*
12 *ing under the preceding proviso shall consist of (1) 7 per-*
13 *cent of the costs allocated to the route in fiscal year 2019*
14 *under the cost methodology policy adopted pursuant to sec-*
15 *tion 209 of the Passenger Rail Investment and Improve-*
16 *ment Act of 2008 (Public Law 110-432), and (2) any re-*
17 *maining amounts under the preceding proviso shall be ap-*
18 *portioned to a route in proportion to its passenger revenue*
19 *and other revenue allocated to a State-supported route in*
20 *fiscal year 2019 divided by the total passenger revenue and*
21 *other revenue allocated to all State-supported routes in fis-*
22 *cal year 2019: Provided further, That State-supported*
23 *routes which terminated service on or before February 1,*
24 *2020, shall not be included in the cost and revenue calcula-*
25 *tions made pursuant to the preceding proviso: Provided fur-*

1 *ther, That amounts made available under this heading in*
2 *this Act may be transferred to and merged with “Northeast*
3 *Corridor Grants to the National Railroad Passenger Cor-*
4 *poration” to prevent, prepare for, and respond to*
5 *coronavirus: Provided further, That such amount is des-*
6 *ignated by the Congress as being for an emergency require-*
7 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
8 *Budget and Emergency Deficit Control Act of 1985.*

9 *FEDERAL TRANSIT ADMINISTRATION*

10 *TRANSIT INFRASTRUCTURE GRANTS*

11 *For an additional amount for “Transit Infrastructure*
12 *Grants”, \$32,000,000,000, to remain available until ex-*
13 *pended, to prevent, prepare for, and respond to coronavirus:*
14 *Provided, That of the amounts appropriated under this*
15 *heading in this Act—*

16 *(1) \$18,500,000,000 shall be for grants to recipi-*
17 *ents eligible under chapter 53 of title 49, United*
18 *States Code, and administered as if such funds were*
19 *provided under section 5307 of title 49, United States*
20 *Code (apportioned in accordance with section 5336 of*
21 *such title (other than subsections (h)(1) and (h)(4))),*
22 *and section 5337 of title 49, United States Code (ap-*
23 *portioned in accordance with such section), except*
24 *that funds apportioned under section 5337 shall be*
25 *added to funds apportioned under 5307 for adminis-*

1 *tration under 5307: Provided, That the Secretary*
2 *shall allocate the amounts provided in the preceding*
3 *proviso under sections 5307 and 5337 of title 49,*
4 *United States Code, in the same ratio as funds were*
5 *provided under Public Law 116–94 and shall allocate*
6 *such amounts not later than 14 days after enactment*
7 *of this Act: Provided further, That the amounts allo-*
8 *cated to any urbanized area from amounts made*
9 *available under this heading in this Act when com-*
10 *bined with the amounts allocated to each such urban-*
11 *ized area from funds appropriated under this heading*
12 *in title XIII of division B of the CARES Act (Public*
13 *Law 116–136) may not exceed more than 100 percent*
14 *of any recipient’s 2018 operating costs based on data*
15 *contained in the National Transit Database: Provided*
16 *further, That for any urbanized area for which the*
17 *calculation in the previous proviso exceeds 100 per-*
18 *cent of the urbanized area’s 2018 operating costs, the*
19 *Secretary shall distribute funds in excess of such per-*
20 *cent to urbanized areas for which the calculation in*
21 *the previous proviso does not exceed 100 percent in*
22 *the same proportion as amounts allocated under the*
23 *first proviso of this paragraph;*

24 *(2) \$2,500,000,000 shall be for grants under sec-*
25 *tion 5309 of title 49, United States Code: Provided,*

1 *That of the amounts provided under this para-*
2 *graph—*

3 *(A) \$1,950,000,000 shall be for grants to re-*
4 *ipients that received an allocation under section*
5 *5309 of title 49, United States Code, for fiscal*
6 *year 2019 or fiscal year 2020 as of the date of*
7 *enactment of this Act: Provided, That the Sec-*
8 *retary shall calculate each recipient's non-Cap-*
9 *ital Investment Grant financial commitment for*
10 *fiscal years 2019 and 2020 as a percentage of the*
11 *non-Capital Investment Grant financial commit-*
12 *ments of all projects for such fiscal years and*
13 *shall proportionally allocate such funds within*
14 *14 days of enactment of this Act: Provided fur-*
15 *ther, That any recipient with a project open for*
16 *revenue service for which they received a con-*
17 *struction grant agreement are not eligible for*
18 *funds provided under this paragraph; and*

19 *(B) \$400,000,000 shall be for grants to re-*
20 *ipients that receive an allocation of fiscal year*
21 *2019 or fiscal year 2020 funds after the date of*
22 *enactment of this Act under section 5309 of title*
23 *49, United States Code: Provided, That such*
24 *grants shall be allocated to such recipients in*
25 *proportion to the allocation of fiscal year 2019*

1 *or fiscal 2020 funds provided to all projects allo-*
2 *cated funding after the date of enactment of this*
3 *Act; and*

4 *(C) no more than \$150,000,000 for any re-*
5 *cipient of a grant under section 5309(h) of title*
6 *49, United States Code, that may need addi-*
7 *tional assistance in completing a project that has*
8 *received a grant agreement and shall issue a No-*
9 *tice of Funding Opportunity for amounts made*
10 *available for projects eligible under section*
11 *5309(h) of title 49, United States Code, not later*
12 *than 120 days after the date of enactment of this*
13 *Act:*

14 *Provided further, That if amounts remain available*
15 *after distributing funds under this paragraph, such*
16 *amounts shall be added to the amounts made avail-*
17 *able under paragraph (5) under this heading: Pro-*
18 *vided further, That amounts made available under*
19 *this paragraph shall not be included in any calcula-*
20 *tion of the maximum amount of Federal financial as-*
21 *sistance for the project under section 5309(k)(2)(C)(ii)*
22 *or 5309(h)(7) of title 49, United States Code nor*
23 *should they be subject to provisions in sections*
24 *5309(a)(7)(A) or 5309(l)(1)(B)(ii) of such title;*

1 (3) \$250,000,000 shall be for grants to recipients
2 or subrecipients eligible under section 5310 of title 49,
3 United States Code, and the Secretary of Transpor-
4 tation shall apportion such funds in accordance with
5 such section: *Provided, That the Secretary shall allo-*
6 *cate such funds in the same ratio as funds were pro-*
7 *vided in Public Law 116–94 and shall allocate such*
8 *funds not later than 14 days after the date of enact-*
9 *ment of this Act;*

10 (4) \$750,000,000 shall be for grants to recipients
11 or subrecipients eligible under section 5311 of title 49,
12 United States Code (other than subsection (b)(3) and
13 (c)(1)(A)), and the Secretary of Transportation shall
14 apportion such funds in accordance with such section:
15 *Provided, That the Secretary shall allocate these*
16 *amounts in the same ratio as funds were provided in*
17 *Public Law 116–94 and shall allocate funds within*
18 *14 days of enactment of this Act; and*

19 (5) \$10,000,000,000 shall be for grants to eligible
20 recipients or subrecipients of funds under chapter 53
21 of title 49, United States Code, that, as a result of
22 coronavirus, require additional assistance to main-
23 tain operations: *Provided, That such funds shall be*
24 *administered as if they were provided under section*
25 *5324 of title 49, United States Code: Provided further,*

1 *That any recipient or subrecipient of funds under*
2 *chapter 53 of title 49, United States Code, or an*
3 *intercity bus service provider that has, since October*
4 *1, 2018, partnered with a recipient or subrecipient in*
5 *order to meet the requirements of section 5311(f) of*
6 *such title shall be eligible to directly apply for funds*
7 *under this paragraph: Provided further, That entities*
8 *that have partnered with a recipient or subrecipient*
9 *in order to meet the requirements of section 5311(f)*
10 *of such title shall be eligible to receive not more than*
11 *7.5 percent of the total funds provided under this*
12 *paragraph and shall use assistance provided under*
13 *this paragraph only for workforce retention or the re-*
14 *call or rehire of any laid off, furloughed, or termi-*
15 *nated employee associated with the provision of inter-*
16 *city bus service including, but not limited to, service*
17 *eligible for funding under section 5311(f) of title 49,*
18 *United States Code: Provided further, That when*
19 *evaluating applications of intercity bus service assist-*
20 *ance, the Secretary shall give priority to preserving*
21 *national and regional intercity bus networks and the*
22 *rural services that make meaningful connections to*
23 *those networks: Provided further, That the Secretary*
24 *shall issue a Notice of Funding Opportunity not later*
25 *than 120 days after the date of enactment of this Act*

1 *that requires applications to be submitted not later*
2 *than 180 days after the date of enactment of this Act:*
3 *Provided further, That the Secretary shall make*
4 *awards not later than 60 days after the application*
5 *deadline: Provided further, That the Secretary shall*
6 *require grantees to provide estimates of financial*
7 *need, data on reduced ridership, and a spending plan*
8 *for funds: Provided further, That when evaluating ap-*
9 *plications for assistance to transit agencies, the Sec-*
10 *retary shall give priority to agencies in urbanized*
11 *areas that received less than 100 percent of their 2018*
12 *operating expenses from the funds appropriated in*
13 *paragraph (1) combined with the funds appropriated*
14 *under this heading in title XII of division B of the*
15 *CARES Act (Public Law 116–136), and transit agen-*
16 *cies with the largest revenue loss as a percentage of*
17 *the agency’s 2018 operating expenses: Provided fur-*
18 *ther, That States may apply on behalf of a recipient,*
19 *a subrecipient, or a group of recipients or subrecipi-*
20 *ents: Provided further, That if applications for assist-*
21 *ance do not exceed available funds, the Secretary shall*
22 *reserve the remaining amounts for grantees to pre-*
23 *vent, prepare for, and respond to coronavirus and*
24 *shall accept applications on a rolling basis: Provided*
25 *further, That if amounts made available under this*

1 *paragraph remain unobligated on December 31, 2021,*
2 *such amounts shall be available for any purpose eligi-*
3 *ble under section 5324 of title 49, United States Code:*
4 *Provided further, That the Secretary shall not waive the*
5 *requirements of section 5333 of title 49, United States Code,*
6 *for funds appropriated under this heading in this Act or*
7 *for funds previously made available under section 5307 of*
8 *title 49, United States Code, or sections 5310, 5311, 5337,*
9 *or 5340 of such title as a result of the coronavirus: Provided*
10 *further, That the provision of funds under this heading in*
11 *this Act shall not affect the ability of any other agency of*
12 *the Government, including the Federal Emergency Manage-*
13 *ment Agency, a State agency, or a local governmental enti-*
14 *ty, organization, or person, to provide any other funds oth-*
15 *erwise authorized by law: Provided further, That notwith-*
16 *standing subsection (a)(1) or (b) of section 5307 of title 49,*
17 *United States Code, subsection (a)(1) of section 5324 of such*
18 *title, or any provision of chapter 53 of title 49, funds pro-*
19 *vided under this heading in this Act are available for the*
20 *operating expenses of transit agencies related to the response*
21 *to a coronavirus public health emergency, including, begin-*
22 *ning on January 20, 2020, reimbursement for operating*
23 *costs to maintain service and lost revenue due to the*
24 *coronavirus public health emergency, including the pur-*
25 *chase of personal protective equipment, and paying the ad-*

1 *ministrative leave of operations or contractor personnel due*
2 *to reductions in service: Provided further, That to the max-*
3 *imum extent possible, funds made available under this*
4 *heading in this Act and in title XII of division B of the*
5 *CARES Act (Public Law 116–136) shall be directed to pay-*
6 *roll and public transit, unless the recipient certifies to the*
7 *Secretary that the recipient has not furloughed any employ-*
8 *ees: Provided further, That such operating expenses are not*
9 *required to be included in a transportation improvement*
10 *program, long-range transportation plan, statewide trans-*
11 *portation plan, or a statewide transportation improvement*
12 *program: Provided further, That grants made under this*
13 *heading in this Act and in title XII of division B of the*
14 *CARES Act (Public Law 116–136) to recipients or sub-*
15 *recipients may be used to make payments to contractors*
16 *providing transit operations service or maintenance of roll-*
17 *ing stock, right of way and/or stations at pre-COVID-19*
18 *service billing levels in such amounts as existed on Feb-*
19 *ruary 3, 2020, even if such service was reduced due to the*
20 *COVID-19 public health emergency: Provided further, That*
21 *the preceding proviso may only apply if a contractor con-*
22 *tinuously retains its full and part-time workforce at their*
23 *previous full or part-time status, and/or, where applicable,*
24 *beginning on the date that employees of the contractor are*
25 *able to return to work at their previous full or part-time*

1 *status that it laid off, furloughed or terminated as a result*
2 *of the COVID-19 public health emergency, or its effects,*
3 *under the terms of any applicable collective bargaining*
4 *agreement: Provided further, That private providers of pub-*
5 *lic transportation may be considered eligible sub-recipients*
6 *of funding provided under this heading: Provided further,*
7 *That unless otherwise specified, applicable requirements*
8 *under chapter 53 of title 49, United States Code, shall*
9 *apply to funding made available under this heading in this*
10 *Act, except that the Federal share of the costs for which any*
11 *grant is made under this heading in this Act shall be, at*
12 *the option of the recipient, up to 100 percent: Provided fur-*
13 *ther, That the amount made available under this heading*
14 *in this Act shall be derived from the general fund and shall*
15 *not be subject to any limitation on obligations for transit*
16 *programs set forth in any Act: Provided further, That not*
17 *more than one-half of one percent of the funds for transit*
18 *infrastructure grants, but not to exceed \$125,000,000, pro-*
19 *vided under this heading in this Act shall be available for*
20 *administrative expenses and ongoing program management*
21 *oversight as authorized under sections 5334 and 5338(f)(2)*
22 *of title 49, United States Code, and shall be in addition*
23 *to any other appropriations for such purpose: Provided fur-*
24 *ther, That such amount is designated by the Congress as*
25 *being for an emergency requirement pursuant to section*

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

3 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*
4 *OPERATIONS AND MAINTENANCE*
5 *(HARBOR MAINTENANCE TRUST FUND)*

6 *For necessary expenses to conduct the operations,*
7 *maintenance, and capital infrastructure activities of the*
8 *Seaway International Bridge, \$1,500,000, to be derived*
9 *from the Harbor Maintenance Trust Fund pursuant to sec-*
10 *tion 210 of the Water Resources Development Act of 1986*
11 *(33 U.S.C. 2238), to prevent, prepare for, and respond to*
12 *coronavirus: Provided, That such amount is designated by*
13 *the Congress as being for an emergency requirement pursu-*
14 *ant to section 251(b)(2)(A)(i) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985.*

16 *OFFICE OF INSPECTOR GENERAL*
17 *SALARIES AND EXPENSES*

18 *For an additional amount for “Office of Inspector*
19 *General”, \$5,000,000, to remain available until expended,*
20 *to prevent, prepare for, and respond to coronavirus: Pro-*
21 *vided, That the funding made available under this heading*
22 *in this Act shall be used for conducting audits and inves-*
23 *tigations of projects and activities carried out by the De-*
24 *partment of Transportation to prevent, prepare for, and re-*
25 *spond to coronavirus: Provided further, That such amount*

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

4 *DEPARTMENT OF HOUSING AND URBAN*

5 *DEVELOPMENT*

6 *PUBLIC AND INDIAN HOUSING*

7 *TENANT-BASED RENTAL ASSISTANCE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For an additional amount for “Tenant-Based Rental*
10 *Assistance”, \$4,000,000,000, to remain available until ex-*
11 *pendent, and to be used under the same authority and condi-*
12 *tions as the additional appropriations for fiscal year 2020*
13 *under this heading in title XII of division B of the CARES*
14 *Act (Public Law 116–136), except that any amounts pro-*
15 *vided for administrative expenses and other expenses of*
16 *public housing agencies for their section 8 programs, in-*
17 *cluding Mainstream vouchers, under this heading in the*
18 *CARES Act (Public Law 116–136) and under this heading*
19 *in this Act shall also be available for Housing Assistance*
20 *Payments under section 8(o) of the United States Housing*
21 *Act of 1937 (42 U.S.C. 1437f(o)): Provided, That amounts*
22 *made available under this heading in this Act and under*
23 *the same heading in title XII of division B of the CARES*
24 *Act may be used to cover or reimburse allowable costs in-*
25 *curred to prevent, prepare for, and respond to coronavirus*

1 *regardless of the date on which such costs were incurred:*
2 *Provided further, That of the amounts made available*
3 *under this heading in this Act, \$500,000,000 shall be avail-*
4 *able for administrative expenses and other expenses of pub-*
5 *lic housing agencies for their section 8 programs, including*
6 *Mainstream vouchers: Provided further, That of the*
7 *amounts made available under this heading in this Act,*
8 *\$2,500,000,000 shall be available for adjustments in the cal-*
9 *endar year 2020 or 2021 section 8 renewal funding alloca-*
10 *tions, including Mainstream vouchers, for public housing*
11 *agencies that experience a significant increase in voucher*
12 *per-unit costs due to extraordinary circumstances or that,*
13 *despite taking reasonable cost savings measures, as deter-*
14 *mined by the Secretary, would otherwise be required to ter-*
15 *minate rental assistance for families as a result of insuffi-*
16 *cient funding: Provided further, That of the amounts made*
17 *available under this heading in this Act, \$1,000,000,000*
18 *shall be used for incremental rental voucher assistance*
19 *under section 8(o) of the United States Housing Act of 1937*
20 *for use by individuals and families who are—homeless, as*
21 *defined under section 103(a) of the McKinney-Vento Home-*
22 *less Assistance Act (42 U.S.C. 11302(a)); at risk of home-*
23 *lessness, as defined under section 401(1) of the McKinney-*
24 *Vento Homeless Assistance Act (42 U.S.C. 11360(1)); or*
25 *fleeing, or attempting to flee, domestic violence, dating vio-*

1 lence, sexual assault, or stalking: Provided further, That the
2 Secretary shall allocate amounts made available in the pre-
3 ceding proviso to public housing agencies not later than 60
4 days after the date of enactment of this Act, according to
5 a formula that considers the ability of the public housing
6 agency to use vouchers promptly and the need of geo-
7 graphical areas based on factors to be determined by the
8 Secretary, such as risk of transmission of coronavirus, high
9 numbers or rates of sheltered and unsheltered homelessness,
10 and economic and housing market conditions: Provided fur-
11 ther, That if a public housing authority elects not to admin-
12 ister or does not promptly issue all of its authorized vouch-
13 ers within a reasonable period of time, the Secretary shall
14 reallocate any unissued vouchers and associated funds to
15 other public housing agencies according to the criteria in
16 the preceding proviso: Provided further, That a public hous-
17 ing agency shall not reissue any vouchers under this head-
18 ing in this Act for incremental rental voucher assistance
19 when assistance for the family initially assisted is termi-
20 nated: Provided further, That upon termination of incre-
21 mental rental voucher assistance under this heading in this
22 Act for one or more families assisted by a public housing
23 agency, the Secretary shall reallocate amounts that are no
24 longer needed by such public housing agency for assistance
25 under this heading in this Act to another public housing

1 *agency for the renewal of vouchers previously authorized*
2 *under this heading in this Act: Provided further, That*
3 *amounts made available in this paragraph are in addition*
4 *to any other amounts made available for such purposes:*
5 *Provided further, That up to 0.5 percent of the amounts*
6 *made available under this heading in this Act may be*
7 *transferred, in aggregate, to “Department of Housing and*
8 *Urban Development, Program Offices—Public and Indian*
9 *Housing” to supplement existing resources for the necessary*
10 *costs of administering and overseeing the obligation and ex-*
11 *penditure of these amounts, to remain available until Sep-*
12 *tember 30, 2024: Provided further, That such amount is des-*
13 *ignated by the Congress as being for an emergency require-*
14 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*
15 *Budget and Emergency Deficit Control Act of 1985.*

16 *PUBLIC HOUSING OPERATING FUND*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Public Housing Oper-*
19 *ating Fund”, as authorized by section 9(e) of the United*
20 *States Housing Act of 1937 (42 U.S.C. 1437g(e)),*
21 *\$2,000,000,000, to be used under the same authority and*
22 *conditions as the additional appropriations for fiscal year*
23 *2020 under this heading in title XII of division B of the*
24 *CARES Act (Public Law 116–136): Provided, That*
25 *amounts made available under this heading in this Act and*

1 *under the same heading in title XII of division B of the*
2 *CARES Act may be used to cover or reimburse allowable*
3 *costs incurred to prevent, prepare for, and respond to*
4 *coronavirus regardless of the date on which such costs were*
5 *incurred: Provided further, That up to 0.5 percent of the*
6 *amounts made available under this heading in this Act may*
7 *be transferred, in aggregate, to “Department of Housing*
8 *and Urban Development, Program Offices—Public and In-*
9 *dian Housing” to supplement existing resources for the nec-*
10 *essary costs of administering and overseeing the obligation*
11 *and expenditure of these amounts, to remain available until*
12 *September 30, 2024: Provided further, That such amount*
13 *is designated by the Congress as being for an emergency*
14 *requirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985.*

16 *NATIVE AMERICAN PROGRAMS*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Native American Pro-*
19 *grams”, \$400,000,000, to remain available until September*
20 *30, 2024, and to be used under the same authority and con-*
21 *ditions as the additional appropriations for fiscal year*
22 *2020 under this heading in title XII of division B of the*
23 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
24 *lic Law 116–136): Provided, That the amounts made avail-*
25 *able under this heading in this Act are as follows:*

1 (1) *Up to \$150,000,000 shall be available for the*
2 *Native American Housing Block Grants program, as*
3 *authorized under title I of the Native American Hous-*
4 *ing Assistance and Self-Determination Act of 1996*
5 *(25 U.S.C. 4111 et seq.); and*

6 (2) *Not less than \$250,000,000 shall be available*
7 *for grants to Indian tribes under the Indian Commu-*
8 *nity Development Block Grant program under title I*
9 *of the Housing and Community Development Act of*
10 *1974 (42 U.S.C. 5306(a)(1)), notwithstanding section*
11 *106(a)(1) of such Act, for emergencies that constitute*
12 *imminent threats to health and safety:*

13 *Provided further, That amounts made available under*
14 *paragraph (1) under this heading in title XII of division*
15 *B of the Coronavirus Aid, Relief, and Economic Security*
16 *Act (Public Law 116–136) which are allocated to Indian*
17 *tribes or tribally designated housing entities, and which are*
18 *not accepted, are voluntarily returned, or otherwise recap-*
19 *tured for any reason, may be used by the Secretary to make*
20 *awards under paragraph (2) under this heading in title XII*
21 *of division B of the Coronavirus Aid, Relief, and Economic*
22 *Security Act (Public Law 116–136), in addition to*
23 *amounts otherwise available for such purposes: Provided*
24 *further, That up to one-half of 1 percent of the amounts*
25 *made available under this heading in this Act may be*

1 transferred, in aggregate, to “Department of Housing and
2 Urban Development, Program Offices—Public and Indian
3 Housing” for necessary costs of administering and over-
4 seeing the obligation and expenditure of such amounts and
5 of amounts made available under this heading in title XII
6 of division B of the Coronavirus Aid, Relief, and Economic
7 Security Act (Public Law 116–136), to remain available
8 until September 30, 2029, in addition to any other amounts
9 made available for such purposes: Provided further, That
10 such amount is designated by the Congress as being for an
11 emergency requirement pursuant to section 251(b)(2)(A)(i)
12 of the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 *COMMUNITY PLANNING AND DEVELOPMENT*

15 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “Housing Opportunities*
18 *for Persons with AIDS”, \$65,000,000, to be used under the*
19 *same authority and conditions as the additional appropria-*
20 *tions for fiscal year 2020 under this heading in title XII*
21 *of division B of the CARES Act (Public Law 116–136):*
22 *Provided, That amounts provided under this heading in*
23 *this Act that are allocated pursuant to section 854(c)(5) of*
24 *the AIDS Housing Opportunity Act (42 U.S.C. 12901 et*
25 *seq.) shall remain available until September 30, 2022: Pro-*

1 *vided further, That not less than \$15,000,000 of the amount*
2 *provided under this heading in this Act shall be allocated*
3 *pursuant to the formula in section 854 of such Act using*
4 *the same data elements as utilized pursuant to that same*
5 *formula in fiscal year 2020: Provided further, That up to*
6 *0.5 percent of the amounts made available under this head-*
7 *ing in this Act may be transferred to “Department of Hous-*
8 *ing and Urban Development—Program Offices—Commu-*
9 *nity Planning and Development” for necessary costs of ad-*
10 *ministering and overseeing the obligation and expenditure*
11 *of amounts under this heading in this Act, to remain avail-*
12 *able until September 30, 2030: Provided further, That such*
13 *amount is designated by the Congress as being for an emer-*
14 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
15 *the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985.*

17 *COMMUNITY DEVELOPMENT FUND*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For an additional amount for “Community Develop-*
20 *ment Fund”, \$5,000,000,000, to remain available until*
21 *September 30, 2023, and to be used under the same author-*
22 *ity and conditions as the additional appropriations for fis-*
23 *cal year 2020 under this heading in title XII of division*
24 *B of the CARES Act (Public Law 116–136): Provided, That*
25 *such amount made available under this heading in this Act*

1 *shall be distributed pursuant to section 106 of the Housing*
2 *and Community Development Act of 1974 (42 U.S.C. 5306)*
3 *to grantees that received allocations pursuant to such for-*
4 *mula in fiscal year 2020, and that such allocations shall*
5 *be made within 30 days of enactment of this Act: Provided*
6 *further, That in administering funds under this heading,*
7 *an urban county shall consider needs throughout the entire*
8 *urban county configuration to prevent, prepare for, and re-*
9 *spond to coronavirus: Provided further, That up to*
10 *\$100,000,000 of amounts made available under this heading*
11 *in this Act may be used to make new awards or increase*
12 *prior awards to existing technical assistance providers: Pro-*
13 *vided further, That of the amounts made available under*
14 *this heading in this Act, up to \$25,000,000 may be trans-*
15 *ferred to “Department of Housing and Urban Development,*
16 *Program Offices—Community Planning and Development”*
17 *for necessary costs of administering and overseeing the obli-*
18 *gation and expenditure of amounts under this heading in*
19 *this Act, to remain available until September 30, 2028: Pro-*
20 *vided further, That such amount is designated by the Con-*
21 *gress as being for an emergency requirement pursuant to*
22 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
23 *gency Deficit Control Act of 1985.*

1 *HOMELESS ASSISTANCE GRANTS*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Homeless Assistance*
4 *Grants”, \$5,000,000,000, to remain available until Sep-*
5 *tember 30, 2025, for the Emergency Solutions Grants pro-*
6 *gram as authorized under subtitle B of title IV of the*
7 *McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371*
8 *et seq.), as amended, and to be used under the same author-*
9 *ity and conditions as the additional appropriations for fis-*
10 *cal year 2020 under this heading in title XII of division*
11 *B of the CARES Act (Public Law 116–136): Provided, That*
12 *\$3,000,000,000 of the amount made available under this*
13 *heading in this Act shall be distributed pursuant to 24 CFR*
14 *576.3 to grantees that received allocations pursuant to that*
15 *same formula in fiscal year 2020, and that such allocations*
16 *shall be made within 30 days of enactment of this Act: Pro-*
17 *vided further, That, in addition to amounts allocated in*
18 *the preceding proviso, remaining amounts shall be allocated*
19 *directly to a State or unit of general local government by*
20 *the formula specified in the third proviso under this head-*
21 *ing in title XII of division B of the CARES Act (Public*
22 *Law 116–136): Provided further, That not later than 90*
23 *days after the date of enactment of this Act and every 60*
24 *days thereafter, the Secretary shall allocate a minimum of*
25 *an additional \$500,000,000, pursuant to the formula re-*

1 *ferred to in the preceding proviso, based on the best avail-*
2 *able data: Provided further, That up to 0.5 percent of the*
3 *amounts made available under this heading in this Act may*
4 *be transferred to “Department of Housing and Urban De-*
5 *velopment—Program Offices—Community Planning and*
6 *Development” for necessary costs of administering and*
7 *overseeing the obligation and expenditure of amounts under*
8 *this heading in this Act, to remain available until Sep-*
9 *tember 30, 2030: Provided further, That funds made avail-*
10 *able under this heading in this Act and under this heading*
11 *in title XII of division B of the CARES Act (Public Law*
12 *116–136) may be used for eligible activities the Secretary*
13 *determines to be critical in order to assist survivors of do-*
14 *mestic violence, sexual assault, dating violence, and stalking*
15 *or to assist homeless youth, age 24 and under: Provided fur-*
16 *ther, That a grantee, when contracting with service pro-*
17 *viders engaged directly in the provision of services to home-*
18 *less persons served by the program, shall, to the extent prac-*
19 *ticable, enter into contracts in amounts that cover the ac-*
20 *tual total program costs and administrative overhead to*
21 *provide the services contracted: Provided further, That*
22 *amounts repurposed by this paragraph that were previously*
23 *designated by the Congress as an emergency requirement*
24 *pursuant to the Balanced Budget and Emergency Deficit*
25 *Control Act of 1985 are designated by the Congress as an*

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

7 *EMERGENCY RENTAL ASSISTANCE*

8 *For activities and assistance authorized in section 201*
9 *of division O of this Act (the “COVID–19 HERO ACT”),*
10 *\$50,000,000,000, to remain available until expended: Pro-*
11 *vided, That such amount is designated by the Congress as*
12 *being for an emergency requirement pursuant to section*
13 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
14 *Deficit Control Act of 1985.*

15 *HOUSING PROGRAMS*

16 *PROJECT-BASED RENTAL ASSISTANCE*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Project-Based Rental*
19 *Assistance”, \$750,000,000, to remain available until ex-*
20 *pended, and to be used under the same authority and condi-*
21 *tions as the additional appropriations for fiscal year 2020*
22 *under this heading in title XII of division B of the CARES*
23 *Act (Public Law 116–136): Provided, That up to 0.5 per-*
24 *cent of the amounts made available under this heading in*
25 *this Act may be transferred to “Department of Housing and*

1 *Urban Development—Program Offices—Office of Housing”*
2 *for necessary costs of administering and overseeing the obli-*
3 *gation and expenditure of amounts under this heading in*
4 *this Act, to remain available until September 30, 2030: Pro-*
5 *vided further, That such amount is designated by the Con-*
6 *gress as being for an emergency requirement pursuant to*
7 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*
8 *gency Deficit Control Act of 1985.*

9 *HOUSING FOR THE ELDERLY*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For an additional amount for “Housing for the Elder-*
12 *ly”, \$500,000,000, to remain available until September 30,*
13 *2023, and to be used under the same authority and condi-*
14 *tions as the additional appropriations for fiscal year 2020*
15 *under this heading in title XII of division B of the CARES*
16 *Act (Public Law 116–136): Provided, That notwithstanding*
17 *the first proviso under this heading in the CARES Act,*
18 *\$300,000,000 of the amount made available under this*
19 *heading in this Act shall be for one-time grants for service*
20 *coordinators, as authorized under section 676 of the Hous-*
21 *ing and Community Development Act of 1992 (42 U.S.C.*
22 *13632), and the continuation of existing congregate service*
23 *grants for residents of assisted housing projects: Provided*
24 *further, That up to 0.5 percent of the amounts made avail-*
25 *able under this heading in this Act may be transferred to*

1 *“Department of Housing and Urban Development—Pro-*
2 *gram Offices—Office of Housing” for necessary costs of ad-*
3 *ministering and overseeing the obligation and expenditure*
4 *of amounts under this heading in this Act, to remain avail-*
5 *able until September 30, 2030: Provided further, That such*
6 *amount is designated by the Congress as being for an emer-*
7 *gency requirement pursuant to section 251(b)(2)(A)(i) of*
8 *the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *HOUSING FOR PERSONS WITH DISABILITIES*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For an additional amount for “Housing for Persons*
13 *with Disabilities”, \$45,000,000, to remain available until*
14 *September 30, 2023, and to be used under the same author-*
15 *ity and conditions as the additional appropriations for fis-*
16 *cal year 2020 under this heading in title XII of division*
17 *B of the CARES Act (Public Law 116–136): Provided, That*
18 *up to 0.5 percent of the amounts made available under this*
19 *heading in this Act may be transferred to “Department of*
20 *Housing and Urban Development—Program Offices—Of-*
21 *fice of Housing” for necessary costs of administering and*
22 *overseeing the obligation and expenditure of amounts under*
23 *this heading in this Act, to remain available until Sep-*
24 *tember 30, 2030: Provided further, That such amount is des-*
25 *ignated by the Congress as being for an emergency require-*

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

3 *FAIR HOUSING AND EQUAL OPPORTUNITY*

4 *FAIR HOUSING ACTIVITIES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Fair Housing Activi-*
7 *ties”, \$14,000,000, to remain available until September 30,*
8 *2022, and to be used under the same authority and condi-*
9 *tions as the additional appropriations for fiscal year 2020*
10 *under this heading in title XII of division B of the CARES*
11 *Act (Public Law 116–136): Provided, That of the funds*
12 *made available under this heading in this Act, \$4,000,000*
13 *shall be for Fair Housing Organization Initiative grants*
14 *through the Fair Housing Initiatives Program (FHIP),*
15 *made available to existing grantees, which may be used for*
16 *fair housing activities and for technology and equipment*
17 *needs to deliver services through use of the Internet or other*
18 *electronic or virtual means in response to the public health*
19 *emergency related to the Coronavirus Disease 2019*
20 *(COVID–19) pandemic: Provided further, That of the funds*
21 *made available under this heading in this Act, \$10,000,000*
22 *shall be for FHIP Education and Outreach grants made*
23 *available to previously-funded national media grantees and*
24 *State and local education and outreach grantees, to educate*
25 *the public and the housing industry about fair housing*

1 *rights and responsibilities during the COVID–19 pandemic:*
2 *Provided further, That such grants in the preceding proviso*
3 *shall be divided evenly between the national media cam-*
4 *paign and education and outreach activities: Provided fur-*
5 *ther, That up to 0.5 percent of the amounts made available*
6 *under this heading in this Act may be transferred to “De-*
7 *partment of Housing and Urban Development—Program*
8 *Offices—Fair Housing and Equal Opportunity” for nec-*
9 *essary costs of administering and overseeing the obligation*
10 *and expenditure of amounts under this heading in this Act,*
11 *to remain available until September 30, 2030: Provided fur-*
12 *ther, That such amount is designated by the Congress as*
13 *being for an emergency requirement pursuant to section*
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For an additional amount for “Office of Inspector*
18 *General”, \$5,000,000, to remain available until expended,*
19 *to prevent, prepare for, and respond to coronavirus: Pro-*
20 *vided, That the funding made available under this heading*
21 *in this Act shall be used for conducting audits and inves-*
22 *tigations of projects and activities carried by the Depart-*
23 *ment of Housing and Urban Development to prevent, pre-*
24 *pare for, and respond to coronavirus: Provided further,*
25 *That such amount is designated by the Congress as being*

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

4 *RELATED AGENCY*

5 *NEIGHBORHOOD REINVESTMENT CORPORATION*

6 *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT*

7 *CORPORATION*

8 *For an additional amount for “Payment to the Neigh-*
9 *borhood Reinvestment Corporation”, \$100,000,000, to re-*
10 *main available until expended, to the Neighborhood Rein-*
11 *vestment Corporation (“NRC”) for housing counseling for*
12 *households threatened with housing instability due to the*
13 *economic circumstances caused by the COVID-19 pandemic,*
14 *under the following terms and conditions:*

15 *(1) The NRC shall make grants to counseling*
16 *intermediaries approved by the Department of Hous-*
17 *ing and Urban Development (“HUD”) to provide*
18 *housing counseling assistance to help prevent and re-*
19 *spond to the displacement of residents due to eviction,*
20 *default of mortgages, or foreclosure of mortgages*
21 *(“Housing Counseling Assistance”). State Housing*
22 *Finance Agencies may also be eligible to receive*
23 *grants where they meet all the requirements under*
24 *this heading. NRC may target grants may to HUD-*
25 *approved counseling intermediaries and State Hous-*

1 *ing Finance Agencies based on their ability to serve*
2 *the most vulnerable communities, based on an anal-*
3 *ysis by the NRC of which areas are most impacted by*
4 *the economic circumstances caused by the COVID-19*
5 *pandemic.*

6 *(2) Housing Counseling Assistance shall be made*
7 *available to consumers facing housing instability*
8 *(“Housing Counseling Clients”). Housing Counseling*
9 *Clients will be provided such assistance that shall*
10 *consist of activities that are likely to prevent evictions*
11 *or foreclosures, and result in the long-term afford-*
12 *ability of the housing unit retained pursuant to such*
13 *activity or another positive outcome for the Housing*
14 *Counseling Client. No funds made available under*
15 *this heading may be provided directly to lenders, to*
16 *landlords, or to Housing Counseling Clients to dis-*
17 *charge outstanding rent or mortgage balances or for*
18 *any other direct debt reduction payments.*

19 *(3) Not less than 40 percent of grant funds made*
20 *available under this heading shall be provided to*
21 *counseling organizations that target Housing Coun-*
22 *seling Assistance to minority and low-income home-*
23 *owners, renters, individuals experiencing homeless-*
24 *ness, and individuals at risk of homelessness or pro-*
25 *vide such services in neighborhoods with high con-*

1 *centrations of minority and low-income homeowners,*
2 *renters, individuals experiencing homelessness, and*
3 *individuals at risk of homelessness.*

4 (4) *The delivery of Housing Counseling Assist-*
5 *ance as provided under this heading shall involve a*
6 *reasonable analysis of the Housing Counseling Cli-*
7 *ent's financial situation, resources available to the*
8 *Housing Counseling Client, and advice on applicable*
9 *laws or rules regarding eviction protections, mortgage*
10 *forbearance, or foreclosure protection.*

11 (5) *NRC may provide up to 15 percent of the*
12 *Housing Counseling Assistance grant funds under*
13 *this heading to its own charter members with exper-*
14 *tise in housing counseling, subject to a certification*
15 *by the NRC that the procedures for selection do not*
16 *consist of any procedures or activities that could be*
17 *construed as an unacceptable conflict of interest or*
18 *have the appearance of impropriety.*

19 (6) *The HUD-approved counseling inter-*
20 *mediaries and State Housing Finance Agencies re-*
21 *ceiving funds under this heading shall have dem-*
22 *onstrated experience in housing counseling (including*
23 *foreclosure counseling, rental counseling, homelessness,*
24 *and/or financial counseling) and outreach. NRC may*

1 *use other criteria to demonstrate capacity, particu-*
2 *larly in underserved areas.*

3 *(7) Of the total amount made available under*
4 *this heading, up to 4 percent of the amounts made*
5 *available under this heading in this Act may be made*
6 *available to support non-grant costs associated with*
7 *the Housing Counseling Assistance grants program,*
8 *including training, administrative costs, grant com-*
9 *pliance, and evaluation.*

10 *(8) The NRC shall build the relevant capacities*
11 *of HUD-approved counseling intermediaries and*
12 *State Housing Finance Agencies through a com-*
13 *prehensive training program of NRC training*
14 *courses, except that private financial institutions that*
15 *participate in NRC training shall pay market rates*
16 *for such training.*

17 *(9) Housing Counseling Assistance grants may*
18 *include a budget for outreach, advertising, technology,*
19 *reporting, training, sub-grantee oversight, and other*
20 *program-related support as determined by the NRC.*

21 *(10) The NRC shall report annually to the Com-*
22 *mittees on Appropriations of the House of Represent-*
23 *atives and the Senate as well as the Senate Banking*
24 *Committee and House Financial Services Committee*

1 *on its efforts to mitigate housing instability caused by*
2 *the COVID-19 pandemic.*

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

7 **GENERAL PROVISIONS—THIS TITLE**

8 *SEC. 1201. The provision under the heading “Office*
9 *of the Inspector General—Salaries and Expenses” in title*
10 *XII of division B of the Coronavirus Aid, Relief, and Eco-*
11 *nomie Security Act (Public Law 116–136) is amended by*
12 *striking “with funds made available in this Act to” and*
13 *inserting “by”: Provided, That the amounts repurposed in*
14 *this section that were previously designated by the Congress*
15 *as an emergency requirement pursuant to the Balanced*
16 *Budget and Emergency Deficit Control Act of 1985 are des-*
17 *ignated by the Congress as an emergency requirement pur-*
18 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985.*

20 *SEC. 1202. Amounts made available under the head-*
21 *ings “Project-Based Rental Assistance”, “Housing for the*
22 *Elderly” and “Housing for Persons With Disabilities” in*
23 *title XII of division B of the CARES Act (Public Law 116–*
24 *136) and under such headings in this title of this Act may*
25 *be used, notwithstanding any other provision of law, to pro-*

1 *vide additional funds to maintain operations for such hous-*
2 *ing, for providing supportive services, and for taking other*
3 *necessary actions to prevent, prepare for, and respond to*
4 *coronavirus, including to actions to self-isolate, quarantine,*
5 *or to provide other coronavirus infection control services as*
6 *recommended by the Centers for Disease Control and Pre-*
7 *vention, including providing relocation services for resi-*
8 *dents of such housing to provide lodging at hotels, motels,*
9 *or other locations: Provided, That the amounts repurposed*
10 *pursuant to this section that were previously designated by*
11 *the Congress as an emergency requirement pursuant to the*
12 *Balanced Budget and Emergency Deficit Control Act of*
13 *1985 are designated by the Congress as an emergency re-*
14 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*
15 *anced Budget and Emergency Deficit Control Act of 1985.*

16 *SEC. 1203. Amounts made available in this Act under*
17 *the headings “Northeast Corridor Grants to the National*
18 *Railroad Passenger Corporation” and “National Network*
19 *Grants to the National Railroad Passenger Corporation”*
20 *shall be used under the same conditions as section 22002*
21 *of title XII of division B of the Coronavirus Aid, Relief,*
22 *and Economic Security Act (Public Law 116–136): Pro-*
23 *vided, That the amounts made available in this Act under*
24 *such headings shall be used by the National Railroad Pas-*
25 *senger Corporation to prevent employee furloughs as a re-*

1 *sult of efforts to prevent, prepare for, and respond to*
2 *coronavirus: Provided further, That none of the funds made*
3 *available in this Act under such headings may be used by*
4 *the National Railroad Passenger Corporation to reduce the*
5 *frequency of rail service on any long-distance route (as de-*
6 *fin ed in section 24102 of title 49, United States Code) below*
7 *frequencies for such routes in fiscal year 2019, except in*
8 *an emergency or during maintenance or construction out-*
9 *ages impacting such routes: Provided further, That the*
10 *coronavirus shall not qualify as an emergency in the pre-*
11 *ceding proviso.*

12 *SEC. 1204. For fiscal year 2021, in addition to pay-*
13 *ments made pursuant to 53106 of title 46, United States*
14 *Code, the Secretary of Transportation shall pay to the con-*
15 *tractor for an operating agreement entered into pursuant*
16 *to chapter 531 of title 46, United States Code, for each vessel*
17 *that is covered by such operating agreement as of the date*
18 *of enactment of this Act, an amount equal to \$500,000: Pro-*
19 *vided, That payments authorized by this section shall be*
20 *paid not later than 60 days after the date of enactment*
21 *of this Act: Provided further, That any unobligated balances*
22 *remaining from the amounts made available for payments*
23 *under the heading “Maritime Administration—Maritime*
24 *Security Program” in any prior Act may be used for such*
25 *payments.*

1 *such Committees every 60 days until all funds are expended*
2 *or expire: Provided further, That reports submitted pursu-*
3 *ant to this section shall satisfy the requirements of section*
4 *1701 of division A of Public Law 116–127.*

5 *SEC. 1302. Each amount appropriated or made avail-*
6 *able by this Act is in addition to amounts otherwise appro-*
7 *priated for the fiscal year involved.*

8 *SEC. 1303. No part of any appropriation contained*
9 *in this Act shall remain available for obligation beyond the*
10 *current fiscal year unless expressly so provided herein.*

11 *SEC. 1304. Unless otherwise provided for by this Act,*
12 *the additional amounts appropriated by this Act to appro-*
13 *priations accounts shall be available under the authorities*
14 *and conditions applicable to such appropriations accounts*
15 *for fiscal year 2021.*

16 *SEC. 1305. Each amount designated in this Act by the*
17 *Congress as being for an emergency requirement pursuant*
18 *to section 251(b)(2)(A)(i) of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985 shall be available*
20 *(or rescinded or transferred, if applicable) only if the Presi-*
21 *dent subsequently so designates all such amounts and trans-*
22 *mits such designations to the Congress.*

23 *SEC. 1306. (a) STATUTORY PAYGO EMERGENCY DES-*
24 *IGNATION.—The amounts provided under division B and*
25 *each succeeding division are designated as an emergency*

1 *requirement pursuant to section 4(g) of the Statutory Pay-*
2 *As-You-Go Act of 2010 (2 U.S.C. 933(g)), and the budgetary*
3 *effects shall not be entered on either PAYGO scorecard*
4 *maintained pursuant to section 4(d) of such Act.*

5 (b) *SENATE PAYGO EMERGENCY DESIGNATION.*—*In*
6 *the Senate, division B and each succeeding division are des-*
7 *ignated as an emergency requirement pursuant to section*
8 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
9 *resolution on the budget for fiscal year 2018.*

10 (c) *CLASSIFICATION OF BUDGETARY EFFECTS.*—*Not-*
11 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
12 *set forth in the joint explanatory statement of the committee*
13 *of conference accompanying Conference Report 105–217*
14 *and section 250(c)(8) of the Balanced Budget and Emer-*
15 *gency Deficit Control Act of 1985, the budgetary effects of*
16 *division B and each succeeding division—*

17 (1) *shall not be estimated for purposes of section*
18 *251 of such Act;*

19 (2) *shall not be estimated for purposes of para-*
20 *graph (4)(C) of section 3 of the Statutory Pay As-*
21 *You-Go Act of 2010 as being included in an appro-*
22 *priation Act; and*

23 (3) *shall be treated as if they were contained in*
24 *a PAYGO Act, as defined by section 3(7) of the Statu-*
25 *tory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(7)).*

1 *SEC. 1307. (a) Any contract or agreement entered into*
2 *by an agency with a State or local government or any other*
3 *non-Federal entity for the purposes of providing covered as-*
4 *sistance, including any information and documents related*
5 *to the performance of and compliance with such contract*
6 *or agreement, shall be—*

7 *(1) deemed an agency record for purposes of sec-*
8 *tion 552(f)(2) of title 5, United States Code; and*

9 *(2) subject to section 552 of title 5, United States*
10 *Code (commonly known as the “Freedom of Informa-*
11 *tion Act”).*

12 *(b) In this section—*

13 *(1) the term “agency” has the meaning given the*
14 *term in section 551 of title 5, United States Code;*
15 *and*

16 *(2) the term “covered assistance”—*

17 *(A) means any assistance provided by an*
18 *agency in accordance with an Act or amend-*
19 *ments made by an Act to provide aid, assistance,*
20 *or funding related to the outbreak of COVID–19*
21 *that is enacted before, on, or after the date of en-*
22 *actment of this Act; and*

23 *(B) includes any such assistance made*
24 *available by an agency under—*

25 *(i) any division of this Act;*

1 (ii) the Paycheck Protection Program
2 and Health Care Enhancement Act (Public
3 Law 116–139), or an amendment made by
4 that Act;

5 (iii) the CARES Act (Public Law 116–
6 136), or an amendment made by that Act;

7 (iv) the Families First Coronavirus
8 Response Act (Public Law 116–127), or an
9 amendment made by that Act; or

10 (v) the Coronavirus Preparedness and
11 Response Supplemental Appropriations Act,
12 2020 (Public Law 116–123), or an amend-
13 ment made by that Act.

14 SEC. 1308. (a) Notwithstanding any other provision
15 of law and in a manner consistent with other provisions
16 in any division of this Act, all laborers and mechanics em-
17 ployed by contractors and subcontractors on projects funded
18 directly by or assisted in whole or in part by and through
19 the Federal Government pursuant to any division of this
20 Act shall be paid wages at rates not less than those pre-
21 vailing on projects of a character similar in the locality
22 as determined by the Secretary of Labor in accordance with
23 subchapter IV of chapter 31 of title 40, United States Code.
24 With respect to the labor standards specified in this section,
25 the Secretary of Labor shall have the authority and func-

1 tions set forth in Reorganization Plan Numbered 14 of 1950
2 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title
3 40, United States Code.

4 (b) The amounts provided by this section are des-
5 ignated by the Congress as being for an emergency require-
6 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 This division may be cited as the “Coronavirus Recov-
9 ery Supplemental Appropriations Act, 2021”.

10 **DIVISION B—PROVIDING RELIEF**
11 **TO STUDENTS, INSTITUTIONS**
12 **OF HIGHER EDUCATION,**
13 **LOCAL EDUCATIONAL AGEN-**
14 **CIES, AND STATE VOCA-**
15 **TIONAL REHABILITATION**
16 **AGENCIES**

17 **SEC. 100. SHORT TITLE.**

18 This division may be cited as the “Pandemic Edu-
19 cation Response Act”.

20 **TITLE I—HIGHER EDUCATION**
21 **PROVISIONS**

22 **SEC. 101. DEFINITIONS.**

23 *In this title:*

1 (1) *AWARD YEAR*.—The term “award year” has
2 the meaning given the term in section 481(a) of the
3 Higher Education Act of 1965 (20 U.S.C. 1088(a)).

4 (2) *AUTHORIZING COMMITTEES*.—The term “au-
5 thorizing committees” has the meaning given the term
6 in section 103 of the Higher Education Act of 1965
7 (20 U.S.C. 1003).

8 (3) *FAFSA*.—The term “FAFSA” means an ap-
9 plication under section 483 of the Higher Education
10 Act of 1965 (20 U.S.C. 1090) for Federal student fi-
11 nancial aid.

12 (4) *INSTITUTION OF HIGHER EDUCATION*.—The
13 term “institution of higher education” has the mean-
14 ing given the term in section 102 of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1002).

16 (5) *QUALIFYING EMERGENCY*.—The term “quali-
17 fying emergency” has the meaning given the term in
18 section 3502 of the CARES Act (Public Law 116-
19 136), as amended by this Act.

20 (6) *QUALIFYING EMERGENCY PERIOD*.—The term
21 “qualifying emergency period” means the period—

22 (A) beginning on the first day of a quali-
23 fying emergency; and

1 (B) ending on the later of the date on which
2 the qualifying emergency expires or June 30,
3 2021.

4 (7) *SECRETARY*.—The term “Secretary” means
5 the Secretary of Education.

6 **Subtitle A—Cares Act Amendments**

7 **SEC. 111. APPLICATION OF CAMPUS-BASED AID WAIVERS.**

8 (a) *APPLICATION*.—Section 3503 of the CARES Act is
9 amended—

10 (1) in subsection (a)—

11 (A) by inserting “or for any other award
12 year that includes any portion of a qualifying
13 emergency period,” after “2020–2021,”; and

14 (B) by inserting “and a nonprofit organiza-
15 tion providing employment under section
16 443(b)(5) of such Act” after “waive the require-
17 ment that a participating institution of higher
18 education”; and

19 (2) in subsection (b), by striking “during a pe-
20 riod of a qualifying emergency” and inserting “dur-
21 ing any award year that includes any portion of a
22 qualifying emergency period”.

23 (b) *EFFECTIVE DATE*.—The amendments made by sub-
24 section (a) shall take effect as if included in the enactment
25 of the CARES Act (Public Law 116–136).

1 **SEC. 112. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY**
2 **GRANTS FOR EMERGENCY AID.**

3 (a) *USE AND TREATMENT.*—Section 3504 of the
4 *CARES Act (Public Law 116–136)* is amended—

5 (1) in subsection (a), by inserting “that includes
6 any portion of a qualifying emergency period” after
7 “for a fiscal year”; and

8 (2) by striking subsection (c).

9 (b) *EFFECTIVE DATE.*—The amendments made by sub-
10 section (a) shall take effect as if included in the enactment
11 of the *CARES Act (Public Law 116–136)*.

12 **SEC. 113. EXTENSION OF FEDERAL WORK-STUDY DURING A**
13 **QUALIFYING EMERGENCY.**

14 (a) *FEDERAL WORK-STUDY DURING A QUALIFYING*
15 *EMERGENCY.*—Section 3505 of the *CARES Act (Public*
16 *Law 116–136)* is amended—

17 (1) in subsection (a)—

18 (A) in the matter preceding paragraph

19 (1)—

20 (i) by striking “In the event of a quali-
21 fying emergency” and inserting “During a
22 qualifying emergency period”; and

23 (ii) by striking “(not to” and all that
24 follows through the semicolon and inserting
25 “in which affected students are unable to
26 fulfill the students’ work-study obligation

1 *due to such qualifying emergency, as fol-*
2 *lows:”;*

3 *(B) in paragraph (1), by striking “as a one*
4 *time grant” and inserting “as a one-time grant*
5 *in each payment period the student is awarded*
6 *work-study”;* and

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

12 *(2) in subsection (b)—*

13 *(A) in paragraph (1)—*

14 *(i) by striking “for the academic year*
15 *during which a qualifying emergency oc-*
16 *curred;” and inserting “for an academic*
17 *year that includes any portion of a quali-*
18 *fying emergency period; and”;* and

19 *(B) by striking paragraph (2) and redesign-*
20 *ating paragraph (3) as paragraph (2).”.*

21 ***(b) EFFECTIVE DATE.—****The amendments made by sub-*
22 *section (a) shall take effect as if included in the enactment*
23 *of the CARES Act (Public Law 116–136).*

1 **SEC. 114. SERVICE OBLIGATIONS FOR TEACHERS AND**
2 **OTHER PROFESSIONALS.**

3 (a) *AMENDMENT.*—Section 3519 of the CARES Act
4 (Public Law 116–136) is amended—

5 (1) in the section heading, by inserting “**AND**
6 **OTHER PROFESSIONALS**” after “**TEACHERS**”; and

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

8 “(c) *FEDERAL PERKINS LOANS.*—Notwithstanding
9 section 465 of the Higher Education Act of 1965 (20 U.S.C.
10 1087ee), the Secretary shall waive the requirements of such
11 section in regard to full-time service and shall consider an
12 incomplete year of service of a borrower as fulfilling the
13 requirement for a complete year of service under such sec-
14 tion, if the service was interrupted due to a qualifying
15 emergency.”.

16 (b) *EFFECTIVE DATE.*—The amendments made by sub-
17 section (a) shall take effect as if included in the enactment
18 of the CARES Act (Public Law 116–136).

19 **SEC. 115. CONTINUING EDUCATION AT AFFECTED FOREIGN**
20 **INSTITUTIONS.**

21 (a) *IN GENERAL.*—Section 3510 of the CARES Act (20
22 U.S.C. 1001 note) is amended—

23 (1) in subsection (a), by striking “for the dura-
24 tion of such emergency” and all that follows through
25 the period at the end and inserting “for purposes of
26 title IV of the Higher Education Act of 1965 (20

1 *U.S.C. 1070 et seq.) until the end of the covered pe-*
2 *riod applicable to the institution.”;*

3 (2) *in subsection (b), by striking “for the dura-*
4 *tion of the qualifying emergency and the following*
5 *payment period for purposes of title IV of the Higher*
6 *Education Act of 1965 (20 U.S.C. 1070 et seq.).” and*
7 *inserting “until the end of the covered period applica-*
8 *ble to the institution.”;*

9 (3) *in subsection (c), by striking “for the dura-*
10 *tion of the qualifying emergency and the following*
11 *payment period,” and inserting “until all covered pe-*
12 *riods for foreign institutions carrying out a distance*
13 *education program authorized under this section have*
14 *ended,”;*

15 (4) *in subsection (d)—*

16 (A) *in paragraph (1)—*

17 (i) *by striking “for the duration of a*
18 *qualifying emergency and the following*
19 *payment period,” and inserting “until the*
20 *end of the covered period applicable to a*
21 *foreign institution,”; and*

22 (ii) *by striking “allow a foreign insti-*
23 *tution” and inserting “allow the foreign in-*
24 *stitution”;*

1 (B) in each of subparagraphs (A) and (B)
2 of paragraph (2), by striking “subsection (a)”
3 and inserting “paragraph (1)”;

4 (C) in paragraph (3)(B), by striking “30
5 days” and inserting “10 days”; and

6 (D) in paragraph (4)—

7 (i) by striking “for the duration of the
8 qualifying emergency and the following
9 payment period,” and inserting “until all
10 covered periods for foreign institutions that
11 entered into written arrangements under
12 paragraph (1) have ended,”; and

13 (ii) by striking “identifies each foreign
14 institution that entered into a written ar-
15 rangement under subsection (a).” and in-
16 serting the following: “identifies, for each
17 such foreign institution—

18 “(A) the name of the foreign institution;

19 “(B) the name of the institution of higher
20 education located in the United States that has
21 entered into a written arrangement with such
22 foreign institution; and

23 “(C) information regarding the nature of
24 such written arrangement, including which

1 *coursework or program requirements are accom-*
2 *plished at each respective institution.”; and*

3 *(5) by adding at the end the following:*

4 “(e) *DEFINITION OF COVERED PERIOD.—*

5 “(1) *IN GENERAL.—In this section, the term*
6 *‘covered period’, when used with respect to a foreign*
7 *institution of higher education, means the period—*

8 “(A) *beginning on the first day of—*

9 “(i) *a qualifying emergency; or*

10 “(ii) *a public health emergency, major*
11 *disaster or emergency, or national emer-*
12 *gency declared by the applicable government*
13 *authorities in the country in which the for-*
14 *ign institution is located; and*

15 “(B) *ending on the later of—*

16 “(i) *subject to paragraph (2), the last*
17 *day of the payment period, for purposes of*
18 *title IV of the Higher Education Act of*
19 *1965 (20 U.S.C. 1070 et seq.), following the*
20 *end of any qualifying emergency or any*
21 *emergency or disaster described in subpara-*
22 *graph (A)(ii) applicable to the foreign insti-*
23 *tution; or*

24 “(ii) *June 30, 2022.*

1 “(2) *SPECIAL RULE FOR CERTAIN PAYMENT PE-*
 2 *RIODS.—For purposes of subparagraph (B)(i), if the*
 3 *following payment period for an award year ends be-*
 4 *fore June 30 of such award year, the covered period*
 5 *shall be extended until June 30 of such award year.”.*

6 (b) *EFFECTIVE DATE.—The amendments made by sub-*
 7 *section (a) shall take effect as if included in the enactment*
 8 *of the CARES Act (Public Law 116–136).*

9 **SEC. 116. FUNDING FOR HBCU CAPITAL FINANCING; EN-**
 10 **DOWMENT CHALLENGE GRANTS.**

11 (a) *FUNDING FOR HBCU CAPITAL FINANCING.—*

12 (1) *AMENDMENTS.—Section 3512 of division A*
 13 *of the Coronavirus Aid, Relief, and Economic Secu-*
 14 *rity Act (20 U.S.C. 1001 note) is amended—*

15 (A) *in subsection (a)—*

16 (i) *in paragraph (1), by striking*
 17 *“may” and inserting “shall”; and*

18 (ii) *in paragraph (2)—*

19 (I) *in subparagraph (A), by strik-*
 20 *ing “or interest” and inserting “or in-*
 21 *terest, or any applicable fees or re-*
 22 *quired funds,”; and*

23 (II) *in subparagraph (B)—*

24 (aa) *by striking “payments”*
 25 *and inserting “payments, and*

1 *any payments of applicable fees*
2 *and required funds,”; and*

3 *(bb) by striking the period*
4 *and inserting “; and”; and*

5 *(III) by adding at the end the fol-*
6 *lowing:*

7 *“(C) the institution may pay, without pen-*
8 *alty, any periodic installment of principal or in-*
9 *terest required under the loan agreement for such*
10 *loan.”; and*

11 *(B) in subsection (d), by striking*
12 *“\$62,000,000” and inserting “such sums as may*
13 *be necessary”.*

14 (2) *EFFECTIVE DATE.*—*The amendments made*
15 *by this subsection shall take effect as if enacted as*
16 *part of the Coronavirus Aid, Relief, and Economic*
17 *Security Act (Public Law 116–136).*

18 (b) *ENDOWMENT CHALLENGE GRANTS.*—*For the dura-*
19 *tion of a qualifying emergency (as defined in section 3502*
20 *of the Coronavirus Aid, Relief, and Economic Security Act*
21 *(20 U.S.C. 1001 note)), notwithstanding the provisions of*
22 *subsections (b)(3), (c)(3)(B), and (d) of section 331 of the*
23 *Higher Education Act of 1965 (20 U.S.C. 1065) applicable*
24 *during the grant period for an endowment challenge grant*
25 *awarded to an institution under such section 331 (20*

1 *U.S.C. 1065), the institution may use the endowment fund*
 2 *corpus plus any endowment fund income—*

3 *(1) for any educational purpose; or*

4 *(2) to defray any expenses necessary to the oper-*
 5 *ation of the institution, including expenses of oper-*
 6 *ations and maintenance, administration, academic*
 7 *and support personnel, construction and renovation,*
 8 *community and student services programs, and tech-*
 9 *nical assistance.*

10 **SEC. 117. WAIVER AUTHORITY FOR INSTITUTIONAL AID.**

11 *(a) IN GENERAL.—Section 3517(a)(1)(D) of the*
 12 *CARES Act (Public Law 116–136) is amended by striking*
 13 *“(b), (c), and (g)” and inserting “(b) and (c)”.*

14 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 15 *section (a) shall take effect as if included in the enactment*
 16 *of the CARES Act (Public Law 116–136).*

17 **SEC. 118. SCOPE OF MODIFICATIONS TO REQUIRED AND AL-**
 18 **LOWABLE USES.**

19 *(a) AMENDMENT TO INCLUDE MINORITY SCIENCE AND*
 20 *ENGINEERING IMPROVEMENT PROGRAM.—Subsection (a) of*
 21 *section 3518 of the CARES Act (Public Law 116–136) is*
 22 *amended—*

23 *(1) by striking “part A or B of title III,” and*
 24 *inserting “part A, part B, or subpart 1 of part E of*
 25 *title III,”; and*

1 (2) *by inserting “1067 et seq.,” after “1060 et*
2 *seq.,”*

3 (b) *AMENDMENT TO MATCHING REQUIREMENT MODI-*
4 *FICATIONS.—Subsection (b) of section 3518 of the CARES*
5 *Act (Public Law 116–136) is amended—*

6 (1) *by striking “Notwithstanding” and inserting*
7 *the following:*

8 “*(1) IN GENERAL.—Notwithstanding”;*

9 (2) *in paragraph (1), as so designated by this*
10 *subsection—*

11 (A) *by striking “is authorized to” and in-*
12 *serting “shall”; and*

13 (B) *by striking “share” and inserting*
14 *“share, non-Federal share,”; and*

15 (3) *by adding at the end the following new para-*
16 *graph:*

17 “*(2) WAIVER OF GEAR UP MATCHING REQUIRE-*
18 *MENT.—*

19 “*(A) IN GENERAL.—Notwithstanding sec-*
20 *tion 404C(b) of the Higher Education Act of*
21 *1965 (20 U.S.C. 1070a–23(b)), the Secretary*
22 *shall waive, for the duration of the period de-*
23 *scribed in subparagraph (B), any requirement*
24 *for an eligible entity (as defined in section*
25 *404A(c) (20 U.S.C. 1070a–21(c))) to provide a*

1 percentage of the cost of the program authorized
2 under chapter 2 of subpart 2 of part A of title
3 IV of the Higher Education Act of 1965 (20
4 U.S.C. 1070a–21 et seq.) from State, local, insti-
5 tutional, or private funds.

6 “(B) DESCRIPTION OF PERIOD.—The period
7 described in this subparagraph is the period be-
8 ginning on the first day of a qualifying emer-
9 gency and ending on September 30 of the fiscal
10 year following the end of the qualifying emer-
11 gency.”.

12 (c) AMENDMENT TO CLARIFY SCOPE OF AUTHORITY.—
13 Section 3518 of the CARES Act (Public Law 116–136) is
14 further amended by adding at the end the following new
15 subsection:

16 “(d) SCOPE OF AUTHORITY.—Notwithstanding sub-
17 section (a), the Secretary may not modify the required or
18 allowable uses of funds for grants awarded under chapter
19 I or II of subpart 2 of part A of title IV of the Higher
20 Education Act of 1965 (20 U.S.C. 1070a–11 et seq.; 1070a–
21 21 et seq.), in a manner that deviates from the overall pur-
22 pose of the grant program, as provided in the general au-
23 thorization, findings, or purpose of the grant program
24 under the applicable statutory provision cited in such chap-
25 ter.”.

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the enactment of*
3 *the CARES Act (Public Law 116–136).*

4 ***Subtitle B—Financial Aid Access***

5 ***SEC. 121. EMERGENCY FINANCIAL AID GRANTS EXCLUDED***
6 ***FROM NEED ANALYSIS.***

7 (a) *TREATMENT OF EMERGENCY FINANCIAL AID*
8 *GRANTS FOR NEED ANALYSIS.*—*Notwithstanding any pro-*
9 *vision of the Higher Education Act of 1965 (20 U.S.C. 1001*
10 *et seq.), emergency financial aid grants—*

11 (1) *shall not be included as income or assets (in-*
12 *cluding untaxed income and benefits under section*
13 *480(b) of the Higher Education Act of 1965 (20*
14 *U.S.C. 1807vv(b)) in the computation of expected*
15 *family contribution for any program funded in whole*
16 *or in part under the Higher Education Act of 1965*
17 *(20 U.S.C. 1001 et seq.); and*

18 (2) *shall not be treated as estimated financial as-*
19 *sistance for the purposes of section 471 or section*
20 *480(j) of the Higher Education Act of 1965 (20*
21 *U.S.C. 1087kk; 1087vv(j)).*

22 (b) *DEFINITION.*—*In this section, the term “emergency*
23 *financial aid grant” means—*

1 (1) *an emergency financial aid grant awarded*
2 *by an institution of higher education under section*
3 *3504 of the CARES Act (Public Law 116–136);*

4 (2) *an emergency financial aid grant from an*
5 *institution of higher education made with funds made*
6 *available under section 18004 of the CARES Act*
7 *(Public Law 116–136); and*

8 (3) *any other emergency financial aid grant to*
9 *a student from a Federal agency, a State, an Indian*
10 *tribe, an institution of higher education, or a scholar-*
11 *ship-granting organization (including a tribal orga-*
12 *nization, as defined in section 4 of the Indian Self-*
13 *Determination and Education Assistance Act (25*
14 *U.S.C. 5304)) for the purpose of providing financial*
15 *relief to students enrolled at institutions of higher*
16 *education in response to a qualifying emergency.*

17 **SEC. 122. FACILITATING ACCESS TO FINANCIAL AID FOR RE-**
18 **CENTLY UNEMPLOYED STUDENTS.**

19 (a) *TREATMENT AS DISLOCATED WORKER.—*

20 (1) *IN GENERAL.—Notwithstanding section*
21 *479(d)(1) of the Higher Education Act of 1965 (20*
22 *U.S.C. 1087ss(d)(1)), any individual who has applied*
23 *for, or who is receiving, unemployment benefits at the*
24 *time of the submission of a FAFSA for a covered*
25 *award year shall be treated as a dislocated worker for*

1 *purposes of the need analysis under part F of title IV*
2 *such Act (20 U.S.C. 1087kk et seq.) applicable to such*
3 *award year.*

4 (2) *INFORMATION TO APPLICANTS AND INSTITU-*
5 *TIONS.—The Secretary—*

6 (A) *for each covered award year, shall en-*
7 *sure that—*

8 (i) *any question on the FAFSA used to*
9 *determine whether an applicant (or, as ap-*
10 *plicable, a spouse or parent of an appli-*
11 *cant) is a dislocated worker includes an ex-*
12 *press reference to individuals who have been*
13 *laid off;*

14 (ii) *any help text associated with a*
15 *question described in clause (i) includes a*
16 *description of an applicant's treatment as a*
17 *dislocated worker under paragraph (1); and*

18 (iii) *the FAFSA includes a prominent*
19 *notification, appearing immediately before*
20 *questions related to tax returns or income*
21 *that, if the applicant (or, as applicable, a*
22 *spouse or parent of an applicant) has lost*
23 *significant income earned from work due to*
24 *a qualifying emergency, the applicant*
25 *should contact the financial aid adminis-*

1 *trator at the institution where the applicant*
2 *plans to enroll to provide current income*
3 *information;*

4 *(B) in consultation with institutions of*
5 *higher education, shall carry out activities to in-*
6 *form applicants for Federal student financial*
7 *aid under the Higher Education Act of 1965 (20*
8 *U.S.C. 1001 et seq.)—*

9 *(i) of the treatment of individuals who*
10 *have applied for, or who are receiving, un-*
11 *employment benefits as dislocated workers*
12 *under paragraph (1);*

13 *(ii) of the availability of means-tested*
14 *Federal benefits for which such applicants*
15 *may be eligible; and*

16 *(iii) of the ability of a financial aid*
17 *administrator of an institution of higher*
18 *education to use professional judgment as*
19 *authorized under section 479A of the Higher*
20 *Education Act of 1965 (20 U.S.C. 1087tt)*
21 *and in accordance with subsection (b), to*
22 *determine, where appropriate, that income*
23 *earned from work is zero and consider un-*
24 *employment benefits to be zero, if the appli-*
25 *cant (or, as applicable, a spouse or parent*

1 of an applicant) has applied for or is re-
2 ceiving unemployment benefits;

3 (C) shall carry out activities to inform in-
4 stitutions of higher education of the authority of
5 such institutions, with explicit written consent of
6 an applicant for Federal student financial aid
7 under the Higher Education Act of 1965 (20
8 U.S.C. 1001 et seq.), to provide information col-
9 lected from such applicant's FAFSA to an orga-
10 nization assisting the applicant in applying for
11 and receiving Federal, State, local, or tribal as-
12 sistance in accordance with section 312 of the
13 Department of Defense and Labor, Health and
14 Human Services, and Education Appropriations
15 Act, 2019 and Continuing Appropriations Act,
16 2019 (Public Law 115– 245); and

17 (D) in consultation with the Secretary of
18 Labor, shall carry out activities to inform appli-
19 cants for, and recipients of, unemployment bene-
20 fits of the availability of Federal student finan-
21 cial aid under the Higher Education Act of 1965
22 (20 U.S.C. 1001 et seq.) and the treatment of
23 such applicants and recipients as dislocated
24 workers under paragraph (1).

1 (3) *IMPLEMENTATION.*—*The Secretary shall im-*
2 *plement this subsection not later than 30 days after*
3 *the date of enactment of this Act.*

4 (4) *APPLICABILITY.*—*Paragraph (1) shall apply*
5 *with respect to a FAFSA submitted on or after the*
6 *earlier of—*

7 (A) *the date on which the Secretary imple-*
8 *ments this subsection under paragraph (3); or*

9 (B) *the date that is 30 days after the date*
10 *of enactment of this Act.*

11 (b) *PROFESSIONAL JUDGMENT OF FINANCIAL AID AD-*
12 *MINISTRATORS.*—*For the purposes of making a professional*
13 *judgment as authorized under section 479A of the Higher*
14 *Education Act of 1965 (20 U.S.C. 1087tt), a financial aid*
15 *administrator may, during a covered award year—*

16 (1) *determine that the income earned from work*
17 *for a student, or a parent or spouse of a student, as*
18 *applicable, is zero, if the student, parent, or spouse*
19 *provides paper or electronic documentation of receipt*
20 *of unemployment benefits or confirmation that an ap-*
21 *plication for unemployment benefits was submitted;*

22 (2) *consider the value of unemployment benefits*
23 *for such student, parent, or spouse to be zero; and*

24 (3) *make appropriate adjustments to the data*
25 *items on the FAFSA for a student, parent, or spouse,*

1 *as applicable, based on the totality of the family’s sit-*
2 *uation.*

3 (c) *UNEMPLOYMENT DOCUMENTATION.*—*For the pur-*
4 *poses of documenting unemployment benefits or application*
5 *for such benefits under subsection (b), such documentation*
6 *shall be accepted if such documentation is submitted not*
7 *more than 90 days from the date on which such documenta-*
8 *tion was issued, unless a financial aid administrator knows*
9 *that the student, parent, or spouse, as applicable, has al-*
10 *ready obtained other employment.*

11 (d) *ADJUSTMENTS TO PROGRAM REVIEW MODEL.*—
12 *The Secretary shall make adjustments to the model used to*
13 *select institutions of higher education participating in title*
14 *IV of the Higher Education Act of 1965 (20 U.S.C. 1070*
15 *et seq.) for program reviews, in order to—*

16 (1) *account for any rise in the use of professional*
17 *judgment as authorized under section 479A of such*
18 *Act (20 U.S.C. 1087tt) during the 2020–2021 and*
19 *2021–2022 award years; and*

20 (2) *ensure that institutions are not penalized for*
21 *an increase in the use of professional judgment dur-*
22 *ing such award years.*

23 (e) *DEFINITIONS.*—*In this section:*

24 (1) *COVERED AWARD YEAR.*—*The term “covered*
25 *award year” means—*

1 (A) *an award year during which there is a*
2 *qualifying emergency; and*

3 (B) *the first award year beginning after the*
4 *end of such qualifying emergency.*

5 (2) *MEANS-TESTED FEDERAL BENEFIT.*—*The*
6 *term “means-tested Federal benefit” includes the fol-*
7 *lowing:*

8 (A) *The supplemental security income pro-*
9 *gram under title XVI of the Social Security Act*
10 *(42 U.S.C. 1381 et seq.).*

11 (B) *The supplemental nutrition assistance*
12 *program under the Food and Nutrition Act of*
13 *2008 (7 U.S.C. 2011 et seq.).*

14 (C) *The free and reduced price school lunch*
15 *program established under the Richard B. Rus-*
16 *sell National School Lunch Act (42 U.S.C. 1751*
17 *et seq.).*

18 (D) *The program of block grants for States*
19 *for temporary assistance for needy families es-*
20 *tablished under part A of title IV of the Social*
21 *Security Act (42 U.S.C. 601 et seq.).*

22 (E) *The special supplemental nutrition pro-*
23 *gram for women, infants, and children estab-*
24 *lished by section 17 of the Child Nutrition Act*
25 *of 1966 (42 U.S.C. 1786).*

1 (F) *The Medicaid program under title XIX*
2 *of the Social Security Act (42 U.S.C. 1396 et*
3 *seq.).*

4 (G) *The tax credits provided under the fol-*
5 *lowing sections of the Internal Revenue Code of*
6 *1986 (title 26, United States Code):*

7 (i) *Section 25A (relating to American*
8 *Opportunity and Lifetime Learning cred-*
9 *its).*

10 (ii) *Section 32 (relating to earned in-*
11 *come).*

12 (iii) *Section 36B (relating to refund-*
13 *able credit for coverage under a qualified*
14 *health plan).*

15 (iv) *Section 6428 (relating to 2020 re-*
16 *covery rebates for individuals).*

17 (H) *Federal housing assistance programs,*
18 *including tenant-based assistance under section*
19 *8(o) of the United States Housing Act of 1937*
20 *(42 U.S.C. 1437f(o)), and public housing, as de-*
21 *finied in section 3(b)(1) of such Act (42 U.S.C.*
22 *1437a(b)(1)).*

23 (I) *Such other Federal means-tested benefits*
24 *as may be identified by the Secretary.*

1 **SEC. 123. STUDENT ELIGIBILITY FOR HIGHER EDUCATION**
2 **EMERGENCY RELIEF FUND AND OTHER HIGH-**
3 **ER EDUCATION FUNDS.**

4 (a) *IN GENERAL.*—*With respect to student eligibility*
5 *for receipt of funds provided under section 18004 of the*
6 *CARES Act (Public Law 116–136) and under title VIII*
7 *of division A of this Act—*

8 (1) *the Secretary is prohibited from imposing*
9 *any restriction on, or defining, the populations of stu-*
10 *dents who may receive such funds other than a re-*
11 *striction based solely on the student’s enrollment at*
12 *the institution of higher education; and*

13 (2) *section 401(a) the Personal Responsibility*
14 *and Work Opportunity Reconciliation Act of 1996 (8*
15 *U.S.C. 1611(a)) shall not apply.*

16 (b) *EFFECTIVE DATE.*—*Subsection (a) shall take effect*
17 *as if included in the enactment of the CARES Act (Public*
18 *Law 116–136), and an institution of higher education that*
19 *provided funds to a student before the date of enactment*
20 *of this Act shall not be penalized if such provision is con-*
21 *sistent with such subsection and section 18004 of the*
22 *CARES Act (Public Law 116–136).*

23 **SEC. 124. DISTANCE EDUCATION.**

24 (a) *DEFINITION OF DISTANCE EDUCATION.*—

25 (1) *IN GENERAL.*—*Notwithstanding section*
26 *103(7) of the Higher Education Act of 1965 (20*

1 *U.S.C. 1003(7)) and except as otherwise specified in*
2 *section 486 of the Higher Education Act of 1965 (20*
3 *U.S.C. 1093), the term “distance education” as used*
4 *in title IV of the Higher Education Act of 1965 (20*
5 *U.S.C. 1070 et seq.) shall have the meaning given that*
6 *term in section 600.2 of title 34, Code of Federal Reg-*
7 *ulations, as amended by the final regulations entitled*
8 *“Distance Education and Innovation” published by*
9 *the Department of Education in the Federal Register*
10 *on September 2, 2020 (85 Fed. Reg. 54809), or any*
11 *succeeding regulations.*

12 (2) *INFORMATION TO ACCREDITING AGENCY.—*
13 *Not later than 90 days after the date of enactment of*
14 *this Act, each institution of higher education that*
15 *participates in a program under title IV of the High-*
16 *er Education Act of 1965 (20 U.S.C. 1070 et seq.)*
17 *and that provides one or more educational programs*
18 *through distance education shall submit to the insti-*
19 *tution’s accrediting agency or association, a descrip-*
20 *tion of how the institution plans to meet the require-*
21 *ments of this subsection.*

22 (3) *EFFECTIVE DATE.—This subsection shall take*
23 *effect with respect to any semester (or the equivalent)*
24 *that begins on or after December 1, 2020.*

1 (b) *APPROVAL FOR EXPANDED DISTANCE EDU-*
2 *CATION.—*

3 (1) *IN GENERAL.—*

4 (A) *IN GENERAL.—Notwithstanding section*
5 *481(b)(3) of the Higher Education Act of 1965*
6 *(20 U.S.C. 1088(b)(3)), an institution of higher*
7 *education described in subparagraph (B) may*
8 *deliver distance education by offering programs*
9 *in whole or in part through telecommunications*
10 *and be eligible to participate in a program*
11 *under title IV if such institution meets the re-*
12 *quirements of paragraphs (2) through (4).*

13 (B) *INSTITUTION OF HIGHER EDUCATION.—*
14 *An institution of higher education described in*
15 *this subparagraph is an institution of higher*
16 *education that uses or expands distance edu-*
17 *cation—*

18 (i) *in accordance with the flexibilities*
19 *and waivers provided under the guidance of*
20 *the Secretary on distance education; and*

21 (ii) *without following—*

22 (I) *the standard approval process*
23 *for distance education (as in effect be-*
24 *fore March 5, 2020) of the Secretary;*
25 *or*

1 (II) the evaluation process of in-
2 stitution's accrediting agency or asso-
3 ciation described in paragraph (2)(A).

4 (2) COMMENCEMENT OF EVALUATION PROCESS
5 WITH THE INSTITUTION'S ACCREDITING AGENCY.—

6 (A) IN GENERAL.—Not later than December
7 31, 2020, each institution described in para-
8 graph (1)(B) shall demonstrate to the Secretary
9 that such institution has commenced the evalua-
10 tion process with its accrediting agency or asso-
11 ciation for the purpose of evaluating distance
12 education to determine whether such institution
13 has the capability to—

14 (i) effectively deliver distance edu-
15 cation programs; and

16 (ii) meet the applicable policies and
17 procedures of the accrediting agency or as-
18 sociation (as such policies and procedures
19 were in effect before March 5, 2020).

20 (B) ACCREDITING AGENCY OR ASSOCIA-
21 TION.—In a case in which an accrediting agency
22 or association does not have distance education
23 in the scope of its recognition at the time an in-
24 stitution commences the evaluation process de-
25 scribed in this paragraph, and such agency ex-

1 *pands its scope of accreditation to include dis-*
2 *tance education, not later than 30 days after*
3 *such change in scope, such agency shall notify*
4 *the Secretary, in writing, of the change in scope*
5 *to include distance education, in accordance*
6 *with section 496(a)(4)(B)(i)(II) of the Higher*
7 *Education Act of 1965 (20 U.S.C.*
8 *1099b(a)(4)(B)(i)(II)).*

9 *(3) COMMENCEMENT OF APPROVAL PROCESS*
10 *WITH THE SECRETARY.—Not later than December 31,*
11 *2020, each institution described in paragraph (1)(B)*
12 *shall commence, with the Secretary, the standard ap-*
13 *proval process for distance education of the Secretary*
14 *referred to in paragraph (1)(B)(ii)(I).*

15 *(4) COMPLETION OF EVALUATION AND APPROVAL*
16 *PROCESS.—*

17 *(A) IN GENERAL.—Not later than July 1,*
18 *2021, an institution of higher education de-*
19 *scribed in paragraph (1)(B) shall demonstrate to*
20 *the Secretary that—*

21 *(i) the institution has completed the*
22 *evaluation process and standard approval*
23 *process for distance education under para-*
24 *graphs (2) and (3), respectively, for each of*
25 *its applicable programs; and*

1 (ii) each such program meets the ap-
2 plicable policies and procedures to offer dis-
3 tance education that are required by the
4 Secretary and the institution's accrediting
5 agency or association under such para-
6 graphs.

7 (B) *LOSS OF ELIGIBILITY.*—An institution
8 of higher education that does not meet the re-
9 quirements of subparagraph (A) shall cease offer-
10 ing distance education programs until such time
11 that such institution demonstrates to the Sec-
12 retary that the institution and each of its appli-
13 cable programs meet the requirements of sub-
14 paragraph (A).

15 (c) *REQUIREMENTS FOR CERTAIN COVERED ARRANGE-*
16 *MENTS.*—

17 (1) *ACCREDITOR REVIEW FOR COVERED AR-*
18 *RANGEMENTS WITH FOREIGN INSTITUTIONS.*—An in-
19 stitution of higher education with a covered arrange-
20 ment with a foreign institution shall demonstrate to
21 the Secretary that the institution has commenced the
22 evaluation process with the institution's accrediting
23 agency or association to determine, in a case in
24 which the accrediting agency or association has
25 standards for the provision of educational services to

1 *another institution, whether such covered arrange-*
2 *ment meets the standards.*

3 (2) *REPORTING TO THE SECRETARY.—Beginning*
4 *not later than 30 days after the date of enactment of*
5 *this Act, the Secretary shall require the following:*

6 (A) *INSTITUTIONS WITH COVERED AR-*
7 *RANGEMENTS WITH NON-TITLE-IV INSTITUTIONS*
8 *OR ORGANIZATIONS.—An institution of higher*
9 *education with a covered arrangement with a*
10 *non-title-IV institution or organization shall re-*
11 *port to the Secretary not later than 10 days after*
12 *the institution of higher education establishes or*
13 *modifies such covered arrangement—*

14 (i) *the name of the institution or orga-*
15 *nization that is not eligible to participate*
16 *in a program under title IV;*

17 (ii) *a summary of such arrangement,*
18 *including the percentages and components*
19 *of the educational program to be offered by*
20 *the institution of higher education and such*
21 *institution or organization; and*

22 (iii) *an attestation that the institution*
23 *of higher education and such institution or*
24 *organization meet the requirements of sec-*
25 *tion 668.5(c) of title 34, Code of Federal*

1 *Regulations (as such section is in effect on*
2 *the date of enactment of this Act), including*
3 *the specific determination from the institu-*
4 *tion of higher education's accrediting agen-*
5 *cy or association that the institution's ar-*
6 *rangement meets the agency or association's*
7 *standards for the contracting out of edu-*
8 *cational services.*

9 *(B) INSTITUTIONS WITH COVERED AR-*
10 *RANGEMENTS WITH FOREIGN INSTITUTIONS.—An*
11 *institution of higher education with a covered*
12 *arrangement with a foreign institution shall re-*
13 *port to the Secretary—*

14 *(i) not later than 10 days after such*
15 *institution establishes such covered arrange-*
16 *ment—*

17 *(I) the name of the foreign insti-*
18 *tution; and*

19 *(II) a summary of such arrange-*
20 *ment, including the percentages and*
21 *components of the educational program*
22 *to be offered by the institution of high-*
23 *er education and the foreign institu-*
24 *tion; and*

1 (ii) if applicable, not later than 10
2 days after the date on which the institu-
3 tion's accrediting agency or association pro-
4 vides its determination to the institution in
5 accordance with paragraph (1), the deter-
6 mination made by the institution's accred-
7 iting agency or association.

8 (3) *INFORMATION MADE AVAILABLE TO STU-*
9 *DENTS.—*

10 (A) *INSTITUTIONS WITH COVERED AR-*
11 *RANGEMENTS WITH NON-TITLE-IV INSTITUTIONS*
12 *OR ORGANIZATIONS.—An institution of higher*
13 *education with a covered arrangement with a*
14 *non-title-IV institution or organization shall*
15 *provide directly to enrolled and prospective stu-*
16 *dents, and make available on a publicly acces-*
17 *sible website of the institution, a description of*
18 *each covered arrangement with a non-title-IV in-*
19 *stitution or organization, including information*
20 *on—*

21 (i) *the portion of the educational pro-*
22 *gram that the institution of higher edu-*
23 *cation is not providing;*

24 (ii) *the name and location of the non-*
25 *title-IV institution or organization that is*

1 *providing such portion of the educational*
2 *program;*

3 *(iii) the method of delivery of such por-*
4 *tion of the educational program; and*

5 *(iv) the estimated additional costs stu-*
6 *dents may incur as the result of enrolling*
7 *in an educational program that is provided*
8 *under the covered arrangement.*

9 *(B) INSTITUTIONS WITH COVERED AR-*
10 *RANGEMENTS WITH FOREIGN INSTITUTIONS.—In*
11 *the case of an institution of higher education*
12 *with a covered arrangement with a foreign insti-*
13 *tution, the foreign institution in such arrange-*
14 *ment shall provide the information described in*
15 *subparagraph (A) regarding the covered arrange-*
16 *ment in the same manner as applies to an insti-*
17 *tution of higher education with a covered ar-*
18 *rangement with a non-title-IV institution or or-*
19 *ganization subject to such subparagraph.*

20 *(4) ENFORCEMENT.—The Secretary shall take*
21 *such enforcement actions under section 487(c) of the*
22 *Higher Education Act of 1965 (20 U.S.C. 1094(c)) as*
23 *necessary until such time as an institution of higher*
24 *education with a covered arrangement subject to this*

1 subsection can demonstrate that the institution
2 meets—

3 (A) the standards of the institution's accred-
4 iting agency or association for the contracting
5 out of educational services; and

6 (B) in the case of an institution with a cov-
7 ered arrangement with a foreign institution, the
8 standards, if applicable, of the accrediting agen-
9 cy or association for the provision of educational
10 services to another institution.

11 (d) *REQUIRED REPORTS.*—

12 (1) *REPORTS BY ACCREDITING AGENCY OR ASSO-*
13 *CIATION.*—

14 (A) *IN GENERAL.*—Not later than 15 busi-
15 ness days after an accrediting agency or associa-
16 tion completes the review of an institution of
17 higher education subject to the requirements of
18 subsection (b) or (c), the accrediting agency or
19 association shall publish a report regarding the
20 review.

21 (B) *REQUIREMENTS.*—The report under
22 subparagraph (A) shall—

23 (i) be published on the website of the
24 accrediting agency or association; and

1 (ii) include a summary of the conclu-
2 sion and the relevant findings that such
3 agency or association provided such institu-
4 tion of higher education in granting, as ap-
5 plicable—

6 (I) the approval or denial for an
7 institution of higher education to de-
8 liver distance education under sub-
9 section (b); or

10 (II) the approval or denial of an
11 institution of higher education to enter
12 into or modify a written arrangement
13 in accordance with subsection (c).

14 (2) *REPORTS BY SECRETARY.*—By March 31,
15 2021, and quarterly thereafter, the Secretary shall
16 provide the Committee on Health, Education, Labor,
17 and Pensions of the Senate and the Committee on
18 Education and Labor of the House of Representatives,
19 and publish on a publicly available website, a report
20 of the information collected under paragraph (1) and
21 subsection (c)(2).

22 (e) *OTHER DEFINITIONS.*—In this section:

23 (1) *ACCREDITING AGENCY OR ASSOCIATION.*—The
24 term “accrediting agency or association” means—

1 (A) *an accrediting agency or association*
2 *that is recognized by the Secretary under subpart*
3 *2 of part H of title IV of the Higher Education*
4 *Act of 1965 (20 U.S.C. 1099b); or*

5 (B) *in the case of a public postsecondary*
6 *vocational institution whose eligibility for Fed-*
7 *eral student assistance programs is being deter-*
8 *mined by a State agency listed under section*
9 *487(c)(4) of the Higher Education Act of 1965*
10 *(20 U.S.C. 1094(c)(4)), such a State agency.*

11 (2) *COVERED ARRANGEMENT WITH A FOREIGN*
12 *INSTITUTION.—The term “covered arrangement with*
13 *a foreign institution” means a written arrangement*
14 *entered into between an institution of higher edu-*
15 *cation and a foreign institution, on or after March*
16 *13, 2020, to provide an educational program.*

17 (3) *COVERED ARRANGEMENT WITH A NON-TITLE-*
18 *IV INSTITUTION OR ORGANIZATION.—The term “cov-*
19 *ered arrangement with a non-title-IV institution or*
20 *organization” means a written arrangement—*

21 (A) *to provide an educational program that*
22 *satisfies the requirements of section 668.8 of title*
23 *34, Code of Federal Regulations (as such section*
24 *is in effect on the date of enactment of this Act)*
25 *between an institution of higher education and*

1 *an institution or organization that is not eligible*
2 *to participate in a program under title IV;*

3 *(B) entered into, or modified, on or after*
4 *March 13, 2020; and*

5 *(C) through which the institution or organi-*
6 *zation that is not eligible to participate in a*
7 *program under title IV will provide more than*
8 *25 percent, but less than 50 percent of the edu-*
9 *cational program subject to the arrangement.*

10 (4) *FOREIGN INSTITUTION.*—*The term “foreign*
11 *institution” means an institution located outside the*
12 *United States that is described in paragraphs (1)(C)*
13 *and (2) of section 102(a) of the Higher Education Act*
14 *of 1965 (20 U.S.C. 1002(a)).*

15 (5) *GUIDANCE OF THE SECRETARY ON DISTANCE*
16 *EDUCATION.*—*The term “guidance of the Secretary on*
17 *distance education” means the guidance of the Sec-*
18 *retary entitled “UPDATED Guidance for interrup-*
19 *tions of study related to Coronavirus (COVID–19)”*
20 *dated June 16, 2020 (or prior or succeeding guid-*
21 *ance).*

22 (6) *INSTITUTION OF HIGHER EDUCATION.*—*The*
23 *term “institution of higher education” has the mean-*
24 *ing given that term in section 102 of the Higher Edu-*
25 *cation Act of 1965 (20 U.S.C. 1002).*

1 (7) *PROGRAM UNDER TITLE IV.*—The term “pro-
2 gram under title IV” means the following programs
3 under title IV of the Higher Education Act of 1965
4 (20 U.S.C. 1070 et seq.):

5 (A) *The Federal Pell Grant program under*
6 *section 401 of such Act (20 U.S.C. 1070a).*

7 (B) *The Federal Supplemental Educational*
8 *Opportunity Grant program under subpart 3 of*
9 *part A of such title IV (20 U.S.C. 1070b).*

10 (C) *The Federal work-study program under*
11 *part C of such title IV (20 U.S.C. 1087–51 et*
12 *seq.).*

13 (D) *The Federal Direct Loan program*
14 *under part D of such title IV (20 U.S.C. 1087a*
15 *et seq.).*

16 **SEC. 125. REQUIREMENTS FOR TEACH-OUT PLANS AND**
17 **TEACH-OUT AGREEMENTS.**

18 (a) *REQUIREMENTS.*—

19 (1) *IN GENERAL.*—Notwithstanding section
20 487(f)(2) of the Higher Education Act of 1965 (20
21 U.S.C. 1094(f)(2)), in the event an institution of
22 higher education, during the period described in sub-
23 section (d), is required to submit to its accrediting
24 agency or association a teach-out plan (in accordance
25 with section 487(f) and section 496(c)(3) of such Act

1 (20 U.S.C. 1094(f); 1099b(c)(3))), or to submit a
2 teach-out agreement among institutions (in accord-
3 ance with section 496(c)(6) of such Act (20 U.S.C.
4 1099b(c)(6))), the following shall apply to such plans
5 and agreements:

6 (A) The definitions and requirements de-
7 scribed in this subsection.

8 (B) Any other applicable standards of the
9 institution's accrediting agency or association.

10 (C) Any other provisions the Secretary of
11 Education determines are necessary to protect
12 the interests of the United States and to promote
13 the purposes of this section.

14 (2) CLOSING INSTITUTION DEFINED.—The term
15 “closing institution” means an institution of higher
16 education—

17 (A) that ceases to operate or plans to cease
18 operations before all enrolled students have com-
19 pleted their program of study; or

20 (B) that has an institutional location
21 that—

22 (i) provides 100 percent of at least 1
23 program offered by the institution of higher
24 education; and

1 (ii) ceases to operate or plans to cease
2 operations before all enrolled students have
3 completed their program of study.

4 (3) *TEACH-OUT PLANS.*—

5 (A) *TEACH-OUT PLAN DEFINED.*—The term
6 “teach-out plan” means a written plan developed
7 by a closing institution that provides for the eq-
8 uitable treatment of students.

9 (B) *CONTENTS OF TEACH-OUT PLANS.*—A
10 teach-out plan shall include a record-retention
11 plan that includes—

12 (i) a plan for the custody (including
13 by any applicable State authorizing agen-
14 cies), and the disposition, of teach-out
15 records that meets the requirements of para-
16 graph (5)(B)(iii);

17 (ii) an assurance that in the event of
18 the closure of the institution or an institu-
19 tional location of the institution, such insti-
20 tution—

21 (I) will meet the requirements of
22 paragraph (5)(B)(iv); and

23 (II) will refund students the
24 amount of any unearned tuition, ac-

1 *count balances, and student fees, and*
2 *refunds due; and*

3 *(iii) an estimate of the costs necessary*
4 *to carry out such record-retention plan.*

5 (4) *TEACH-OUT AGREEMENT DEFINED.—The*
6 *term “teach-out agreement” means a written agree-*
7 *ment between a closing institution and one or more*
8 *other institutions of higher education (in this section*
9 *referred to as a “teach-out institution)” that—*

10 (A) *provides for the equitable treatment of*
11 *students and a reasonable opportunity for stu-*
12 *dents to complete their program of study; and*

13 (B) *meets the requirements in section*
14 *496(c)(6) of the Higher Education Act of 1965*
15 *(20 U.S.C. 1099b(c)(6)).*

16 (5) *APPROVAL OF TEACH-OUT AGREEMENTS.—In*
17 *approving a teach-out agreement, the accrediting*
18 *agency or association shall determine a timeline for*
19 *an interim teach-out agreement and a final teach-out*
20 *agreement that provides for the equitable treatment of*
21 *students and ensures—*

22 (A) *that the teach-out institution—*

23 (i) *to the extent practicable, is an in-*
24 *stitution of higher education that meets the*
25 *requirements of section 101 or section*

1 *102(c) of the Higher Education Act of 1965*
2 *(20 U.S.C. 1001; 1002(c));*

3 *(ii) has the necessary experience, re-*
4 *sources, and support services to provide an*
5 *educational program that is of acceptable*
6 *quality and reasonably similar in content,*
7 *delivery modality, and scheduling to that*
8 *provided by the closing institution with*
9 *which the teach-out institution has entered*
10 *into the teach-out agreement;*

11 *(iii) has not been subject to a sanction*
12 *of probation or equivalent or show cause by*
13 *its accrediting agency or association or any*
14 *applicable State authorizing or licensing*
15 *agency in the past 5 years; and*

16 *(iv) shows no evidence of significant*
17 *problems (including financial stability or*
18 *administrative capability) that affect the*
19 *institution's capacity to carry out its mis-*
20 *sion and meet all obligations to enrolled*
21 *students, which shall include a showing that*
22 *there is no evidence of the conditions de-*
23 *scribed in section 602.24(c)(8) of title 34,*
24 *Code of Federal Regulations, as in effect on*
25 *the date of enactment of this Act; and*

1 (B) that the closing institution—

2 (i) provides the accrediting agency or
3 association and the Secretary a complete
4 list of all students who are enrolled in each
5 program at the institution or who have
6 withdrawn from the institution within the
7 last 180 days, including each student's
8 name, contact information, program of
9 study, the program requirements each stu-
10 dent has completed, and the estimated date
11 of completion in the absence of the closure
12 of such institution or institutional location;

13 (ii) provides to the accrediting agency
14 or association and the Secretary, for each
15 program of study at the closing institution,
16 records of any agreements pertaining to the
17 acceptance of students, transfer of credits,
18 articulation agreements, or waiver of pro-
19 gram requirements between the closing in-
20 stitution and any other institutions of high-
21 er education;

22 (iii) provides a record-retention plan
23 to all enrolled students that delineates the
24 final disposition of teach-out records,
25 digitally where practicable, including stu-

1 *dent transcripts, billing, financial aid*
2 *records, and the amount of any unearned*
3 *tuition, account balances, student fees, and*
4 *refunds due to each such student;*

5 *(iv) releases all financial holds placed*
6 *on student records and, for the 3-year pe-*
7 *riod beginning on the date of the closure of*
8 *such institution or institutional location,*
9 *provides each student (including each stu-*
10 *dent who withdrew from such institution*
11 *during the 180-day period prior to the date*
12 *of such closure) with the student's official*
13 *transcripts and complete academic records*
14 *at no cost to the student;*

15 *(v) provides students with information,*
16 *using standard language developed by the*
17 *Secretary under subsection (b), regarding—*

18 *(I) the benefits and consequences*
19 *of choosing to—*

20 *(aa) continue the student's*
21 *studies by transferring to a teach-*
22 *out institution; and*

23 *(bb) receive a closed school*
24 *discharge under section 437(c)(1)*
25 *and section 464(g)(1) of the High-*

1 *er Education Act of 1965 (20*
2 *U.S.C. 1087(c)(1); 1087dd(g)(1));*
3 *and*

4 *(II) if applicable, information on*
5 *institutional and State refund policies;*

6 *(vi) provides students with information*
7 *about additional tuition and fee charges, if*
8 *any, at the teach-out institution; and*

9 *(vii) provides students with accurate*
10 *information on the number and types of*
11 *credits the teach-out institution is willing to*
12 *accept prior to the student's enrollment in*
13 *that institution or any other institution of*
14 *higher education with which the closing in-*
15 *stitution has an articulation agreement.*

16 *(6) SUBMISSION OF TEACH-OUT PLANS AND*
17 *TEACH-OUT AGREEMENTS.—*

18 *(A) SUBMISSION OF NOTICE.—Not later*
19 *than 10 days after being required to submit a*
20 *teach-out plan or teach-out agreement to its ac-*
21 *crediting agency or association, the institution of*
22 *higher education shall submit a notice of such*
23 *plan or agreement to the Secretary of Education*
24 *and to any applicable State authorizing agencies*
25 *of such institution.*

1 (B) *SUBMISSION OF PLAN OR AGREE-*
2 *MENT.*—Not later than 5 days after receiving ap-
3 *proval from its accrediting agency or association*
4 *of a teach-out plan or teach-out agreement, as*
5 *applicable, the institution of higher education*
6 *shall submit the approved plan or agreement to*
7 *the Secretary of Education and to any applica-*
8 *ble State authorizing agencies of such institu-*
9 *tion.*

10 (b) *STANDARD LANGUAGE.*—Not later than 60 days
11 *after the date of the enactment of this section, the Secretary*
12 *of Education shall publish standard language relating to*
13 *closed school discharges for purposes of subsection*
14 *(a)(5)(B)(v).*

15 (c) *PROHIBITION ON MISREPRESENTATIONS.*—

16 (1) *IN GENERAL.*—An institution of higher edu-
17 *cation is prohibited from engaging in misrepresenta-*
18 *tion about the nature of teach-out plans, teach-out*
19 *agreements, and transfer of credit.*

20 (2) *SANCTIONS.*— Upon determination, after
21 *reasonable notice and opportunity for a hearing, that*
22 *an institution of higher education is in violation of*
23 *this subsection, the Secretary of Education—*

24 (A) *shall impose a civil penalty not to ex-*
25 *ceed \$25,000 for each misrepresentation; and*

1 “(A) made under part B, part D, or part
2 E of title IV of the Higher Education Act of
3 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,
4 1087aa et seq.), and held by the Department of
5 Education;

6 “(B) made, insured, or guaranteed under
7 part B of such title, or made under part E of
8 such title, and not held by the Department of
9 Education; or

10 “(C) made under—

11 “(i) subpart II of part A of title VII
12 of the Public Health Service Act (42 U.S.C.
13 292q et seq.); or

14 “(ii) part E of title VIII of the Public
15 Health Service Act (42 U.S.C. 297a et
16 seq.).”.

17 **SEC. 132. EXTENDING THE LENGTH OF BORROWER RELIEF**
18 **DUE TO THE CORONAVIRUS EMERGENCY.**

19 Section 3513 of division A of the Coronavirus Aid, Re-
20 lief, and Economic Security Act (Public Law 116–136) is
21 amended—

22 (1) by amending subsection (a) to read as fol-
23 lows:

24 “(a) **SUSPENSION OF PAYMENTS.**—

1 “(1) *IN GENERAL.*—During the period beginning
2 on March 13, 2020, and ending on September 30,
3 2021, the Secretary or, as applicable, the Secretary of
4 Health and Human Services, shall suspend all pay-
5 ments due on Federal student loans.

6 “(2) *TRANSITION PERIOD.*—For one additional
7 30-day period beginning on the day after the last day
8 of the suspension period described in subsection (a),
9 the Secretary or, as applicable, the Secretary of
10 Health and Human Services, shall ensure that any
11 missed payments on a Federal student loan by a bor-
12 rower during such additional 30-day period—

13 “(A) do not result in collection fees or pen-
14 alties associated with late payments; and

15 “(B) are not reported to any consumer re-
16 porting agency or otherwise impact the bor-
17 rower’s credit history.

18 “(3) *DETERMINATION OF COMPENSATION.*—The
19 Secretary or, as applicable, the Secretary of Health
20 and Human Services shall—

21 “(A) with respect to a holder of a Federal
22 student loan defined in subparagraph (B) or (C)
23 of section 3502(a)(2)—

1 “(i) determine any losses for such hold-
2 er due to the suspension of payments on
3 such loan under paragraph (1); and

4 “(ii) establish reasonable compensation
5 for such losses; and

6 “(B) not later than 60 days after the date
7 of enactment of the *Pandemic Education Re-*
8 *ponse Act*, with respect to a borrower who made
9 a payment on a Federal student loan defined in
10 subparagraph (B) or (C) of section 3502(a)(2)
11 during the period beginning on March 13, 2020,
12 and ending on such date of enactment, the Sec-
13 retary shall pay to the borrower, an amount
14 equal to the lower of—

15 “(i) the amount paid by the borrower
16 on such loan during such period; or

17 “(ii) the amount that was due on such
18 loan during such period.

19 “(4) *RECERTIFICATION*.—A borrower who is re-
20 paying a Federal student loan pursuant to an in-
21 come-contingent repayment plan under section
22 455(d)(1)(D) of the *Higher Education Act of 1965* (20
23 *U.S.C. 1087e(d)(1)(D)*) or an income-based repay-
24 ment plan under section 493C of such Act (20 *U.S.C.*
25 *1098e*) shall not be required to recertify the income or

1 *family size of the borrower under such plan prior to*
2 *December 31, 2021.”;*

3 (2) *in subsection (c), by striking “part D or B*
4 *of title IV of the Higher Education Act of 1965 (20*
5 *U.S.C. 1087a et seq.; 1071 et seq.)” and inserting*
6 *“part B, D, or E of title IV of the Higher Education*
7 *Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.;*
8 *1087aa et seq.)”;*

9 (3) *in subsection (d), by striking “During the pe-*
10 *riod in which the Secretary suspends payments on a*
11 *loan under subsection (a), the Secretary” and insert-*
12 *ing “During the period in which payments on a Fed-*
13 *eral student loan are suspended under subsection (a),*
14 *the Secretary or, as applicable, the Secretary of*
15 *Health and Human Services”;*

16 (4) *in subsection (e), by striking “During the pe-*
17 *riod in which the Secretary suspends payments on a*
18 *loan under subsection (a), the Secretary” and insert-*
19 *ing “During the period in which payments on a Fed-*
20 *eral student loan are suspended under subsection (a),*
21 *the Secretary or, as applicable, the Secretary of*
22 *Health and Human Services”;* and

23 (5) *in subsection (f), by striking “the Secretary”*
24 *and inserting “the Secretary or, as applicable, the*
25 *Secretary of Health and Human Services,”.*

1 **SEC. 133. NO INTEREST ACCRUAL.**

2 *Section 3513(b) of division A of the Coronavirus Aid,*
3 *Relief, and Economic Security Act (Public Law 116–136)*
4 *is amended to read as follows:*

5 “(b) *PROVIDING INTEREST RELIEF.*—

6 “(1) *NO ACCRUAL OF INTEREST.*—

7 “(A) *IN GENERAL.*—*During the period de-*
8 *scribed in subparagraph (D), interest on a Fed-*
9 *eral student loan shall not accrue or shall be*
10 *paid by the Secretary (or the Secretary of Health*
11 *and Human Services) during—*

12 “(i) *the repayment period of such loan;*

13 “(ii) *any period excluded from the re-*
14 *payment period of such loan (including any*
15 *period of deferment or forbearance);*

16 “(iii) *any period in which the bor-*
17 *rower of such loan is in a grace period; or*

18 “(iv) *any period in which the borrower*
19 *of such loan is in default on such loan.*

20 “(B) *DIRECT LOANS AND DEPARTMENT OF*
21 *EDUCATION HELD FFEL AND PERKINS LOANS.*—

22 *For purposes of subparagraph (A), interest shall*
23 *not accrue on a Federal student loan defined in*
24 *section 3502(a)(2)(A).*

1 “(C) *FFEL AND PERKINS LOANS NOT HELD*
2 *BY THE DEPARTMENT OF EDUCATION AND HHS*
3 *LOANS.—For purposes of subparagraph (A)—*

4 “(i) *in the case of a Federal student*
5 *loan defined in section 3502(a)(2)(B), the*
6 *Secretary shall pay, on a monthly basis, the*
7 *amount of interest due on the unpaid prin-*
8 *cipal of such loan to the holder of such loan,*
9 *except that any payments made under this*
10 *clause shall not affect payment calculations*
11 *under section 438 of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1087–1); and*

13 “(ii) *in the case of a Federal student*
14 *loan defined in section 3502(a)(2)(C), the*
15 *Secretary of Health and Human Services*
16 *shall pay, on a monthly basis, the amount*
17 *of interest due on the unpaid principal of*
18 *such loan to the holder of such loan.*

19 “(D) *PERIOD DESCRIBED.—*

20 “(i) *IN GENERAL.—The period de-*
21 *scribed in this clause is the period begin-*
22 *ning on March 13, 2020, and ending on the*
23 *later of—*

24 “(I) *September 30, 2021; or*

1 “(II) *the day following the date of*
2 *enactment of the Pandemic Education*
3 *Response Act that is 2 months after the*
4 *national U–5 measure of labor under-*
5 *utilization shows initial signs of recov-*
6 *ery.*

7 “(ii) *DEFINITIONS.—In this subpara-*
8 *graph:*

9 “(I) *NATIONAL U–5 MEASURE OF*
10 *LABOR UNDERUTILIZATION.—The term*
11 *‘national U–5 measure of labor under-*
12 *utilization’ means the seasonally-ad-*
13 *justed, monthly U–5 measure of labor*
14 *underutilization published by the Bu-*
15 *reau of Labor Statistics.*

16 “(II) *INITIAL SIGNS OF RECOV-*
17 *ERY.—The term ‘initial signs of recov-*
18 *ery’ means that the average national*
19 *U–5 measure of labor underutilization*
20 *for months in the most recent 3-con-*
21 *secutive-month period for which data*
22 *are available—*

23 “(aa) *is lower than the high-*
24 *est value of the average national*
25 *U–5 measure of labor under-*

1 *utilization for a 3-consecutive-*
2 *month period during the period*
3 *beginning in March 2020 and the*
4 *most recent month for which data*
5 *from the Bureau of Labor Statis-*
6 *tics are available by an amount*
7 *that is equal to or greater than*
8 *one-third of the difference be-*
9 *tween—*

10 “(AA) *the highest value*
11 *of the average national U–5*
12 *measure of labor under-*
13 *utilization for a 3-consecu-*
14 *tive-month period during*
15 *such period; and*

16 “(BB) *the value of the*
17 *average national U–5 meas-*
18 *ure of labor underutilization*
19 *for the 3-consecutive-month*
20 *period ending in February*
21 *2020; and*

22 “(bb) *has decreased for each*
23 *month during the most recent 2*
24 *consecutive months for which data*

1 *from the Bureau of Labor Statis-*
2 *tics are available.*

3 “(E) *OTHER DEFINITIONS.—In this para-*
4 *graph:*

5 “(i) *DEFAULT.—The term ‘default’—*

6 “(I) *in the case of a Federal stu-*
7 *dent loan made, insured, or guaranteed*
8 *under part B or D of the Higher Edu-*
9 *cation Act of 1965, has the meaning*
10 *given such term in section 435(l) of the*
11 *Higher Education Act of 1965 (20*
12 *U.S.C. 1085);*

13 “(II) *in the case of a Federal stu-*
14 *dent loan made under part E of the*
15 *Higher Education Act of 1965, has the*
16 *meaning given such term in section*
17 *674.2 of title 34, Code of Federal Regu-*
18 *lations (or successor regulations); or*

19 “(III) *in the case of a Federal stu-*
20 *dent loan defined in section*
21 *3502(a)(2)(C), has the meaning given*
22 *such term in section 721 or 835 of the*
23 *Public Health Service Act (42 U.S.C.*
24 *292q, 297a), as applicable.*

1 “(ii) *GRACE PERIOD.*—The term ‘*grace*
2 *period*’ means—

3 “(I) *in the case of a Federal stu-*
4 *dent loan made, insured, or guaranteed*
5 *under part B or D of the Higher Edu-*
6 *cation Act of 1965, the 6-month period*
7 *after the date the student ceases to*
8 *carry at least one-half the normal full-*
9 *time academic workload, as described*
10 *in section 428(b)(7) of the Higher Edu-*
11 *cation Act of 1965 (20 U.S.C.*
12 *1078(b)(7));*

13 “(II) *in the case of a Federal stu-*
14 *dent loan made under part E of the*
15 *Higher Education Act of 1965, the 9-*
16 *month period after the date on which*
17 *a student ceases to carry at least one-*
18 *half the normal full-time academic*
19 *workload, as described in section*
20 *464(c)(1)(A) of the Higher Education*
21 *Act of 1965 (20 U.S.C.*
22 *1087dd(c)(1)(A)); and*

23 “(III) *in the case of a Federal stu-*
24 *dent loan defined in section*
25 *3502(a)(2)(C), the 1-year period de-*

1 *scribed in section 722(c) of the Public*
2 *Health Service Act (42 U.S.C. 292r(c))*
3 *or the 9-month period described in sec-*
4 *tion 836(b)(2) of such Act (42 U.S.C.*
5 *297b(b)(2)), as applicable.*

6 “(iii) *REPAYMENT PERIOD.*—*The term*
7 *‘repayment period’ means—*

8 “(I) *in the case of a Federal stu-*
9 *dent loan made, insured, or guaranteed*
10 *under part B or D of the Higher Edu-*
11 *cation Act of 1965, the repayment pe-*
12 *riod described in section 428(b)(7) of*
13 *the Higher Education Act of 1965 (20*
14 *U.S.C. 1078(b)(7));*

15 “(II) *in the case of a Federal stu-*
16 *dent loan made under part E of the*
17 *Higher Education Act of 1965, the re-*
18 *payment period described in section*
19 *464(c)(4) of the Higher Education Act*
20 *of 1965 (20 U.S.C. 1087dd(c)(4)); or*

21 “(III) *in the case of a Federal stu-*
22 *dent loan defined in section*
23 *3502(a)(2)(C), the repayment period*
24 *described in section 722(c) or 836(b)(2)*
25 *of the Public Health Service Act (42*

1 U.S.C. 292r(c), 297b(b)(2)), as appli-
2 cable.

3 “(2) *INTEREST REFUND IN LIEU OF RETRO-*
4 *ACTIVE APPLICABILITY.*—By not later than 60 days
5 after the date of enactment of the *Pandemic Edu-*
6 *cation Response Act*, the Secretary or, as applicable,
7 the Secretary of Health and Human Services, shall,
8 for each Federal student loan defined in subpara-
9 graph (B) or (C) of section 3502(a)(2) for which in-
10 terest was not paid by such Secretary pursuant to
11 paragraph (1) during the period beginning on March
12 13, 2020 and ending on such date of enactment—

13 “(A) determine the amount of interest due
14 (or that would have been due in the absence of
15 being voluntarily paid by the holder of such
16 loan) on such loan during the period beginning
17 March 13, 2020, and ending on such date of en-
18 actment; and

19 “(B) refund the amount of interest cal-
20 culated under subparagraph (A), by—

21 “(i) paying the holder of the loan the
22 amount of the interest calculated under sub-
23 paragraph (A), to be applied to the loan
24 balance for the borrower of such loan; or

1 “(ii) if there is no outstanding balance
2 or payment due on the loan as of the date
3 on which the refund is to be provided, pro-
4 viding a payment in the amount of the in-
5 terest calculated under subparagraph (A)
6 directly to the borrower.

7 “(3) *SUSPENSION OF INTEREST CAPITALIZA-*
8 *TION.—*

9 “(A) *IN GENERAL.—*With respect to any
10 Federal student loan, interest that accrued but
11 had not been paid prior to March 13, 2020, and
12 had not been capitalized as of such date, shall
13 not be capitalized.

14 “(B) *TRANSITION.—*The Secretary or, as
15 applicable, the Secretary of Health and Human
16 Services, shall ensure that any interest on a Fed-
17 eral student loan that had been capitalized in
18 violation of subparagraph (A) is corrected and
19 the balance of principal and interest due for the
20 Federal student loan is adjusted accordingly.”.

21 **SEC. 134. NOTICE TO BORROWERS.**

22 Section 3513(g) of division A of the Coronavirus Aid,
23 Relief, and Economic Security Act (Public Law 116–136)
24 is amended—

1 (1) *in the matter preceding paragraph (1), by*
2 *striking “the Secretary” and inserting “the Secretary*
3 *or, as applicable, the Secretary of Health and Human*
4 *Services,”;*

5 (2) *in paragraph (1)(D), by striking the period*
6 *and inserting a semicolon;*

7 (3) *in paragraph (2)—*

8 (A) *in the matter preceding subparagraph*
9 (A), *by striking “August 1, 2020” and inserting*
10 *“August 1, 2021”; and*

11 (B) *by amending subparagraph (B) to read*
12 *as follows:*

13 *“(B) that—*

14 *“(i) a borrower of a Federal student*
15 *loan made, insured, or guaranteed under*
16 *part B or D of title IV of the Higher Edu-*
17 *cation Act of 1965 may be eligible to enroll*
18 *in an income-contingent repayment plan*
19 *under section 455(d)(1)(D) of the Higher*
20 *Education Act of 1965 (20 U.S.C.*
21 *1087e(d)(1)(D)) or an income-based repay-*
22 *ment plan under section 493C of such Act*
23 *(20 U.S.C. 1098e), including a brief de-*
24 *scription of such repayment plans; and*

1 “(ii) in the case of a borrower of a
2 Federal student loan defined in section
3 3502(a)(2)(C) or made under part E of title
4 IV of the Higher Education of 1965, the
5 borrower may be eligible to enroll in such a
6 repayment plan if the borrower consolidates
7 such loan with a loan described in clause (i)
8 of this subparagraph, and receives a Federal
9 Direct Consolidation Loan under part D of
10 the Higher Education of 1965 (20 U.S.C.
11 1087a et seq.); and”;
12 and
13 (C) by adding at the end the following:

14 “(3) in a case in which the accrual of interest
15 on Federal student loans is suspended under sub-
16 section (b)(1) beyond September 30, 2021, during the
17 2-month period beginning on the date on which the
18 national U–5 measure of labor underutilization shows
19 initial signs of recovery (as such terms are defined in
20 subsection (b)(1)(D)) carry out a program to provide
21 not less than 6 notices by postal mail, telephone, or
22 electronic communication to borrowers—

23 “(A) indicating when the interest on Fed-
24 eral student loans of the borrower will resume
 accrual and capitalization; and

1 “(B) the information described in para-
2 graph (2)(B).”.

3 **SEC. 135. IMPLEMENTATION.**

4 Section 3513 of division A of the Coronavirus Aid, Re-
5 lief, and Economic Security Act (Public Law 116–136), as
6 amended by this part, is further amended by adding at the
7 end the following:

8 “(i) **IMPLEMENTATION.**—

9 “(1) **INFORMATION VERIFICATION.**—

10 “(A) **IN GENERAL.**—To facilitate implemen-
11 tation of this section, information for the pur-
12 poses described in subparagraph (B), shall be re-
13 ported—

14 “(i) by the holders of Federal student
15 loans defined in section 3502(a)(2)(B) to
16 the satisfaction of the Secretary; and

17 “(ii) by the holders of Federal student
18 loans defined in section 3502(a)(2)(C) to the
19 satisfaction of the Secretary of Health and
20 Human Services.

21 “(B) **PURPOSES.**—The purposes of the in-
22 formation reported under subparagraph (A) are
23 to—

1 “(i) verify, at the borrower level, the
2 payments that are provided or suspended
3 under this section; and

4 “(ii) calculate the amount of any in-
5 terest due to the holder for reimbursement of
6 interest under subsection (b).

7 “(2) COORDINATION.—The Secretary shall co-
8 ordinate with the Secretary of Health and Human
9 Services to carry out the provisions of this section
10 with respect to Federal student loans defined in sec-
11 tion 3502(a)(2)(C).”.

12 **SEC. 136. EFFECTIVE DATE.**

13 *Except as otherwise provided, this part, and the*
14 *amendments made by this part, shall take effect as if en-*
15 *acted as part of the Coronavirus Aid, Relief, and Economic*
16 *Security Act (Public Law 116–136).*

17 **PART 2—CONSOLIDATION LOANS AND PUBLIC**
18 **SERVICE LOAN FORGIVENESS**

19 **SEC. 137. SPECIAL RULES RELATING TO FEDERAL DIRECT**
20 **CONSOLIDATION LOANS.**

21 *(a) SPECIAL RULES RELATING TO FEDERAL DIRECT*
22 *CONSOLIDATION LOANS AND PSLF.—*

23 *(1) PUBLIC SERVICE LOAN FORGIVENESS OPTION*
24 *ON CONSOLIDATION APPLICATION.—*

1 (A) *IN GENERAL.*—During the period de-
2 scribed in subsection (e), the Secretary shall—

3 (i) include, in any application for a
4 Federal Direct Consolidation Loan under
5 part D of title IV of the Higher Education
6 Act of 1965 (20 U.S.C. 1087a et seq.), an
7 option for the borrower to indicate that the
8 borrower intends to participate in the pub-
9 lic service loan forgiveness program under
10 section 455(m) of such Act (20 U.S.C.
11 1087e(m)); and

12 (ii) for each borrower who submits an
13 application for a Federal Direct Consolida-
14 tion Loan, without regard to whether the
15 borrower indicates the intention described
16 in clause (i)—

17 (I) request that the borrower sub-
18 mit a certification of employment; and

19 (II) after receiving a complete cer-
20 tification of employment—

21 (aa) carry out the require-
22 ments of paragraph (2); and

23 (bb) inform the borrower of
24 the number of qualifying monthly
25 payments made on the component

1 loans before consolidation that
2 shall be deemed, in accordance
3 with paragraph (2)(D), to be
4 qualifying monthly payments
5 made on the Federal Direct Con-
6 solidation Loan.

7 (B) *HOLD HARMLESS.*—The Secretary may
8 not change or otherwise rescind a calculation
9 made under paragraph (2)(D) after informing
10 the borrower of the results of such calculation
11 under subparagraph (A)(ii)(II)(bb).

12 (2) *PROCESS TO DETERMINE QUALIFYING PAY-*
13 *MENTS FOR PURPOSES OF PSLF.*—Upon receipt of a
14 complete certification of employment under para-
15 graph (1)(A)(ii)(II) of a borrower who receives a Fed-
16 eral Direct Consolidation Loan described in para-
17 graph (1)(A), the Secretary shall—

18 (A) review the borrower’s payment history
19 to identify each component loan of such Federal
20 Direct Consolidation Loan;

21 (B) for each such component loan—

22 (i) calculate the weighted factor of the
23 component loan, which shall be the factor
24 that represents the portion of such Federal

1 *Direct Consolidation Loan that is attrib-*
2 *utable to such component loan; and*

3 *(ii) determine the number of qualifying*
4 *monthly payments made on such component*
5 *loan before consolidation;*

6 *(C) calculate the number of qualifying*
7 *monthly payments determined under subpara-*
8 *graph (B)(ii) with respect to a component loan*
9 *that shall be deemed as qualifying monthly pay-*
10 *ments made on the Federal Direct Consolidation*
11 *Loan by multiplying—*

12 *(i) the weighted factor of such compo-*
13 *nent loan as determined under subpara-*
14 *graph (B)(i), by*

15 *(ii) the number of qualifying monthly*
16 *payments made on such component loan as*
17 *determined under subparagraph (B)(ii);*
18 *and*

19 *(D) calculate the total number of qualifying*
20 *monthly payments with respect to the component*
21 *loans of the Federal Direct Consolidation Loan*
22 *that shall be deemed as qualifying monthly pay-*
23 *ments made on such Federal Direct Consolida-*
24 *tion Loan by—*

1 (i) adding together the result of each
2 calculation made under subparagraph (C)
3 with respect to each such component loan;
4 and

5 (ii) rounding the number determined
6 under clause (i) to the nearest whole num-
7 ber.

8 (3) *DEFINITIONS.*—For purposes of this sub-
9 section:

10 (A) *CERTIFICATION OF EMPLOYMENT.*—The
11 term “certification of employment”, used with
12 respect to a borrower, means a certification of
13 the employment of the borrower in a public serv-
14 ice job (as defined in section 455(m)(3)(B) of the
15 Higher Education Act of 1965) on or after Octo-
16 ber 1, 2007.

17 (B) *COMPONENT LOAN.*—The term “compo-
18 nent loan”, used with respect to a Federal Direct
19 Consolidation Loan, means each loan for which
20 the liability has been discharged by the proceeds
21 of the Federal Direct Consolidation Loan,
22 which—

23 (i) may include a loan that is not an
24 eligible Federal Direct Loan (as defined in

1 *section 455(m)(3)(A) of the Higher Edu-*
2 *cation Act of 1965); and*

3 *(ii) in the case of a subsequent consoli-*
4 *ation loan, only includes loans for which*
5 *the liability has been directly discharged by*
6 *such subsequent consolidation loan.*

7 *(C) FEDERAL DIRECT CONSOLIDATION*
8 *LOAN.—The term “Federal Direct Consolidation*
9 *Loan” means a Federal Direct Consolidation*
10 *Loan made under part D of title IV of the High-*
11 *er Education Act of 1965 (20 U.S.C. 1087a et*
12 *seq.).*

13 *(D) QUALIFYING MONTHLY PAYMENT.—*

14 *(i) COMPONENT LOAN.—The term*
15 *“qualifying monthly payment”, used with*
16 *respect to a component loan, means a*
17 *monthly payment on such loan made by a*
18 *borrower, during a period of employment in*
19 *a public service job (as defined in section*
20 *455(m)(3)(B) of the Higher Education Act*
21 *of 1965 (20 U.S.C. 1087e(m)(3)(B)) on or*
22 *after October 1, 2007, pursuant to—*

23 *(I) a repayment plan under part*
24 *B, D, or E of title IV of the Higher*
25 *Education Act of 1965 (20 U.S.C. 1071*

1 *et seq.; 1087a et seq.; 1087aa et seq.);*

2 *or*

3 *(II) in the case of a loan made*
4 *under subpart II of part A of title VII*
5 *of the Public Health Service Act or*
6 *under part E of title VIII of the Public*
7 *Health Service Act, a repayment plan*
8 *under title VII or VIII of such Act.*

9 *(ii) FEDERAL DIRECT CONSOLIDATION*
10 *LOAN.—The term “qualifying monthly pay-*
11 *ment”, used with respect to a Federal Di-*
12 *rect Consolidation Loan, means a monthly*
13 *payment on such loan that counts as 1 of*
14 *the 120 monthly payments described in sec-*
15 *tion 455(m)(1)(A) of the Higher Education*
16 *Act of 1965 (20 U.S.C. 1087e(m)(3)(B)).*

17 *(b) SPECIAL RULES RELATING TO FEDERAL DIRECT*
18 *CONSOLIDATION LOANS AND ICR AND IBR.—*

19 *(1) IN GENERAL.—During the period described*
20 *in subsection (e), with respect to a borrower who re-*
21 *ceives a Federal Direct Consolidation Loan and who*
22 *intends to repay such loan under an income-conti-*
23 *gent repayment plan under section 455(d)(1)(D) of*
24 *the Higher Education Act of 1965 (20 U.S.C.*
25 *1087e(d)(1)(D)) or an income-based repayment plan*

1 *under section 493C of such Act (20 U.S.C. 1098e), the*
2 *Secretary shall—*

3 *(A) review the borrower’s payment history*
4 *to identify each component loan of such Federal*
5 *Direct Consolidation Loan;*

6 *(B) for each such component loan—*

7 *(i) calculate the weighted factor of the*
8 *component loan, which shall be the factor*
9 *that represents the portion of such Federal*
10 *Direct Consolidation Loan that is attrib-*
11 *utable to such component loan; and*

12 *(ii) determine the number of qualifying*
13 *monthly payments made on such component*
14 *loan before consolidation;*

15 *(C) calculate the number of qualifying*
16 *monthly payments determined under subpara-*
17 *graph (B)(ii) with respect to a component loan*
18 *that shall be deemed as qualifying monthly pay-*
19 *ments made on the Federal Direct Consolidation*
20 *Loan by multiplying—*

21 *(i) the weighted factor of such compo-*
22 *nent loan as determined under subpara-*
23 *graph (B)(i), by*

24 *(ii) the number of qualifying monthly*
25 *payments made on such component loan as*

1 *determined under subparagraph (B)(ii);*

2 *and*

3 *(D) calculate and inform the borrower of*
4 *the total number of qualifying monthly pay-*
5 *ments with respect to the component loans of the*
6 *Federal Direct Consolidation Loan that shall be*
7 *deemed as qualifying monthly payments made*
8 *on such Federal Direct Consolidation Loan by—*

9 *(i) adding together the result of each*
10 *calculation made under subparagraph (C)*
11 *with respect to each such component loan;*

12 *and*

13 *(ii) rounding the number determined*
14 *under clause (i) to the nearest whole num-*
15 *ber.*

16 (2) *HOLD HARMLESS.—The Secretary may not*
17 *change or otherwise rescind a calculation made under*
18 *paragraph (1)(D) after informing the borrower of the*
19 *results of such calculation under such paragraph.*

20 (3) *DEFINITIONS.—In this subsection:*

21 (A) *COMPONENT LOAN; FEDERAL DIRECT*
22 *CONSOLIDATION LOAN.—The terms “component*
23 *loan” and “Federal Direct Consolidation Loan”*
24 *have the meanings given the terms in subsection*
25 *(a).*

1 (B) *QUALIFYING PAYMENT.*—

2 (i) *COMPONENT LOANS.*—Subject to
3 clause (ii), the term “qualifying monthly
4 payment”, used with respect to a component
5 loan, means a monthly payment on such
6 loan made by a borrower pursuant to—

7 (I) a repayment plan under part
8 B, D, or E of title IV of the Higher
9 Education Act of 1965 (20 U.S.C. 1071
10 et seq., 1087a et seq., 1087aa et seq.);
11 or

12 (II) in the case of a loan made
13 under subpart II of part A of title VII
14 of the Public Health Service Act (42
15 U.S.C. 292q et seq.) or under part E of
16 title VIII of the Public Health Service
17 Act (42 U.S.C. 297a et seq.), a repay-
18 ment plan under title VII or VIII of
19 such Act.

20 (ii) *CLARIFICATION.*—

21 (I) *ICR.*—For purposes of deter-
22 mining the number of qualifying
23 monthly payments made on a compo-
24 nent loan pursuant to an income-con-
25 tingent repayment plan under section

1 455(d)(1)(D) of the Higher Education
2 Act of 1965 (20 U.S.C.
3 1087e(d)(1)(D)), each month a bor-
4 rower is determined to meet the re-
5 quirements of section 455(e)(7)(B)(i) of
6 such Act with respect to such loan shall
7 be treated as such a qualifying month-
8 ly payment.

9 (II) IBR.—For purposes of deter-
10 mining the number of qualifying
11 monthly payments made on a compo-
12 nent loan pursuant to an income-based
13 repayment plan under section 493C of
14 such Act (20 U.S.C. 1098e), each
15 month a borrower was determined to
16 meet the requirements of subsection
17 (b)(7)(B) of such section 493C with re-
18 spect to such loan shall be treated as
19 such a qualifying monthly payment.

20 (iii) FEDERAL DIRECT CONSOLIDATION
21 LOANS.—The term “qualifying monthly
22 payment”, used with respect to a Federal
23 Direct Consolidation Loan, means a month-
24 ly payment on such loan that counts as a
25 monthly payment under an income-conti-

1 *gent repayment plan under section*
2 *455(d)(1)(D) of the Higher Education Act*
3 *of 1965 (20 U.S.C. 1087e(d)(1)(D)), or an*
4 *income-based repayment plan under section*
5 *493C of the Higher Education Act of 1965*
6 *(20 U.S.C. 1098e).*

7 *(c) NOTIFICATION TO BORROWERS.—*

8 *(1) IN GENERAL.—During the period described*
9 *in subsection (e), the Secretary and the Secretary of*
10 *Health and Human Services shall undertake a cam-*
11 *pany to alert borrowers of a loan described in para-*
12 *graph (2)—*

13 *(A) on the benefits of consolidating such*
14 *loans into a Federal Direct Consolidation Loan,*
15 *including the benefits of the special rules under*
16 *subsections (a) and (b) of this section; and*

17 *(B) under which servicers and holders of*
18 *Federal student loans shall provide to borrowers*
19 *such consumer information, and in such manner,*
20 *as determined appropriate by the Secretaries,*
21 *based on conducting consumer testing to deter-*
22 *mine how to make the information as meaning-*
23 *ful to borrowers as possible.*

24 *(2) FEDERAL STUDENT LOANS.—A loan de-*
25 *scribed in this paragraph is—*

1 (A) a loan made under subpart II of part
2 A of title VII of the Public Health Service Act
3 or under part E of title VIII of such Act; or

4 (B) a loan made under part E of the High-
5 er Education Act of 1965.

6 (d) *SPECIAL RULE FOR INTEREST ON FEDERAL DI-*
7 *RECT CONSOLIDATION LOANS.*—Any Federal Direct Con-
8 solidation Loan for which the application is received during
9 the period described in subsection (e), shall bear interest at
10 an annual rate as calculated under section 455(b)(8)(D) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1087e(b)(8)(D)), without regard to the requirement to
13 round the weighted average of the interest rate to the nearest
14 higher one-eighth of one percent.

15 (e) *PERIOD.*—The period described in this clause is the
16 period beginning on the date of enactment of this Act, and
17 ending on the later of—

18 (1) September 30, 2021; or

19 (2) the day following the date of enactment of
20 this Act that is 2 months after the national U–5
21 measure of labor underutilization shows initial signs
22 of recovery (as such terms are defined in section
23 3513(b) of the Coronavirus Aid, Relief, and Economic
24 Security Act (Public Law 116–136), as amended by
25 this Act)).

1 (f) *GAO STUDY ON IMPLEMENTATION OF SPECIAL*
2 *RULES ON CONSOLIDATION.*—Not later than 6 months after
3 the date of enactment of this Act, the Comptroller General
4 of the United States shall submit a report to the authorizing
5 committees (defined in section 103 of the Higher Education
6 Act of 1965 (20 U.S.C. 1003) on the implementation of this
7 section, which shall include—

8 (1) *information on borrowers who apply for or*
9 *receive a Federal Direct Consolidation Loan under*
10 *part D of the Higher Education Act of 1965 during*
11 *the period described in subsection (e), disaggregated—*

12 (A) *by borrowers who intend to participate*
13 *in the public service loan forgiveness program*
14 *under section 455(m) of such Act (20 U.S.C.*
15 *1087e(m)); and*

16 (B) *by borrowers who intend to repay such*
17 *loans on an income-contingent repayment plan*
18 *under section 455(d)(1)(D) of the Higher Edu-*
19 *cation Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) or*
20 *an income-based repayment plan under section*
21 *493C of such Act (20 U.S.C. 1098e);*

22 (2) *the extent to which the Secretary has estab-*
23 *lished procedures for carrying out subsections (a) and*
24 *(b);*

1 (3) *the extent to which the Secretary and the*
2 *Secretary of Health and Human Services have car-*
3 *ried out the notification to borrowers required under*
4 *subsection (c); and*

5 (4) *recommendations on improving the imple-*
6 *mentation of this section to ensure increased borrower*
7 *participation.*

8 **SEC. 138. TREATMENT OF PSLF.**

9 (a) *EXCEPTION FOR PURPOSES OF PSLF LOAN FOR-*
10 *GIVENESS.*—*Section 455(m)(1)(B) of the Higher Education*
11 *Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall apply as if*
12 *clause (i) were struck.*

13 (b) *HEALTH CARE PRACTITIONER.*—*In section*
14 *455(m)(3)(B)(i) of the Higher Education Act of 1965 (20*
15 *U.S.C. 1087e(m)(3)(B)(i)), the term “full-time professionals*
16 *engaged in health care practitioner occupations” includes*
17 *an individual who—*

18 (1) *has a full-time job as a health care practi-*
19 *tioner;*

20 (2) *provides medical services in such full-time*
21 *job at a nonprofit hospital or public hospital or other*
22 *nonprofit or public health care facility; and*

23 (3) *is prohibited by State law from being em-*
24 *ployed directly by such hospital or other health care*
25 *facility.*

1 ***Subtitle D—Protecting Students***

2 ***SEC. 141. NOTIFICATIONS AND REPORTING RELATING TO***
3 ***HIGHER EDUCATION.***

4 (a) *NOTIFICATION OF NON-CARES ACT FLEXIBILI-*
5 *TIES.—*

6 (1) *NOTICE TO CONGRESS.—*

7 (A) *IN GENERAL.—Not later than two days*
8 *before the date on which the Secretary grants a*
9 *flexibility described in paragraph (4), the Sec-*
10 *retary shall—*

11 (i) *submit to the authorizing commit-*
12 *tees a written notification of the Secretary's*
13 *intent to grant such flexibility; and*

14 (ii) *publish the notification on a pub-*
15 *licly accessible website of the Department of*
16 *Education.*

17 (B) *ELEMENTS.—Each notification under*
18 *subparagraph (A) shall—*

19 (i) *identify the provision of law, regu-*
20 *lation, or subregulatory guidance to which*
21 *the flexibility will apply;*

22 (ii) *identify any limitations on the*
23 *flexibility, including any time limits;*

24 (iii) *identify the statutory authority*
25 *under which the flexibility is provided;*

1 (iv) identify the class of covered enti-
2 ties to which the flexibility will apply;

3 (v) identify whether a covered entity
4 will need to request the flexibility or wheth-
5 er the flexibility will be applied without re-
6 quest;

7 (vi) in the case of a flexibility that re-
8 quires a covered entity to request the flexi-
9 bility, identify the factors the Secretary will
10 consider in approving or denying the flexi-
11 bility;

12 (vii) explain how the flexibility is ex-
13 pected to benefit the covered entity or class
14 of covered entities to which it applies; and

15 (viii) explain the reasons the flexibility
16 is necessary and appropriate due to
17 COVID-19.

18 (2) *QUARTERLY REPORTS.*—Not later than 10
19 days after the end of each fiscal quarter for the dura-
20 tion of the qualifying emergency through the end of
21 the first fiscal year beginning after the conclusion of
22 such qualifying emergency, the Secretary shall submit
23 to the authorizing committees a report that includes,
24 with respect to flexibilities described in paragraph (4)

1 *that have been issued by the Secretary in the most re-*
2 *cently ended fiscal quarter, the following:*

3 *(A) In the case of a flexibility that was*
4 *issued by the Secretary without request from a*
5 *covered entity, an explanation of all require-*
6 *ments, including reporting requirements, that the*
7 *Secretary imposed on the covered entity as a*
8 *condition of the flexibility.*

9 *(B) In the case of a flexibility for which a*
10 *covered entity requested and received specific ap-*
11 *proval from the Secretary—*

12 *(i) identification of the covered entity*
13 *that received the flexibility;*

14 *(ii) an explanation of the specific rea-*
15 *sons for approval of the request;*

16 *(iii) a detailed description of the terms*
17 *of the flexibility, including—*

18 *(I) a description of any limita-*
19 *tions on the flexibility; and*

20 *(II) identification of each provi-*
21 *sion of law (including regulation and*
22 *subregulatory guidance) that is waived*
23 *or modified and, for each such provi-*
24 *sion, the statutory authority under*
25 *which the flexibility was provided; and*

1 (iv) a copy of the final document
2 granting the flexibility.

3 (C) In the case of any request for a flexi-
4 bility that was denied by the Secretary—

5 (i) identification of the covered entity
6 or entities that were denied a flexibility;

7 (ii) a detailed description of the terms
8 of the request for the flexibility; and

9 (iii) an explanation of the specific rea-
10 sons for denial of the request.

11 (3) *REPORT ON FLEXIBILITIES GRANTED BEFORE*
12 *ENACTMENT.*—Not later than 30 days after the date
13 of enactment of this Act, the Secretary shall submit
14 to the authorizing committees a report that—

15 (A) identifies each flexibility described in
16 paragraph (4) that was granted by the Secretary
17 between March 13, 2020, and the date of enact-
18 ment of this Act; and

19 (B) with respect to each such flexibility,
20 provides the information specified in paragraph
21 (1)(B).

22 (4) *FLEXIBILITY DESCRIBED.*—A flexibility de-
23 scribed in this paragraph is modification or waiver
24 of any provision of the Higher Education Act of 1965
25 (20 U.S.C. 1001 et seq.) (including any regulation or

1 *subregulatory guidance issued under such a provi-*
2 *sion) that the Secretary determines to be necessary*
3 *and appropriate to modify or waive due to COVID-*
4 *19, other than a provision of the Higher Education*
5 *Act of 1965 that the Secretary is specifically author-*
6 *ized to modify or waive pursuant to the CARES Act*
7 *(Public Law 116–136).*

8 (5) *PRIVACY.—The Secretary shall ensure that*
9 *any report or notification submitted under this sub-*
10 *section does not reveal personally identifiable infor-*
11 *mation about an individual student.*

12 (6) *RULE OF CONSTRUCTION.—Nothing in this*
13 *subsection shall be construed to authorize the Sec-*
14 *retary to waive or modify any provision of law.*

15 (b) *REPORTS ON EXERCISE OF CARES ACT WAIVERS*
16 *BY INSTITUTIONS OF HIGHER EDUCATION.—Not later than*
17 *30 days after the date of enactment of this Act, each institu-*
18 *tion of higher education that exercises an authority pro-*
19 *vided under section 3503(b), section 3504, section 3505, sec-*
20 *tion 3508(d), section 3509, or section 3517(b) of the CARES*
21 *Act (Public Law 116–136) shall submit to the Secretary*
22 *a report that describes the nature and extent of the institu-*
23 *tion’s exercise of such authorities, including the number of*
24 *students and amounts of aid provided under title IV of the*

1 *Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) af-*
2 *fect by the exercise of such authorities, as applicable.*

3 (c) *REPORTS ON CHANGES TO CONTRACTS AND*
4 *AGREEMENTS.—Not later than 10 days after the end of each*
5 *fiscal quarter for the duration of the qualifying emergency*
6 *through the end of the first fiscal year beginning after the*
7 *conclusion of such qualifying emergency, the Secretary shall*
8 *submit to the authorizing committees a report that includes,*
9 *for the most recently ended fiscal quarter—*

10 (1) *a summary of all modifications to any con-*
11 *tracts with Department of Education contractors re-*
12 *lating to Federal student loans, including—*

13 (A) *the contractual provisions that were*
14 *modified;*

15 (B) *the names of all contractors affected by*
16 *the modifications; and*

17 (C) *estimates of any costs or savings result-*
18 *ing from the modifications;*

19 (2) *a summary of all amendments, addendums,*
20 *or other modifications to program participation*
21 *agreements with institutions of higher education*
22 *under section 487 of the Higher Education Act of*
23 *1965 (20 U.S.C. 1094), any provisional program par-*
24 *ticipation agreements entered into under such section,*
25 *including—*

1 (A) any provisions of such agreements that
2 were modified by the Department of Education;
3 and

4 (B) the number of institutions of higher
5 education that received such modifications or en-
6 tered into such provisional agreements,
7 disaggregated by—

8 (i) status as a four-year, two-year, or
9 less-than-two-year public institution, pri-
10 vate nonprofit institution, or proprietary
11 institution; and

12 (ii) each category of minority-serving
13 institution described in section 371(a) of the
14 Higher Education Act (20 U.S.C. 1067q);
15 and

16 (3) sample copies of program participation
17 agreements (including provisional agreements), se-
18 lected at random from among the agreements de-
19 scribed in paragraph (2), including at least one
20 agreement from each type of institution (whether a
21 public institution, private nonprofit institution, or
22 proprietary institution) that received a modified or
23 provisional agreement.

24 (d) REPORT TO CONGRESS.—

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of enactment of this Act, the Secretary shall
3 submit to the authorizing committees a report that
4 includes the following:

5 (A) *A summary of the reports received by*
6 the Secretary under subsection (b).

7 (B) *A description of—*

8 (i) *the Secretary’s use of the authority*
9 under section 3506 of the CARES Act (Pub-
10 lic Law 116–136) to adjust subsidized loan
11 usage limits, including the total number of
12 students and the total amount of subsidized
13 loans under title IV of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1070 et seq.)
15 affected by the Secretary’s use of such au-
16 thority;

17 (ii) *the Secretary’s use of the authority*
18 under section 3507 of the CARES Act (Pub-
19 lic Law 116–136) to exclude certain periods
20 from the Federal Pell Grant duration limit,
21 including the total number of students and
22 the total amount of Federal Pell Grants
23 under section 401 of the Higher Education
24 Act of 1965 (20 U.S.C. 1070a) affected by
25 the Secretary’s use of such authority; and

1 *(iii) the Secretary's use of the author-*
2 *ity under section 3508 of the CARES Act*
3 *(Public Law 116–136) to waive certain re-*
4 *quirements for the return of Federal funds,*
5 *including—*

6 *(I) in the case of waivers issued to*
7 *students under such section, the total*
8 *number of students and the total*
9 *amount of aid under title IV of the*
10 *Higher Education Act of 1965 (20*
11 *U.S.C. 1070 et seq.) affected by the*
12 *Secretary's use of such authority; and*

13 *(II) in the case of waivers issued*
14 *to institutions of higher education*
15 *under such section, the total number of*
16 *students and the total amount of aid*
17 *under title IV of the Higher Education*
18 *Act of 1965 (20 U.S.C. 1070 et seq.) af-*
19 *ected by the Secretary's use of such*
20 *authority.*

21 *(C) A summary of the information required*
22 *to be reported to the authorizing committees*
23 *under sections 3510 and 3512 of the CARES Act*
24 *(Public Law 116–136), as amended by this Act,*
25 *regardless of whether such information has pre-*

1 *viously been reported to such committees as of*
2 *the date of the report under this subsection.*

3 *(D) Information relating to the temporary*
4 *relief for Federal student loan borrowers pro-*
5 *vided under section 3513 of the CARES Act*
6 *(Public Law 116–136), including—*

7 *(i) with respect to the notifications re-*
8 *quired under subsection (g)(1) of such sec-*
9 *tion—*

10 *(I) the total number of individual*
11 *notifications sent to borrowers in ac-*
12 *cordance with such subsection,*
13 *disaggregated by electronic, postal, and*
14 *telephonic notifications;*

15 *(II) the total number of notifica-*
16 *tions described in clause (i) that were*
17 *sent within the 15-day period specified*
18 *in such subsection; and*

19 *(III) the actual costs to the De-*
20 *partment of Education of making the*
21 *notifications under such subsection;*

22 *(ii) the projected costs to the Depart-*
23 *ment of Education of making the notifica-*
24 *tions required under subsection (g)(2) of*
25 *such section;*

1 (iii) the number of Federal student
2 loan borrowers who have affirmatively
3 opted-out of payment suspension under sub-
4 section (a) of such section;

5 (iv) the number of individual notifica-
6 tions sent to employers directing the em-
7 ployers to halt wage garnishment pursuant
8 to subsection (e) of such section,
9 disaggregated by electronic, postal, and tele-
10 phonic notifications;

11 (v) the number of Federal student loan
12 borrowers who have had their wages gar-
13 nished pursuant to section 488A of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1095a) or section 3720D of title 31, United
16 States Code, between March 13, 2020, and
17 the date of the date of enactment of this Act;

18 (vi) the number of Federal student loan
19 borrowers subject to interest capitalization
20 as a result of consolidating Federal student
21 loans since March 13, 2020, and the total
22 amount of such interest capitalization;

23 (vii) the average daily call wait times
24 and call drop rates, disaggregated by stu-
25 dent loan servicer, for the period between

1 *March 13, 2020, and the date of enactment*
2 *of this Act; and*

3 *(viii) the estimated or projected sav-*
4 *ings to the Department of Education for*
5 *student loan servicing activities for the pe-*
6 *riod beginning on March 13, 2020, and*
7 *ending on September 30, 2020, due to lower*
8 *reimbursement or contract costs per account*
9 *for student loan servicers and private collec-*
10 *tion agencies resulting from the suspension*
11 *of Federal student loan payments and halt*
12 *to collection activities under the CARES*
13 *Act (Public Law 116–136).*

14 *(E) Information relating to the special rules*
15 *relating to Federal Direct Consolidation Loans*
16 *under section 137 of this Act, including—*

17 *(i) the number of borrowers who sub-*
18 *mitted an application for a Federal Direct*
19 *Consolidation Loan;*

20 *(ii) the number of borrowers who re-*
21 *ceived a Federal Direct Consolidation Loan;*
22 *and*

23 *(iii) the wait time between submitting*
24 *an application and receiving a Federal Di-*
25 *rect Consolidation Loan.*

1 (F) *A summary of the information required*
2 *to be reported to the authorizing committees*
3 *under section 3517(c) and section 3518(c) of the*
4 *CARES Act (Public Law 116–136), as amended*
5 *by this Act, regardless of whether such informa-*
6 *tion has previously been reported to such com-*
7 *mittees as of the date of the report under this*
8 *subsection.*

9 (G) *A copy of any communication from the*
10 *Department of Education to grantees and Fed-*
11 *eral student loan borrowers eligible for rights*
12 *and benefits under section 3519 of the CARES*
13 *Act (Public Law 116–136) to inform such grant-*
14 *ees and borrowers of their eligibility for such*
15 *rights and benefits.*

16 (2) *DUTY OF HHS.—The Secretary of Health and*
17 *Human Services shall provide to the Secretary of*
18 *Education the information necessary for the Secretary*
19 *of Education to comply with paragraph (1)(D).*

20 (e) *AMENDMENTS TO CARES ACT REPORTING RE-*
21 *QUIREMENTS.—*

22 (1) *REPORTING REQUIREMENT FOR HBCU CAP-*
23 *ITAL FINANCING LOAN DEFERMENT.—Section 3512(c)*
24 *of the CARES Act (Public Law 116–136) is amended*
25 *by striking the period at the end and inserting “, the*

1 *terms of the loans deferred, and the schedule for re-*
2 *payment of the deferred loan amount.”.*

3 (2) *REPORTING REQUIREMENT FOR INSTITU-*
4 *TIONAL AID MODIFICATIONS.—Section 3517(c) of the*
5 *CARES Act (Public Law 116–136) is amended by*
6 *striking the period at the end and inserting “, identi-*
7 *fies the statutory provision waived or modified, and*
8 *describes the terms of the waiver or modification re-*
9 *ceived by the institution.”.*

10 (3) *REPORTING REQUIREMENT FOR GRANT MODI-*
11 *FICATIONS.—Section 3518(c) of the CARES Act (Pub-*
12 *lic Law 116–136) is amended by striking the period*
13 *at the end and inserting “and describes the terms of*
14 *the modification received by the institution or other*
15 *grant recipient.”.*

16 (f) *DEFINITIONS.—In this section:*

17 (1) *The term “covered entity” means an institu-*
18 *tion of higher education, a Federal contractor, a stu-*
19 *dent, or any other entity that is subject to the Higher*
20 *Education Act of 1965 (20 U.S.C. 1001 et seq.).*

21 (2) *The term “Federal student loan” means a*
22 *loan described in section 3502(a)(2) of the CARES*
23 *Act (Public Law 116–136), as amended by this Act.*

1 **SEC. 142. PROTECTING STUDENTS FROM PREDATORY RE-**
2 **CRUITMENT.**

3 (a) *UNDERCOVER AND AUDIT-BASED INVESTIGA-*
4 *TIONS.—During the covered period, in carrying out the pro-*
5 *visions of subpart 3 of part H of title IV of such Act (20*
6 *U.S.C. 1099c et seq.), including paragraphs (1) and (2) of*
7 *section 498A(a) of the Higher Education Act of 1965 (20*
8 *U.S.C. 1099c–1(a)), the Secretary of Education shall—*

9 (1) *conduct regular undercover and audit-based*
10 *investigations for the purpose of encouraging the eth-*
11 *ical treatment of students and prospective students*
12 *and detecting fraud and abuse in the Federal student*
13 *aid programs, including—*

14 (A) *violations described in section 487(c)(3)*
15 *of the Higher Education Act of 1965 (20 U.S.C.*
16 *1094(c)(3));*

17 (B) *violations of section 487(a)(20) of such*
18 *Act (20 U.S.C. 1094(a)(20));*

19 (C) *violations described in subparagraphs*
20 *(A) and (B) by any entity with which the insti-*
21 *tution has contracted for student recruitment or*
22 *admission activities; and*

23 (D) *violations of subsection (b) of this sec-*
24 *tion;*

25 (2) *develop written guidelines for the investiga-*
26 *tions described in paragraph (1)—*

1 (A) *in accordance with commonly-accepted*
2 *practices for undercover operations by Office of*
3 *Inspector General of the Department of Edu-*
4 *cation; and*

5 (B) *in consultation with other relevant*
6 *agencies, including the Department of Justice,*
7 *Federal Trade Commission, Consumer Financial*
8 *Protection Bureau, and the Office of Inspector*
9 *General of the Department of Education;*

10 (3) *ensure that institutions found in violation of*
11 *the provisions under paragraph (1) shall be subject to*
12 *a sanction determined by the Secretary of Education*
13 *under section 487(c) of the Higher Education Act of*
14 *1965 (20 U.S.C. 1094(c)); and*

15 (4) *provide to the authorizing committees (as de-*
16 *finied in section 103 of the Higher Education Act of*
17 *1965 (20 U.S.C. 1003)), and make available to the*
18 *public, an annual report on—*

19 (A) *the findings of investigations described*
20 *in paragraph (1); and*

21 (B) *the applicable sanctions imposed on in-*
22 *stitutions found in violation of the provisions de-*
23 *scribed in paragraph (1).*

24 (b) *NOTICE OF INCENTIVE PAYMENT BAN.—During*
25 *the covered period, each institution of higher education par-*

1 *ticipating in a program under title IV of the Higher Edu-*
2 *cation Act of 1965 (20 U.S.C. 1070 et seq.) shall—*

3 *(1) provide notice of the ban on prohibited incen-*
4 *tive payment (including commissions and bonuses)*
5 *under section 487(a)(20) of such Act (20 U.S.C.*
6 *1094(a)(20)) (and accompanying regulations) upon*
7 *hiring an employee or entering into a contract with*
8 *a third party contractor, and at least once per cal-*
9 *endar year to employees and third-party contractors*
10 *of the institution; and*

11 *(2) publish a clear statement in all internal re-*
12 *ruitment materials, including guides or manuals, ac-*
13 *knowledging such ban.*

14 *(c) SUNSET.—For purposes of this section, the term*
15 *“covered period” means the period beginning on the date*
16 *of enactment of this Act and ending on the date on which*
17 *subpart 3 of part H of title IV of the Higher Education*
18 *(20 U.S.C. 1099c) is amended or repealed.*

19 ***TITLE II—IMPACT AID AND MI-***
20 ***GRANT EDUCATION***
21 ***CORONAVIRUS RELIEF***

22 ***SEC. 201. IMPACT AID.***

23 *Due to the national emergency declared by the Presi-*
24 *dent under the National Emergencies Act (50 U.S.C. 1601*
25 *et seq.) on March 13, 2020, with respect to the coronavirus,*

1 *and notwithstanding sections 7002(j) and 7003(c) of the El-*
2 *ementary and Secondary Education Act of 1965 (20 U.S.C.*
3 *7702(j), 7703(c)), a local educational agency desiring to re-*
4 *ceive a payment under section 7002 or 7003 of such Act*
5 *(20 U.S.C. 7702, 7703) for fiscal year 2022 that also sub-*
6 *mitted an application for such payment for fiscal year 2021*
7 *shall, in the application submitted under section 7005 of*
8 *such Act (20 U.S.C. 7705) for fiscal year 2022—*

9 *(1) with respect to a requested payment under*
10 *section 7002 of such Act (20 U.S.C. 7702)—*

11 *(A) use the data described in subsection (j)*
12 *of such section 7002 relating to calculating such*
13 *payment that was submitted by the local edu-*
14 *cational agency in the application for fiscal year*
15 *2021; or*

16 *(B) use the data relating to calculating such*
17 *payment for the fiscal year required under such*
18 *subsection (j); and*

19 *(2) with respect to a requested payment under*
20 *section 7003 of such Act (20 U.S.C. 7703)—*

21 *(A) use the student count data relating to*
22 *calculating such payment that was submitted by*
23 *the local educational agency in the application*
24 *for fiscal year 2021, except that payments for*
25 *fiscal year 2022 shall be calculated by the Sec-*

1 *retary using the expenditures and rates described*
2 *in clauses (i), (ii), (iii), and (iv) of subsection*
3 *(b)(1)(C) of such section 7003 that would other-*
4 *wise apply for fiscal year 2022; or*

5 *(B) use the student count data relating to*
6 *calculating such payment for the fiscal year re-*
7 *quired under subsection (c) of such section 7003.*

8 **SEC. 202. EDUCATION OF MIGRATORY CHILDREN.**

9 *Due to the national emergency declared by the Presi-*
10 *dent under the National Emergencies Act (50 U.S.C. 1601*
11 *et seq.) on March 13, 2020, with respect to the coronavirus,*
12 *and notwithstanding subsections (a)(1) and (f)(1) of section*
13 *1303 of the Elementary and Secondary Education Act of*
14 *1965 (20 U.S.C. 6393), for the purposes of making deter-*
15 *minations under subsections (a)(1) and (f) of such section*
16 *1303 for fiscal year 2021 and all subsequent fiscal years*
17 *for which school year 2019–2020 data would be used in the*
18 *calculations under section 1303(a)(1) of such Act (20 U.S.C.*
19 *6393(a)(1)) , the Secretary of Education shall use school*
20 *year 2018–2019 or school year 2019–2020 data, whichever*
21 *data are greater, wherever school year 2019–2020 data oth-*
22 *erwise would be required.*

1 **TITLE III—CAREER, TECHNICAL,**
2 **AND ADULT EDUCATION**

3 **SEC. 301. DEFINITIONS.**

4 *In this subtitle:*

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

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

15 **SEC. 302. COVID–19 CAREER AND TECHNICAL EDUCATION**
16 **RESPONSE FLEXIBILITY.**

17 (a) *POOLING OF FUNDS.*—*An eligible recipient may,*
18 *in accordance with section 135(c) of the Carl D. Perkins*
19 *Career and Technical Education Act of 2006 (20 U.S.C.*
20 *2355(c)), pool a portion of funds received under such Act*
21 *with a portion of funds received under such Act available*
22 *to one or more eligible recipients to support the transition*
23 *from secondary education to postsecondary education or*
24 *employment for CTE participants whose academic year*
25 *was interrupted by the COVID–19 national emergency.*

1 (b) *PROFESSIONAL DEVELOPMENT.*—During the
2 *COVID–19 national emergency, section 3(40)(B) of the Carl*
3 *D. Perkins Career and Technical Education Act of 2006*
4 *(20 U.S.C. 2302(40)(B)) shall apply as if “sustained (not*
5 *stand-alone, 1-day, or short-term workshops), intensive, col-*
6 *laborative, job-embedded, data-driven, and classroom-fo-*
7 *cused,” were struck.*

8 (c) *DEFINITIONS.*—Except as otherwise provided, the
9 *terms in this section have the meanings given the terms in*
10 *section 3 of the Carl D. Perkins Career and Technical Edu-*
11 *cation Act of 2006 (20 U.S.C. 2302).*

12 **SEC. 303. ADULT EDUCATION AND LITERACY RESPONSE AC-**
13 **TIVITIES.**

14 (a) *ONLINE SERVICE DELIVERY OF ADULT EDU-*
15 *CATION AND LITERACY ACTIVITIES.*—During the *COVID–*
16 *19 national emergency, an eligible agency may use funds*
17 *available to such agency under paragraphs (2) and (3) of*
18 *section 222(a) of the Workforce Innovation and Oppor-*
19 *tunity Act (20 U.S.C. 3302(a)) for the administrative ex-*
20 *penses of the eligible agency related to transitions to online*
21 *service delivery of adult education and literacy activities.*

22 (b) *DEFINITIONS.*—Except as otherwise provided, the
23 *terms in this section have the meanings given the terms in*
24 *section 203 of the Workforce Innovation and Opportunity*
25 *Act (29 U.S.C. 3272).*

1 **TITLE IV—DISABILITY**
2 **EMPLOYMENT**

3 **SEC. 401. REHABILITATION ACT WAIVERS.**

4 (a) *PROVISIONS ELIGIBLE FOR WAIVER.*—The fol-
5 *lowing provisions of the Rehabilitation Act of 1973 (29*
6 *U.S.C. 701 et seq.) are eligible for waivers due to the na-*
7 *tional emergency declared by the President under the Na-*
8 *tional Emergencies Act (50 U.S.C. 1601 et seq.) on March*
9 *13, 2020, with respect to the coronavirus:*

10 (1) *The Secretary of Education may provide a*
11 *waiver of section 103(b)(1) to allow the replacement*
12 *of expired or spoiled food products at vending facili-*
13 *ties.*

14 (2) *The Secretary of Education may provide a*
15 *waiver of the service obligation requirement under*
16 *section 302(b) due to interrupted service obligations.*

17 (b) *DURATION.*—*A waiver approved by the Secretary*
18 *under subsection (a) shall expire on the earlier of the fol-*
19 *lowing dates:*

20 (1) *The date that is 1 year after the date of the*
21 *enactment of this Act.*

22 (2) *The last day of the national emergency re-*
23 *ferred to in subsection (a).*

24 (c) *STREAMLINED PROCESS.*—*The Secretary of Edu-*
25 *cation shall create a streamlined application process to re-*

1 *quest a waiver under this section, and the Secretary may*
2 *grant such waiver if the Secretary determines that the waiv-*
3 *er is necessary and appropriate.*

4 *(d) LIMITATION.—Nothing in this section shall be con-*
5 *strued to allow the Secretary to waive any statutory or reg-*
6 *ulatory requirements under applicable civil rights laws.*

7 *(e) REPORTING AND PUBLICATION.—*

8 *(1) PUBLIC NOTICE.—A State requesting a waiv-*
9 *er under this section shall provide the public notice*
10 *of, and the opportunity to comment on, the request by*
11 *posting on the State website information regarding*
12 *the waiver request and the process for commenting.*

13 *(2) NOTIFYING CONGRESS.—Not later than 7*
14 *days after—*

15 *(A) receiving a waiver request from a State*
16 *under this section, the Secretary of Education*
17 *shall notify the Committee on Health, Edu-*
18 *cation, Labor, and Pensions of the Senate, the*
19 *Committee on Appropriations of the Senate, the*
20 *Committee on Education and Labor of the House*
21 *of Representatives, and the Committee on Appro-*
22 *priations of the House of Representatives of such*
23 *waiver request; and*

24 *(B) granting a waiver under this section,*
25 *the Secretary of Education shall notify the Com-*

1 *mittee on Health, Education, Labor, and Pen-*
2 *sions of the Senate, the Committee on Appro-*
3 *priations of the Senate, the Committee on Edu-*
4 *cation and Labor of the House of Representa-*
5 *tives, and the Committee on Appropriations of*
6 *the House of Representatives of such waiver.*

7 *(3) PUBLICATION.—Not later than 30 days after*
8 *granting a waiver under this section, the Secretary of*
9 *Education shall publish a notice of the Secretary’s de-*
10 *cision (including which waiver was granted and the*
11 *reason for granting the waiver) in the Federal Reg-*
12 *ister and on the website of the Department of Edu-*
13 *cation.*

1 **DIVISION C—PROTECTION FOR**
 2 **FAMILIES AND WORKERS**
 3 **TITLE I—AMENDMENTS TO**
 4 **EMERGENCY FAMILY AND**
 5 **MEDICAL LEAVE EXPANSION**
 6 **ACT AND EMERGENCY PAID**
 7 **SICK LEAVE ACT**
 8 **Subtitle A—Emergency Family and**
 9 **Medical Leave Expansion Act**
 10 **Amendments**

11 **SEC. 101. REFERENCES.**

12 *Except as otherwise expressly provided, whenever in*
 13 *this subtitle an amendment or repeal is expressed in terms*
 14 *of an amendment to, or repeal of, a section or other provi-*
 15 *sion, the reference shall be considered to be made to a section*
 16 *or other provision of the Family and Medical Leave Act*
 17 *of 1993 (29 U.S.C. 2601 et seq.), as amended by the Emer-*
 18 *gency Family and Medical Leave Expansion Act (Public*
 19 *Law 116–127).*

20 **SEC. 102. EMPLOYEE ELIGIBILITY AND EMPLOYER CLARI-**
 21 **FICATION.**

22 (a) **EMPLOYEE ELIGIBILITY.**—Section 101(2) is
 23 amended by adding at the end the following:

24 “(F) **ALTERNATIVE ELIGIBILITY FOR COVID—**
 25 **19 PUBLIC HEALTH EMERGENCY .**—For the pe-

1 riod beginning on the date of the enactment of
2 *The Heroes Act* and ending on December 31,
3 2022—

4 “(i) subparagraph (A)(i) shall be ap-
5 plied by substituting ‘90 days’ for ‘12
6 months’; and

7 “(ii) subparagraph (A)(ii) shall not
8 apply.”.

9 (b) *EMPLOYER CLARIFICATION*.—Section 101(4) is
10 amended by adding at the end the following:

11 “(C) *CLARIFICATION*.—Subparagraph (A)(i)
12 shall not apply with respect to a public agency
13 described in subparagraph (A)(iii).”.

14 **SEC. 103. EMERGENCY LEAVE EXTENSION.**

15 Section 102(a)(1)(F) is amended by striking “Decem-
16 ber 31, 2020” and inserting “February 28, 2021”.

17 **SEC. 104. EMERGENCY LEAVE DEFINITIONS.**

18 (a) *ELIGIBLE EMPLOYEE*.—Section 110(a)(1) is
19 amended in subparagraph (A), by striking “sections
20 101(2)(A) and 101(2)(B)(i)” and inserting “section
21 101(2)”.

22 (b) *EMPLOYER THRESHOLD*.—Section 110(a)(1)(B) is
23 amended by striking “fewer than 500 employees” and in-
24 serting “1 or more employees”.

1 (c) *PARENT*.—Section 110(a)(1) is amended by adding
2 at the end the following:

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

6 “(i) A biological, foster, or adoptive
7 parent of the employee.

8 “(ii) A stepparent of the employee.

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

10 “(iv) A parent of a domestic partner of
11 the employee.

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

15 (d) *QUALIFYING NEED RELATED TO A PUBLIC*
16 *HEALTH EMERGENCY*.—Section 110(a)(2)(A) is amended
17 to read as follows:

18 “(A) *QUALIFYING NEED RELATED TO A*
19 *PUBLIC HEALTH EMERGENCY*.—The term ‘quali-
20 fying need related to a public health emergency’,
21 with respect to leave, means that the employee is
22 unable to perform the functions of the position of
23 such employee due to a need for leave for any of
24 the following:

1 “(i) To self-isolate because the em-
2 ployee is diagnosed with COVID–19.

3 “(ii) To obtain a medical diagnosis or
4 care if such employee is experiencing the
5 symptoms of COVID–19.

6 “(iii) To comply with a recommenda-
7 tion or order by a public official with juris-
8 diction or a health care provider to self iso-
9 late, without regard to whether such rec-
10 ommendation or order is specific to the em-
11 ployee, on the basis that the physical pres-
12 ence of the employee on the job would jeop-
13 ardize the employee’s health, the health of
14 other employees, or the health of an indi-
15 vidual in the household of the employee be-
16 cause of—

17 “(I) the possible exposure of the
18 employee to COVID–19; or

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

21 “(iv) To care for or assist a family
22 member of the employee, without regard to
23 whether another individual other than the
24 employee is available to care for or assist
25 such family member, because—

1 “(I) such family member—

2 “(aa) is self-isolating because
3 such family member has been di-
4 agnosed with COVID–19; or

5 “(bb) is experiencing symp-
6 toms of COVID–19 and needs to
7 obtain medical diagnosis or care;
8 or

9 “(II) a public official with juris-
10 diction or a health care provider makes
11 a recommendation or order with re-
12 spect to such family member, without
13 regard to whether such determination
14 is specific to such family member, that
15 the presence of the family member in
16 the community would jeopardize the
17 health of other individuals in the com-
18 munity because of—

19 “(aa) the possible exposure of
20 such family member to COVID–
21 19; or

22 “(bb) exhibition of symptoms
23 of COVID–19 by such family
24 member.

1 “(v) *To care for the son or daughter of*
2 *such employee if, due to COVID–19—*

3 “(I) *the child care provider of*
4 *such son or daughter is unavailable;*

5 “(II) *the school or place of care of*
6 *such son or daughter is closed; or*

7 “(III) *the school of such son or*
8 *daughter—*

9 “(aa) *requires or makes op-*
10 *tional a virtual learning instruc-*
11 *tion model; or*

12 “(bb) *requires or makes op-*
13 *tional a hybrid of in-person and*
14 *virtual learning instruction mod-*
15 *els.*

16 “(vi) *To care for a family member who*
17 *is incapable of self-care because of a mental*
18 *or physical disability or is a senior citizen,*
19 *without regard to whether another indi-*
20 *vidual other than the employee is available*
21 *to care for such family member, if the place*
22 *of care for such family member is closed or*
23 *the direct care provider is unavailable due*
24 *to COVID–19.”.*

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

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

6 “(i) A parent of the employee.

7 “(ii) A spouse of the employee.

8 “(iii) A sibling of the employee.

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

12 “(v) A son or daughter of the employee.

13 “(vi) A grandparent or grandchild of
14 the employee.

15 “(vii) A domestic partner of the em-
16 ployee.

17 “(viii) Any other individual related by
18 blood or affinity whose close association
19 with the employee is the equivalent of a
20 family relationship.

21 “(F) *DOMESTIC PARTNER*.—

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

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

15 **SEC. 105. REGULATORY AUTHORITIES.**

16 (a) *IN GENERAL.*—*Section 110(a) is amended by strik-*
17 *ing paragraph (3).*

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

22 **SEC. 106. PAID LEAVE.**

23 *Section 110(b) of the Family and Medical Leave Act*
24 *of 1993 is amended—*

1 (1) *in the heading, by striking “Relationship*
2 *to”;*

3 (2) *by amending paragraph (1) to read as fol-*
4 *lows:*

5 “(1) *EMPLOYEE ELECTION.—*

6 “(A) *IN GENERAL.—An employee may elect*
7 *to substitute any vacation leave, personal leave,*
8 *or medical or sick leave for paid leave under sec-*
9 *tion 102(a)(1)(F) in accordance with section*
10 *102(d)(2)(B).*

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

15 “(C) *RELATIONSHIP TO OTHER FAMILY AND*
16 *MEDICAL LEAVE.—Leave taken under subpara-*
17 *graph (F) of section 102(a)(1) shall not count to-*
18 *wards the 12 weeks of leave to which an em-*
19 *ployee is entitled under subparagraphs (A)*
20 *through (E) of such section.*

21 “(D) *RELATIONSHIP TO LIMITATION.—*
22 *PRESUMPTION OF ELIGIBILITY FOR* *for*
23 *any vacation leave, personal leave, or medical or*
24 *sick leave that is substituted for leave under sec-*

1 (2) in clause (ii), by striking “\$10,000” and in-
2 serting “\$12,000”.

3 **SEC. 108. NOTICE.**

4 Section 110(c) is amended by striking “for the purpose
5 described in subsection (a)(2)(A)”.

6 **SEC. 109. INTERMITTENT LEAVE.**

7 Section 110 is amended by adding at the end the fol-
8 lowing:

9 “(e) *LEAVE TAKEN INTERMITTENTLY OR ON A RE-*
10 *DUCED WORK SCHEDULE.—Leave under section*
11 *102(a)(1)(F) may be taken by an employee intermittently*
12 *or on a reduced work schedule, without regard to whether*
13 *the employee and the employer of the employee have an*
14 *agreement with respect to whether such leave may be taken*
15 *intermittently or on a reduced work schedule.”.*

16 **SEC. 110. CERTIFICATION.**

17 Section 110 is further amended by adding at the end
18 the following:

19 “(f) *CERTIFICATION.—*

20 “(1) *IN GENERAL.—If an employer requires that*
21 *a request for leave under section 102(a)(1)(F) be cer-*
22 *tified, the employer may require documentation for*
23 *certification not earlier than 5 weeks after the date on*
24 *which the employee takes such leave.*

1 “(2) *SUFFICIENT CERTIFICATION.*—*The following*
2 *documentation shall be sufficient for certification:*

3 “(A) *With respect to leave taken for the pur-*
4 *poses described in clauses (i) through (iv) of sub-*
5 *section (a)(2)(A)—*

6 “(i) *a recommendation or order from a*
7 *public official having jurisdiction or a*
8 *health care provider that the employee or*
9 *relevant family member has symptoms of*
10 *COVID–19 or should self-isolate; or*

11 “(ii) *documentation or evidence, in-*
12 *cluding an oral or written statement from*
13 *an employee, that the employee or relevant*
14 *family member has been exposed to COVID–*
15 *19.*

16 “(B) *With respect to leave taken for the*
17 *purposes described in clause (v) or (vi) of sub-*
18 *section (a)(2)(A), notice—*

19 “(i) *from the school, place of care, or*
20 *child care or direct care provider of the son*
21 *or daughter or other family member of the*
22 *employee of closure or unavailability; or*

23 “(ii) *from the school of the son or*
24 *daughter of the requirement or option of a*
25 *virtual learning instruction model or a hy-*

1 brid of in-person and virtual learning in-
2 struction models.”.

3 **SEC. 111. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF**
4 **MANAGEMENT AND BUDGET TO EXCLUDE**
5 **CERTAIN EMPLOYEES.**

6 Section 110(a) is amended by striking paragraph (4).

7 **SEC. 112. TECHNICAL AMENDMENTS.**

8 (a) Section 110(a)(1)(A) is amended by striking “(ii)”
9 before “SPECIAL RULE” and inserting “(iii)”.

10 (b) Section 19008 of the CARES Act is amended—

11 (1) by striking “—” after “amended”;

12 (2) by striking paragraph (1); and

13 (3) by striking “(2)” before “by adding at the
14 end”.

15 **SEC. 113. AMENDMENTS TO THE EMERGENCY FAMILY AND**
16 **MEDICAL LEAVE EXPANSION ACT.**

17 The Emergency Family and Medical Leave Expansion
18 Act (Public Law 116–127) is amended—

19 (1) in section 3103(b), by striking “Employees”
20 and inserting, “Notwithstanding section 102(a)(1)(A)

21 of the Family and Medical Leave Act of 1993 (29
22 U.S.C. 2612(a)(1)(A)), employees”; and

23 (2) by striking sections 3104 and 3105.

1 ***Subtitle B—Emergency Paid Sick***
2 ***Leave Act Amendments***

3 **SEC. 121. REFERENCES.**

4 *Except as otherwise expressly provided, whenever in*
5 *this subtitle an amendment or repeal is expressed in terms*
6 *of an amendment to, or repeal of, a section or other provi-*
7 *sion, the reference shall be considered to be made to a section*
8 *or other provision of division E of the Families First*
9 *Coronavirus Response Act (Public Law 116–127).*

10 **SEC. 122. PAID SICK TIME REQUIREMENT.**

11 *(a) USES.—Section 5102(a) is amended to read as fol-*
12 *lows:*

13 *“(a) IN GENERAL.—An employer shall provide to each*
14 *employee employed by the employer paid sick time for any*
15 *qualifying need related to a public health emergency (as*
16 *defined in section 110(a)(2)(A) of the Family and Medical*
17 *Leave Act of 1993 (29 U.S.C. 2620(a)(2)(A)).”.*

18 *(b) RECURRENCE.—Section 5102(b) is amended by*
19 *striking “An” and inserting “During any 12-month period,*
20 *an”.*

21 *(c) EMPLOYERS WITH EXISTING POLICIES.—Section*
22 *5102 is amended by striking subsection (f) and inserting*
23 *the following:*

1 “(f) *EMPLOYERS WITH EXISTING POLICIES.*—With re-
2 spect to an employer that provides paid leave on the day
3 before the date of the enactment of this Act—

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

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

10 “(d) *INTERMITTENT LEAVE.*—Section 5102 is further
11 amended by adding at the end the following:

12 “(g) *LEAVE TAKEN INTERMITTENTLY OR ON A RE-*
13 *DUCED WORK SCHEDULE.*—Leave under section 5102 may
14 be taken by an employee intermittently or on a reduced
15 work schedule, without regard to whether the employee and
16 the employer of the employee have an agreement with re-
17 spect to whether such leave may be taken intermittently or
18 on a reduced work schedule.”.

19 “(e) *CERTIFICATION.*—Section 5102 is further amended
20 by adding at the end the following:

21 “(h) *CERTIFICATION.*—If an employer requires that a
22 request for paid sick time under this section be certified—

23 “(1) the documentation described in paragraph
24 (2) of section 110(f) of the Family and Medical Leave

1 *Act of 1993 (29 U.S.C. 2620(f)) shall be sufficient for*
2 *certification; and*

3 *“(2) an employer may not require such certifi-*
4 *cation unless—*

5 *“(A) the employee takes not less than 3 con-*
6 *secutive days of paid sick time; and*

7 *“(B) the employer requires documents for*
8 *such certification not earlier than 7 workdays*
9 *after the employee returns to work after such*
10 *paid sick time.”.*

11 *(f) NOTICE.—Section 5102 is further amended by add-*
12 *ing at the end the following:*

13 *“(i) NOTICE.—In any case where the necessity for*
14 *leave under this section is foreseeable, an employee shall*
15 *provide the employer with such notice of leave as is prac-*
16 *ticable.”.*

17 *(g) LEAVE TRANSFER TO NEW EMPLOYER.—Section*
18 *5102 is further amended by adding at the end the following:*

19 *“(j) LEAVE TRANSFER TO NEW EMPLOYER.—A cov-*
20 *ered employee who begins employment with a new covered*
21 *employer shall be entitled to the full amount of leave under*
22 *section 5102 with respect to such employer.”.*

23 *(h) RESTORATION TO POSITION.—*

24 *(1) IN GENERAL.—Section 5102 is further*
25 *amended by adding at the end the following:*

1 “(k) *RESTORATION TO POSITION.*—Any covered em-
2 ployee who takes paid sick time under this section, on re-
3 turn from such paid sick time, shall be entitled—

4 “(1) to be restored by the employer to the posi-
5 tion of employment held by the employee when the
6 leave commenced; or

7 “(2) if such position is not available, to be re-
8 stored to an equivalent position with equivalent em-
9 ployment benefits, pay, and other terms and condi-
10 tions of employment.”.

11 (2) *ENFORCEMENT.*—Section 5105 is amended—

12 (A) by amending subsection (a) to read as
13 follows:

14 “(a) *UNPAID SICK LEAVE.*—Subject to subsection (b),
15 a violation of section 5102 shall be deemed a violation of
16 section 7 of the Fair Labor Standards Act of 1938 (29
17 U.S.C. 207) and unpaid amounts shall be treated as unpaid
18 overtime compensation under such section for the purposes
19 of sections 15 and 16 of such Act (29 U.S.C. 215 and 216).”;
20 and

21 (B) in subsection (b), by inserting “section
22 5102(k) or” before “section 5104”.

23 **SEC. 123. SUNSET.**

24 Section 5109 is amended by striking “December 31,
25 2020” and inserting “February 28, 2021”.

1 **SEC. 124. DEFINITIONS.**

2 (a) *EMPLOYER.*—Section 5110(2)(B) is amended—

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

4 (2) by amending subclause (I) of clause (i) to
5 read as follows:

6 “(I) means any person engaged in
7 commerce or in any industry or activ-
8 ity affecting commerce that employs 1
9 or more employees;” and

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

11 “(ii) *PUBLIC AGENCY AND NON-PROFIT*
12 *ORGANIZATIONS.*—For purposes of clause
13 (i)(III) and (i)(I), a public agency and a
14 nonprofit organization shall be considered
15 to be a person engaged in commerce or in
16 an industry or activity affecting com-
17 merce.”.

18 (b) *FMLA TERMS.*—Section 5110(4) is amended to
19 read as follows:

20 “(4) *FMLA TERMS.*—

21 “(A) *SECTION 101.*—The terms ‘health care
22 provider’, ‘next of kin’, ‘son or daughter’, and
23 ‘spouse’ have the meanings given such terms in
24 section 101 of the Family and Medical Leave Act
25 of 1993 (29 U.S.C. 2611).

1 “(B) SECTION 110.—The terms ‘child care
2 provider’, ‘domestic partner’, ‘family member’,
3 ‘parent’, and ‘school’ have the meanings given
4 such terms in section 110(a)(2) of the Family
5 and Medical and Leave Act of 1993.”

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

7 (1) in subparagraph (A)—

8 (A) in clause (i), by striking “reason de-
9 scribed in any paragraph of section 2(a)” and
10 inserting “qualifying need related to a public
11 health emergency”; and

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

15 (2) in subparagraph (B)—

16 (A) by striking the following:

17 “(B) REQUIRED COMPENSATION.—

18 “(i) IN GENERAL.—Subject to subpara-
19 graph (A)(ii),”; and inserting the following:

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

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

23 (3) in subparagraph (C), by striking “ section
24 2(a)” and inserting “section 5102(a)”.

1 (d) *QUALIFYING NEED RELATED TO A PUBLIC*
2 *HEALTH EMERGENCY.*—Section 5110 is amended by add-
3 *ing at the end the following:*

4 “(1) *QUALIFYING NEED RELATED TO A PUBLIC*
5 *HEALTH EMERGENCY.*—The term ‘qualifying need re-
6 *lated to a public health emergency’ has the meaning*
7 *given such term in section 110(a)(2)(A) of the Family*
8 *and Medical Leave Act of 1993 (29 U.S.C.*
9 *2620(a)(2)(A)).”.*

10 **SEC. 125. EMERGENCY PAID SICK LEAVE FOR EMPLOYEES**
11 **OF THE DEPARTMENT OF VETERANS AFFAIRS**
12 **AND THE TRANSPORTATION SECURITY AD-**
13 **MINISTRATION FOR PURPOSES RELATING TO**
14 **COVID-19.**

15 Section 5110(1) is further amended—

16 (1) *in subparagraph (E) by striking “or” after*
17 *“Code;”;*

18 (2) *by redesignating subparagraph (F) as sub-*
19 *paragraph (H); and*

20 (3) *by inserting after subparagraph (E) the fol-*
21 *lowing:*

22 “(F) *notwithstanding sections 7421(a) or*
23 *7425(b) of title 38, United States Code, or any*
24 *other provision of law, an employee of the De-*

1 *partment of Veterans Affairs (including employ-*
 2 *ees under chapter 74 of such title);*

3 *“(G) any employee of the Transportation*
 4 *Security Administration, including an employee*
 5 *under 111(d) of the Aviation and Transportation*
 6 *Security Act (49 U.S.C. 44935 note); or”.*

7 **SEC. 126. AUTHORITY OF THE DIRECTOR OF THE OFFICE OF**
 8 **MANAGEMENT AND BUDGET TO EXCLUDE**
 9 **CERTAIN EMPLOYEES.**

10 *Division E is amended by striking section 5112.*

11 **SEC. 127. REGULATORY AUTHORITIES.**

12 *(a) IN GENERAL.—Division E is amended by striking*
 13 *section 5111.*

14 *(b) FORCE OR EFFECT OF REGULATIONS.—Any regu-*
 15 *lation issued under section 5111 of division E of the Fami-*
 16 *lies First Coronavirus Response Act (Public Law 116–127),*
 17 *as in effect on the day before the date of the enactment of*
 18 *this Act, shall have no force or effect.*

19 **TITLE II—COVID–19 EVERY**
 20 **WORKER PROTECTION ACT OF**
 21 **2020**

22 **SEC. 201. SHORT TITLE.**

23 *This title may be cited as the “COVID–19 Every*
 24 *Worker Protection Act of 2020”.*

1 **SEC. 202. EMERGENCY TEMPORARY AND PERMANENT**
2 **STANDARDS.**

3 (a) *EMERGENCY TEMPORARY STANDARD.—*

4 (1) *IN GENERAL.—In consideration of the grave*
5 *danger presented by COVID–19 and the need to*
6 *strengthen protections for employees, not later than 7*
7 *days after the date of the enactment of this Act, the*
8 *Secretary of Labor shall promulgate an emergency*
9 *temporary standard to protect from occupational ex-*
10 *posure to SARS–CoV–2—*

11 (A) *employees of health care sector employ-*

12 *ers;*

13 (B) *employees of employers in paramedic*
14 *and emergency medical services, including such*
15 *services provided by firefighters and other emer-*
16 *gency responders; and*

17 (C) *employees of employers in other sectors*
18 *or occupations, including mortuary services, food*
19 *processing (including poultry, meat, and sea-*
20 *food), agriculture and crop harvesting, manufac-*
21 *turing, indoor and outdoor construction, correc-*
22 *tional centers, jails, and detention centers, trans-*
23 *portation (including airports, train stations,*
24 *and bus stations), retail and wholesale grocery,*
25 *warehousing and package and mail processing*
26 *and delivery services, call centers, education, so-*

1 *cial service and daycare, homeless shelters, hotels,*
2 *restaurants and bars, drug stores and phar-*
3 *macies, and retail establishments.*

4 (2) *CONSULTATION.*—*In developing the standard*
5 *under this subsection, the Secretary of Labor—*

6 (A) *shall consult with—*

7 (i) *the Director of the Centers for Dis-*
8 *ease Control and Prevention; and*

9 (ii) *the Director of the National Insti-*
10 *tute for Occupational Safety and Health;*
11 *and*

12 (B) *may consult with the professional asso-*
13 *ciations and representatives of the employees de-*
14 *scribed in paragraph (1).*

15 (3) *ENFORCEMENT DISCRETION.*—*If the Sec-*
16 *retary of Labor determines it is not feasible for an*
17 *employer to comply with a requirement of the stand-*
18 *ard promulgated under this subsection (such as a*
19 *shortage of the necessary personal protective equip-*
20 *ment), the Secretary may exercise discretion in the*
21 *enforcement of such requirement if the employer dem-*
22 *onstrates that the employer—*

23 (A) *is exercising due diligence to come into*
24 *compliance with such requirement; and*

1 (B) is implementing alternative methods
2 and measures to protect employees.

3 (4) *EXTENSION OF STANDARD.*—Notwithstanding
4 paragraphs (2) and (3) of section 6(c) of the Occupa-
5 tional Safety and Health Act of 1970 (29 U.S.C.
6 655(c)), the emergency temporary standard promul-
7 gated under this subsection shall be in effect until the
8 date on which the final standard promulgated under
9 subsection (b) is in effect.

10 (5) *STATE PLAN ADOPTION.*—With respect to a
11 State with a State plan that has been approved by
12 the Secretary of Labor under section 18 of the Occu-
13 pational Safety and Health Act of 1970 (29 U.S.C.
14 667), not later than 14 days after the date of the en-
15 actment of this Act, such State shall promulgate an
16 emergency temporary standard that is at least as ef-
17 fective in protecting from occupational exposure to
18 SARS-CoV-2 the employees described in paragraph
19 (1) as the emergency temporary standard promul-
20 gated under this subsection.

21 (6) *EMPLOYER DEFINED.*—For purposes of the
22 standard promulgated under this subsection, the term
23 “employer” (as defined in section 3 of the Occupa-
24 tional Safety and Health Act of 1970 (29 U.S.C.
25 652)) includes any State or political subdivision of a

1 *State, except for a State or political subdivision of a*
2 *State already subject to the jurisdiction of a State*
3 *plan approved under section 18(b) of the Occupa-*
4 *tional Safety and Health Act of 1970 (29 U.S.C.*
5 *667(b)).*

6 (7) *REQUIREMENTS.—The standard promulgated*
7 *under this subsection shall include—*

8 (A) *a requirement that any employer of an*
9 *employee in an occupation or sector described in*
10 *paragraph (1)—*

11 (i) *conduct a hazard assessment to as-*
12 *sess risks of occupational exposure to*
13 *SARS-CoV-2;*

14 (ii) *develop and implement an expo-*
15 *sure control plan, based on the hazard as-*
16 *essment mandated in clause (i), with the*
17 *input and involvement of employees or the*
18 *representatives of employees, as appro-*
19 *priate, to address the risk of occupational*
20 *exposure in such sectors and occupations;*

21 (iii) *provide job specific training and*
22 *education to such employees on such stand-*
23 *ard, the plan under clause (ii), and preven-*
24 *tion of the transmission of SARS-CoV-2;*

1 (iv) implement, as appropriate, engi-
2 neering controls, including ventilation;
3 work practice controls (including physical
4 distancing of not less than 6 feet while on
5 the job and during paid breaks); and appro-
6 priate respiratory protection and other per-
7 sonal protective equipment;

8 (v) develop and implement procedures
9 for—

10 (I) sanitation of the work environ-
11 ment;

12 (II) screening of employees for
13 signs and symptoms of COVID-19;

14 (III) the return to work for em-
15 ployees who previously tested positive
16 for COVID-19 or who showed signs or
17 symptoms of COVID-19; and

18 (IV) ensuring that subcontractors
19 comply with the procedures under sub-
20 clauses (I) through (III); and

21 (vi) record and report each work-re-
22 lated COVID-19 infection and death, as set
23 forth in part 1904 of title 29, Code of Fed-
24 eral Regulations (as in effect on the date of
25 the enactment of this Act);

1 (B) no less protection for novel pathogens
2 than precautions mandated by standards adopt-
3 ed by a State plan that has been approved by the
4 Secretary of Labor under section 18 of the Occu-
5 pational Safety and Health Act of 1970 (29
6 U.S.C. 667);

7 (C) the incorporation, as appropriate, of—

8 (i) guidelines issued by the Centers for
9 Disease Control and Prevention, the Na-
10 tional Institute for Occupational Safety and
11 Health, and the Occupational Safety and
12 Health Administration which are designed
13 to prevent the transmission of infectious
14 agents in health care or other occupational
15 settings; and

16 (ii) relevant scientific research on
17 novel pathogens; and

18 (D) a requirement for each employer to—

19 (i) maintain a COVID-19 employee
20 infection log, notify its own employees and
21 report to the appropriate health department
22 of each confirmed positive COVID-19 diag-
23 nosis of an employee within 24 hours of the
24 employer learning of such confirmed posi-
25 tive diagnosis, whether or not the infection

1 *is work-related, consistent with the con-*
2 *fidentiality requirements of the Americans*
3 *with Disabilities Act of 1990 (42 U.S.C.*
4 *12101 et seq.), the HIPAA privacy regula-*
5 *tions (defined in section 1180(b)(3) of the*
6 *Social Security Act (42 U.S.C. 1320d–9(b))*
7 *and other applicable Federal regulations;*
8 *and*

9 *(ii) report to the Occupational Safety*
10 *and Health Administration any outbreak of*
11 *three or more confirmed positive COVID–19*
12 *diagnoses that have occurred among em-*
13 *ployees present at the place of employment*
14 *within a 14-day period, not later than 24*
15 *hours after the employer is made aware of*
16 *such an outbreak.*

17 *(8) INAPPLICABLE PROVISIONS OF LAW AND EX-*
18 *ECUTIVE ORDER.—The following provisions of law*
19 *and Executive orders shall not be applicable with re-*
20 *spect to the standard promulgated under this sub-*
21 *section:*

22 *(A) The requirements of chapter 6 of title 5,*
23 *United States Code (commonly referred to as the*
24 *“Regulatory Flexibility Act”).*

1 (B) *Subchapter I of chapter 35 of title 44,*
2 *United States Code (commonly referred to as the*
3 *“Paperwork Reduction Act”).*

4 (C) *The Unfunded Mandates Reform Act of*
5 *1995 (2 U.S.C. 1501 et seq.).*

6 (D) *Executive Order 12866 (58 Fed. Reg.*
7 *190; relating to regulatory planning and re-*
8 *view), as amended.*

9 (E) *Executive Order 13771 (82 Fed. Reg.*
10 *9339, relating to reducing regulation and con-*
11 *trolling regulatory costs).*

12 (b) *PERMANENT STANDARD.—Not later than 24*
13 *months after the date of the enactment of this Act, the Sec-*
14 *retary of Labor shall, pursuant to section 6 of the Occupa-*
15 *tional Safety and Health Act (29 U.S.C. 655), promulgate*
16 *a final standard—*

17 (1) *to protect employees described in subsection*
18 *(a)(1) from occupational exposure to infectious patho-*
19 *gens, including novel pathogens; and*

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

24 (c) *ANTI-RETALIATION.—*

1 (1) *POLICY.*—Each standard promulgated under
2 this section shall require employers to adopt a policy
3 prohibiting the discrimination and retaliation de-
4 scribed in paragraph (2) by any person (including an
5 agent of the employer).

6 (2) *PROHIBITION.*—No employer (including an
7 agent of the employer) shall discriminate or retaliate
8 against an employee for—

9 (A) reporting to the employer, to a local,
10 State, or Federal government agency, or to the
11 media or on a social media platform—

12 (i) a violation of a standard promul-
13 gated pursuant to this Act;

14 (ii) a violation of an infectious disease
15 exposure control plan described in sub-
16 section (c)(1); or

17 (iii) a good faith concern about a
18 workplace infectious disease hazard;

19 (B) seeking assistance or intervention from
20 the employer or a local, State, or Federal govern-
21 ment agency with respect to such a report;

22 (C) voluntary use of personal protective
23 equipment with a higher level of protection than
24 is provided by the employer; or

1 (D) exercising any other right under the Oc-
2 cupational Safety and Health Act of 1970 (29
3 U.S.C. 651 et seq.).

4 (3) ENFORCEMENT.—This subsection shall be en-
5 forced in the same manner and to the same extent as
6 any standard promulgated under section 6(b) of the
7 Occupational Safety and Health Act of 1970 (29
8 U.S.C. 655(b)).

9 (d) EFFECT ON OTHER LAWS, REGULATIONS, OR OR-
10 DERS.—

11 (1) IN GENERAL.—Nothing in this Act shall be
12 construed to—

13 (A) curtail or limit authority of the Sec-
14 retary under any other provision of law; or

15 (B) preempt the application of any other
16 statute, regulation, or order of any State or local
17 government related to SARS-CoV-2 in the work-
18 place except to the extent that such provisions
19 are inconsistent with this Act, or a standard
20 promulgated pursuant to this Act, and in such
21 case only to the extent of the inconsistency.

22 (2) EQUAL OR GREATER PROTECTION.—A provi-
23 sion of law, regulation, or order of a State or local
24 government shall not be considered inconsistent with
25 this Act or standard promulgated under this Act

1 **TITLE III—COVID-19 PROTEC-**
2 **TIONS UNDER LONGSHORE**
3 **AND HARBOR WORKERS’ COM-**
4 **PENSATION ACT**

5 **SEC. 301. COMPENSATION PURSUANT TO THE LONGSHORE**
6 **AND HARBOR WORKERS’ COMPENSATION**
7 **ACT.**

8 *(a) ENTITLEMENT TO COMPENSATION.—*

9 *(1) IN GENERAL.—A covered employee who re-*
10 *ceives a diagnosis or is subject to an order described*
11 *in paragraph (2)(B) and who provides notice of or*
12 *files a claim relating to such diagnosis or order under*
13 *section 12 or 13 of the Longshore and Harbor Work-*
14 *ers’ Compensation Act (33 U.S.C. 912, 913), respec-*
15 *tively, shall—*

16 *(A) be deemed to have an injury arising out*
17 *of or in the course of employment for which com-*
18 *ensation is payable under the Longshore and*
19 *Harbor Workers’ Compensation Act (33 U.S.C.*
20 *901 et seq.); and*

21 *(B) be paid the compensation to which the*
22 *employee is entitled under such Act (33 U.S.C.*
23 *901 et seq.).*

24 *(2) COVERED EMPLOYEE.—In this section, the*
25 *term “covered employee” means an employee who—*

1 (A) at any time during the period begin-
2 ning on January 27, 2020, and ending on Janu-
3 ary 27, 2022, was engaged in maritime employ-
4 ment; and

5 (B) was—

6 (i) at any time during the period be-
7 ginning on January 27, 2020, and ending
8 on February 27, 2022, diagnosed with
9 COVID-19; or

10 (ii) at any time during the period de-
11 scribed in subparagraph (A), ordered not to
12 return to work by the employee’s employer
13 or by a local, State, or Federal agency be-
14 cause of exposure, or the risk of exposure, to
15 1 or more individuals diagnosed with
16 COVID-19 in the workplace.

17 (b) REIMBURSEMENT.—

18 (1) IN GENERAL.—

19 (A) ENTITLEMENT.—Subject to subpara-
20 graph (B), an employer of a covered employee or
21 the employer’s carrier shall be entitled to reim-
22 bursement for any compensation paid with re-
23 spect to a notice or claim described in subsection
24 (a), including disability benefits, funeral and
25 burial expenses, medical or other related costs for

1 *treatment and care, and reasonable and nec-*
2 *essary allocated claims expenses.*

3 *(B) SAFETY AND HEALTH REQUIRE-*
4 *MENTS.—To be entitled to reimbursement under*
5 *subparagraph (A)—*

6 *(i) an employer shall be in compliance*
7 *with all applicable safety and health guide-*
8 *lines and standards that are related to the*
9 *prevention of occupational exposure to the*
10 *novel coronavirus that causes COVID–19,*
11 *including such guidelines and standards*
12 *issued by the Occupational Safety and*
13 *Health Administration, State plans ap-*
14 *proved under section 18 of the Occupational*
15 *Safety and Health Act of 1970 (29 U.S.C.*
16 *667), the Coast Guard, and Federal, State*
17 *or local public health authorities; and*

18 *(ii) a carrier—*

19 *(I) shall be a carrier for an em-*
20 *ployer that is in compliance with*
21 *clause (i); and*

22 *(II) shall not adjust the experience*
23 *rating or the annual premium of the*
24 *employer based upon the compensation*
25 *paid by the carrier with respect to a*

1 *notice or claim described in subpara-*
2 *graph (A).*

3 (2) *REIMBURSEMENT PROCEDURES.—To receive*
4 *reimbursement under paragraph (1)—*

5 (A) *a claim for such reimbursement shall be*
6 *submitted to the Secretary of Labor—*

7 (i) *not later than one year after the*
8 *final payment of compensation to a covered*
9 *employee pursuant to this section; and*

10 (ii) *in the same manner as a claim for*
11 *reimbursement is submitted in accordance*
12 *with part 61 of title 20, Code of Federal*
13 *Regulations (as in effect on the date of the*
14 *enactment of this Act); and*

15 (B) *an employer and the employer's carrier*
16 *shall make, keep, and preserve such records,*
17 *make such reports, and provide such informa-*
18 *tion, as the Secretary of Labor determines nec-*
19 *essary or appropriate to carry out this section.*

20 (c) *SPECIAL FUND.—*

21 (1) *IN GENERAL.—A reimbursement under para-*
22 *graph (1) shall be paid out of the special fund estab-*
23 *lished in section 44 of Longshore and Harbor Work-*
24 *ers' Compensation Act (33 U.S.C. 944).*

1 (2) *FUNDING.*—*There are authorized to be ap-*
2 *propriated, and there are appropriated, such funds as*
3 *may be necessary to reimburse the special fund de-*
4 *scribed in paragraph (1) for each reimbursement paid*
5 *out of such fund under paragraph (1).*

6 (d) *REPORT.*—*Not later than 60 days after the end of*
7 *fiscal year 2020, 2021, and 2022, the Secretary of Labor*
8 *shall submit to the Committee on Education and Labor of*
9 *the House of Representatives and the Committee on Health,*
10 *Education, Labor and Pensions of the Senate, an annual*
11 *report enumerating—*

12 (1) *the number of claims filed pursuant to sec-*
13 *tion (a)(1);*

14 (2) *of such filed claims—*

15 (A) *the number and types of claims ap-*
16 *proved under section 13 of the Longshore and*
17 *Harbor Workers' Compensation Act (33 U.S.C.*
18 *913);*

19 (B) *the number and types of claims denied*
20 *under such section;*

21 (C) *the number and types of claims pending*
22 *under such section; and*

23 (3) *the amounts and the number of claims for re-*
24 *imbursement paid out of the special fund under sub-*

1 *section (c)(1) for the fiscal year for which the report*
 2 *is being submitted.*

3 *(e) REGULATIONS.—The Secretary of Labor may pro-*
 4 *mulgate such regulations as may be necessary to carry out*
 5 *this section.*

6 *(f) DEFINITIONS.—In this section:*

7 *(1) LHWCA TERMS.—The terms “carrier”,*
 8 *“compensation”, “employee”, and “employer” have*
 9 *the meanings given the terms in section 2 of the*
 10 *Longshore and Harbor Workers’ Compensation Act*
 11 *(33 U.S.C. 902).*

12 *(2) NOVEL CORONAVIRUS.—The term “novel*
 13 *coronavirus” means SARS-CoV-2.*

14 **TITLE IV—WORKER’S COMPENSA-**
 15 **TION FOR FEDERAL AND**
 16 **POSTAL EMPLOYEES DIAG-**
 17 **NOSED WITH COVID-19**

18 **SEC. 401. PRESUMPTION OF ELIGIBILITY FOR WORKERS’**
 19 **COMPENSATION BENEFITS FOR FEDERAL EM-**
 20 **PLOYEES DIAGNOSED WITH COVID-19.**

21 *(a) IN GENERAL.—An employee who is diagnosed with*
 22 *COVID-19 during the period described in subsection*
 23 *(b)(2)(A) shall, with respect to any claim made by or on*
 24 *behalf of the employee for benefits under subchapter I of*
 25 *chapter 81 of title 5, United States Code, be deemed to have*

1 *an injury proximately caused by exposure to coronavirus*
2 *arising out of the nature of the employee’s employment and*
3 *be presumptively entitled to such benefits, including dis-*
4 *ability compensation, medical services, and survivor bene-*
5 *fits.*

6 (b) *DEFINITIONS.—In this section—*

7 (1) *the term “coronavirus” means SARS– CoV–*
8 *2 or another coronavirus with pandemic potential;*
9 *and*

10 (2) *the term “employee”—*

11 (A) *means an employee as that term is de-*
12 *fin ed in section 8101(1) of title 5, United States*
13 *Code, (including an employee of the United*
14 *States Postal Service, the Transportation Secu-*
15 *rity Administration, or the Department of Vet-*
16 *erans Affairs, including any individual ap-*
17 *pointed under chapter 73 or 74 of title 38,*
18 *United States Code) employed in the Federal*
19 *service at anytime during the period beginning*
20 *on January 27, 2020, and ending on January*
21 *30, 2022—*

22 (i) *who carried out duties requiring*
23 *contact with patients, members of the pub-*
24 *lic, or co-workers; or*

1 (ii) whose duties include a risk of ex-
2 posure to the coronavirus; and

3 (B) does not include any employee otherwise
4 covered by subparagraph (A) who is teleworking
5 on a full-time basis in the period described in
6 such subparagraph prior to a diagnosis with
7 COVID–19.

8 **TITLE V—COVID–19 WORKFORCE**
9 **DEVELOPMENT RESPONSE**
10 **ACTIVITIES**

11 **SEC. 501. DEFINITIONS.**

12 (a) *IN GENERAL.*—*Except as otherwise provided, the*
13 *terms in this title have the meanings given the terms in*
14 *section 3 of the Workforce Innovation and Opportunity Act*
15 *(29 U.S.C. 3102).*

16 (b) *CORONAVIRUS.*—*The term “coronavirus” means*
17 *coronavirus as defined in section 506 of the Coronavirus*
18 *Preparedness and Response Supplemental Appropriations*
19 *Act, 2020 (Public Law 116–123).*

20 (c) *COVID–19 NATIONAL EMERGENCY.*—*The term*
21 *“COVID–19 national emergency” means the national emer-*
22 *gency declared by the President under the National Emer-*
23 *gencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020,*
24 *with respect to the coronavirus.*

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

3 **SEC. 502. JOB CORPS RESPONSE TO THE COVID-19 NA-**
4 **TIONAL EMERGENCY.**

5 *In order to provide for the successful continuity of serv-*
6 *ices and enrollment periods during the COVID-19 national*
7 *emergency, additional flexibility shall be provided for Job*
8 *Corps operators, providers of eligible activities, and practi-*
9 *tioners, including the following:*

10 (1) *ELIGIBILITY.*—Notwithstanding the age re-
11 *quirements for enrollment under section 144(a)(1) of*
12 *the Workforce Innovation and Opportunity Act (29*
13 *U.S.C. 3194(a)(1)), an individual seeking to enroll in*
14 *Job Corps and who turns 25 during the COVID-19*
15 *national emergency is eligible for such enrollment*
16 *during or up to one year after the end of the quali-*
17 *fying emergency.*

18 (2) *ENROLLMENT LENGTH.*—Notwithstanding
19 *section 146(b) of the Workforce Innovation and Op-*
20 *portunity Act (29 U.S.C. 3196(b)), an individual en-*
21 *rolled in Job Corps during the COVID-19 national*
22 *emergency may extend their period of enrollment for*
23 *more than 2 years as long as such extension does not*
24 *exceed a 2-year, continuous period of enrollment after*
25 *the COVID-19 national emergency.*

1 (3) *ADVANCED CAREER TRAINING PROGRAMS.*—
2 *Notwithstanding paragraph (2), with respect to ad-*
3 *vanced career training programs under section 148(c)*
4 *of the Workforce Innovation and Opportunity Act (29*
5 *U.S.C. 3198(c)) in which the enrollees may continue*
6 *to participate for a period not to exceed 1 year in ad-*
7 *dition to the period of participation to which the en-*
8 *rollees would otherwise be limited, the COVID–19 na-*
9 *tional emergency shall not be considered as any por-*
10 *tion of such additional 1-year participation period.*

11 (4) *COUNSELING, JOB PLACEMENT, AND ASSESS-*
12 *MENT.*—*The counseling, job placement, and assess-*
13 *ment services described in section 149 of the Work-*
14 *force Innovation and Opportunity Act (29 U.S.C.*
15 *3199) shall be available to former enrollees—*

16 (A) *whose enrollment was interrupted due*
17 *to the COVID–19 national emergency;*

18 (B) *who graduated from Job Corps on or*
19 *after January 1, 2020; or*

20 (C) *who graduated from Job Corps not later*
21 *than 3 months after the COVID–19 national*
22 *emergency.*

23 (5) *SUPPORT.*—*The Secretary shall provide ad-*
24 *ditional support for the transition periods described*
25 *in section 150 of the Workforce Innovation and Op-*

1 *portunity Act (29 U.S.C. 3200), including the fol-*
2 *lowing:*

3 (A) *TRANSITION ALLOWANCES.—The Sec-*
4 *retary shall provide, subject to the availability of*
5 *appropriations, for the provision of additional*
6 *transition allowances as described in subsection*
7 *(b) of such section for Job Corps students who*
8 *graduate during the periods described in sub-*
9 *paragraph (B) or (C) of paragraph (4).*

10 (B) *TRANSITION SUPPORT.—The Secretary*
11 *shall consider the period during the COVID–19*
12 *national emergency and the three month period*
13 *following the conclusion of the COVID–19 na-*
14 *tional emergency as the period in which the pro-*
15 *vision of employment services as described in*
16 *subsection (c) of such section shall be provided to*
17 *graduates who have graduated in 2020.*

18 (6) *ENROLLMENT ELIGIBILITY.—The require-*
19 *ments described in sections 145(a)(2)(A) and*
20 *152(b)(2)(B) of the Workforce Innovation and Oppor-*
21 *tunity Act (29 U.S.C. 3195(a)(2)(A) and 29 U.S.C.*
22 *3202(b)(2)(B)) shall be applicable only for students*
23 *participating onsite or once returning to onsite after*
24 *participating in distance learning.*

1 (7) *EFFECTIVELY SUPPORTING DISTANCE LEARN-*
2 *ING.—The Secretary shall take such steps necessary to*
3 *modify the agreements required by Sec. 147(a) of the*
4 *Workforce Innovation and Opportunity Act (29*
5 *U.S.C. 3197(a)(1)) to enable operators and service*
6 *providers to purchase, within the limitations of the*
7 *contract values or established annual budgets for Job*
8 *Corps Centers, any equipment, supplies, and services*
9 *that the operators or service providers determine are*
10 *necessary to facilitate effective virtual learning and to*
11 *protect the health of students and staff on-center dur-*
12 *ing the COVID–19 national emergency, including dis-*
13 *tance learning technology for students and COVID–19*
14 *testing, and shall allow students to retain permanent*
15 *possession of such equipment and technology without*
16 *financial penalty regardless of their enrollment sta-*
17 *tus.*

18 **SEC. 503. MIGRANT AND SEASONAL FARMWORKER PRO-**
19 **GRAM RESPONSE.**

20 *During the COVID–19 national emergency, for the*
21 *purposes of section 167(i)(3)(A) of the Workforce Innovation*
22 *and Opportunity Act (29 U.S.C. 3222(i)(3)(A)), the term*
23 *“low income individual” shall include an individual with*
24 *a total family income equal to or less than 150 percent of*
25 *the poverty line.*

1 **SEC. 504. YOUTHBUILD ACTIVITIES RESPONDING TO THE**
2 **COVID-19 NATIONAL EMERGENCY.**

3 *During the COVID-19 national emergency, the Sec-*
4 *retary shall provide for flexibility for YouthBuild partici-*
5 *pants and entities carrying out YouthBuild programs, in-*
6 *cluding the following:*

7 (1) *ELIGIBILITY.—Notwithstanding the age re-*
8 *quirements for enrollment under section*
9 *171(e)(1)(A)(i) of the Workforce Innovation and Op-*
10 *portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-*
11 *vidual seeking to participate in a YouthBuild pro-*
12 *gram and who turns 25 during the COVID-19 na-*
13 *tional emergency is eligible for such participation.*

14 (2) *PARTICIPATION LENGTH.—Notwithstanding*
15 *section 171(e)(2) of the Workforce Innovation and Op-*
16 *portunity Act (29 U.S.C. 3226(e)(2)), the period of*
17 *participation in a YouthBuild program may extend*
18 *beyond 24 months for an individual participating in*
19 *such program during the COVID-19 national emer-*
20 *gency, as long as such extension does not exceed a 24*
21 *month, continuous period of enrollment after the*
22 *COVID-19 national emergency.*

23 **SEC. 505. APPRENTICESHIP SUPPORT DURING THE COVID-**
24 **19 NATIONAL EMERGENCY.**

25 *Not later than 30 days after the date of the enactment*
26 *of this Act, the Secretary shall identify and disseminate*

1 *strategies and tools to support virtual and online learning*
 2 *and training in apprenticeship programs.*

3 ***DIVISION D—HUMAN SERVICES***
 4 ***AND COMMUNITY SUPPORTS***

5 ***SEC. 100. SHORT TITLE.***

6 *This division may be cited as the “Human Services*
 7 *and Community Supports Act”.*

8 ***TITLE I—STRONGER CHILD***
 9 ***ABUSE PREVENTION AND***
 10 ***TREATMENT***

11 ***Subtitle A—General Program***

12 ***SEC. 101. REPEAL OF FINDINGS.***

13 *Section 2 of the Child Abuse Prevention and Treat-*
 14 *ment Act (42 U.S.C. 5101 note) is repealed.*

15 ***SEC. 102. REPEAL OF ADVISORY BOARD ON CHILD ABUSE***
 16 ***AND NEGLECT.***

17 *Section 102 of the Child Abuse Prevention and Treat-*
 18 *ment Act (42 U.S.C. 5102) is repealed.*

19 ***SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION***
 20 ***RELATING TO CHILD ABUSE.***

21 *Section 103 of the Child Abuse Prevention and Treat-*
 22 *ment Act (42 U.S.C. 5104) is amended—*

23 *(1) in subsection (b)(1), by inserting “early*
 24 *learning programs and” after “including”;*

25 *(2) in subsection (c)(1)(C)—*

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

3 (B) in clause (iv), by adding “and” at the
4 end; and

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

6 “(v) the number of child fatalities and
7 near fatalities due to maltreatment, as re-
8 ported by States in accordance with the
9 uniform standards established pursuant to
10 subsection (d), and any other relevant infor-
11 mation related to such fatalities;”;

12 (3) by adding at the end the following:

13 “(d) *UNIFORM STANDARDS FOR TRACKING AND RE-*
14 *PORTING OF CHILD FATALITIES RESULTING FROM MAL-*
15 *TREATMENT.—*

16 “(1) *REGULATIONS REQUIRED.—Not later than*
17 *24 months after the date of the enactment of the*
18 *Human Services and Community Supports Act, the*
19 *Secretary shall develop and issue final regulations es-*
20 *tablishing uniform standards for the tracking and re-*
21 *porting of child fatalities and near-fatalities resulting*
22 *from maltreatment. As a condition on eligibility for*
23 *receipt of funds under section 106, the standards es-*
24 *tablished under this paragraph shall be used by*

1 *States for the tracking and reporting of such fatalities*
2 *under subsection (d) of such section.*

3 “(2) *MAINTENANCE OF STATE LAW.*—*Notwith-*
4 *standing the uniform standards developed under*
5 *paragraph (1), a State that defines or describes such*
6 *fatalities for any purpose other than tracking and re-*
7 *porting under this subsection may continue to use*
8 *that definition or description for such purpose.*

9 “(3) *NEGOTIATED RULEMAKING.*—*In developing*
10 *regulations under paragraph (1), the Secretary shall*
11 *submit such regulations to a negotiated rulemaking*
12 *process, which shall include the participants described*
13 *in paragraph (4).*

14 “(4) *PARTICIPANTS DESCRIBED.*—*The partici-*
15 *pants described in this paragraph are—*

16 “(A) *State and county officials responsible*
17 *for administering the State plans under this Act*
18 *and parts B and E of title IV of the Social Secu-*
19 *rity Act (42 U.S.C. 621 et seq., 670 et seq.);*

20 “(B) *child welfare professionals with field*
21 *experience;*

22 “(C) *child welfare researchers;*

23 “(D) *domestic violence researchers;*

24 “(E) *domestic violence professionals;*

25 “(F) *child development professionals;*

- 1 “(G) mental health professionals;
- 2 “(H) pediatric emergency medicine physi-
- 3 cians;
- 4 “(I) child abuse pediatricians, as certified
- 5 by the American Board of Pediatrics, who spe-
- 6 cialize in treating victims of child abuse;
- 7 “(J) forensic pathologists;
- 8 “(K) public health administrators;
- 9 “(L) public health researchers;
- 10 “(M) law enforcement;
- 11 “(N) family court judges;
- 12 “(O) prosecutors;
- 13 “(P) medical examiners and coroners;
- 14 “(Q) a representative from the National
- 15 Center for Fatality Review and Prevention; and
- 16 “(R) such other individuals and entities as
- 17 the Secretary determines to be appropriate.”.

18 **SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.**

19 Section 104 of the Child Abuse Prevention and Treat-

20 ment Act (42 U.S.C. 5105) is amended—

21 (1) in subsection (a)—

22 (A) by amending paragraph (1) to read as

23 follows:

24 “(1) TOPICS.—The Secretary shall, in consulta-

25 tion with other Federal agencies and recognized ex-

1 *perts in the field, carry out a continuing inter-*
2 *disciplinary program of research, including longitu-*
3 *dinal research, that is designed to provide informa-*
4 *tion needed to improve primary prevention of child*
5 *abuse and neglect, better protect children from child*
6 *abuse or neglect, and improve the well-being of vic-*
7 *tims of child abuse or neglect, with at least a portion*
8 *of such research being field initiated. Such research*
9 *program may focus on—*

10 *“(A) disseminating evidence-based treat-*
11 *ment directed to individuals and families experi-*
12 *encing trauma due to child abuse and neglect,*
13 *including efforts to improve the scalability of the*
14 *treatments and programs being researched;*

15 *“(B) developing a set of evidence-based ap-*
16 *proaches to support child and family well-being*
17 *and developing ways to identify, relieve, and*
18 *mitigate stressors affecting families in rural,*
19 *urban, and suburban communities;*

20 *“(C) establishing methods to promote racial*
21 *equity in the child welfare system, including a*
22 *focus on how neglect is defined, how services are*
23 *provided, and the unique impact on Native*
24 *American, Alaska Native, and Native Hawaiian*
25 *communities;*

1 “(D) improving service delivery or outcomes
2 for child welfare service agencies engaged with
3 families experiencing domestic violence, sub-
4 stance use disorder, or other complex needs;

5 “(E) the extent to which the number of un-
6 substantiated, unfounded, and false reported
7 cases of child abuse or neglect have contributed
8 to the inability of a State to respond effectively
9 to serious cases of child abuse or neglect;

10 “(F) the extent to which the lack of ade-
11 quate resources and the lack of adequate profes-
12 sional development of individuals required by
13 law to report suspected cases of child abuse and
14 neglect have contributed to the inability of a
15 State to respond effectively to serious cases of
16 child abuse and neglect;

17 “(G) the extent to which unsubstantiated re-
18 ports return as more serious cases of child abuse
19 or neglect;

20 “(H) the incidence and outcomes of child
21 abuse and neglect allegations reported within the
22 context of divorce, custody, or other family court
23 proceedings, and the interaction between family
24 courts and the child protective services system;

1 “(I) the information on the national inci-
2 dence of child abuse and neglect specified in
3 clauses (i) through (xi) of subparagraph (J); and

4 “(J) the national incidence of child abuse
5 and neglect, including—

6 “(i) the extent to which incidents of
7 child abuse and neglect are increasing or
8 decreasing in number and severity;

9 “(ii) the incidence of substantiated and
10 unsubstantiated reported child abuse and
11 neglect cases;

12 “(iii) the number of substantiated cases
13 that result in a judicial finding of child
14 abuse or neglect or related criminal court
15 convictions;

16 “(iv) the extent to which the number of
17 unsubstantiated, unfounded and false re-
18 ported cases of child abuse or neglect have
19 contributed to the inability of a State to re-
20 spond effectively to serious cases of child
21 abuse or neglect;

22 “(v) the extent to which the lack of ade-
23 quate resources and the lack of adequate
24 education of individuals required by law to
25 report suspected cases of child abuse and ne-

1 *glect have contributed to the inability of a*
2 *State to respond effectively to serious cases*
3 *of child abuse and neglect;*

4 *“(vi) the number of unsubstantiated,*
5 *false, or unfounded reports that have re-*
6 *sulted in a child being placed in substitute*
7 *care, and the duration of such placement;*

8 *“(vii) the extent to which unsubstan-*
9 *tiated reports return as more serious cases*
10 *of child abuse or neglect;*

11 *“(viii) the incidence and prevalence of*
12 *physical, sexual, and emotional abuse and*
13 *physical and emotional neglect in substitute*
14 *care;*

15 *“(ix) the incidence and prevalence of*
16 *child maltreatment by a wide array of de-*
17 *mographic characteristics such as age, sex,*
18 *race, family structure, household relation-*
19 *ship (including the living arrangement of*
20 *the resident parent and family size), school*
21 *enrollment and education attainment, dis-*
22 *ability, grandparents as caregivers, labor*
23 *force status, work status in previous year,*
24 *and income in previous year;*

1 “(x) the extent to which reports of sus-
2 pected or known instances of child abuse or
3 neglect involving a potential combination of
4 jurisdictions, such as intrastate, interstate,
5 Federal-State, and State-Tribal, are being
6 screened out solely on the basis of the cross-
7 jurisdictional complications; and

8 “(xi) the incidence and outcomes of
9 child abuse and neglect allegations reported
10 within the context of divorce, custody, or
11 other family court proceedings, and the
12 interaction between family courts and the
13 child protective services system.”;

14 (B) in paragraph (2), by striking “para-
15 graph (1)(O)” and inserting “paragraph (1)(J)”;

16 (C) by amending paragraph (3) to read as
17 follows:

18 “(3) REPORTING REQUIREMENTS.—

19 “(A) IN GENERAL.—Not later than 4 years
20 after the date of the enactment of the Human
21 Services and Community Supports Act, the Sec-
22 retary shall prepare and submit to the Com-
23 mittee on Education and Labor of the House of
24 Representatives and the Committee on Health,
25 Education, Labor and Pensions of the Senate a

1 *report that contains the results of the research*
2 *conducted under paragraph (2).*

3 “(B) *NATIONAL INCIDENCE.*—*The Secretary*
4 *shall ensure that research conducted, and data*
5 *collected, under paragraph (1)(J) are reported in*
6 *a way that will allow longitudinal comparisons*
7 *as well as comparisons to the national incidence*
8 *studies conducted under this title.”; and*

9 *(D) by striking the second paragraph (4);*
10 *(2) in subsection (b), by amending paragraph*
11 *(2) to read as follows:*

12 “(2) *AREAS OF EMPHASIS.*—*Such technical as-*
13 *sistance—*

14 “(A) *shall focus on—*

15 “(i) *implementing strategies that can*
16 *leverage existing community-based and*
17 *State funded resources to prevent child*
18 *abuse and neglect and providing education*
19 *for individuals involved in prevention ac-*
20 *tivities;*

21 “(ii) *reducing racial bias in child wel-*
22 *fare systems, including how such systems*
23 *interact with health, law enforcement, and*
24 *education systems;*

1 “(iii) promoting best practices for fam-
2 ilies experiencing domestic violence, sub-
3 stance use disorder, or other complex needs;
4 and

5 “(iv) providing professional develop-
6 ment and other technical assistance to child
7 welfare agencies to improve the under-
8 standing of and to help address the effects
9 of trauma and adverse childhood experi-
10 ences in parents and children in contact
11 with the child welfare system; and

12 “(B) may include the identification of—

13 “(i) various methods and procedures
14 for the investigation, assessment, and pros-
15 ecution of child physical and sexual abuse
16 cases;

17 “(ii) ways to mitigate psychological
18 trauma to the child victim;

19 “(iii) effective programs carried out by
20 the States under titles I and II; and

21 “(iv) effective approaches being utilized
22 to link child protective service agencies with
23 health care, mental health care, and devel-
24 opmental services and early intervention to
25 improve forensic diagnosis and health eval-

1 uations, and barriers and shortages to such
2 linkages.”;

3 (3) in subsection (c), by striking paragraph (3);

4 and

5 (4) by striking subsection (e).

6 **SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL**
7 **ORGANIZATIONS, AND PUBLIC OR PRIVATE**
8 **AGENCIES AND ORGANIZATIONS.**

9 Section 105 of the Child Abuse Prevention and Treat-
10 ment Act (42 U.S.C. 5106) is amended—

11 (1) in subsection (a)—

12 (A) by redesignating paragraph (7) as
13 paragraph (11);

14 (B) by striking paragraphs (1) through (6)
15 and inserting the following:

16 “(1) *PREVENTION SERVICES.*—The Secretary
17 may award grants under this subsection to entities to
18 establish or expand prevention services that reduce
19 incidences of child maltreatment and strengthen fami-
20 lies.

21 “(2) *TRAUMATIC STRESS.*—The Secretary may
22 award grants under this subsection to entities to ad-
23 dress instances of traumatic stress in families due to
24 child abuse and neglect, especially for families with

1 *complex needs or families that exhibit high levels of*
2 *adverse childhood experiences.*

3 “(3) *PROMOTING A HIGH-QUALITY WORK-*
4 *FORCE.—The Secretary may award grants under this*
5 *subsection to entities to carry out programs or strate-*
6 *gies that promote a high-quality workforce in the*
7 *child welfare system through—*

8 “(A) *improvements to recruitment, support,*
9 *or retention efforts; or*

10 “(B) *education for professionals and para-*
11 *professionals in the prevention, identification,*
12 *and treatment of child abuse and neglect.*

13 “(4) *IMPROVING COORDINATION.—The Secretary*
14 *may award grants under this subsection to entities to*
15 *carry out activities to improve intrastate coordina-*
16 *tion within the child welfare system. Such activities*
17 *may include—*

18 “(A) *aligning information technology sys-*
19 *tems;*

20 “(B) *improving information sharing re-*
21 *garding child and family referrals; or*

22 “(C) *creating collaborative voluntary part-*
23 *nerships among public and private agencies, the*
24 *State’s child protective services, local social serv-*
25 *ice agencies, community-based family support*

1 *programs, State and local legal agencies, devel-*
2 *opmental disability agencies, substance use dis-*
3 *order treatment providers, health care providers*
4 *and agencies, domestic violence prevention pro-*
5 *grams, mental health services, schools and early*
6 *learning providers, religious entities, and other*
7 *community-based programs.*

8 *“(5) PRIMARY PREVENTION.—The Secretary may*
9 *award grants under this subsection to entities to*
10 *carry out or expand primary prevention programs or*
11 *strategies that address family or community protec-*
12 *tive factors.*

13 *“(6) NEGLECT DUE TO ECONOMIC INSECURITY.—*
14 *The Secretary may award grants under this sub-*
15 *section to entities to carry out programs or strategies*
16 *that reduce findings of child neglect due in full or in*
17 *part to family economic insecurity.*

18 *“(7) EDUCATION OF MANDATORY REPORTERS.—*
19 *The Secretary may award grants under this sub-*
20 *section to entities for projects that involve research-*
21 *based strategies for innovative education of mandated*
22 *child abuse and neglect reporters, and for victims to*
23 *understand mandatory reporting.*

24 *“(8) SENTINEL INJURIES.—The Secretary may*
25 *award grants under this subsection to entities to iden-*

1 *tify and test effective practices to improve early detec-*
2 *tion and management of injuries indicative of poten-*
3 *tial abuse in infants to prevent future cases of child*
4 *abuse and related fatalities.*

5 “(9) *INNOVATIVE PARTNERSHIPS.*—*The Sec-*
6 *retary may award grants under this subsection to en-*
7 *tities to carry out innovative programs or strategies*
8 *to coordinate the delivery of services to help reduce*
9 *child abuse and neglect via partnerships among*
10 *health, mental health, education (including early*
11 *learning and care programs as appropriate), and*
12 *child welfare agencies and providers.*

13 “(10) *REDUCING CHILD ABUSE AND NEGLECT*
14 *DUE TO THE SUBSTANCE USE DISORDER OF A PARENT*
15 *OR CAREGIVER.*—*The Secretary may award grants*
16 *under this subsection to entities to carry out activities*
17 *to reduce child abuse and neglect due to the substance*
18 *use disorder of a parent or caregiver.”; and*

19 *(C) by adding at the end the following:*

20 “(12) *NATIONAL CHILD ABUSE HOTLINE.*—

21 “(A) *IN GENERAL.*—*The Secretary may*
22 *award a grant under this subsection to a non-*
23 *profit entity to provide for the ongoing operation*
24 *of a 24-hour, national, toll-free telephone hotline*
25 *to provide information and assistance to youth*

1 *victims of child abuse or neglect, parents, care-*
2 *givers, mandated reporters, and other concerned*
3 *community members, including through alter-*
4 *native modalities for communications (such as*
5 *texting or chat services) with such victims and*
6 *other information seekers.*

7 “(B) *PRIORITY.*—*In awarding grants de-*
8 *scribed in this paragraph, the Secretary shall*
9 *give priority to applicants with experience in*
10 *operating a hotline that provides assistance to*
11 *victims of child abuse, parents, caregivers, and*
12 *mandated reporters.*

13 “(C) *APPLICATION.*—*To be eligible to re-*
14 *ceive a grant described in this paragraph, a non-*
15 *profit entity shall submit an application to the*
16 *Secretary that shall—*

17 “(i) *contain such assurances and infor-*
18 *mation, be in such form, and be submitted*
19 *in such manner, as the Secretary shall pre-*
20 *scribe;*

21 “(ii) *include a complete description of*
22 *the entity’s plan for the operation of a na-*
23 *tional child abuse hotline, including de-*
24 *scriptions of—*

1 “(I) the professional development
2 program for hotline personnel, includ-
3 ing technology professional develop-
4 ment to ensure that all persons affili-
5 ated with the hotline are able to effec-
6 tively operate any technological sys-
7 tems used by the hotline;

8 “(II) the qualifications for hotline
9 personnel;

10 “(III) the methods for the cre-
11 ation, maintenance, and updating of a
12 comprehensive list of prevention and
13 treatment service providers;

14 “(IV) a plan for publicizing the
15 availability of the hotline throughout
16 the United States;

17 “(V) a plan for providing service
18 to non-English speaking callers, in-
19 cluding service through hotline per-
20 sonnel who have non-English language
21 capability;

22 “(VI) a plan for facilitating ac-
23 cess to the hotline and alternative mo-
24 dality services by persons with hearing
25 impairments and disabilities;

1 “(VII) a plan for providing crisis
2 counseling, general assistance, and re-
3 ferrals to youth victims of child abuse;
4 and

5 “(VIII) a plan to offer alternative
6 services to calling, such as texting or
7 live chat;

8 “(iii) demonstrate that the entity has
9 the capacity and the expertise to maintain
10 a child abuse hotline and a comprehensive
11 list of service providers;

12 “(iv) demonstrate the ability to provide
13 information and referrals for contacts, di-
14 rectly connect contacts to service providers,
15 and employ crisis interventions;

16 “(v) demonstrate that the entity has a
17 commitment to providing services to indi-
18 viduals in need; and

19 “(vi) demonstrate that the entity com-
20 plies with State privacy laws and has es-
21 tablished quality assurance practices.”; and

22 (2) by striking subsections (b) and (c) and in-
23 serting the following:

1 “(b) *GOALS AND PERFORMANCE.*—*The Secretary shall*
2 *ensure that each entity receiving a grant under this sec-*
3 *tion—*

4 “(1) *establishes quantifiable goals for the out-*
5 *come of the project funded with the grant; and*

6 “(2) *adequately measures the performance of the*
7 *project relative to such goals.*

8 “(c) *PERFORMANCE REPORT REQUIRED.*—

9 “(1) *IN GENERAL.*—*Each entity that receives a*
10 *grant under this section shall submit to the Secretary*
11 *a performance report that includes—*

12 “(A) *an evaluation of the effectiveness of the*
13 *project funded with the grant relative to the*
14 *goals established for such project under sub-*
15 *section (b)(1); and*

16 “(B) *data supporting such evaluation.*

17 “(2) *SUBMISSION.*—*The report under paragraph*
18 *(1) shall be submitted to the Secretary at such time,*
19 *in such manner, and containing such information as*
20 *the Secretary may require.*

21 “(d) *CONTINUING GRANTS.*—*The Secretary may only*
22 *award a continuing grant to an entity under this section*
23 *if such entity submits a performance report required under*
24 *subsection (c) that demonstrates effectiveness of the project*
25 *funded.”.*

1 **SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NE-**
2 **GLECT PREVENTION AND TREATMENT PRO-**
3 **GRAMS.**

4 (a) *DEVELOPMENT AND OPERATION GRANTS.*—Sub-
5 section (a) of section 106 of the Child Abuse Prevention and
6 Treatment Act (42 U.S.C. 5106a) is amended to read as
7 follows:

8 “(a) *DEVELOPMENT AND OPERATION GRANTS.*—The
9 Secretary shall make grants to the States, from allotments
10 under subsection (f) for each State that applies for a grant
11 under this section, for purposes of assisting the States in
12 improving and implementing a child protective services sys-
13 tem that is family-centered, integrates community services,
14 and is capable of providing rapid response to high-risk
15 cases, by carrying out the following:

16 “(1) *Conducting the intake, assessment, screen-*
17 *ing, and investigation of reports of child abuse or ne-*
18 *glect.*

19 “(2) *Ensuring that reports concerning a child’s*
20 *living arrangements or subsistence needs are ad-*
21 *dressed through services or benefits and that no child*
22 *is separated from such child’s parent for reasons of*
23 *poverty.*

24 “(3) *Creating and improving the use of multi-*
25 *disciplinary teams and interagency, intra-agency,*
26 *interstate, and intrastate protocols to enhance fair in-*

1 *vestigations; and improving legal preparation and*
2 *representation.*

3 *“(4) Complying with the assurances in section*
4 *106(b)(2).*

5 *“(5) Establishing State and local networks of*
6 *child and family service providers that support child*
7 *and family well-being, which shall—*

8 *“(A) include child protective services, as*
9 *well as agencies and service providers, that ad-*
10 *dress family-strengthening, parenting skills,*
11 *child development, early childhood care and*
12 *learning, child advocacy, public health, mental*
13 *health, substance use disorder treatment, domes-*
14 *tic violence, developmental disabilities, housing,*
15 *juvenile justice, elementary and secondary edu-*
16 *cation, and child placement; and*

17 *“(B) address instances of child abuse and*
18 *neglect by incorporating evaluations that assess*
19 *the development of a child, including language*
20 *and communication, cognitive, physical, and so-*
21 *cial and emotional development, the need for*
22 *mental health services, including trauma-related*
23 *services, trauma-informed care, and parental*
24 *needs.*

1 “(6) *Ensuring child protective services is ad-*
2 *dresssing the safety of children and responding to par-*
3 *ent and family needs, which shall include—*

4 “(A) *family-oriented efforts that emphasize*
5 *case assessment and follow up casework focused*
6 *on child safety and child and parent well-being,*
7 *which may include—*

8 “(i) *ensuring parents and children un-*
9 *dergo physical and mental health assess-*
10 *ments, as appropriate, and ongoing develop-*
11 *mental monitoring;*

12 “(ii) *multidisciplinary approaches to*
13 *assessing family needs and connecting the*
14 *family with services, including prevention*
15 *services under section 471 of the Social Se-*
16 *curity Act (42 U.S.C. 671);*

17 “(iii) *organizing a treatment team*
18 *with the goal of preventing child abuse and*
19 *neglect, and improving parent and child*
20 *well-being;*

21 “(iv) *case monitoring that supports*
22 *child well-being; and*

23 “(v) *differential response efforts; and*

24 “(B) *establishing and maintaining a rapid*
25 *response system that responds promptly to all re-*

1 ports of child abuse or neglect, with special at-
2 tention to cases involving children under 3 years
3 of age.

4 “(7) Educating caseworkers, community service
5 providers, attorneys, health care professionals, par-
6 ents, and others engaged in the prevention, interven-
7 tion, and treatment of child abuse and neglect, which
8 shall include education on—

9 “(A) practices that help ensure child safety
10 and well-being;

11 “(B) approaches to family-oriented preven-
12 tion, intervention, and treatment of child abuse
13 and neglect;

14 “(C) early childhood, child, and adolescent
15 development, and the impact of adverse child-
16 hood experiences on such development;

17 “(D) the relationship between child abuse
18 and domestic violence, and support for non-abus-
19 ing parents;

20 “(E) strategies to work with families im-
21 pacted by substance use disorder and mental
22 health issues (and, when appropriate, be coordi-
23 nated with prevention efforts funded under sec-
24 tion 471 of the Social Security Act (42 U.S.C.
25 671));

1 “(F) effective use of multiple services to ad-
2 dress family and child needs, including needs re-
3 sulting from trauma;

4 “(G) efforts to improve family and child
5 well-being;

6 “(H) support for child welfare workers af-
7 fected by secondary trauma; and

8 “(I) supporting families and caregivers to
9 combat and prevent unsubstantiated, unfounded,
10 or false reports, including through education on
11 the rights of families and caregivers.

12 “(8) Creating or improving data systems that
13 allow for—

14 “(A) the identification of cases requiring
15 prompt responses;

16 “(B) real-time case monitoring that tracks
17 assessments, service referrals, follow-up, case re-
18 views, and progress toward parent and child
19 goals; and

20 “(C) sharing basic identifying data with
21 law enforcement, as necessary.

22 “(9) Improving the general child protective sys-
23 tem by developing, improving, and implementing
24 safety assessment tools, providing that such tools, pro-
25 tocols, and systems shall not authorize the separation

1 *of any child from the legal parent or guardian of such*
2 *child solely on the basis of poverty, or without a judi-*
3 *cial order, except in the case of imminent harm.”.*

4 *(b) ELIGIBILITY REQUIREMENTS.—*

5 *(1) STATE PLAN.—Paragraph (1) of section*
6 *106(b) of the Child Abuse Prevention and Treatment*
7 *Act (42 U.S.C. 5106a(b)) is amended to read as fol-*
8 *lows:*

9 *“(1) STATE PLAN.—*

10 *“(A) IN GENERAL.—To be eligible to receive*
11 *a grant under this section, a State shall submit*
12 *to the Secretary a State plan that—*

13 *“(i) specifies how the grant will be*
14 *used, and the State’s strategic plan, to treat*
15 *child abuse and neglect and enhance com-*
16 *munity-based, prevention-centered ap-*
17 *proaches that attempt to prevent child abuse*
18 *and neglect while strengthening and sup-*
19 *porting families whenever possible; and*

20 *“(ii) meets the requirements of this*
21 *subsection.*

22 *“(B) COORDINATION AND CONSULTATION.—*

23 *“(i) COORDINATION.—Each State, to*
24 *the maximum extent practicable, shall co-*
25 *ordinate its State plan under this sub-*

1 *section with its State plan under part B of*
2 *title IV of the Social Security Act (42*
3 *U.S.C. 621 et seq.) relating to child and*
4 *family services and, in States electing to*
5 *provide services under part E of title IV of*
6 *the Social Security Act (42 U.S.C. 670 et*
7 *seq.) relating to foster care prevention serv-*
8 *ices, its State plan under such part E.*

9 *“(ii) CONSULTATION.—In developing a*
10 *State plan under this subsection, a State*
11 *shall consult with community-based preven-*
12 *tion and service agencies, parents and fami-*
13 *lies affected by child abuse or neglect in the*
14 *State, law enforcement, family court judges,*
15 *prosecutors who handle criminal child abuse*
16 *cases, and medical professionals engaged in*
17 *the treatment of child abuse and neglect.*

18 *“(C) DURATION AND SUBMISSION OF*
19 *PLAN.—Each State plan shall—*

20 *“(i) be submitted not less than every 5*
21 *years; and*

22 *“(ii) if necessary, revised by the State*
23 *to inform the Secretary of any substantive*
24 *changes, including—*

1 “(I) any changes to State law or
2 regulations, relating to the prevention
3 of child abuse and neglect that may af-
4 fect the eligibility of the State under
5 this section; or

6 “(II) any changes in the State’s
7 activities, strategies, or programs
8 under this section.”.

9 (2) CONTENTS.—Paragraph (2) of section 106(b)
10 of the Child Abuse Prevention and Treatment Act (42
11 U.S.C. 5106a(b)) is amended to read as follows:

12 “(2) CONTENTS.—A State plan submitted under
13 paragraph (1) shall contain a description of the ac-
14 tivities that the State will carry out using amounts
15 received under the grant to achieve the objectives of
16 this title, including—

17 “(A) an assurance in the form of a certifi-
18 cation by the Governor of the State that the
19 State has in effect and is enforcing a State law,
20 or has in effect and is operating a statewide pro-
21 gram, relating to child abuse and neglect that in-
22 cludes—

23 “(i) provisions or procedures for an in-
24 dividual to report known and suspected in-
25 stances of child abuse and neglect, including

1 *a State law for mandatory reporting by in-*
2 *dividuals required to report such instances;*

3 “(ii) *procedures for the immediate*
4 *screening, risk and safety assessment, and*
5 *prompt investigation of such reports of al-*
6 *leged abuse and neglect in order to ensure*
7 *the well-being and safety of children;*

8 “(iii) *procedures for immediate steps*
9 *to be taken to ensure and protect the safety*
10 *of a victim of child abuse or neglect and of*
11 *any other child under the same care who*
12 *may also be in danger of child abuse or ne-*
13 *glect and ensuring their placement in a safe*
14 *environment;*

15 “(iv) *methods to preserve the confiden-*
16 *tiality of all records in order to protect the*
17 *rights of the child and of the child’s parents*
18 *or guardians, including requirements ensur-*
19 *ing that reports and records made and*
20 *maintained pursuant to the purposes of this*
21 *Act shall only be made available to—*

22 “(I) *individuals who are the sub-*
23 *ject of the report;*

24 “(II) *Federal, State, or local gov-*
25 *ernment entities, or any agent of such*

1 *entities, as described in clause (xi) of*
2 *this subparagraph;*

3 *“(III) child abuse citizen review*
4 *panels;*

5 *“(IV) child fatality review panels;*

6 *“(V) a grand jury or court, upon*
7 *a finding that information in the*
8 *record is necessary for the determina-*
9 *tion of an issue before the court or*
10 *grand jury; and*

11 *“(VI) other entities or classes of*
12 *individuals statutorily authorized by*
13 *the State to receive such information*
14 *pursuant to a legitimate State purpose;*

15 *“(v) provisions and procedures requir-*
16 *ing that in every case involving a victim of*
17 *child abuse or neglect which results in a ju-*
18 *dicial proceeding, a guardian ad litem, who*
19 *has received education appropriate to the*
20 *role, including education in early childhood,*
21 *child, and adolescent development, and do-*
22 *mestic violence, and who may be an attor-*
23 *ney or a court appointed special advocate*
24 *who has received education appropriate to*
25 *that role (or both), shall be appointed to*

1 *represent the child (who, for purposes of this*
2 *section, shall have any age limit elected by*
3 *the State pursuant to section 475(8)(B)(iii)*
4 *of the Social Security Act (42 U.S.C.*
5 *675(8)(B)(iii)) in such proceedings—*

6 *“(I) to obtain first-hand, a clear*
7 *understanding of the situation and*
8 *needs of such child; and*

9 *“(II) to make recommendations to*
10 *the court concerning the best interests*
11 *of such child;*

12 *“(vi) the establishment of citizen re-*
13 *view panels in accordance with subsection*
14 *(c);*

15 *“(vii) provisions and procedures to re-*
16 *quire that a representative of the child pro-*
17 *tection services agency shall, at the initial*
18 *time of contact with the individual subject*
19 *to a child abuse or neglect investigation, ad-*
20 *vice the individual of the complaints or alle-*
21 *gations made against the individual, in a*
22 *manner that is consistent with laws pro-*
23 *tecting the rights of the informant;*

24 *“(viii) provisions, procedures, and*
25 *mechanisms—*

1 “(I) for the expedited termination
2 of parental rights in the case of any
3 infant determined to be abandoned
4 under State law; and

5 “(II) by which individuals who
6 disagree with an official finding of
7 child abuse or neglect can appeal such
8 finding;

9 “(ix) provisions addressing the profes-
10 sional development of representatives of the
11 child protective services system regarding
12 the legal duties of the representatives, which
13 may consist of various methods of inform-
14 ing such representatives of such duties (in-
15 cluding providing such education in dif-
16 ferent languages if necessary), in order to
17 protect the legal rights and safety of chil-
18 dren and their parents and caregivers from
19 the initial time of contact during investiga-
20 tion through treatment;

21 “(x) provisions for immunity from
22 civil or criminal liability under State and
23 local laws and regulations for individuals
24 making good faith reports of suspected or
25 known instances of child abuse or neglect, or

1 *who otherwise provide information or as-*
2 *stance, including medical evaluations or*
3 *consultations, in connection with a report,*
4 *investigation, or legal intervention pursuant*
5 *to a good faith report of child abuse or ne-*
6 *glect;*

7 *“(xi) provisions to require the State to*
8 *disclose confidential information to any*
9 *Federal, State, or local government entity,*
10 *or any agent of such entity, that has a need*
11 *for such information in order to carry out*
12 *its responsibilities under law to protect chil-*
13 *dren from child abuse and neglect;*

14 *“(xii) provisions requiring, and proce-*
15 *dures in place that facilitate the prompt*
16 *expungement of any records that are acces-*
17 *sible to the general public or are used for*
18 *purposes of employment or other back-*
19 *ground checks in cases determined to be un-*
20 *substantiated or false, except that nothing*
21 *in this section shall prevent State child pro-*
22 *jective services agencies from keeping infor-*
23 *mation on unsubstantiated reports in their*
24 *casework files to assist in future risk and*
25 *safety assessment;*

1 “(xiii) provisions and procedures for
2 requiring criminal background record
3 checks that meet the requirements of section
4 471(a)(20) of the Social Security Act (42
5 U.S.C. 671(a)(20)) for prospective foster
6 and adoptive parents and other adult rel-
7 atives and non-relatives residing in the
8 household;

9 “(xiv) provisions for systems of tech-
10 nology that support the State child protec-
11 tive services system and track reports of
12 child abuse and neglect from intake through
13 final disposition;

14 “(xv) provisions and procedures re-
15 quiring identification and assessment of all
16 reports involving children known or sus-
17 pected to be victims of sex trafficking (as
18 defined in section 103(12) of the Trafficking
19 Victims Protection Act of 2000 (22 U.S.C.
20 7102 (12));

21 “(xvi) provisions, procedures, and
22 mechanisms that assure that the State does
23 not require reunification of a surviving
24 child with a parent who has been found by
25 a court of competent jurisdiction—

1 “(I) to have committed murder
2 (which would have been an offense
3 under section 1111(a) of title 18,
4 United States Code, if the offense had
5 occurred in the special maritime or
6 territorial jurisdiction of the United
7 States) of another child of such parent;

8 “(II) to have committed voluntary
9 manslaughter (which would have been
10 an offense under section 1112(a) of
11 title 18, United States Code, if the of-
12 fense had occurred in the special mari-
13 time or territorial jurisdiction of the
14 United States) of another child of such
15 parent;

16 “(III) to have aided or abetted,
17 attempted, conspired, or solicited to
18 commit such murder or voluntary
19 manslaughter;

20 “(IV) to have committed a felony
21 assault that results in the serious bod-
22 ily injury to the surviving child or an-
23 other child of such parent;

1 “(V) to have committed sexual
2 abuse against the surviving child or
3 another child of such parent; or

4 “(VI) to be required to register
5 with a sex offender registry under sec-
6 tion 113(a) of the Adam Walsh Child
7 Protection and Safety Act of 2006 (42
8 U.S.C. 16913(a)); and

9 “(xvii) an assurance that, upon the
10 implementation by the State of the provi-
11 sions, procedures, and mechanisms under
12 clause (xvi), conviction of any one of the
13 felonies listed in clause (xvi) constitute
14 grounds under State law for the termi-
15 nation of parental rights of the convicted
16 parent as to the surviving children (al-
17 though case-by-case determinations of
18 whether or not to seek termination of paren-
19 tal rights shall be within the sole discretion
20 of the State);

21 “(B) an assurance that the State has in
22 place procedures for responding to the reporting
23 of medical neglect (including instances of with-
24 holding of medically indicated treatment from
25 infants with disabilities who have life-threat-

1 *ening conditions), procedures or programs, or*
2 *both (within the State child protective services*
3 *system), to provide for—*

4 *“(i) coordination and consultation*
5 *with individuals designated by and within*
6 *appropriate health-care facilities;*

7 *“(ii) prompt notification by individ-*
8 *uals designated by and within appropriate*
9 *health-care facilities of cases of suspected*
10 *medical neglect (including instances of*
11 *withholding of medically indicated treat-*
12 *ment from infants with disabilities who*
13 *have life-threatening conditions); and*

14 *“(iii) authority, under State law, for*
15 *the State child protective services system to*
16 *pursue any legal remedies, including the*
17 *authority to initiate legal proceedings in a*
18 *court of competent jurisdiction, as may be*
19 *necessary to prevent the withholding of*
20 *medically indicated treatment from infants*
21 *with disabilities who have life-threatening*
22 *conditions;*

23 *“(C) an assurance or certification that pro-*
24 *grams and education conducted under this title*
25 *address the unique needs of unaccompanied*

1 *homeless youth, including access to enrollment*
2 *and support services and that such youth are eli-*
3 *gible for under parts B and E of title IV of the*
4 *Social Security Act (42 U.S.C. 621 et seq., 670*
5 *et seq.) and meet the requirements of the McKin-*
6 *ney-Vento Homeless Assistance Act (42 U.S.C.*
7 *11301 et seq.); and*

8 *“(D) a description of—*

9 *“(i) policies and procedures (including*
10 *appropriate referrals to child welfare service*
11 *systems and for other appropriate services*
12 *(including home visiting services and mu-*
13 *tual support and parent partner programs)*
14 *determined by a family assessment) to ad-*
15 *dress the needs of infants born with and*
16 *identified as being affected by substance use*
17 *or withdrawal symptoms resulting from*
18 *prenatal drug exposure, or a Fetal Alcohol*
19 *Spectrum Disorder, including a require-*
20 *ment that health care providers involved in*
21 *the delivery or care of such infants notify*
22 *the child protective welfare service system of*
23 *the occurrence of such condition in such in-*
24 *fants, except that—*

1 “(I) child protective services shall
2 undertake an investigation only when
3 the findings of a family assessment
4 warrant such investigation; and

5 “(II) such notification shall not be
6 construed to—

7 “(aa) establish a definition
8 under Federal law of what con-
9 stitutes child abuse or neglect; or

10 “(bb) require prosecution for
11 any illegal action;

12 “(ii) the development of a multi-dis-
13 ciplinary plan of safe care for the infant
14 born and identified as being affected by sub-
15 stance use or withdrawal symptoms or a
16 Fetal Alcohol Spectrum Disorder to ensure
17 the safety and well-being of such infant fol-
18 lowing release from the care of health care
19 providers, including through—

20 “(I) using a risk-based approach
21 to develop each plan of safe care;

22 “(II) addressing, through coordi-
23 nated service delivery, the health and
24 substance use disorder treatment needs
25 of the infant and affected family or

1 *caregiver as determined by a family*
2 *assessment; and*

3 “(III) *the development and imple-*
4 *mentation by the State of monitoring*
5 *systems regarding the implementation*
6 *of such plans of safe care to determine*
7 *whether and in what manner local en-*
8 *tities are providing, in accordance*
9 *with State requirements, referrals to*
10 *and delivery of appropriate services for*
11 *the infant and affected family or care-*
12 *giver;*

13 “(iii) *policies and procedures to make*
14 *available to the public on the State website*
15 *the data, findings, and information about*
16 *all cases of child abuse or neglect resulting*
17 *in a child fatality or near fatality, includ-*
18 *ing a description of—*

19 “(I) *how the State will not create*
20 *an exception to such public disclosure,*
21 *except in a case in which—*

22 “(aa) *the State would like to*
23 *delay public release of case-spe-*
24 *cific findings or information (in-*
25 *cluding any previous reports of*

1 *domestic violence and subsequent*
2 *actions taken to assess and ad-*
3 *dress such reports) while a crimi-*
4 *nal investigation or prosecution of*
5 *such a fatality or near fatality is*
6 *pending;*

7 *“(bb) the State is protecting*
8 *the identity of a reporter of child*
9 *abuse or neglect; or*

10 *“(cc) the State is withholding*
11 *identifying information of mem-*
12 *bers of the victim’s family who*
13 *are not perpetrators of the fatality*
14 *or near fatality; and*

15 *“(II) how the State will ensure*
16 *that in providing the public disclosure*
17 *required under this clause, the State*
18 *will include—*

19 *“(aa) the cause and cir-*
20 *cumstances of the fatality or near*
21 *fatality;*

22 *“(bb) the age and gender of*
23 *the child; and*

24 *“(cc) any previous reports of*
25 *child abuse or neglect investiga-*

1 *tions that are relevant to the child*
2 *abuse or neglect that led to the fa-*
3 *tality or near fatality;*

4 *“(iv) how the State will use data col-*
5 *lected on child abuse or neglect to prevent*
6 *child fatalities and near fatalities;*

7 *“(v) how the State will implement ef-*
8 *forts to prevent child fatalities and near fa-*
9 *talities;*

10 *“(vi) the cooperation of State law en-*
11 *forcement officials, court of competent juris-*
12 *isdiction, and appropriate State agencies*
13 *providing human services in the investiga-*
14 *tion, assessment, prosecution, and treatment*
15 *of child abuse and neglect;*

16 *“(vii) the steps the State will take to*
17 *improve the professional development, reten-*
18 *tion, and supervision of caseworkers and*
19 *how the State will measure the effectiveness*
20 *of such efforts;*

21 *“(viii) the State’s plan to ensure each*
22 *child under the age of 3 who is involved in*
23 *a substantiated case of child abuse or ne-*
24 *glect will be referred to the State’s child find*
25 *system under section 635(a)(5) of the Indi-*

1 *viduals with Disabilities Education Act (20*
2 *U.S.C. 1435(a)(5)) in order to determine if*
3 *the child is an infant or toddler with a dis-*
4 *ability (as defined in section 632(5) of such*
5 *Act (20 U.S.C. 1432(5)));*

6 *“(ix) the State’s plan to improve, as*
7 *part of a comprehensive State strategy led*
8 *by law enforcement, professional develop-*
9 *ment for child protective services workers*
10 *and their appropriate role in identifying,*
11 *assessing, and providing comprehensive*
12 *services for children who are sex trafficking*
13 *victims, in coordination with law enforce-*
14 *ment, juvenile justice agencies, runaway*
15 *and homeless youth shelters, and health,*
16 *mental health, and other social service agen-*
17 *cies and providers;*

18 *“(x) the services to be provided under*
19 *the grant to individuals, families, or com-*
20 *munities, either directly or through refer-*
21 *rals, aimed at preventing the occurrence of*
22 *child abuse and neglect;*

23 *“(xi) the State’s efforts to ensure pro-*
24 *essionals who are required to report sus-*
25 *pected cases of child abuse and neglect are*

1 *aware of their responsibilities under sub-*
2 *paragraph (A)(i) and receive professional*
3 *development relating to performing such re-*
4 *sponsibilities that is specific to their profes-*
5 *sion and workplace;*

6 *“(xii) policies and procedures encour-*
7 *aging the appropriate involvement of fami-*
8 *lies in decisionmaking pertaining to chil-*
9 *dren who experienced child abuse or neglect;*

10 *“(xiii) the State’s efforts to improve*
11 *appropriate collaboration among child pro-*
12 *TECTIVE SERVICES agencies, domestic violence*
13 *SERVICES agencies, substance use disorder*
14 *treatment agencies, and other agencies in*
15 *investigations, interventions, and the deliv-*
16 *ery of services and treatment provided to*
17 *children and families affected by child abuse*
18 *or neglect, including children exposed to do-*
19 *mestic violence, where appropriate;*

20 *“(xiv) policies and procedures regard-*
21 *ing the use of differential response, as ap-*
22 *plicable, to improve outcomes for children;*
23 *and*

24 *“(xv) the State’s efforts to reduce racial*
25 *bias in its child protective services system.”.*

1 (3) *LIMITATIONS*.—Paragraph (3) of section
2 106(b) of the Child Abuse Prevention and Treatment
3 Act (42 U.S.C. 5106a(b)) is amended—

4 (A) in the paragraph heading, by striking
5 “*LIMITATION*” and inserting “*LIMITATIONS*”;

6 (B) by striking “With regard to clauses (vi)
7 and (vii) of paragraph (2)(B),” and inserting
8 the following:

9 “(A) *DISCLOSURE OF CERTAIN IDENTIFYING*
10 *INFORMATION*.—With regard to subparagraphs
11 (A)(iv) and (D)(iii) of paragraph (2),”;

12 (C) by striking the period at the end and
13 inserting “; and”; and

14 (D) by adding at the end the following:

15 “(B) *PUBLIC ACCESS TO COURT PRO-*
16 *CEEDINGS*.—Nothing in paragraph (2) shall be
17 construed to limit the State’s flexibility to deter-
18 mine State policies relating to public access to
19 court proceedings to determine child abuse and
20 neglect, except that such policies shall, at a min-
21 imum, ensure the safety and well-being of the
22 child, parents, and families.”.

23 (4) *DEFINITIONS*.—Paragraph (4) of section
24 106(b) of the Child Abuse Prevention and Treatment
25 Act (42 U.S.C. 5106a(b)) is amended—

1 (A) in the paragraph heading, by striking
2 “DEFINITIONS” and inserting “DEFINITION”;

3 (B) by striking “this subsection” and all
4 that follows through “means an act” and insert-
5 ing the following: “this subsection, the term ‘near
6 fatality’ means an act”;

7 (C) by striking “; and” and inserting a pe-
8 riod; and

9 (D) by striking subparagraph (B).

10 (c) *CITIZEN REVIEW PANELS*.—Section 106(c) of the
11 *Child Abuse Prevention and Treatment Act (42 U.S.C.*
12 *5106a(c)) is amended—*

13 (1) in paragraph (1)(B), by striking “EXCEP-
14 TIONS.” and all that follows through “A State may”
15 and inserting “EXCEPTION.—A State may”;

16 (2) in paragraph (4)(A)—

17 (A) in the matter preceding clause (i), by
18 striking “and where appropriate, specific cases,”;
19 and

20 (B) in clause (iii)(I), by striking “foster
21 care and adoption programs” and inserting “fos-
22 ter care, prevention, and permanency pro-
23 grams”; and

24 (3) by amending the first sentence of paragraph
25 (6) to read as follows: “Each panel established under

1 paragraph (1) shall prepare and make available to
2 the State and the public, on an annual basis, a report
3 containing a summary of the activities of the panel,
4 the criteria used for determining which activities the
5 panel engaged in, and recommendations or observa-
6 tions to improve the child protective services system
7 at the State and local levels, and the data upon which
8 these recommendations or observations are based.”.

9 (d) ANNUAL STATE DATA REPORTS.—Section 106(d)
10 of the Child Abuse Prevention and Treatment Act (42
11 U.S.C. 5106a(d)) is amended—

12 (1) by amending paragraph (13) to read as fol-
13 lows:

14 “(13) The annual report containing the sum-
15 mary of the activities and recommendations of the cit-
16 izen review panels of the State required by subsection
17 (c)(6), and the actions taken by the State as a result
18 of such recommendations.”;

19 (2) in paragraph (15), by striking “subsection
20 (b)(2)(B)(ii)” and inserting “subsection (b)(2)(D)(i)”;

21 (3) in paragraph (16), by striking “subsection
22 (b)(2)(B)(xxi)” and inserting “subsection
23 (b)(2)(D)(viii)”;

1 (4) in paragraph (17), by striking “subsection
2 (b)(2)(B)(xxiv)” and inserting “subsection
3 (b)(2)(A)(xv)”;

4 (5) in paragraph (18)—

5 (A) in subparagraph (A), by striking “sub-
6 section (b)(2)(B)(ii)” and inserting “subsection
7 (b)(2)(D)(i)”;

8 (B) in subparagraph (B), by striking “sub-
9 section (b)(2)(B)(iii)” and inserting “subsection
10 (b)(2)(D)(ii)”;

11 (C) in subparagraph (C), by striking “sub-
12 section (b)(2)(B)(iii)” and inserting “subsection
13 (b)(2)(D)(ii)”;

14 (6) by adding at the end the following:

15 “(19) The number of child fatalities and near fa-
16 talities from maltreatment and related information in
17 accordance with the uniform standards established
18 under section 103(d).”.

19 (e) ALLOTMENTS.—Section 106(f) of the Child Abuse
20 Prevention and Treatment Act (42 U.S.C. 5106a(f)) is
21 amended by adding at the end the following:

22 “(6) LIMITATION.—For any fiscal year for which
23 the amount allotted to a State or territory under this
24 subsection exceeds the amount allotted to the State or
25 territory under such subsection for fiscal year 2019,

1 *the State or territory may use not more than 2 per-*
2 *cent of such excess amount for administrative ex-*
3 *penses.”.*

4 **SEC. 107. MISCELLANEOUS REQUIREMENTS.**

5 *Section 108 of the Child Abuse Prevention and Treat-*
6 *ment Act (42 U.S.C. 5106d) is amended—*

7 (1) *in subsection (b), by inserting “Indian tribes,*
8 *and tribal organizations,” after “States,”;*

9 (2) *by redesignating subsections (c) through (e)*
10 *as subsections (d) through (f), respectively; and*

11 (3) *by inserting after subsection (b) the fol-*
12 *lowing:*

13 “(c) *PROTECTING AGAINST SYSTEMIC CHILD SEXUAL*
14 *ABUSE.—*

15 “(1) *REPORTING AND TASK FORCE.—Not later*
16 *than 24 months after the date of the enactment of the*
17 *Human Services and Community Supports Act, each*
18 *State task force established under section 107(c) and*
19 *expanded as described in paragraph (2) shall study*
20 *and make recommendations on the following, with a*
21 *focus on preventing systemic child sexual abuse:*

22 “(A) *How to detect systemic child sexual*
23 *abuse that occurs in an organization.*

24 “(B) *How to prevent child sexual abuse and*
25 *systemic child sexual abuse from occurring in or-*

1 *ganizations, which shall include recommenda-*
2 *tions to improve—*

3 *“(i) practices and policies for the edu-*
4 *cation of parents, caregivers, and victims,*
5 *and age appropriate education of children,*
6 *about risk factors or signs of potential child*
7 *sexual abuse; and*

8 *“(ii) the efficacy of applicable State*
9 *laws and the role such laws play in deter-*
10 *ring or preventing incidences of child sexual*
11 *abuse.*

12 *“(C) The feasibility of making available the*
13 *disposition of a perpetrator within an organiza-*
14 *tion to—*

15 *“(i) the child alleging sexual abuse or*
16 *the child’s family; or*

17 *“(ii) an adult who was a child at the*
18 *time of the sexual abuse claim in question*
19 *or the adult’s family.*

20 *“(2) TASK FORCE COMPOSITION.—For purposes*
21 *of this subsection, a State task force shall include—*

22 *“(A) the members of the State task force de-*
23 *scribed in section 107(c) for the State; and*

24 *“(B) the following:*

25 *“(i) Family court judges.*

1 “(ii) *Individuals from religious orga-*
2 *nizations.*

3 “(iii) *Individuals from youth-serving*
4 *organizations, including youth athletics or-*
5 *ganizations.*

6 “(3) *REPORTING ON RECOMMENDATIONS.—Not*
7 *later than 6 months after a State task force makes*
8 *recommendations under paragraph (1), the State*
9 *maintaining such State task force shall—*

10 “(A) *make public the recommendations of*
11 *such report;*

12 “(B) *report to the Secretary on the status of*
13 *adopting such recommendations; and*

14 “(C) *in a case in which the State declines*
15 *to adopt a particular recommendation, make*
16 *public the explanation for such declination.*

17 “(4) *DEFINITIONS.—For purposes of this sub-*
18 *section—*

19 “(A) *the terms ‘child sexual abuse’ and ‘sex-*
20 *ual abuse’ shall not be limited to an act or a*
21 *failure to act on the part of a parent or care-*
22 *taker;*

23 “(B) *the term ‘organization’ means any en-*
24 *tity that serves children; and*

1 “(C) the term ‘systemic child sexual abuse’
2 means—

3 “(i) a pattern of informal or formal
4 policy or de facto policy to not follow State
5 and local requirements to report instances
6 of child sexual abuse in violation of State
7 and local mandatory reporting laws or pol-
8 icy; or

9 “(ii) a pattern of assisting individual
10 perpetrators in maintaining their careers
11 despite substantiated evidence of child sex-
12 ual abuse.”.

13 **SEC. 108. REPORTS.**

14 (a) *SCALING EVIDENCE-BASED TREATMENT OF CHILD*
15 *ABUSE AND NEGLECT.*—Section 110 of the Child Abuse
16 *Prevention and Treatment Act (42 U.S.C. 5106f) is amend-*
17 *ed to read as follows:*

18 **“SEC. 110. STUDY AND REPORT RELATING TO SCALING EVI-**
19 **DENCE-BASED TREATMENT OF CHILD ABUSE**
20 **AND NEGLECT; STUDY AND REPORT ON MAR-**
21 **ITAL AGE OF CONSENT; STUDY AND REPORT**
22 **ON STATE MANDATORY REPORTING LAWS.**

23 “(a) *IN GENERAL.*—The Secretary shall conduct a
24 *study that examines challenges to, and best practices for,*
25 *the scalability of treatments that reduce the trauma result-*

1 *ing from child abuse and neglect and reduce the risk of re-*
2 *victimization, such as those allowable under sections 105*
3 *and 106.*

4 “(b) *CONTENT OF STUDY.*—*The study described in*
5 *subsection (a) shall be completed in a manner that considers*
6 *the variability among treatment programs and among pop-*
7 *ulations vulnerable to child abuse and neglect. The study*
8 *shall include, at minimum:*

9 “(1) *A detailed synthesis of the existing research*
10 *literature examining barriers and challenges to, and*
11 *best practices for the scalability of child welfare pro-*
12 *grams and services as well as programs and services*
13 *for vulnerable children and families in related fields,*
14 *including healthcare and education.*

15 “(2) *Data describing state and local providers’*
16 *experiences with scaling treatments that reduce the*
17 *trauma resulting from child abuse and neglect and re-*
18 *duce the risk of revictimization.*

19 “(3) *Consultation with experts in child welfare,*
20 *healthcare, and education.*

21 “(c) *REPORT.*—*Not later than 3 years after the date*
22 *of the enactment of the Human Services and Community*
23 *Supports Act, the Secretary shall submit to the Committee*
24 *on Health, Education, Labor, and Pensions of the Senate*
25 *and the Committee on Education and Labor of the House*

1 *of Representatives a report that contains the results of the*
2 *study conducted under subsection (a), including rec-*
3 *ommendations for best practices for scaling treatments that*
4 *reduce the trauma resulting from child abuse and neglect*
5 *and reduce the risk of revictimization.*

6 “(d) *STUDY AND REPORT ON MARITAL AGE OF CON-*
7 *SENT.*—

8 “(1) *STUDY.*—*The Secretary shall study, with*
9 *respect to each State—*

10 “(A) *the State law regarding the minimum*
11 *marriage age; and*

12 “(B) *the prevalence of marriage involving a*
13 *child who is under the age of such minimum*
14 *marriage age.*

15 “(2) *FACTORS.*—*The study required under para-*
16 *graph (1) shall include an examination of—*

17 “(A) *the extent to which any statutory ex-*
18 *ceptions to the minimum marriage age in such*
19 *laws contribute to the prevalence of marriage in-*
20 *volving a child described in paragraph (1)(B);*

21 “(B) *whether such exceptions allow such a*
22 *child to be married without the consent of such*
23 *child; and*

24 “(C) *the impact of such exceptions on the*
25 *safety of such children.*

1 “(3) *REPORT.*—Not later than 1 year after the
2 date of enactment of the Human Services and Com-
3 munity Supports Act, the Secretary shall submit to
4 the Committee on Health, Education, Labor, and
5 Pensions of the Senate and the Committee on Edu-
6 cation and Labor of the House of Representatives a
7 report containing the findings of the study required
8 by this subsection, including any best practices.

9 “(e) *STUDY AND REPORT ON STATE MANDATORY RE-*
10 *PORTING LAWS.*—

11 “(1) *STUDY.*—The Secretary shall collect infor-
12 mation on and otherwise study State laws for manda-
13 tory reporting of incidents of child abuse or neglect.
14 Such study shall examine trends in referrals and in-
15 vestigations of child abuse and neglect due to dif-
16 ferences in such State laws with respect to the inclu-
17 sion, as mandatory reporters, of the following individ-
18 uals:

19 “(A) *Individuals licensed or certified to*
20 *practice in any health-related field licensed by*
21 *the State, employees of health care facilities or*
22 *providers licensed by the State, who are engaged*
23 *in the admission, examination, care or treatment*
24 *of individuals, including mental health and*
25 *emergency medical service providers.*

1 “(B) *Individuals employed by a school who*
2 *have direct contact with children, including*
3 *teachers, administrators, and independent con-*
4 *tractors.*

5 “(C) *Peace officers and law enforcement*
6 *personnel.*

7 “(D) *Clergy, including Christian Science*
8 *practitioners, except where prohibited on account*
9 *of clergy-penitent privilege.*

10 “(E) *Day care and child care operators and*
11 *employees.*

12 “(F) *Employees of social services agencies*
13 *who have direct contact with children in the*
14 *course of employment.*

15 “(G) *Foster parents.*

16 “(H) *Court appointed special advocates*
17 *(employees and volunteers).*

18 “(I) *Camp and after-school employees.*

19 “(J) *An individual, paid or unpaid, who,*
20 *on the basis of the individual’s role as an inte-*
21 *gral part of a regularly scheduled program, ac-*
22 *tivity, or service, accepts responsibility for a*
23 *child.*

24 “(2) *REPORT.—Not later than 4 years after the*
25 *date of enactment of the Human Services and Com-*

1 *munity Supports Act, the Secretary shall submit to*
2 *the Committee on Health, Education, Labor, and*
3 *Pensions of the Senate and the Committee on Edu-*
4 *cation and Labor of the House of Representatives a*
5 *report containing the findings of the study required*
6 *by this subsection, including any best practices re-*
7 *lated to the inclusion, as mandatory reporters, of in-*
8 *dividuals described in paragraph (1).”.*

9 *(b) REPORT ON CHILD ABUSE AND NEGLECT IN IN-*
10 *DIAN TRIBAL COMMUNITIES.—*

11 *(1) IN GENERAL.—Not later than 2 years after*
12 *the date of the enactment of this Act, the Comptroller*
13 *General, in consultation with the Indian tribes from*
14 *each of the 12 regions of the Bureau of Indian Affairs,*
15 *shall study child abuse and neglect in Indian Tribal*
16 *communities for the purpose of identifying vital in-*
17 *formation and making recommendations concerning*
18 *issues relating to child abuse and neglect in such com-*
19 *munities, and submit to the Committee on Health,*
20 *Education, Labor, and Pensions and the Committee*
21 *on Indian Affairs of the Senate and the Committee on*
22 *Education and Labor and the Committee on Natural*
23 *Resources of the House of Representatives a report on*
24 *such study, which shall include—*

1 (A) the number of Indian tribes providing
2 primary child abuse and neglect prevention ac-
3 tivities;

4 (B) the number of Indian tribes providing
5 secondary child abuse and neglect prevention ac-
6 tivities;

7 (C) promising practices of Indian tribes
8 with respect to child abuse and neglect preven-
9 tion that are culturally-based or culturally-
10 adapted;

11 (D) information and recommendations on
12 how such culturally-based or culturally-adapted
13 child abuse and neglect prevention activities
14 could become evidence-based;

15 (E) the number of Indian tribes that have
16 accessed Federal child abuse and neglect preven-
17 tion programs;

18 (F) child abuse and neglect prevention ac-
19 tivities that Indian tribes provide using State
20 funds;

21 (G) child abuse and neglect prevention ac-
22 tivities that Indian tribes provide using Tribal
23 funds;

24 (H) Tribal access to State children's trust
25 fund resources, as described in section 202 of the

1 *Child Abuse Prevention and Treatment Act (42*
2 *U.S.C. 5116a);*

3 *(I) how a children’s trust fund model could*
4 *be used to support prevention efforts regarding*
5 *child abuse and neglect of American Indian and*
6 *Alaska Native children;*

7 *(J) Federal agency technical assistance ef-*
8 *forts to address child abuse and neglect preven-*
9 *tion and treatment of American Indian and*
10 *Alaska Native children;*

11 *(K) Federal agency cross-system collabora-*
12 *tion to address child abuse and neglect preven-*
13 *tion and treatment of American Indian and*
14 *Alaska Native children;*

15 *(L) Tribal access to child abuse and neglect*
16 *prevention research and demonstration grants*
17 *under the Child Abuse Prevention and Treat-*
18 *ment Act (42 U.S.C. 5101 et seq.); and*

19 *(M) an examination of child abuse and ne-*
20 *glect data systems to identify what Tribal data*
21 *is being submitted, barriers to submitting data,*
22 *and recommendations on improving the collec-*
23 *tion of data from Indian Tribes.*

24 (2) *DEFINITIONS.—In this subsection—*

1 (A) the term “Alaska Native” has the mean-
2 ing given the term in section 111 of the Child
3 Abuse Prevention and Treatment Act (42 U.S.C.
4 5106g); and

5 (B) the terms “child abuse and neglect” and
6 “Indian tribe” have the meaning given the terms
7 in section 3 of the Child Abuse Prevention and
8 Treatment Act (42 U.S.C. 5101 note).

9 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 112(a) of the Child Abuse Prevention and
11 Treatment Act (42 U.S.C. 5106h(a)) is amended—

12 (1) in paragraph (1)—

13 (A) by striking “to carry out” through “fis-
14 cal year 2010” and inserting “to carry out this
15 title \$270,000,000 for fiscal year 2021”; and

16 (B) by striking “2011 through 2015” and
17 inserting “2022 through 2026”; and

18 (2) by striking paragraph (2)(A) and inserting
19 the following:

20 “(A) *IN GENERAL.*—Of the amounts appro-
21 priated for a fiscal year under paragraph (1),
22 the Secretary shall make available 30 percent of
23 such amounts, or \$100,000,000, whichever is less,
24 to fund discretionary activities under this title.”.

1 **SEC. 110. MONITORING AND OVERSIGHT.**

2 *Section 114(1) of the Child Abuse Prevention and*
3 *Treatment Act (42 U.S.C. 5108(1)) is amended—*

4 *(1) in each of subparagraphs (A) and (B), by*
5 *striking “and” at the end; and*

6 *(2) by adding at the end the following:*

7 *“(C) include written guidance and technical*
8 *assistance to support States, which shall include*
9 *guidance on the requirements of this Act with re-*
10 *spect to infants born with and identified as*
11 *being affected by substance use or withdrawal*
12 *symptoms, Neonatal Abstinence Syndrome, or*
13 *Fetal Alcohol Spectrum Disorder, as described in*
14 *clauses (i) and (ii) of section 106(b)(2)(D), in-*
15 *cluding by—*

16 *“(i) enhancing States’ understanding*
17 *of requirements and flexibilities under the*
18 *law, including by clarifying key terms;*

19 *“(ii) addressing State-identified chal-*
20 *lenges with developing, implementing, and*
21 *monitoring plans of safe care; and*

22 *“(iii) disseminating best practices on*
23 *implementation of plans of safe care, on*
24 *such topics as differential response, collabo-*
25 *ration and coordination, and identification*
26 *and delivery of services for different popu-*

1 *State entities responsible under State law for main-*
2 *taining child abuse and neglect registries to commu-*
3 *nicate information across State lines.*

4 “(2) *STANDARDS.—In developing the electronic*
5 *interstate data exchange system under paragraph (1),*
6 *the Secretary shall—*

7 “(A) *use interoperable standards developed*
8 *and maintained by intergovernmental partner-*
9 *ships, such as the National Information Ex-*
10 *change Model;*

11 “(B) *develop policies and governance stand-*
12 *ards that—*

13 “(i) *ensure consistency in types of in-*
14 *formation shared and not shared; and*

15 “(ii) *specify circumstances under*
16 *which data should be shared through the*
17 *interstate data exchange system; and*

18 “(C) *ensure that all standards and policies*
19 *adhere to the privacy, security, and civil rights*
20 *laws of each State and Federal law.*

21 “(3) *LIMITATION ON USE OF ELECTRONIC INTER-*
22 *STATE DATA EXCHANGE SYSTEM.—The electronic*
23 *interstate data exchange system may only be used for*
24 *purposes relating to child safety.*

25 “(4) *PILOT PROGRAM.—*

1 “(A) *IMPLEMENTATION.*—Not later than 6
2 months after the date of the enactment of this
3 section, the Secretary of Health and Human
4 Services shall begin implementation of a pilot
5 program to generate recommendations for the
6 full integration of the electronic interstate data
7 exchange system. Such pilot program shall in-
8 clude not less than 10 States and not more than
9 15 States.

10 “(B) *COMPLETION.*—Not later than 30
11 months after the date of the enactment of this
12 section, the Secretary of Health and Human
13 Services shall complete the pilot program de-
14 scribed in subparagraph (A).

15 “(5) *INTEGRATION.*—The Secretary of Health
16 and Human Services may assist States in the inte-
17 gration of this system into the infrastructure of each
18 State using funds appropriated under this subsection.

19 “(6) *PARTICIPATION.*—As a condition on eligi-
20 bility for receipt of funds under section 106, each
21 State shall—

22 “(A) participate in the electronic interstate
23 data exchange system to the fullest extent possible
24 in accordance with State law (as determined by

1 *the Secretary of Health and Human Services)*
2 *not later than December 31, 2027; and*

3 “(B) *prior to the participation described in*
4 *subparagraph (A), provide to the Secretary of*
5 *Health and Human Services an assurance that*
6 *the child abuse and neglect registry of such State*
7 *provides procedural due process protections with*
8 *respect to including individuals on such registry.*

9 “(7) *PROHIBITION.—The Secretary of Health*
10 *and Human Services may not access or store data*
11 *from the electronic interstate data exchange system,*
12 *unless the State to which such data pertains volun-*
13 *tarily shares such data with the Secretary of Health*
14 *and Human Services.*

15 “(8) *REPORTS.—The Secretary of Health and*
16 *Human Services shall prepare and submit to Con-*
17 *gress—*

18 “(A) *not later than 3 years after the date*
19 *of the enactment of this section, a report on the*
20 *recommendations from the pilot program de-*
21 *scribed in paragraph (4); and*

22 “(B) *not later than January 31, 2025, a re-*
23 *port on the progress made in implementing this*
24 *subsection.*

1 “(9) *AUTHORIZATION OF APPROPRIATIONS.*—*Of*
2 *the funds appropriated under section 112 for a fiscal*
3 *year—*

4 “(A) *for each of fiscal years 2021 and 2022,*
5 *\$2,000,000 shall be reserved to carry out this sec-*
6 *tion; and*

7 “(B) *for each of fiscal years 2023 through*
8 *2026, \$1,000,000 shall be reserved to carry out*
9 *this section.*

10 “(b) *WORKING GROUP.*—

11 “(1) *IN GENERAL.*—*Not later than 60 days after*
12 *the date of the enactment of this section, the Secretary*
13 *of Health and Human Services shall convene a work-*
14 *ing group to study and make recommendations on the*
15 *following:*

16 “(A) *The feasibility of making publicly*
17 *available on the website of each State definitions*
18 *and standards of substantiated child abuse and*
19 *neglect for the State.*

20 “(B) *Whether background check require-*
21 *ments under this Act, the Child Care and Devel-*
22 *opment Block Grant Act of 1990 (42 U.S.C.*
23 *9858 et seq.), and part E of title IV of the Social*
24 *Security Act (42 U.S.C. 670 et seq.) are com-*

1 *plementary or if there are discrepancies that*
2 *need to be addressed.*

3 *“(C) How to improve communication be-*
4 *tween and across States, including through the*
5 *use of technology and the use of the electronic*
6 *interstate data exchange system established*
7 *under subsection (a), to allow for more accurate*
8 *and efficient exchange of child abuse and neglect*
9 *records.*

10 *“(D) How to reduce barriers and establish*
11 *best practices for the State to provide timely re-*
12 *sponses to requests from other States for infor-*
13 *mation contained in the State’s child abuse and*
14 *neglect registry through the electronic interstate*
15 *data exchange system established under sub-*
16 *section (a).*

17 *“(E) How to ensure due process for any in-*
18 *dividual included in a State’s child abuse and*
19 *neglect registry, including the following:*

20 *“(i) The level of evidence necessary for*
21 *inclusion in the State’s child abuse and ne-*
22 *glect registry.*

23 *“(ii) The process for notifying such in-*
24 *dividual of inclusion in the State’s child*

1 *abuse and neglect registry and the implica-*
2 *tions of such inclusion.*

3 “(iii) *The process for providing such*
4 *individual the opportunity to challenge such*
5 *inclusion, and the procedures for resolving*
6 *such challenge.*

7 “(iv) *The length of time an individ-*
8 *ual’s record is to remain in the State’s child*
9 *abuse and neglect registry, and the process*
10 *for removing such individual’s record.*

11 “(v) *The criteria for when such indi-*
12 *vidual’s child abuse and neglect registry*
13 *record may be—*

14 “(I) *made accessible to the general*
15 *public;*

16 “(II) *made available for purposes*
17 *of an employment check; and*

18 “(III) *be shared for the purposes*
19 *of participation in the electronic inter-*
20 *state data exchange system described in*
21 *subsection (a).*

22 “(2) *REPORT.—Not later than 18 months after*
23 *the date of the enactment of this section, the working*
24 *group convened under paragraph (1) shall submit a*
25 *report containing its recommendations to the Sec-*

1 *retary of Health and Human Services, the Committee*
2 *on Health, Education, Labor, and Pensions of the*
3 *Senate, and the Committee on Education and Labor*
4 *of the House of Representatives.*

5 *“(3) CONSTRUCTION.—There shall be no require-*
6 *ment for any State to adopt the recommendations of*
7 *the working group, nor shall the Secretary of Health*
8 *and Human Services incentivize or coerce any State*
9 *to adopt any such recommendation.”.*

10 **SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.**

11 *(a) TECHNICAL AMENDMENTS.— The Child Abuse Pre-*
12 *vention and Treatment Act (42 U.S.C. 5101 et seq.), as*
13 *amended by the preceding provisions of this title, is further*
14 *amended—*

15 *(1) by striking “Committee on Education and*
16 *the Workforce” each place it appears and inserting*
17 *“Committee on Education and Labor”;*

18 *(2) in section 103(c)(1)(F), by striking “abused*
19 *and neglected children” and inserting “victims of*
20 *child abuse or neglect”; and*

21 *(3) in section 107(f), by striking “(42 U.S.C.*
22 *10603a)” and inserting “(34 U.S.C. 20104)”.*

23 *(b) CONFORMING AMENDMENTS.—*

24 *(1) SECTION 103.—Section 103(b)(5) (42 U.S.C.*
25 *5104(b)(5)) is amended by striking “section*

1 106(b)(2)(B)(iii)” and inserting “section
2 106(b)(2)(D)(ii)”.

3 (2) SECTION 105.—Section 105(a)(11) (42 U.S.C.
4 5106(a)(11) (as redesignated by section 105(1)(A) of
5 this title) is amended—

6 (A) in subparagraph (A), by striking “sec-
7 tion 106(b)(2)(B)(iii)” and inserting “section
8 106(b)(2)(D)(ii)”;

9 (B) in subparagraph (C)—

10 (i) in clause (i)(II), by striking “sec-
11 tion 106(b)(2)(B)(iii)” and inserting “sec-
12 tion 106(b)(2)(D)(ii)”;

13 (ii) in clause (i)(IV), by striking “sec-
14 tion 106(b)(2)(B)(iii)(II)” and inserting
15 “section 106(b)(2)(D)(ii)(II)”;

16 (iii) in clause (ii), by striking “clauses
17 (ii) and (iii) of section 106(b)(2)(B)” and
18 inserting “clauses (i) and (ii) of section
19 106(b)(2)(D)”;

20 (C) in subparagraph (D)—

21 (i) in clause (i)(I), by striking “section
22 106(b)(2)(B)(iii)(I)” and inserting “section
23 106(b)(2)(D)(ii)(I)”;

1 (ii) in clause (ii)(I), by striking “sec-
2 tion 106(b)(2)(B)(ii)” and inserting “sec-
3 tion 106(b)(2)(D)(i)”;

4 (iii) in clause (ii)(II), by striking “sec-
5 tion 106(b)(2)(B)(iii)” and inserting “sec-
6 tion 106(b)(2)(D)(ii)(I)”;

7 (iv) in clause (iii)(I), by striking “sec-
8 tion 106(b)(2)(B)(i)” and inserting “section
9 106(b)(2)(A)(i)”;

10 (v) in clause (iii)(IV), by striking “sec-
11 tion 106(b)(2)(B)(iii)” and inserting “sec-
12 tion 106(b)(2)(D)(ii)”;

13 (vi) in clause (v), by striking “section
14 106(b)(2)(B)(iii)” and inserting “section
15 106(b)(2)(D)(ii)”;

16 (D) in subparagraph (E), by striking “sec-
17 tion 106(b)(2)(B)(ii)” and inserting “section
18 106(b)(2)(D)(i)”;

19 (E) in subparagraph (G)(ii), by striking
20 “clauses (ii) and (iii) of section 106(b)(2)(B)”
21 and inserting “clauses (i) and (ii) of section
22 106(b)(2)(D)”.

23 (3) SECTION 114.—Section 114(1)(B) (42 U.S.C.
24 5108(1)(B)) is amended by striking “clauses (ii) and

1 *(iii) of section 106(b)(2)(B)” and inserting “clauses*
 2 *(i) and (ii) of section 106(b)(2)(D)”.*

3 (4) *TABLE OF CONTENTS.—The table of contents*
 4 *in section 1(b) of the Child Abuse Prevention and*
 5 *Treatment Act is amended—*

6 (A) *by striking the items relating to sections*
 7 *2 and 102;*

8 (B) *by inserting after the item relating to*
 9 *section 114 the following:*

“Sec. 115. Electronic interstate data exchange system.”; and

10 (C) *by striking the item relating to section*
 11 *110, and inserting the following:*

*“Sec. 110. Study and report relating to scaling evidence-based treatment of child
 abuse and neglect; study and report on marital age of consent;
 study and report on State mandatory reporting laws.”.*

12 ***Subtitle B—Community-based***
 13 ***Grants for the Prevention of***
 14 ***Child Abuse and Neglect***

15 ***SEC. 121. PURPOSE AND AUTHORITY.***

16 *Section 201 of the Child Abuse Prevention and Treat-*
 17 *ment Act (42 U.S.C. 5116) is amended to read as follows:*

18 ***“SEC. 201. PURPOSE AND AUTHORITY.***

19 ***“(a) PURPOSE.—It is the purpose of this title—***

20 ***“(1) to support community-based efforts to de-***
 21 ***velop, operate, expand, enhance, evaluate, and coordi-***
 22 ***nate initiatives, programs, and activities to strength-***
 23 ***en families and prevent child abuse and neglect;***

1 “(2) to support the development of a State strat-
2 egy to address unmet need and the coordination of
3 State, regional, and local resources and activities to
4 better strengthen and support families to reduce the
5 likelihood of child abuse and neglect; and

6 “(3) to support local programs in increasing the
7 ability of diverse populations with demonstrated need,
8 including low-income families, racial and ethnic mi-
9 norities, families with children or caregivers with dis-
10 abilities, underserved communities, and rural commu-
11 nities, to access a continuum of preventive services
12 that strengthen families in order to more effectively
13 prevent child abuse and neglect.

14 “(b) *AUTHORITY.*—The Secretary shall make grants
15 under this title on a formula basis to the entity designated
16 by the State as the lead entity (referred to in this title as
17 the ‘lead entity’) under section 202(1) for the following pur-
18 poses—

19 “(1) supporting local programs in providing
20 community-based family strengthening services de-
21 signed to prevent child abuse and neglect that help
22 families build protective factors linked to the preven-
23 tion of child abuse and neglect, such as knowledge of
24 parenting and child development, parental resilience,
25 social connections, time-limited and need-based con-

1 crete support, and social and emotional development
2 of children, that—

3 “(A) are effective, culturally appropriate,
4 and accessible to diverse populations with dem-
5 onstrated need;

6 “(B) build upon existing strengths;

7 “(C) offer assistance to families;

8 “(D) provide early, comprehensive support
9 for parents;

10 “(E) promote the development of healthy fa-
11 milial relationships and parenting skills, espe-
12 cially in young parents and parents with very
13 young children;

14 “(F) increase family stability;

15 “(G) improve family access to other formal
16 and informal community-based resources, such
17 as providing referrals to early health and devel-
18 opmental services, mental health services, and
19 time-limited and need-based concrete supports,
20 including for homeless families and those at-risk
21 of homelessness;

22 “(H) support the additional needs of fami-
23 lies with children or caregivers with disabilities
24 through respite care and other services; and

1 “(I) demonstrate a commitment to the con-
2 tinued leadership of parents in the planning,
3 program implementation, and evaluation of the
4 lead entity and local programs funded under this
5 title, including involvement of parents of chil-
6 dren with disabilities, parents who are individ-
7 uals with disabilities, racial and ethnic minori-
8 ties, and members of other underrepresented or
9 underserved groups;

10 “(2) promoting the development of a continuum
11 of preventive services that strengthen families and
12 promote child, parent, family, and community well-
13 being, through the development of State and local net-
14 works, including collaboration and coordination be-
15 tween local programs and public agencies and private
16 entities that utilize culturally responsive providers;

17 “(3) financing the start-up, maintenance, expan-
18 sion, or redesign of core services described in section
19 205(b)(3) where communities have identified and de-
20 cided to address unmet need identified in the inven-
21 tory described in section 204(3), to the extent prac-
22 ticable given funding levels and community priorities;

23 “(4) maximizing funding through leveraging
24 Federal, State, local, and private funds to carry out
25 the purposes of the title;

1 “(5) *financing public information activities,*
2 *which may include activities to increase public*
3 *awareness and education, and developing comprehen-*
4 *sive outreach strategies to engage diverse populations*
5 *with demonstrated need, that focus on the healthy and*
6 *positive development of parents and children; and*

7 “(6) *to the extent practicable—*

8 “(A) *promoting the development, enhance-*
9 *ment, expansion, and implementation of a state-*
10 *wide strategy to address the unmet need identi-*
11 *fied in the inventory described in section 204(3),*
12 *with input from relevant stakeholders, to scale*
13 *evidence-based and evidence-informed commu-*
14 *nity-based family strengthening services designed*
15 *to prevent child abuse and neglect; and*

16 “(B) *addressing and supporting the capac-*
17 *ity of local programs to strengthen families and*
18 *prevent child abuse and neglect through technical*
19 *assistance, professional development, and collabo-*
20 *ration between local programs.”.*

21 **SEC. 122. ELIGIBILITY.**

22 *Section 202 of the Child Abuse Prevention and Treat-*
23 *ment Act (42 U.S.C. 5116a) is amended—*

24 (1) *in paragraph (1)—*

1 (A) in subparagraph (A), by inserting “,
2 taking into consideration the capacity and ex-
3 pertise of eligible entities,” after “State”;

4 (B) in subparagraph (B), by striking “par-
5 ents who are” and all that follows and inserting
6 “parents who are or who have been consumers of
7 preventive supports and who can provide leader-
8 ship in the planning, implementation, and eval-
9 uation of programs and policy decisions of the
10 lead entity in accomplishing the desired out-
11 comes of such efforts; and”;

12 (C) in subparagraph (C)—

13 (i) by inserting “local,” after “State,”;

14 and

15 (ii) by striking “and” at the end; and

16 (D) by striking subparagraph (D);

17 (2) in paragraph (2)—

18 (A) in subparagraph (A), by striking “com-
19 posed of” and all that follows through the semi-
20 colon at the end and inserting “carried out by
21 local, collaborative, public-private partner-
22 ships;”; and

23 (B) in subparagraph (C)—

24 (i) by inserting “local,” after “State,”;

25 and

1 (ii) by striking “and” at the end;

2 (3) in paragraph (3)—

3 (A) by striking subparagraph (A) and in-
4 serting the following:

5 “(A) has demonstrated commitment to the
6 continued leadership of parents in the develop-
7 ment, operation, evaluation, and oversight of
8 State and local efforts to support community-
9 based family strengthening services designed to
10 prevent child abuse and neglect;”;

11 (B) in subparagraph (B), by striking “com-
12 munity-based and prevention-focused programs
13 and activities designed to strengthen and support
14 families” and inserting “community-based fam-
15 ily strengthening services designed”;

16 (C) in subparagraph (C)—

17 (i) by striking “community-based and
18 prevention-focused programs and activities
19 designed to strengthen and support families
20 to prevent child abuse and neglect” and in-
21 serting “local programs”; and

22 (ii) by striking “and” at the end; and

23 (D) by striking subparagraph (D) and in-
24 serting the following:

1 “(D) will integrate efforts with individuals
2 and organizations experienced in working in
3 partnership with families with children with dis-
4 abilities or parents with disabilities, diverse pop-
5 ulations with demonstrated need, sexual and
6 gender minority youth, victims of domestic vio-
7 lence, and with the child abuse and neglect pre-
8 vention activities in the State, and demonstrate
9 a financial commitment to those activities; and

10 “(E) will take into consideration access for
11 diverse populations and unmet need when dis-
12 tributing funds to local programs under section
13 205; and”;

14 (4) by adding at the end the following:

15 “(4) the Governor of the State provides an assur-
16 ance that, in issuing regulations in consultation with
17 the lead entity to improve the delivery of community-
18 based family strengthening services designed to pro-
19 mote child, family, and community well-being, and to
20 prevent child abuse and neglect, the State will—

21 “(A) take into account how such regulations
22 will impact activities funded under this Act; and

23 “(B) where appropriate, attempt to avoid
24 duplication of efforts, minimize costs of compli-

1 *ance with such regulations, and maximize local*
2 *flexibility with respect to such regulations.”.*

3 **SEC. 123. AMOUNT OF GRANT.**

4 *Section 203 of the Child Abuse Prevention and Treat-*
5 *ment Act (42 U.S.C. 5116b) is amended—*

6 (1) *by adding at the end of subsection (a) the fol-*
7 *lowing: “For any fiscal year for which the amount*
8 *appropriated under section 210(a) exceeds the amount*
9 *appropriated under such section for fiscal year 2019*
10 *by more than \$2,000,000, the Secretary shall increase*
11 *the reservation described in this subsection to 5 per-*
12 *cent of the amount appropriated under section 210(a)*
13 *for the fiscal year for the purpose described in the*
14 *preceding sentence.”;*

15 (2) *in subsection (b)(1)(A), by striking*
16 *“\$175,000” and inserting “\$200,000”; and*

17 (3) *by adding at the end the following:*

18 “(d) *LIMITATION.—For any fiscal year for which the*
19 *amount allotted to a State under subsection (b) exceeds the*
20 *amount allotted to the State under such subsection for fiscal*
21 *year 2019, the State’s lead entity may use not more than*
22 *10 percent of such excess amount for administrative ex-*
23 *penses.”.*

1 **SEC. 124. APPLICATION.**

2 *Section 204 of the Child Abuse Prevention and Treat-*
3 *ment Act (42 U.S.C. 5116d) is amended to read as follows:*

4 **“SEC. 204. APPLICATION.**

5 *“A grant may not be made to a State under this title*
6 *unless an application therefore is submitted by the lead en-*
7 *tity to the Secretary and such application contains the*
8 *types of information specified by the Secretary as essential*
9 *to carrying out the provisions of section 202, including—*

10 *“(1) a description of the lead entity that will be*
11 *responsible for the administration of funds provided*
12 *under this title and the oversight of community-based*
13 *family strengthening services designed to prevent*
14 *child abuse and neglect that receive assistance from*
15 *the lead entity in accordance with section 205;*

16 *“(2) a description of how community-based fam-*
17 *ily strengthening services designed to prevent child*
18 *abuse and neglect supported by the lead entity will*
19 *operate, including how local programs that receive as-*
20 *sistance from the lead entity and public agencies and*
21 *private entities that promote child, parent, family,*
22 *and community well-being will be integrated into a*
23 *developing continuum of family centered, holistic,*
24 *preventive services for children and families;*

25 *“(3) a description of the inventory of current*
26 *unmet need and current community-based family*

1 *strengthening services designed to prevent child abuse*
2 *and neglect, and other family resource services oper-*
3 *ating in the State, including a description of how the*
4 *lead entity plans to address unmet need in under-*
5 *served areas;*

6 “(4) a budget for the development, operation,
7 *and expansion of the community-based family*
8 *strengthening services designed to prevent child abuse*
9 *and neglect that verifies that the State will expend in*
10 *non-Federal funds an amount equal to not less than*
11 *20 percent of the amount received under this title (in*
12 *cash, not in-kind) for activities under this title;*

13 “(5) an assurance that funds received under this
14 *title will supplement, not supplant, other State and*
15 *local public funds designated for the start-up, mainte-*
16 *nance, expansion, and redesign of community-based*
17 *family strengthening services designed to prevent*
18 *child abuse and neglect;*

19 “(6) a description of the lead entity’s capacity
20 *and commitment to ensure the continued leadership of*
21 *parents who are or have been consumers of preventive*
22 *supports, including parents of diverse populations*
23 *with demonstrated need, family advocates, and adult*
24 *former victims of child abuse or neglect, in the plan-*
25 *ning, implementation, and evaluation of the pro-*

1 *grams and policy decisions of the lead entity in ac-*
2 *complishing the desired outcomes for such efforts;*

3 *“(7) a description of the criteria that the lead*
4 *entity will use to identify communities in which to*
5 *provide services, and select and fund local programs*
6 *in accordance with section 205, including how the*
7 *lead entity will take into consideration the local pro-*
8 *gram’s ability to—*

9 *“(A) collaborate with other community-*
10 *based organizations and service providers and*
11 *engage in long-term and strategic planning to*
12 *support the development of a continuum of pre-*
13 *ventive services that strengthen families;*

14 *“(B) meaningfully partner with parents in*
15 *the development, implementation, and evaluation*
16 *of services;*

17 *“(C) reduce barriers to access to commu-*
18 *nity-based family strengthening services designed*
19 *to prevent child abuse and neglect, including for*
20 *diverse populations with demonstrated need; and*

21 *“(D) incorporate evidence-based or evidence-*
22 *informed practices, to the extent practicable;*

23 *“(8) a description of outreach activities that the*
24 *lead entity and local programs will undertake to*
25 *maximize the participation of low-income families,*

1 *racial and ethnic minorities, children and adults*
2 *with disabilities, sexual and gender minority youth,*
3 *victims of domestic violence, homeless families and*
4 *those at risk of homelessness, families experiencing*
5 *complex needs, and members of other underserved or*
6 *underrepresented groups;*

7 *“(9) a plan for providing operational support,*
8 *training, and technical assistance to local programs,*
9 *which may include coordination with public agencies*
10 *and private entities that promote child, parent, and*
11 *family well-being to support increased access to a*
12 *continuum of preventive services that strengthen and*
13 *support families to prevent child abuse and neglect;*

14 *“(10) a description of how the performance of the*
15 *lead entity and local programs will be measured in*
16 *accordance with section 206;*

17 *“(11) a description of the actions that the lead*
18 *entity will take to inform systemic changes in State*
19 *policies, practices, procedures, and regulations to im-*
20 *prove the delivery of community-based family*
21 *strengthening services designed to prevent child abuse*
22 *and neglect, including improved access for diverse*
23 *populations with demonstrated need; and*

24 *“(12) an assurance that the lead entity will pro-*
25 *vide the Secretary with reports at such time and con-*

1 *taining such information as the Secretary may re-*
2 *quire.”.*

3 **SEC. 125. LOCAL PROGRAM REQUIREMENTS.**

4 *Section 205 of the Child Abuse Prevention and Treat-*
5 *ment Act (42 U.S.C. 5116e) is amended to read as follows:*

6 **“SEC. 205. LOCAL PROGRAM REQUIREMENTS.**

7 *“(a) IN GENERAL.—Grants or contracts made by the*
8 *lead entity under this title shall be used to develop, imple-*
9 *ment, operate, expand, and enhance community-based fam-*
10 *ily strengthening services through a continuum of preven-*
11 *tive services to strengthen families and prevent child abuse*
12 *and neglect in a manner that—*

13 *“(1) helps families build protective factors that*
14 *are linked to the prevention of child abuse and neglect*
15 *to support child and family well-being, including*
16 *knowledge of parenting and child development, paren-*
17 *tal resilience, social connections, time-limited and*
18 *need-based concrete support, and social and emotional*
19 *development of children;*

20 *“(2) takes into consideration the assets and needs*
21 *of communities in which they are located; and*

22 *“(3) promotes coordination between local pro-*
23 *grams and public agencies and private entities that*
24 *promote child, parent, and family well-being.*

1 “(b) *LOCAL USES OF FUNDS.*—Grant funds from the
2 lead entity shall be used to develop, implement, operate, ex-
3 pand, and enhance community-based family strengthening
4 services designed to prevent child abuse and neglect, which
5 may include the following:

6 “(1) *assessing community assets and needs*
7 *through a planning process that—*

8 “(A) *involves other community-based orga-*
9 *nizations or agencies that have already per-*
10 *formed a needs-assessment, where possible;*

11 “(B) *includes the meaningful involvement of*
12 *parents; and*

13 “(C) *uses information and expertise from*
14 *local public agencies, local nonprofit organiza-*
15 *tions, and private sector representatives in*
16 *meaningful roles;*

17 “(2) *developing a comprehensive strategy to pro-*
18 *vide a continuum of preventive, family-centered serv-*
19 *ices to children and families that strengthen and sup-*
20 *port families to prevent child abuse and neglect, espe-*
21 *cially to young parents, to parents with young chil-*
22 *dren, to families in hard-to-reach areas, and to par-*
23 *ents who are adult former victims of domestic violence*
24 *or child abuse or neglect, through public-private part-*
25 *nerships;*

1 “(3)(A) providing for core child abuse and ne-
2 glect prevention services, which may be provided di-
3 rectly by the local recipient of the grant funds or
4 through grants or agreements with other local agen-
5 cies, such as—

6 “(i) parenting support and education
7 programs, including services that help par-
8 ents and other caregivers support children’s
9 development;

10 “(ii) mutual support and self help pro-
11 grams for parents and children;

12 “(iii) parent leadership skills develop-
13 ment programs that support parents as
14 leaders in their families and communities;

15 “(ii) respite care services;

16 “(iii) outreach and follow-up services,
17 which may include voluntary home visiting
18 services; and

19 “(iv) community and social service re-
20 ferrals; and

21 “(B) connecting individuals and families to
22 additional services, including—

23 “(i) referral to and counseling for
24 adoption services for individuals interested

1 *in adopting a child or relinquishing their*
2 *child for adoption;*

3 “(ii) *child care, early childhood care*
4 *and education, such as Head Start and*
5 *Early Head Start under the Head Start*
6 *Act (42 U.S.C. 9831 et seq.), and early*
7 *intervention services, including early inter-*
8 *vention services for infants and toddlers*
9 *with disabilities eligible for such services as*
10 *defined in section 632 of the Individuals*
11 *with Disabilities Education Act (20 U.S.C.*
12 *1432);*

13 “(iii) *referral to services and supports*
14 *to meet the additional needs of families*
15 *with children with disabilities and parents*
16 *who are individuals with disabilities;*

17 “(iv) *nutrition programs, which may*
18 *include the special supplemental nutrition*
19 *programs for women, infants, and children*
20 *established by section 17 of the Child Nutri-*
21 *tion Act of 1966 (42 U.S.C. 1786) and the*
22 *supplemental nutrition assistance program*
23 *under the Food and Nutrition Act of 2008*
24 *(7 U.S.C. 2011 et seq.);*

1 “(v) referral to educational services
2 and workforce development activities, such
3 as activities described in section 134 of the
4 Workforce Innovation and Opportunity Act
5 (29 U.S.C. 3174), adult education, includ-
6 ing literacy and academic tutoring, and ac-
7 tivities as described in section 203 of the
8 Workforce Innovation and Opportunity Act
9 (29 U.S.C. 3272);

10 “(vi) self-sufficiency and life manage-
11 ment skills training;

12 “(vii) community referral services, in-
13 cluding early developmental screening of
14 children and mental health services;

15 “(viii) peer counseling; and

16 “(ix) domestic violence service pro-
17 grams that provide services and treatment
18 to children and their non-abusing care-
19 givers;

20 “(4) developing and maintaining leadership
21 roles for the meaningful involvement of parents in the
22 development, operation, evaluation, and oversight of
23 the programs and services, including to promote ac-
24 cess to such programs and services in spaces familiar
25 to families;

1 “(5) *providing leadership in mobilizing local*
2 *public and private resources to support the provision*
3 *of needed child abuse and neglect prevention program*
4 *services; and*

5 “(6) *coordinating with public agencies and pri-*
6 *vate entities that promote child, parent, and family*
7 *well-being, including through the development of State*
8 *and local networks of programs and activities to de-*
9 *velop a continuum of preventive services to strengthen*
10 *families and to prevent child abuse and neglect, where*
11 *appropriate.*

12 “(b) *PRIORITY.—In awarding local grants under this*
13 *title, a lead entity shall give priority to effective local pro-*
14 *grams serving low-income communities and those serving*
15 *young parents or parents with young children, including*
16 *community-based child abuse and neglect prevention pro-*
17 *grams.”.*

18 **SEC. 126. PERFORMANCE MEASURES.**

19 *Section 206 of the Child Abuse Prevention and Treat-*
20 *ment Act (42 U.S.C. 5116f) is amended to read as follows:*

21 **“SEC. 206. PERFORMANCE MEASURES.**

22 *“A State receiving a grant under this title, through*
23 *reports provided to the Secretary—*

24 *“(1) shall demonstrate the effective development,*
25 *operation, and expansion of community-based family*

1 *strengthening services designed to prevent child abuse*
2 *and neglect that meets the requirements of this title;*

3 *“(2) shall supply an inventory and description*
4 *of the services provided to families by local programs*
5 *that meet identified community needs, including core*
6 *and additional services as described in section 205,*
7 *which description shall specify whether those services*
8 *are evidence-based or evidence-informed, and which*
9 *may include a description of barriers and challenges,*
10 *if any, to implementing evidence-based or evidence-in-*
11 *formed services;*

12 *“(3) shall demonstrate that the lead entity ad-*
13 *dressed unmet need identified by the inventory and*
14 *description of current services required under section*
15 *204(3) including, to the extent practicable, how the*
16 *lead entity utilized a statewide strategy to address*
17 *such unmet need;*

18 *“(4) shall describe the number of families served,*
19 *including families with children with disabilities, and*
20 *parents with disabilities, and demonstrate the in-*
21 *volvement of a diverse representation of families in*
22 *the design, operation, and evaluation of community-*
23 *based family strengthening services designed to pre-*
24 *vent child abuse and neglect, and in the design, oper-*

1 *ation and evaluation of the networks of such commu-*
2 *nity-based and prevention-focused programs;*

3 *“(5) shall demonstrate a high level of satisfaction*
4 *among families who have participated in the commu-*
5 *nity-based family strengthening services designed to*
6 *prevent child abuse and neglect;*

7 *“(6) shall demonstrate the establishment or*
8 *maintenance of innovative funding mechanisms, at*
9 *the State or local level, that blend Federal, State,*
10 *local, and private funds, and innovative, inter-*
11 *disciplinary service delivery mechanisms, for the de-*
12 *velopment, operation, expansion, and enhancement of*
13 *the community-based family strengthening services*
14 *designed to prevent child abuse and neglect;*

15 *“(7) shall describe the results of evaluation, or*
16 *the outcomes of monitoring, conducted under the State*
17 *program to demonstrate the effectiveness of activities*
18 *conducted under this title in meeting the purposes of*
19 *the program, including the number of local programs*
20 *funded and the number of such programs that collabo-*
21 *rate with outside entities; and*

22 *“(8) shall demonstrate an implementation plan*
23 *to ensure the continued leadership of parents in the*
24 *on-going planning, implementation, and evaluation*

1 *of such community-based family strengthening serv-*
 2 *ices designed to prevent child abuse and neglect.”.*

3 **SEC. 127. NATIONAL NETWORK FOR COMMUNITY-BASED**
 4 **FAMILY RESOURCE PROGRAMS.**

5 *Section 207 of the Child Abuse Prevention and Treat-*
 6 *ment Act (42 U.S.C. 5116g) is amended—*

7 (1) *in the matter preceding paragraph (1), by*
 8 *striking “such sums as may be necessary” and insert-*
 9 *ing “not more than 5 percent”; and*

10 (2) *in paragraph (3), by striking “community-*
 11 *based and prevention-focused programs and activities*
 12 *designed to strengthen and support families” and in-*
 13 *serting “community-based family strengthening serv-*
 14 *ices designed”.*

15 **SEC. 128. DEFINITIONS.**

16 *Section 208 of the Child Abuse Prevention and Treat-*
 17 *ment Act (42 U.S.C. 5116h) is amended—*

18 (1) *by redesignating paragraphs (1) and (2) as*
 19 *paragraphs (2) and (1), respectively, and transferring*
 20 *paragraph (1) as redesignated to appear before para-*
 21 *graph (2) as redesignated; and*

22 (2) *by striking paragraph (1) (as so redesign-*
 23 *ated) and inserting the following:*

24 “(1) **COMMUNITY-BASED FAMILY STRENGTH-**
 25 **ENING SERVICES.**—*The term ‘community-based fam-*

1 *ily strengthening services’ includes family resource*
2 *programs, family support programs, voluntary home*
3 *visiting programs, respite care services, parenting*
4 *education, mutual support programs for parents and*
5 *children, parent partner programs, and other commu-*
6 *nity programs or networks of such programs that pro-*
7 *vide activities that are designed to prevent child abuse*
8 *and neglect.”.*

9 **SEC. 129. RULE OF CONSTRUCTION.**

10 *(a) IN GENERAL.—Title II of the Child Abuse Preven-*
11 *tion and Treatment Act (42 U.S.C. 5116 et seq.) is amend-*
12 *ed—*

13 *(1) by redesignating section 209 as section 210;*
14 *and*

15 *(2) by inserting after section 208 the following:*

16 **“SEC. 209. RULE OF CONSTRUCTION.**

17 *“Nothing in this title shall be construed to prohibit*
18 *grandparents, kinship care providers, foster parents, or*
19 *adoptive parents from receiving or participating in services*
20 *and programs under this title.”.*

21 *(b) CONFORMING AMENDMENT.—The table of contents*
22 *in section 1(b) of the Child Abuse Prevention and Treat-*
23 *ment Act is amended by striking the item relating to section*
24 *209 and inserting the following:*

“Sec. 209. Rule of construction.

“Sec. 210. Authorization of appropriations.”.

1 **SEC. 130. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 210 of the Child Abuse Prevention and Treat-*
3 *ment Act, as redesignated by section 129 of this title, is*
4 *amended—*

5 *(1) by striking “There are” and inserting the fol-*
6 *lowing:*

7 *“(a) IN GENERAL.—There are”;*

8 *(2) by striking “to carry out” through “fiscal*
9 *year 2010” and inserting “to carry out this title*
10 *\$270,000,000 for fiscal year 2021”;*

11 *(3) by striking “2011 through 2015” and insert-*
12 *ing “2022 through 2026”; and*

13 *(4) by adding at the end the following:*

14 *“(b) TREATMENT OF NON-FEDERAL FUNDS IN CER-*
15 *TAIN FISCAL YEARS.—For any fiscal year for which the*
16 *amount appropriated under subsection (a) exceeds the*
17 *amount appropriated under such subsection for fiscal year*
18 *2019, the Secretary shall consider non-Federal funds and*
19 *in-kind contributions as part of the State contribution for*
20 *the activities specified in section 204(4).”.*

21 **SEC. 131. STUDY AND REPORT.**

22 *(a) STUDY RELATING TO NEW PREVENTION PRO-*
23 *GRAMS.—*

24 *(1) IN GENERAL.—The Comptroller General of*
25 *the United States shall complete a study, using data*
26 *reported by States to the Secretary of Health and*

1 *Human Services under section 206 of the Child Abuse*
2 *Prevention and Treatment Act (42 U.S.C. 5116f), as*
3 *amended by this title—*

4 (A) *to determine how many families and*
5 *children in the first 3 years after the date of the*
6 *enactment of this Act are served annually*
7 *through programs funded under title II of the*
8 *Child Abuse Prevention and Treatment Act (42*
9 *U.S.C. 5116 et seq.); and*

10 (B) *to compare the number of such families*
11 *and children served annually in the first 3 years*
12 *after the date of the enactment of this Act to the*
13 *number of such families and children served in*
14 *fiscal year 2020.*

15 (2) *CONTENTS.—The study required under para-*
16 *graph (1) shall include the following for each of the*
17 *first 3 years after the date of the enactment of this*
18 *Act:*

19 (A) *An examination of how many families*
20 *received evidence-based programming under title*
21 *II of the Child Abuse Prevention and Treatment*
22 *Act (42 U.S.C. 5116 et seq.).*

23 (B) *An examination of the extent to which*
24 *local programs conduct evaluations using funds*

1 *provided under such title and the findings of*
2 *such evaluations.*

3 *(C) An examination of whether findings of*
4 *effectiveness in evaluation studies vary by urban,*
5 *suburban, or rural community type.*

6 *(D) An examination of whether programs*
7 *partnering with other entities are more effective*
8 *than those that do not partner with other enti-*
9 *ties.*

10 *(E) An examination of barriers to imple-*
11 *ment evidence-based programming or to conduct*
12 *evaluations in instances where such activities do*
13 *not occur.*

14 *(b) REPORT.—Not later than 4 years after the date*
15 *of the enactment of this Act, the Comptroller General of the*
16 *United States shall submit to the Committee on Health,*
17 *Education, Labor, and Pensions of the Senate and the Com-*
18 *mittee on Education and Labor of the House of Representa-*
19 *tives a report that contains the results of the study con-*
20 *ducted under paragraph (1).*

21 ***Subtitle C—Adoption Opportunities***

22 ***SEC. 141. PURPOSE.***

23 *Section 201 of the Child Abuse Prevention and Treat-*
24 *ment and Adoption Reform Act of 1978 (42 U.S.C. 5111)*
25 *is amended—*

1 (1) *in the section heading, by striking “CON-*
 2 ***GRESSIONAL FINDINGS AND DECLARATION OF***
 3 ***PURPOSE” and inserting “PURPOSE”;***

4 (2) *by striking subsection (a); and*

5 (3) *in subsection (b)—*

6 (A) *by striking “(b) PURPOSE.—”;*

7 (B) *in the matter preceding paragraph (1),*
 8 *by inserting “sexual and gender minority youth”*
 9 *after “particularly older children, minority chil-*
 10 *dren,”; and*

11 (C) *in paragraph (1), by inserting “services*
 12 *and,” after “post-legal adoption”.*

13 **SEC. 142. REPORT AND GUIDANCE ON UNREGULATED CUS-**
 14 ***TODY TRANSFERS.***

15 *The Child Abuse Prevention and Treatment and Adop-*
 16 *tion Reform Act of 1978 (42 U.S.C. 5111 et seq.) is amended*
 17 *by inserting after section 201 the following:*

18 **“SEC. 202. REPORT AND GUIDANCE ON UNREGULATED CUS-**
 19 ***TODY TRANSFERS.***

20 “(a) *SENSE OF CONGRESS.—It is the sense of Congress*
 21 *that:*

22 “(1) *Some adopted children may be at risk of ex-*
 23 *periencing an unregulated custody transfer because*
 24 *the challenges associated with adoptions (including*
 25 *the child’s mental health needs and the difficulties*

1 *many families face in acquiring support services)*
2 *may lead families to seek out unregulated custody*
3 *transfers.*

4 “(2) *Some adopted children experience trauma,*
5 *and the disruption and placement in another home by*
6 *unregulated custody transfer creates additional trau-*
7 *ma and instability for children.*

8 “(3) *Children who experience an unregulated*
9 *custody transfer may be placed with families who*
10 *have not completed required child welfare or criminal*
11 *background checks or clearances.*

12 “(4) *Social services agencies and courts are often*
13 *unaware of the placement of children through unregu-*
14 *lated custody transfer and therefore do not conduct*
15 *assessments on the child’s safety and well-being in*
16 *such placements.*

17 “(5) *Such lack of placement oversight places a*
18 *child at risk for future abuse and increases the chance*
19 *that the child may experience—*

20 “(A) *abuse or neglect;*

21 “(B) *contact with unsafe adults or youth;*

22 *and*

23 “(C) *exposure to unsafe or isolated environ-*
24 *ments.*

1 “(6) *The caregivers with whom a child is placed*
2 *through unregulated custody transfer often have no*
3 *legal responsibility with respect to such child, placing*
4 *the child at risk for additional unregulated custody*
5 *transfers.*

6 “(7) *Such caregivers also may not have complete*
7 *records with respect to such child, including the*
8 *child’s birth, medical, or immigration records.*

9 “(8) *A child adopted through intercountry adop-*
10 *tion may be at risk of not acquiring United States*
11 *citizenship if an unregulated custody transfer occurs*
12 *before the adoptive parents complete all necessary*
13 *steps to finalize the adoption of such child.*

14 “(9) *Engaging in, or offering to engage in, un-*
15 *regulated custody transfer places children at risk of*
16 *harm.*

17 “(b) *REPORT TO CONGRESS.—*

18 “(1) *IN GENERAL.—Not later than 1 year after*
19 *the date of the enactment of this section, the Secretary*
20 *of Health and Human Services shall provide to the*
21 *Committee on Education and Labor of the House of*
22 *Representatives, the Committee on Ways and Means*
23 *of the House of Representatives, the Committee on Fi-*
24 *nance of the Senate, and the Committee on Health,*
25 *Education, Labor and Pensions of the Senate a report*

1 *on unregulated custody transfers of children, includ-*
2 *ing of adopted children.*

3 “(2) *ELEMENTS.—The report required under*
4 *paragraph (1) shall include—*

5 “(A) *the causes, methods, and characteris-*
6 *tics of unregulated custody transfers, including*
7 *the use of social media and the internet;*

8 “(B) *the effects of unregulated custody*
9 *transfers on children, including the lack of as-*
10 *essment of a child’s safety and well-being by so-*
11 *cial services agencies and courts due to such un-*
12 *regulated custody transfer;*

13 “(C) *the prevalence of unregulated custody*
14 *transfers within each State and across all States;*
15 *and*

16 “(D) *recommended policies for preventing,*
17 *identifying, and responding to unregulated cus-*
18 *tody transfers, including of adopted children,*
19 *that include—*

20 “(i) *amendments to Federal and State*
21 *law to address unregulated custody trans-*
22 *fers;*

23 “(ii) *amendments to child protection*
24 *practices to address unregulated custody*
25 *transfers; and*

1 “(iii) *methods of providing the public*
2 *information regarding adoption and child*
3 *protection.*

4 “(c) *GUIDANCE TO STATES.—*

5 “(1) *IN GENERAL.—Not later than 180 days*
6 *after the date specified in subsection (b)(1), the Sec-*
7 *retary shall issue guidance and technical assistance to*
8 *States related to preventing, identifying, and respond-*
9 *ing to unregulated custody transfers, including of*
10 *adopted children.*

11 “(2) *ELEMENTS.—The guidance required under*
12 *paragraph (1) shall include—*

13 “(A) *education materials related to pre-*
14 *venting, identifying, and responding to unregu-*
15 *lated custody transfers for employees of State,*
16 *local, and Tribal agencies that provide child wel-*
17 *fare services;*

18 “(B) *guidance on appropriate pre-adoption*
19 *education and post-adoption services for domes-*
20 *tic and international adoptive families to pro-*
21 *mote child permanency; and*

22 “(C) *the assistance available through the*
23 *National Resource Center for Special Needs*
24 *Adoption under section 203(b)(9).*

25 “(d) *DEFINITIONS.—In this section:*

1 “(1) *STATE*.—The term ‘State’ means each of the
2 *several States, the District of Columbia, and any*
3 *commonwealth, territory, or possession of the United*
4 *States.*

5 “(2) *UNREGULATED CUSTODY TRANSFER*.—The
6 *term ‘unregulated custody transfer’ means the aban-*
7 *donment of a child, by the child’s parent, legal guard-*
8 *ian, or a person or entity acting on behalf, and with*
9 *the consent, of such parent or guardian—*

10 “(A) *by placing a child with a person who*
11 *is not—*

12 “(i) *the child’s parent, step-parent,*
13 *grandparent, adult sibling, legal guardian,*
14 *or other adult relative;*

15 “(ii) *a friend of the family who is an*
16 *adult and with whom the child is familiar;*
17 *or*

18 “(iii) *a member of the Federally recog-*
19 *nized Indian tribe of which the child is also*
20 *a member;*

21 “(B) *with the intent of severing the rela-*
22 *tionship between the child and the parent or*
23 *guardian of such child; and*

24 “(C) *without—*

1 “(i) reasonably ensuring the safety of
2 the child and permanency of the placement
3 of the child, including by conducting an of-
4 ficial home study, background check, and
5 supervision; and

6 “(ii) transferring the legal rights and
7 responsibilities of parenthood or guardian-
8 ship under applicable Federal and State
9 law to a person described in subparagraph
10 (A).”.

11 **SEC. 143. INFORMATION AND SERVICES.**

12 (a) NATIONAL RESOURCE CENTER FOR SPECIAL
13 NEEDS ADOPTION.—Section 203(b)(9) of the Child Abuse
14 Prevention and Treatment and Adoption Reform Act of
15 1978 (42 U.S.C. 5113(b)(9)) is amended by inserting “not
16 later than 2 years after the date of the enactment of the
17 Human Services and Community Supports Act, establish
18 and” before “maintain”.

19 (b) PLACEMENT WITH ADOPTIVE FAMILIES.—Section
20 203(b)(11)(C) of the Child Abuse Prevention and Treatment
21 and Adoption Reform Act of 1978 (42 U.S.C.
22 5113(b)(11)(C)) is amended by striking “such children”
23 and inserting “the children and youth described in the mat-
24 ter preceding paragraph (1) of section 201”.

1 (c) *PRE-ADOPTION SERVICES*.—Section 203(c)(1) of
2 *the Child Abuse Prevention and Treatment and Adoption*
3 *Reform Act of 1978 (42 U.S.C. 5113(c)(1)) is amended by*
4 *striking “post” and inserting “pre- and post-”.*

5 (d) *SERVICES*.—Section 203(c)(2) of the *Child Abuse*
6 *Prevention and Treatment and Adoption Reform Act of*
7 *1978 (42 U.S.C. 5113(c)(2)) is amended by inserting “and*
8 *the development of such services,” after “not supplant, serv-*
9 *ices”.*

10 (e) *ELIMINATION OF BARRIERS TO ADOPTION ACROSS*
11 *JURISDICTIONAL BOUNDARIES*.—Section 203(e)(1) of the
12 *Child Abuse Prevention and Treatment and Adoption Re-*
13 *form Act of 1978 (42 U.S.C. 5113(e)(1)) is amended—*

14 (1) *by striking “with, States,” and inserting*
15 *“with States, Indian Tribes,”; and*

16 (2) *by inserting “, including through the use of*
17 *web-based tools such as the electronic interstate case-*
18 *processing system referred to in section 437(g) of the*
19 *Social Security Act (42 U.S.C. 629g(g))” before the*
20 *period at the end.*

21 **SEC. 144. STUDY AND REPORT ON SUCCESSFUL ADOPT-**
22 **TIONS.**

23 Section 204 of the *Child Abuse Prevention and Treat-*
24 *ment and Adoption Reform Act of 1978 (42 U.S.C. 5114)*
25 *is amended to read as follows:*

1 **“SEC. 204. STUDY AND REPORT ON SUCCESSFUL ADOP-**
2 **TIONS.**

3 “(a) *STUDY.*—*The Secretary shall conduct a study (di-*
4 *rectly or by grant to, or contract with, public or private*
5 *nonprofit research agencies or organizations) on adoption*
6 *outcomes and the factors (including parental substance use*
7 *disorder) affecting those outcomes.*

8 “(b) *REPORT.*—*Not later than the date that is 36*
9 *months after the date of the enactment of the Human Serv-*
10 *ices and Community Supports Act the Secretary shall sub-*
11 *mit a report to Congress that includes the results of the*
12 *study required under subsection (a).”*

13 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

14 *Section 205(a) of the Child Abuse Prevention and*
15 *Treatment and Adoption Reform Act of 1978 (42 U.S.C.*
16 *5115(a)) is amended—*

17 *(1) by striking “fiscal year 2010” and inserting*
18 *“fiscal year 2021”; and*

19 *(2) by striking “fiscal years 2011 through 2015”*
20 *and inserting “fiscal years 2022 through 2026”.*

21 ***Subtitle D—Amendments to Other***
22 ***Laws***

23 **SEC. 151. TECHNICAL AND CONFORMING AMENDMENTS TO**
24 **OTHER LAWS.**

25 *(a) HEAD START ACT.*—*Section 658E(c)(2)(L) of the*
26 *Head Start Act (42 U.S.C. 9858c(c)(2)(L)) is amended by*

1 striking “will comply with the child abuse reporting re-
 2 quirements of section 106(b)(2)(B)(i) of the Child Abuse
 3 Prevention and Treatment Act (42 U.S.C.
 4 5106a(b)(2)(B)(i))” and inserting “will comply with the
 5 child abuse reporting requirements of section
 6 106(b)(2)(A)(i) of the Child Abuse Prevention and Treat-
 7 ment Act (42 U.S.C. 5106a(b)(2)(A)(i))”.

8 (b) VICTIMS OF CRIME ACT OF 1984.—Section 1404A
 9 of the Victims of Crime Act of 1984 (34 U.S.C. 20104) is
 10 amended by striking “section 109” and inserting “section
 11 107”.

12 **TITLE II—CHILD NUTRITION**
 13 **AND THE SPECIAL SUPPLE-**
 14 **MENTAL NUTRITION PRO-**
 15 **GRAM FOR WOMEN, INFANTS,**
 16 **AND CHILDREN**

17 **SEC. 201. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
 18 **GRAMS DURING COVID-19 PANDEMIC.**

19 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
 20 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
 21 PROGRAMS.—

22 (1) IN GENERAL.—

23 (A) REQUIRED ALLOTMENTS.—Notwith-
 24 standing any other provision of law, the Sec-
 25 retary shall allocate to each State that partici-

1 *pates in the reimbursement program under para-*
2 *graph (3) such amounts as may be necessary to*
3 *carry out reimbursements under such paragraph*
4 *for each reimbursement month, including, subject*
5 *to paragraph (4)(B), administrative expenses*
6 *necessary to make such reimbursements.*

7 *(B) GUIDANCE WITH RESPECT TO PRO-*
8 *GRAM.—Not later than 10 days after the date of*
9 *the enactment of this section, the Secretary shall*
10 *issue guidance with respect to the reimbursement*
11 *program under paragraph (3).*

12 *(2) REIMBURSEMENT PROGRAM APPLICATION.—*
13 *To participate in the reimbursement program under*
14 *paragraph (3), not later than 30 days after the date*
15 *described in paragraph (1), a State shall submit an*
16 *application to the Secretary that includes a plan to*
17 *calculate and disburse reimbursements under the re-*
18 *imbursement program under paragraph (3).*

19 *(3) REIMBURSEMENT PROGRAM.—Using the*
20 *amounts allocated under paragraph (1)(A), a State*
21 *participating in the reimbursement program under*
22 *this paragraph shall make reimbursements for emer-*
23 *gency operational costs for each reimbursement month*
24 *as follows:*

1 (A) For each new school food authority in
2 the State for the reimbursement month, an
3 amount equal to 55 percent of the amount equal
4 to—

5 (i) the average monthly amount such
6 new school food authority was reimbursed
7 under the reimbursement sections for meals
8 and supplements served by such new school
9 food authority during the alternate period;
10 minus

11 (ii) the amount such new school food
12 authority was reimbursed under the reim-
13 bursement sections for meals and supple-
14 ments served by such new school food au-
15 thority during such reimbursement month.

16 (B) For each school food authority not de-
17 scribed in subparagraph (A) in the State for the
18 reimbursement month, an amount equal to 55
19 percent of—

20 (i) the amount such school food author-
21 ity was reimbursed under the reimburse-
22 ment sections for meals and supplements
23 served by such school food authority for the
24 month beginning one year before such reim-
25 bursement month; minus

1 (ii) the amount such school food au-
2 thority was reimbursed under the reim-
3 bursement sections for meals and supple-
4 ments served by such school food authority
5 during such reimbursement month.

6 (4) TREATMENT OF FUNDS.—

7 (A) AVAILABILITY.—Funds allocated to a
8 State under paragraph (1)(A) shall remain
9 available until June 30, 2021.

10 (B) ADMINISTRATIVE EXPENSES.—A State
11 may reserve not more than 1 percent of the funds
12 allocated under paragraph (1)(A) for adminis-
13 trative expenses to carry out this subsection.

14 (C) UNEXPENDED BALANCE.—On December
15 31, 2021, any amounts allocated to a State
16 under paragraph (1)(A) or reimbursed to a
17 school food authority or new school food author-
18 ity under paragraph (3) that are unexpended by
19 such State, school food authority, or new school
20 food authority shall revert to the Secretary.

21 (5) REPORTS.—Each State that carries out a re-
22 imbursement program under paragraph (3) shall, not
23 later than December 31, 2021, submit a report to the
24 Secretary that includes a summary of the use of such

1 *funds by the State and each school food authority and*
2 *new school food authority in such State.*

3 *(b) USE OF CERTAIN APPROPRIATIONS TO COVER*
4 *CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE*
5 *OPERATIONAL EMERGENCY COSTS DURING COVID-19*
6 *PANDEMIC.—*

7 *(1) IN GENERAL.—*

8 *(A) REQUIRED ALLOTMENTS.—Notwith-*
9 *standing any other provision of law, the Sec-*
10 *retary shall allocate to each State that partici-*
11 *pates in the reimbursement program under para-*
12 *graph (3) such amounts as may be necessary to*
13 *carry out reimbursements under such paragraph*
14 *for each reimbursement month, including, subject*
15 *to paragraph (4)(C), administrative expenses*
16 *necessary to make such reimbursements.*

17 *(B) GUIDANCE WITH RESPECT TO PRO-*
18 *GRAM.—Not later than 10 days after the date of*
19 *the enactment of this section, the Secretary shall*
20 *issue guidance with respect to the reimbursement*
21 *program under paragraph (3).*

22 *(2) REIMBURSEMENT PROGRAM APPLICATION.—*
23 *To participate in the reimbursement program under*
24 *paragraph (3), not later than 30 days after the date*
25 *described in paragraph (1), a State shall submit an*

1 *application to the Secretary that includes a plan to*
2 *calculate and disburse reimbursements under the re-*
3 *imbursement program under paragraph (3).*

4 (3) *REIMBURSEMENT AMOUNT.—Using the*
5 *amounts allocated under paragraph (1)(A), a State*
6 *participating in the reimbursement program under*
7 *this paragraph shall make reimbursements for child*
8 *care operational emergency costs for each reimburse-*
9 *ment month as follows:*

10 (A) *For each new covered institution in the*
11 *State for the reimbursement month, an amount*
12 *equal to 55 percent of—*

13 (i) *the average monthly amount such*
14 *covered institution was reimbursed under*
15 *subsection (c) and subsection (f) of section*
16 *17 of the Richard B. Russell National*
17 *School Lunch Act (42 U.S.C. 1766) for*
18 *meals and supplements served by such new*
19 *covered institution during the alternate pe-*
20 *riod; minus*

21 (ii) *the amount such covered institu-*
22 *tion was reimbursed under such section for*
23 *meals and supplements served by such new*
24 *covered institution during such reimburse-*
25 *ment month.*

1 (B) For each covered institution not de-
2 scribed in subparagraph (A) in the State for the
3 reimbursement month, an amount equal to 55
4 percent of—

5 (i) the amount such covered institution
6 was reimbursed under subsection (c) and
7 subsection (f) of section 17 of the Richard
8 B. Russell National School Lunch Act (42
9 U.S.C. 1766) for meals and supplements
10 served by such covered institution during
11 the month beginning one year before such
12 reimbursement month; minus

13 (ii) the amount such covered institu-
14 tion was reimbursed under such section for
15 meals and supplements served by such cov-
16 ered institution during such reimbursement
17 month.

18 (C) For each new sponsoring organization
19 of a family or group day care home in the State
20 for the reimbursement month, an amount equal
21 to 55 percent of—

22 (i) the average monthly amount such
23 new sponsoring organization of a family or
24 group day care home was reimbursed under
25 section 17(f)(3)(B) of the Richard B. Russell

1 *National School Lunch Act (42 U.S.C.*
2 *1766(f)(3)(B)) for administrative funds for*
3 *the alternate period; minus*

4 *(ii) the amount such new sponsoring*
5 *organization of a family or group day care*
6 *home was reimbursed under such section for*
7 *administrative funds for the reimbursement*
8 *month.*

9 *(D) For each sponsoring organization of a*
10 *family or group day care home not described in*
11 *subparagraph (C) in the State for the reimburse-*
12 *ment month, an amount equal to 55 percent of—*

13 *(i) the amount such sponsoring organi-*
14 *zation of a family or group day care home*
15 *was reimbursed under section 17(f)(3)(B) of*
16 *the Richard B. Russell National School*
17 *Lunch Act (42 U.S.C. 1766(f)(3)(B)) for ad-*
18 *ministrative funds for the month beginning*
19 *one year before such reimbursement month;*
20 *minus*

21 *(ii) the amount such sponsoring orga-*
22 *nization of a family or group day care*
23 *home was reimbursed under such section for*
24 *administrative funds for such reimburse-*
25 *ment month.*

1 (4) *TREATMENT OF FUNDS.*—

2 (A) *AVAILABILITY.*—*Funds allocated to a*
3 *State under paragraph (1)(A) shall remain*
4 *available until June 30, 2021.*

5 (B) *UNAFFILIATED CENTER.*—*In the case of*
6 *a covered institution or a new covered institu-*
7 *tion that is an unaffiliated center that is spon-*
8 *sored by a sponsoring organization and receives*
9 *funds for a reimbursement month under sub-*
10 *paragraph (A) or (B), such unaffiliated center*
11 *shall provide to such sponsoring organization an*
12 *amount of such funds as agreed to by the spon-*
13 *soring organization and the unaffiliated center,*
14 *except such amount may not be greater be than*
15 *15 percent of such funds.*

16 (C) *ADMINISTRATIVE EXPENSES.*—*A State*
17 *may reserve not more than 1 percent of the funds*
18 *allocated under paragraph (1)(A) for adminis-*
19 *trative expenses to carry out this subsection.*

20 (D) *UNEXPENDED BALANCE.*—*On December*
21 *31, 2021, any amounts allocated to a State*
22 *under paragraph (1)(A) or reimbursed to a new*
23 *covered institution, covered institution, new*
24 *sponsoring organization of a family or group*
25 *day care home, or sponsoring organization of a*

1 *family or group day care home that are unex-*
2 *pected by such State, new covered institution,*
3 *covered institution, new sponsoring organization*
4 *of a family or group day care home, or spon-*
5 *soring organization of a family or group day*
6 *care home, shall revert to the Secretary.*

7 (5) *REPORTS.*—*Each State that carries out a re-*
8 *imbursement program under paragraph (3) shall, not*
9 *later than December 31, 2021, submit a report to the*
10 *Secretary that includes a summary of the use of such*
11 *funds by the State and each new covered institution,*
12 *covered institution, new sponsoring organization of a*
13 *family or group day care home, or sponsoring organi-*
14 *zation of a family or group day care home.*

15 (c) *FUNDING.*—*There are hereby appropriated to the*
16 *Secretary, out of any funds in the Treasury not otherwise*
17 *appropriated, such sum as may be necessary to carry out*
18 *this section.*

19 (d) *DEFINITIONS.*—*In this section:*

20 (1) *ALTERNATE PERIOD.*—*The term “alternate*
21 *period” means the period beginning January 1, 2020*
22 *and ending February 29, 2020.*

23 (2) *EMERGENCY OPERATIONAL COSTS.*—*The*
24 *term “emergency operational costs” means the costs*

1 *incurred by a school food authority or new school food*
2 *authority—*

3 *(A) during a public health emergency;*

4 *(B) that are related to the ongoing oper-*
5 *ation, modified operation, or temporary suspen-*
6 *sion of operation (including administrative*
7 *costs) of such school food authority or new school*
8 *food authority; and*

9 *(C) except as provided under subsection (a),*
10 *that are not reimbursed under a Federal grant.*

11 *(3) CHILD CARE OPERATIONAL EMERGENCY*
12 *COSTS.—The term “child care operational emergency*
13 *costs” means the costs under the child and adult care*
14 *food program under section 17 of the Richard B. Rus-*
15 *sell National School Lunch Act (42 U.S.C. 1766) in-*
16 *curred by a new covered institution, covered institu-*
17 *tion, new sponsoring organization of a family or*
18 *group day care home, or sponsoring organization of*
19 *a family or group day care home—*

20 *(A) during a public health emergency;*

21 *(B) that are related to the ongoing oper-*
22 *ation, modified operation, or temporary suspen-*
23 *sion of operation (including administrative*
24 *costs) of such new covered institution, covered in-*
25 *stitution, new sponsoring organization of a fam-*

1 *ily or group day care home, sponsoring organi-*
2 *zation of a family or group day care home, or*
3 *sponsoring organization of an unaffiliated cen-*
4 *ter; and*

5 *(C) except as provided under subsection (b),*
6 *that are not reimbursed under a Federal grant.*

7 *(4) COVERED INSTITUTION.—The term “covered*
8 *institution” means—*

9 *(A) an institution (as defined in section*
10 *17(a)(2) of the Richard B. Russell National*
11 *School Lunch Act (42 U.S.C. 1766(a)(2))); and*

12 *(B) a family or group day care home.*

13 *(5) NEW COVERED INSTITUTION.—The term*
14 *“new covered institution” means a covered institution*
15 *for which no reimbursements were made for meals*
16 *and supplements under section 17(c) or (f) of the*
17 *Richard B. Russell National School Lunch Act (42*
18 *U.S.C. 1766) with respect to the previous reimburse-*
19 *ment period.*

20 *(6) NEW SCHOOL FOOD AUTHORITY.—The term*
21 *“new school food authority” means a school food au-*
22 *thority for which no reimbursements were made under*
23 *the reimbursement sections with respect to the pre-*
24 *vious reimbursement period.*

1 (7) *NEW SPONSORING ORGANIZATION OF A FAM-*
2 *ILY OR GROUP DAY CARE.*—*The term “new sponsoring*
3 *organization of a family or group day care” means*
4 *a sponsoring organization of a family or group day*
5 *care home for which no reimbursements for adminis-*
6 *trative funds were made under section 17(f)(3)(B) of*
7 *the Richard B. Russell National School Lunch Act*
8 *(42 U.S.C. 1766(f)(3)(B)) for the previous reimburse-*
9 *ment period.*

10 (8) *PREVIOUS REIMBURSEMENT PERIOD.*—*The*
11 *term “previous reimbursement period” means the pe-*
12 *riod beginning March 1, 2019 and ending June 30,*
13 *2019.*

14 (9) *PUBLIC HEALTH EMERGENCY.*—*The term*
15 *“public health emergency” means a public health*
16 *emergency declared pursuant to section 319 of the*
17 *Public Health Service Act (42 U.S.C. 247d) resulting*
18 *from the COVID–19 pandemic.*

19 (10) *REIMBURSEMENT MONTH.*—*The term “re-*
20 *imbursement month” means March 2020, April 2020,*
21 *May 2020, and June 2020.*

22 (11) *REIMBURSEMENT SECTIONS.*—*The term*
23 *“reimbursement sections” means—*

24 (A) *section 4(b), section 11(a)(2), section*
25 *13, and section 17A(c) of the Richard B. Russell*

1 *National School Lunch Act (42 U.S.C. 1753(b);*
2 *42 U.S.C. 1759a(a)(2); 42 U.S.C. 1761; 42*
3 *U.S.C. 1766a(c)); and*

4 *(B) section 4 of the Child Nutrition Act (42*
5 *U.S.C. 1773).*

6 (12) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of Agriculture.*

8 (13) *STATE.*— *The term “State” has the mean-*
9 *ing given such term in section 12(d)(8) of the Richard*
10 *B. Russell National School Lunch Act (42 U.S.C.*
11 *1760(d)(8)).*

12 **SEC. 202. FRESH PRODUCE FOR KIDS IN NEED.**

13 *Section 2202(f)(1) of the Families First Coronavirus*
14 *Response Act (42 U.S.C. 1760 note) is amended by adding*
15 *at the end the following:*

16 *“(E) The fresh fruit and vegetable program*
17 *under section 19 of the Richard B. Russell Na-*
18 *tional School Lunch Act (42 U.S.C. 1769a).”.*

19 **SEC. 203. WIC BENEFIT FLEXIBILITY DURING COVID-19.**

20 (a) *IN GENERAL.*—

21 (1) *AUTHORITY TO INCREASE AMOUNT OF CASH-*
22 *VALUE VOUCHER.*—*During the COVID-19 public*
23 *health emergency declared under section 319 of the*
24 *Public Health Service Act (42 U.S.C. 247d) and in*
25 *response to challenges related to such public health*

1 *emergency, the Secretary may increase the amount of*
2 *a cash-value voucher under a qualified food package*
3 *to an amount less than or equal to \$35.*

4 (2) *APPLICATION OF INCREASED AMOUNT OF*
5 *CASH-VALUE VOUCHER TO STATE AGENCIES.—*

6 (A) *NOTIFICATION.—An increase to the*
7 *amount of a cash-value voucher under paragraph*
8 *(1) shall apply to any State agency that notifies*
9 *the Secretary of the intent to use such an in-*
10 *creased amount, without further application.*

11 (B) *USE OF INCREASED AMOUNT.—A State*
12 *agency that notifies the Secretary under sub-*
13 *paragraph (A) may use or not use the increased*
14 *amount described in such subparagraph during*
15 *the period beginning on the date of the notifica-*
16 *tion by the State agency under such subpara-*
17 *graph and ending on the date that is 120 days*
18 *after the date of the enactment of this section.*

19 (3) *APPLICATION PERIOD.—An increase to the*
20 *amount of a cash-value voucher under paragraph (1)*
21 *may only apply during the period beginning on the*
22 *date of the enactment of this section and ending on*
23 *January 31, 2021.*

24 (4) *SUNSET.—The authority to make an increase*
25 *to the amount of a cash-value voucher under para-*

1 *graph (1) or to use such an increased amount under*
2 *paragraph (2)(B) shall terminate on the date that is*
3 *120 days after the date of the enactment of this sec-*
4 *tion.*

5 *(b) DEFINITIONS.—*

6 *(1) CASH-VALUE VOUCHER.—The term “cash-*
7 *value voucher” has the meaning given the term in sec-*
8 *tion 246.2 of title 7, Code of Federal Regulations.*

9 *(2) QUALIFIED FOOD PACKAGE.—The term*
10 *“qualified food package” means the following food*
11 *packages under section 246.10(e) of title 7, Code of*
12 *Federal Regulations:*

13 *(A) Food Package IV—Children 1 through 4*
14 *years.*

15 *(B) Food Package V—Pregnant and par-*
16 *tially (mostly) breastfeeding women.*

17 *(C) Food Package VI—Postpartum women.*

18 *(D) Food Package VII—Fully breastfeeding.*

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

21 *(4) STATE AGENCY.—The term “State agency”*
22 *has the meaning given the term in section 17(b) of the*
23 *Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).*

1 **SEC. 204. COVID-19 WIC SAFETY AND MODERNIZATION.**

2 (a) *ESTABLISHMENT OF TASK FORCE.*—Not later than
3 90 days after the date of the enactment of this section, the
4 Secretary shall establish a task force on supplemental foods
5 delivery in the special supplemental nutrition program (in
6 this section referred to as the “Task Force”).

7 (b) *MEMBERSHIP.*—

8 (1) *COMPOSITION.*—The Task Force shall be com-
9 posed of at least 1 member but not more than 3 mem-
10 bers appointed by the Secretary from each of the fol-
11 lowing:

12 (A) *Retailers of supplemental foods.*

13 (B) *Representatives of State agencies.*

14 (C) *Representatives of Indian State agen-*
15 *cies.*

16 (D) *Representatives of local agencies.*

17 (E) *Technology companies with experience*
18 *maintaining the special supplemental nutrition*
19 *program information systems and technology,*
20 *including management information systems or*
21 *electronic benefit transfer services.*

22 (F) *Manufacturers of supplemental foods.*

23 (G) *Participants in the special supple-*
24 *mental nutrition program from diverse locations.*

1 (H) *Other organizations that have experi-*
2 *ence with and knowledge of the special supple-*
3 *mental nutrition program.*

4 (2) *LIMITATION ON MEMBERSHIP.—The Task*
5 *Force shall be composed of not more than 20 members.*

6 (c) *DUTIES.—*

7 (1) *STUDY.—The Task Force shall study meas-*
8 *ures to streamline the redemption of supplemental*
9 *foods benefits that promote convenience, safety, and*
10 *equitable access to supplemental foods, including in-*
11 *fant formula, for participants in the special supple-*
12 *mental nutrition program, including—*

13 (A) *online and telephonic ordering and*
14 *curbside pickup of, and payment for, supple-*
15 *mental foods;*

16 (B) *online and telephonic purchasing of*
17 *supplemental foods;*

18 (C) *home delivery of supplemental foods;*

19 (D) *self checkout for purchases of supple-*
20 *mental foods; and*

21 (E) *other measures that limit or eliminate*
22 *consumer presence in a physical store.*

23 (2) *REPORT BY TASK FORCE.—Not later than*
24 *September 30, 2021, the Task Force shall submit to*
25 *the Secretary a report that includes—*

1 (A) *the results of the study required under*
2 *paragraph (1); and*

3 (B) *recommendations with respect to such*
4 *results.*

5 (3) *REPORT BY SECRETARY.—Not later than 45*
6 *days after receiving the report required under para-*
7 *graph (2), the Secretary shall—*

8 (A) *submit to Congress a report that in-*
9 *cludes—*

10 (i) *a plan with respect to carrying out*
11 *the recommendations received by the Sec-*
12 *retary in such report under paragraph (2);*
13 *and*

14 (ii) *an assessment of whether legisla-*
15 *tive changes are necessary to carry out such*
16 *plan; and*

17 (B) *notify the Task Force of the submission*
18 *of the report required under subparagraph (A).*

19 (4) *PUBLICATION.—The Secretary shall make*
20 *publicly available on the website of the Department of*
21 *Agriculture—*

22 (A) *the report received by the Secretary*
23 *under paragraph (2); and*

24 (B) *the report submitted by the Secretary*
25 *under paragraph (3)(A).*

1 (d) *TERMINATION.*—*The Task Force shall terminate on*
2 *the date the Secretary submits the report required under*
3 *paragraph (3)(A).*

4 (e) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
5 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
6 *Task Force.*

7 (f) *DEFINITIONS.*—*In this section:*

8 (1) *LOCAL AGENCY.*—*The term “local agency”*
9 *has the meaning given the term in section 17(b) of the*
10 *Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).*

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

13 (3) *SPECIAL SUPPLEMENTAL NUTRITION PRO-*
14 *GRAM.*—*The term “special supplemental nutrition*
15 *program” means the special supplemental nutrition*
16 *program under section 17 of the Child Nutrition Act*
17 *of 1966 (42 U.S.C. 1786).*

18 (4) *STATE AGENCY.*—*The term “State agency”*
19 *has the meaning given the term in section 17(b) of the*
20 *Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).*

21 (5) *SUPPLEMENTAL FOODS.*—*The term “supple-*
22 *mental foods” has the meaning given the term in sec-*
23 *tion 17(b) of the Child Nutrition Act of 1966 (42*
24 *U.S.C. 1786(b)).*

1 **SEC. 205. SERVING YOUTH IN THE CHILD AND ADULT CARE**
2 **FOOD PROGRAM AT EMERGENCY SHELTERS.**

3 (a) *PROGRAM FOR AT-RISK SCHOOL CHILDREN.*—Be-
4 ginning on the date of the enactment of this section, not-
5 withstanding paragraph (1)(A) of section 17(r) of the Rich-
6 ard B. Russell National School Lunch Act (42 U.S.C.
7 1766(r)), during the COVID–19 public health emergency
8 declared under section 319 of the Public Health Service Act
9 (42 U.S.C. 247d), the Secretary shall reimburse institutions
10 that are emergency shelters under such section 17(r) (42
11 U.S.C. 1766(r)) for meals and supplements served to indi-
12 viduals who at the time of such service have not attained
13 the age of 25.

14 (b) *PARTICIPATION BY EMERGENCY SHELTERS.*—Be-
15 ginning on the date of the enactment of this section, not-
16 withstanding paragraph (5)(A) section 17(t) of the Richard
17 B. Russell National School Lunch Act (42 U.S.C. 1766(t)),
18 during the COVID–19 public health emergency declared
19 under section 319 of the Public Health Service Act (42
20 U.S.C. 247d), the Secretary shall reimburse emergency shel-
21 ters under such section 17(t) (42 U.S.C. 1766(t)) for meals
22 and supplements served to individuals who at the time of
23 such service have not attained the age of 25.

24 (c) *FUNDING.*—There are hereby appropriated to the
25 Secretary, out of any funds in the Treasury not otherwise

1 *appropriated, such sum as may be necessary to carry out*
2 *this section.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *EMERGENCY SHELTER.—The term “emer-*
5 *gency shelter” has the meaning given the term under*
6 *section 17(t)(1) of the Richard B. Russell National*
7 *School Lunch Act (42 U.S.C. 1766(t)(1)).*

8 (2) *SECRETARY.—The term “Secretary” means*
9 *the Secretary of Agriculture.*

10 **SEC. 206. CALCULATION OF PAYMENTS AND REIMBURSE-**
11 **MENTS FOR CERTAIN CHILD NUTRITION PRO-**
12 **GRAMS.**

13 (a) *RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH*
14 *ACT.—*

15 (1) *COMMODITY ASSISTANCE.—Notwithstanding*
16 *any other provision of law, for purposes of providing*
17 *commodity assistance to a State under section*
18 *6(c)(1)(C) of the Richard B. Russell National School*
19 *Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assist-*
20 *ance in lieu of such commodity assistance under sec-*
21 *tion 16 of such Act (42 U.S.C. 1765) the Secretary*
22 *shall deem the number of lunches served by school food*
23 *authorities in such State during the 2020 period to*
24 *be equal to the greater of the following:*

1 (A) *The number of lunches served by such*
2 *school food authorities in such State during the*
3 *2019 period.*

4 (B) *The number of lunches served by such*
5 *school food authorities in such State during the*
6 *2020 period.*

7 (2) *SPECIAL ASSISTANCE PAYMENTS.—Notwith-*
8 *standing any other provision of law, in determining*
9 *the number of meals served by a school for purposes*
10 *of making special assistance payments to a State*
11 *with respect to a school under subparagraph (B),*
12 *clause (ii) or (iii) of subparagraph (C), or subpara-*
13 *graph (E)(i)(II) of section 11(a)(1) of the Richard B.*
14 *Russell National School Lunch Act (42 U.S.C.*
15 *1759a(a)(1)), the Secretary shall deem the number of*
16 *meals served by such school during the 2020 period to*
17 *be equal to the greater of the following:*

18 (A) *The number of meals served by such*
19 *school during the 2019 period.*

20 (B) *The number of meals served by such*
21 *school during the 2020 period.*

22 (b) *CHILD NUTRITION ACT OF 1966.—*

23 (1) *STATE ADMINISTRATIVE EXPENSES.—Not-*
24 *withstanding any other provision of law, for purposes*
25 *of making payments to a State under section 7(a) of*

1 *the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)),*
2 *the Secretary shall deem the number of meals and*
3 *supplements served by such school food authorities in*
4 *such State during the 2020 period to be equal to the*
5 *greater of the following:*

6 (A) *The number of meals and supplements*
7 *served by such school food authorities in such*
8 *State during the 2019 period.*

9 (B) *The number of meals and supplements*
10 *served by such school food authorities in such*
11 *State during the 2020 period.*

12 (2) *TEAM NUTRITION NETWORK.—Notwith-*
13 *standing any other provision of law, for purposes of*
14 *making allocations to a State under section 19(d) of*
15 *the Child Nutrition Act of 1966 (42 U.S.C. 1788(d)),*
16 *the Secretary shall deem the number of lunches served*
17 *by school food authorities in such State during the*
18 *2020 period to be equal to the greater of the following:*

19 (A) *The number of lunches served by such*
20 *school food authorities in such State during the*
21 *2019 period.*

22 (B) *The number of lunches served by such*
23 *school food authorities in such State during the*
24 *2020 period.*

25 (c) *DEFINITIONS.—In this section:*

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

3 (2) *2019 PERIOD.*—*The term “2019 period”*
4 *means the period beginning March 1, 2019 and end-*
5 *ing June 30, 2019.*

6 (3) *2020 PERIOD.*—*The term “2020 period”*
7 *means the period beginning March 1, 2020 and end-*
8 *ing June 30, 2020.*

9 **SEC. 207. REPORTING ON WAIVER AUTHORITY.**

10 (a) *APPLICATION TO DOCUMENTS RECEIVED OR*
11 *ISSUED ON OR AFTER DATE OF ENACTMENT.*—*Beginning*
12 *on the date of the enactment of this section, not later than*
13 *10 days after the date of the receipt or issuance of each*
14 *document specified in paragraph (1), (2), or (3) of this sub-*
15 *section, the Secretary of Agriculture shall make publicly*
16 *available on the website of the Department of Agriculture*
17 *the following documents:*

18 (1) *Any request submitted by State agencies for*
19 *a qualified waiver.*

20 (2) *The Secretary’s approval or denial of each*
21 *such request.*

22 (3) *Any guidance issued by the Secretary with*
23 *respect to a qualified waiver.*

24 (b) *INCLUSION OF DATE WITH GUIDANCE.*—*With re-*
25 *spect to the guidance described in subsection (a)(3), the Sec-*

1 *retary of Agriculture shall include the date on which such*
2 *guidance was issued on the publicly available website of the*
3 *Department of Agriculture on such guidance.*

4 *(c) APPLICATION RECEIVED OR ISSUED BEFORE DATE*
5 *OF ENACTMENT.—In the case of a document specified in*
6 *paragraph (1), (2), or (3) of subsection (a) received or*
7 *issued by the Secretary of Agriculture before the date of the*
8 *enactment of this section, the Secretary of Agriculture shall,*
9 *not later than 30 days after the date of the enactment of*
10 *this section, make publicly available on the website of the*
11 *Department of Agriculture—*

12 *(1) the documents described in paragraphs (1)*
13 *through (3) of subsection (a) with respect to each re-*
14 *ceived or issued document; and*

15 *(2) if the Secretary issued guidance with respect*
16 *to a qualified waiver issued before the date of the en-*
17 *actment of this section, the date on which such guid-*
18 *ance was issued.*

19 *(d) QUALIFIED WAIVER DEFINED.—In this section, the*
20 *term “qualified waiver” means a waiver under section*
21 *2102, 2202, 2203, or 2204 of the Families First*
22 *Coronavirus Response Act (Public Law 116–127).*

1 **TITLE III—RELATED PROGRAMS**

2 **SEC. 301. COMMUNITY SERVICES BLOCK GRANT ENHANCE-**
3 **MENT ACT OF 2020.**

4 (a) *DISTRIBUTION OF CARES ACT FUNDS TO*
5 *STATES.*—Section 675B(b)(3) of the Community Services
6 Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply
7 with respect to funds appropriated by the CARES Act
8 (Public Law 116–136) to carry out the Community Services
9 Block Grant Act (42 U.S.C. 9901 et seq.).

10 (b) *INCREASED POVERTY LINE.*—For purposes of car-
11 rying out the Community Services Block Grant Act (42
12 U.S.C. 9901 et seq.) with any funds appropriated for fiscal
13 year 2021 for such Act, the term “poverty line” as defined
14 in section 673(2) of such Act (42 U.S.C. 9902(2)) means
15 200 percent of the poverty line otherwise applicable under
16 such section (excluding the last sentence of such section)
17 without regard to this subsection.

18 (c) *DISTRIBUTION OF CARES ACT FUNDS BY STATES*
19 *TO ELIGIBLE ENTITIES.*—Funds appropriated by the
20 CARES Act (Public Law 116–136) to carry out the Com-
21 munity Services Block Grant Act (42 U.S.C. 9901 et seq.)
22 and received by a State shall be made available to eligible
23 entities (as defined in section 673(1)(A) of such Act (42
24 U.S.C. 9902(1)(A))) not later than either 30 days after such

1 *State receives such funds or 30 days after the date of the*
2 *enactment of this Act, whichever occurs later.*

3 **SEC. 302. FLEXIBILITY FOR THE RUNAWAY AND HOMELESS**
4 **YOUTH PROGRAM.**

5 *During the public health emergency declared by the*
6 *Secretary of Health and Human Services under section 319*
7 *of the Public Health Service Act (42 U.S.C. 247d) on Janu-*
8 *ary 31, 2020, with respect to COVID–19, and any renewal*
9 *of such declaration, the Secretary may waive with respect*
10 *to a current or future grantee of funds provided to carry*
11 *out the Runaway and Homeless Youth Act (42 U.S.C.*
12 *11201 et seq.)—*

13 *(1) the 21-day maximum period for which shel-*
14 *ter may be provided applicable under section*
15 *311(a)(2)(B)(i) of such Act (34 U.S.C.*
16 *11211(a)(2)(B)(i));*

17 *(2) the 20-youth maximum capacity of a center*
18 *or facility applicable under section 312(b)(2)(A) of*
19 *such Act (34 U.S.C. 11212(b)(2)(A)) if such grantee*
20 *provides an assurance that waiving such requirement*
21 *would not compromise the health and safety of youth*
22 *or staff and would not compromise such grantee’s*
23 *ability to implement the applicable guidance issued*
24 *by the Centers for Disease Control and Prevention to*
25 *mitigate the spread of COVID–19, including the im-*

1 *plementation of appropriate social distancing meas-*
2 *ures;*

3 *(3) the 540-day and 635-day maximum contin-*
4 *uous periods for which shelter and services may be*
5 *provided applicable under section 322(a)(2) of such*
6 *Act (34 U.S.C. 11222(a)(2));*

7 *(4) the 20-individual maximum capacity of a*
8 *shelter or facility applicable under section 322(a)(4)*
9 *of such Act (34 U.S.C. 11222(a)(4)) if such grantee*
10 *provides an assurance that waiving such requirement*
11 *would not compromise the health and safety of youth*
12 *or staff and would not compromise such grantee's*
13 *ability to implement the applicable guidance issued*
14 *by the Centers for Disease Control and Prevention to*
15 *mitigate the spread of COVID–19, including the im-*
16 *plementation of appropriate social distancing meas-*
17 *ures; and*

18 *(5) the 90-percent limitation on the Federal cost*
19 *share applicable under section 383(a) of such Act (34*
20 *U.S.C. 11274(a)).*

21 **SEC. 303. EXTENSION OF CERTAIN NUTRITION FLEXIBILI-**
22 **TIES FOR OLDER AMERICANS ACT PROGRAMS**
23 **NUTRITION SERVICES.**

24 *(a) TRANSFER AUTHORITY.—Notwithstanding any*
25 *other provision of the Older Americans Act of 1965 (42*

1 *U.S.C. 3001 et seq.*), with respect to funds received by a
2 State for fiscal year 2021 and attributable to funds appro-
3 priated under paragraph (1) or (2) of section 303(b) of such
4 Act, the State may elect in its plan under section
5 307(a)(13) of such Act regarding part C of title III of such
6 Act, to transfer between subpart 1 and subpart 2 of part
7 C any amount of the funds so received notwithstanding the
8 limitation on transfer authority provided in subparagraph
9 (A) of section 308(b)(4) of such Act and without regard to
10 subparagraph (B) of such section. The preceding sentence
11 shall apply to such funds until expended by the State.

12 (b) *HOME-DELIVERED NUTRITION SERVICES WAIV-*
13 *ER.*—For purposes determining eligibility for the delivery
14 of nutrition services under section 337 of the Older Ameri-
15 cans Act of 1965 (42 U.S.C. 3030g) with funds received by
16 a State under the Older Americans Act of 1965 (42 U.S.C.
17 2001 et seq.) for fiscal 2021, the State shall treat an older
18 individual who is unable to obtain nutrition because such
19 individual is practicing social distancing due to the emer-
20 gency in the same manner as the State treats an older indi-
21 vidual who is homebound by reason of illness. The preceding
22 sentence shall apply to such funds until expended by the
23 State.

24 (c) *DIETARY GUIDELINES WAIVER.*—To facilitate im-
25 plementation of subparts 1 and 2 of part C of title III of

1 *the Older Americans Act of 1965 (42 U.S.C. 3030d–2 et*
2 *seq.) with funds received by a State for fiscal year 2021,*
3 *the Assistant Secretary on Aging may waive, but make*
4 *every effort practicable to continue to encourage the restora-*
5 *tion of, the applicable requirements that meals provided*
6 *under such subparts comply with the requirements of*
7 *clauses (I) and (ii) of section 339(2)(A) of such Act (42*
8 *U.S.C. 3030g–21(2)(A)). The preceding sentence shall apply*
9 *to such funds until expended by the State.*

10 **SEC. 304. USE OF LIHEAP SUPPLEMENTAL APPROPRIA-**
11 **TIONS.**

12 *Notwithstanding the Low-Income Home Energy As-*
13 *sistance Act of 1981, with respect to amounts appropriated*
14 *under title VIII of division A of this Act to carry out the*
15 *Low-Income Home Energy Assistance Act of 1981, each*
16 *State, the Commonwealth of Puerto Rico, Guam, American*
17 *Samoa, the Virgin Islands of the United States, the Com-*
18 *monwealth of the Northern Mariana Islands, and each In-*
19 *dian Tribe, as applicable, that receives an allotment of*
20 *funds from such amounts shall, in using such funds, for*
21 *purposes of income eligibility, accept proof of job loss or*
22 *severe income loss dated after February 29, 2020, such as*
23 *a layoff or furlough notice or verification of application for*
24 *unemployment benefits, as sufficient to demonstrate lack of*
25 *income for an individual or household.*

1 **SEC. 305. CORPORATION FOR NATIONAL AND COMMUNITY**
2 **SERVICE.**

3 (a) *CNCS LEGISLATIVE FLEXIBILITIES.*—

4 (1) *MATCH WAIVER.*—*During the period begin-*
5 *ning on the date of the enactment of this Act and end-*
6 *ing on September 30, 2022, notwithstanding any*
7 *other provision of law, if a grantee of the Corporation*
8 *for National and Community Service is unable to*
9 *meet a requirement to provide matching funds due to*
10 *funding constraints resulting from the COVID–19 na-*
11 *tional emergency, the Chief Executive Officer of the*
12 *Corporation for National and Community Service*
13 *may—*

14 (A) *waive any requirement that such grant-*
15 *ee provide matching funds for a program; and*

16 (B) *increase the Federal share of the grant*
17 *for such program up to 100 percent.*

18 (2) *END-OF-SERVICE CASH STIPEND.*—*Section*
19 *3514(a)(2)(B) of the CARES Act is amended by in-*
20 *serting “, or the full value of the stipend under section*
21 *105(a) of title I of the Domestic Volunteer Service Act*
22 *of 1973 (42 U.S.C. 4955)” after “such subtitle”.*

23 (3) *SENIOR CORPS VOLUNTEER RECRUITMENT.*—
24 *During the period beginning on the date of the enact-*
25 *ment and ending on September 30, 2022, notwith-*
26 *standing sections 201(a), 211(d), 211(e), and 213(a)*

1 *of title II of the Domestic Volunteer Service Act of*
2 *1973 (42 U.S.C. 5000 et seq.)—*

3 *(A) an individual age 45 years or older*
4 *may enroll as a volunteer to provide services*
5 *under parts A, B or C of such title to address*
6 *the critical needs of local communities across the*
7 *country during the COVID–19 national emer-*
8 *gency; and*

9 *(B) for the purposes of parts B and C of*
10 *such title II, “low-income person” and “person*
11 *of low income” mean any person whose income*
12 *is not more than 400 percent of the poverty line*
13 *for a single individual.*

14 *(b) NATIONAL SERVICE EXPANSION FEASIBILITY*
15 *STUDY.—*

16 *(1) STUDY REQUIRED.—The Corporation for Na-*
17 *tional and Community Service shall conduct a study*
18 *on the feasibility of increasing the capacity of na-*
19 *tional service programs to respond to the economic*
20 *and social impact on communities across the country*
21 *resulting from the COVID–19 national emergency*
22 *and public health crisis.*

23 *(2) SCOPE OF STUDY.—In conducting the study*
24 *required under paragraph (1), the Corporation for*
25 *National and Community Service shall examine new*

1 *and existing programs, partnerships, organizations,*
2 *and grantees that could be utilized to respond to the*
3 *COVID–19 national emergency as described in sub-*
4 *section (a), including—*

5 *(A) service opportunities related to food se-*
6 *curity, education, economic opportunity, and*
7 *disaster or emergency response;*

8 *(B) partnerships with the Department of*
9 *Health and Human Services, the Centers for*
10 *Disease Control and Prevention, and public*
11 *health departments in all 50 States and terri-*
12 *ories to respond to public health needs related to*
13 *COVID–19 such as testing, contact tracing, or*
14 *related activities; and*

15 *(C) the capacity and ability of the State*
16 *Commissions on National and Community Serv-*
17 *ice to respond to the needs of State and local*
18 *governments in each State or territory in which*
19 *such State Commission is in operation.*

20 *(3) REQUIRED FACTORS OF THE STUDY.—In ex-*
21 *amining new and existing programs, partnerships,*
22 *organizations, and grantees as required under para-*
23 *graph (2), the Corporation for National and Commu-*
24 *nity Service shall examine—*

1 (A) the cost and resources necessary related
2 to increased capacity;

3 (B) the timeline for implementation of any
4 expanded partnerships or increased capacity;

5 (C) options to use existing corps programs
6 overseen by the Corporation for National and
7 Community Service for increasing such capacity,
8 and the role of programs, such as AmeriCorps,
9 AmeriCorps VISTA, AmeriCorps National Civil-
10 ian Community Corps, or Senior Corps, for in-
11 creasing capacity;

12 (D) the ability to increase diversity, includ-
13 ing economic, racial, ethnic, and gender diver-
14 sity, among national service volunteers and pro-
15 grams;

16 (E) the geographic distribution of demand
17 by State due to the economic or health related
18 impacts of COVID–19 for national service volun-
19 teer opportunities across the country and the ad-
20 ditional volunteer capacity needed to meet such
21 demand, comparing existing demand for volun-
22 teer opportunities to expected or realized in-
23 creases as a result of COVID–19; and

24 (F) whether any additional administrative
25 capacity at the Corporation for National and

1 *Community Service, such as grantee organiza-*
2 *tional capacity, is needed to respond to the in-*
3 *creased capacity of such new or existing pro-*
4 *grams, partnerships, organizations, and grant-*
5 *ees.*

6 (4) *REPORTS TO CONGRESSIONAL COMMIT-*
7 *TEES.—*

8 (A) *IN GENERAL.—Not later than 60 days*
9 *after the date of the enactment of this Act, the*
10 *Chief Executive Officer of the Corporation for*
11 *National and Community Service shall submit*
12 *to the congressional committees under subpara-*
13 *graph (B) a report on the results of the study*
14 *under paragraph (1) with recommendations on*
15 *the role for the Corporation for National and*
16 *Community Service in responding to the*
17 *COVID–19 national emergency, including any*
18 *recommendations for legislative, regulatory, and*
19 *administrative changes based on findings related*
20 *to the topics identified under subsection (b).*

21 (B) *CONGRESSIONAL COMMITTEES.—The*
22 *congressional committees under this subpara-*
23 *graph are—*

1 (i) *the Committee on Education and*
2 *Labor and the Committee on Appropria-*
3 *tions of the House of Representatives; and*

4 (ii) *the Committee on Health, Edu-*
5 *cation, Labor, and Pensions and the Com-*
6 *mittee on Appropriations of the Senate.*

7 (c) *DEFINITIONS.—In this section, the following defi-*
8 *nitions apply:*

9 (1) *COVID–19 NATIONAL EMERGENCY.—The*
10 *term “COVID–19 national emergency” means the na-*
11 *tional emergency declared by the President under the*
12 *National Emergencies Act (50 U.S.C. 1601 et seq.) on*
13 *March 13, 2020, with respect to COVID–19.*

14 (2) *GRANTEE.—The term “grantee” means a re-*
15 *recipient of a grant under the Domestic Volunteer Serv-*
16 *ice Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-*
17 *tional and Community Service Act of 1990 (42*
18 *U.S.C. 12501 et seq.) to run a program.*

19 (3) *POVERTY LINE FOR A SINGLE INDIVIDUAL.—*
20 *The term “poverty line for a single individual” has*
21 *the meaning given such term in section 421 of the Do-*
22 *mestic Volunteer Service Act of 1973 (42 U.S.C.*
23 *5061).*

24 (4) *PROGRAM.—The term “program” means a*
25 *program funded under the Domestic Volunteer Service*

1 *Act of 1973 (42 U.S.C. 4950 et seq.) or the National*
2 *and Community Service Act of 1990 (42 U.S.C.*
3 *12501 et seq.).*

4 (5) *STATE COMMISSION.*—*The term “State Com-*
5 *mission” has the meaning given such term in section*
6 *101 of the National and Community Service Act (42*
7 *U.S.C. 12511).*

8 **SEC. 306. MATCHING FUNDS WAIVER FOR FORMULA**
9 **GRANTS AND SUBGRANTS UNDER THE FAM-**
10 **ILY VIOLENCE PREVENTION AND SERVICES**
11 **ACT.**

12 (a) *WAIVER OF MATCHING FUNDS FOR AWARDED*
13 *GRANTS AND SUBGRANTS.*—*The Secretary of Health and*
14 *Human Services shall waive—*

15 (1) *the non-Federal contributions requirement*
16 *under subsection (c)(4) of section 306 of the Family*
17 *Violence Prevention and Services Act (42 U.S.C.*
18 *10406) with respect to the grants and subgrants*
19 *awarded in fiscal years 2019, 2020, and 2021 to each*
20 *State (as defined in section 302 of such Act (42*
21 *U.S.C. 10402)) and the eligible entities within such*
22 *State under section 306 or 308 of such Act (42 U.S.C.*
23 *10406; 10408); and*

1 (2) *the reporting requirements required under*
2 *such grants and subgrants that relate to such non-*
3 *Federal contributions requirement.*

4 **(b) WAIVER OF MATCHING FUNDS FOR GRANTS**
5 **AWARDED AFTER DATE OF ENACTMENT.—**

6 (1) *IN GENERAL.—Subsection (c)(4) of section*
7 *306 of the Family Violence Prevention and Services*
8 *Act (42 U.S.C. 10406) shall not apply to a qualified*
9 *grant during the period of a public health emergency*
10 *declared pursuant to section 319 of the Public Health*
11 *Service Act (42 U.S.C. 247d) resulting from the*
12 *COVID–19 pandemic.*

13 (2) *QUALIFIED GRANT DEFINED.—In this sub-*
14 *section, the term “qualified grant” means a grant or*
15 *subgrant awarded—*

16 (A) *after the date of the enactment of this*
17 *section; and*

18 (B) *under section 306, 308, or 309 of the*
19 *Family Violence Prevention and Services Act (42*
20 *U.S.C. 10406; 10408; 10409).*

21 ***DIVISION E—SMALL BUSINESS***
22 ***PROVISIONS***

23 ***SEC. 100. SHORT TITLE, ETC.***

24 (a) *SHORT TITLE.—This division may be cited as the*
25 *“PPP and EIDL Enhancement Act of 2020”.*

1 **(b) TABLE OF CONTENTS.**—*The table of contents for*
 2 *this division is as follows:*

Sec. 100. Short Title, etc.

TITLE I—FUNDING PROVISIONS

Sec. 101. Amount authorized for commitments.

Sec. 102. Funding for the paycheck protection program.

Sec. 103. Direct appropriations.

TITLE II—MODIFICATIONS TO THE PAYCHECK PROTECTION PROGRAM

Sec. 201. Periods for loan forgiveness and application submission.

Sec. 202. Supplemental covered loans for certain business concerns.

Sec. 203. Certifications and documentation for forgiveness of covered loans.

Sec. 204. Eligibility of certain organizations for loans under the paycheck protection program.

Sec. 205. Limit on aggregate loan amount for eligible recipients with more than one physical location.

Sec. 206. Allowable uses of covered loans; forgiveness.

Sec. 207. Documentation required for certain eligible recipients.

Sec. 208. Exclusion of certain publicly traded and foreign entities.

Sec. 209. Election of 12-week period by seasonal employers.

Sec. 210. Inclusion of certain refinancing in nonrecourse requirements.

Sec. 211. Credit elsewhere requirements.

Sec. 212. Prohibition on receiving duplicative amounts for payroll costs.

Sec. 213. Application of certain terms through life of covered loan.

Sec. 214. Interest calculation on covered loans.

Sec. 215. Reimbursement for processing.

Sec. 216. Duplication requirements for economic injury disaster loan recipients.

Sec. 217. Reapplication for and modification to paycheck protection program.

Sec. 218. Treatment of certain criminal violations.

TITLE III—TAX PROVISIONS

Sec. 301. Improved coordination between paycheck protection program and employee retention tax credit.

TITLE IV—COVID-19 ECONOMIC INJURY DISASTER LOAN PROGRAM REFORM

Sec. 401. Sense of Congress.

Sec. 402. Notices to applicants for economic injury disaster loans or advances.

Sec. 403. Modifications to emergency EIDL advances.

Sec. 404. Data transparency, verification, and notices for economic injury disaster loans.

Sec. 405. Lifeline funding for small business continuity, adaptation, and resiliency.

Sec. 406. Modifications to economic injury disaster loans.

Sec. 407. Principal and interest payments for certain disaster loans.

Sec. 408. Training.

Sec. 409. Outreach plan.

Sec. 410. Report on best practices.

Sec. 411. Extension of period of availability for administrative funds.

TITLE V—MICRO-SBIC AND EQUITY INVESTMENT ENHANCEMENT

Sec. 501. *Micro-SBIC Program.*

TITLE VI—MISCELLANEOUS

Sec. 601. *Repeal of unemployment grants.*

Sec. 602. *Subsidy for certain loan payments.*

Sec. 603. *Modifications to 7(a) loan programs.*

Sec. 604. *Flexibility in deferral of payments of 7(a) loans.*

Sec. 605. *Recovery assistance under the microloan program.*

Sec. 606. *Maximum loan amount for 504 loans.*

Sec. 607. *Temporary fee reductions.*

Sec. 608. *Extension of participation in 8(a) program.*

Sec. 609. *Report on minority, women, and rural lending.*

Sec. 610. *Comprehensive program guidance.*

Sec. 611. *Reports on paycheck protection program.*

Sec. 612. *Prohibiting conflicts of interest for small business programs under the CARES Act.*

Sec. 613. *Inclusion of SCORE and Veteran Business Outreach Centers in entrepreneurial development programs.*

Sec. 614. *Clarification of use of CARES Act funds for small business development centers.*

Sec. 615. *Funding for the Office of Inspector General of the Small Business Administration.*

Sec. 616. *Extension of waiver of matching funds requirement under the Women's Business Center program.*

Sec. 617. *Access to Small Business Administration information and databases.*

Sec. 618. *Small business local relief program.*

Sec. 619. *Grants for independent live venue operators.*

1 (c) *DEFINITIONS.—In this division:*

2 (1) *ADMINISTRATION.—The term “Administra-*
3 *tion” means the Small Business Administration.*

4 (2) *ADMINISTRATOR.—The term “Adminis-*
5 *trator” means the Administrator of the Small Busi-*
6 *ness Administration.*

7 (d) *EFFECTIVE DATE; APPLICABILITY.—Except as oth-*
8 *erwise provided in this division, this division and the*
9 *amendments made by this division shall take effect on the*
10 *date of the enactment of this Act and shall apply to loans*
11 *made, or other assistance provided, on or after the date of*
12 *the enactment of this Act.*

1 **TITLE I—FUNDING PROVISIONS**

2 **SEC. 101. AMOUNT AUTHORIZED FOR COMMITMENTS.**

3 *Section 1102(b)(1) of the CARES Act (Public Law*
4 *116–136) is amended to read as follows:*

5 *“(1) PPP LOANS.—During the period beginning*
6 *on the date of enactment of this subsection and ending*
7 *on December 31, 2020, subject to the availability of*
8 *appropriations, the Administrator may make com-*
9 *mitments under paragraph (36) of section 7(a) of the*
10 *Small Business Act (15 U.S.C. 636(a)).”.*

11 **SEC. 102. FUNDING FOR THE PAYCHECK PROTECTION PRO-**
12 **GRAM.**

13 *(a) IN GENERAL.—Section 7(a)(36)(S) of the Small*
14 *Business Act (15 U.S.C. 636(a)(36)(S)) is amended to read*
15 *as follows:*

16 *“(S) SET ASIDE FOR CERTAIN ENTITIES.—*
17 *The Administrator shall provide for the cost to*
18 *guarantee covered loans made under this para-*
19 *graph—*

20 *“(i) a set aside of not less than 10 per-*
21 *cent of each such amount for covered*
22 *loans—*

23 *“(I) made to eligible recipients*
24 *with 10 or fewer employees, including*
25 *individuals who operate under a sole*

1 *proprietorship or as an independent*
2 *contractor and eligible self-employed*
3 *individuals; or*

4 “(II) *less than or equal to*
5 *\$250,000 made to an eligible recipient*
6 *that is located in a low- or moderate-*
7 *income neighborhoods (as defined*
8 *under the Community Reinvestment*
9 *Act of 1977).*

10 “(ii) *a set aside of not more than 30*
11 *percent of each such amount for covered*
12 *loan made to nonprofit organizations, orga-*
13 *nizations described in subparagraph*
14 *(D)(viii), or housing cooperatives; and*

15 “(iii) *a set aside of not more than 50*
16 *percent of each such amount for supple-*
17 *mental covered loans made under subpara-*
18 *graph (B)(i).”.*

19 (b) *SET ASIDE FOR COMMUNITY FINANCIAL INSTITU-*
20 *TIONS.—Of amounts appropriated by the Paycheck Protec-*
21 *tion Program and Health Care Enhancement Act (Public*
22 *Law 116–139) under the heading “Small Business Admin-*
23 *istration—Business Loans Program Account, CARES Act”*
24 *that have not been obligated or expended, the lesser of 25*
25 *percent of such amounts or \$15,000,000,000 shall be set*

1 *aside for the cost to guarantee covered loans made under*
2 *section 7(a)(36) of the Small Business Act (15 U.S.C.*
3 *636(a)(36)) by community financial institutions (as such*
4 *term is defined in subparagraph (A)(xi) of such section).*

5 *(c) AMOUNTS RETURNED.—Section 7(a)(36) of the*
6 *Small Business Act (15 U.S.C. 636(a)(36)) is amended by*
7 *adding at the end the following new subparagraph:*

8 *“(T) AMOUNTS RETURNED.—Any amounts*
9 *returned to the Secretary of the Treasury due to*
10 *the cancellation of a covered loan shall be solely*
11 *used for the cost to guarantee covered loans made*
12 *to eligible recipients with 10 or fewer employees*
13 *or covered loans of less than or equal to \$250,000*
14 *made to an eligible recipient that is located in*
15 *a low- or moderate-income neighborhoods (as de-*
16 *finied under the Community Reinvestment Act of*
17 *1977).”.*

18 **SEC. 103. DIRECT APPROPRIATIONS.**

19 *There is appropriated, out of amounts in the Treasury*
20 *not otherwise appropriated, for additional amounts—*

21 *(1) for the cost of carrying out section 407 of this*
22 *division, \$8,000,000,000;*

23 *(2) for the cost of carrying out title V of this di-*
24 *vision, \$1,000,000,000;*

1 (3) for the cost of carrying out section 603 and
2 607 of this division, \$1,000,000,000;

3 (4) for the cost of carrying out section 605 of this
4 division, \$57,000,000;

5 (5) for the cost of carrying out section 618 of this
6 division, \$15,000,000,000; and

7 (6) for the cost of carrying out section 619 of this
8 division, \$10,000,000,000.

9 **TITLE II—MODIFICATIONS TO**
10 **THE PAYCHECK PROTECTION**
11 **PROGRAM**

12 **SEC. 201. PERIODS FOR LOAN FORGIVENESS AND APPLICA-**
13 **TION SUBMISSION.**

14 (a) *PERIOD FOR COSTS THAT ARE ELIGIBLE FOR*
15 *FORGIVENESS AND APPLICATION SUBMISSION.*—Section
16 1106 of the CARES Act (15 U.S.C. 9005) is amended—

17 (1) in subsection (a), by striking paragraph (3)
18 and inserting the following:

19 “(3) the term ‘covered period’ means the period
20 beginning on the date of the origination of a covered
21 loan and ending on a date selected by the eligible re-
22 cipient of the covered loan that—

23 “(A) is not earlier than the date that is 8
24 weeks after such date of origination; and

1 (2) *by adding at the end the following new*
2 *clause:*

3 “(ii) *SUPPLEMENTAL COVERED*
4 *LOANS.—*

5 “(I) *DEFINITIONS.—In this*
6 *clause—*

7 “(aa) *the terms ‘exchange’,*
8 *‘issuer’, and ‘security’ have the*
9 *meanings given such terms in sec-*
10 *tion 3(a) of the Securities Ex-*
11 *change Act of 1934 (15 U.S.C.*
12 *78c(a));*

13 “(bb) *the term ‘gross receipts’*
14 *means gross receipts within the*
15 *meaning of section 448(c) of the*
16 *Internal Revenue Code of 1986;*

17 “(cc) *the term ‘national secu-*
18 *rities exchange’ means an ex-*
19 *change registered as a national se-*
20 *curities exchange under section 6*
21 *of the Securities Exchange Act of*
22 *1934 (15 U.S.C. 78f);*

23 “(dd) *the term ‘publicly trad-*
24 *ed entity’ means an issuer, the se-*

1 *curities of which are listed on a*
2 *national securities exchange;*

3 *“(ee) the term ‘smaller con-*
4 *cern’ means an eligible recipient*
5 *that—*

6 *“(AA) has not more*
7 *than 200 employees;*

8 *“(BB) operates under a*
9 *sole proprietorship or as an*
10 *independent contractor; or*

11 *“(CC) is an eligible self-*
12 *employed individual; and*

13 *“(ff) the term ‘significant*
14 *loss in revenue’ means that, due to*
15 *the impact of COVID–19—*

16 *“(AA) the gross receipts*
17 *of the eligible recipient dur-*
18 *ing the first, second, or third*
19 *calendar quarter of 2020 are*
20 *less than 75 percent of the*
21 *gross receipts of the eligible*
22 *recipient during the same*
23 *calendar quarter in 2019;*

24 *“(BB) if the eligible re-*
25 *ipient was not in business*

1 on April 1, 2019, the gross
2 receipts of the eligible recipi-
3 ent during any 2-month pe-
4 riod during the first 3 cal-
5 endar quarters of 2020 are
6 less than 75 percent of the
7 amount of the gross receipts
8 of the eligible recipient dur-
9 ing any prior 2-month pe-
10 riod during the first 3 cal-
11 endar quarters of 2020; or

12 “(CC) if the eligible re-
13 cipient is seasonal employer,
14 as determined by the Admin-
15 istrator, the gross receipts of
16 the eligible recipient during
17 any 2-month period during
18 the first 3 calendar quarters
19 of 2020 are less than 75 per-
20 cent of the amount of the
21 gross receipts of the eligible
22 recipient during the same 2-
23 month period in 2019.

24 “(II) *AUTHORITY.*—*Except as*
25 *otherwise provided in this clause, for*

1 *an eligible recipient that has received a*
2 *covered loan under clause (i), the Ad-*
3 *ministrator may guarantee a single*
4 *supplemental covered loan to the eligi-*
5 *ble recipient under the same terms,*
6 *conditions, and processes as a covered*
7 *loan made under clause (i).*

8 *“(III) CHOICE OF LENDER.—An*
9 *eligible recipient may apply for a sup-*
10 *plemental covered loan under this*
11 *clause with the lender that made the*
12 *covered loan under clause (i) to the eli-*
13 *gible recipient or another lender.*

14 *“(IV) ELIGIBILITY.—*

15 *“(aa) IN GENERAL.—A sup-*
16 *plemental covered loan under this*
17 *clause—*

18 *“(AA) may only be*
19 *made to an eligible recipient*
20 *that is a smaller concern that*
21 *has had a significant loss in*
22 *revenue and has used, or is*
23 *expending funds at a rate*
24 *that the eligible recipient will*
25 *use on or before the expected*

1 *date of the disbursement of*
2 *the supplemental covered*
3 *loan under this clause, the*
4 *full amount of the covered*
5 *loan received under clause*
6 *(i); and*

7 *“(BB) may not be made*
8 *to a publicly traded entity.*

9 *“(bb) BUSINESS CONCERNS*
10 *WITH MORE THAN 1 PHYSICAL LO-*
11 *CATION.—*

12 *“(AA) IN GENERAL.—*
13 *For purposes of a supple-*
14 *mental covered loan under*
15 *this clause, subparagraph*
16 *(D)(iii) shall be applied by*
17 *substituting ‘not more than*
18 *200 employees per physical*
19 *location’ for ‘not more than*
20 *500 employees per physical*
21 *location’.*

22 *“(BB) LIMIT FOR MUL-*
23 *TIPLE LOCATIONS.—For an*
24 *eligible recipient with more*
25 *than 1 physical location, the*

1 total amount of all supple-
2 mental covered loans made
3 under this clause to the eligi-
4 ble recipient shall not be
5 more than \$2,000,000.

6 “(V) *MAXIMUM AMOUNT.*—The
7 maximum amount of a supplemental
8 covered loan under this clause is the
9 lesser of—

10 “(aa) the product obtained
11 by multiplying—

12 “(AA) the average total
13 monthly payments for pay-
14 roll costs by the eligible re-
15 cipient used to determine the
16 maximum amount of the cov-
17 ered loan under clause (i)
18 made to the eligible recipient
19 under this paragraph, by

20 “(BB) 2.5; or

21 “(bb) \$2,000,000.

22 “(VI) *EXCEPTION FROM CERTAIN*
23 *CERTIFICATION REQUIREMENTS.*—An
24 eligible recipient applying for a sup-
25 plemental covered loan under this

1 *clause shall not be required to make the*
2 *certification described in clauses (iii)*
3 *or (iv) of subparagraph (G).*

4 *“(VII) REIMBURSEMENT FOR*
5 *PROCESSING SUPPLEMENTAL PPP.—*
6 *For a supplemental covered loan under*
7 *this clause of less than or equal to*
8 *\$50,000, the reimbursement under sub-*
9 *paragraph (P)(I) by the Administrator*
10 *shall not be less than \$2,500.”.*

11 **SEC. 203. CERTIFICATIONS AND DOCUMENTATION FOR**
12 **FORGIVENESS OF COVERED LOANS.**

13 *Section 1106 of the CARES Act (15 U.S.C. 9005) is*
14 *amended—*

15 *(1) in subsection (e), in the matter preceding*
16 *paragraph (1), by striking “An eligible recipient”*
17 *and all that follows through “an application,” and*
18 *inserting “Subject to subsection (f), an eligible recipi-*
19 *ent applying for loan forgiveness under this section*
20 *shall provide proof of the use of covered loan pro-*
21 *ceeds,”;*

22 *(2) by amending subsection (f) to read as follows:*

23 *“(f) DOCUMENTATION REQUIREMENTS.—To receive*
24 *loan forgiveness under this section, an eligible recipient*
25 *shall comply with the following requirements:*

1 “(1) With respect to a covered loan in an
2 amount less than or equal to \$50,000, the eligible re-
3 cipient—

4 “(A) shall certify to the Administrator that
5 the eligible recipient has used proceeds from the
6 covered loan in compliance with the require-
7 ments of section 7(a)(36) of the Small Business
8 Act (15 U.S.C. 636(a)(36)), including a descrip-
9 tion of the amount of proceeds used for payroll
10 costs (as defined in such section) and the number
11 of employees the eligible recipient was able to re-
12 tain because of such covered loan;

13 “(B) is not required to submit any docu-
14 mentation or application to receive forgiveness
15 under this section;

16 “(C) shall certify to the Administrator that
17 the eligible recipient can make the documenta-
18 tion described under subsection (e) available,
19 upon request, for a period of time determined by
20 the Administrator, which period shall be not less
21 than 3 years; and

22 “(D) may submit to the Administrator de-
23 mographic information of the owner of the eligi-
24 ble recipient, including the sex, race, ethnicity,

1 *and veteran status of the owner, through a proc-*
2 *ess established by the Administrator.*

3 “(2) *With respect to a covered loan in an*
4 *amount greater than \$50,000 but less than or equal*
5 *to \$150,000, the eligible recipient—*

6 “(A) *shall submit to the lender that is serv-*
7 *icing the covered loan the certification described*
8 *in paragraph (1)(A) and a simplified one-page*
9 *application form that does not require the sub-*
10 *mission of any documentation described under*
11 *subsection (e);*

12 “(B) *shall make the certification described*
13 *in paragraph (1)(C); and*

14 “(C) *may submit to the Administrator de-*
15 *mographic information of the owner of the eligi-*
16 *ble recipient, including the sex, race, ethnicity,*
17 *and veteran status of the owner, as established by*
18 *the Administrator on the application form de-*
19 *scribed in subparagraph (A).*

20 “(3) *With respect to a covered loan in an*
21 *amount greater than \$150,000, the eligible recipient*
22 *shall submit to the lender that is servicing the covered*
23 *loan the documentation described under subsection*
24 *(e).”;* *and*

1 (3) by amending subsection (g) to read as fol-
2 lows:

3 “(g) *LENDER SUBMISSION*.—Not later than 60 days
4 after the date on which a lender receives an application
5 for loan forgiveness under this section from an eligible re-
6 cipient, the lender shall only be required to review the ap-
7 plication to ensure completion, including that required at-
8 testations have been made, before submitting such applica-
9 tion to the Administrator.”.

10 **SEC. 204. ELIGIBILITY OF CERTAIN ORGANIZATIONS FOR**
11 **LOANS UNDER THE PAYCHECK PROTECTION**
12 **PROGRAM.**

13 Section 7(a)(36) of the Small Business Act (15 U.S.C.
14 636(a)(36))—

15 (1) in subparagraph (A)—

16 (A) in clause (vii), by inserting “covered”
17 before “nonprofit”;

18 (B) in clause (viii)(II)—

19 (i) in item (dd), by striking “or” at
20 the end;

21 (ii) in item (ee), by inserting “or” at
22 the end; and

23 (iii) by adding at the end the following
24 new item:

1 “(ff) any compensation of an
2 employee who is a registered lob-
3 byist under the Lobbying Disclo-
4 sure Act of 1995;”;

5 (C) by amending clause (ix) to read as fol-
6 lows:

7 “(ix) the term ‘covered organization’
8 means—

9 “(I) an organization described in
10 section 501(c) of the Internal Revenue
11 Code of 1986 and exempt from tax
12 under section 501(a) of such Code that
13 is not a covered nonprofit organiza-
14 tion;

15 “(II) an entity created by a State
16 or local government that derives the
17 majority of its operating budget from
18 the production of live events; or

19 “(III) a destination marketing or-
20 ganization;”;

21 (D) in clause (xi)(IV), by striking “and” at
22 the end;

23 (E) in clause (xii), by striking the period at
24 the end and inserting a semicolon; and

1 (F) by adding at the end the following new
2 clauses:

3 “(xiii) the term ‘housing cooperative’
4 means a cooperative housing corporation
5 (as defined in section 216(b) of the Internal
6 Revenue Code of 1986); and

7 “(xiv) the term ‘destination marketing
8 organization’ means a nonprofit entity that
9 is not an organization described in section
10 501(c)(6) of the Internal Revenue Code of
11 1986 and exempt from tax under section
12 501(a) of such Code, a State, or a political
13 subdivision of a State (including any in-
14 strumentality of such entities) engaged in
15 marketing and promoting communities and
16 facilities to businesses and leisure travelers
17 through a range of activities, including—

18 “(I) assisting with the location of
19 meeting and convention sites;

20 “(II) providing travel information
21 on area attractions, lodging accom-
22 modations, and restaurants;

23 “(III) providing maps; and

1 “(IV) organizing group tours of
2 local historical, recreational, and cul-
3 tural attractions.”; and

4 (2) in subparagraph (D)—

5 (A) in clause (i)—

6 (i) by inserting “covered” before “non-
7 profit organization” each place it appears;
8 and

9 (ii) by striking “veterans organiza-
10 tion” each place it appears and inserting
11 “housing cooperative”;

12 (B) in clause (iii)—

13 (i) by amending the clause heading to
14 read as follows: “REQUIREMENTS FOR RES-
15 TAURANTS AND CERTAIN NEWS ORGANIZA-
16 TIONS”;

17 (ii) by striking “During the covered
18 period, any business concern that employs”
19 and inserting the following: “Any business
20 concern that—

21 “(I) during the covered period,
22 employs”;

23 (iii) in subclause (I), as so designated,
24 by striking the period at the end and insert-
25 ing a semicolon; and

1 (iv) by adding at the end the following
2 new subclauses:

3 “(II) was not eligible to receive a
4 covered loan the day before the date of
5 the enactment of this subclause, is as-
6 signed a North American Industry
7 Classification System code beginning
8 with 511110, 515112, or 515120, and
9 an individual physical location of the
10 business concern at the time of dis-
11 bursal does not exceed the size standard
12 established by the Administrator for
13 the applicable code shall be eligible to
14 receive a covered loan for expenses as-
15 sociated with an individual physical
16 location of that business concern to
17 support the continued provision of
18 local news, information, content, or
19 emergency information, and, at the
20 time of disbursal, the individual phys-
21 ical location; or

22 “(III) was not eligible to receive a
23 covered loan the day before the date of
24 the enactment of this subclause, is as-
25 signed a North American Industry

1 *Classification System code of 519130,*
2 *is identified as a Internet-only news*
3 *publisher or Internet-only periodical*
4 *publisher, and is engaged in the collec-*
5 *tion and distribution of local or re-*
6 *gional and national news and infor-*
7 *mation shall be eligible to receive a*
8 *covered loan for expenses to support the*
9 *continued provision of news, informa-*
10 *tion, content, or emergency informa-*
11 *tion.”;*

12 *(C) in clause (iv)—*

13 *(i) in subclause (II), by striking “and”*
14 *at the end;*

15 *(ii) in subclause (III), by striking the*
16 *period at the end and inserting “; and”;*
17 *and*

18 *(iii) by adding at the end the following*
19 *new subclause:*

20 *“(IV) an individual physical loca-*
21 *tion of a business concern described in*
22 *clause (iii)(II), if such concern does*
23 *not pay, distribute, or otherwise pro-*
24 *vide any portion of the covered loan to*
25 *any other entity other than the indi-*

1 *vidual physical location that is the in-*
2 *tended recipient of the covered loan.”;*

3 *(D) in clause (v), by striking “nonprofit or-*
4 *ganization, veterans organization,” and insert-*
5 *ing “covered organization, covered nonprofit or-*
6 *ganization, housing cooperative,”;*

7 *(E) in clause (vi), by striking “nonprofit*
8 *organization and a veterans organization” and*
9 *inserting “covered organization, a covered non-*
10 *profit organization, and a housing cooperative”;*
11 *and*

12 *(F) by adding at the end the following new*
13 *clauses:*

14 *“(vii) ADDITIONAL REQUIREMENTS*
15 *FOR COVERED ORGANIZATIONS AND COV-*
16 *ERED NONPROFIT ORGANIZATIONS.—*

17 *“(I) LOBBYING RESTRICTION.—*
18 *During the covered period, a covered*
19 *organization that employs less than*
20 *500 employees shall be eligible to re-*
21 *ceive a covered loan if—*

22 *“(aa) the covered organiza-*
23 *tion does not receive more than 10*
24 *percent of its receipts from lob-*
25 *bying activities; and*

1 “(bb) the lobbying activities
2 of the covered organization do not
3 comprise more than 10 percent of
4 the total activities of the covered
5 organization.

6 “(II) LARGER ORGANIZATIONS.—
7 During the covered period, a covered
8 nonprofit organization that employs
9 500 employees or more, or a covered
10 organization that meets the require-
11 ments of items (aa) and (bb) of sub-
12 clause (I) and employs 500 employees
13 or more, shall be eligible to receive a
14 covered loan if such covered nonprofit
15 organization or covered organization
16 has had a significant loss in revenue
17 (as defined in subparagraph
18 (B)(ii)(I)(ff)).

19 “(viii) INCLUSION OF CRITICAL ACCESS
20 HOSPITALS.—During the covered period,
21 any covered organization that is a critical
22 access hospital (as defined in section
23 1861(mm) of the Social Security Act (42
24 U.S.C. 1395x(mm))) shall be eligible to re-
25 ceive a covered loan, regardless of the status

1 *of such a hospital as a debtor in a case*
2 *under chapter 11 of title 11, Unites States*
3 *Code, or the status of any debts owed by*
4 *such a hospital to the Federal Government.*

5 “(ix) *ADDITIONAL REQUIREMENTS FOR*
6 *NEWS BROADCAST ENTITIES.—*

7 “(I) *IN GENERAL.—With respect*
8 *to an individual physical location of a*
9 *business concern described in clause*
10 *(iii)(II), each such location shall be*
11 *treated as an independent, non-*
12 *affiliated entity for purposes of this*
13 *paragraph. A parent company, invest-*
14 *ment company, or management com-*
15 *pany of one or more physical locations*
16 *of a business concern described in*
17 *clause (iii)(II) shall not be eligible for*
18 *a covered loan.*

19 “(II) *DEMONSTRATION OF*
20 *NEED.—Any such location that is a*
21 *franchise or affiliate of, or owned or*
22 *controlled by a parent company, in-*
23 *vestment company, or the management*
24 *thereof, shall demonstrate, upon request*
25 *of the Administrator, the need for a*

1 covered loan to support the continued
2 provision of local news, information,
3 content, or emergency information,
4 and, at the time of disbursement, the indi-
5 vidual physical location.”.

6 **SEC. 205. LIMIT ON AGGREGATE LOAN AMOUNT FOR ELIGI-**
7 **BLE RECIPIENTS WITH MORE THAN ONE**
8 **PHYSICAL LOCATION.**

9 Section 7(a)(36)(E) of the Small Business Act (15
10 U.S.C. 636(a)(36)(E)) is amended by adding at the end the
11 following flush matter:

12 “With respect to an eligible recipient with more
13 than 1 physical location, the total amount of all
14 covered loans made under this clause to the eligi-
15 ble recipient shall not be more than
16 \$10,000,000.”.

17 **SEC. 206. ALLOWABLE USES OF COVERED LOANS; FORGIVE-**
18 **NESS.**

19 (a) **PAYCHECK PROTECTION PROGRAM.**—Section
20 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36))
21 is amended—

22 (1) in subparagraph (G)—

23 (A) in the subparagraph heading, by strik-
24 ing “BORROWER REQUIREMENTS” and all that
25 follows through “eligible recipient applying” and

1 inserting “*BORROWER CERTIFICATION REQUIRE-*
2 *MENTS.—An eligible recipient applying*”;

3 (B) by redesignating subclauses (I) through
4 (IV) as clauses (i) through (iv), respectively; and

5 (C) in clause (ii), as so redesignated, by
6 striking “to retain workers” and all that follows
7 through “utility payments” and inserting “for
8 an allowable use described in subparagraph
9 (F)”;

10 (2) in subparagraph (F)(i)—

11 (A) in subclause (VI), by striking “and” at
12 the end;

13 (B) in subclause (VII), by striking the pe-
14 riod at the end and inserting a semicolon; and

15 (C) by adding at the end the following new
16 subclauses:

17 “(VIII) costs related to the provi-
18 sion of personal protective equipment
19 for employees or other equipment or
20 supplies determined by the employer to
21 be necessary to protect the health and
22 safety of employees and the general
23 public;

24 “(IX) payments for inventory,
25 raw materials, or supplies; and

1 “(X) costs related to property
2 damage, vandalism, or looting due to
3 public disturbances that occurred dur-
4 ing 2020 that was not covered by in-
5 surance or other compensation.”.

6 (b) *FORGIVENESS.*—

7 (1) *DEFINITION OF EXPECTED FORGIVENESS*
8 *AMOUNT.*—Section 1106(a)(7) of the CARES Act (15
9 U.S.C. 9005(a)(7)) is amended—

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

12 (B) in subparagraph (D), by striking “and”
13 at the end; and

14 (C) by adding at the end the following new
15 subparagraphs:

16 “(E) interest on any other debt obligations
17 that were incurred before the covered period;

18 “(F) any amount that was a loan made
19 under subsection (b)(2) that was refinanced as
20 part of a covered loan and authorized by section
21 7(a)(36)(F)(iv) of the Small Business Act;

22 “(G) payments made for the provision of
23 personal protective equipment for employees or
24 other equipment or supplies determined by the

1 *employer to be necessary to protect the health*
2 *and safety of employees and the general public;*

3 “(H) *payments made for inventory, raw*
4 *materials, or supplies; and*

5 “(I) *payments related to property damage,*
6 *vandalism, or looting due to public disturbances*
7 *that occurred during 2020 that was not covered*
8 *by insurance or other compensation; and”.*

9 (2) *FORGIVENESS.—Section 1106(b) of the*
10 *CARES Act (15 U.S.C. 9005(b)), is amended by add-*
11 *ing at the end the following new paragraphs:*

12 “(5) *Any payment of interest on any other debt*
13 *obligations that were incurred before the covered pe-*
14 *riod.*

15 “(6) *Any amount that was a loan made under*
16 *section 7(b)(2) of the Small Business Act that was re-*
17 *financed as part of a covered loan and authorized by*
18 *section 7(a)(36)(F)(iv) of such Act.*

19 “(7) *Any payment made for the provision of per-*
20 *sonal protective equipment for employees or other*
21 *equipment or supplies determined by the employer to*
22 *be necessary to protect the health and safety of em-*
23 *ployees.*

24 “(8) *Any payment made for inventory, raw ma-*
25 *terials, or supplies.*

1 “(9) *Any payments related to property damage,*
2 *vandalism, or looting due to public disturbances that*
3 *occurred during 2020 that was not covered by insur-*
4 *ance or other compensation.”.*

5 (3) *CONFORMING AMENDMENTS.—Section 1106*
6 *of the CARES Act (15 U.S.C. 9005) is amended—*

7 (A) *in subsection (e), as amended by section*
8 203—

9 (i) *in paragraph (2), by striking “pay-*
10 *ments on covered mortgage obligations, pay-*
11 *ments on covered lease obligations, and cov-*
12 *ered utility payments” and inserting “pay-*
13 *ments or amounts refinanced described*
14 *under subsection (b) (other than payroll*
15 *costs)”;* and

16 (ii) *in paragraph (3)(B), by striking*
17 *“, make interest payments” and all that fol-*
18 *lows through “or make covered utility pay-*
19 *ments” and inserting “, make payments de-*
20 *scribed under subsection (b), or that was re-*
21 *financed as part of a covered loan and au-*
22 *thorized by section 7(a)(36)(F)(iv) of the*
23 *Small Business Act”;* and

24 (B) *in subsection (h), by striking “pay-*
25 *ments for payroll costs, payments on covered*

1 mortgage obligations, payments on covered lease
2 obligations, or covered utility payments” each
3 place it appears and inserting “payments or
4 amounts refinanced described under subsection
5 (b)”.

6 **SEC. 207. DOCUMENTATION REQUIRED FOR CERTAIN ELIGI-**
7 **BLE RECIPIENTS.**

8 Section 7(a)(36)(D)(ii)(II) of the Small Business Act
9 (15 U.S.C. 636(a)(36)(D)(ii)(II)) is amended by striking
10 “as is necessary” and all that follows through the period
11 at the end and inserting “as determined necessary by the
12 Administrator and the Secretary, to establish such indi-
13 vidual as eligible.”.

14 **SEC. 208. EXCLUSION OF CERTAIN PUBLICLY TRADED AND**
15 **FOREIGN ENTITIES.**

16 Section 7(a)(36)(D) of the Small Business Act (15
17 U.S.C. 636(a)(36)(D)), as amended by section 204 is fur-
18 ther amended by adding at the end the following new clause:

19 “(x) **EXCLUSION OF CERTAIN PUBLICLY**
20 **TRADED AND FOREIGN ENTITIES.**—Effective
21 on the date of the enactment of this clause—

22 “(I) an issuer, the securities of
23 which are traded on a national securi-
24 ties exchange, is not eligible to receive
25 a covered loan under this section; and

1 “(II) an entity that is 51 percent
2 or more owned by a foreign person, or
3 the management and daily business
4 operations of which are controlled by a
5 foreign person (excluding an entity
6 owned and controlled by a person dom-
7 iciled in a territory or possession of the
8 United States), is not eligible to receive
9 a covered loan under this section.”.

10 **SEC. 209. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**
11 **PLOYERS.**

12 Section 7(a)(36)(E)(i)(I)(aa)(AA) of the Small Busi-
13 ness Act (15 U.S.C. 636(a)(36)(E)(i)(I)(aa)(AA)) is amend-
14 ed by striking “an applicant” and all that follows through
15 “June 30, 2019” and inserting the following: “an applicant
16 that is a seasonal employer, as determined by the Adminis-
17 trator, shall use the average total monthly payments for
18 payroll for any 12-week period selected by the seasonal em-
19 ployer between February 15, 2019, and December 31,
20 2019”.

21 **SEC. 210. INCLUSION OF CERTAIN REFINANCING IN NON-**
22 **RECOURSE REQUIREMENTS.**

23 Section 7(a)(36)(F)(v) of the Small Business Act (15
24 U.S.C. 636(a)(36)(F)(v)) is amended by striking “clause
25 (i)” and inserting “clauses (i) and (iv)”.

1 **SEC. 211. CREDIT ELSEWHERE REQUIREMENTS.**

2 *Section 7(a)(36)(I) of the Small Business Act (15*
3 *U.S.C. 636(a)(36)(I)) is amended to read as follows:*

4 *“(I) CREDIT ELSEWHERE.—The require-*
5 *ment that a small business concern is unable to*
6 *obtain credit elsewhere (as defined in section*
7 *3(h))—*

8 *“(i) shall not apply to a covered loan*
9 *approved by the Administrator before the*
10 *date of enactment of this subparagraph; and*

11 *“(ii) shall only apply to covered loans*
12 *in an amount greater than \$350,000 ap-*
13 *proved by the Administrator on or after the*
14 *date of the enactment of this subpara-*
15 *graph.”.*

16 **SEC. 212. PROHIBITION ON RECEIVING DUPLICATIVE**
17 **AMOUNTS FOR PAYROLL COSTS.**

18 *(a) PAYCHECK PROTECTION PROGRAM.—Clause (iv) of*
19 *section 7(a)(36)(G) of the Small Business Act (15 U.S.C.*
20 *636(a)(36)(G)), as redesignated by section 206, is amend-*
21 *ed—*

22 *(1) by striking “December 31, 2020” and insert-*
23 *ing “June 30, 2020”; and*

24 *(2) by striking “the same purpose and” and in-*
25 *serting “payments for payroll costs incurred during*
26 *such period”.*

1 (b) *TREASURY PROGRAM*.—Section 1109(f) of the
2 *CARES Act (15 U.S.C. 9008(f))* is amended—

3 (1) in paragraph (1), by striking “for the same
4 purpose” and inserting “for payments for payroll
5 costs (as defined in section 7(a)(36)(A)(viii) of the
6 *Small Business Act (15 U.S.C. 636(a)(36)(A)(viii))*”;
7 and

8 (2) in paragraph (2), by striking “December 31,
9 2020” and inserting “June 30, 2020”.

10 **SEC. 213. APPLICATION OF CERTAIN TERMS THROUGH LIFE**
11 **OF COVERED LOAN.**

12 Section 7(a)(36) of the *Small Business Act (15 U.S.C.*
13 *636(a)(36))* is amended—

14 (1) in subparagraph (H), by striking “During
15 the covered period, with” and inserting “With”;

16 (2) in subparagraph (J), by striking “During
17 the covered period, with” and inserting “With”;

18 (3) in subparagraph (M)—

19 (A) in clause (ii), by striking “During the
20 covered period, the” and inserting “The”; and

21 (B) in clause (iii), by striking “During the
22 covered period, with” and inserting “With”.

23 **SEC. 214. INTEREST CALCULATION ON COVERED LOANS.**

24 Section 7(a)(36)(L) of the *Small Business Act (15*
25 *U.S.C. 636(a)(36)(L))* is amended by inserting “, calculated

1 *on a non-compounding, non-adjustable basis” after “4 per-*
2 *cent”.*

3 **SEC. 215. REIMBURSEMENT FOR PROCESSING.**

4 *Section 7(a)(36)(P) of the Small Business Act (15*
5 *U.S.C. 636(a)(36)(P)) is amended—*

6 *(1) in clause (ii), by inserting at the end the fol-*
7 *lowing: “Such fees shall be paid by the eligible recipi-*
8 *ent and may not be paid out of the proceeds of a cov-*
9 *ered loan. A lender shall only be responsible for pay-*
10 *ing fees to an agent for services for which such lender*
11 *directly contracts with such agent.”; and*

12 *(2) by amending clause (iii) to read as follows:*

13 *“(iii) TIMING.—A reimbursement de-*
14 *scribed in clause (i) shall be made not later*
15 *than 5 days after the reported disbursement*
16 *of the covered loan and may not be required*
17 *to be repaid by a lender unless the lender is*
18 *found guilty of an act of fraud in connec-*
19 *tion with the covered loan.”.*

20 **SEC. 216. DUPLICATION REQUIREMENTS FOR ECONOMIC**
21 **INJURY DISASTER LOAN RECIPIENTS.**

22 *Section 7(a)(36)(Q) of the Small Business Act (15*
23 *U.S.C. 636(a)(36)(Q)) is amended by striking “during the*
24 *period beginning on January 31, 2020, and ending on the*
25 *date on which covered loans are made available”.*

1 **SEC. 217. REAPPLICATION FOR AND MODIFICATION TO PAY-**
2 **CHECK PROTECTION PROGRAM.**

3 *Not later than 7 days after the date of the enactment*
4 *of this Act, the Administrator shall issue rules or guidance*
5 *to ensure that an eligible recipient of a covered loan made*
6 *under section 7(a)(36) of the Small Business Act (15 U.S.C.*
7 *636(a)(36)) that returns amounts disbursed under such cov-*
8 *ered loan or does not accept the full amount of such covered*
9 *loan for which such eligible recipient was approved—*

10 *(1) in the case of an eligible recipient that re-*
11 *turned all or part of a covered loan, such eligible re-*
12 *recipient may reapply for a covered loan for an amount*
13 *equal to the difference between the amount retained*
14 *and the maximum amount applicable; and*

15 *(2) in the case of an eligible recipient that did*
16 *not accept the full amount of a covered loan, such eli-*
17 *gible recipient may request a modification to increase*
18 *the amount of the covered loan to the maximum*
19 *amount applicable, subject to the requirements of such*
20 *section 7(a)(36).*

21 **SEC. 218. TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.**

22 *(a) IN GENERAL.—Section 7(a)(36) of the Small Busi-*
23 *ness Act (15 U.S.C. 636(a)(36)), as amended by section 101,*
24 *is further amended by adding at the end the following new*
25 *subparagraph:*

1 “(U) *TREATMENT OF CERTAIN CRIMINAL*
2 *VIOLATIONS.*—

3 “(i) *FINANCIAL FRAUD OR DECEP-*
4 *TION.*—*A entity that is a business, organi-*
5 *zation, cooperative, or enterprise may not*
6 *receive a covered loan if an owner of 20*
7 *percent or more of the equity of such entity,*
8 *during the 5-year period preceding the date*
9 *on which such entity applies for a covered*
10 *loan, has been convicted of a felony of fi-*
11 *nancial fraud or deception under Federal,*
12 *State, or Tribal law.*

13 “(ii) *ARRESTS OR CONVICTIONS.*—*An*
14 *entity that is a business, organization, co-*
15 *operative, or enterprise shall be an eligible*
16 *recipient notwithstanding a prior arrest or*
17 *conviction under Federal, State, or Tribal*
18 *law of an owner of 20 percent or more of*
19 *the equity of such entity, unless such owner*
20 *is currently incarcerated.*

21 “(iii) *WAIVER.*—*The Administrator*
22 *may waive the requirements of clause (i).”.*

23 “(b) *RULEMAKING.*—*Not later than 15 days after the*
24 *date of enactment of this Act, the Administrator shall make*

1 *necessary revisions to any rules to carry out the amendment*
2 *made by this section.*

3 ***TITLE III—TAX PROVISIONS***

4 ***SEC. 301. IMPROVED COORDINATION BETWEEN PAYCHECK***
5 ***PROTECTION PROGRAM AND EMPLOYEE RE-***
6 ***TENTION TAX CREDIT.***

7 *(a) AMENDMENT TO PAYCHECK PROTECTION PRO-*
8 *GRAM.—Section 1106(a)(8) of the CARES Act (15 U.S.C.*
9 *9005(a)(8)) is amended by inserting “, except that such*
10 *costs shall not include qualified wages taken into account*
11 *in determining the credit allowed under section 2301 of this*
12 *Act” before the period at the end.*

13 *(b) AMENDMENTS TO EMPLOYEE RETENTION TAX*
14 *CREDIT.—*

15 *(1) IN GENERAL.—Section 2301(g) of the*
16 *CARES Act (Public Law 116–136; 26 U.S.C. 3111*
17 *note) is amended to read as follows:*

18 *“(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO*
19 *ACCOUNT.—*

20 *“(1) IN GENERAL.—This section shall not apply*
21 *to so much of the qualified wages paid by an eligible*
22 *employer as such employer elects (at such time and*
23 *in such manner as the Secretary may prescribe) to*
24 *not take into account for purposes of this section.*

1 “(2) *COORDINATION WITH PAYCHECK PROTEC-*
2 *TION PROGRAM.*—*The Secretary, in consultation with*
3 *the Administrator of the Small Business Administra-*
4 *tion, shall issue guidance providing that payroll costs*
5 *paid or incurred during the covered period shall not*
6 *fail to be treated as qualified wages under this section*
7 *by reason of an election under paragraph (1) to the*
8 *extent that a covered loan of the eligible employer is*
9 *not forgiven by reason of a decision under section*
10 *1106(g). Terms used in the preceding sentence which*
11 *are also used in section 1106 shall have the same*
12 *meaning as when used in such section.”.*

13 (2) *CONFORMING AMENDMENTS.*—

14 (A) *Section 2301 of the CARES Act (Public*
15 *Law 116–136; 26 U.S.C. 3111 note) is amended*
16 *by striking subsection (j).*

17 (B) *Section 2301(l) of the CARES Act*
18 *(Public Law 116–136; 26 U.S.C. 3111 note) is*
19 *amended by striking paragraph (3) and by re-*
20 *designating paragraphs (4) and (5) as para-*
21 *graphs (3) and (4), respectively.*

22 (c) *EFFECTIVE DATE.*—*The amendments made by this*
23 *section shall take effect as if included in the provisions of*
24 *the CARES Act (Public Law 116–136) to which they relate.*

1 **TITLE IV—COVID-19 ECONOMIC**
2 **INJURY DISASTER LOAN PRO-**
3 **GRAM REFORM**

4 **SEC. 401. SENSE OF CONGRESS.**

5 *It is the sense of Congress that—*

6 *(1) many businesses that have received economic*
7 *injury disaster loans under section 7(b)(2) of the*
8 *Small Business Act (15 U.S.C. 636(b)) continue to*
9 *suffer from the effects of the COVID-19 pandemic and*
10 *may not be in a position to make payments in the*
11 *near term;*

12 *(2) the Administrator of the Small Business Ad-*
13 *ministration has the authority under the Small Busi-*
14 *ness Act (15 U.S.C. 631 et seq.) to reduce the interest*
15 *charged on loans and to offer borrowers up to 4 years*
16 *of deferment on the payment of interest and prin-*
17 *cipal; and*

18 *(3) the Congress encourages the Administrator of*
19 *the Small Business Administration to use this discre-*
20 *tion to provide relief to the hardest hit small busi-*
21 *nesses that have received or will receive direct loans*
22 *from the Administration under section 7(b)(2) of the*
23 *Small Business Act (15 U.S.C. 636(b)(2)).*

1 **SEC. 402. NOTICES TO APPLICANTS FOR ECONOMIC INJURY**
2 **DISASTER LOANS OR ADVANCES.**

3 *Section 7(b)(11) of the Small Business Act (15 U.S.C.*
4 *636(b)(11) is amended—*

5 *(1) by striking “The Administrator” and insert-*
6 *ing the following:*

7 *“(A) IN GENERAL.—The Administrator”;*
8 *and*

9 *(2) by adding at the end the following new sub-*
10 *paragraphs:*

11 *“(B) ACCEPTANCE CRITERIA AND QUALI-*
12 *FICATIONS.—In carrying out subparagraph (A),*
13 *the Administrator shall—*

14 *“(i) publish on the website of the Ad-*
15 *ministration a description of the rules*
16 *issued with respect to a loan made under*
17 *this subsection, which shall be clear and*
18 *easy to understand; and*

19 *“(ii) upon receiving an application for*
20 *a loan under this subsection, provide to the*
21 *loan applicant the description described in*
22 *clause (i).*

23 *“(C) RIGHT TO EXPLANATION OF DECLINED*
24 *LOAN OR ADVANCE.—*

25 *“(i) IN GENERAL.—The Administrator*
26 *shall—*

1 “(I) provide all applicants for a
2 loan under this subsection or an ad-
3 vance under section 1110(e) of the
4 CARES Act for which the loan or ad-
5 vance application was fully or par-
6 tially denied with a complete written
7 application of the reason for the denial
8 at the time the decision is made;

9 “(II) establish a dedicated tele-
10 phonic information line and e-mail
11 address to respond to further inquiries
12 about denied applications described in
13 subclause (I); and

14 “(III) before fully or partially de-
15 nying an application for a loan under
16 this subsection or an advance under
17 such section 1110(e) because the appli-
18 cant submitted incomplete informa-
19 tion—

20 “(aa) contact the applicant
21 and give the applicant the oppor-
22 tunity to provide that informa-
23 tion; and

1 “(bb) reconsider the applica-
2 tion with any additional informa-
3 tion provided.

4 “(ii) *SUBMISSION OF ADDITIONAL IN-*
5 *FORMATION.—An applicant for a loan*
6 *under this subsection or an advance under*
7 *section 1110(e) of the CARES Act that can*
8 *remedy the grounds for denial of the appli-*
9 *cation by submitting additional informa-*
10 *tion under clause (i)(III)—*

11 “(I) shall have the opportunity to
12 do so directly with a loan officer; and

13 “(II) shall not be required to seek
14 a remedy through the appeals process
15 of the Administration.”.

16 **SEC. 403. MODIFICATIONS TO EMERGENCY EIDL ADVANCES.**

17 Section 1110(e)(1) of division A of the CARES Act (15
18 U.S.C. 90009(e)) is amended to read as follows:

19 “(1) *IN GENERAL.—During the covered period,*
20 *an entity included for eligibility in subsection (b), in-*
21 *cluding small business concerns, private nonprofit or-*
22 *ganizations, and small agricultural cooperatives, that*
23 *applies for a loan under section 7(b)(2) of the Small*
24 *Business Act (15 U.S.C. 636(b)(2)) in response to*
25 *COVID–19 shall be provided an advance that is, sub-*

1 *Administration a report that contains the following*
2 *information:*

3 “(A) *For the week covered by the report, the*
4 *number of covered applications that the Admin-*
5 *istrator—*

6 “(i) *received;*

7 “(ii) *processed; and*

8 “(iii) *approved and rejected, including*
9 *the percentage of covered applications that*
10 *the Administrator approved.*

11 “(B) *With respect to the covered applica-*
12 *tions that the Administrator approved during*
13 *that week, the number and dollar amount of the*
14 *loans made with respect to such applications as*
15 *part of a response to COVID–19.*

16 “(C) *The identification number, or other in-*
17 *dicator showing the order in which any applica-*
18 *tion was received and intended to be processed,*
19 *for the most recent covered application processed*
20 *by the Administrator.*

21 “(D) *Demographic data with respect to ap-*
22 *plicants submitting covered applications during*
23 *the week covered by the report and loans made*
24 *pursuant to covered applications during the week*
25 *covered by the report, which shall include—*

1 “(i) with respect to each such appli-
2 cant or loan recipient, as applicable, infor-
3 mation regarding—

4 “(I) the geographic area in which
5 the applicant or loan recipient oper-
6 ates;

7 “(II) if applicable, the sex, race,
8 and ethnicity of each owner of the ap-
9 plicant or loan recipient, which the in-
10 dividual may decline to provide;

11 “(III) the annual revenue of the
12 applicant or loan recipient;

13 “(IV) the number of employees
14 employed by the applicant or loan re-
15 cipient;

16 “(V) whether the applicant or
17 loan recipient is a for-profit or non-
18 profit entity; and

19 “(VI) the industry in which the
20 applicant or loan recipient operates;

21 “(ii) the number of such loans made to
22 agricultural enterprises; and

23 “(iii) the average economic injury suf-
24 fered by—

1 “(I) applicants, the covered appli-
2 cations of which the Administrator ap-
3 proved; and

4 “(II) applicants, the covered ap-
5 plications of which the Administrator
6 rejected.

7 “(g) VERIFICATION OF BUSINESS ELIGIBILITY.—

8 “(1) IN GENERAL.—With respect to an applica-
9 tion submitted to the Administrator during the cov-
10 ered period for a loan under section 7(b)(2) of the
11 Small Business Act (15 U.S.C. 636(b)(2)) in response
12 to COVID–19, the Administrator shall verify that
13 each such applicant was in operation on January 31,
14 2020.

15 “(2) REPORT.—Not later than 30 days after the
16 date of enactment of this subsection, the Adminis-
17 trator shall submit to Congress a report that describes
18 the steps taken by the Administrator to perform the
19 verification required under paragraph (1).

20 “(3) SENSE OF CONGRESS.—It is the sense of
21 Congress that the verification required under para-
22 graph (1) constitutes oversight that the Administrator
23 is required to perform under paragraph (15) of sec-
24 tion 7(b) of the Small Business Act (15 U.S.C.

1 636(b)) with respect to entities receiving loans under
2 paragraph (2) of such section 7(b).

3 “(h) NOTIFICATIONS TO CONGRESS.—

4 “(1) DEFINITIONS.—In this subsection—

5 “(A) the term ‘appropriate committees of
6 Congress’ means—

7 “(i) the Committee on Small Business
8 and Entrepreneurship and the Sub-
9 committee on Financial Services and Gen-
10 eral Government of the Committee on Ap-
11 propriations of the Senate; and

12 “(ii) the Committee on Small Business
13 and the Subcommittee on Financial Serv-
14 ices and General Government of the Com-
15 mittee on Appropriations of the House of
16 Representatives; and

17 “(B) the term ‘covered program, project, or
18 activity’ means—

19 “(i) the program under this section;

20 “(ii) the loan program under section
21 7(b)(2) of the Small Business Act (15
22 U.S.C. 636(b)(2));

23 “(iii) the authorized activities for
24 amounts were appropriated in response to
25 the COVID–19 pandemic under the heading

1 *‘Small Business Administration—Salaries*
2 *and Expenses’; or*

3 *“(iv) any other program, project, or*
4 *activity for which funds are made available*
5 *to the Administration to respond to the*
6 *COVID–19 pandemic.*

7 “(2) *NOTICE OF APPROACHING FUNDING*
8 *LAPSE.—The Administrator shall submit to the ap-*
9 *propriate committees of Congress a notification not*
10 *later than 2 days after the date on which unobligated*
11 *balances of amounts appropriated for a fiscal year for*
12 *any covered program, project, or activity are less*
13 *than 25 percent of the total amount appropriated for*
14 *the covered program, project, or activity for such fis-*
15 *cal year.*

16 “(3) *MONTHLY REPORT.—The Administrator*
17 *shall submit to the appropriate committees of Con-*
18 *gress a monthly report detailing the current and fu-*
19 *ture planned uses of amounts appropriated in re-*
20 *sponse to the COVID–19 pandemic under the heading*
21 *‘Small Business Administration—Salaries and Ex-*
22 *penditures’, which shall include—*

23 *“(A) the number of employees hired and*
24 *contractors retained using such amounts;*

1 “(B) the number of contracts with a total
2 cost of more than \$5,000,000 entered into using
3 such amounts;

4 “(C) a list of all sole source contracts en-
5 tered into using such amounts; and

6 “(D) any program changes, regulatory ac-
7 tions, guidance issuances, or other initiatives re-
8 lating to the response to the COVID-19 pan-
9 demic.”.

10 (b) *RETROACTIVE COLLECTION*.—As soon as is prac-
11 ticable after the date of enactment of this Act, the Adminis-
12 trator shall collect the information required under section
13 1110(f) of the CARES Act (15 U.S.C. 9009(f)), as amended
14 by subsection (a), from applicants that submitted covered
15 applications (as defined in such section 1110(f)) during the
16 period beginning on the date of enactment of the CARES
17 Act (Public Law 116-136) and ending on the date of enact-
18 ment of this Act.

19 **SEC. 405. LIFELINE FUNDING FOR SMALL BUSINESS CON-**
20 **TINUITY, ADAPTATION, AND RESILIENCY.**

21 Section 1110 of the CARES Act (15 U.S.C. 9009), as
22 amended by section 404, is further amended by inserting
23 after subsection (i) (as added by such section) the following
24 new subsection:

1 “(i) *LIFELINE FUNDING FOR SMALL BUSINESS CON-*
2 *TINUITY, ADAPTATION, AND RESILIENCY.*—

3 “(1) *DEFINITIONS.*—*In this subsection:*

4 “(A) *AGRICULTURAL ENTERPRISE.*—*The*
5 *term ‘agricultural enterprise’ has the meaning*
6 *given the term in section 18(b) of the Small*
7 *Business Act (15 U.S.C. 647(b)).*

8 “(B) *COVERED ENTITY.*—*The term ‘covered*
9 *entity’—*

10 “(i) *means an eligible entity described*
11 *in subsection (b) of this section, if such eli-*
12 *gible entity—*

13 “(I) *has not more than 50 em-*
14 *ployees; and*

15 “(II) *has suffered an economic*
16 *loss of not less than 30 percent; and*

17 “(ii) *except with respect to an entity*
18 *included under section 123.300(c) of title*
19 *13, Code of Federal Regulations, or any*
20 *successor regulation, does not include an ag-*
21 *ricultural enterprise.*

22 “(C) *ECONOMIC LOSS.*—*The term ‘economic*
23 *loss’ means, with respect to a covered entity, the*
24 *amount by which the gross receipts of the covered*
25 *entity declined during an 8-week period between*

1 *March 2, 2020, and December 31, 2020 (as deter-*
2 *mined by the covered entity), relative to a com-*
3 *parable 8-week period immediately preceding*
4 *March 2, 2020, or during 2019 (as determined*
5 *by the covered entity).*

6 “(D) *ECONOMICALLY DISADVANTAGED INDI-*
7 *VIDUAL.—The term ‘economically disadvantaged*
8 *individual’ means an economically disadvan-*
9 *taged individual under section 124.104 of title*
10 *13, Code of Federal Regulations, or any successor*
11 *regulation.*

12 “(E) *LOW-INCOME COMMUNITY.—The term*
13 *‘low-income community’ has the meaning given*
14 *the term in section 45D(e) of the Internal Rev-*
15 *enue Code of 1986.*

16 “(F) *REMOTE RECREATIONS ENTER-*
17 *PRISE.—The term ‘remote recreational enter-*
18 *prise’ means a covered entity that was in oper-*
19 *ation on or before March 1, 2020, that can docu-*
20 *ment an economic loss caused by the closure of*
21 *the United States and Canadian border that re-*
22 *stricted the ability of American customers to ac-*
23 *cess the location of the covered entity.*

24 “(G) *SMALL BUSINESS CONCERN.—The*
25 *term ‘small business concern’ has the meaning*

1 *given the term under section 3(a) of the Small*
2 *Business Act (15 U.S.C. 632(a)).*

3 “(H) *SOCIALLY DISADVANTAGED INDI-*
4 *VIDUAL.—The term ‘socially disadvantaged indi-*
5 *vidual’ means a socially disadvantaged indi-*
6 *vidual under section 124.103 of title 13, Code of*
7 *Federal Regulations, or any successor regulation.*

8 “(2) *PROCEDURE.—During the covered period, a*
9 *covered entity that applies for a loan under section*
10 *7(b)(2) of the Small Business Act (15 U.S.C.*
11 *636(b)(2)) may request that the Administrator pro-*
12 *vide funding for the purposes described in paragraph*
13 *(6).*

14 “(3) *VERIFICATION.—With respect to each re-*
15 *quest submitted by an entity under paragraph (2),*
16 *the Administrator shall—*

17 “(A) *not later than 14 days after the date*
18 *on which the Administrator receives the request,*
19 *verify whether the entity is a covered entity; and*

20 “(B) *if the Administrator verifies that the*
21 *entity is a covered entity under clause (i), and*
22 *subject to paragraph (8), disburse the funding re-*
23 *quested by the covered entity not later than 7*
24 *days after the date on which the Administrator*
25 *completes the verification.*

1 “(4) *ORDER OF PROCESSING.*—Subject to para-
2 graph (8), the Administrator shall process and ap-
3 prove requests submitted under paragraph (2) in the
4 order the Administrator receives the requests.

5 “(5) *AMOUNT OF FUNDING.*—

6 “(A) *IN GENERAL.*—The amount of funding
7 provided to a covered entity that submits a re-
8 quest under paragraph (2) shall be in an
9 amount that is the lesser of—

10 “(i) the amount of working capital
11 needed by the covered entity for the 180-day
12 period beginning on the date on which the
13 covered entity would receive the funding, as
14 determined by the Administrator using a
15 methodology that is identical to the method-
16 ology used by the Administrator to deter-
17 mine working capital needs with respect to
18 an application for a loan submitted under
19 section 7(b)(2) of the Small Business Act
20 (15 U.S.C. 636(b)(2)); or

21 “(ii) \$50,000.

22 “(B) *ENTITLEMENT TO FULL AMOUNT.*—A
23 covered entity that receives funding pursuant to
24 a request submitted under paragraph (2) shall be
25 entitled to receive the full amount of that fund-

1 ing, as determined under subparagraph (A),
2 without regard to—

3 “(i) if the applicable loan for which the
4 covered entity has applied under section
5 7(b)(2) of the Small Business Act (15
6 U.S.C. 636(b)(2)) is approved, the amount
7 of the loan;

8 “(ii) whether the covered entity accepts
9 the offer of the Administrator with respect
10 to an approved loan described in clause (i);
11 or

12 “(iii) whether the covered entity has
13 previously received any amounts under sub-
14 section (e).

15 “(6) *USE OF FUNDS.*—A covered entity that re-
16 ceives funding under this subsection—

17 “(A) may use the funding—

18 “(i) for any purpose for which a loan
19 received under section 7(b)(2) of the Small
20 Business Act (15 U.S.C. 636(b)(2)) may be
21 used;

22 “(ii) for working capital needs, includ-
23 ing investments to implement adaptive
24 changes or resiliency strategies to help the

1 *eligible entity maintain business continuity*
2 *during the COVID–19 pandemic; or*

3 *“(iii) to repay any unpaid amount*
4 *of—*

5 *“(I) a loan received under sub-*
6 *section (a)(36) or (b)(2) of section 7 of*
7 *the Small Business Act (15 U.S.C.*
8 *636); or*

9 *“(II) mortgage interest; and*

10 *“(B) may not use the funding to pay any*
11 *loan debt, except as provided in subparagraph*
12 *(A)(iii).*

13 *“(7) APPLICABILITY.—In addition to any other*
14 *restriction imposed under this subsection, any eligi-*
15 *bility restriction applicable to a loan made under sec-*
16 *tion 7(b)(2) of the Small Business Act (15 U.S.C.*
17 *636(b)(2)), including any restriction under section*
18 *123.300 or 123.301 of title 13, Code of Federal Regu-*
19 *lations, or any successor regulation, shall apply with*
20 *respect to funding provided under this subsection.*

21 *“(8) PRIORITY.—During the 56-day period be-*
22 *ginning on the date of enactment of this subsection,*
23 *the Administrator may approve a request for funding*
24 *under this subsection only if the request is submitted*
25 *by—*

1 “(A) a covered entity located in a low-in-
2 come community;

3 “(B) a covered entity owned or controlled
4 by a veteran or a member of the Armed Forces;

5 “(C) a covered entity owned or controlled by
6 an economically disadvantaged individual or a
7 socially disadvantaged individual; or

8 “(D) a remote recreational enterprise.

9 “(9) ADMINISTRATION.—In carrying out this
10 subsection, the Administrator may rely on loan offi-
11 cers and other personnel of the Office of Disaster As-
12 sistance of the Administration and other resources of
13 the Administration, including contractors of the Ad-
14 ministration.

15 “(10) RETROACTIVE EFFECT.—Any covered enti-
16 ty that, during the period beginning on January 1,
17 2020, and ending on the day before the date of enact-
18 ment of this subsection, applied for a loan under sec-
19 tion 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)) may submit to the Administrator a request
21 under paragraph (2) with respect to that loan.

22 “(11) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Ad-
24 ministrator \$40,000,000,000 to carry out this sub-

1 *section, which shall remain available through Decem-*
2 *ber 31, 2020, of which—*

3 *“(A) \$20,00,000,000 is authorized to be ap-*
4 *propriated to provide funding to covered entities*
5 *described in paragraph (8); and*

6 *“(B) \$20,000,000 is authorized to be appro-*
7 *priated to the Inspector General of the Adminis-*
8 *tration to prevent waste, fraud, and abuse with*
9 *respect to funding provided under this sub-*
10 *section.”.*

11 **SEC. 406. MODIFICATIONS TO ECONOMIC INJURY DISASTER**

12 **LOANS.**

13 *(a) LOANS FOR NEW BORROWERS.—With respect to a*
14 *loan made under section 7(b)(2) of the Small Business Act*
15 *(15 U.S.C. 636(b)(2)) to a borrower adversely impacted by*
16 *COVID–19 during the period beginning on the date of en-*
17 *actment of this Act and ending on December 31, 2020—*

18 *(1) the borrower shall be eligible for a loan in an*
19 *amount equal to 6 months of working capital if the*
20 *borrower otherwise meets the underwriting standards*
21 *established by the Administration; and*

22 *(2) the Administrator—*

23 *(A) shall not impose a maximum loan*
24 *amount limit that is lower than \$2,000,000; and*

1 (B) shall not disqualify any applicant for
2 such a loan due to the criminal history or arrest
3 record of the applicant, except in the case of an
4 applicant that, during the 5-year period pre-
5 ceding the date on which the applicant submits
6 an application, has been convicted—

7 (i) of a felony offense involving fraud,
8 bribery, or embezzlement in any State or
9 Federal court; or

10 (ii) in connection with a false state-
11 ment made in—

12 (I) a loan application; or

13 (II) an application for Federal fi-
14 nancial assistance.

15 (b) *ADDITIONAL LOAN FOR EXISTING BORROWERS.*—

16 (1) *IN GENERAL.*—A recipient of a loan made
17 under section 7(b)(2) of the Small Business Act (15
18 U.S.C. 636(b)(2)) to a borrower adversely impacted
19 by COVID–19 during the period beginning on Janu-
20 ary 31, 2020, and ending on the date of enactment
21 of this Act may submit to the Administrator a request
22 for an additional amount to increase in the amount
23 of that loan, provided that the aggregate amount re-
24 ceived under such section by the recipient during that
25 period shall be not more than the lesser of—

1 (A) an amount equal to 6 months of work-
2 ing capital for the recipient; and

3 (B) \$2,000,000; and

4 (2) *CONSIDERATION.*—In considering a request
5 submitted under paragraph (1), the Administrator—

6 (A) may not recalculate the economic injury
7 or creditworthiness of the borrower; and

8 (B) shall issue a determination based on the
9 documentation submitted by the borrower for the
10 initial loan under such section 7(b)(2), any other
11 new information voluntarily provided by the
12 borrower, and any information obtained to pre-
13 vent fraud or abuse.

14 (3) *ADDITIONAL DOCUMENTATION.*—If the Ad-
15 ministrator of the Small Business Administration re-
16 quires a borrower making a request under paragraph
17 (1) to provide additional documentation, the Admin-
18 istrator shall—

19 (A) publish those documentation require-
20 ments on the website of the Administration not
21 later than 7 days after the date of enactment of
22 this Act; and

23 (B) proactively provide those requirements
24 to any such borrower that received a loan de-
25 scribed in paragraph (1).

1 **SEC. 407. PRINCIPAL AND INTEREST PAYMENTS FOR CER-**
2 **TAIN DISASTER LOANS.**

3 (a) *IN GENERAL.*—*The Administrator shall pay the*
4 *principal, interest, and any associated fees that are owed*
5 *on a physical disaster loan or a covered EIDL loan as fol-*
6 *lows:*

7 (1) *With respect to a physical disaster loan—*

8 (A) *not in deferment, for the 12-month pe-*
9 *riod beginning with the next payment due on*
10 *such loan;*

11 (B) *in deferment, for the 12-month period*
12 *beginning with the next payment due on such*
13 *loan after the deferment period; and*

14 (C) *made on or after the date of enactment*
15 *of this Act, for the 12-month period beginning*
16 *with the first payment due on such loan.*

17 (2) *With respect to a covered EIDL loan—*

18 (A) *not in deferment, for the 12-month pe-*
19 *riod beginning with the next payment due on*
20 *such loan; and*

21 (B) *in deferment, for the 12-month period*
22 *beginning with the next payment due on such*
23 *loan after the deferment period.*

24 (b) *TIMING OF PAYMENT.*—*The Administrator shall*
25 *begin making payments under subsection (a) not later than*

1 30 days after the date on which the first such payment is
2 due.

3 (c) *APPLICATION OF PAYMENT.*—Any payment made
4 by the Administrator under subsection (a) shall be applied
5 to the physical disaster loan or a covered EIDL loan (as
6 applicable) such that the borrower is relieved of the obliga-
7 tion to pay that amount.

8 (d) *DEFINITIONS.*—In this section:

9 (1) *PHYSICAL DISASTER LOAN.*—The term
10 “physical disaster loan” means a loan made under
11 section 7(b)(1) of the Small Business Act (15 U.S.C.
12 636(b)(1)) in a regular servicing status.

13 (2) *COVERED EIDL LOAN.*—The term “covered
14 EIDL loan” means a loan made under section 7(b)(2)
15 of the Small Business Act (15 U.S.C. 636(b)(2))
16 that—

17 (A) was approved by the Administrator be-
18 fore February 15, 2020; and

19 (B) is in a regular servicing status.

20 **SEC. 408. TRAINING.**

21 The Administrator shall develop and implement a
22 plan to train any staff responsible for implementing or ad-
23 ministering the loan program established under section
24 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) on
25 specific responsibilities with respect to such program. Such

1 *plan shall be submitted to the Committee on Small Business*
2 *of the House of Representatives and the Committee on*
3 *Small Business and Entrepreneurship of the Senate.*

4 **SEC. 409. OUTREACH PLAN.**

5 *Not later than 30 days after the date of the enactment*
6 *of this Act, the Administrator shall submit to the Committee*
7 *on Small Business of the House of Representatives and the*
8 *Committee on Small Business and Entrepreneurship of the*
9 *Senate an outreach plan to clearly communicate program*
10 *and policy changes to all offices of the Administration,*
11 *small business development centers (as defined in section*
12 *3 of the Small Business Act (15 U.S.C. 632)), women's busi-*
13 *ness centers (described under section 29 of such Act (15*
14 *U.S.C. 656)), chapters of the Service Corps of Retired Ex-*
15 *ecutives (established under section 8(b)(1)(B) of such Act*
16 *(15 U.S.C. 637(b)(1)(B))), Veteran Business Outreach Cen-*
17 *ters (described under section 32 of such Act (15 U.S.C.*
18 *657b)), Members of Congress, congressional committees,*
19 *small business concerns (as defined in section 3 of such Act*
20 *(15 U.S.C. 632)), and the public.*

21 **SEC. 410. REPORT ON BEST PRACTICES.**

22 *Not later than 60 days after the date of the enactment*
23 *of this Act, the Administrator shall submit to the Committee*
24 *on Small Business of the House of Representatives and the*
25 *Committee on Small Business and Entrepreneurship of the*

1 *Senate a report on outlining the best practices to admin-*
 2 *ister the loan program established under section 7(b)(2) of*
 3 *the Small Business Act (15 U.S.C. 636(b)(2)) during a pan-*
 4 *demic.*

5 **SEC. 411. EXTENSION OF PERIOD OF AVAILABILITY FOR AD-**
 6 **MINISTRATIVE FUNDS.**

7 *Section 1107(a) of the CARES Act (15 U.S.C.*
 8 *9006(a)) is amended in the matter preceding paragraph (1)*
 9 *by striking “until September 30, 2021” and inserting*
 10 *“until December 31, 2021, for amounts appropriated under*
 11 *paragraph (2), and until September 30, 2021, for all other*
 12 *amounts appropriated under this subsection”.*

13 **TITLE V—MICRO-SBIC AND EQ-**
 14 **UITY INVESTMENT ENHANCE-**
 15 **MENT**

16 **SEC. 501. MICRO-SBIC PROGRAM.**

17 *Title III of the Small Business Investment Act of 1958*
 18 *(15 U.S.C. 681 et seq.) is amended by adding at the end*
 19 *the following:*

20 **“PART D—MICRO-SBIC PROGRAM**

21 **“SEC. 399A. MICRO-SBIC PROGRAM.**

22 *“(a) ESTABLISHMENT.—There is established in the Ad-*
 23 *ministration a program to be known as the ‘Micro-SBIC*
 24 *Program’ under which the Administrator shall issue a li-*
 25 *cense to an applicant for the purpose of making loans to*

1 *and investments in small business concerns. An applicant*
2 *licensed under this section shall have the same benefits as*
3 *an applicant licensed under section 301.*

4 “(b) *ELIGIBILITY.—An applicant desiring to receive a*
5 *license to operate as a micro-SBIC shall submit an applica-*
6 *tion to the Administrator at such time, in such manner,*
7 *and containing such information as the Administrator may*
8 *require, including—*

9 “(1) *evidence that the applicant holds private*
10 *capital of not less than \$5,000,000;*

11 “(2) *evidence that the management of the appli-*
12 *cant is qualified and has significant business exper-*
13 *tise relevant to the applicant’s strategy; and*

14 “(3) *an election to receive a seed investment*
15 *under section 399C or leverage from the Adminis-*
16 *trator.*

17 “(c) *ISSUANCE OF LICENSE.—*

18 “(1) *PROCEDURES.—*

19 “(A) *STATUS.—Not later than 90 days after*
20 *the initial receipt by the Administrator of an*
21 *application under this subsection, the Adminis-*
22 *trator shall provide the applicant with a written*
23 *report detailing the status of the application and*
24 *any requirements remaining for completion of*
25 *the application.*

1 “(B) *APPROVAL OR DISAPPROVAL.*—*Except*
2 *as provided in subparagraph (C) and within a*
3 *reasonable time after providing the report under*
4 *subparagraph (A) and in accordance with such*
5 *requirements as the Administrator may prescribe*
6 *by regulation, the Administrator shall—*

7 “(i) *approve the application and issue*
8 *to the applicant a license to operate as a*
9 *micro-SBIC; or*

10 “(ii) *disapprove the application and*
11 *notify the applicant in writing of the dis-*
12 *approval.*

13 “(C) *PROVISIONAL APPROVAL.*—*The Admin-*
14 *istrator may provide provisional approval for an*
15 *applicant for a period of not more than 12*
16 *months before making a final determination of*
17 *approval or disapproval under subparagraph*
18 *(B).*

19 “(D) *EXPLANATION OF DISAPPROVAL.*—*An*
20 *applicant may submit to the Administrator a re-*
21 *quest for a written explanation regarding the*
22 *disapproval of an application under subpara-*
23 *graph (B)(ii).*

24 “(2) *APPEALS.*—

1 “(A) *DISAPPROVED APPLICATIONS.*—With
2 respect to an application that is disapproved
3 under paragraph (1)(B)(iii)—

4 “(i) not later than 30 days after the
5 date on which the application is dis-
6 approved, the applicant may submit an ap-
7 peal to the Chair of the Investment Division
8 Licensing Committee of the Administration
9 (referred to in this subparagraph as the
10 ‘Chair’); and

11 “(ii) not later than 30 days after the
12 date on which the applicant submits an ap-
13 peal under clause (i), the Chair shall issue
14 a ruling with respect to the appeal and no-
15 tify the applicant regarding such ruling.

16 “(B) *DENIAL OF APPEAL.*—With respect to
17 an application that the Chair denies in an ap-
18 peal submitted under subparagraph (A)—

19 “(i) not later than 30 days after the
20 date on which the Chair submits the notifi-
21 cation required under subparagraph (A)(ii),
22 the applicant may submit to the Adminis-
23 trator an appeal of the ruling made by the
24 Chair; and

1 “(ii) not later than 30 days after the
2 date on which the applicant submits an ap-
3 peal under clause (i), the Administrator
4 shall issue a final ruling with respect to the
5 appeal and notify the applicant regarding
6 such ruling.

7 “(3) *PRIORITY.*—In reviewing applications and
8 issuing licenses under this section, the Administrator
9 shall give priority to an applicant the management
10 of which consists of at least two socially disadvan-
11 taged individuals or economically disadvantaged in-
12 dividuals and at least one track record investment
13 committee member.

14 “(4) *EXPEDITED PROCEDURES.*—The Adminis-
15 trator shall establish expedited procedures for the con-
16 sideration of an application submitted under sub-
17 section (b), including a written report under para-
18 graph (1)(A) not later than 45 days after the initial
19 receipt of an application, for—

20 “(A) a small business investment companies
21 licensed under section 301;

22 “(B) a rural business investment company;

23 or

24 “(C) a bank-owned applicant.

25 “(d) *MAXIMUM LEVERAGE.*—

1 “(1) *IN GENERAL.*—*For a micro-SBIC that elects*
2 *to receive leverage under subsection (b)(3), the max-*
3 *imum amount of outstanding leverage made available*
4 *to any one micro-SBIC may not exceed—*

5 “(A) *50 percent of the private capital of*
6 *such micro-SBIC, not to exceed \$25,000,000; or*

7 “(B) *in the case of a micro-SBIC owned by*
8 *persons who also own a small business invest-*
9 *ment company licensed under section 301, 100*
10 *percent of the private capital of such micro-*
11 *SBIC, not to exceed \$50,000,000.*

12 “(2) *INVESTMENTS IN CERTAIN BUSINESSES.*—*In*
13 *calculating the outstanding leverage of a micro-SBIC*
14 *for purposes of paragraph (1), the Administrator*
15 *shall exclude the amount of the cost basis of any in-*
16 *vestments made in an early-stage small business,*
17 *growth-stage small business, scale-up small business,*
18 *or covered small business in an amount not to ex-*
19 *ceed—*

20 “(A) *\$25,000,000; or*

21 “(B) *in the case of a micro-SBIC owned by*
22 *persons who also own a small business invest-*
23 *ment company licensed under section 301,*
24 *\$50,000,000.*

1 **“SEC. 399B. MICRO-SBIC PROGRAM REQUIREMENTS.**

2 “(a) *SURRENDER OF LICENSE.*—A micro-SBIC that
3 voluntarily surrenders a license issued under this section
4 shall enter into an agreement with Administrator for the
5 repayment of leverage received. Such agreement may not
6 require the micro-SBIC to immediately repay all leverage
7 received.

8 “(b) *ADMINISTRATION.*—To the extent practicable, for
9 a micro-SBIC that elects to receive leverage under section
10 399A(b)(3), the Administrator shall administer the Micro-
11 SBIC Program in a similar manner to the program under
12 section 301.

13 **“SEC. 399C. SEED INVESTMENT PROGRAM.**

14 “(a) *ESTABLISHMENT.*—The Administrator shall es-
15 tablish and carry out an equity investment program (in
16 this part referred to as the ‘Seed Investment Program’) to
17 provide seed investments to a micro-SBIC to invest in small
18 business concerns.

19 “(b) *APPLICATION.*—A micro-SBIC that elects to re-
20 ceive a seed investment under section 399A(b)(3) shall sub-
21 mit to the Administrator an application that includes the
22 following:

23 “(1) A business plan describing how the appli-
24 cant intends to make successful investments in early-
25 stage small businesses, growth-stage small businesses,

1 *scale-up small businesses, or covered small businesses,*
2 *as applicable.*

3 “(2) *A description of the extent to which the ap-*
4 *plicant meets the selection criteria under subsection*
5 *(c).*

6 “(c) *SELECTION.—*

7 “(1) *IN GENERAL.—Not later than 90 days after*
8 *the date of receipt of an application under subsection*
9 *(b), the Administrator shall make a final determina-*
10 *tion to approve or disapprove the applicant as a par-*
11 *ticipant in the Seed Investment Program and shall*
12 *submit such determination to the applicant in writ-*
13 *ing.*

14 “(2) *CRITERIA.—In making a determination*
15 *under paragraph (1), the Administrator shall con-*
16 *sider each of the following criteria:*

17 “(A) *The likelihood that the applicant will*
18 *meet the goals specified in the business plan of*
19 *the applicant.*

20 “(B) *The likelihood that the investments of*
21 *the applicant will directly and indirectly create*
22 *or preserve jobs.*

23 “(C) *The character and fitness of the man-*
24 *agement of the applicant.*

1 “(D) *The experience and background of the*
2 *management of the applicant.*

3 “(E) *The extent to which the applicant will*
4 *concentrate investment activities on early-stage*
5 *small businesses, growth-stage small businesses,*
6 *scale-up small businesses, or covered small busi-*
7 *nesses, as applicable.*

8 “(F) *The likelihood that the applicant will*
9 *achieve profitability.*

10 “(G) *The experience of the management of*
11 *the applicant with respect to establishing a prof-*
12 *itable investment track record.*

13 **“SEC. 399D. REQUIREMENTS FOR SEED INVESTMENTS.**

14 “(a) *IN GENERAL.—The Administrator may make one*
15 *seed investment to a Program participant, which shall be*
16 *held in an account from which the Program participant*
17 *may make withdrawals.*

18 “(b) *AMOUNTS.—*

19 “(1) *NON-FEDERAL CAPITAL.—A seed investment*
20 *made to a Program participant may not exceed the*
21 *amount of capital of such Program participant*
22 *that—*

23 “(A) *is not from a Federal source; and*

24 “(B) *that is available for investment, in-*
25 *cluding through legally binding commitments, on*

1 *or before the date on which the seed investment*
2 *is approved.*

3 “(2) *LIMITATION ON AMOUNT.*—*The amount of a*
4 *seed investment made to a Program participant may*
5 *not exceed the lesser of—*

6 “(A) *\$25,000,000; or*

7 “(B) *100 percent of the private capital com-*
8 *mitted to the Program participant.*

9 “(c) *PROCESS.*—

10 “(1) *IN GENERAL.*—*Amounts held in an account*
11 *under this section shall remain available to a Pro-*
12 *gram participant—*

13 “(A) *for initial seed investments, during the*
14 *5-year period beginning on the date on which the*
15 *Program participant first accesses amounts from*
16 *the account; and*

17 “(B) *for follow-on investments and manage-*
18 *ment fees, during the 10-year period beginning*
19 *on the date on which the Program participant*
20 *first accesses amounts from the account.*

21 “(2) *EXTENSION.*—*Upon request by a Program*
22 *participant, the Administrator may grant a 1-year*
23 *extension of the period described in paragraph (1)(B)*
24 *not more than 2 times.*

1 “(3) *USE OF AMOUNTS.*—*A Program participant*
2 *shall invest all amounts in the account during the 10-*
3 *year period beginning on the date on which the Pro-*
4 *gram participant first accesses amounts from the ac-*
5 *count.*

6 “(d) *PRIORITY.*—*The Administrator shall prioritize*
7 *making seed investments under this section to Program par-*
8 *ticipants in underlicensed States.*

9 “(e) *INVESTMENTS IN CERTAIN BUSINESSES.*—

10 “(1) *IN GENERAL.*—*A Program participant that*
11 *receives a seed investment under this part shall make*
12 *all of the investments of such Program participant in*
13 *small business concerns, of which at least 50 percent*
14 *shall be in covered small businesses.*

15 “(2) *MINORITY POSITIONS.*—*On the date on*
16 *which a Program participant first accesses amounts*
17 *from such seed investment, the Program participant*
18 *may not own or control not more than 50 percent of*
19 *the shares of any small business concern in which*
20 *such Program participant invests. A Program partic-*
21 *ipant shall not pursue a buyout strategy as a pri-*
22 *mary purpose of an investment in such a small busi-*
23 *ness concern, but may take control in follow-on in-*
24 *vestments if necessary for the success of any such*
25 *small business concern.*

1 “(3) *EVALUATION OF COMPLIANCE.*—*The Admin-*
2 *istrator shall evaluate the compliance of a Program*
3 *participant with the requirements under this section*
4 *once such Program participant has expended 75 per-*
5 *cent of the amount of a seed investment made under*
6 *this part.*

7 “(f) *SEED INVESTMENT INTEREST.*—

8 “(1) *IN GENERAL.*—

9 “(A) *IN GENERAL.*—*Subject to paragraph*
10 *(4), a Program participant that receives a seed*
11 *investment under the Program shall convey a*
12 *seed investment interest to the Administrator in*
13 *accordance with subparagraph (B).*

14 “(B) *EFFECT OF CONVEYANCE.*—*The seed*
15 *investment interest conveyed under paragraph*
16 *(1) shall have all the rights and attributes of*
17 *other investors with respect to the Program par-*
18 *ticipant, but shall not assign control or voting*
19 *rights to the Administrator. The seed investment*
20 *interest shall entitle the Administrator to a pro*
21 *rata portion of any distributions made by the*
22 *Program participant equal to the percentage of*
23 *capital in the Program participant that the seed*
24 *investment comprises. The Administrator shall*
25 *receive distributions from the Program partici-*

1 *pant at the same times and in the same amounts*
2 *as any other investor in the Program partici-*
3 *pant with a similar interest. The Program par-*
4 *ticipant shall make allocations of income, gain,*
5 *loss, deduction, and credit to the Administrator*
6 *with respect to the seed investment interest as if*
7 *the Administrator were an investor.*

8 “(2) *MANAGER PROFITS.*—*The manager profits*
9 *interest payable to the managers of a Program partici-*
10 *ipant shall not exceed 20 percent of profits, exclusive*
11 *of any profits that may accrue as a result of the cap-*
12 *ital contributions of any such managers with respect*
13 *to such Program participant. Any excess of this*
14 *amount, less taxes payable thereon, shall be returned*
15 *by the managers and paid to the investors and the*
16 *Administrator in proportion to the capital contribu-*
17 *tions and seed investments paid in. No manager prof-*
18 *its interest (other than a tax distribution) shall be*
19 *paid prior to the repayment to the investors and the*
20 *Administrator of all contributed capital and seed in-*
21 *vestments made. A manager of a Program partici-*
22 *pant may charge reasonable and customary manage-*
23 *ment and organizational fees.*

24 “(3) *DISTRIBUTION REQUIREMENTS.*—*A Pro-*
25 *gram participant that receives a seed investment*

1 *under the Program shall make all distributions to all*
2 *investors in cash and shall make distributions within*
3 *a reasonable time after exiting investments, including*
4 *following a public offering or market sale of under-*
5 *lying investments.*

6 *“(4) LIMITATION ON GRANT PROFITS.—Once the*
7 *Administrator has received an amount equal to 110*
8 *percent of the amount of the seed investment made to*
9 *a Program participant, the requirement to convey*
10 *seed investment interest under this subsection shall be*
11 *terminated and no further distributions of profits*
12 *shall be made to the Administrator.*

13 **“SEC. 399E. ADMINISTRATION.**

14 *“(a) ELECTRONIC SUBMISSIONS.—The Administrator*
15 *shall permit the electronic submission of any document sub-*
16 *mitted under this part or pursuant to a regulation carrying*
17 *out this part, including by permitting an electronic signa-*
18 *ture for any signature that is required on such a document.*

19 *“(b) APPLICATION OF PENALTIES.—To the extent not*
20 *inconsistent with requirements under this part, the Admin-*
21 *istrator may take such action as set forth in sections 309,*
22 *311, 312, 313, and 314 to activities under this part and*
23 *an officer, director, employee, agent, or other participant*
24 *in a micro-SBIC shall be subject to the requirements under*
25 *such sections.*

1 **“SEC. 399F. REPORT.**

2 *“The Administrator shall include in the annual report*
3 *required under section 10(a) of the Small Business Act a*
4 *description of—*

5 *“(1) the number of applications received under*
6 *this part, including the number of applications re-*
7 *ceived from applicants for which the management*
8 *consists of at least two socially disadvantaged indi-*
9 *viduals or economically disadvantaged individuals;*
10 *and*

11 *“(2) the number of licenses issued under section*
12 *399A, including the number of such licenses issued to*
13 *applicants for which the management consists of at*
14 *least two socially disadvantaged individuals or eco-*
15 *nomically disadvantaged individuals.*

16 **“SEC. 399G. DEFINITIONS.**

17 *“In this part:*

18 *“(1) APPLICANT.—The term ‘applicant’ means—*

19 *“(A) an incorporated body, a limited liabil-*
20 *ity corporation, or a limited partnership orga-*
21 *nized and chartered or otherwise existing under*
22 *State law solely for the purpose of performing*
23 *the functions and conducting the activities con-*
24 *templated under this section; or*

25 *“(B) a bank-owned applicant, rural busi-*
26 *ness investment company, or small business in-*

1 *vestment company licensed under section 301*
2 *that submits an application to operate as a*
3 *micro-SBIC under section 399A.*

4 “(2) *BANK-OWNED APPLICANT.*—*the term ‘bank-*
5 *owned applicant’ means an applicant for a license to*
6 *operate as a small business investment company*
7 *under this part that—*

8 “(A) *is a national bank or any member*
9 *bank of the Federal Reserve System or non-*
10 *member insured bank that bears the same name*
11 *as the small business investment company that is*
12 *the subject of the application;*

13 “(B) *is domestically domiciled within the*
14 *United States; and*

15 “(C) *has not had a license issued under this*
16 *Act revoked or involuntarily surrendered during*
17 *the 10-year period preceding the date on which*
18 *the application is submitted;*

19 “(3) *COVERED SMALL BUSINESS.*—*The term ‘cov-*
20 *ered small business’ means a small business concern*
21 *that—*

22 “(A) *is a small business concern owned and*
23 *controlled by women (as defined in section 3(n)*
24 *of the Small Business Act), small business con-*
25 *cern owned and controlled by socially and eco-*

1 *nomically disadvantaged individuals (as defined*
2 *in section 8(d)(3)(C) of such Act), a small busi-*
3 *ness concern owned and controlled by veterans*
4 *(as defined in section 3(q) of such Act) or a*
5 *Tribal business concern (as described in section*
6 *31(b)(2)(C) of such Act);*

7 *“(B) has its principal place of business lo-*
8 *cated in a rural census tract (as determined*
9 *under the most recent rural urban commuting*
10 *area code as set forth by the Office of Manage-*
11 *ment and Budget);*

12 *“(C) is a domestic manufacturing business*
13 *that is assigned a North American Industry*
14 *Classification System code beginning with 31,*
15 *32, or 33 at the time at which the small business*
16 *concern receives an investment from a micro-*
17 *SBIC under this section; or*

18 *“(D) either—*

19 *“(i) had gross receipts during the first*
20 *or second quarter in 2020 that are not less*
21 *than 50 percent less than the gross receipts*
22 *of the concern during the same quarter in*
23 *2019;*

24 *“(ii) if the concern was not in business*
25 *during the first or second quarter of 2019,*

1 *but was in business during the third and*
2 *fourth quarter of 2019, had gross receipts*
3 *during the first or second quarter of 2020*
4 *that are less than 50 percent of the amount*
5 *of the gross receipts of the concern during*
6 *the third or fourth quarter of 2019;*

7 *“(iii) if the concern was not in busi-*
8 *ness during the first, second, or third quar-*
9 *ter of 2019, but was in business during the*
10 *fourth quarter of 2019, had gross receipts*
11 *during the first or second quarter of 2020*
12 *that are less than 50 percent of the amount*
13 *of the gross receipts of the concern during*
14 *the fourth quarter of 2019; or*

15 *“(iv) if the concern was not in business*
16 *during 2019, but was in operation on Feb-*
17 *ruary 15, 2020, had gross receipts during*
18 *the second quarter of 2020 that are less than*
19 *50 percent of the amount of the gross re-*
20 *ceipts of the concern during the first quarter*
21 *of 2020.*

22 *“(4) EARLY-STAGE SMALL BUSINESS.—The term*
23 *‘early-stage small business’ means a small business*
24 *concern that—*

1 “(A) is domestically domiciled within the
2 United States;

3 “(B) during the 3-year period preceding the
4 date of application, has not generated gross an-
5 nual sales revenues exceeding \$15,000,000;

6 “(C) produces a majority of its goods or
7 provides a majority of its services in the United
8 States; and

9 “(D) does not move production or employ-
10 ment outside the United States.

11 “(5) *ECONOMICALLY DISADVANTAGED INDI-*
12 *VIDUAL; SOCIALLY DISADVANTAGED INDIVIDUAL.*—*The*
13 *terms ‘economically disadvantaged individual’ and*
14 *‘socially disadvantaged individual’ have the meanings*
15 *given, respectively, in section 8(a) of the Small Busi-*
16 *ness Act.*

17 “(6) *GROWTH-STAGE SMALL BUSINESS.*—*The*
18 *term ‘growth-stage small business’ means a small*
19 *business concern that—*

20 “(A) is domestically domiciled within the
21 United States;

22 “(B) during the 3-year period preceding the
23 date of application, has not generated gross an-
24 nual sales revenues exceeding \$30,000,000;

1 “(C) produces a majority of its good or pro-
2 vides a majority of its services in the United
3 States; and

4 “(D) does not move production or employ-
5 ment outside the United States.

6 “(7) *MANAGEMENT*.—The term ‘management’
7 means a general partner of an applicant or member
8 of the investment committee of an applicant.

9 “(8) *MICRO-SBIC*.—The term ‘micro-SBIC’
10 means an applicant licensed under section 399A.

11 “(9) *PROGRAM PARTICIPANT*.—The term ‘Pro-
12 gram participant’ means a micro-SBIC that received
13 a seed investment under the Seed Investment Program
14 established by section 399C.

15 “(10) *SCALE-UP SMALL BUSINESS*.—The term
16 ‘scale-up small business’ means a small business con-
17 cern that—

18 “(A) is domestically domiciled within the
19 United States;

20 “(B) during the 3-year period preceding the
21 date of application, has not generated earnings
22 before interest, tax, depreciation, and amortiza-
23 tion in excess of \$3,000,000;

1 “(C) produces a majority of its goods or
2 provides a majority of its services in the United
3 States; and

4 “(D) does not move production or employ-
5 ment outside the United States.

6 “(11) *SMALL BUSINESS CONCERN*.—The term
7 ‘small business concern’ has the meaning given under
8 section 3(a) of the Small Business Act (15 U.S.C.
9 632(a)).

10 “(12) *TRACK RECORD INVESTMENT COMMITTEE*
11 *MEMBER*.—The term ‘track record investment com-
12 mittee member’ means a current or former small busi-
13 ness investment company licensed under section 301,
14 a private small- and lower-middle-market venture
15 capital firm, or a private equity fund manager with
16 the knowledge, experience, and capability necessary to
17 serve as management for an applicant.

18 “(13) *UNITED STATES*.—The term ‘United
19 States’ means each of the several States, the District
20 of Columbia, each territory or possession of the
21 United States, and each federally recognized Indian
22 Tribe.

23 **“SEC. 399H. FUNDING.**

24 “(a) *AUTHORIZATION OF APPROPRIATIONS*.—There is
25 authorized to be appropriated to the revolving fund estab-

1 lished under subsection (b) \$1,000,000,000 for the first full
2 fiscal year beginning after the date of the enactment of this
3 part to carry out the requirements of this part.

4 “(b) *REVOLVING FUND.*—There is created within the
5 Administration a separate revolving fund for the Seed In-
6 vestment Program established under section 399C, which
7 shall be available to the Administrator subject to annual
8 appropriations. All amounts received by the Administrator,
9 including any money, property, or assets derived by the Ad-
10 ministrator from operations in connection with the Seed
11 Investment Program, including repayments of seed invest-
12 ments, shall be deposited in the revolving fund. All expenses
13 and payments, excluding administrative expenses, pursuant
14 to the operations of the Administrator under the Seed In-
15 vestment Program shall be paid from the revolving fund.”.

16 **TITLE VI—MISCELLANEOUS**

17 **SEC. 601. REPEAL OF UNEMPLOYMENT GRANTS.**

18 Section 1110(e)(6) of the CARES Act (15 U.S.C. 9009)
19 is repealed.

20 **SEC. 602. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

21 (a) *IN GENERAL.*—Section 1112 of the CARES Act (15
22 U.S.C. 9011) is amended—

23 (1) in subsection (c)—

24 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, without regard to
3 the date on which the covered loan is fully
4 disbursed and subject to availability of
5 funds” after “status”; and

6 (ii) by amending subparagraphs (A),
7 (B), and (C) to read as follows:

8 “(A) with respect to a covered loan ap-
9 proved by the Administration before the date of
10 enactment of this Act and not on deferment—

11 “(i) except as provided in clauses (ii)
12 and (iii), for the 6-month period beginning
13 with the next payment due on the covered
14 loan after the covered loan is fully dis-
15 bursed;

16 “(ii) for the 11-month period begin-
17 ning with the next payment due on the cov-
18 ered loan after the covered loan is fully dis-
19 bursed, with respect to a covered loan
20 that—

21 “(I) is described in subsection
22 (a)(1)(B) or is a loan guaranteed by
23 the Administration under section 7(a)
24 of the Small Business Act (15 U.S.C.
25 636(a)) other than a loan described in

1 *clause (i) or (ii) of subsection*
2 *(a)(1)(A); and*

3 *“(II) is made to a borrower oper-*
4 *ating primarily in an industry that is*
5 *assigned a North American Industry*
6 *Classification System code beginning*
7 *with 21, 31, 32, 33, 44, 45, 48, 49, 51,*
8 *53, 54, 56, 62, or 81; and*

9 *“(iii) for the 18-month period begin-*
10 *ning with the next payment due on the cov-*
11 *ered loan after the covered loan is fully dis-*
12 *bursed, with respect to—*

13 *“(I) a covered loan described in*
14 *paragraph (1)(A)(i) or paragraph (2)*
15 *of subsection (a); or*

16 *“(II) any covered loan made to a*
17 *borrower operating primarily in an*
18 *industry that is assigned a North*
19 *American Industry Classification Sys-*
20 *tem code of 485510 or that begins with*
21 *61, 71, or 72;*

22 *“(B) with respect to a covered loan ap-*
23 *proved by the Administration before the date of*
24 *enactment of this Act and on deferment—*

1 “(i) except as provided in clauses (ii)
2 and (iii), for the 6-month period beginning
3 with the next payment due on the covered
4 loan after the deferment period and after
5 the covered loan is fully disbursed;

6 “(ii) for the 11-month period begin-
7 ning with the next payment due on the cov-
8 ered loan after the deferment period and
9 after the covered loan is fully disbursed,
10 with respect to a covered loan described in
11 subclause (I) or (II) of subparagraph
12 (A)(ii); and

13 “(iii) for the 18-month period begin-
14 ning with the next payment due on the cov-
15 ered loan after the deferment period and
16 after the covered loan is fully disbursed,
17 with respect to a covered loan described in
18 subclause (I) or (II) of subparagraph
19 (A)(iii); and

20 “(C) with respect to a covered loan made
21 during the period beginning on the date of enact-
22 ment of this Act and ending on the date that is
23 30 months after such date of enactment—

24 “(i) except as provided in clause (ii),
25 for the 6-month period beginning with the

1 *first payment due after the loan is fully dis-*
2 *bursed; and*

3 “(ii) *for a covered loan described in*
4 *paragraph (1)(A)(i) or (2) of subsection (a)*
5 *that is approved by the Administrator, for*
6 *the 18-month period beginning with the*
7 *first payment due after the loan is fully dis-*
8 *bursed.”; and*

9 *(B) by adding at the end the following:*

10 “(4) *ADDITIONAL PROVISIONS FOR NEW*
11 *LOANS.—With respect to a loan described in para-*
12 *graph (1)(C)—*

13 “(A) *the Administrator may further extend*
14 *the 30-month period described in paragraph*
15 *(1)(C) if there are sufficient funds to continue*
16 *those payments; and*

17 “(B) *during the underwriting process, a*
18 *lender of such a loan may consider the payments*
19 *under this section as part of a comprehensive re-*
20 *view to determine the ability to repay.*

21 “(5) *ELIGIBILITY.—Eligibility for a covered loan*
22 *to receive such payments of principal, interest, and*
23 *any associated fees under this subsection shall be*
24 *based on the date on which the covered loan is ap-*
25 *proved by the Administration.*

1 “(6) *AUTHORITY TO REVISE EXTENSIONS.*—

2 “(A) *IN GENERAL.*—As part of preparing
3 the reports under subsection (i)(5) that are re-
4 quired to be submitted not later than January
5 15, 2021, and not later than June 15, 2021, the
6 Administrator shall conduct an evaluation of
7 whether amounts made available to make pay-
8 ments under this subsection are sufficient to
9 make the payments for the period described in
10 paragraph (1).

11 “(B) *PLAN.*—If the Administrator deter-
12 mines under subparagraph (A) that the amounts
13 made available to make payments under this
14 subsection are insufficient, the Administrator
15 shall—

16 “(i) develop a plan to proportionally
17 reduce the number of months provided for
18 each period described in paragraph (1),
19 which shall include the goal of using all
20 available amounts made available to make
21 payments under this subsection; and

22 “(ii) before taking action under the
23 plan developed under clause (i), include in
24 the applicable report under subsection (i)(5)

1 *the plan and the data that informs the*
2 *plan.*

3 “(7) *RULE OF CONSTRUCTION.*—*Nothing in this*
4 *subsection shall preclude a borrower from receiving*
5 *full payments of principal, interest, and any associ-*
6 *ated fees as authorized by subsection, regardless of the*
7 *application of a plan implemented under paragraph*
8 *(6)(B).”;*

9 (2) *by redesignating subsection (f) as subsection*
10 *(j); and*

11 (3) *by inserting after subsection (e) the following:*
12 “(f) *ELIGIBILITY FOR NEW LOANS.*—

13 “(1) *IN GENERAL.*—*With respect to a covered*
14 *loan made on or after the date of enactment of the*
15 *PPP and EIDL Enhancement Act of 2020, the cov-*
16 *ered loan shall have a maturity of not less than 48*
17 *months in order to be eligible for payments made*
18 *under this section.*

19 “(2) *LENDING PROGRAMS.*—*The minimum ma-*
20 *turity requirements of paragraph (1) shall not pro-*
21 *hibit the Administrators from establishing a min-*
22 *imum maturity of longer than 48 months for a loan*
23 *described under subsection (a), taking into consider-*
24 *ation the normal underwriting requirements for each*
25 *such program.*

1 “(g) *LIMITATION ON ASSISTANCE.*—A borrower may
2 not receive assistance under subsection (c) for more than
3 1 covered loan of the borrower described in paragraph
4 (1)(C) of that subsection.

5 “(h) *REPORTING AND OUTREACH.*—

6 “(1) *UPDATE TO WEBSITE.*—Not later than 7
7 days after the date of enactment of the PPP and
8 EIDL Enhancement Act of 2020, the Administrator
9 shall update the website of the Administration to de-
10 scribe the requirements relating to payments made
11 under this section.

12 “(2) *PUBLICATION OF LIST.*—Not later than 14
13 days after the date of enactment of the PPP and
14 EIDL Enhancement Act of 2020, the Administrator
15 shall transmit to each lender of a covered loan a list
16 of each borrower of a covered loan that includes the
17 North American Industry Classification System code
18 assigned to the borrower, to assist the lenders in iden-
19 tifying which borrowers qualify for an extension of
20 payments under subsection (c).

21 “(3) *EDUCATION AND OUTREACH.*—

22 “(A) *IN GENERAL.*—The Administrator
23 shall provide education and outreach to lenders,
24 borrowers, district offices, and resource partners
25 of the Administration in order to ensure full and

1 *proper compliance with this section, encourage*
2 *broad participation with respect to covered loans*
3 *that have not yet been approved by the Adminis-*
4 *trator, and help lenders transition borrowers*
5 *from subsidy payments under this section di-*
6 *rectly to a deferral when suitable for the bor-*
7 *rower.*

8 “(B) *RESOURCE PARTNERS DEFINED.*—*In*
9 *this paragraph, the term ‘resource partners ’*
10 *means small business development centers (as de-*
11 *finied in section 3 of the Small Business Act (15*
12 *U.S.C. 632)), women’s business centers (described*
13 *under section 29 of such Act (15 U.S.C. 656)),*
14 *chapters of the Service Corps of Retired Execu-*
15 *tives (established under section 8(b)(1)(B) of such*
16 *Act (15 U.S.C. 637(b)(1)(B))), and Veteran*
17 *Business Outreach Centers (described under sec-*
18 *tion 32 of such Act (15 U.S.C. 657b)).*

19 “(4) *NOTIFICATION.*—*Not later than 30 days*
20 *after the date of enactment of the PPP and EIDL En-*
21 *hancement Act of 2020, the Administrator shall mail*
22 *a letter to each borrower of a covered loan that in-*
23 *cludes—*

24 “(A) *an overview of payments made under*
25 *this section;*

1 “(B) the rights of the borrower to receive
2 such payments;

3 “(C) how to seek recourse with the Adminis-
4 trator or the lender of the covered loan if the bor-
5 rower has not received such payments; and

6 “(D) the rights of the borrower to request a
7 loan deferral from a lender, and guidance on
8 how to do successfully transition directly to a
9 loan deferral once subsidy payments under this
10 section are concluded.

11 “(5) MONTHLY REPORTING.—Not later than the
12 15th of each month beginning after the date of enact-
13 ment of the PPP and EIDL Enhancement Act of
14 2020, the Administrator shall submit to Congress a
15 report on payments made under this section, which
16 shall include—

17 “(A) monthly and cumulative data on pay-
18 ments made under this section as of the date of
19 the report, including a breakdown by—

20 “(i) the number of participating bor-
21 rowers;

22 “(ii) the volume of payments made for
23 each type of covered loan; and

24 “(iii) the volume of payments made for
25 covered loans made before the date of enact-

1 *ment of this Act and loans made after such*
2 *date of enactment;*

3 “(B) *the names of any lenders of covered*
4 *loans that have not submitted information on the*
5 *covered loans to the Administrator during the*
6 *preceding month; and*

7 “(C) *an update on the education and out-*
8 *reach activities of the Administration carried out*
9 *under paragraph (3).*

10 “(i) *REGULATIONS.—Not later than 30 days after the*
11 *date of enactment of the PPP and EIDL Enhancement Act*
12 *of 2020, the Administrator shall issue rules to guard*
13 *against abuse or excessive and unintended use by lenders*
14 *or borrowers of the payments provided under this section.”.*

15 “(b) *EFFECTIVE DATE.—The amendments made by this*
16 *section shall apply as if included in the enactment of section*
17 *1112 of the CARES Act (15 U.S.C. 9011).*

18 **SEC. 603. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

19 “(a) *7(a) LOAN GUARANTEES.—*

20 “(1) *IN GENERAL.—Section 7(a)(2)(A) of the*
21 *Small Business Act (15 U.S.C. 636(a)(2)(A)) is*
22 *amended by striking “), such participation by the Ad-*
23 *ministration shall be equal to” and all that follows*
24 *through the period at the end and inserting “or the*
25 *Community Advantage Pilot Program of the Admin-*

1 *istration), such participation by the Administration*
2 *shall be equal to 90 percent of the balance of the fi-*
3 *nancing outstanding at the time of disbursement of*
4 *the loan.”.*

5 *(2) PROSPECTIVE REPEAL.—Effective October 1,*
6 *2021, section 7(a)(2)(A) of the Small Business Act*
7 *(15 U.S.C. 636(a)(2)(A)), as amended by paragraph*
8 *(1), is amended to read as follows:*

9 *“(A) IN GENERAL.—Except as provided in*
10 *subparagraphs (B), (D), (E), and (F), in an*
11 *agreement to participate in a loan on a deferred*
12 *basis under this subsection (including a loan*
13 *made under the Preferred Lenders Program),*
14 *such participation by the Administration shall*
15 *be equal to—*

16 *“(i) 75 percent of the balance of the fi-*
17 *nancing outstanding at the time of dis-*
18 *bursement of the loan, if such balance ex-*
19 *ceeds \$150,000; or*

20 *“(ii) 85 percent of the balance of the fi-*
21 *nancing outstanding at the time of dis-*
22 *bursement of the loan, if such balance is less*
23 *than or equal to \$150,000.”.*

24 *(b) EXPRESS LOANS.—*

1 (1) *LOAN AMOUNT.*—Section 1102(c)(2) of the
2 *CARES Act (Public Law 116–36; 15 U.S.C. 636*
3 *note) is amended to read as follows:*

4 “(2) *PROSPECTIVE REPEAL.*—Section
5 *7(a)(31)(D) of the Small Business Act (15 U.S.C.*

6 *“(A) by striking ‘\$1,000,000’ and inserting*
7 *‘\$500,000’, effective during the period beginning*
8 *on January 1, 2021, and ending on September*
9 *30, 2021; and*

10 *“(B) (B) by striking ‘\$500,000’ and insert-*
11 *ing ‘\$350,000’, effective October 1, 2021.”.*

12 (2) *GUARANTEE RATES.*—

13 (A) *TEMPORARY MODIFICATION.*—Section
14 *7(a)(31)(A)(iv) of the Small Business Act (15*
15 *U.S.C. 636(a)(31)(A)(iv)) is amended by striking*
16 *“with a guaranty rate of not more than 50 per-*
17 *cent.” and inserting the following: “with a guar-*
18 *antee rate—*

19 *“(I) for a loan in an amount less*
20 *than or equal to \$350,000, of not more*
21 *than 75 percent; and*

22 *“(II) for a loan in an amount*
23 *greater than \$350,000, of not more*
24 *than 50 percent.”.*

1 (B) *PROSPECTIVE REPEAL.*—Effective Octo-
2 ber 1, 2021, section 7(a)(31)(A)(iv) of the Small
3 Business Act (15 U.S.C. 636(a)(31)), as amended
4 by subparagraph (A), is amended by striking
5 “guarantee rate” and all that follows through the
6 period at the end and inserting “guarantee rate
7 of not more than 50 percent.”.

8 **SEC. 604. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(A)**
9 **LOANS.**

10 Section 7(a)(7) of the Small Business Act (15 U.S.C.
11 636(a)(7)) is amended—

12 (1) by striking “The Administration” and in-
13 serting “(A) *IN GENERAL.*—The Administrator”;

14 (2) by inserting “and interest” after “principal”;
15 and

16 (3) by adding at the end the following new sub-
17 paragraphs:

18 “(B) *DEFERRAL REQUIREMENTS.*—With respect
19 to a deferral provided under this paragraph, the Ad-
20 ministrator may allow lenders under this sub-
21 section—

22 “(i) to provide full payment deferment relief
23 (including payment of principal and interest)
24 for a period of not more than 1 year; and

1 “(ii) to provide an additional deferment pe-
2 riod if the borrower provides documentation jus-
3 tifying such additional deferment.

4 “(C) *SECONDARY MARKET*.—If an investor de-
5 clines to approve a deferral or additional deferment
6 requested by a lender under subparagraph (B), the
7 Administrator shall exercise the authority to purchase
8 the loan so that the borrower may receive full pay-
9 ment deferment relief (including payment of prin-
10 cipal and interest) or an additional deferment as de-
11 scribed under subparagraph (B).”.

12 **SEC. 605. RECOVERY ASSISTANCE UNDER THE MICROLOAN**
13 **PROGRAM.**

14 (a) *LOANS TO INTERMEDIARIES*.—

15 (1) *IN GENERAL*.—Section 7(m) of the Small
16 Business Act (15 U.S.C. 636(m)) is amended—

17 (A) in paragraph (3)(C)—

18 (i) by striking “and \$6,000,000” and
19 inserting “\$10,000,000 (in the aggregate)”;
20 and

21 (ii) by inserting before the period at
22 the end the following: “, and \$4,500,000 in
23 any of those remaining years”;

24 (B) in paragraph (4)—

1 (i) in subparagraph (A), by striking
2 “subparagraph (C)” each place that term
3 appears and inserting “subparagraphs (C)
4 and (G)”;

5 (ii) in subparagraph (C), by amending
6 clause (i) to read as follows:

7 “(i) *IN GENERAL.*—In addition to
8 grants made under subparagraph (A) or
9 (G), each intermediary shall be eligible to
10 receive a grant equal to 5 percent of the
11 total outstanding balance of loans made to
12 the intermediary under this subsection if—

13 “(I) the intermediary provides not
14 less than 25 percent of its loans to
15 small business concerns located in or
16 owned by one or more residents of an
17 economically distressed area; or

18 “(II) the intermediary has a port-
19 folio of loans made under this sub-
20 section—

21 “(aa) that averages not more
22 than \$10,000 during the period of
23 the intermediary’s participation
24 in the program; or

1 “(bb) of which not less than
2 25 percent is serving rural areas
3 during the period of the
4 intermediary’s participation in
5 the program.”; and

6 (iii) by adding at the end the following
7 new subparagraph:

8 “(G) GRANT AMOUNTS BASED ON APPRO-
9 PRIATIONS.—In any fiscal year in which the
10 amount appropriated to make grants under sub-
11 paragraph (A) is sufficient to provide to each
12 intermediary that receives a loan under para-
13 graph (1)(B)(i) a grant of not less than 25 per-
14 cent of the total outstanding balance of loans
15 made to the intermediary under this subsection,
16 the Administration shall make a grant under
17 subparagraph (A) to each intermediary of not
18 less than 25 percent and not more than 30 per-
19 cent of that total outstanding balance for the
20 intermediary.”;

21 (C) by striking paragraph (7) and inserting
22 the following:

23 “(7) PROGRAM FUNDING FOR MICROLOANS.—
24 Under the program authorized by this subsection, the

1 *Administration may fund, on a competitive basis, not*
2 *more than 300 intermediaries.”; and*

3 *(D) in paragraph (11)—*

4 *(i) in subparagraph (C)(ii), by strik-*
5 *ing all after the semicolon and inserting*
6 *“and”; and*

7 *(ii) by striking all after subparagraph*
8 *(C), and inserting the following:*

9 *“(D) the term ‘economically distressed area’,*
10 *as used in paragraph (4), means a county or*
11 *equivalent division of local government of a*
12 *State in which the small business concern is lo-*
13 *cated, in which, according to the most recent*
14 *data available from the Bureau of the Census,*
15 *Department of Commerce, not less than 40 per-*
16 *cent of residents have an annual income that is*
17 *at or below the poverty level.”.*

18 *(2) PROSPECTIVE AMENDMENT.—Effective on*
19 *October 1, 2021, section 7(m)(3)(C) of the Small*
20 *Business Act (15 U.S.C. 636(m)(3)(C)), as amended*
21 *by paragraph (1)(A), is further amended—*

22 *(A) by striking “\$10,000,000” and by in-*
23 *serting “\$7,000,000”; and*

24 *(B) by striking “\$4,500,000” and inserting*
25 *“\$3,000,000”.*

1 **(b) TEMPORARY WAIVER OF TECHNICAL ASSISTANCE**
2 **GRANTS MATCHING REQUIREMENTS AND FLEXIBILITY ON**
3 **PRE- AND POST-LOAN ASSISTANCE.**—*During the period be-*
4 *ginning on the date of enactment of this section and ending*
5 *on September 30, 2021, the Administration shall waive—*

6 (1) *the requirement to contribute non-Federal*
7 *funds under section 7(m)(4)(B) of the Small Business*
8 *Act (15 U.S.C. 636(m)(4)(B)); and*

9 (2) *the limitation on amounts allowed to be ex-*
10 *pended to provide information and technical assist-*
11 *ance under clause (i) of section 7(m)(4)(E) of the*
12 *Small Business Act (15 U.S.C. 636(m)(4)(E)) and*
13 *enter into third-party contracts to provide technical*
14 *assistance under clause (ii) of such section*
15 *7(m)(4)(E).*

16 **(c) TEMPORARY DURATION OF LOANS TO BOR-**
17 **ROWERS.**—

18 (1) **IN GENERAL.**—*During the period beginning*
19 *on the date of enactment of this section and ending*
20 *on September 30, 2021, the duration of a loan made*
21 *by an eligible intermediary under section 7(m) of the*
22 *Small Business Act (15 U.S.C. 636(m))—*

23 (A) *to an existing borrower may be ex-*
24 *tended to not more than 8 years; and*

1 (B) to a new borrower may be not more
2 than 8 years.

3 (2) *REVERSION.*—On and after October 1, 2021,
4 the duration of a loan made by an eligible inter-
5 mediary to a borrower under section 7(m) of the
6 Small Business Act (15 U.S.C. 636(m)) shall be 7
7 years or such other amount established by the Admin-
8 istrator.

9 (d) *FUNDING.*—Section 20 of the Small Business Act
10 (15 U.S.C. 631 note) is amended by adding at the end the
11 following new subsection:

12 “(h) *MICROLOAN PROGRAM.*—For each of fiscal years
13 2021 through 2025, the Administration is authorized to
14 make—

15 “(1) \$80,000,000 in technical assistance grants,
16 as provided in section 7(m); and

17 “(2) \$110,000,000 in direct loans, as provided in
18 section 7(m).”.

19 (e) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
20 tion to amounts provided under the Consolidated Appro-
21 priations Act, 2020 (Public Law 116–93) for the program
22 established under section 7(m) of the Small Business Act
23 (15 U.S.C. 636(m)), there is authorized to be appropriated
24 for fiscal year 2020, to remain available until expended—

1 (1) \$50,000,000 to provide technical assistance
2 grants under such section 7(m); and

3 (2) \$7,000,000 to provide direct loans under such
4 section 7(m).

5 **SEC. 606. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

6 (a) *PERMANENT INCREASE FOR SMALL MANUFACTUR-*
7 *ERS.*—Section 502(2)(A)(iii) of the Small Business Invest-
8 *ment Act of 1958 (15 U.S.C. 696(2)(A)(iii)) is amended*
9 *by striking “\$5,500,000” and inserting “\$6,500,000”.*

10 (b) *LOW-INTEREST REFINANCING UNDER THE LOCAL*
11 *DEVELOPMENT BUSINESS LOAN PROGRAM.*—

12 (1) *REPEAL.*—Section 521(a) of title V of divi-
13 *sion E of the Consolidated Appropriations Act, 2016*
14 *(Public Law 114–113; 129 Stat. 2463; 15 U.S.C. 696*
15 *note) is repealed.*

16 (2) *REFINANCING.*—Section 502(7) of the Small
17 *Business Investment Act of 1958 (15 U.S.C. 696(7))*
18 *is amended by adding at the end the following new*
19 *subparagraph:*

20 “(C) *REFINANCING NOT INVOLVING EXPAN-*
21 *SIONS.*—

22 “(i) *DEFINITIONS.*—*In this subpara-*
23 *graph—*

24 “(I) *the term ‘borrower’ means a*
25 *small business concern that submits an*

1 *application to a development company*
2 *for financing under this subparagraph;*

3 *“(II) the term ‘eligible fixed asset’*
4 *means tangible property relating to*
5 *which the Administrator may provide*
6 *financing under this section; and*

7 *“(III) the term ‘qualified debt’*
8 *means indebtedness that—*

9 *“(aa) was incurred not less*
10 *than 6 months before the date of*
11 *the application for assistance*
12 *under this subparagraph;*

13 *“(bb) is a commercial loan;*

14 *“(cc) the proceeds of which*
15 *were used to acquire an eligible*
16 *fixed asset;*

17 *“(dd) was incurred for the*
18 *benefit of the small business con-*
19 *cern; and*

20 *“(ee) is collateralized by eli-*
21 *gible fixed assets; and*

22 *“(ii) AUTHORITY.—A project that does*
23 *not involve the expansion of a small busi-*
24 *ness concern may include the refinancing of*
25 *qualified debt if—*

1 “(I) the amount of the financing
2 is not more than 90 percent of the
3 value of the collateral for the financing,
4 except that, if the appraised value of
5 the eligible fixed assets serving as col-
6 lateral for the financing is less than
7 the amount equal to 125 percent of the
8 amount of the financing, the borrower
9 may provide additional cash or other
10 collateral to eliminate any deficiency;

11 “(II) the borrower has been in op-
12 eration for all of the 2-year period end-
13 ing on the date the loan application is
14 submitted; and

15 “(III) for a financing for which
16 the Administrator determines there
17 will be an additional cost attributable
18 to the refinancing of the qualified debt,
19 the borrower agrees to pay a fee in an
20 amount equal to the anticipated addi-
21 tional cost.

22 “(iii) *FINANCING FOR BUSINESS EX-*
23 *PENSES.—*

24 “(I) *FINANCING FOR BUSINESS*
25 *EXPENSES.—The Administrator may*

1 provide financing to a borrower that
2 receives financing that includes a refi-
3 nancing of qualified debt under clause
4 (ii), in addition to the refinancing
5 under clause (ii), to be used solely for
6 the payment of business expenses.

7 “(II) APPLICATION FOR FINANC-
8 ING.—An application for financing
9 under subclause (I) shall include—

10 “(aa) a specific description
11 of the expenses for which the addi-
12 tional financing is requested; and

13 “(bb) an itemization of the
14 amount of each expense.

15 “(III) CONDITION ON ADDITIONAL
16 FINANCING.—A borrower may not use
17 any part of the financing under this
18 clause for non-business purposes.

19 “(iv) LOANS BASED ON JOBS.—

20 “(I) JOB CREATION AND RETEN-
21 TION GOALS.—

22 “(aa) IN GENERAL.—The Ad-
23 ministrators may provide financ-
24 ing under this subparagraph for a
25 borrower that meets the job cre-

1 *ation goals under subsection (d)*
2 *or (e) of section 501.*

3 “(bb) *ALTERNATE JOB RE-*
4 *TENTION GOAL.—The Adminis-*
5 *trator may provide financing*
6 *under this subparagraph to a bor-*
7 *rower that does not meet the goals*
8 *described in item (aa) in an*
9 *amount that is not more than the*
10 *product obtained by multiplying*
11 *the number of employees of the*
12 *borrower by \$75,000.*

13 “(II) *NUMBER OF EMPLOYEES.—*
14 *For purposes of subclause (I), the num-*
15 *ber of employees of a borrower is equal*
16 *to the sum of—*

17 “(aa) *the number of full-*
18 *time employees of the borrower on*
19 *the date on which the borrower*
20 *applies for a loan under this sub-*
21 *paragraph; and*

22 “(bb) *the product obtained by*
23 *multiplying—*

24 “(AA) *the number of*
25 *part-time employees of the*

1 *borrower on the date on*
2 *which the borrower applies*
3 *for a loan under this sub-*
4 *paragraph, by*

5 *“(BB) the quotient ob-*
6 *tained by dividing the aver-*
7 *age number of hours each*
8 *part time employee of the*
9 *borrower works each week by*
10 *40.*

11 *“(vi) TOTAL AMOUNT OF LOANS.—The*
12 *Administrator may provide not more than*
13 *a total of \$7,500,000,000 of financing under*
14 *this subparagraph for each fiscal year.”.*

15 *(c) REFINANCING SENIOR PROJECT DEBT.—During*
16 *the 1-year period beginning on the date of the enactment*
17 *of this Act, a development company described under title*
18 *V of the Small Business Investment Act of 1958 (15 U.S.C.*
19 *695 et seq.) is authorized to allow the refinancing of a sen-*
20 *ior loan on an existing project in an amount that, when*
21 *combined with the outstanding balance on the development*
22 *company loan, is not more than 90 percent of the total*
23 *value of the senior loan. Proceeds of such refinancing can*
24 *be used to support business operating expenses of such devel-*
25 *opment company.*

1 **SEC. 607. TEMPORARY FEE REDUCTIONS.**

2 (a) *ADMINISTRATIVE FEE WAIVER.*—

3 (1) *IN GENERAL.*—*During the period beginning*
4 *on the date of enactment of this Act and ending on*
5 *September 30, 2021, and to the extent that the cost*
6 *of such elimination or reduction of fees is offset by*
7 *appropriations, with respect to each loan guaranteed*
8 *under section 7(a) of the Small Business Act (15*
9 *U.S.C. 636(a)) (including a recipient of assistance*
10 *under the Community Advantage Pilot Program of*
11 *the Administration) for which an application is ap-*
12 *proved or pending approval on or after the date of en-*
13 *actment of this Act, the Administrator shall—*

14 (A) *in lieu of the fee otherwise applicable*
15 *under section 7(a)(23)(A) of the Small Business*
16 *Act (15 U.S.C. 636(a)(23)(A)), collect no fee or*
17 *reduce fees to the maximum extent possible; and*

18 (B) *in lieu of the fee otherwise applicable*
19 *under section 7(a)(18)(A) of the Small Business*
20 *Act (15 U.S.C. 636(a)(18)(A)), collect no fee or*
21 *reduce fees to the maximum extent possible.*

22 (2) *APPLICATION OF FEE ELIMINATIONS OR RE-*
23 *DUCTIONS.*—*To the extent that amounts are made*
24 *available to the Administrator for the purpose of fee*
25 *eliminations or reductions under paragraph (1), the*
26 *Administrator shall—*

1 (A) first use any amounts provided to
2 eliminate or reduce fees paid by small business
3 borrowers under clauses (i) through (iii) of sec-
4 tion 7(a)(18)(A) of the Small Business Act (15
5 U.S.C. 636(a)(18)(A)), to the maximum extent
6 possible; and

7 (B) then use any amounts provided to
8 eliminate or reduce fees under 7(a)(23)(A) of the
9 Small Business Act (15 U.S.C. 636(a)(23)(A)).

10 (c) *TEMPORARY FEE ELIMINATION FOR THE 504 LOAN*

11 *PROGRAM.—*

12 (1) *IN GENERAL.—*During the period beginning
13 on the date of enactment of this section and ending
14 on September 30, 2021, and to the extent the cost of
15 such elimination in fees is offset by appropriations,
16 with respect to each project or loan guaranteed by the
17 Administrator pursuant to title V of the Small Busi-
18 ness Investment Act of 1958 (15 U.S.C. 695 et seq.)
19 for which an application is approved or pending ap-
20 proval on or after the date of enactment of this sec-
21 tion—

22 (A) the Administrator shall, in lieu of the
23 fee otherwise applicable under section 503(d)(2)
24 of the Small Business Investment Act of 1958
25 (15 U.S.C. 697(d)(2)), collect no fee; and

1 (B) a development company shall, in lieu of
2 the processing fee under section 120.971(a)(1) of
3 title 13, Code of Federal Regulations (relating to
4 fees paid by borrowers), or any successor thereto,
5 collect no fee.

6 (2) REIMBURSEMENT FOR WAIVED FEES.—

7 (A) IN GENERAL.—To the extent that the
8 cost of such payments is offset by appropria-
9 tions, the Administrator shall reimburse each de-
10 velopment company that does not collect a proc-
11 essing fee pursuant to paragraph (1)(B).

12 (B) AMOUNT.—The payment to a develop-
13 ment company under subparagraph (A) shall be
14 in an amount equal to 1.5 percent of the net de-
15 benture proceeds for which the development com-
16 pany does not collect a processing fee pursuant
17 to paragraph (1)(B).

18 **SEC. 608. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.**

19 (a) IN GENERAL.—The Administrator shall ensure
20 that a small business concern participating in the program
21 established under section 8(a) of the Small Business Act on
22 or before March 13, 2020, may elect to extend such partici-
23 pation by a period of 1 year, regardless of whether such
24 concern previously elected to suspend participation in such
25 program pursuant to guidance of the Administrator.

1 **SEC. 610. COMPREHENSIVE PROGRAM GUIDANCE.**

2 *Not later than 7 days after the date of the enactment*
3 *of this Act, the Administrator shall—*

4 *(1) establish a process for accepting applications*
5 *for loan forgiveness under section 1106 of the CARES*
6 *Act (15 U.S.C. 9005);*

7 *(2) issue a comprehensive compilation of rules*
8 *and guidance issued related to covered loans made*
9 *under section 7(a)(36) of the Small Business Act (15*
10 *U.S.C. 636(a)(36)); and*

11 *(3) before accepting applications for supple-*
12 *mental covered loans under clause (ii) of section*
13 *7(a)(36)(B) of the Small Business Act (15 U.S.C.*
14 *636(a)(36)(B)), as added by section 202 of this divi-*
15 *sion, the Administrator shall issue comprehensive*
16 *rules and guidance to ensure that borrowers and lend-*
17 *ers are aware of eligibility and terms of receiving a*
18 *supplemental covered loan and the process for forgive-*
19 *ness of a supplemental covered loan.*

20 **SEC. 611. REPORTS ON PAYCHECK PROTECTION PROGRAM.**

21 *(a) REPORT TO CONGRESS.—Within 30 days after the*
22 *date of the enactment of this Act, and every 30 days there-*
23 *after until the end of the covered period described under*
24 *section 7(a)(36) of the Small Business Act (15 U.S.C.*
25 *636(a)(36)), the Secretary of the Treasury and the Adminis-*
26 *trator shall submit to the Committee on Small Business of*

1 *the House of Representatives and the Committee on Small*
2 *Business and Entrepreneurship of the Senate a report, in*
3 *a searchable digital format, that includes, with respect to*
4 *each covered loan made under such section 7(a)(36)—*

5 *(1) the business name, address, and ZIP Code of*
6 *each recipient of the covered loan;*

7 *(2) the North American Industry Classification*
8 *System code and the type of entity of each such re-*
9 *ipient;*

10 *(3) demographic data of each such recipient;*

11 *(4) the number of jobs supported by the covered*
12 *loan;*

13 *(5) loan forgiveness data; and*

14 *(6) the amount and origination date of the cov-*
15 *ered loan.*

16 *(b) PUBLICLY AVAILABLE REPORT.—*

17 *(1) LARGER COVERED LOANS.—Within 30 days*
18 *after the date of the enactment of this Act, and every*
19 *30 days thereafter until the end of the covered period*
20 *described under section 7(a)(36) of the Small Busi-*
21 *ness Act (15 U.S.C. 636(a)(36)), for covered loans*
22 *made under such section 7(a)(36) in an amount*
23 *greater than or equal to \$150,000, the Secretary of the*
24 *Treasury and the Administrator shall make publicly*
25 *available—*

1 (A) the information described under para-
2 graphs (1) through (4) of subsection (a); and

3 (B) the loan size range, of those listed below,
4 that the covered loan belongs—

5 (i) greater than or equal to \$150,000
6 and less than \$350,000;

7 (ii) greater than or equal to \$350,000
8 and less than \$1,000,000;

9 (iii) greater than or equal to
10 \$1,000,000 and less than \$2,000,000;

11 (iv) greater than or equal to
12 \$2,000,000 and less than \$5,000,000; and

13 (v) greater than or equal to \$5,000,000
14 and less than \$10,000,000.

15 (2) *SMALLER COVERED LOANS.*—Within 30 days
16 after the date of the enactment of this Act, and every
17 30 days thereafter until the end of the covered period
18 described under section 7(a)(36) of the Small Busi-
19 ness Act (15 U.S.C. 636(a)(36)), for covered loans
20 made under such section 7(a)(36) in an amount less
21 than \$150,000, the Secretary of the Treasury and the
22 Administrator shall make publicly available the total
23 number of covered loans made and the amount of each
24 covered loan, disaggregated by ZIP Code of each re-
25 cipient, industry of each recipient, business type of

1 (A) by inserting “or provisions relating to
2 small business assistance” after “this subtitle”;
3 and

4 (B) by inserting “or for any small business
5 assistance” before the period at the end; and

6 (3) in subsection (c)—

7 (A) by inserting “or seeking any small busi-
8 ness assistance” after “section 4003”;

9 (B) by inserting “or small business assist-
10 ance” after “that transaction”;

11 (C) by inserting “or the Administrator of
12 the Small Business Administration, as applica-
13 ble,” after “Federal Reserve System”; and

14 (D) by inserting “or to receive the small
15 business assistance” after “in that transaction”.

16 **SEC. 613. INCLUSION OF SCORE AND VETERAN BUSINESS**
17 **OUTREACH CENTERS IN ENTREPRENEURIAL**
18 **DEVELOPMENT PROGRAMS.**

19 (a) *IN GENERAL.*—Section 1103(a)(2) of the CARES
20 Act (15 U.S.C. 9002(a)(2)) is amended—

21 (1) in subparagraph (A), by striking “and” at
22 the end; and

23 (2) by adding at the end the following new sub-
24 paragraphs:

1 “(C) a *Veteran Business Outreach Center*
2 *(as described under section 32(d) of the Small*
3 *Business Act); and*

4 “(D) *the Service Corps of Retired Execu-*
5 *tives Association, or any successor or other orga-*
6 *nization, that receives a grant from the Adminis-*
7 *trator to operate the SCORE program estab-*
8 *lished under section 8(b)(2)(A) of the Small*
9 *Business Act;”.*

10 **(b) FUNDING.**—*Section 1107(a)(4) of the CARES Act*
11 *(15 U.S.C. 9006(a)(4)) is amended—*

12 **(1) in subparagraph (A)—**

13 **(A) by striking “\$240,000,000” and insert-**
14 **ing “\$220,000,000”;**

15 **(B) by striking “and” at the end; and**

16 **(2) by adding at the end the following new sub-**
17 **paragraphs:**

18 “(C) *\$10,000,000 shall be for a Veteran*
19 *Business Outreach Center described in section*
20 *1103(a)(2)(C) of this Act to carry out activities*
21 *under such section; and*

22 “(D) *\$10,000,000 shall be for the Service*
23 *Corps of Retired Executives Association described*
24 *in section 1103(a)(2)(D) of this Act to carry out*
25 *activities under such section;”.*

1 **SEC. 614. CLARIFICATION OF USE OF CARES ACT FUNDS**
2 **FOR SMALL BUSINESS DEVELOPMENT CEN-**
3 **TERS.**

4 *Section 1103(b)(3)(A) of the CARES Act (15 U.S.C.*
5 *9002(b)(3)(A)) is amended by adding at the end the fol-*
6 *lowing new sentence: “Funds awarded under this para-*
7 *graph shall be in addition to any amounts appropriated*
8 *for grants under section 21(a) of the Small Business Act,*
9 *and may be used to complement and support those appro-*
10 *priated program grants to assist small business concerns,*
11 *with prioritization of such concerns affected directly or in-*
12 *directly by COVID–19 as described in paragraph (2).”.*

13 **SEC. 615. FUNDING FOR THE OFFICE OF INSPECTOR GEN-**
14 **ERAL OF THE SMALL BUSINESS ADMINISTRA-**
15 **TION.**

16 *Section 1107(a)(3) of the CARES Act (15 U.S.C.*
17 *9006(a)(3)) is amended by striking “September 30, 2024”*
18 *and inserting “expended”.*

19 **SEC. 616. EXTENSION OF WAIVER OF MATCHING FUNDS RE-**
20 **QUIREMENT UNDER THE WOMEN’S BUSINESS**
21 **CENTER PROGRAM.**

22 *Section 1105 of the CARES Act (15 U.S.C. 9004) is*
23 *amended by striking “During the 3-month period beginning*
24 *on the date of enactment of this Act,” and inserting “Until*
25 *December 31, 2020,”.*

1 **SEC. 617. ACCESS TO SMALL BUSINESS ADMINISTRATION**
2 **INFORMATION AND DATABASES.**

3 *Section 19010 of Division B of the CARES Act (Public*
4 *Law 116–136) is amended by—*

5 *(1) redesignating subsection (e) as subsection (f);*

6 *and*

7 *(2) by inserting after subsection (d) the following*
8 *new subsection:*

9 *“(e) SMALL BUSINESS ADMINISTRATION DATA-*
10 *BASES.—*

11 *“(1) IN GENERAL.—In conducting monitoring*
12 *and oversight under this section, the Comptroller Gen-*
13 *eral, upon notice to the Administrator of the Small*
14 *Business Administration, shall have direct access to*
15 *all information collected or produced in connection*
16 *with the administration of programs or provision of*
17 *assistance carried out by the Administrator, includ-*
18 *ing direct access to any information technology sys-*
19 *tems maintained or utilized by the Administrator to*
20 *collect, process, or analyze documents or information*
21 *submitted by borrowers, lenders, or others in connec-*
22 *tion with any such program or provision of assist-*
23 *ance. In this subsection, the term ‘direct access’ means*
24 *secured access to the information technology systems*
25 *maintained by the Administrator that would enable*

1 *the Comptroller General to independently access,*
2 *view, download, and retrieve data from such systems.*

3 “(2) *INFORMATION TECHNOLOGY SYSTEMS.—The*
4 *Administrator of the Small Business Administration*
5 *shall appropriately identify and classify any sensitive*
6 *information contained in an information technology*
7 *system accessed by the Comptroller General.”.*

8 **SEC. 618. SMALL BUSINESS LOCAL RELIEF PROGRAM.**

9 (a) *ESTABLISHMENT.—There is established in the De-*
10 *partment of the Treasury a Small Business Local Relief*
11 *Program to allocate resources to States, units of general*
12 *local government, and Indian Tribes to provide assistance*
13 *to eligible entities and organizations that assist eligible en-*
14 *tities.*

15 (b) *FUNDING.—*

16 (1) *FUNDING TO STATES, LOCALITIES, AND IN-*
17 *DIAN TRIBES.—*

18 (A) *IN GENERAL.—The Secretary of the*
19 *Treasury shall allocate—*

20 (i) *\$10,250,000,000 to States and units*
21 *of general local government in accordance*
22 *with subparagraph (B)(i);*

23 (ii) *\$4,250,000,000 to States in accord-*
24 *ance with subparagraph (B)(ii); and*

1 (iii) \$500,000,000 to the Secretary of
2 Housing and Urban Development for allo-
3 cations to Indian Tribes in accordance with
4 subparagraph (B)(iii).

5 (B) ALLOCATIONS.—

6 (i) FORMULA FOR STATES AND UNITS
7 OF GENERAL LOCAL GOVERNMENT.—Of the
8 amount described under subparagraph
9 (A)(i)—

10 (I) 70 percent shall be allocated to
11 entitlement communities in accordance
12 with the formula under section 106(b)
13 of the Housing and Community Devel-
14 opment Act of 1974 (42 U.S.C.
15 5306(b)); and

16 (II) 30 percent shall be allocated
17 to States, for use in nonentitlement
18 areas, in accordance with the formula
19 under section 106(d)(1) of such Act (42
20 U.S.C. 5306(d)(1)).

21 (ii) RURAL BONUS FORMULA FOR
22 STATES.—The Secretary shall allocate the
23 amount described under subparagraph
24 (A)(ii) to States, for use in nonentitlement
25 areas, in accordance with the formula under

1 *section 106(d)(1) of such Act (42 U.S.C.*
2 *5306(d)(1)).*

3 *(iii) COMPETITIVE AWARDS TO INDIAN*
4 *TRIBES.—*

5 *(I) IN GENERAL.—The Secretary*
6 *of Housing and Urban Development*
7 *shall allocate to Indian Tribes on a*
8 *competitive basis the amount described*
9 *under subparagraph (A)(iii).*

10 *(II) REQUIREMENTS.—In making*
11 *allocations under subclause (I), the*
12 *Secretary of Housing and Urban De-*
13 *velopment shall, to the greatest extent*
14 *practicable, ensure that each Indian*
15 *Tribe that satisfies requirements estab-*
16 *lished by the Secretary of Housing and*
17 *Urban Development receives such an*
18 *allocation.*

19 *(C) STATE ALLOCATIONS FOR NONENTITLE-*
20 *MENT AREAS.—*

21 *(i) EQUITABLE ALLOCATION.—To the*
22 *greatest extent practicable, a State shall al-*
23 *locate amounts for nonentitlement areas*
24 *under clauses (i)(II) and (ii) of subpara-*
25 *graph (B) on an equitable basis.*

1 (ii) *DISTRIBUTION OF AMOUNTS.*—

2 (I) *DISCRETION.*—*Not later than*
3 *14 days after the date on which a*
4 *State receives amounts for use in a*
5 *nonentitlement area under clause*
6 *(i)(II) or (ii) of subparagraph (B), the*
7 *State shall—*

8 (aa) *distribute the amounts,*
9 *or a portion thereof, to a unit of*
10 *general local government located*
11 *in the nonentitlement area or an*
12 *entity designated thereby, that has*
13 *established or will establish a*
14 *small business emergency fund,*
15 *for use under paragraph (2); or*

16 (bb) *elect to reserve the*
17 *amounts, or a portion thereof, for*
18 *use by the State under paragraph*
19 *(2) for the benefit of eligible enti-*
20 *ties located in the nonentitlement*
21 *area.*

22 (II) *SENSE OF CONGRESS.*—*It is*
23 *the sense of Congress that, in distrib-*
24 *uting amounts under subclause (I), in*
25 *the case of amounts allocated for a*

1 *nonentitlement area in which a unit of*
2 *general local government or an entity*
3 *designated thereby has established a*
4 *small business emergency fund, a State*
5 *should, as quickly as is practicable,*
6 *distribute amounts to that unit of gen-*
7 *eral local government or entity, respec-*
8 *tively, as described in item (aa) of such*
9 *subclause.*

10 *(iii) TREATMENT OF STATES NOT ACT-*
11 *ING AS PASS-THROUGH AGENTS UNDER*
12 *CDBG.—The Secretary shall allocate*
13 *amounts to a State under this paragraph*
14 *without regard to whether the State has*
15 *elected to distribute amounts allocated*
16 *under section 106(d)(1) of the Housing and*
17 *Community Development Act of 1974 (42*
18 *U.S.C. 5306(d)(1)).*

19 *(2) USE OF FUNDS.—*

20 *(A) IN GENERAL.—A State, unit of general*
21 *local government, or Indian Tribe that receives*
22 *an allocation under paragraph (1), or an entity*
23 *designated by a unit of general local government*
24 *under paragraph (1)(C)(i)(I)(aa), whether di-*
25 *rectly or indirectly, may use such allocation, not*

1 *later than 60 days after receipt of such alloca-*
2 *tion—*

3 *(i) to provide funding to a small busi-*
4 *ness emergency fund established by that*
5 *State (or entity designated thereby), that*
6 *unit of general local government (or entity*
7 *designated thereby), that entity designated*
8 *by a unit of general local government, or*
9 *that Indian Tribe (or entity designated*
10 *thereby), respectively;*

11 *(ii) to provide funding to support or-*
12 *ganizations that provide technical assist-*
13 *ance to eligible entities; or*

14 *(iii) subject to subparagraph (B), to*
15 *pay for administrative costs incurred by*
16 *that State (or entity designated thereby),*
17 *that unit of general local government (or*
18 *entity designated thereby), that entity des-*
19 *ignated by a unit of general local govern-*
20 *ment, or that Indian Tribe (or entity des-*
21 *ignated thereby), respectively, in estab-*
22 *lishing and administering a small business*
23 *emergency fund.*

24 *(B) LIMITATION.—A State, unit of general*
25 *local government, or Indian Tribe, or an entity*

1 *designated by a unit of general local government*
2 *under paragraph (1)(C)(ii)(I)(aa), may not use*
3 *more than 3 percent of an allocation received*
4 *under paragraph (1) for a purpose described in*
5 *subparagraph (A)(iii) of this paragraph.*

6 (C) *OBLIGATION DEADLINES.—*

7 (i) *STATES.—Of the amounts that a*
8 *State elects under paragraph*
9 *(1)(C)(ii)(I)(bb) to reserve for use by the*
10 *State under this paragraph—*

11 (i) *any amounts that the State*
12 *provides to a small business emergency*
13 *fund under subparagraph (A)(i) of this*
14 *paragraph shall be obligated by the*
15 *small business emergency fund for ex-*
16 *penditure not later than 74 days after*
17 *the date on which the State received*
18 *the amounts from the Secretary under*
19 *clause (i) or (ii) of paragraph (1)(A);*
20 *and*

21 (ii) *any amounts that the State*
22 *chooses to provide to an organization*
23 *under subparagraph (A)(ii) of this*
24 *paragraph, or to use to pay for admin-*
25 *istrative costs under subparagraph*

1 (A)(iii) of this paragraph, shall be ob-
2 ligated by the State for expenditure not
3 later than 74 days after the date on
4 which the State received the amounts
5 from the Secretary under clause (i) or
6 (ii) of paragraph (1)(A).

7 (ii) ENTITLEMENT COMMUNITIES.—Of
8 the amounts that an entitlement community
9 receives from the Secretary under para-
10 graph (1)(B)(i)(I)—

11 (I) any amounts that the entitle-
12 ment community provides to a small
13 business emergency fund under sub-
14 paragraph (A)(i) of this paragraph
15 shall be obligated by the small business
16 emergency fund for expenditure not
17 later than 74 days after the date on
18 which the entitlement community re-
19 ceived the amounts; and

20 (II) any amounts that the entitle-
21 ment community chooses to provide to
22 an organization under subparagraph
23 (A)(ii) of this paragraph, or to use to
24 pay for administrative costs under sub-
25 paragraph (A)(iii) of this paragraph,

1 shall be obligated by the entitlement
2 community for expenditure not later
3 than 74 days after the date on which
4 the entitlement community received the
5 amounts.

6 (iii) NONENTITLEMENT COMMU-
7 NITIES.—Of the amounts that a unit of gen-
8 eral local government, or an entity des-
9 ignated thereby, located in a nonentitlement
10 area receives from a State under paragraph
11 (1)(C)(ii)(I)(aa)—

12 (I) any amounts that the unit of
13 general local government or entity pro-
14 vides to a small business emergency
15 fund under subparagraph (A)(i) of this
16 paragraph shall be obligated by the
17 small business emergency fund for ex-
18 penditure not later than 60 days after
19 the date on which the unit of general
20 local government or entity received the
21 amounts; and

22 (II) any amounts that the unit of
23 general local government or entity
24 chooses to provide to a support organi-
25 zation under subparagraph (A)(ii) of

1 *this paragraph or to use to pay for ad-*
2 *ministrative costs under subparagraph*
3 *(A)(iii) of this paragraph shall be obli-*
4 *gated by the unit of general local gov-*
5 *ernment or entity for expenditure not*
6 *later than 60 days after the date on*
7 *which the unit of general local govern-*
8 *ment or entity received the amounts.*

9 *(D) RECOVERY OF UNOBLIGATED FUNDS.—*

10 *If a State, entitlement community, other unit of*
11 *general local government, entity designated by a*
12 *unit of general local government under para-*
13 *graph (1)(C)(ii)(I)(aa), or small business emer-*
14 *gency fund fails to obligate amounts by the ap-*
15 *plicable deadline under subparagraph (C), the*
16 *Secretary shall recover the amount of those*
17 *amounts that remain unobligated, as of that*
18 *deadline.*

19 *(E) COLLABORATION.—It is the sense of*
20 *Congress that—*

21 *(i) an entitlement community that re-*
22 *ceives amounts allocated under paragraph*
23 *(1)(B)(i)(I) should collaborate with the ap-*
24 *plicable local entity responsible for economic*
25 *development and small business develop-*

1 *ment in establishing and administering a*
2 *small business emergency fund; and*

3 *(ii) States, units of general local gov-*
4 *ernment, and Indian Tribes that receive*
5 *amounts under paragraph (1) and are lo-*
6 *cated in the same region should collaborate*
7 *in establishing and administering one or*
8 *more small business emergency funds.*

9 *(c) SMALL BUSINESS EMERGENCY FUNDS.—With re-*
10 *spect to a small business emergency fund that receives funds*
11 *from an allocation made under subsection (b)—*

12 *(1) if the small business emergency fund makes*
13 *a loan to an eligible entity with those funds, the small*
14 *business emergency fund may use amounts returned*
15 *to the small business emergency fund from the repay-*
16 *ment of the loan to provide further assistance to eligi-*
17 *ble entities without regard to the termination date de-*
18 *scribed in subsection (g); and*

19 *(2) the small business emergency fund shall con-*
20 *duct outreach to eligible entities that are less likely to*
21 *participate in programs established under the*
22 *CARES Act (Public Law 116–136; 134 Stat. 281)*
23 *and the amendments made by that Act, including mi-*
24 *nority-owned entities, businesses in low-income com-*
25 *munities, businesses in rural and Tribal areas, and*

1 *other businesses that are underserved by the tradi-*
2 *tional banking system.*

3 *(d) INFORMATION GATHERING.—*

4 *(1) IN GENERAL.—When providing assistance to*
5 *an eligible entity with funds received from an alloca-*
6 *tion made under subsection (b), the State, unit of gen-*
7 *eral local government, or Indian Tribe, or the entity*
8 *designated by a State, unit of general local govern-*
9 *ment, or Indian Tribe, that provides assistance*
10 *through a small business emergency fund shall—*

11 *(A) inquire whether the eligible entity is—*

12 *(i) in the case of an eligible entity that*
13 *is a business entity or a nonprofit organiza-*
14 *tion, a women-owned entity or a minority-*
15 *owned entity; and*

16 *(ii) in the case of an eligible entity*
17 *who is an individual, a woman or a minor-*
18 *ity; and*

19 *(B) maintain a record of the responses to*
20 *each inquiry conducted under subparagraph (A),*
21 *which the entity shall promptly submit to the*
22 *applicable State, unit of general local govern-*
23 *ment, or Indian Tribe.*

1 (2) *RIGHT TO REFUSE.*—An eligible entity may
2 refuse to provide any information requested under
3 paragraph (1)(A).

4 (e) *REPORTING.*—

5 (1) *IN GENERAL.*—Not later than 30 days after
6 the date on which a State, unit of general local gov-
7 ernment, or Indian Tribe initially receives an alloca-
8 tion made under subsection (b), and not later than 14
9 days after the date on which that State, unit of local
10 government, or Indian Tribe completes the full ex-
11 penditure of that allocation, that State, unit of gen-
12 eral local government, or Indian Tribe shall submit
13 to the Secretary a report that includes—

14 (A) the number of recipients of assistance
15 made available from the allocation;

16 (B) the total amount, and type, of assist-
17 ance made available from the allocation;

18 (C) to the extent applicable, with respect to
19 each recipient described in subparagraph (A),
20 information regarding the industry of the recipi-
21 ent, the amount of assistance received by the re-
22 cipient, the annual sales of the recipient, and the
23 number of employees of the recipient;

24 (D) to the extent available from information
25 collected under subsection (d), information re-

1 *garding the number of recipients described in*
2 *subparagraph (A) that are minority-owned enti-*
3 *ties, minorities, women, and women-owned enti-*
4 *ties;*

5 *(E) the ZIP Code of each recipient de-*
6 *scribed in subparagraph (A); and*

7 *(F) any other information that the Sec-*
8 *retary, in the sole discretion of the Secretary, de-*
9 *termines to be necessary to carry out the Pro-*
10 *gram.*

11 *(2) PUBLIC AVAILABILITY.—As soon as is prac-*
12 *ticable after receiving each report submitted under*
13 *paragraph (1), the Secretary shall make all informa-*
14 *tion contained in the report publicly available.*

15 *(f) RULES AND GUIDANCE.—The Secretary, in con-*
16 *sultation with the Administrator, shall issue any rules and*
17 *guidance that are necessary to carry out the Program, in-*
18 *cluding by establishing appropriate compliance and report-*
19 *ing requirements in addition to the reporting requirements*
20 *under subsection (e).*

21 *(g) TERMINATION.—The Program, and any rules and*
22 *guidance issued under subsection (f) with respect to the Pro-*
23 *gram, shall terminate on the date that is 1 year after the*
24 *date of enactment of this Act.*

25 *(h) DEFINITIONS.—In this section:*

1 (1) *ADMINISTRATOR*.—The term “Adminis-
2 trator” means the Administrator of the Small Busi-
3 ness Administration.

4 (2) *ELIGIBLE ENTITY*.—The term “eligible enti-
5 ty”—

6 (A) means a business concern or a nonprofit
7 organization (as defined in section
8 7(a)(36)(A)(vii) that—

9 (i) employs—

10 (I) not more than 20 full-time
11 equivalent employees; or

12 (II) if the entity or organization
13 is located in a low-income community,
14 not more than 50 full-time equivalent
15 employees;

16 (ii) has experienced a loss of revenue as
17 a result of the COVID–19 pandemic, ac-
18 cording to criteria established by the Sec-
19 retary; and

20 (iii) with respect to such an entity or
21 organization that receives assistance from a
22 small business emergency fund, satisfies ad-
23 ditional requirements, as determined by the
24 State, unit of general local government, In-
25 dian Tribe, or other entity that has estab-

1 *lished the small business emergency fund;*
2 *and*

3 *(B) includes an individual who operates*
4 *under a sole proprietorship, an individual who*
5 *operates as an independent contractor, and an*
6 *eligible self-employed individual if such an indi-*
7 *vidual has experienced a loss of revenue as a re-*
8 *sult of the COVID–19 pandemic, according to*
9 *criteria established by the Secretary.*

10 *(3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—*
11 *The term “eligible self-employed individual” has the*
12 *meaning given the term in section 7(a)(36)(A) of the*
13 *Small Business Act (15 U.S.C. 636(a)(36)(A)).*

14 *(4) ENTITLEMENT COMMUNITY.—The term “enti-*
15 *tlement community” means a metropolitan city or*
16 *urban county, as those terms are defined in section*
17 *102 of the Housing and Community Development Act*
18 *of 1974 (42 U.S.C. 5302).*

19 *(5) FULL-TIME EQUIVALENT EMPLOYEES.—*

20 *(A) IN GENERAL.—The term “full-time*
21 *equivalent employees” means a number of em-*
22 *ployees equal to the number determined by divid-*
23 *ing—*

1 (i) *the total number of hours of service*
2 *for which wages were paid by the employer*
3 *to employees during the taxable year, by*

4 (ii) *2,080.*

5 (B) *ROUNDING.*—*The number determined*
6 *under subparagraph (A) shall be rounded to the*
7 *next lowest whole number if not otherwise a*
8 *whole number.*

9 (C) *EXCESS HOURS NOT COUNTED.*—*If an*
10 *employee works in excess of 2,080 hours of serv-*
11 *ice during any taxable year, such excess shall not*
12 *be taken into account under subparagraph (A).*

13 (D) *HOURS OF SERVICE.*—*The Secretary,*
14 *in consultation with the Secretary of Labor,*
15 *shall prescribe such regulations, rules, and guid-*
16 *ance as may be necessary to determine the hours*
17 *of service of an employee, including rules for the*
18 *application of this paragraph to employees who*
19 *are not compensated on an hourly basis.*

20 (6) *INDIAN TRIBE.*—*The term “Indian Tribe”*
21 *has the meaning given the term “Indian tribe” in sec-*
22 *tion 102 of the Housing and Community Develop-*
23 *ment Act of 1974 (42 U.S.C. 5302).*

24 (7) *LOW-INCOME COMMUNITY.*—*The term “low-*
25 *income community” has the meaning given the term*

1 *in section 45D(e) of the Internal Revenue Code of*
2 *1986.*

3 (8) *MINORITY.*—*The term “minority” has the*
4 *meaning given the term in section 1204(c)(3) of the*
5 *Financial Institutions Reform, Recovery, and En-*
6 *forcement Act of 1989 (12 U.S.C. 1811 note).*

7 (9) *MINORITY-OWNED ENTITY.*—*The term “mi-*
8 *nority-owned entity” means an entity—*

9 (A) *more than 50 percent of the ownership*
10 *or control of which is held by not less than 1 mi-*
11 *nority; and*

12 (B) *more than 50 percent of the net profit*
13 *or loss of which accrues to not less than 1 minor-*
14 *ity.*

15 (10) *NONENTITLEMENT AREA; STATE; UNIT OF*
16 *GENERAL LOCAL GOVERNMENT.*—

17 (A) *IN GENERAL.*—*Except as provided in*
18 *subparagraph (B), the terms “nonentitlement*
19 *area”, “State”, and “unit of general local gov-*
20 *ernment” have the meanings given those terms in*
21 *section 102 of the Housing and Community De-*
22 *velopment Act of 1974 (42 U.S.C. 5302).*

23 (B) *STATE.*—*For purposes of subpara-*
24 *graphs (A)(ii) and (B)(ii) of subsection (b)(1),*

1 *the term “State” means any State of the United*
2 *States.*

3 (11) *PROGRAM.—The term “Program” means the*
4 *Small Business Local Relief Program established*
5 *under this section.*

6 (12) *SECRETARY.—The term “Secretary” means*
7 *the Secretary of the Treasury.*

8 (13) *SMALL BUSINESS EMERGENCY FUND.—The*
9 *term “small business emergency fund” means a fund*
10 *or program—*

11 *(A) established by a State, a unit of general*
12 *local government, an Indian Tribe, or an entity*
13 *designated by a State, unit of general local gov-*
14 *ernment, or Indian Tribe; and*

15 *(B) that provides or administers financing*
16 *to eligible entities in the form of grants, loans,*
17 *or other means in accordance with the needs of*
18 *eligible entities and the capacity of the fund or*
19 *program.*

20 (14) *WOMEN-OWNED ENTITY.—The term*
21 *“women-owned entity” means an entity—*

22 *(A) more than 50 percent of the ownership*
23 *or control of which is held by not less than 1*
24 *woman; and*

1 (B) more than 50 percent of the net profit
2 or loss of which accrues to not less than 1
3 woman.

4 **SEC. 619. GRANTS FOR INDEPENDENT LIVE VENUE OPERA-**
5 **TORS.**

6 (a) *DEFINITIONS.*—*In this section:*

7 (1) *ADMINISTRATOR.*—*The term “Adminis-*
8 *trator” means the Administrator of the Small Busi-*
9 *ness Administration.*

10 (2) *ELIGIBLE OPERATOR, PROMOTER, PRODUCER,*
11 *OR TALENT REPRESENTATIVE.*—

12 (A) *IN GENERAL.*—*The term “eligible oper-*
13 *ator, promoter, producer, or talent representa-*
14 *tive” means a live venue operator or producer or*
15 *promoter or a talent representative that meets*
16 *the following requirements:*

17 (i) *The live venue operator or producer*
18 *or promoter or the talent representative was*
19 *fully operational as a live venue operator or*
20 *producer or promoter or talent representa-*
21 *tive on February 29, 2020.*

22 (ii) *As of the date of the grant under*
23 *this section—*

24 (I) *the live venue operator or pro-*
25 *ducer or promoter is organizing, pro-*

1 *moting, producing, managing, or*
2 *hosting future events described in*
3 *paragraph (4)(A)(i); or*

4 *(II) the talent representative is*
5 *representing or managing artists and*
6 *entertainers.*

7 *(iii) The venues at which the live venue*
8 *operator or producer or promoter promotes,*
9 *produces, manages, or hosts events described*
10 *in paragraph (4)(A)(i) or the artists and*
11 *entertainers represented or managed by the*
12 *talent representative perform have the fol-*
13 *lowing characteristics:*

14 *(I) A defined performance and*
15 *audience space.*

16 *(II) Mixing equipment, a public*
17 *address system, and a lighting rig.*

18 *(III) Engages 1 or more individ-*
19 *uals to carry out not less than 2 of the*
20 *following roles:*

21 *(aa) A sound engineer.*

22 *(bb) A booker.*

23 *(cc) A promoter.*

24 *(dd) A stage manager.*

25 *(ee) Security personnel.*

1 *(ff) A box office manager.*

2 *(IV) There is a paid ticket or*
3 *cover charge to attend most perform-*
4 *ances and artists are paid fairly and*
5 *do not play for free or solely for tips,*
6 *except for legitimate fundraisers or*
7 *similar charitable events.*

8 *(V) For a venue owned or oper-*
9 *ated by a nonprofit entity that pro-*
10 *duces free events, the events are pro-*
11 *duced and managed by paid employees,*
12 *not by volunteers.*

13 *(VI) Performances are marketed*
14 *through listings in printed or elec-*
15 *tronic publications, on websites, by*
16 *mass email, or on social media.*

17 *(iv) The live venue operator or pro-*
18 *ducer or promoter or the talent representa-*
19 *tive does not have, or is not majority owned*
20 *or controlled by an entity with, more than*
21 *1 of the following characteristics:*

22 *(I) Being an issuer, the securities*
23 *of which are listed on a national secu-*
24 *rities exchange.*

1 (II) *Owning or operating venues*
2 *or talent agencies or talent manage-*
3 *ment companies with offices in more*
4 *than 1 country.*

5 (III) *Owning or operating venues*
6 *in more than 10 States.*

7 (IV) *Employing more than 500*
8 *employees, determined on a full-time*
9 *equivalent basis in accordance with*
10 *subparagraph (B).*

11 (V) *Receiving more than 10 per-*
12 *cent of gross revenue from Federal*
13 *funding.*

14 (B) *CALCULATION OF FULL-TIME EMPLOY-*
15 *EES.—For purposes of determining the number*
16 *of full-time equivalent employees under subpara-*
17 *graph (A)(iv)(IV)—*

18 (i) *any employee working not fewer*
19 *than 30 hours per week shall be considered*
20 *a full-time employee; and*

21 (ii) *any employee working not fewer*
22 *than 10 hours and fewer than 30 hours per*
23 *week shall be counted as one-half of a full-*
24 *time employee.*

1 (3) *EXCHANGE; ISSUER; SECURITY.*—*The terms*
2 *“exchange”, “issuer”, and “security” have the mean-*
3 *ings given such terms in section 3(a) of the Securities*
4 *Exchange Act of 1934 (15 U.S.C. 78c(a)).*

5 (4) *LIVE VENUE OPERATOR OR PRODUCER OR*
6 *PROMOTER.*—*The term “live venue operator or pro-*
7 *ducer or promoter”—*

8 (A) *means—*

9 (i) *an individual or entity—*

10 (I) *that organizes, promotes, sells*
11 *tickets, produces, manages, or hosts live*
12 *concerts, comedy shows, theatrical pro-*
13 *ductions, or other events by performing*
14 *artists and applies cover charge*
15 *through ticketing or front door en-*
16 *trance fee; and*

17 (II) *not less than 70 percent of the*
18 *revenue of which is generated through*
19 *cover charges or ticket sales and the*
20 *sale of beverages, food, or merchandise*
21 *during such live events; or*

22 (ii) *as a principle business activity,*
23 *makes tickets to events described in clause*
24 *(i)(I) available for purchase by the public*
25 *an average of not less than 60 days before*

1 *the date of the event and pays performers in*
2 *an event described in clause (i)(I) in an*
3 *amount that is based on a percentage of*
4 *sales, guarantee (in writing or standard*
5 *contract), or another mutually beneficial*
6 *formal agreement; and*

7 *(B) includes an individual or entity de-*
8 *scribed in subparagraph (A) that—*

9 *(i) operates for profit or as a non-*
10 *profit;*

11 *(ii) is government-owned; or*

12 *(iii) is a corporation, limited liability*
13 *company, or partnership or operated as a*
14 *sole proprietorship.*

15 (5) *NATIONAL SECURITIES EXCHANGE.—The*
16 *term “national securities exchange” means an ex-*
17 *change registered as a national securities exchange*
18 *under section 6 of the Securities Exchange Act of*
19 *1934 (15 U.S.C. 78f).*

20 (6) *STATE.—The term “State” means—*

21 *(A) a State;*

22 *(B) the District of Columbia;*

23 *(C) the Commonwealth of Puerto Rico; and*

24 *(D) any other territory or possession of the*

25 *United States.*

1 (7) *TALENT REPRESENTATIVE.*—*The term “tal-*
2 *ent representative”*—

3 *(A) means an agent or manager that—*

4 *(i) as not less than 70 percent of the*
5 *operations of the agent or manager, is en-*
6 *gaged in representing or managing artists*
7 *and entertainers;*

8 *(ii) books musicians, comedians, ac-*
9 *tors, or similar performing artists pri-*
10 *marily in independent venues or at fes-*
11 *tivals; and*

12 *(iii) represents performers described in*
13 *clause (ii) that are paid in an amount that*
14 *is based on the number of tickets sold, or a*
15 *similar basis; and*

16 *(B) includes an agent or manager described*
17 *in subparagraph (A) that—*

18 *(i) operates for profit or as a non-*
19 *profit;*

20 *(ii) is government-owned; or*

21 *(iii) is a corporation, limited liability*
22 *company, or partnership or operated as a*
23 *sole proprietorship.*

24 *(b) AUTHORITY.*—

1 (1) *INITIAL GRANTS.*—*The Administrator may*
2 *make initial grants to eligible operators, promoters,*
3 *and talent representatives in accordance with this sec-*
4 *tion.*

5 (2) *SUPPLEMENTAL GRANTS.*—*The Adminis-*
6 *trator may make a supplemental grant in accordance*
7 *with this section to an eligible operator, promoter,*
8 *producer, or talent representative that receives a*
9 *grant under paragraph (1) if, as of December 1, 2020,*
10 *the revenues of the eligible operator, promoter, pro-*
11 *ducer, or talent representative for the most recent cal-*
12 *endar quarter are not more than 20 percent of the*
13 *revenues of the eligible operator, promoter, producer,*
14 *or talent representative for the corresponding calendar*
15 *quarter during 2019 due to the COVID–19 pandemic.*

16 (3) *CERTIFICATION.*—*An eligible operator, pro-*
17 *moter, producer, or talent representative applying for*
18 *a grant under this section that is an eligible business*
19 *described in the matter preceding subclause (I) of sec-*
20 *tion 4003(c)(3)(D)(i) of the CARES Act (15 U.S.C.*
21 *9042(c)(3)(D)(i)), shall make a good-faith certifi-*
22 *cation described in subclauses (IX) and (X) of such*
23 *section.*

24 (c) *AMOUNT.*—

1 (1) *INITIAL GRANTS.*—A grant under subsection
2 (b)(1) shall be in the amount equal to the lesser of—

3 (A) the amount equal to 45 percent of the
4 gross revenue of the eligible operator, promoter,
5 producer, or talent representative during 2019;

6 (B) for an eligible operator, promoter, pro-
7 ducer, or talent representative that began oper-
8 ations after January 1, 2019, the amount equal
9 to the product obtained by multiplying—

10 (i) the average monthly gross revenue
11 for each full month during which the entity
12 was in operation during 2019, by

13 (ii) 6; or

14 (C) \$12,000,000.

15 (2) *SUPPLEMENTAL GRANTS.*—A grant under
16 subsection (b)(2) shall be in the amount equal to 50
17 percent of the grant received by the eligible operator,
18 promoter, producer, or talent representative under
19 subsection (b)(1).

20 (d) *USE OF FUNDS.*—

21 (1) *TIMING.*—

22 (A) *EXPENSES INCURRED.*—

23 (i) *IN GENERAL.*—Except as provided
24 in clause (ii), amounts received under a
25 grant under this section may be used for

1 costs incurred during the period beginning
2 on March 1, 2020, and ending on December
3 31, 2021.

4 (ii) *EXTENSION FOR SUPPLEMENTAL*
5 *GRANTS.*—If an eligible operator, promoter,
6 producer, or talent representative receives a
7 grant under subsection (b)(2), amounts re-
8 ceived under either grant under this section
9 may be used for costs incurred during the
10 period beginning on March 1, 2020, and
11 ending on June 30, 2022.

12 (B) *EXPENDITURE.*—

13 (i) *IN GENERAL.*—Except as provided
14 in clause (ii), an eligible operator, pro-
15 moter, producer, or talent representative
16 shall return to the Administrator any
17 amounts received under a grant under this
18 section that are not expended on or before
19 the date that is 1 year after the date of dis-
20 bursement of the grant.

21 (ii) *EXTENSION FOR SUPPLEMENTAL*
22 *GRANTS.*—If an eligible operator, promoter,
23 producer, or talent representative receives a
24 grant under subsection (b)(2), the eligible
25 operator, promoter, producer, or talent rep-

1 representative shall return to the Adminis-
2 trator any amounts received under either
3 grant under this section that are not ex-
4 pended on or before the date that is 18
5 months after the date of disbursement to the
6 eligible operator, promoter, producer, or tal-
7 ent representative of the grant under sub-
8 section (b)(1).

9 (2) *ALLOWABLE EXPENSES.*—An eligible oper-
10 ator, promoter, producer, or talent representative may
11 use amounts received under a grant under this section
12 for—

13 (A) payroll costs for employees and fur-
14 loughed employees, including—

15 (i) costs for continuation coverage pro-
16 vided pursuant to part 6 of subtitle B of
17 title I of the Employee Retirement Income
18 Security Act of 1974 (other than under sec-
19 tion 609 of such Act), title XXII of the Pub-
20 lic Health Service Act, section 4980B of the
21 Internal Revenue Code of 1986 (other than
22 subsection (f)(1) of such section insofar as it
23 relates to pediatric vaccines), or section
24 8905a of title 5, United States Code, or
25 under a State program that provides com-

1 *parable continuation coverage, other than*
2 *coverage under a health flexible spending*
3 *arrangement under a cafeteria plan within*
4 *the meaning of section 125 of the Internal*
5 *Revenue Code of 1986; or*

6 *(ii) any other non-cash benefit;*

7 *(B) rent;*

8 *(C) utilities;*

9 *(D) mortgage interest payments on existing*
10 *mortgages as of February 15, 2020;*

11 *(E) scheduled interest payments on other*
12 *scheduled debt as of February 15, 2020;*

13 *(F) costs related to personal protective*
14 *equipment;*

15 *(G) payments of principal on outstanding*
16 *loans;*

17 *(H) payments made to independent contrac-*
18 *tors, as reported on Form-1099 MISC; and*

19 *(I) other ordinary and necessary business*
20 *expenses, including—*

21 *(i) settling existing debts owed to ven-*
22 *dors;*

23 *(ii) maintenance expenses;*

24 *(iii) administrative costs;*

25 *(iv) taxes;*

- 1 (v) operating leases;
- 2 (vi) insurance;
- 3 (vii) advertising, production transpor-
- 4 tation, and capital expenditures related to
- 5 producing a theatrical production, concert,
- 6 or comedy show; and
- 7 (viii) any other capital expenditure or
- 8 expense required under any State, local, or
- 9 Federal law or guideline related to social
- 10 distancing.

11 (3) *PROHIBITED EXPENSES.*—An eligible oper-

12 ator, promoter, producer, or talent representative may

13 not use amounts received under a grant under this

14 section—

- 15 (A) to purchase real estate;
- 16 (B) for payments of interest or principal on
- 17 loans originated after February 15, 2020;
- 18 (C) to invest or re-lend funds;
- 19 (D) for contributions or expenditures to, or
- 20 on behalf of, any political party, party com-
- 21 mittee, or candidate for elective office; or
- 22 (E) for any other use as may be prohibited
- 23 by the Administrator.

1 ***DIVISION F—REVENUE***
 2 ***PROVISIONS***

3 ***SEC. 100. SHORT TITLE, ETC.***

4 (a) *SHORT TITLE.*—*This division may be cited as the*
 5 *“COVID–19 Tax Relief Act of 2020”.*

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

Sec. 100. Short title, etc.

TITLE I—ECONOMIC STIMULUS

Subtitle A—Additional Recovery Rebates to Individuals

Sec. 101. Additional recovery rebates to individuals.

Subtitle B—Earned Income Tax Credit

Sec. 111. Strengthening the earned income tax credit for individuals with no qualifying children.

Sec. 112. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.

Sec. 113. Credit allowed in case of certain separated spouses.

Sec. 114. Elimination of disqualified investment income test.

Sec. 115. Application of earned income tax credit in possessions of the United States.

Sec. 116. Temporary special rule for determining earned income for purposes of earned income tax credit.

Subtitle C—Child Tax Credit

Sec. 121. Child tax credit improvements for 2020.

Sec. 122. Application of child tax credit in possessions.

Subtitle D—Dependent Care Assistance

Sec. 131. Refundability and enhancement of child and dependent care tax credit.

Sec. 132. Increase in exclusion for employer-provided dependent care assistance.

Subtitle E—Credits for Paid Sick and Family Leave

Sec. 141. Extension of credits.

Sec. 142. Repeal of reduced rate of credit for certain leave.

Sec. 143. Increase in limitations on credits for paid family leave.

Sec. 144. Election to use prior year net earnings from self-employment in determining average daily self-employment income.

Sec. 145. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.

Sec. 146. Certain technical improvements.

Sec. 147. Credits not allowed to certain large employers.

Subtitle F—Deduction of State and Local Taxes

Sec. 151. Elimination for 2020 limitation on deduction of State and local taxes.

TITLE II—PROVISIONS TO PREVENT BUSINESS INTERRUPTION

Sec. 201. Improvements to employee retention and rehiring credit.

Sec. 202. Certain loan forgiveness and other business financial assistance under CARES Act not includible in gross income.

Sec. 203. Clarification of treatment of expenses paid or incurred with proceeds from certain grants and loans.

TITLE III—NET OPERATING LOSSES

Sec. 301. Limitation on excess business losses of non-corporate taxpayers restored and made permanent.

Sec. 302. Certain taxpayers allowed carryback of net operating losses arising in 2019 and 2020.

1 **TITLE I—ECONOMIC STIMULUS**

2 **Subtitle A—Additional Recovery**

3 **Rebates to Individuals**

4 **SEC. 101. ADDITIONAL RECOVERY REBATES TO INDIVID-**
5 **UALS.**

6 (a) *IN GENERAL.*—Subchapter B of chapter 65 of the
7 Internal Revenue Code of 1986 is amended by inserting
8 after section 6428 the following new section:

9 **“SEC. 6428A. ADDITIONAL RECOVERY REBATES TO INDIVID-**
10 **UALS.**

11 “(a) *IN GENERAL.*—In the case of an eligible indi-
12 vidual, there shall be allowed as a credit against the tax
13 imposed by subtitle A for the first taxable year beginning
14 in 2020 an amount equal to the additional rebate amount
15 determined for such taxable year.

16 “(b) *ADDITIONAL REBATE AMOUNT.*—For purposes of
17 this section, the term ‘additional rebate amount’ means,

1 *with respect to any taxpayer for any taxable year, the sum*
2 *of—*

3 “(1) \$1,200 (\$2,400 in the case of a joint re-
4 *turn), plus*

5 “(2) \$500 multiplied by the number of depend-
6 *ents of the taxpayer for such taxable year.*

7 “(c) *ELIGIBLE INDIVIDUAL.*—For purposes of this sec-
8 *tion, the term ‘eligible individual’ means any individual*
9 *other than—*

10 “(1) *any nonresident alien individual,*

11 “(2) *any individual with respect to whom a de-*
12 *duction under section 151 is allowable to another tax-*
13 *payer for a taxable year beginning in the calendar*
14 *year in which the individual’s taxable year begins,*
15 *and*

16 “(3) *an estate or trust.*

17 “(d) *LIMITATION BASED ON MODIFIED ADJUSTED*
18 *GROSS INCOME.*—The amount of the credit allowed by sub-
19 *section (a) (determined without regard to this subsection*
20 *and subsection (f)) shall be reduced (but not below zero)*
21 *by 5 percent of so much of the taxpayer’s modified adjusted*
22 *gross income as exceeds—*

23 “(1) \$150,000 in the case of a joint return or a
24 *surviving spouse (as defined in section 2(a)),*

1 “(2) \$112,500 in the case of a head of household
2 (as defined in section 2(b)), and

3 “(3) \$75,000 in any other case.

4 “(e) *DEFINITIONS AND SPECIAL RULES.*—

5 “(1) *MODIFIED ADJUSTED GROSS INCOME.*—For
6 purposes of this subsection (other than this para-
7 graph), the term ‘modified adjusted gross income’
8 means adjusted gross income determined without re-
9 gard to sections 911, 931, and 933.

10 “(2) *DEPENDENT DEFINED.*—For purposes of
11 this section, the term ‘dependent’ has the meaning
12 given such term by section 152.

13 “(3) *CREDIT TREATED AS REFUNDABLE.*—The
14 credit allowed by subsection (a) shall be treated as al-
15 lowed by subpart C of part IV of subchapter A of
16 chapter 1.

17 “(4) *IDENTIFICATION NUMBER REQUIREMENT.*—

18 “(A) *IN GENERAL.*—The \$1,200 amount in
19 subsection (b)(1) shall be treated as being zero
20 unless the taxpayer includes the TIN of the tax-
21 payer on the return of tax for the taxable year.

22 “(B) *JOINT RETURNS.*—In the case of a
23 joint return, the \$2,400 amount in subsection
24 (b)(1) shall be treated as being—

1 “(i) zero if the TIN of neither spouse
2 is included on the return of tax for the tax-
3 able year, and

4 “(ii) \$1,200 if the TIN of only one
5 spouse is so included.

6 “(C) *DEPENDENTS*.—A dependent shall not
7 be taken into account under subsection (b)(2) un-
8 less the TIN of such dependent is included on the
9 return of tax for the taxable year.

10 “(D) *COORDINATION WITH CERTAIN AD-*
11 *VANCE PAYMENTS*.—In the case of any payment
12 made pursuant to subsection (g)(5)(A)(ii), a TIN
13 shall be treated for purposes of this paragraph as
14 included on the taxpayer’s return of tax if such
15 TIN is provided pursuant to such subsection.

16 “(f) *COORDINATION WITH ADVANCE REFUNDS OF*
17 *CREDIT*.—

18 “(1) *REDUCTION OF REFUNDABLE CREDIT*.—The
19 amount of the credit which would (but for this para-
20 graph) be allowable under subsection (a) shall be re-
21 duced (but not below zero) by the aggregate refunds
22 and credits made or allowed to the taxpayer (or any
23 dependent of the taxpayer) under subsection (g). Any
24 failure to so reduce the credit shall be treated as aris-

1 *ing out of a mathematical or clerical error and as-*
2 *essed according to section 6213(b)(1).*

3 *“(2) JOINT RETURNS.—In the case of a refund or*
4 *credit made or allowed under subsection (g) with re-*
5 *spect to a joint return, half of such refund or credit*
6 *shall be treated as having been made or allowed to*
7 *each individual filing such return.*

8 *“(g) ADVANCE REFUNDS AND CREDITS.—*

9 *“(1) IN GENERAL.—Subject to paragraph (5),*
10 *each individual who was an eligible individual for*
11 *such individual’s first taxable year beginning in 2019*
12 *shall be treated as having made a payment against*
13 *the tax imposed by chapter 1 for such taxable year in*
14 *an amount equal to the advance refund amount for*
15 *such taxable year.*

16 *“(2) ADVANCE REFUND AMOUNT.—For purposes*
17 *of paragraph (1), the advance refund amount is the*
18 *amount that would have been allowed as a credit*
19 *under this section for such taxable year if this section*
20 *(other than subsection (f) and this subsection) had ap-*
21 *plied to such taxable year.*

22 *“(3) TIMING AND MANNER OF PAYMENTS.—*

23 *“(A) TIMING.—The Secretary shall, subject*
24 *to the provisions of this title, refund or credit*
25 *any overpayment attributable to this section as*

1 rapidly as possible. No refund or credit shall be
2 made or allowed under this subsection after De-
3 cember 31, 2020.

4 “(B) *DELIVERY OF PAYMENTS.*—Notwith-
5 standing any other provision of law, the Sec-
6 retary may certify and disburse refunds payable
7 under this subsection electronically to any ac-
8 count to which the payee authorized, on or after
9 January 1, 2018, the delivery of a refund of
10 taxes under this title or of a Federal payment
11 (as defined in section 3332 of title 31, United
12 States Code).

13 “(C) *WAIVER OF CERTAIN RULES.*—Not-
14 withstanding section 3325 of title 31, United
15 States Code, or any other provision of law, with
16 respect to any payment of a refund under this
17 subsection, a disbursing official in the executive
18 branch of the United States Government may
19 modify payment information received from an
20 officer or employee described in section
21 3325(a)(1)(B) of such title for the purpose of fa-
22 cilitating the accurate and efficient delivery of
23 such payment. Except in cases of fraud or reck-
24 less neglect, no liability under sections 3325,
25 3527, 3528, or 3529 of title 31, United States

1 Code, shall be imposed with respect to payments
2 made under this subparagraph.

3 “(4) *NO INTEREST.*—No interest shall be allowed
4 on any overpayment attributable to this section.

5 “(5) *APPLICATION TO INDIVIDUALS WHO DO NOT*
6 *FILE A RETURN OF TAX FOR 2019.*—

7 “(A) *IN GENERAL.*—In the case of an indi-
8 vidual who, at the time of any determination
9 made pursuant to paragraph (3), has not filed
10 a tax return for the year described in paragraph
11 (1), the Secretary shall—

12 “(i) apply paragraph (1) by sub-
13 stituting ‘2018’ for ‘2019’, and

14 “(ii) in the case of a specified indi-
15 vidual who has not filed a tax return for
16 such individual’s first taxable year begin-
17 ning in 2018, determine the advance refund
18 amount with respect to such individual
19 without regard to subsections (d) and on the
20 basis of information with respect to such in-
21 dividual which is provided by—

22 “(I) in the case of a specified so-
23 cial security beneficiary or a specified
24 supplemental security income recipi-

1 ent, the Commissioner of Social Secu-
2 rity,

3 “(II) in the case of a specified
4 railroad retirement beneficiary, the
5 Railroad Retirement Board, and

6 “(III) in the case of a specified
7 veterans beneficiary, the Secretary of
8 Veterans Affairs (in coordination with,
9 and with the assistance of, the Com-
10 missioner of Social Security if appro-
11 priate).

12 “(B) SPECIFIED INDIVIDUAL.—For purposes
13 of this paragraph, the term ‘specified individual’
14 means any individual who is—

15 “(i) a specified social security bene-
16 ficiary,

17 “(ii) a specified supplemental security
18 income recipient,

19 “(iii) a specified railroad retirement
20 beneficiary, or

21 “(iv) a specified veterans beneficiary.

22 “(C) SPECIFIED SOCIAL SECURITY BENE-
23 FICIARY.—For purposes of this paragraph—

24 “(i) IN GENERAL.—The term ‘specified
25 social security beneficiary’ means any indi-

1 *vidual who, for the last month that ends*
2 *prior to the date of enactment of this sec-*
3 *tion, is entitled to any monthly insurance*
4 *benefit payable under title II of the Social*
5 *Security Act (42 U.S.C. 401 et seq.), includ-*
6 *ing payments made pursuant to sections*
7 *202(d), 223(g), and 223(i)(7) of such Act.*

8 *“(ii) EXCEPTION.—Such term shall not*
9 *include any individual if such benefit is not*
10 *payable for such month by reason of section*
11 *202(x) of the Social Security Act (42 U.S.C.*
12 *402(x)) or section 1129A of such Act (42*
13 *U.S.C. 1320a–8a).*

14 *“(D) SPECIFIED SUPPLEMENTAL SECURITY*
15 *INCOME RECIPIENT.—For purposes of this para-*
16 *graph—*

17 *“(i) IN GENERAL.—The term ‘specified*
18 *supplemental security income recipient’*
19 *means any individual who, for the last*
20 *month that ends prior to the date of enact-*
21 *ment of this section, is eligible for a month-*
22 *ly benefit payable under title XVI of the So-*
23 *cial Security Act (42 U.S.C. 1381 et seq.)*
24 *(other than a benefit to an individual de-*

1 *scribed in section 1611(e)(1)(B) of such Act*
2 *(42 U.S.C. 1382(e)(1)(B)), including—*

3 *“(I) payments made pursuant to*
4 *section 1614(a)(3)(C) of such Act (42*
5 *U.S.C. 1382c(a)(3)(C)),*

6 *“(II) payments made pursuant to*
7 *section 1619(a) (42 U.S.C. 1382h) or*
8 *subsections (a)(4), (a)(7), or (p)(7) of*
9 *section 1631 (42 U.S.C. 1383) of such*
10 *Act, and*

11 *“(III) State supplementary pay-*
12 *ments of the type referred to in section*
13 *1616(a) of such Act (42 U.S.C.*
14 *1382e(a)) (or payments of the type de-*
15 *scribed in section 212(a) of Public Law*
16 *93–66) which are paid by the Commis-*
17 *sioner under an agreement referred to*
18 *in such section 1616(a) (or section*
19 *212(a) of Public Law 93–66).*

20 *“(ii) EXCEPTION.—Such term shall not*
21 *include any individual if such monthly ben-*
22 *efit is not payable for such month by reason*
23 *of subsection (e)(1)(A) or (e)(4) of section*
24 *1611 (42 U.S.C. 1382) or section 1129A of*
25 *such Act (42 U.S.C. 1320a–8a).*

1 “(E) *SPECIFIED RAILROAD RETIREMENT*
2 *BENEFICIARY.*—*For purposes of this paragraph,*
3 *the term ‘specified railroad retirement bene-*
4 *ficiary’ means any individual who, for the last*
5 *month that ends prior to the date of enactment*
6 *of this section, is entitled to a monthly annuity*
7 *or pension payment payable (without regard to*
8 *section 5(a)(ii) of the Railroad Retirement Act of*
9 *1974 (45 U.S.C. 231d(a)(ii)) under—*

10 “(i) *section 2(a)(1) of such Act (45*
11 *U.S.C. 231a(a)(1)),*

12 “(ii) *section 2(c) of such Act (45*
13 *U.S.C. 231a(c)),*

14 “(iii) *section 2(d)(1) of such Act (45*
15 *U.S.C. 231a(d)(1)), or*

16 “(iv) *section 7(b)(2) of such Act (45*
17 *U.S.C. 231f(b)(2)) with respect to any of the*
18 *benefit payments described in subparagraph*
19 *(C)(i).*

20 “(F) *SPECIFIED VETERANS BENEFICIARY.*—
21 *For purposes of this paragraph—*

22 “(i) *IN GENERAL.*—*The term ‘specified*
23 *veterans beneficiary’ means any individual*
24 *who, for the last month that ends prior to*
25 *the date of enactment of this section, is enti-*

1 *tled to a compensation or pension payment*
2 *payable under—*

3 *“(I) section 1110, 1117, 1121,*
4 *1131, 1141, or 1151 of title 38, United*
5 *States Code,*

6 *“(II) section 1310, 1312, 1313,*
7 *1315, 1316, or 1318 of title 38, United*
8 *States Code,*

9 *“(III) section 1513, 1521, 1533,*
10 *1536, 1537, 1541, 1542, or 1562 of*
11 *title 38, United States Code, or*

12 *“(IV) section 1805, 1815, or 1821*
13 *of title 38, United States Code,*

14 *to a veteran, surviving spouse, child, or*
15 *parent as described in paragraph (2), (3),*
16 *(4)(A)(ii), or (5) of section 101, title 38,*
17 *United States Code.*

18 *“(ii) EXCEPTION.—Such term shall not*
19 *include any individual if such compensa-*
20 *tion or pension payment is not payable, or*
21 *was reduced, for such month by reason of*
22 *section 1505, 5313, or 5313B of title 38,*
23 *United States Code.*

24 *“(G) SUBSEQUENT DETERMINATIONS AND*
25 *REDETERMINATIONS NOT TAKEN INTO AC-*

1 *COUNT.—For purposes of this section, any indi-*
2 *vidual’s status as a specified social security bene-*
3 *ficiary, a specified supplemental security income*
4 *recipient, a specified railroad retirement bene-*
5 *ficiary, or a specified veterans beneficiary shall*
6 *be unaffected by any determination or redeter-*
7 *mination of any entitlement to, or eligibility for,*
8 *any benefit, payment, or compensation, if such*
9 *determination or redetermination occurs after*
10 *the last month that ends prior to the date of en-*
11 *actment of this section.*

12 *“(H) PAYMENT TO REPRESENTATIVE PAY-*
13 *EES AND FIDUCIARIES.—*

14 *“(i) IN GENERAL.—If the benefit, pay-*
15 *ment, or compensation referred to in sub-*
16 *paragraph (C)(i), (D)(i), (E), or (F)(i)*
17 *with respect to any specified individual is*
18 *paid to a representative payee or fiduciary,*
19 *payment by the Secretary under paragraph*
20 *(3) with respect to such specified individual*
21 *shall be made to such individual’s rep-*
22 *resentative payee or fiduciary and the en-*
23 *tire payment shall be used only for the ben-*
24 *efit of the individual who is entitled to the*
25 *payment.*

1 “(i) *APPLICATION OF ENFORCEMENT*
2 *PROVISIONS.*—

3 “(I) *In the case of a payment de-*
4 *scribed in clause (i) which is made*
5 *with respect to a specified social secu-*
6 *rity beneficiary or a specified supple-*
7 *mental security income recipient, sec-*
8 *tion 1129(a)(3) of the Social Security*
9 *Act (42 U.S.C. 1320a–8(a)(3)) shall*
10 *apply to such payment in the same*
11 *manner as such section applies to a*
12 *payment under title II or XVI of such*
13 *Act.*

14 “(II) *In the case of a payment de-*
15 *scribed in clause (i) which is made*
16 *with respect to a specified railroad re-*
17 *irement beneficiary, section 13 of the*
18 *Railroad Retirement Act (45 U.S.C.*
19 *231l) shall apply to such payment in*
20 *the same manner as such section ap-*
21 *plies to a payment under such Act.*

22 “(III) *In the case of a payment*
23 *described in clause (i) which is made*
24 *with respect to a specified veterans*
25 *beneficiary, sections 5502, 6106, and*

1 6108 of title 38, United States Code,
2 shall apply to such payment in the
3 same manner as such sections apply to
4 a payment under such title.

5 “(6) NOTICE TO TAXPAYER.—Not later than 15
6 days after the date on which the Secretary distributed
7 any payment to an eligible taxpayer pursuant to this
8 subsection, notice shall be sent by mail to such tax-
9 payer’s last known address. Such notice shall indicate
10 the method by which such payment was made, the
11 amount of such payment, and a phone number for the
12 appropriate point of contact at the Internal Revenue
13 Service to report any error with respect to such pay-
14 ment.

15 “(h) REGULATIONS.—The Secretary shall prescribe
16 such regulations or other guidance as may be necessary or
17 appropriate to carry out the purposes of this section, in-
18 cluding—

19 “(1) regulations or other guidance providing tax-
20 payers the opportunity to provide the Secretary infor-
21 mation sufficient to allow the Secretary to make pay-
22 ments to such taxpayers under subsection (g) (includ-
23 ing the determination of the amount of such pay-
24 ment) if such information is not otherwise available
25 to the Secretary, and

1 “(2) regulations or other guidance providing for
2 the proper treatment of joint returns and taxpayers
3 with dependents to ensure that an individual is not
4 taken into account more than once in determining the
5 amount of any credit under subsection (a) and any
6 credit or refund under subsection (g).

7 “(i) *OUTREACH.*—The Secretary shall carry out a ro-
8 bust and comprehensive outreach program to ensure that
9 all taxpayers described in subsection (h)(1) learn of their
10 eligibility for the advance refunds and credits under sub-
11 section (g); are advised of the opportunity to receive such
12 advance refunds and credits as provided under subsection
13 (h)(1); and are provided assistance in applying for such
14 advance refunds and credits. In conducting such outreach
15 program, the Secretary shall coordinate with other govern-
16 ment, State, and local agencies; federal partners; and com-
17 munity-based nonprofit organizations that regularly inter-
18 face with such taxpayers.”.

19 (b) *TREATMENT OF CERTAIN POSSESSIONS.*—

20 (1) *PAYMENTS TO POSSESSIONS WITH MIRROR*
21 *CODE TAX SYSTEMS.*—The Secretary of the Treasury
22 shall pay to each possession of the United States
23 which has a mirror code tax system amounts equal to
24 the loss (if any) to that possession by reason of the
25 amendments made by this section. Such amounts

1 *shall be determined by the Secretary of the Treasury*
2 *based on information provided by the government of*
3 *the respective possession.*

4 (2) *PAYMENTS TO OTHER POSSESSIONS.—The*
5 *Secretary of the Treasury shall pay to each possession*
6 *of the United States which does not have a mirror*
7 *code tax system amounts estimated by the Secretary*
8 *of the Treasury as being equal to the aggregate bene-*
9 *fits (if any) that would have been provided to resi-*
10 *dents of such possession by reason of the amendments*
11 *made by this section if a mirror code tax system had*
12 *been in effect in such possession. The preceding sen-*
13 *tence shall not apply unless the respective possession*
14 *has a plan, which has been approved by the Secretary*
15 *of the Treasury, under which such possession will*
16 *promptly distribute such payments to its residents.*

17 (3) *COORDINATION WITH CREDIT ALLOWED*
18 *AGAINST UNITED STATES INCOME TAXES.—No credit*
19 *shall be allowed against United States income taxes*
20 *under section 6428A of the Internal Revenue Code of*
21 *1986 (as added by this section), nor shall any credit*
22 *or refund be made or allowed under subsection (g) of*
23 *such section, to any person—*

1 (A) to whom a credit is allowed against
2 taxes imposed by the possession by reason of the
3 amendments made by this section, or

4 (B) who is eligible for a payment under a
5 plan described in paragraph (2).

6 (4) *MIRROR CODE TAX SYSTEM.*—For purposes
7 of this subsection, the term “mirror code tax system”
8 means, with respect to any possession of the United
9 States, the income tax system of such possession if the
10 income tax liability of the residents of such possession
11 under such system is determined by reference to the
12 income tax laws of the United States as if such pos-
13 session were the United States.

14 (c) *ADMINISTRATIVE PROVISIONS.*—

15 (1) *DEFINITION OF DEFICIENCY.*—Section
16 6211(b)(4)(A) of the Internal Revenue Code of 1986
17 is amended by striking “and 6428” and inserting
18 “6428, and 6428A”.

19 (2) *MATHEMATICAL OR CLERICAL ERROR AU-*
20 *THORITY.*—Section 6213(g)(2) of such Code is amend-
21 ed—

22 (A) by inserting “or section 6428A (relating
23 to additional recovery rebates to individuals)”
24 before the comma at the end of subparagraph
25 (H), and

1 (B) by striking “or 6428” in subparagraph
2 (L) and inserting “6428, or 6428A”.

3 (3) *EXCEPTION FROM REDUCTION OR OFFSET.*—
4 Any credit or refund allowed or made to any indi-
5 vidual by reason of section 6428A of the Internal Rev-
6 enue Code of 1986 (as added by this section) or by
7 reason of subsection (b) of this section shall not be—

8 (A) subject to reduction or offset pursuant
9 to section 3716 or 3720A of title 31, United
10 States Code,

11 (B) subject to reduction or offset pursuant
12 to subsection (c), (d), (e), or (f) of section 6402
13 of the Internal Revenue Code of 1986, or

14 (C) reduced or offset by other assessed Fed-
15 eral taxes that would otherwise be subject to levy
16 or collection.

17 (4) *ASSIGNMENT OF BENEFITS.*—

18 (A) *IN GENERAL.*—The right of any person
19 to any applicable payment shall not be transfer-
20 able or assignable, at law or in equity, and no
21 applicable payment shall be subject to, execution,
22 levy, attachment, garnishment, or other legal
23 process, or the operation of any bankruptcy or
24 insolvency law.

1 (B) *ENCODING OF PAYMENTS.*—*In the case*
2 *of an applicable payment described in subpara-*
3 *graph (E)(iii)(I) that is paid electronically by*
4 *direct deposit through the Automated Clearing*
5 *House (ACH) network, the Secretary of the*
6 *Treasury (or the Secretary’s delegate) shall—*

7 (i) *issue the payment using a unique*
8 *identifier that is reasonably sufficient to*
9 *allow a financial institution to identify the*
10 *payment as an applicable payment, and*

11 (ii) *further encode the payment pursu-*
12 *ant to the same specifications as required*
13 *for a benefit payment defined in section*
14 *212.3 of title 31, Code of Federal Regula-*
15 *tions.*

16 (C) *GARNISHMENT.*—

17 (i) *ENCODED PAYMENTS.*—*In the case*
18 *of a garnishment order that applies to an*
19 *account that has received an applicable*
20 *payment that is encoded as provided in sub-*
21 *paragraph (B), a financial institution shall*
22 *follow the requirements and procedures set*
23 *forth in part 212 of title 31, Code of Fed-*
24 *eral Regulations, except—*

1 (I) notwithstanding section 212.4
2 of title 31, Code of Federal Regulations
3 (and except as provided in subclause
4 (II)), a financial institution shall not
5 fail to follow the procedures of sections
6 212.5 and 212.6 of such title with re-
7 spect to an garnishment order merely
8 because such order has attached, or in-
9 cludes, a notice of right to garnish fed-
10 eral benefits issued by a State child
11 support enforcement agency, and

12 (II) a financial institution shall
13 not, with regard to any applicable
14 payment, be required to provide the
15 notice referenced in sections 212.6 and
16 212.7 of title 31, Code of Federal Regu-
17 lations.

18 (ii) OTHER PAYMENTS.—If a financial
19 institution receives a garnishment order
20 (other than an order that has been served by
21 the United States), that has been received
22 by a financial institution and that applies
23 to an account into which an applicable
24 payment that has not been encoded as pro-
25 vided in subparagraph (B) has been depos-

1 *ited electronically or by an applicable pay-*
2 *ment that has been deposited by check on*
3 *any date in the lookback period, the finan-*
4 *cial institution, upon the request of the ac-*
5 *count holder, shall treat the amount of the*
6 *funds in the account at the time of the re-*
7 *quest, up to the amount of the applicable*
8 *payment (in addition to any amounts oth-*
9 *erwise protected under part 212 of title 31,*
10 *Code of Federal Regulations), as exempt*
11 *from a garnishment order without requiring*
12 *the consent of the party serving the garnish-*
13 *ment order or the judgment creditor.*

14 *(iii) LIABILITY.—A financial institu-*
15 *tion that acts in good faith in reliance on*
16 *clauses (i) or (ii) shall not be subject to li-*
17 *ability or regulatory action under any Fed-*
18 *eral or State law, regulation, court or other*
19 *order, or regulatory interpretation for ac-*
20 *tions concerning any applicable payments.*

21 *(D) PRESERVATION OF RECLAMATION*
22 *RIGHTS.—This paragraph shall not alter the sta-*
23 *tus of applicable payments as tax refunds or*
24 *other nonbenefit payments for purpose of any*
25 *reclamation rights of the Department of the*

1 *Treasury or the Internal Revenue Service as per*
2 *part 210 of title 31, Code of Federal Regulations.*

3 *(E) DEFINITIONS.—For purposes of this*
4 *paragraph—*

5 *(i) ACCOUNT HOLDER.—The term “ac-*
6 *count holder” means a natural person*
7 *whose name appears in a financial institu-*
8 *tion’s records as the direct or beneficial*
9 *owner of an account.*

10 *(ii) ACCOUNT REVIEW.—The term “ac-*
11 *count review” means the process of exam-*
12 *ining deposits in an account to determine if*
13 *an applicable payment has been deposited*
14 *into the account during the lookback period.*
15 *The financial institution shall perform the*
16 *account review following the procedures out-*
17 *lined in section 212.5 of title 31, Code of*
18 *Federal Regulations and in accordance with*
19 *the requirements of section 212.6 of title 31,*
20 *Code of Federal Regulations.*

21 *(iii) APPLICABLE PAYMENT.—The term*
22 *“applicable payment” means—*

23 *(I) any advance refund amount*
24 *paid pursuant to subsection (g) of sec-*

1 *tion 6428A of the Internal Revenue*
2 *Code of 1986 (as so added),*

3 *(II) any payment made by a pos-*
4 *session of the United States with a*
5 *mirror code tax system (as defined in*
6 *subsection (c) of section 2201 of the*
7 *CARES Act (Public Law 116–136))*
8 *pursuant to such subsection which cor-*
9 *responds to a payment described in*
10 *subclause (I), and*

11 *(III) any payment made by a*
12 *possession of the United States without*
13 *a mirror code tax system (as so de-*
14 *fined) pursuant to section 2201(c) of*
15 *such Act.*

16 *(iv) GARNISHMENT.—The term “gar-*
17 *nishment” means execution, levy, attach-*
18 *ment, garnishment, or other legal process.*

19 *(v) GARNISHMENT ORDER.—The term*
20 *“garnishment order” means a writ, order,*
21 *notice, summons, judgment, levy, or similar*
22 *written instruction issued by a court, a*
23 *State or State agency, a municipality or*
24 *municipal corporation, or a State child*
25 *support enforcement agency, including a*

1 *lien arising by operation of law for overdue*
2 *child support or an order to freeze the assets*
3 *in an account, to effect a garnishment*
4 *against a debtor.*

5 *(vi) LOOKBACK PERIOD.—The term*
6 *“lookback period” means the two month pe-*
7 *riod that begins on the date preceding the*
8 *date of account review and ends on the cor-*
9 *responding date of the month two months*
10 *earlier, or on the last date of the month two*
11 *months earlier if the corresponding date*
12 *does not exist.*

13 *(5) TREATMENT OF CREDIT AND ADVANCE PAY-*
14 *MENTS.—For purposes of section 1324 of title 31,*
15 *United States Code, any credit under section*
16 *6428A(a) of the Internal Revenue Code of 1986, any*
17 *credit or refund under section 6428A(g) of such Code,*
18 *and any payment under subsection (b) of this section,*
19 *shall be treated in the same manner as a refund due*
20 *from a credit provision referred to in subsection*
21 *(b)(2) of such section 1324.*

22 *(6) AGENCY INFORMATION SHARING AND ASSIST-*
23 *ANCE.—The Commissioner of Social Security, the*
24 *Railroad Retirement Board, and the Secretary of Vet-*
25 *erans Affairs shall each provide the Secretary of the*

1 *Treasury (or the Secretary's delegate) such informa-*
2 *tion and assistance as the Secretary of the Treasury*
3 *(or the Secretary's delegate) may require for purposes*
4 *of making payments under section 6428A(g) of the*
5 *Internal Revenue Code of 1986 to individuals de-*
6 *scribed in paragraph (5)(A)(ii) thereof.*

7 (7) *CLERICAL AMENDMENT.—The table of sec-*
8 *tions for subchapter B of chapter 65 of the Internal*
9 *Revenue Code of 1986 is amended by inserting after*
10 *the item relating to section 6428 the following new*
11 *item:*

“Sec. 6428A. Additional recovery rebates to individuals.”.

12 (d) *CERTAIN REQUIREMENTS RELATED TO RECOVERY*
13 *REBATES AND ADDITIONAL RECOVERY REBATES.—*

14 (1) *SIGNATURES ON CHECKS AND NOTICES, ETC.,*
15 *BY THE DEPARTMENT OF THE TREASURY.—Any check*
16 *issued to an individual by the Department of the*
17 *Treasury pursuant to section 6428 or 6428A of the*
18 *Internal Revenue Code of 1986, and any notice issued*
19 *pursuant to section 6428(f)(6) or section 6428A(g)(6)*
20 *of such Code, may not be signed by or otherwise bear*
21 *the name, signature, image or likeness of the Presi-*
22 *dent, the Vice President or any elected official or cabi-*
23 *net level officer of the United States, or any indi-*
24 *vidual who, with respect to any of the aforementioned*
25 *individuals, bears any relationship described in sub-*

1 paragraphs (A) through (G) of section 152(d)(2) of
2 the Internal Revenue Code of 1986.

3 (2) *EFFECTIVE DATE.*—Paragraph (1) shall
4 apply to checks and notices issued after the date of the
5 enactment of this Act.

6 (e) *REPORTS TO CONGRESS.*—Each week beginning
7 after the date of the enactment of this Act and beginning
8 before December 31, 2020, on Friday of such week, not later
9 than 3 p.m. Eastern Time, the Secretary of the Treasury
10 shall provide a written report to the Committee on Ways
11 and Means of the House of Representatives and the Com-
12 mittee on Finance of the Senate. Such report shall include
13 the following information with respect to payments made
14 pursuant to each of sections 6428 and 6428A of the Internal
15 Revenue Code of 1986:

16 (1) *The number of scheduled payments sent to*
17 *the Bureau of Fiscal Service for payment by direct*
18 *deposit or paper check for the following week (stated*
19 *separately for direct deposit and paper check).*

20 (2) *The total dollar amount of the scheduled pay-*
21 *ments described in paragraph (1).*

22 (3) *The number of direct deposit payments re-*
23 *turned to the Department of the Treasury and the*
24 *total dollar value of such payments, for the week end-*

1 “(i) except as otherwise provided in
2 this subparagraph, age 19,

3 “(ii) in the case of a full-time student
4 (other than a qualified former foster youth
5 or a qualified homeless youth), age 25, and

6 “(iii) in the case of a qualified former
7 foster youth or a qualified homeless youth,
8 age 18.

9 “(C) *FULL-TIME STUDENT.*—For purposes
10 of this paragraph, the term ‘full-time student’
11 means, with respect to any taxable year, an in-
12 dividual who is an eligible student (as defined in
13 section 25A(b)(3)) during at least 5 calendar
14 months during the taxable year.

15 “(D) *QUALIFIED FORMER FOSTER*
16 *YOUTH.*—For purposes of this paragraph, the
17 term ‘qualified former foster youth’ means an in-
18 dividual who—

19 “(i) on or after the date that such indi-
20 vidual attained age 14, was in foster care
21 provided under the supervision or adminis-
22 tration of a State or tribal agency adminis-
23 tering (or eligible to administer) a plan
24 under part B or part E of the Social Secu-
25 rity Act (without regard to whether Federal

1 *assistance was provided with respect to such*
2 *child under such part E), and*

3 “(ii) provides (in such manner as the
4 Secretary may provide) consent for State
5 and tribal agencies which administer a
6 plan under part B or part E of the Social
7 Security Act to disclose to the Secretary in-
8 formation related to the status of such indi-
9 vidual as a qualified former foster youth.

10 “(E) *QUALIFIED HOMELESS YOUTH.*—For
11 purposes of this paragraph, the term ‘qualified
12 homeless youth’ means, with respect to any tax-
13 able year, an individual who—

14 “(i) is certified by a local educational
15 agency or a financial aid administrator
16 during such taxable year as being either an
17 unaccompanied youth who is a homeless
18 child or youth, or as unaccompanied, at
19 risk of homelessness, and self-supporting.
20 Terms used in the preceding sentence which
21 are also used in section 480(d)(1) of the
22 Higher Education Act of 1965 shall have
23 the same meaning as when used in such sec-
24 tion, and

1 “(i) provides (in such manner as the
2 Secretary may provide) consent for local
3 educational agencies and financial aid ad-
4 ministrators to disclose to the Secretary in-
5 formation related to the status of such indi-
6 vidual as a qualified homeless youth.

7 “(2) INCREASE IN MAXIMUM AGE FOR CREDIT.—
8 Subsection (c)(1)(A)(i)(II) shall be applied by sub-
9 stituting ‘age 66’ for ‘age 65’.

10 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
11 CENTAGES.—The table contained in subsection (b)(1)
12 shall be applied by substituting ‘15.3’ for ‘7.65’ each
13 place it appears therein.

14 “(4) INCREASE IN EARNED INCOME AND PHASE-
15 OUT AMOUNTS.—

16 “(A) IN GENERAL.—The table contained in
17 subsection (b)(2)(A) shall be applied—

18 “(i) by substituting ‘\$9,720’ for
19 ‘\$4,220’, and

20 “(ii) by substituting ‘\$11,490’ for
21 ‘\$5,280’.

22 “(B) COORDINATION WITH INFLATION AD-
23 JUSTMENT.—Subsection (j) shall not apply to
24 any dollar amount specified in this paragraph.”.

1 (b) *INFORMATION RETURN MATCHING.*—As soon as
2 practicable, the Secretary of the Treasury (or the Sec-
3 retary’s delegate) shall develop and implement procedures
4 to use information returns under section 6050S (relating
5 to returns relating to higher education tuition and related
6 expenses) to check the status of individuals as full-time stu-
7 dents for purposes of section 32(n)(1)(B)(ii) of the Internal
8 Revenue Code of 1986 (as added by this section).

9 (c) *EFFECTIVE DATE.*—The amendment made by this
10 section shall apply to taxable years beginning after Decem-
11 ber 31, 2019.

12 **SEC. 112. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
13 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
14 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
15 **FICATION REQUIREMENTS.**

16 (a) *IN GENERAL.*—Section 32(c)(1) of the Internal
17 Revenue Code of 1986 is amended by striking subparagraph
18 (F).

19 (b) *EFFECTIVE DATE.*—The amendment made by this
20 section shall apply to taxable years beginning after the date
21 of the enactment of this Act.

22 **SEC. 113. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
23 **RATED SPOUSES.**

24 (a) *IN GENERAL.*—Section 32(d) of the Internal Rev-
25 enue Code of 1986 is amended—

1 (1) by striking “MARRIED INDIVIDUALS.—In the
2 case of” and inserting the following: “MARRIED INDI-
3 VIDUALS.—

4 “(1) IN GENERAL.—In the case of”, and

5 (2) by adding at the end the following new para-
6 graph:

7 “(2) DETERMINATION OF MARITAL STATUS.—For
8 purposes of this section—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), marital status shall be deter-
11 mined under section 7703(a).

12 “(B) SPECIAL RULE FOR SEPARATED
13 SPOUSE.—An individual shall not be treated as
14 married if such individual—

15 “(i) is married (as determined under
16 section 7703(a)) and does not file a joint re-
17 turn for the taxable year,

18 “(ii) lives with a qualifying child of
19 the individual for more than one-half of
20 such taxable year, and

21 “(iii)(I) during the last 6 months of
22 such taxable year, does not have the same
23 principal place of abode as the individual’s
24 spouse, or

1 (1) Section 32(j)(1) of such Code is amended by
2 striking “subsections (b)(2) and (i)(1)” and inserting
3 “subsection (b)(2)”.

4 (2) Section 32(j)(1)(B)(i) of such Code is amend-
5 ed by striking “subsections (b)(2)(A) and (i)(1)” and
6 inserting “subsection (b)(2)(A)”.

7 (3) Section 32(j)(2) of such Code is amended—

8 (A) by striking subparagraph (B), and

9 (B) by striking “ROUNDING.—” and all
10 that follows through “If any dollar amount” and
11 inserting the following: “ROUNDING.—If any dol-
12 lar amount”.

13 (c) *EFFECTIVE DATE.*—The amendments made by this
14 section shall apply to taxable years beginning after the date
15 of the enactment of this Act.

16 **SEC. 115. APPLICATION OF EARNED INCOME TAX CREDIT IN**
17 **POSSESSIONS OF THE UNITED STATES.**

18 (a) *IN GENERAL.*—Chapter 77 of the Internal Revenue
19 Code of 1986 is amended by adding at the end the following
20 new section:

21 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**
22 **TO POSSESSIONS OF THE UNITED STATES.**

23 “(a) *PUERTO RICO.*—

24 “(1) *IN GENERAL.*—With respect to calendar
25 year 2021 and each calendar year thereafter, the Sec-

1 *retary shall, except as otherwise provided in this sub-*
2 *section, make payments to Puerto Rico equal to—*

3 *“(A) the specified matching amount for*
4 *such calendar year, plus*

5 *“(B) in the case of calendar years 2021*
6 *through 2025, the lesser of—*

7 *“(i) the expenditures made by Puerto*
8 *Rico during such calendar year for edu-*
9 *cation efforts with respect to individual tax-*
10 *payers and tax return preparers relating to*
11 *the earned income tax credit, or*

12 *“(ii) \$1,000,000.*

13 *“(2) REQUIREMENT TO REFORM EARNED INCOME*
14 *TAX CREDIT.—The Secretary shall not make any pay-*
15 *ments under paragraph (1) with respect to any cal-*
16 *endar year unless Puerto Rico has in effect an earned*
17 *income tax credit for taxable years beginning in or*
18 *with such calendar year which (relative to the earned*
19 *income tax credit which was in effect for taxable*
20 *years beginning in or with calendar year 2019) in-*
21 *creases the percentage of earned income which is al-*
22 *lowed as a credit for each group of individuals with*
23 *respect to which such percentage is separately stated*
24 *or determined in a manner designed to substantially*
25 *increase workforce participation.*

1 “(3) *SPECIFIED MATCHING AMOUNT.*—*For pur-*
2 *poses of this subsection—*

3 “(A) *IN GENERAL.*—*The term ‘specified*
4 *matching amount’ means, with respect to any*
5 *calendar year, the lesser of—*

6 “(i) *the excess (if any) of—*

7 “(I) *the cost to Puerto Rico of the*
8 *earned income tax credit for taxable*
9 *years beginning in or with such cal-*
10 *endar year, over*

11 “(II) *the base amount for such*
12 *calendar year, or*

13 “(ii) *the product of 3, multiplied by*
14 *the base amount for such calendar year.*

15 “(B) *BASE AMOUNT.*—

16 “(i) *BASE AMOUNT FOR 2020.*—*In the*
17 *case of calendar year 2020, the term ‘base*
18 *amount’ means the greater of—*

19 “(I) *the cost to Puerto Rico of the*
20 *earned income tax credit for taxable*
21 *years beginning in or with calendar*
22 *year 2019 (rounded to the nearest mul-*
23 *tiple of \$1,000,000), or*

24 “(II) *\$200,000,000.*

1 “(ii) *INFLATION ADJUSTMENT.*—*In the*
2 *case of any calendar year after 2021, the*
3 *term ‘base amount’ means the dollar*
4 *amount determined under clause (i) in-*
5 *creased by an amount equal to—*

6 “(I) *such dollar amount, multi-*
7 *plied by—*

8 “(II) *the cost-of-living adjustment*
9 *determined under section 1(f)(3) for*
10 *such calendar year, determined by sub-*
11 *stituting ‘calendar year 2020’ for ‘cal-*
12 *endar year 2016’ in subparagraph*
13 *(A)(ii) thereof.*

14 *Any amount determined under this clause*
15 *shall be rounded to the nearest multiple of*
16 *\$1,000,000.*

17 “(4) *RULES RELATED TO PAYMENTS AND RE-*
18 *PORTS.*—

19 “(A) *TIMING OF PAYMENTS.*—*The Secretary*
20 *shall make payments under paragraph (1) for*
21 *any calendar year—*

22 “(i) *after receipt of the report described*
23 *in subparagraph (B) for such calendar*
24 *year, and*

1 “(i) except as provided in clause (i),
2 within a reasonable period of time before
3 the due date for individual income tax re-
4 turns (as determined under the laws of
5 Puerto Rico) for taxable years which began
6 on the first day of such calendar year.

7 “(B) ANNUAL REPORTS.—With respect to
8 calendar year 2021 and each calendar year
9 thereafter, Puerto Rico shall provide to the Sec-
10 retary a report which shall include—

11 “(i) an estimate of the costs described
12 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
13 with respect to such calendar year, and

14 “(ii) a statement of such costs with re-
15 spect to the preceding calendar year.

16 “(C) ADJUSTMENTS.—

17 “(i) IN GENERAL.—In the event that
18 any estimate of an amount is more or less
19 than the actual amount as later determined
20 and any payment under paragraph (1) was
21 determined on the basis of such estimate,
22 proper payment shall be made by, or to, the
23 Secretary (as the case may be) as soon as
24 practicable after the determination that
25 such estimate was inaccurate. Proper ad-

1 *justment shall be made in the amount of*
2 *any subsequent payments made under para-*
3 *graph (1) to the extent that proper payment*
4 *is not made under the preceding sentence*
5 *before such subsequent payments.*

6 “(ii) *ADDITIONAL REPORTS.*—*The Sec-*
7 *retary may require such additional periodic*
8 *reports of the information described in sub-*
9 *paragraph (B) as the Secretary determines*
10 *appropriate to facilitate timely adjustments*
11 *under clause (i).*

12 “(D) *DETERMINATION OF COST OF EARNED*
13 *INCOME TAX CREDIT.*—*For purposes of this sub-*
14 *section, the cost to Puerto Rico of the earned in-*
15 *come tax credit shall be determined by the Sec-*
16 *retary on the basis of the laws of Puerto Rico*
17 *and shall include reductions in revenues received*
18 *by Puerto Rico by reason of such credit and re-*
19 *funds attributable to such credit, but shall not*
20 *include any administrative costs with respect to*
21 *such credit.*

22 “(E) *PREVENTION OF MANIPULATION OF*
23 *BASE AMOUNT.*—*No payments shall be made*
24 *under paragraph (1) if the earned income tax*
25 *credit as in effect in Puerto Rico for taxable*

1 *years beginning in or with calendar year 2019*
2 *is modified after the date of the enactment of this*
3 *subsection.*

4 “(b) *POSSESSIONS WITH MIRROR CODE TAX SYS-*
5 *TEMS.—*

6 “(1) *IN GENERAL.—With respect to calendar*
7 *year 2020 and each calendar year thereafter, the Sec-*
8 *retary shall, except as otherwise provided in this sub-*
9 *section, make payments to the Virgin Islands, Guam,*
10 *and the Commonwealth of the Northern Mariana Is-*
11 *lands equal to—*

12 “(A) *75 percent of the cost to such posses-*
13 *sion of the earned income tax credit for taxable*
14 *years beginning in or with such calendar year,*
15 *plus*

16 “(B) *in the case of calendar years 2020*
17 *through 2024, the lesser of—*

18 “(i) *the expenditures made by such*
19 *possession during such calendar year for*
20 *education efforts with respect to individual*
21 *taxpayers and tax return preparers relating*
22 *to such earned income tax credit, or*

23 “(ii) *\$50,000.*

24 “(2) *APPLICATION OF CERTAIN RULES.—Rules*
25 *similar to the rules of subparagraphs (A), (B), (C),*

1 *and (D) of subsection (a)(4) shall apply for purposes*
2 *of this subsection.*

3 *“(c) AMERICAN SAMOA.—*

4 *“(1) IN GENERAL.—With respect to calendar*
5 *year 2020 and each calendar year thereafter, the Sec-*
6 *retary shall, except as otherwise provided in this sub-*
7 *section, make payments to American Samoa equal*
8 *to—*

9 *“(A) the lesser of—*

10 *“(i) 75 percent of the cost to American*
11 *Samoa of the earned income tax credit for*
12 *taxable years beginning in or with such cal-*
13 *endar year, or*

14 *“(ii) \$12,000,000, plus*

15 *“(B) in the case of calendar years 2020*
16 *through 2024, the lesser of—*

17 *“(i) the expenditures made by Amer-*
18 *ican Samoa during such calendar year for*
19 *education efforts with respect to individual*
20 *taxpayers and tax return preparers relating*
21 *to such earned income tax credit, or*

22 *“(ii) \$50,000.*

23 *“(2) REQUIREMENT TO ENACT AND MAINTAIN AN*
24 *EARNED INCOME TAX CREDIT.—The Secretary shall*
25 *not make any payments under paragraph (1) with*

1 *respect to any calendar year unless American Samoa*
2 *has in effect an earned income tax credit for taxable*
3 *years beginning in or with such calendar year which*
4 *allows a refundable tax credit to individuals on the*
5 *basis of the taxpayer's earned income which is de-*
6 *signed to substantially increase workforce participa-*
7 *tion.*

8 “(3) *INFLATION ADJUSTMENT.*—*In the case of*
9 *any calendar year after 2020, the \$12,000,000*
10 *amount in paragraph (1)(A)(ii) shall be increased by*
11 *an amount equal to—*

12 “(A) *such dollar amount, multiplied by—*

13 “(B) *the cost-of-living adjustment deter-*
14 *mined under section 1(f)(3) for such calendar*
15 *year, determined by substituting ‘calendar year*
16 *2019’ for ‘calendar year 2016’ in subparagraph*
17 *(A)(ii) thereof.*

18 *Any increase determined under this clause shall be*
19 *rounded to the nearest multiple of \$100,000.*

20 “(4) *APPLICATION OF CERTAIN RULES.*—*Rules*
21 *similar to the rules of subparagraphs (A), (B), (C),*
22 *and (D) of subsection (a)(4) shall apply for purposes*
23 *of this subsection.*

24 “(d) *TREATMENT OF PAYMENTS.*—*For purposes of sec-*
25 *tion 1324 of title 31, United States Code, the payments*

1 *under this section shall be treated in the same manner as*
2 *a refund due from a credit provision referred to in sub-*
3 *section (b)(2) of such section.”.*

4 *(b) CLERICAL AMENDMENT.—The table of sections for*
5 *chapter 77 of the Internal Revenue Code of 1986 is amended*
6 *by adding at the end the following new item:*

“Sec. 7529. Application of earned income tax credit to possessions of the United States.”.

7 **SEC. 116. TEMPORARY SPECIAL RULE FOR DETERMINING**
8 **EARNED INCOME FOR PURPOSES OF EARNED**
9 **INCOME TAX CREDIT.**

10 *(a) IN GENERAL.—If the earned income of the tax-*
11 *payer for the taxpayer’s first taxable year beginning in*
12 *2020 is less than the earned income of the taxpayer for the*
13 *preceding taxable year, the credit allowed under section 32*
14 *of the Internal Revenue Code of 1986 may, at the election*
15 *of the taxpayer, be determined by substituting—*

16 *(1) such earned income for the preceding taxable*
17 *year, for*

18 *(2) such earned income for the taxpayer’s first*
19 *taxable year beginning in 2020.*

20 *(b) EARNED INCOME.—*

21 *(1) IN GENERAL.—For purposes of this section,*
22 *the term “earned income” has the meaning given such*
23 *term under section 32(c) of the Internal Revenue Code*
24 *of 1986.*

1 (2) *APPLICATION TO JOINT RETURNS.*—For pur-
2 poses of subsection (a), in the case of a joint return,
3 the earned income of the taxpayer for the preceding
4 taxable year shall be the sum of the earned income of
5 each spouse for such preceding taxable year.

6 (c) *SPECIAL RULES.*—

7 (1) *ERRORS TREATED AS MATHEMATICAL*
8 *ERROR.*—For purposes of section 6213 of the Internal
9 Revenue Code of 1986, an incorrect use on a return
10 of earned income pursuant to subsection (a) shall be
11 treated as a mathematical or clerical error.

12 (2) *NO EFFECT ON DETERMINATION OF GROSS*
13 *INCOME, ETC.*—Except as otherwise provided in this
14 subsection, the Internal Revenue Code of 1986 shall be
15 applied without regard to any substitution under sub-
16 section (a).

17 (d) *TREATMENT OF CERTAIN POSSESSIONS.*—

18 (1) *PAYMENTS TO POSSESSIONS WITH MIRROR*
19 *CODE TAX SYSTEMS.*—The Secretary of the Treasury
20 shall pay to each possession of the United States
21 which has a mirror code tax system amounts equal to
22 the loss (if any) to that possession by reason of the
23 application of the provisions of this section (other
24 than this subsection) with respect to section 32 of the
25 Internal Revenue Code of 1986. Such amounts shall

1 *be determined by the Secretary of the Treasury based*
2 *on information provided by the government of the re-*
3 *spective possession.*

4 (2) *PAYMENTS TO OTHER POSSESSIONS.*—*The*
5 *Secretary of the Treasury shall pay to each possession*
6 *of the United States which does not have a mirror*
7 *code tax system amounts estimated by the Secretary*
8 *of the Treasury as being equal to the aggregate bene-*
9 *fits (if any) that would have been provided to resi-*
10 *dents of such possession by reason of the provisions of*
11 *this section (other than this subsection) with respect*
12 *to section 32 of the Internal Revenue Code of 1986 if*
13 *a mirror code tax system had been in effect in such*
14 *possession. The preceding sentence shall not apply un-*
15 *less the respective possession has a plan, which has*
16 *been approved by the Secretary of the Treasury,*
17 *under which such possession will promptly distribute*
18 *such payments to its residents.*

19 (3) *MIRROR CODE TAX SYSTEM.*—*For purposes*
20 *of this section, the term “mirror code tax system”*
21 *means, with respect to any possession of the United*
22 *States, the income tax system of such possession if the*
23 *income tax liability of the residents of such possession*
24 *under such system is determined by reference to the*

1 *income tax laws of the United States as if such pos-*
2 *session were the United States.*

3 (4) *TREATMENT OF PAYMENTS.*—*For purposes of*
4 *section 1324 of title 31, United States Code, the pay-*
5 *ments under this section shall be treated in the same*
6 *manner as a refund due from a credit provision re-*
7 *ferred to in subsection (b)(2) of such section.*

8 ***Subtitle C—Child Tax Credit***

9 ***SEC. 121. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.***

10 (a) *IN GENERAL.*—*Section 24 of the Internal Revenue*
11 *Code of 1986 is amended by adding at the end the following*
12 *new subsection:*

13 “(i) *SPECIAL RULE FOR REFUNDABLE CREDIT.*—*In*
14 *the case of any taxable year beginning in 2020, subsection*
15 *(h)(5) shall not apply and the increase determined under*
16 *the first sentence of subsection (d)(1) shall be the amount*
17 *determined under subsection (d)(1)(A) (determined without*
18 *regard to subsection (h)(4)).”.*

19 (b) *ADVANCE PAYMENT OF CREDIT.*—

20 (1) *IN GENERAL.*—*Chapter 77 of such Code is*
21 *amended by inserting after section 7527 the following*
22 *new section:*

23 ***“SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.***

24 “(a) *IN GENERAL.*—*As soon as practicable after the*
25 *date of the enactment of this Act, the Secretary shall estab-*

1 *lish a program for making advance payments of the credit*
2 *allowed under subsection (a) of section 24 on a monthly*
3 *basis (determined without regard to subsection (i)(2)) of*
4 *such section), or as frequently as the Secretary determines*
5 *to be administratively feasible, to taxpayers determined to*
6 *be eligible for advance payment of such credit.*

7 “(b) *LIMITATION.—*

8 “(1) *IN GENERAL.—The Secretary may make*
9 *payments under subsection (a) only to the extent that*
10 *the total amount of such payments made to any tax-*
11 *payer during the taxable year does not exceed an*
12 *amount equal to the excess, if any, of—*

13 “(A) *subject to paragraph (2), the amount*
14 *determined under subsection (a) of section 24*
15 *with respect to such taxpayer (determined with-*
16 *out regard to subsection (i)(2)) of such section)*
17 *for such taxable year, over*

18 “(B) *the estimated tax imposed by subtitle*
19 *A, as reduced by the credits allowable under sub-*
20 *parts A and C (other than section 24) of such*
21 *part IV, with respect to such taxpayer for such*
22 *taxable year, as determined in such manner as*
23 *the Secretary deems appropriate.*

24 “(2) *APPLICATION OF THRESHOLD AMOUNT LIM-*
25 *TATION.—The program described in subsection (a)*

1 *shall make reasonable efforts to apply the limitation*
2 *of section 24(b) with respect to payments made under*
3 *such program.*

4 “(c) *APPLICATION.—The advance payments described*
5 *in this section shall only be made with respect to credits*
6 *allowed under section 24 for taxable years beginning during*
7 *2020.”.*

8 (2) *RECONCILIATION OF CREDIT AND ADVANCE*
9 *CREDIT.—Section 24(i) of such Code, as amended by*
10 *subsection (a), is amended—*

11 (A) *by striking “in the case of any taxable*
12 *year”, and inserting the following:*

13 “(1) *IN GENERAL.—‘In the case of any taxable*
14 *year’”, and*

15 (B) *by adding at the end the following new*
16 *paragraph:*

17 “(2) *RECONCILIATION OF CREDIT AND ADVANCE*
18 *CREDIT.—*

19 “(A) *IN GENERAL.—The amount of the*
20 *credit allowed under this section for any taxable*
21 *year shall be reduced (but not below zero) by the*
22 *aggregate amount of any advance payments of*
23 *such credit under section 7527A for such taxable*
24 *year.*

1 “(B) *EXCESS ADVANCE PAYMENTS.*—If the
2 aggregate amount of advance payments under
3 section 7527A for the taxable year exceeds the
4 amount of the credit allowed under this section
5 for such taxable year (determined without regard
6 to subparagraph (A)), the tax imposed by this
7 chapter for such taxable year shall be increased
8 by the amount of such excess.”.

9 (3) *CLERICAL AMENDMENT.*—The table of sec-
10 tions for chapter 77 of such Code is amended by in-
11 serting after the item relating to section 7527 the fol-
12 lowing new item:

 “Sec. 7527A. *Advance payment of child tax credit.*”.

13 (c) *EFFECTIVE DATE.*—The amendments made by this
14 section shall apply to taxable years beginning after Decem-
15 ber 31, 2019.

16 **SEC. 122. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
17 **SIONS.**

18 (a) *IN GENERAL.*—Section 24 of the Internal Revenue
19 Code of 1986, as amended by the preceding provisions of
20 this Act, is amended by adding at the end the following
21 new subsection:

22 “(j) *APPLICATION OF CREDIT IN POSSESSIONS.*—

23 “(1) *MIRROR CODE POSSESSIONS.*—

24 “(A) *IN GENERAL.*—The Secretary shall pay
25 to each possession of the United States with a

1 *mirror code tax system amounts equal to the loss*
2 *to that possession by reason of the application of*
3 *this section (determined without regard to this*
4 *subsection) with respect to taxable years begin-*
5 *ning after 2019. Such amounts shall be deter-*
6 *mined by the Secretary based on information*
7 *provided by the government of the respective pos-*
8 *session.*

9 “(B) *COORDINATION WITH CREDIT AL-*
10 *LOWED AGAINST UNITED STATES INCOME*
11 *TAXES.—No credit shall be allowed under this*
12 *section for any taxable year to any individual to*
13 *whom a credit is allowable against taxes im-*
14 *posed by a possession with a mirror code tax*
15 *system by reason of the application of this sec-*
16 *tion in such possession for such taxable year.*

17 “(C) *MIRROR CODE TAX SYSTEM.—For pur-*
18 *poses of this paragraph, the term ‘mirror code*
19 *tax system’ means, with respect to any posses-*
20 *sion of the United States, the income tax system*
21 *of such possession if the income tax liability of*
22 *the residents of such possession under such sys-*
23 *tem is determined by reference to the income tax*
24 *laws of the United States as if such possession*
25 *were the United States.*

1 “(2) *PUERTO RICO.*—*In the case of any bona*
2 *fide resident of Puerto Rico (within the meaning of*
3 *section 937(a))—*

4 “(A) *the credit determined under this sec-*
5 *tion shall be allowable to such resident,*

6 “(B) *in the case of any taxable year begin-*
7 *ning during 2020, the increase determined under*
8 *the first sentence of subsection (d)(1) shall be the*
9 *amount determined under subsection (d)(1)(A)*
10 *(determined without regard to subsection (h)(4)),*

11 “(C) *in the case of any taxable year begin-*
12 *ning after December 31, 2020, and before Janu-*
13 *ary 1, 2026, the increase determined under the*
14 *first sentence of subsection (d)(1) shall be the*
15 *lesser of—*

16 “(i) *the amount determined under sub-*
17 *section (d)(1)(A) (determined without re-*
18 *gard to subsection (h)(4)), or*

19 “(ii) *the dollar amount in effect under*
20 *subsection (h)(5), and*

21 “(D) *in the case of any taxable year after*
22 *December 31, 2025, the increase determined*
23 *under the first sentence of subsection (d)(1) shall*
24 *be the amount determined under subsection*
25 *(d)(1)(A).*

1 “(3) *AMERICAN SAMOA.*—

2 “(A) *IN GENERAL.*—*The Secretary shall pay*
3 *to American Samoa amounts estimated by the*
4 *Secretary as being equal to the aggregate benefits*
5 *that would have been provided to residents of*
6 *American Samoa by reason of the application of*
7 *this section for taxable years beginning after*
8 *2019 if the provisions of this section had been in*
9 *effect in American Samoa.*

10 “(B) *DISTRIBUTION REQUIREMENT.*—*Sub-*
11 *paragraph (A) shall not apply unless American*
12 *Samoa has a plan, which has been approved by*
13 *the Secretary, under which American Samoa*
14 *will promptly distribute such payments to the*
15 *residents of American Samoa in a manner which*
16 *replicates to the greatest degree practicable the*
17 *benefits that would have been so provided to each*
18 *such resident.*

19 “(C) *COORDINATION WITH CREDIT AL-*
20 *LOWED AGAINST UNITED STATES INCOME*
21 *TAXES.*—

22 “(i) *IN GENERAL.*—*In the case of a*
23 *taxable year with respect to which a plan is*
24 *approved under subparagraph (B), this sec-*
25 *tion (other than this subsection) shall not*

1 *apply to any individual eligible for a dis-*
2 *tribution under such plan.*

3 “(ii) *APPLICATION OF SECTION IN*
4 *EVENT OF ABSENCE OF APPROVED PLAN.—*
5 *In the case of a taxable year with respect to*
6 *which a plan is not approved under sub-*
7 *paragraph (B), rules similar to the rules of*
8 *paragraph (2) shall apply with respect to*
9 *bona fide residents of American Samoa*
10 *(within the meaning of section 937(a)).*

11 “(4) *TREATMENT OF PAYMENTS.—The payments*
12 *made under this subsection shall be treated in the*
13 *same manner for purposes of section 1324(b)(2) of*
14 *title 31, United States Code, as refunds due from the*
15 *credit allowed under this section.”.*

16 “(b) *EFFECTIVE DATE.—The amendment made by this*
17 *section shall apply to taxable years beginning after Decem-*
18 *ber 31, 2019.*

19 ***Subtitle D—Dependent Care***
20 ***Assistance***

21 ***SEC. 131. REFUNDABILITY AND ENHANCEMENT OF CHILD***
22 ***AND DEPENDENT CARE TAX CREDIT.***

23 “(a) *IN GENERAL.—Section 21 of the Internal Revenue*
24 *Code of 1986 is amended by adding at the end the following*
25 *new subsection:*

1 “(g) *SPECIAL RULES FOR 2020.*—*In the case of any*
2 *taxable year beginning after December 31, 2019, and before*
3 *January 1, 2021—*

4 “(1) *CREDIT MADE REFUNDABLE.*—*In the case of*
5 *an individual other than a nonresident alien, the*
6 *credit allowed under subsection (a) shall be treated as*
7 *a credit allowed under subpart C (and not allowed*
8 *under this subpart).*

9 “(2) *INCREASE IN APPLICABLE PERCENTAGE.*—
10 *Subsection (a)(2) shall be applied—*

11 “(A) *by substituting ‘50 percent’ for ‘35*
12 *percent’, and*

13 “(B) *by substituting ‘\$120,000’ for*
14 *‘\$15,000’.*

15 “(3) *INCREASE IN DOLLAR LIMIT ON AMOUNT*
16 *CREDITABLE.*—*Subsection (c) shall be applied—*

17 “(A) *by substituting ‘\$6,000’ for ‘\$3,000’ in*
18 *paragraph (1) thereof, and*

19 “(B) *by substituting ‘twice the amount in*
20 *effect under paragraph (1)’ for ‘\$6,000’ in para-*
21 *graph (2) thereof.”.*

22 (b) *CONFORMING AMENDMENT.*—*Section 1324(b)(2) of*
23 *title 31, United States Code, is amended by inserting “21*
24 *(by reason of subsection (g) thereof),” before “25A”.*

1 (c) *COORDINATION WITH POSSESSION TAX SYS-*
2 *TEMS.—Section 21(g)(1) of the Internal Revenue Code of*
3 *1986 (as added by this section) shall not apply to any per-*
4 *son—*

5 (1) *to whom a credit is allowed against taxes*
6 *imposed by a possession with a mirror code tax sys-*
7 *tem by reason of the application of section 21 of such*
8 *Code in such possession for such taxable year, or*

9 (2) *to whom a credit would be allowed against*
10 *taxes imposed by a possession which does not have a*
11 *mirror code tax system if the provisions of section 21*
12 *of such Code had been in effect in such possession for*
13 *such taxable year.*

14 (d) *EFFECTIVE DATE.—The amendments made by this*
15 *section shall apply to taxable years beginning after Decem-*
16 *ber 31, 2019.*

17 **SEC. 132. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
18 **VIDED DEPENDENT CARE ASSISTANCE.**

19 (a) *IN GENERAL.—Section 129(a)(2) of the Internal*
20 *Revenue Code of 1986 is amended by adding at the end*
21 *the following new subparagraph:*

22 “(D) *SPECIAL RULE FOR 2020.—In the case*
23 *of any taxable year beginning during 2020, sub-*
24 *paragraph (A) shall be applied be substituting*

1 ‘\$10,500 (half such dollar amount’ for ‘\$5,000
2 (\$2,500’.”.

3 (b) *EFFECTIVE DATE.*—*The amendment made by this*
4 *section shall apply to taxable years beginning after Decem-*
5 *ber 31, 2019.*

6 (c) *RETROACTIVE PLAN AMENDMENTS.*—*A plan or*
7 *other arrangement that otherwise satisfies all applicable re-*
8 *quirements of sections 106, 125, and 129 of the Internal*
9 *Revenue Code of 1986 (including any rules or regulations*
10 *thereunder) shall not fail to be treated as a cafeteria plan*
11 *or dependent care flexible spending arrangement merely be-*
12 *cause such plan or arrangement is amended pursuant to*
13 *a provision under this section and such amendment is ret-*
14 *roactive, if—*

15 (1) *such amendment is adopted no later than the*
16 *last day of the plan year in which the amendment is*
17 *effective, and*

18 (2) *the plan or arrangement is operated con-*
19 *sistent with the terms of such amendment during the*
20 *period beginning on the effective date of the amend-*
21 *ment and ending on the date the amendment is*
22 *adopted.*

1 ***Subtitle E—Credits for Paid Sick***
2 ***and Family Leave***

3 **SEC. 141. EXTENSION OF CREDITS.**

4 (a) *IN GENERAL.*—Sections 7001(g), 7002(e), 7003(g),
5 and 7004(e) of the *Families First Coronavirus Response Act*
6 are each amended by striking “December 31, 2020” and in-
7 serting “February 28, 2021”.

8 (b) *EFFECTIVE DATE.*—The amendments made by this
9 section shall take effect as if included in the provisions of
10 the *Families First Coronavirus Response Act* to which they
11 relate.

12 **SEC. 142. REPEAL OF REDUCED RATE OF CREDIT FOR CER-**
13 **TAIN LEAVE.**

14 (a) *PAYROLL CREDIT.*—Section 7001(b) of the *Fami-*
15 *lies First Coronavirus Response Act* is amended by insert-
16 ing “(as in effect immediately before the date of the enact-
17 ment of the *COVID–19 Tax Relief Act of 2020*) or any day
18 on or after the date of the enactment of the *COVID–19 Tax*
19 *Relief Act of 2020*” after “in the case of any day any por-
20 tion of which is paid sick time described in paragraph (1),
21 (2), or (3) of section 5102(a) of the *Emergency Paid Sick*
22 *Leave Act*”.

23 (b) *SELF-EMPLOYED CREDIT.*—

24 (1) *IN GENERAL.*—Clauses (i) and (ii) of section
25 7002(c)(1)(B) of the *Families First Coronavirus Re-*

1 *may provide) the application of this paragraph,*
2 *paragraph (2)(A) shall be applied by substituting ‘the*
3 *prior taxable year’ for ‘the taxable year’.*”

4 **(b) CREDIT FOR FAMILY LEAVE.**—*Section 7004(c) of*
5 *the Families First Coronavirus Response Act is amended*
6 *by adding at the end the following new paragraph:*

7 **“(4) ELECTION TO USE PRIOR YEAR NET EARN-**
8 **INGS FROM SELF-EMPLOYMENT INCOME.**—*In the case*
9 *of an individual who elects (at such time and in such*
10 *manner as the Secretary, or the Secretary’s delegate,*
11 *may provide) the application of this paragraph,*
12 *paragraph (2)(A) shall be applied by substituting ‘the*
13 *prior taxable year’ for ‘the taxable year’.*”

14 **(c) EFFECTIVE DATE.**—*The amendments made by this*
15 *section shall take effect as if included in the provisions of*
16 *the Families First Coronavirus Response Act to which they*
17 *relate.*

18 **SEC. 145. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**
19 **LOWED TAX CREDITS FOR PAID SICK AND**
20 **PAID FAMILY AND MEDICAL LEAVE.**

21 **(a) IN GENERAL.**—*Sections 7001(e) and 7003(e) of the*
22 *Families First Coronavirus Response Act are each amended*
23 *by striking paragraph (4).*

24 **(b) COORDINATION WITH APPLICATION OF CERTAIN**
25 **DEFINITIONS.**—

1 (1) *IN GENERAL.*—Sections 7001(c) and 7003(c)
2 of the Families First Coronavirus Response Act are
3 each amended—

4 (A) by inserting “, determined without re-
5 gard to paragraphs (1) through (22) of section
6 3121(b) of such Code” after “as defined in sec-
7 tion 3121(a) of the Internal Revenue Code of
8 1986”, and

9 (B) by inserting “, determined without re-
10 gard to the sentence in paragraph (1) thereof
11 which begins ‘Such term does include remunera-
12 tion’” after “as defined in section 3231(e) of the
13 Internal Revenue Code”.

14 (2) *CONFORMING AMENDMENTS.*—Sections
15 7001(e)(3) and 7003(e)(3) of the Families First
16 Coronavirus Response Act are each amended by strik-
17 ing “Any term” and inserting “Except as otherwise
18 provided in this section, any term”.

19 (c) *EFFECTIVE DATE.*—The amendments made by this
20 section shall take effect as if included in the provisions of
21 the Families First Coronavirus Response Act to which they
22 relate.

23 **SEC. 146. CERTAIN TECHNICAL IMPROVEMENTS.**

24 (a) *COORDINATION WITH EXCLUSION FROM EMPLOY-*
25 *MENT TAXES.*—Sections 7001(c) and 7003(c) of the Fami-

1 *lies First Coronavirus Response Act, as amended by the pre-*
2 *ceding provisions of this Act, are each amended—*

3 (1) *by inserting “and section 7005(a) of this*
4 *Act,” after “determined without regard to paragraphs*
5 *(1) through (22) of section 3121(b) of such Code”, and*

6 (2) *by inserting “and without regard to section*
7 *7005(a) of this Act” after “which begins ‘Such term*
8 *does not include remuneration’”.*

9 (b) *CLARIFICATION OF APPLICABLE RAILROAD RE-*
10 *TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections*
11 *7001(e) and 7003(e) of the Families First Coronavirus Re-*
12 *sponse Act, as amended by the preceding provisions of this*
13 *Act, are each amended by adding at the end the following*
14 *new paragraph:*

15 “(4) *REFERENCES TO RAILROAD RETIREMENT*
16 *TAX.—Any reference in this section to the tax imposed*
17 *by section 3221(a) of the Internal Revenue Code of*
18 *1986 shall be treated as a reference to so much of such*
19 *tax as is attributable to the rate in effect under sec-*
20 *tion 3111(a) of such Code.”.*

21 (c) *CLARIFICATION OF TREATMENT OF PAID LEAVE*
22 *FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section*
23 *7005(a) of the Families First Coronavirus Response Act is*
24 *amended by adding the following sentence at the end of such*
25 *subsection: “Any reference in this subsection to the tax im-*

1 posed by section 3221(a) of such Code shall be treated as
2 a reference to so much of the tax as is attributable to the
3 rate in effect under section 3111(a) of such Code.”

4 (d) *CLARIFICATION OF APPLICABLE RAILROAD RE-*
5 *TIREMENT TAX FOR HOSPITAL INSURANCE TAX CREDIT.*—
6 *Section 7005(b)(1) of the Families First Coronavirus Re-*
7 *sponse Act is amended to read as follows:*

8 “(1) *IN GENERAL.*—*The credit allowed by section*
9 *7001 and the credit allowed by section 7003 shall*
10 *each be increased by the amount of the tax imposed*
11 *by section 3111(b) of the Internal Revenue Code of*
12 *1986 and so much of the taxes imposed under section*
13 *3221(a) of such Code as are attributable to the rate*
14 *in effect under section 3111(b) of such Code on quali-*
15 *fied sick leave wages, or qualified family leave wages,*
16 *for which credit is allowed under such section 7001*
17 *or 7003 (respectively).”*

18 (e) *EFFECTIVE DATE.*—*The amendments made by this*
19 *section shall take effect as if included in the provisions of*
20 *the Families First Coronavirus Response Act to which they*
21 *relate.*

22 **SEC. 147. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**
23 **PLOYERS.**

24 (a) *CREDIT FOR REQUIRED PAID SICK LEAVE.*—

1 (1) *IN GENERAL.*—Section 7001(a) of the *Fami-*
2 *lies First Coronavirus Response Act* is amended by
3 striking “*In the case of an employer*” and inserting
4 “*In the case of an eligible employer*”.

5 (2) *ELIGIBLE EMPLOYER.*—Section 7001(c) of
6 *the Families First Coronavirus Response Act*, as
7 amended by the preceding provisions of this Act, is
8 amended by striking “*For purposes of this section, the*
9 *term*” and all that precedes it and inserting the fol-
10 *lowing:*

11 “(c) *DEFINITIONS.*—*For purposes of this section—*

12 “(1) *ELIGIBLE EMPLOYER.*—*The term ‘eligible*
13 *employer’ means any employer other than an appli-*
14 *cable large employer (as defined in section*
15 *4980H(c)(2), determined by substituting ‘500’ for ‘50’*
16 *each place it appears in subparagraphs (A) and (B)*
17 *thereof and without regard to subparagraphs (D) and*
18 *(F) thereof). For purposes of the preceding sentence,*
19 *the Government of the United States, the government*
20 *of any State or political subdivision thereof, or any*
21 *agency or instrumentality of any of the foregoing*
22 *shall not be treated as an applicable large employer.*

23 “(2) *QUALIFIED SICK LEAVE WAGES.*—*The*
24 *term*”.

25 (b) *CREDIT FOR REQUIRED PAID FAMILY LEAVE.*—

1 (1) *IN GENERAL.*—Section 7003(a) of the *Fami-*
2 *lies First Coronavirus Response Act* is amended by
3 striking “*In the case of an employer*” and inserting
4 “*In the case of an eligible employer*”.

5 (2) *ELIGIBLE EMPLOYER.*—Section 7003(c) of
6 *the Families First Coronavirus Response Act*, as
7 amended by the preceding provisions of this Act, is
8 amended by striking “*For purposes of this section, the*
9 *term*” and all that precedes it and inserting the fol-
10 *lowing:*

11 “(c) *DEFINITIONS.*—*For purposes of this section—*

12 “(1) *ELIGIBLE EMPLOYER.*—*The term ‘eligible*
13 *employer’ means any employer other than an appli-*
14 *cable large employer (as defined in section*
15 *4980H(c)(2), determined by substituting ‘500’ for ‘50’*
16 *each place it appears in subparagraphs (A) and (B)*
17 *thereof and without regard to subparagraphs (D) and*
18 *(F) thereof). For purposes of the preceding sentence,*
19 *the Government of the United States, the government*
20 *of any State or political subdivision thereof, or any*
21 *agency or instrumentality of any of the foregoing,*
22 *shall not be treated as an applicable large employer.*

23 “(2) *QUALIFIED FAMILY LEAVE WAGES.*—*The*
24 *term*”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply to wages paid after the date of the enact-*
 3 *ment of this Act.*

4 ***Subtitle F—Deduction of State and***
 5 ***Local Taxes***

6 ***SEC. 151. ELIMINATION FOR 2020 LIMITATION ON DEDUC-***
 7 ***TION OF STATE AND LOCAL TAXES.***

8 (a) *IN GENERAL.*—*Section 164(b)(6)(B) of the Inter-*
 9 *nal Revenue Code of 1986 is amended by inserting “in the*
 10 *case of a taxable year beginning before January 1, 2020,*
 11 *or after December 31, 2020,” before “the aggregate amount*
 12 *of taxes”.*

13 (b) *CONFORMING AMENDMENTS.*—*Section 164(b)(6) of*
 14 *the Internal Revenue Code of 1986 is amended—*

15 (1) *by striking “For purposes of subparagraph*
 16 *(B)” and inserting “For purposes of this section”,*

17 (2) *by striking “January 1, 2018” and inserting*
 18 *“January 1, 2021”,*

19 (3) *by striking “December 31, 2017, shall” and*
 20 *inserting “December 31, 2020, shall”, and*

21 (4) *by adding at the end the following: “For pur-*
 22 *poses of this section, in the case of State or local taxes*
 23 *with respect to any real or personal property paid*
 24 *during a taxable year beginning in 2020, the Sec-*
 25 *retary shall prescribe rules which treat all or a por-*

1 *tion of such taxes as paid in a taxable year or years*
 2 *other than the taxable year in which actually paid as*
 3 *necessary or appropriate to prevent the avoidance of*
 4 *the limitations of this subsection.”.*

5 *(c) EFFECTIVE DATE.—The amendments made by this*
 6 *section shall apply to taxes paid or accrued in taxable years*
 7 *beginning after December 31, 2019.*

8 **TITLE II—PROVISIONS TO PRE-**
 9 **VENT BUSINESS INTERRUP-**
 10 **TION**

11 **SEC. 201. IMPROVEMENTS TO EMPLOYEE RETENTION AND**
 12 **REHIRING CREDIT.**

13 *(a) EMPLOYEE RETENTION CREDIT RENAMED.—Sec-*
 14 *tion 2301 of the CARES Act is amended in the heading*
 15 *by striking “EMPLOYEE RETENTION CREDIT” and in-*
 16 *serting “EMPLOYEE RETENTION AND REHIRING*
 17 *CREDIT”.*

18 *(b) INCREASE IN CREDIT PERCENTAGE.—Section*
 19 *2301(a) of the CARES Act is amended by striking “50 per-*
 20 *cent” and inserting “80 percent”.*

21 *(c) INCREASE IN PER EMPLOYEE LIMITATION.—Sec-*
 22 *tion 2301(b)(1) of the CARES Act is amended by striking*
 23 *“for all calendar quarters shall not exceed \$10,000.” and*
 24 *inserting “shall not exceed—*

25 *“(A) \$15,000 in any calendar quarter, and*

1 “(B) \$45,000 in the aggregate for all cal-
2 endar quarters.”.

3 (d) *MODIFICATION OF THRESHOLD FOR TREATMENT*
4 *AS A LARGE EMPLOYER.*—

5 (1) *IN GENERAL.*—Section 2301(c)(3)(A) of the
6 *CARES Act is amended—*

7 (A) by striking “for which the average num-
8 ber of full-time employees (within the meaning of
9 section 4980H of the Internal Revenue Code of
10 1986) employed by such eligible employer during
11 2019 was greater than 100” in clause (i) and in-
12 serting “which is a large employer”, and

13 (B) by striking “for which the average num-
14 ber of full-time employees (within the meaning of
15 section 4980H of the Internal Revenue Code of
16 1986) employed by such eligible employer during
17 2019 was not greater than 100” in clause (ii)
18 and inserting “which is not a large employer”.

19 (2) *LARGE EMPLOYER DEFINED.*—Section
20 *2301(c) of the CARES Act is amended by redesign-*
21 *ating paragraph (6) as paragraph (7) and by in-*
22 *serting after paragraph (5) the following new para-*
23 *graph:*

24 “(6) *LARGE EMPLOYER.*—The term ‘large em-
25 ployer’ means any eligible employer if—

1 “(A) the average number of full-time em-
2 ployees (as determined for purposes of deter-
3 mining whether an employer is an applicable
4 large employer for purposes of section
5 4980H(c)(2) of the Internal Revenue Code of
6 1986) employed by such eligible employer during
7 calendar year 2019 was greater than 1,500, and

8 “(B) the gross receipts (within the meaning
9 of section 448(c) of the Internal Revenue Code of
10 1986) of such eligible employer during calendar
11 year 2019 was greater than \$41,500,000.”.

12 (e) *PHASE-IN OF ELIGIBILITY BASED ON REDUCTION*
13 *IN GROSS RECEIPTS.*—

14 (1) *DECREASE OF REDUCTION IN GROSS RE-*
15 *CEIPTS NECESSARY TO QUALIFY FOR CREDIT.*—*Sec-*
16 *tion 2301(c)(2)(B) of the CARES Act is amended—*

17 (A) by striking “50 percent” in clause (i)
18 and inserting “90 percent”, and

19 (B) by striking “80 percent” in clause (ii)
20 and inserting “90 percent”.

21 (2) *PHASE-IN OF CREDIT IF REDUCTION IN*
22 *GROSS RECEIPTS IS LESS THAN 50 PERCENT.*—*Section*
23 *2301(c)(2) of the CARES Act is amended by adding*
24 *at the end the following new subparagraph:*

1 “(D) *PHASE-IN OF CREDIT WHERE BUSI-*
2 *NESS NOT SUSPENDED AND REDUCTION IN GROSS*
3 *RECEIPTS LESS THAN 50 PERCENT.*—

4 “(i) *IN GENERAL.*—*In the case of any*
5 *calendar quarter with respect to which an*
6 *eligible employer would not be an eligible*
7 *employer if subparagraph (B)(i) were ap-*
8 *plied by substituting ‘50 percent’ for ‘90*
9 *percent’, the amount of the credit allowed*
10 *under subsection (a) shall be reduced by the*
11 *amount which bears the same ratio to the*
12 *amount of such credit (determined without*
13 *regard to this subparagraph) as—*

14 “(I) *the excess gross receipts per-*
15 *centage point amount, bears to*

16 “(II) *40 percentage points.*

17 “(ii) *EXCESS GROSS RECEIPTS PER-*
18 *CENTAGE POINT AMOUNT.*—*For purposes of*
19 *this subparagraph, the term ‘excess gross re-*
20 *ceipts percentage point amount’ means,*
21 *with respect to any calendar quarter, the*
22 *excess of—*

23 “(I) *the lowest of the gross receipts*
24 *percentage point amounts determined*
25 *with respect to any calendar quarter*

1 *during the period ending with such*
 2 *calendar quarter and beginning with*
 3 *the first calendar quarter during the*
 4 *period described in subparagraph (B),*
 5 *over*

6 *“(II) 50 percentage points.*

7 *“(iii) GROSS RECEIPTS PERCENTAGE*
 8 *POINT AMOUNTS.—For purposes of this sub-*
 9 *paragraph, the term ‘gross receipts percent-*
 10 *age point amount’ means, with respect to*
 11 *any calendar quarter, the percentage (ex-*
 12 *pressed as a number of percentage points)*
 13 *obtained by dividing—*

14 *“(I) the gross receipts (within the*
 15 *meaning of subparagraph (B)) for such*
 16 *calendar quarter, by*

17 *“(II) the gross receipts for the*
 18 *same calendar quarter in calendar*
 19 *year 2019.”.*

20 *(3) GROSS RECEIPTS OF TAX-EXEMPT ORGANIZA-*
 21 *TIONS.—Section 2301(c)(2)(C) of the CARES Act is*
 22 *amended—*

23 *(A) by striking “of such Code, clauses (i)*
 24 *and (ii)(I)” and inserting “of such Code—*

25 *“(i) clauses (i) and (ii)(I),”*

1 (B) by striking the period at the end and
2 inserting “, and”, and

3 (C) by adding at the end the following new
4 clause:

5 “(ii) any reference in this section to
6 gross receipts shall be treated as a reference
7 to gross receipts within the meaning of sec-
8 tion 6033 of such Code.”.

9 (f) *MODIFICATION OF TREATMENT OF HEALTH PLAN*
10 *EXPENSES.*—

11 (1) *IN GENERAL.*—Section 2301(c)(5) of the
12 *CARES Act* is amended to read as follows:

13 “(5) *WAGES.*—

14 “(A) *IN GENERAL.*—The term ‘wages’ means
15 wages (as defined in section 3121(a) of the *Inter-*
16 *nal Revenue Code of 1986*) and compensation (as
17 defined in section 3231(e) of such Code).

18 “(B) *ALLOWANCE FOR CERTAIN HEALTH*
19 *PLAN EXPENSES.*—

20 “(i) *IN GENERAL.*—Such term shall in-
21 clude amounts paid or incurred by the eligi-
22 ble employer to provide and maintain a
23 group health plan (as defined in section
24 5000(b)(1) of the *Internal Revenue Code of*
25 1986), but only to the extent that such

1 *amounts are excluded from the gross income*
2 *of employees by reason of section 106(a) of*
3 *such Code.*

4 “(i) *ALLOCATION RULES.—For pur-*
5 *poses of this section, amounts treated as*
6 *wages under clause (i) shall be treated as*
7 *paid with respect to any employee (and*
8 *with respect to any period) to the extent*
9 *that such amounts are properly allocable to*
10 *such employee (and to such period) in such*
11 *manner as the Secretary may prescribe. Ex-*
12 *cept as otherwise provided by the Secretary,*
13 *such allocation shall be treated as properly*
14 *made if made on the basis of being pro rata*
15 *among periods of coverage.”.*

16 (2) *CONFORMING AMENDMENT.—Section*
17 *2301(c)(3) of the CARES Act is amended by striking*
18 *subparagraph (C).*

19 (g) *QUALIFIED WAGES PERMITTED TO INCLUDE*
20 *AMOUNTS FOR TIP REPLACEMENT.—Section 2301(c)(3)(B)*
21 *of the CARES Act is amended by inserting “(including tips*
22 *which would have been deemed to be paid by the employer*
23 *under section 3121(q))” after “would have been paid”.*

24 (h) *CERTAIN GOVERNMENTAL EMPLOYERS ELIGIBLE*
25 *FOR CREDIT.—*

1 (1) *IN GENERAL.*—Section 2301(f) of the CARES
2 *Act is amended to read as follows:*

3 “(f) *CERTAIN GOVERNMENTAL EMPLOYERS.*—

4 “(1) *IN GENERAL.*—The credit under this section
5 *shall not be allowed to the Federal Government or*
6 *any agency or instrumentality thereof.*

7 “(2) *EXCEPTION.*—Paragraph (1) shall not
8 *apply to any organization described in section*
9 *501(c)(1) of the Internal Revenue Code of 1986 and*
10 *exempt from tax under section 501(a) of such Code.*

11 “(3) *SPECIAL RULES.*—In the case of any State
12 *government, Indian tribal government, or any agen-*
13 *cy, instrumentality, or political subdivision of the*
14 *foregoing—*

15 “(A) *clauses (i) and (ii)(I) of subsection*
16 *(c)(2)(A) shall apply to all operations of such en-*
17 *tity, and*

18 “(B) *subclause (II) of subsection*
19 *(c)(2)(A)(ii) shall not apply.”.*

20 (2) *COORDINATION WITH APPLICATION OF CER-*
21 *TAIN DEFINITIONS.*—

22 (A) *IN GENERAL.*—Section 2301(c)(5)(A) of
23 *the CARES Act, as amended by the preceding*
24 *provisions of this Act, is amended by adding at*
25 *the end the following: “For purposes of the pre-*

1 ceding sentence (other than for purposes of sub-
2 section (b)(2)), wages as defined in section
3 3121(a) of the Internal Revenue Code of 1986
4 shall be determined without regard to para-
5 graphs (1), (5), (6), (7), (8), (10), (13), (18),
6 (19), and (22) of section 3212(b) of such Code
7 (except with respect to services performed in a
8 penal institution by an inmate thereof).”.

9 (B) CONFORMING AMENDMENTS.—Sections
10 2301(c)(6) of the CARES Act is amended by
11 striking “Any term” and inserting “Except as
12 otherwise provided in this section, any term”.

13 (i) COORDINATION WITH INCOME TAX CREDITS.—Sec-
14 tion 2301(h) of the CARES Act, as amended by preceding
15 provisions of this Act, is amended—

16 (1) by striking paragraphs (1) and (2) and in-
17 serting the following:

18 “(1) COORDINATION WITH INCOME TAX CRED-
19 ITS.—Any wages taken into account in determining
20 the credit allowed under this section shall not be
21 taken into account as wages for purposes of sections
22 41, 45A, 45B, 45P, 45S, 51, and 1396 of the Internal
23 Revenue 23 Code of 1986.”, and

24 (2) by redesignating paragraph (3) as para-
25 graph (2).

1 (j) *APPLICATION OF CREDIT TO EMPLOYERS OF DO-*
2 *MESTIC WORKERS.*—

3 (1) *IN GENERAL.*—Section 2301(c)(2) of the
4 *CARES Act, as amended by the preceding provisions*
5 *of this Act, is amended by adding at the end the fol-*
6 *lowing new subparagraph:*

7 “(E) *EMPLOYERS OF DOMESTIC WORK-*
8 *ERS.*—*In the case of an employer with one or*
9 *more employees who perform domestic service*
10 *(within the meaning of section 3121(a)(7) of*
11 *such Code) in the private home of such employer,*
12 *with respect to such employees—*

13 “(i) *subparagraph (A) shall be ap-*
14 *plied—*

15 “(I) *by substituting ‘employing*
16 *an employee who performs domestic*
17 *service in the private home of such em-*
18 *ployer’ for ‘carrying on a trade or*
19 *business’ in clause (i) thereof, and*

20 “(II) *by substituting ‘such em-*
21 *ployment’ for ‘the operation of the*
22 *trade or business’ in clause (ii)(I)*
23 *thereof.*

24 “(ii) *subclause (II) of subparagraph*
25 *(A)(ii) shall not apply, and*

1 “(iii) such employer shall be treated as
2 a large employer.”.

3 (2) *DENIAL OF DOUBLE BENEFIT.*—Section
4 2301(h)(1) of the CARES Act, as amended by the pre-
5 ceding provisions of this Act, is further amended—

6 (A) by striking “shall not be taken into ac-
7 count as wages” and inserting “shall not be
8 taken into account as—

9 “(A) wages”,

10 (B) by striking the period at the end and
11 inserting “, and”, and

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

13 “(B) if such wages are paid for domestic
14 service described in subsection (c)(2)(E), as em-
15 ployment-related expenses for purposes of section
16 21 of such Code.

17 *In the case of any individual who pays wages for do-*
18 *mestic service described in subsection (c)(2)(E) and*
19 *receives a reimbursement for such wages which is ex-*
20 *cludible from gross income under section 129 of such*
21 *Code, such wages shall not be treated as qualified*
22 *wages for purposes of this section.”.*

23 (k) *COORDINATION WITH GOVERNMENT GRANTS.*—
24 Section 2301(h) of the CARES Act, as amended by the pre-

1 *ceding provisions of this Act, is further amended by adding*
2 *at the end the following new paragraph:*

3 “(3) *COORDINATION WITH GOVERNMENT*
4 *GRANTS.*—*Qualified wages shall not be taken into ac-*
5 *count under this section to the extent that grants (or*
6 *similar amounts) are provided by the Federal govern-*
7 *ment for purposes of paying or reimbursing expenses*
8 *for such wages.”.*

9 *(l) EFFECTIVE DATE.*—*The amendments made by this*
10 *section shall take effect as if included in section 2301 of*
11 *the CARES Act.*

12 **SEC. 202. CERTAIN LOAN FORGIVENESS AND OTHER BUSI-**
13 **NESS FINANCIAL ASSISTANCE UNDER CARES**
14 **ACT NOT INCLUDIBLE IN GROSS INCOME.**

15 *(a) UNITED STATES TREASURY PROGRAM MANAGE-*
16 *MENT AUTHORITY.*—*For purposes of the Internal Revenue*
17 *Code of 1986, no amount shall be included in gross income*
18 *by reason of loan forgiveness described in section*
19 *1109(d)(2)(D) of the CARES Act.*

20 *(b) EMERGENCY EIDL GRANTS.*—*For purposes of the*
21 *Internal Revenue Code of 1986, any advance described in*
22 *section 1110(e) of the CARES Act shall not be included in*
23 *the gross income of the person that receives such advance.*

24 *(c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.*—*For*
25 *purposes of the Internal Revenue Code of 1986, any pay-*

1 *ment described in section 1112(c) of the CARES Act shall*
2 *not be included in the gross income of the person on whose*
3 *behalf such payment is made.*

4 *(d) RESTAURANTS GRANTS.—For purposes of the*
5 *Internal Revenue Code of 1986, any grants (or similar*
6 *amounts) made to an eligible entity under the RES-*
7 *TAURANTS Act of 2020 shall not be included in the gross*
8 *income of such entity.*

9 *(e) EFFECTIVE DATE.—(1) Subsections (a), (b), and*
10 *(c) shall apply to taxable years ending after the date of the*
11 *enactment of the CARES Act.*

12 *(2) RESTAURANTS GRANTS.—Subsection (d) shall*
13 *apply to taxable years ending after the date of the en-*
14 *actment of the RESTAURANTS Act of 2020.*

15 **SEC. 203. CLARIFICATION OF TREATMENT OF EXPENSES**
16 **PAID OR INCURRED WITH PROCEEDS FROM**
17 **CERTAIN GRANTS AND LOANS.**

18 *(a) IN GENERAL.—For purposes of the Internal Rev-*
19 *enue Code of 1986 and notwithstanding any other provision*
20 *of law, any deduction and the basis of any property shall*
21 *be determined without regard to whether any amount is ex-*
22 *cluded from gross income under section 202 of this Act or*
23 *section 1106(i) of the CARES Act.*

1 **SEC. 302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF**
2 **NET OPERATING LOSSES ARISING IN 2019**
3 **AND 2020.**

4 (a) *CARRYBACK OF LOSSES ARISING IN 2019 AND*
5 *2020.—*

6 (1) *IN GENERAL.—Section 172(b)(1)(D)(i) of the*
7 *Internal Revenue Code of 1986 is amended to read as*
8 *follows:*

9 “(i) *IN GENERAL.—In the case of any*
10 *net operating loss arising in a taxable year*
11 *beginning after December 31, 2018, and be-*
12 *fore January 1, 2021, and to which sub-*
13 *paragraphs (B) and (C)(i) do not apply,*
14 *such loss shall be a net operating loss*
15 *carryback to each taxable year preceding the*
16 *taxable year of such loss, but not to any*
17 *taxable year beginning before January 1,*
18 *2018.”.*

19 (2) *CONFORMING AMENDMENTS.—*

20 (A) *The heading for section 172(b)(1)(D) of*
21 *such Code is amended by striking “2018, 2019,*
22 *AND” and inserting “2019 AND”.*

23 (B) *Section 172(b)(1)(D) of such Code is*
24 *amended by striking clause (iii) and by redesignig-*
25 *ating clauses (iv) and (v) as clauses (iii) and*
26 *(iv), respectively.*

1 (C) Section 172(b)(1)(D)(iii) of such Code,
2 as so redesignated, is amended by striking
3 “(i)(I)” and inserting “(i)”.

4 (D) Section 172(b)(1)(D)(iv) of such Code,
5 as so redesignated, is amended—

6 (i) by striking “If the 5-year carryback
7 period under clause (i)(I)” in subclause (I)
8 and inserting “If the carryback period
9 under clause (i)”, and

10 (ii) by striking “2018 or” in subclause
11 (II).

12 (b) *DISALLOWED FOR CERTAIN TAXPAYERS.*—Section
13 172(b)(1)(D) of such Code, as amended by the preceding
14 provisions of this Act, is amended by adding at the end
15 the following new clauses:

16 “(v) *CARRYBACK DISALLOWED FOR*
17 *CERTAIN TAXPAYERS.*—Clause (i) shall not
18 apply with respect to any loss arising in a
19 taxable year in which—

20 “(I) the taxpayer (or any related
21 person) is not allowed a deduction
22 under this chapter for the taxable year
23 by reason of section 162(m) or section
24 280G, or

1 “(II) *the taxpayer (or any related*
2 *person) is a specified corporation for*
3 *the taxable year.*

4 “(vi) *SPECIFIED CORPORATION.—For*
5 *purposes of clause (v)—*

6 “(I) *IN GENERAL.—The term*
7 *‘specified corporation’ means, with re-*
8 *spect to any taxable year, a corpora-*
9 *tion the fair market value of the aggre-*
10 *gate distributions (including redemp-*
11 *tions), measured as of the date of each*
12 *such distribution, of which during all*
13 *taxable years ending after December*
14 *31, 2017, exceed the sum of applicable*
15 *stock issued of such corporation and 5*
16 *percent of the fair market value of the*
17 *stock of such corporation as of the last*
18 *day of the taxable year.*

19 “(II) *APPLICABLE STOCK*
20 *ISSUED.—The term ‘applicable stock*
21 *issued’ means, with respect to any cor-*
22 *poration, the aggregate fair market*
23 *value of stock (as of the issue date of*
24 *such stock) issued by the corporation*
25 *during all taxable years ending after*

1 *December 31, 2017, in exchange for*
 2 *money or property other than stock in*
 3 *such corporation.*

4 “(III) *CERTAIN PREFERRED*
 5 *STOCK DISREGARDED.*—*For purposes*
 6 *of subclause (I), stock described in sec-*
 7 *tion 1504(a)(4), and distributions (in-*
 8 *cluding redemptions) with respect to*
 9 *such stock, shall be disregarded.*

10 “(vii) *RELATED PERSON.*—*For pur-*
 11 *poses of clause (v), a person is a related*
 12 *person to a taxpayer if the related person*
 13 *bears a relationship to the taxpayer speci-*
 14 *fied in section 267(b) or section 707(b)(1).”.*

15 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 16 *section shall take effect as if included in the enactment of*
 17 *section 2303(b) of the Coronavirus Aid, Relief, and Eco-*
 18 *nomie Security Act.*

19 ***DIVISION G—RETIREMENT***
 20 ***PROVISIONS***

21 ***SEC. 100. SHORT TITLE, ETC.***

22 (a) *SHORT TITLE.*—*This division may be cited as the*
 23 *“Emergency Pension Plan Relief Act of 2020”.*

24 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 25 *this division is as follows:*

Sec. 100. Short title, etc.

TITLE I—RELIEF FOR MULTIEMPLOYER PENSION PLANS

- Sec. 101. Special partition relief.*
Sec. 102. Repeal of benefit suspensions for multiemployer plans in critical and declining status.
Sec. 103. Temporary delay of designation of multiemployer plans as in endangered, critical, or critical and declining status.
Sec. 104. Temporary extension of the funding improvement and rehabilitation periods for multiemployer pension plans in critical and endangered status for 2020 or 2021.
Sec. 105. Adjustments to funding standard account rules.
Sec. 106. PBGC guarantee for participants in multiemployer plans.

TITLE II—RELIEF FOR SINGLE EMPLOYER PENSION PLANS

- Sec. 201. Extended amortization for single employer plans.*
Sec. 202. Extension of pension funding stabilization percentages for single employer plans.

TITLE III—OTHER RETIREMENT RELATED PROVISIONS

- Sec. 301. Waiver of required minimum distributions for 2019.*
Sec. 302. Waiver of 60-day rule in case of rollover of otherwise required minimum distributions in 2019 or 2020.
Sec. 303. Exclusion of benefits provided to volunteer firefighters and emergency medical responders made permanent.
Sec. 304. Application of special rules to money purchase pension plans.
Sec. 305. Grants to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders.
Sec. 306. Modification of special rules for minimum funding standards for community newspaper plans.
Sec. 307. Minimum rate of interest for certain determinations related to life insurance contracts.

1 ***TITLE I—RELIEF FOR MULTIEM-***
 2 ***PLOYER PENSION PLANS***

3 ***SEC. 101. SPECIAL PARTITION RELIEF.***

4 (a) *APPROPRIATION.—Section 4005 of the Employee*
 5 *Retirement Income Security Act of 1974 (29 U.S.C. 1305)*
 6 *is amended by adding at the end the following:*

7 “(i)(1) *An eighth fund shall be established for partition*
 8 *assistance to multiemployer pension plans, as provided*
 9 *under section 4233A, and to pay for necessary administra-*
 10 *tive and operating expenses relating to such assistance.*

1 “(2) *There is appropriated from the general fund such*
2 *amounts as necessary for the costs of providing partition*
3 *assistance under section 4233A and necessary administra-*
4 *tive and operating expenses. The eighth fund established*
5 *under this subsection shall be credited with such amounts*
6 *from time to time as the Secretary of the Treasury deter-*
7 *mines appropriate, from the general fund of the Treasury,*
8 *and such amounts shall remain available until expended.”.*

9 **(b) SPECIAL PARTITION AUTHORITY.**—*The Employee*
10 *Retirement Income Security Act of 1974 (29 U.S.C. 1001*
11 *et seq.) is amended by inserting after section 4233 the fol-*
12 *lowing:*

13 **“SEC. 4233A. SPECIAL PARTITION RELIEF.**

14 **“(a) SPECIAL PARTITION AUTHORITY.**—

15 **“(1) IN GENERAL.**—*Upon the application of a*
16 *plan sponsor of an eligible multiemployer plan for*
17 *partition of the plan under this section, the corpora-*
18 *tion shall order a partition of the plan in accordance*
19 *with this section.*

20 **“(2) INAPPLICABILITY OF CERTAIN REPAYMENT**
21 **OBLIGATION.**—*A plan receiving partition assistance*
22 *pursuant to this section shall not be subject to repay-*
23 *ment obligations under section 4261(b)(2).*

24 **“(b) ELIGIBLE PLANS.**—

1 “(1) *IN GENERAL.*—For purposes of this section,
2 a multiemployer plan is an eligible multiemployer
3 plan if—

4 “(A) the plan is in critical and declining
5 status (within the meaning of section 305(b)(6))
6 in any plan year beginning in 2020 through
7 2024;

8 “(B) a suspension of benefits has been ap-
9 proved with respect to the plan under section
10 305(e)(9) as of the date of the enactment of this
11 section;

12 “(C) in any plan year beginning in 2020
13 through 2024, the plan is certified by the plan
14 actuary to be in critical status (within the
15 meaning of section 305(b)(2)), has a modified
16 funded percentage of less than 40 percent, and
17 has a ratio of active to inactive participants
18 which is less than 2 to 3; or

19 “(D) the plan is insolvent for purposes of
20 section 418E of the Internal Revenue Code of
21 1986 as of the date of enactment of this section,
22 if the plan became insolvent after December 16,
23 2014, and has not been terminated by such date
24 of enactment.

1 “(2) *MODIFIED FUNDED PERCENTAGE.*—*For*
2 *purposes of paragraph (1)(C), the term ‘modified*
3 *funded percentage’ means the percentage equal to a*
4 *fraction the numerator of which is current value of*
5 *plan assets (as defined in section 3(26) of such Act)*
6 *and the denominator of which is current liabilities*
7 *(as defined in section 431(c)(6)(D) of such Code and*
8 *section 304(c)(6)(D) of such Act).*

9 “(c) *APPLICATIONS FOR SPECIAL PARTITION.*—

10 “(1) *GUIDANCE.*—*The corporation shall issue*
11 *guidance setting forth requirements for special parti-*
12 *tion applications under this section not later than*
13 *120 days after the date of the enactment of this sec-*
14 *tion. In such guidance, the corporation shall—*

15 “(A) *limit the materials required for a spe-*
16 *cial partition application to the minimum nec-*
17 *essary to make a determination on the applica-*
18 *tion; and*

19 “(B) *provide for an alternate application*
20 *for special partition under this section, which*
21 *may be used by a plan that has been approved*
22 *for a partition under section 4233 before the date*
23 *of enactment of this section.*

24 “(2) *TEMPORARY PRIORITY CONSIDERATION OF*
25 *APPLICATIONS.*—

1 “(A) *IN GENERAL.*—*The corporation may*
2 *specify in guidance under paragraph (1) that,*
3 *during the first 2 years following the date of en-*
4 *actment of this section, special partition applica-*
5 *tions will be provided priority consideration,*
6 *if—*

7 “(i) *the plan is likely to become insol-*
8 *vent within 5 years of the date of enactment*
9 *of this section;*

10 “(ii) *the corporation projects a plan to*
11 *have a present value of financial assistance*
12 *payments under section 4261 that exceeds*
13 *\$1,000,000,000 if the special partition is*
14 *not ordered;*

15 “(iii) *the plan has implemented benefit*
16 *suspensions under section 305(e)(9) as of*
17 *the date of the enactment of this section; or*

18 “(iv) *the corporation determines it ap-*
19 *propriate based on other circumstances.*

20 “(B) *NO EFFECT ON AMOUNT OF ASSIST-*
21 *ANCE.*—*A plan that is approved for special par-*
22 *tition assistance under this section shall not re-*
23 *ceive reduced special partition assistance on ac-*
24 *count of not receiving priority consideration*
25 *under subparagraph (A).*

1 “(3) *ACTUARIAL ASSUMPTIONS AND OTHER IN-*
2 *FORMATION.—The corporation shall accept assump-*
3 *tions incorporated in a multiemployer plan’s deter-*
4 *mination that it is in critical status or critical and*
5 *declining status (within the meaning of section*
6 *305(b)), or that the plan’s modified funded percentage*
7 *is less than 40 percent, unless such assumptions are*
8 *clearly erroneous. The corporation may require such*
9 *other information as the corporation determines ap-*
10 *propriate for making a determination of eligibility*
11 *and the amount of special partition assistance nec-*
12 *essary under this section.*

13 “(4) *APPLICATION DEADLINE.—Any application*
14 *by a plan for special partition assistance under this*
15 *section shall be submitted no later than December 31,*
16 *2026, and any revised application for special parti-*
17 *tion assistance shall be submitted no later than De-*
18 *cember 31, 2027.*

19 “(5) *NOTICE OF APPLICATION.—Not later than*
20 *120 days after the date of enactment of this section,*
21 *the corporation shall issue guidance requiring multi-*
22 *employer plans to notify participants and bene-*
23 *ficiaries that the plan has applied for partition under*
24 *this section, after the corporation has determined that*
25 *the application is complete. Such notice shall ref-*

1 *erence the special partition relief internet website de-*
2 *scribed in subsection (p).*

3 “(d) *DETERMINATIONS ON APPLICATIONS.—A plan’s*
4 *application for special partition under this section that is*
5 *timely filed in accordance with guidance issued under sub-*
6 *section (c)(1) shall be deemed approved and the corporation*
7 *shall issue a special partition order unless the corporation*
8 *notifies the plan within 120 days of the filing of the appli-*
9 *cation that the application is incomplete or the plan is not*
10 *eligible under this section. Such notice shall specify the rea-*
11 *sons the plan is ineligible for a special partition or infor-*
12 *mation needed to complete the application. If a plan is de-*
13 *nied partition under this subsection, the plan may submit*
14 *a revised application under this section. Any revised appli-*
15 *cation for special partition submitted by a plan shall be*
16 *deemed approved unless the corporation notifies the plan*
17 *within 120 days of the filing of the revised application that*
18 *the application is incomplete or the plan is not eligible*
19 *under this section. A special partition order issued by the*
20 *corporation shall be effective no later than 120 days after*
21 *a plan’s special partition application is approved by the*
22 *corporation or deemed approved.*

23 “(e) *AMOUNT AND MANNER OF SPECIAL PARTITION*
24 *ASSISTANCE.—*

1 “(1) *IN GENERAL.*—*The liabilities of an eligible*
2 *multiemployer plan that the corporation assumes*
3 *pursuant to a special partition order under this sec-*
4 *tion shall be the amount necessary for the plan to*
5 *meet its funding goals described in subsection (g).*

6 “(2) *NO CAP.*—*Liabilities assumed by the cor-*
7 *poration pursuant to a special partition order under*
8 *this section shall not be capped by the guarantee*
9 *under section 4022A. The corporation shall have dis-*
10 *cretion on how liabilities of the plan are partitioned.*

11 “(f) *SUCCESSOR PLAN.*—

12 “(1) *IN GENERAL.*—*The plan created by a spe-*
13 *cial partition order under this section is a successor*
14 *plan to which section 4022A applies.*

15 “(2) *PLAN SPONSOR AND ADMINISTRATOR.*—*The*
16 *plan sponsor of an eligible multiemployer plan prior*
17 *to the special partition and the administrator of such*
18 *plan shall be the plan sponsor and the administrator,*
19 *respectively, of the plan created by the partition.*

20 “(g) *FUNDING GOALS.*—

21 “(1) *IN GENERAL.*—*The funding goals of a mul-*
22 *tiemployer plan eligible for partition under this sec-*
23 *tion are both of the following:*

24 “(A) *The plan will remain solvent over 30*
25 *years with no reduction in a participant’s or*

1 beneficiary's accrued benefit (except to the extent
2 of a reduction in accordance with section
3 305(e)(8) adopted prior to the plan's application
4 for partition under this section).

5 “(B) The funded percentage of the plan
6 (disregarding partitioned benefits) at the end of
7 the 30-year period is projected to be 80 percent.

8 “(2) BASIS.—The funding projections under
9 paragraph (1) shall be performed on a deterministic
10 basis.

11 “(h) RESTORATION OF BENEFIT SUSPENSIONS.—An
12 eligible multiemployer plan that is partitioned under this
13 section shall—

14 “(1) reinstate any benefits that were suspended
15 under section 305(e)(9) or section 4245(a), effective as
16 of the first month the special partition order is effec-
17 tive, for participants or beneficiaries as of the effec-
18 tive date of the partition; and

19 “(2) provide payments equal to the amount of
20 benefits previously suspended to any participants or
21 beneficiaries in pay status as of the effective date of
22 the special partition, payable in the form of a lump
23 sum within 3 months of such effective date or in equal
24 monthly installments over a period of 5 years, with
25 no adjustment for interest.

1 “(i) *ADJUSTMENT OF SPECIAL PARTITION ASSIST-*
2 *ANCE.*—

3 “(1) *IN GENERAL.*—*Every 5 years, the corpora-*
4 *tion shall adjust the special partition assistance de-*
5 *scribed in subsection (e) as necessary for the eligible*
6 *multiemployer plan to satisfy the funding goals de-*
7 *scribed in subsection (g). If the 30 year period de-*
8 *scribed in subsection (g) has lapsed, in applying this*
9 *paragraph, 5 years shall be substituted for 30 years.*

10 “(2) *SUBMISSION OF INFORMATION.*—*An eligible*
11 *multiemployer plan that is the subject of a special*
12 *partition order under subsection (a) shall submit such*
13 *information as the corporation may require to deter-*
14 *mine the amount of the adjustment under paragraph*
15 *(1).*

16 “(3) *CESSATION OF ADJUSTMENTS.*—*Adjust-*
17 *ments under this subsection with respect to special*
18 *partition assistance for an eligible multiemployer*
19 *plan shall cease and the corporation shall perma-*
20 *nently assume liability for payment of any benefits*
21 *transferred to the successor plan (subject to subsection*
22 *(l)) beginning with the first plan year that the funded*
23 *percentage of the eligible multiemployer plan (dis-*
24 *regarding partitioned benefits) is at least 80 percent*
25 *and the plan’s projected funded percentage for each of*

1 *the next 10 years is at least 80 percent. Any accumu-*
2 *lated funding deficiency of the plan (within the*
3 *meaning of section 304(a)) shall be reduced to zero as*
4 *of the first day of the plan year for which partition*
5 *assistance is permanent under this paragraph.*

6 *“(j) CONDITIONS ON PLANS DURING PARTITION.—*

7 *“(1) IN GENERAL.—The corporation may im-*
8 *pose, by regulation, reasonable conditions on an eligi-*
9 *ble multiemployer plan that is partitioned under sec-*
10 *tion (a) relating to increases in future accrual rates*
11 *and any retroactive benefit improvements, allocation*
12 *of plan assets, reductions in employer contribution*
13 *rates, diversion of contributions to, and allocation of,*
14 *expenses to other retirement plans, and withdrawal li-*
15 *ability.*

16 *“(2) LIMITATIONS.—The corporation shall not*
17 *impose conditions on an eligible multiemployer plan*
18 *as a condition of or following receipt of such parti-*
19 *tion assistance under this section relating to—*

20 *“(A) any reduction in plan benefits (includ-*
21 *ing benefits that may be adjusted pursuant to*
22 *section 305(e)(8));*

23 *“(B) plan governance, including selection*
24 *of, removal of, and terms of contracts with, trust-*

1 ees, actuaries, investment managers, and other
2 service providers; or

3 “(C) any funding rules relating to the plan
4 that is partitioned under this section.

5 “(3) *CONDITION.*—An eligible multiemployer
6 plan that is partitioned under subsection (a) shall
7 continue to pay all premiums due under section 4007
8 for participants and beneficiaries in the plan created
9 by a special partition order until the plan year be-
10 ginning after a cessation of adjustments applies
11 under subsection (i).

12 “(k) *WITHDRAWAL LIABILITY.*—An employer’s with-
13 drawal liability for purposes of this title shall be calculated
14 taking into account any plan liabilities that are partitioned
15 under subsection (a) until the plan year beginning after
16 the expiration of 15 calendar years from the effective date
17 of the partition.

18 “(l) *CESSATION OF PARTITION ASSISTANCE.*—If a
19 plan that receives partition assistance under this section
20 becomes insolvent for purposes of section 418E of the Inter-
21 nal Revenue Code of 1986, the plan shall no longer be eligi-
22 ble for assistance under this section and shall be eligible
23 for assistance under section 4261.

24 “(m) *REPORTING.*—An eligible multiemployer plan
25 that receives partition assistance under this section shall

1 *file with the corporation a report, including the following*
2 *information, in such manner (which may include electronic*
3 *filing requirements) and at such time as the corporation*
4 *requires:*

5 “(1) *The funded percentage (as defined in section*
6 *305(j)(2)) as of the first day of such plan year, and*
7 *the underlying actuarial value of assets and liabilities*
8 *taken into account in determining such percentage.*

9 “(2) *The market value of the assets of the plan*
10 *(determined as provided in paragraph (1)) as of the*
11 *last day of the plan year preceding such plan year.*

12 “(3) *The total value of all contributions made by*
13 *employers and employees during the plan year pre-*
14 *ceding such plan year.*

15 “(4) *The total value of all benefits paid during*
16 *the plan year preceding such plan year.*

17 “(5) *Cash flow projections for such plan year*
18 *and the 9 succeeding plan years, and the assumptions*
19 *used in making such projections.*

20 “(6) *Funding standard account projections for*
21 *such plan year and the 9 succeeding plan years, and*
22 *the assumptions relied upon in making such projec-*
23 *tions.*

24 “(7) *The total value of all investment gains or*
25 *losses during the plan year preceding such plan year.*

1 “(8) *Any significant reduction in the number of*
2 *active participants during the plan year preceding*
3 *such plan year, and the reason for such reduction.*

4 “(9) *A list of employers that withdrew from the*
5 *plan in the plan year preceding such plan year, the*
6 *payment schedule with respect to such withdrawal li-*
7 *ability, and the resulting reduction in contributions.*

8 “(10) *A list of employers that paid withdrawal*
9 *liability to the plan during the plan year preceding*
10 *such plan year and, for each employer, a total assess-*
11 *ment of the withdrawal liability paid, the annual*
12 *payment amount, and the number of years remaining*
13 *in the payment schedule with respect to such with-*
14 *drawal liability.*

15 “(11) *Any material changes to benefits, accrual*
16 *rates, or contribution rates during the plan year pre-*
17 *ceding such plan year, and whether such changes re-*
18 *late to the conditions of the partition assistance.*

19 “(12) *Details regarding any funding improve-*
20 *ment plan or rehabilitation plan and updates to such*
21 *plan.*

22 “(13) *The number of participants and bene-*
23 *ficiaries during the plan year preceding such plan*
24 *year who are active participants, the number of par-*
25 *ticipants and beneficiaries in pay status, and the*

1 *number of terminated vested participants and bene-*
2 *ficiaries.*

3 *“(14) The information contained on the most re-*
4 *cent annual funding notice submitted by the plan*
5 *under section 101(f).*

6 *“(15) The information contained on the most re-*
7 *cent annual return under section 6058 of the Internal*
8 *Revenue Code of 1986 and actuarial report under sec-*
9 *tion 6059 of such Code of the plan.*

10 *“(16) Copies of the plan document and amend-*
11 *ments, other retirement benefit or ancillary benefit*
12 *plans relating to the plan and contribution obliga-*
13 *tions under such plans, a breakdown of administra-*
14 *tive expenses of the plan, participant census data and*
15 *distribution of benefits, the most recent actuarial*
16 *valuation report as of the plan year, financial re-*
17 *ports, and copies of the portions of collective bar-*
18 *gaining agreements relating to plan contributions,*
19 *funding coverage, or benefits, and such other informa-*
20 *tion as the corporation may reasonably require.*

21 *Any information disclosed by a plan to the corporation that*
22 *could identify individual employers shall be confidential*
23 *and not subject to publication or disclosure.*

24 *“(n) REPORT TO CONGRESS.—*

1 “(1) *IN GENERAL.*—Not later than 1 year after
2 *the date of enactment of this section and annually*
3 *thereafter, the board of directors of the corporation*
4 *shall submit to the Committee on Health, Education,*
5 *Labor, and Pensions and the Committee on Finance*
6 *of the Senate and the Committee on Education and*
7 *Labor and the Committee on Ways and Means of the*
8 *House of Representatives a detailed report on the im-*
9 *plementation and administration of this section. Such*
10 *report shall include—*

11 “(A) *information on the name and number*
12 *of multiemployer plans that have applied for*
13 *partition assistance under this section;*

14 “(B) *the name and number of such plans*
15 *that have been approved for partition assistance*
16 *under this section and the name and number of*
17 *the plans that have not been approved for special*
18 *partition assistance;*

19 “(C) *a detailed rationale for any decision*
20 *by the corporation to not approve an application*
21 *for special partition assistance;*

22 “(D) *the amount of special partition assist-*
23 *ance provided to eligible multiemployer plans*
24 *(including amounts provided on an individual*
25 *plan basis and in the aggregate);*

1 “(E) the name and number of the multiem-
2 ployer plans that restored benefit suspensions
3 and provided lump sum or monthly installment
4 payments to participants or beneficiaries;

5 “(F) the amount of benefits that were re-
6 stored and lump sum or monthly installment
7 payments that were paid (including amounts
8 provided on an individual plan basis and in the
9 aggregate);

10 “(G) the name and number of the plans
11 that received adjustments to partition assistance
12 under subsection (i);

13 “(H) a list of, and rationale for, each rea-
14 sonable condition imposed by the corporation on
15 plans approved for special partition assistance
16 under this section;

17 “(I) the contracts that have been awarded
18 by the corporation to implement or administer
19 this section;

20 “(J) the number, purpose, and dollar
21 amounts of the contracts that have been awarded
22 to implement or administer the section;

23 “(K) a detailed summary of the reports re-
24 quired under subsection (m); and

1 “(L) a detailed summary of the feedback re-
2 ceived on the pension relief internet website es-
3 tablished under subsection (p).

4 “(2) PBGC CERTIFICATION.—The board of direc-
5 tors of the corporation shall include with the report
6 under paragraph (1) a certification and affirmation
7 that the amount of special partition assistance pro-
8 vided to each plan under this section is the amount
9 necessary to meet its funding goals under subsection
10 (g), including, if applicable, any adjustment of spe-
11 cial partition assistance as determined under sub-
12 section (i).

13 “(3) CONFIDENTIALITY.—Congress may publicize
14 the reports received under paragraph (1) only after
15 redacting all sensitive or proprietary information.

16 “(o) GAO REPORT.—Not later than 1 year after the
17 first partition application is approved by the corporation
18 under this section, and biennially thereafter, the Comp-
19 troller General of the United States shall submit to the Com-
20 mittee on Health, Education, Labor, and Pensions and the
21 Committee on Finance of the Senate and the Committee on
22 Education and Labor and the Committee on Ways and
23 Means of the House of Representatives a detailed report on
24 the actions of the corporation to implement and administer
25 this section, including an examination of the contracts

1 *awarded by such corporation to carry out this section and*
2 *an analysis of such corporation’s compliance with sub-*
3 *sections (e) and (g).*

4 *“(p) SPECIAL PARTITION RELIEF WEBSITE.—*

5 *“(1) ESTABLISHMENT.—Not later than 120 days*
6 *after the date of enactment of this section, the cor-*
7 *poration shall establish and maintain a user-friendly,*
8 *public-facing internet website to foster greater ac-*
9 *countability and transparency in the implementation*
10 *and administration of this section.*

11 *“(2) PURPOSE.—The internet website established*
12 *and maintained under paragraph (1) shall be a por-*
13 *tal to key information relating to this section for mul-*
14 *tiemployer plan administrators and trustees, plan*
15 *participants, beneficiaries, participating employers,*
16 *other stakeholders, and the public.*

17 *“(3) CONTENT AND FUNCTION.—The internet*
18 *website established under paragraph (1) shall—*

19 *“(A) describe the nature and scope of the*
20 *special partition authority and assistance under*
21 *this section in a manner calculated to be under-*
22 *stood by the average plan participant;*

23 *“(B) include published guidance, regula-*
24 *tions, and all other relevant information on the*

1 *implementation and administration of this sec-*
2 *tion;*

3 “(C) include, with respect to plan applica-
4 *tions for special partition assistance—*

5 “(i) a general description of the process
6 *by which eligible plans can apply for spe-*
7 *cial partition assistance, information on*
8 *how and when the corporation will process*
9 *and consider plan applications;*

10 “(ii) information on how the corpora-
11 *tion will address any incomplete applica-*
12 *tions as specified in under this section;*

13 “(iii) a list of the plans that have ap-
14 *plied for special partition assistance and,*
15 *for each application, the date of submission*
16 *of a completed application;*

17 “(iv) the text of each plan’s completed
18 *application for special partition assistance*
19 *with appropriate redactions of personal,*
20 *proprietary, or sensitive information;*

21 “(v) the estimated date that a decision
22 *will be made by the corporation on each ap-*
23 *plication;*

24 “(vi) the actual date when such deci-
25 *sion is made;*

1 “(vii) the corporation’s decision on
2 each application; and

3 “(viii) as applicable, a detailed ration-
4 ale for any decision not to approve a plan’s
5 application for special partition assistance;

6 “(D) provide detailed information on each
7 contract solicited and awarded to implement or
8 administer this section;

9 “(E) include reports, audits, and other rel-
10 evant oversight and accountability information
11 on this section, including the annual reports sub-
12 mitted by the board of directors of the corpora-
13 tion to Congress required under subsection (n),
14 the Office of the Inspector General audits, cor-
15 respondence, and publications, and the Govern-
16 ment Accountability Office reports under sub-
17 section (o);

18 “(F) provide a clear means for multiem-
19 ployer plan administrators, plan participants,
20 beneficiaries, other stakeholders, and the public
21 to contact the corporation and provide feedback
22 on the implementation and administration of
23 this section; and

24 “(G) be regularly updated to carry out the
25 purposes of this subsection.

1 “(q) *OFFICE OF INSPECTOR GENERAL.*—*There is au-*
 2 *thorized to be appropriated to the corporation’s Office of*
 3 *Inspector General \$24,000,000 for fiscal year 2020, which*
 4 *shall remain available through September 30, 2028, for sal-*
 5 *aries and expenses necessary for conducting investigations*
 6 *and audits of the implementation and administration of*
 7 *this section.*

8 “(r) *APPLICATION OF EXCISE TAX.*—*During the pe-*
 9 *riod that a plan is subject to a partition order under this*
 10 *section and prior to a cessation of adjustments pursuant*
 11 *to subsection (i)(3), the plan shall not be subject to section*
 12 *4971 of the Internal Revenue Code of 1986.”.*

13 **SEC. 102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTI-**
 14 **EMPLOYER PLANS IN CRITICAL AND DECLIN-**
 15 **ING STATUS.**

16 (a) *AMENDMENT TO INTERNAL REVENUE CODE OF*
 17 *1986.*—*Paragraph (9) of section 432(e) of the Internal Rev-*
 18 *enue Code of 1986 is repealed.*

19 (b) *AMENDMENT TO EMPLOYEE RETIREMENT INCOME*
 20 *SECURITY ACT OF 1974.*—*Paragraph (9) of section 305(e)*
 21 *of the Employee Retirement Income Security Act of 1974*
 22 *(29 U.S.C. 1085(e)) is repealed.*

23 (c) *EFFECTIVE DATE.*—*The repeals made by this sec-*
 24 *tion shall not apply to plans that have been approved for*
 25 *a suspension of benefit under section 432(e)(9)(G) of the*

1 *Internal Revenue Code of 1986 and section 305(e)(9)(G) of*
2 *the Employee Retirement Income Security Act of 1974 (29*
3 *U.S.C. 1085(e)(9)(G)) before the date of the enactment of*
4 *this Act.*

5 **SEC. 103. TEMPORARY DELAY OF DESIGNATION OF MULTI-**
6 **EMPLOYER PLANS AS IN ENDANGERED, CRIT-**
7 **ICAL, OR CRITICAL AND DECLINING STATUS.**

8 *(a) IN GENERAL.—Notwithstanding the actuarial cer-*
9 *tification under section 305(b)(3) of the Employee Retire-*
10 *ment Income Security Act of 1974 and section 432(b)(3)*
11 *of the Internal Revenue Code of 1986, if a plan sponsor*
12 *of a multiemployer plan elects the application of this sec-*
13 *tion, then, for purposes of section 305 of such Act and sec-*
14 *tion 432 of such Code—*

15 *(1) the status of the plan for its first plan year*
16 *beginning during the period beginning on March 1,*
17 *2020, and ending on February 28, 2021, or the next*
18 *succeeding plan year (as designated by the plan spon-*
19 *sor in such election), shall be the same as the status*
20 *of such plan under such sections for the plan year*
21 *preceding such designated plan year, and*

22 *(2) in the case of a plan which was in endan-*
23 *gered or critical status for the plan year preceding the*
24 *designated plan year described in paragraph (1), the*
25 *plan shall not be required to update its plan or sched-*

1 ules under section 305(c)(6) of such Act and section
2 432(c)(6) of such Code, or section 305(e)(3)(B) of such
3 Act and section 432(e)(3)(B) of such Code, whichever
4 is applicable, until the plan year following the des-
5 ignated plan year described in paragraph (1).

6 If section 305 of the Employee Retirement Income Security
7 Act of 1974 and section 432 of the Internal Revenue Code
8 of 1986 did not apply to the plan year preceding the des-
9 ignated plan year described in paragraph (1), the plan ac-
10 tuary shall make a certification of the status of the plan
11 under section 305(b)(3) of such Act and section 432(b)(3)
12 of such Code for the preceding plan year in the same man-
13 ner as if such sections had applied to such preceding plan
14 year.

15 (b) *EXCEPTION FOR PLANS BECOMING CRITICAL DUR-*
16 *ING ELECTION.—If—*

17 (1) *an election was made under subsection (a)*
18 *with respect to a multiemployer plan, and*

19 (2) *such plan has, without regard to such elec-*
20 *tion, been certified by the plan actuary under section*
21 *305(b)(3) of the Employee Retirement Income Secu-*
22 *urity Act of 1974 and section 432(b)(3) of the Internal*
23 *Revenue Code of 1986 to be in critical status for the*
24 *designated plan year described in subsection (a)(1),*
25 *then such plan shall be treated as a plan in critical*

1 *status for such plan year for purposes of applying*
2 *section 4971(g)(1)(A) of such Code, section 302(b)(3)*
3 *of such Act (without regard to the second sentence*
4 *thereof), and section 412(b)(3) of such Code (without*
5 *regard to the second sentence thereof).*

6 *(c) ELECTION AND NOTICE.—*

7 *(1) ELECTION.—An election under subsection*
8 *(a)—*

9 *(A) shall be made at such time and in such*
10 *manner as the Secretary of the Treasury or the*
11 *Secretary's delegate may prescribe and, once*
12 *made, may be revoked only with the consent of*
13 *the Secretary, and*

14 *(B) if made—*

15 *(i) before the date the annual certifi-*
16 *cation is submitted to the Secretary or the*
17 *Secretary's delegate under section 305(b)(3)*
18 *of such Act and section 432(b)(3) of such*
19 *Code, shall be included with such annual*
20 *certification, and*

21 *(ii) after such date, shall be submitted*
22 *to the Secretary or the Secretary's delegate*
23 *not later than 30 days after the date of the*
24 *election.*

25 *(2) NOTICE TO PARTICIPANTS.—*

1 (A) *IN GENERAL.*—*Notwithstanding section*
2 *305(b)(3)(D) of the Employee Retirement Income*
3 *Security Act of 1974 and section 432(b)(3)(D) of*
4 *the Internal Revenue Code of 1986, if the plan*
5 *is neither in endangered nor critical status by*
6 *reason of an election made under subsection*
7 *(a)—*

8 (i) *the plan sponsor of a multiem-*
9 *ployer plan shall not be required to provide*
10 *notice under such sections, and*

11 (ii) *the plan sponsor shall provide to*
12 *the participants and beneficiaries, the bar-*
13 *gaining parties, the Pension Benefit Guar-*
14 *anty Corporation, and the Secretary of*
15 *Labor a notice of the election under sub-*
16 *section (a) and such other information as*
17 *the Secretary of the Treasury (in consulta-*
18 *tion with the Secretary of Labor) may re-*
19 *quire—*

20 (I) *if the election is made before*
21 *the date the annual certification is*
22 *submitted to the Secretary or the Sec-*
23 *retary's delegate under section*
24 *305(b)(3) of such Act and section*
25 *432(b)(3) of such Code, not later than*

1 30 days after the date of the certifi-
2 cation, and

3 (II) if the election is made after
4 such date, not later than 30 days after
5 the date of the election.

6 (B) NOTICE OF ENDANGERED STATUS.—
7 Notwithstanding section 305(b)(3)(D) of such Act
8 and section 432(b)(3)(D) of such Code, if the
9 plan is certified to be in critical status for any
10 plan year but is in endangered status by reason
11 of an election made under subsection (a), the no-
12 tice provided under such sections shall be the no-
13 tice which would have been provided if the plan
14 had been certified to be in endangered status.

15 **SEC. 104. TEMPORARY EXTENSION OF THE FUNDING IM-**
16 **PROVEMENT AND REHABILITATION PERIODS**
17 **FOR MULTIEMPLOYER PENSION PLANS IN**
18 **CRITICAL AND ENDANGERED STATUS FOR**
19 **2020 OR 2021.**

20 (a) IN GENERAL.—If the plan sponsor of a multiem-
21 ployer plan which is in endangered or critical status for
22 a plan year beginning in 2020 or 2021 (determined after
23 application of section 4) elects the application of this sec-
24 tion, then, for purposes of section 305 of the Employee Re-

1 *irement Income Security Act of 1974 and section 432 of*
2 *the Internal Revenue Code of 1986—*

3 *(1) except as provided in paragraph (2), the*
4 *plan’s funding improvement period or rehabilitation*
5 *period, whichever is applicable, shall be 15 years*
6 *rather than 10 years, and*

7 *(2) in the case of a plan in seriously endangered*
8 *status, the plan’s funding improvement period shall*
9 *be 20 years rather than 15 years.*

10 *(b) DEFINITIONS AND SPECIAL RULES.—For purposes*
11 *of this section—*

12 *(1) ELECTION.—An election under this section*
13 *shall be made at such time, and in such manner and*
14 *form, as (in consultation with the Secretary of Labor)*
15 *the Secretary of the Treasury or the Secretary’s dele-*
16 *gate may prescribe.*

17 *(2) DEFINITIONS.—Any term which is used in*
18 *this section which is also used in section 305 of the*
19 *Employee Retirement Income Security Act of 1974*
20 *and section 432 of the Internal Revenue Code of 1986*
21 *shall have the same meaning as when used in such*
22 *sections.*

23 *(c) EFFECTIVE DATE.—This section shall apply to*
24 *plan years beginning after December 31, 2019.*

1 **SEC. 105. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT**

2 **RULES.**

3 (a) *ADJUSTMENTS.*—

4 (1) *AMENDMENT TO EMPLOYEE RETIREMENT IN-*
5 *COME SECURITY ACT OF 1974.*—Section 304(b)(8) of
6 *the Employee Retirement Income Security Act of*
7 *1974 (29 U.S.C. 1084(b)) is amended by adding at*
8 *the end the following new subparagraph:*

9 “(F) *RELIEF FOR 2020 AND 2021.*—A multi-
10 *employer plan with respect to which the solvency*
11 *test under subparagraph (C) is met as of Feb-*
12 *ruary 29, 2020, may elect to apply this para-*
13 *graph by substituting ‘February 29, 2020’ for*
14 *‘August 31, 2008’ each place it appears in sub-*
15 *paragraphs (A)(i), (B)(i)(I), and (B)(i)(II)*
16 *(without regard to whether such plan previously*
17 *elected the application of this paragraph). The*
18 *preceding sentence shall not apply to a plan*
19 *with respect to which a partition order is in ef-*
20 *fect under section 4233A.”.*

21 (2) *AMENDMENT TO INTERNAL REVENUE CODE*
22 *OF 1986.*—Section 431(b)(8) of the *Internal Revenue*
23 *Code of 1986 is amended by adding at the end the fol-*
24 *lowing new subparagraph:*

25 “(F) *RELIEF FOR 2020 AND 2021.*—A multi-
26 *employer plan with respect to which the solvency*

1 *test under subparagraph (C) is met as of Feb-*
2 *ruary 29, 2020, may elect to apply this para-*
3 *graph by substituting ‘February 29, 2020’ for*
4 *‘August 31, 2008’ each place it appears in sub-*
5 *paragraphs (A)(i), (B)(i)(I), and (B)(i)(II)*
6 *(without regard to whether such plan previously*
7 *elected the application of this paragraph). The*
8 *preceding sentence shall not apply to a plan*
9 *with respect to which a partition order is in ef-*
10 *fect under section 4233A of the Employee Retirement*
11 *Income Security Act of 1974.”.*

12 **(b) EFFECTIVE DATES.—**

13 **(1) IN GENERAL.—***The amendments made by*
14 *this section shall take effect as of the first day of the*
15 *first plan year ending on or after February 29, 2020,*
16 *except that any election a plan makes pursuant to*
17 *this section that affects the plan’s funding standard*
18 *account for the first plan year beginning after Feb-*
19 *ruary 29, 2020, shall be disregarded for purposes of*
20 *applying the provisions of section 305 of the Em-*
21 *ployee Retirement Income Security Act of 1974 and*
22 *section 432 of the Internal Revenue Code of 1986 to*
23 *such plan year.*

24 **(2) RESTRICTIONS ON BENEFIT INCREASES.—**

25 *Notwithstanding paragraph (1), the restrictions on*

1 *plan amendments increasing benefits in sections*
2 *304(b)(8)(D) of such Act and 431(b)(8)(D) of such*
3 *Code, as applied by the amendments made by this*
4 *section, shall take effect on the date of enactment of*
5 *this Act.*

6 **SEC. 106. PBGC GUARANTEE FOR PARTICIPANTS IN MULTI-**
7 **EMPLOYER PLANS.**

8 *Section 4022A(c)(1) of the Employee Retirement In-*
9 *come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is*
10 *amended by striking subparagraphs (A) and (B) and in-*
11 *serting the following:*

12 *“(A) 100 percent of the accrual rate up to*
13 *\$15, plus 75 percent of the lesser of—*

14 *“(i) \$70; or*

15 *“(ii) the accrual rate, if any, in excess*
16 *of \$15; and*

17 *“(B) the number of the participant’s years*
18 *of credited service.*

19 *For each calendar year after the first full calendar*
20 *year following the date of the enactment of the Emer-*
21 *gency Pension Plan Relief Act, the accrual rates in*
22 *subparagraph (A) shall increase by the national aver-*
23 *age wage index (as defined in section 209(k)(1) of the*
24 *Social Security Act). For purposes of this subsection,*
25 *the rates applicable for determining the guaranteed*

1 *benefits of the participants of any plan shall be the*
 2 *rates in effect for the calendar year in which the plan*
 3 *becomes insolvent under section 4245 or the calendar*
 4 *year in which the plan is terminated, if earlier.”.*

5 ***TITLE II—RELIEF FOR SINGLE***
 6 ***EMPLOYER PENSION PLANS***

7 ***SEC. 201. EXTENDED AMORTIZATION FOR SINGLE EM-***
 8 ***PLOYER PLANS.***

9 *(a) 15-YEAR AMORTIZATION UNDER THE INTERNAL*
 10 *REVENUE CODE OF 1986.—Section 430(c) of the Internal*
 11 *Revenue Code of 1986 is amended by adding at the end*
 12 *the following new paragraph:*

13 *“(8) 15-YEAR AMORTIZATION.—With respect to*
 14 *plan years beginning after December 31, 2019—*

15 *“(A) the shortfall amortization bases for all*
 16 *plan years preceding the first plan year begin-*
 17 *ning after December 31, 2019 (and all shortfall*
 18 *amortization installments determined with re-*
 19 *spect to such bases) shall be reduced to zero, and*

20 *“(B) subparagraphs (A) and (B) of para-*
 21 *graph (2) shall each be applied by substituting*
 22 *‘15-plan-year period’ for ‘7-plan-year period’.”.*

23 *(b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE*
 24 *RETIREMENT INCOME SECURITY ACT OF 1974.—Section*
 25 *303(c) of the Employee Retirement Income Security Act of*

1 1974 (29 U.S.C. 1083(c)) is amended by adding at the end
2 the following new paragraph:

3 “(8) 15-YEAR AMORTIZATION.—With respect to
4 plan years beginning after December 31, 2019—

5 “(A) the shortfall amortization bases for all
6 plan years preceding the first plan year begin-
7 ning after December 31, 2019 (and all shortfall
8 amortization installments determined with re-
9 spect to such bases) shall be reduced to zero, and

10 “(B) subparagraphs (A) and (B) of para-
11 graph (2) shall each be applied by substituting
12 ‘15-plan-year period’ for ‘7-plan-year period’.”

13 (c) EFFECTIVE DATE.—The amendments made by this
14 section shall apply to plan years beginning after December
15 31, 2019.

16 **SEC. 202. EXTENSION OF PENSION FUNDING STABILIZA-**
17 **TION PERCENTAGES FOR SINGLE EMPLOYER**
18 **PLANS.**

19 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
20 1986.—

21 (1) IN GENERAL.—The table contained in sub-
22 clause (II) of section 430(h)(2)(C)(iv) of the Internal
23 Revenue Code of 1986 is amended to read as follows:

<i>“If the calendar year is:</i>	<i>The appli- cable min- imum per- centage is:</i>	<i>The appli- cable max- imum per- centage is:</i>
<i>Any year in the period starting in 2012 and ending in 2019</i>	<i>90%</i>	<i>110%</i>
<i>Any year in the period starting in 2020 and ending in 2025</i>	<i>95%</i>	<i>105%</i>
<i>2026</i>	<i>90%</i>	<i>110%</i>
<i>2027</i>	<i>85%</i>	<i>115%</i>
<i>2028</i>	<i>80%</i>	<i>120%</i>
<i>2029</i>	<i>75%</i>	<i>125%</i>
<i>After 2029</i>	<i>70%</i>	<i>130%.”.</i>

1 (2) *FLOOR ON 25-YEAR AVERAGES.*—*Subclause*
2 *(I) of section 430(h)(2)(C)(iv) of such Code is amend-*
3 *ed by adding at the end the following: “Notwith-*
4 *standing anything in this subclause, if the average of*
5 *the first, second, or third segment rate for any 25-*
6 *year period is less than 5 percent, such average shall*
7 *be deemed to be 5 percent.”.*

8 **(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME**
9 **SECURITY ACT OF 1974.**—

10 (1) *IN GENERAL.*—*The table contained in sub-*
11 *clause (II) of section 303(h)(2)(C)(iv) of the Employee*
12 *Retirement Income Security Act of 1974 (29 U.S.C.*
13 *1083(h)(2)(C)(iv)(II)) is amended to read as follows:*

<i>“If the calendar year is:</i>	<i>The appli- cable min- imum per- centage is:</i>	<i>The appli- cable max- imum per- centage is:</i>
<i>Any year in the period starting in 2012 and ending in 2019</i>	<i>90%</i>	<i>110%</i>
<i>Any year in the period starting in 2020 and ending in 2025</i>	<i>95%</i>	<i>105%</i>
<i>2026</i>	<i>90%</i>	<i>110%</i>
<i>2027</i>	<i>85%</i>	<i>115%</i>

<i>“If the calendar year is:</i>	<i>The appli- cable min- imum per- centage is:</i>	<i>The appli- cable max- imum per- centage is:</i>
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) *CONFORMING AMENDMENTS.*—

2 (A) *IN GENERAL.*—Section 101(f)(2)(D) of
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
4 ed—

5 (i) in clause (i) by striking “and the
6 *Bipartisan Budget Act of 2015*” both places
7 it appears and inserting “, the *Bipartisan*
8 *Budget Act of 2015*, and the *Emergency*
9 *Pension Plan Relief Act*”, and

10 (ii) in clause (ii) by striking “2023”
11 and inserting “2029”.

12 (B) *STATEMENTS.*—The Secretary of Labor
13 shall modify the statements required under sub-
14 clauses (I) and (II) of section 101(f)(2)(D)(i) of
15 such Act to conform to the amendments made by
16 this section.

17 (3) *FLOOR ON 25-YEAR AVERAGES.*—Subclause
18 (I) of section 303(h)(2)(C)(iv) of such Act (29 U.S.C.
19 1083(h)(2)(C)(iv)(II)) is amended by adding at the
20 end the following: “Notwithstanding anything in this
21 subclause, if the average of the first, second, or third

1 *segment rate for any 25-year period is less than 5*
2 *percent, such average shall be deemed to be 5 per-*
3 *cent.”.*

4 *(c) EFFECTIVE DATE.—The amendments made by this*
5 *section shall apply with respect to plan years beginning*
6 *after December 31, 2019.*

7 ***TITLE III—OTHER RETIREMENT***
8 ***RELATED PROVISIONS***

9 ***SEC. 301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS***
10 ***FOR 2019.***

11 *(a) IN GENERAL.—Section 401(a)(9)(I)(i) of the Inter-*
12 *nal Revenue Code of 1986 is amended by striking “calendar*
13 *year 2020” and inserting “calendar years 2019 and 2020”.*

14 *(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section*
15 *402(c)(4) of such Code is amended by striking “2020” each*
16 *place it appears in the last sentence and inserting “2019*
17 *or 2020”.*

18 *(c) CONFORMING AMENDMENTS.—Section 401(a)(9)(I)*
19 *of such Code is amended—*

20 *(1) by striking clause (ii) and redesignating*
21 *clause (iii) as clause (ii), and*

22 *(2) by striking “calendar year 2020” in clause*
23 *(ii)(II), as so redesignated, and inserting “calendar*
24 *years 2019 and 2020”.*

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the enactment of*
3 *section 2203 of the Coronavirus Aid, Relief, and Economic*
4 *Security Act, except that subparagraph (c)(1) thereof shall*
5 *be applied by substituting “December 31, 2018” for “De-*
6 *cember 31, 2019”.*

7 **SEC. 302. WAIVER OF 60-DAY RULE IN CASE OF ROLLOVER**
8 **OF OTHERWISE REQUIRED MINIMUM DIS-**
9 **TRIBUTIONS IN 2019 OR 2020.**

10 (a) *QUALIFIED TRUSTS.*—*402(c)(3) of the Internal*
11 *Revenue Code of 1986 is amended by adding at the end*
12 *the following new subparagraph:*

13 “(D) *EXCEPTION FOR ROLLOVER OF OTHER-*
14 *WISE REQUIRED MINIMUM DISTRIBUTIONS IN*
15 *2019 OR 2020.*—*In the case of an eligible roll-*
16 *over distribution described in the second sentence*
17 *of paragraph (4), subparagraph (A) shall not*
18 *apply to any transfer of such distribution made*
19 *before December 1, 2020.”.*

20 (b) *INDIVIDUAL RETIREMENT ACCOUNTS.*—*Section*
21 *408(d)(3) of such Code is amended by adding at the end*
22 *the following new subparagraph:*

23 “(J) *WAIVER OF 60-DAY RULE AND ONCE*
24 *PER-YEAR LIMITATION FOR CERTAIN 2019 AND*
25 *2020 ROLLOVERS.*—*In the case of a distribution*

1 **SEC. 304. APPLICATION OF SPECIAL RULES TO MONEY PUR-**
2 **CHASE PENSION PLANS.**

3 *Section 2202(a)(6)(B) of the Coronavirus Aid, Relief,*
4 *and Economic Security Act is amended by inserting “, and,*
5 *in the case of a money purchase pension plan, a*
6 *coronavirus-related distribution which is an in-service*
7 *withdrawal shall be treated as meeting the distribution*
8 *rules of section 401(a) of such Code” before the period.*

9 **SEC. 305. GRANTS TO ASSIST LOW-INCOME WOMEN AND**
10 **SURVIVORS OF DOMESTIC VIOLENCE IN OB-**
11 **TAINING QUALIFIED DOMESTIC RELATIONS**
12 **ORDERS.**

13 *(a) AUTHORIZATION OF GRANT AWARDS.—The Sec-*
14 *retary of Labor, acting through the Director of the Women’s*
15 *Bureau and in conjunction with the Assistant Secretary of*
16 *the Employee Benefits Security Administration, shall*
17 *award grants, on a competitive basis, to eligible entities to*
18 *enable such entities to assist low-income women and sur-*
19 *vivors of domestic violence in obtaining qualified domestic*
20 *relations orders and ensuring that those women actually ob-*
21 *tain the benefits to which they are entitled through those*
22 *orders.*

23 *(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-*
24 *tion, the term “eligible entity” means a community-based*
25 *organization with proven experience and expertise in serv-*

1 *ing women and the financial and retirement needs of*
2 *women.*

3 (c) *APPLICATION.*—*An eligible entity that desires to re-*
4 *ceive a grant under this section shall submit an application*
5 *to the Secretary of Labor at such time, in such manner,*
6 *and accompanied by such information as the Secretary of*
7 *Labor may require.*

8 (d) *MINIMUM GRANT AMOUNT.*—*The Secretary of*
9 *Labor shall award grants under this section in amounts*
10 *of not less than \$250,000.*

11 (e) *USE OF FUNDS.*—*An eligible entity that receives*
12 *a grant under this section shall use the grant funds to de-*
13 *velop programs to offer help to low-income women or sur-*
14 *vivors of domestic violence who need assistance in pre-*
15 *paring, obtaining, and effectuating a qualified domestic re-*
16 *lations order.*

17 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
18 *authorized to be appropriated to carry out this section*
19 *\$100,000,000 for fiscal year 2020 and each succeeding fiscal*
20 *year.*

21 **SEC. 306. MODIFICATION OF SPECIAL RULES FOR MINIMUM**
22 **FUNDING STANDARDS FOR COMMUNITY**
23 **NEWSPAPER PLANS.**

24 (a) *AMENDMENT TO INTERNAL REVENUE CODE OF*
25 *1986.*—*Subsection (m) of section 430 of the Internal Rev-*

1 *enue Code of 1986, as added by the Setting Every Commu-*
2 *nity Up for Retirement Enhancement Act of 2019, is*
3 *amended to read as follows:*

4 “(m) *SPECIAL RULES FOR COMMUNITY NEWSPAPER*
5 *PLANS.—*

6 “(1) *IN GENERAL.—An eligible newspaper plan*
7 *sponsor of a plan under which no participant has*
8 *had the participant’s accrued benefit increased*
9 *(whether because of service or compensation) after*
10 *April 2, 2019, may elect to have the alternative*
11 *standards described in paragraph (4) apply to such*
12 *plan.*

13 “(2) *ELIGIBLE NEWSPAPER PLAN SPONSOR.—*
14 *The term ‘eligible newspaper plan sponsor’ means the*
15 *plan sponsor of—*

16 “(A) *any community newspaper plan, or*

17 “(B) *any other plan sponsored, as of April*
18 *2, 2019, by a member of the same controlled*
19 *group of a plan sponsor of a community news-*
20 *paper plan if such member is in the trade or*
21 *business of publishing 1 or more newspapers.*

22 “(3) *ELECTION.—An election under paragraph*
23 *(1) shall be made at such time and in such manner*
24 *as prescribed by the Secretary. Such election, once*
25 *made with respect to a plan year, shall apply to all*

1 *subsequent plan years unless revoked with the consent*
2 *of the Secretary.*

3 *“(4) ALTERNATIVE MINIMUM FUNDING STAND-*
4 *ARDS.—The alternative standards described in this*
5 *paragraph are the following:*

6 *“(A) INTEREST RATES.—*

7 *“(i) IN GENERAL.—Notwithstanding*
8 *subsection (h)(2)(C) and except as provided*
9 *in clause (ii), the first, second, and third*
10 *segment rates in effect for any month for*
11 *purposes of this section shall be 8 percent.*

12 *“(ii) NEW BENEFIT ACCRUALS.—Not-*
13 *withstanding subsection (h)(2), for purposes*
14 *of determining the funding target and nor-*
15 *mal cost of a plan for any plan year, the*
16 *present value of any benefits accrued or*
17 *earned under the plan for a plan year with*
18 *respect to which an election under para-*
19 *graph (1) is in effect shall be determined on*
20 *the basis of the United States Treasury obli-*
21 *gation yield curve for the day that is the*
22 *valuation date of such plan for such plan*
23 *year.*

24 *“(iii) UNITED STATES TREASURY OBLI-*
25 *GATION YIELD CURVE.—For purposes of this*

1 *subsection, the term ‘United States Treas-*
2 *ury obligation yield curve’ means, with re-*
3 *spect to any day, a yield curve which shall*
4 *be prescribed by the Secretary for such day*
5 *on interest-bearing obligations of the United*
6 *States.*

7 *“(B) SHORTFALL AMORTIZATION BASE.—*

8 *“(i) PREVIOUS SHORTFALL AMORTIZA-*
9 *TION BASES.—The shortfall amortization*
10 *bases determined under subsection (c)(3) for*
11 *all plan years preceding the first plan year*
12 *to which the election under paragraph (1)*
13 *applies (and all shortfall amortization in-*
14 *stallments determined with respect to such*
15 *bases) shall be reduced to zero under rules*
16 *similar to the rules of subsection (c)(6).*

17 *“(ii) NEW SHORTFALL AMORTIZATION*
18 *BASE.—Notwithstanding subsection (c)(3),*
19 *the shortfall amortization base for the first*
20 *plan year to which the election under para-*
21 *graph (1) applies shall be the funding short-*
22 *fall of such plan for such plan year (deter-*
23 *mined using the interest rates as modified*
24 *under subparagraph (A)).*

1 “(C) *DETERMINATION OF SHORTFALL AM-*
2 *ORTIZATION INSTALLMENTS.—*

3 “(i) *30-YEAR PERIOD.—Subparagraphs*
4 *(A) and (B) of subsection (c)(2) shall be ap-*
5 *plied by substituting ‘30-plan-year’ for ‘7-*
6 *plan-year’ each place it appears.*

7 “(ii) *NO SPECIAL ELECTION.—The*
8 *election under subparagraph (D) of sub-*
9 *section (c)(2) shall not apply to any plan*
10 *year to which the election under paragraph*
11 *(1) applies.*

12 “(D) *EXEMPTION FROM AT-RISK TREAT-*
13 *MENT.—Subsection (i) shall not apply.*

14 “(5) *COMMUNITY NEWSPAPER PLAN.—For pur-*
15 *poses of this subsection—*

16 “(A) *IN GENERAL.—The term ‘community*
17 *newspaper plan’ means any plan to which this*
18 *section applies maintained as of December 31,*
19 *2018, by an employer which—*

20 “(i) *maintains the plan on behalf of*
21 *participants and beneficiaries with respect*
22 *to employment in the trade or business of*
23 *publishing 1 or more newspapers which*
24 *were published by the employer at any time*

1 *during the 11-year period ending on the*
2 *date of the enactment of this subsection,*

3 *“(ii)(I) is not a company the stock of*
4 *which is publicly traded (on a stock ex-*
5 *change or in an over-the-counter market),*
6 *and is not controlled, directly or indirectly,*
7 *by such a company, or*

8 *“(II) is controlled, directly or indi-*
9 *rectly, during the entire 30-year period end-*
10 *ing on the date of the enactment of this sub-*
11 *section by individuals who are members of*
12 *the same family, and does not publish or*
13 *distribute a daily newspaper that is car-*
14 *rier-distributed in printed form in more*
15 *than 5 States, and*

16 *“(iii) is controlled, directly or indi-*
17 *rectly—*

18 *“(I) by 1 or more persons residing*
19 *primarily in a State in which the*
20 *community newspaper has been pub-*
21 *lished on newsprint or carrier-distrib-*
22 *uted,*

23 *“(II) during the entire 30-year*
24 *period ending on the date of the enact-*

1 *ment of this subsection by individuals*
2 *who are members of the same family,*

3 *“(III) by 1 or more trusts, the sole*
4 *trustees of which are persons described*
5 *in subclause (I) or (II), or*

6 *“(IV) by a combination of persons*
7 *described in subclause (I), (II), or*
8 *(III).*

9 *“(B) NEWSPAPER.—The term ‘newspaper’*
10 *does not include any newspaper (determined*
11 *without regard to this subparagraph) to which*
12 *any of the following apply:*

13 *“(i) Is not in general circulation.*

14 *“(ii) Is published (on newsprint or*
15 *electronically) less frequently than 3 times*
16 *per week.*

17 *“(iii) Has not ever been regularly pub-*
18 *lished on newsprint.*

19 *“(iv) Does not have a bona fide list of*
20 *paid subscribers.*

21 *“(C) CONTROL.—A person shall be treated*
22 *as controlled by another person if such other per-*
23 *son possesses, directly or indirectly, the power to*
24 *direct or cause the direction and management of*
25 *such person (including the power to elect a ma-*

1 *majority of the members of the board of directors of*
2 *such person) through the ownership of voting se-*
3 *curities.*

4 *“(6) CONTROLLED GROUP.—For purposes of this*
5 *subsection, the term ‘controlled group’ means all per-*
6 *sons treated as a single employer under subsection*
7 *(b), (c), (m), or (o) of section 414 as of the date of*
8 *the enactment of this subsection.”.*

9 *(b) AMENDMENT TO EMPLOYEE RETIREMENT INCOME*
10 *SECURITY ACT OF 1974.—Subsection (m) of section 303 of*
11 *the Employee Retirement Income Security Act of 1974 (29*
12 *U.S.C. 1083(m)), as added by the Setting Every Commu-*
13 *nity Up for Retirement Enhancement Act of 2019, is*
14 *amended to read as follows:*

15 *“(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER*
16 *PLANS.—*

17 *“(1) IN GENERAL.—An eligible newspaper plan*
18 *sponsor of a plan under which no participant has*
19 *had the participant’s accrued benefit increased*
20 *(whether because of service or compensation) after*
21 *April 2, 2019, may elect to have the alternative*
22 *standards described in paragraph (4) apply to such*
23 *plan.*

1 “(2) *ELIGIBLE NEWSPAPER PLAN SPONSOR.*—
2 *The term ‘eligible newspaper plan sponsor’ means the*
3 *plan sponsor of—*

4 “(A) *any community newspaper plan, or*

5 “(B) *any other plan sponsored, as of April*
6 *2, 2019, by a member of the same controlled*
7 *group of a plan sponsor of a community news-*
8 *paper plan if such member is in the trade or*
9 *business of publishing 1 or more newspapers.*

10 “(3) *ELECTION.*—*An election under paragraph*
11 *(1) shall be made at such time and in such manner*
12 *as prescribed by the Secretary of the Treasury. Such*
13 *election, once made with respect to a plan year, shall*
14 *apply to all subsequent plan years unless revoked*
15 *with the consent of the Secretary of the Treasury.*

16 “(4) *ALTERNATIVE MINIMUM FUNDING STAND-*
17 *ARDS.*—*The alternative standards described in this*
18 *paragraph are the following:*

19 “(A) *INTEREST RATES.*—

20 “(i) *IN GENERAL.*—*Notwithstanding*
21 *subsection (h)(2)(C) and except as provided*
22 *in clause (ii), the first, second, and third*
23 *segment rates in effect for any month for*
24 *purposes of this section shall be 8 percent.*

1 “(ii) *NEW BENEFIT ACCRUALS.*—Not-
2 withstanding subsection (h)(2), for purposes
3 of determining the funding target and nor-
4 mal cost of a plan for any plan year, the
5 present value of any benefits accrued or
6 earned under the plan for a plan year with
7 respect to which an election under para-
8 graph (1) is in effect shall be determined on
9 the basis of the United States Treasury obli-
10 gation yield curve for the day that is the
11 valuation date of such plan for such plan
12 year.

13 “(iii) *UNITED STATES TREASURY OBLI-*
14 *GATION YIELD CURVE.*—For purposes of this
15 subsection, the term ‘United States Treas-
16 ury obligation yield curve’ means, with re-
17 spect to any day, a yield curve which shall
18 be prescribed by the Secretary of the Treas-
19 ury for such day on interest-bearing obliga-
20 tions of the United States.

21 “(B) *SHORTFALL AMORTIZATION BASE.*—

22 “(i) *PREVIOUS SHORTFALL AMORTIZA-*
23 *TION BASES.*—The shortfall amortization
24 bases determined under subsection (c)(3) for
25 all plan years preceding the first plan year

1 to which the election under paragraph (1)
2 applies (and all shortfall amortization in-
3 stallments determined with respect to such
4 bases) shall be reduced to zero under rules
5 similar to the rules of subsection (c)(6).

6 “(ii) *NEW SHORTFALL AMORTIZATION*
7 *BASE.*—Notwithstanding subsection (c)(3),
8 the shortfall amortization base for the first
9 plan year to which the election under para-
10 graph (1) applies shall be the funding short-
11 fall of such plan for such plan year (deter-
12 mined using the interest rates as modified
13 under subparagraph (A)).

14 “(C) *DETERMINATION OF SHORTFALL AM-*
15 *ORTIZATION INSTALLMENTS.*—

16 “(i) *30-YEAR PERIOD.*—Subparagraphs
17 (A) and (B) of subsection (c)(2) shall be ap-
18 plied by substituting ‘30-plan-year’ for ‘7-
19 plan-year’ each place it appears.

20 “(ii) *NO SPECIAL ELECTION.*—The
21 election under subparagraph (D) of sub-
22 section (c)(2) shall not apply to any plan
23 year to which the election under paragraph
24 (1) applies.

1 “(D) *EXEMPTION FROM AT-RISK TREAT-*
2 *MENT.—Subsection (i) shall not apply.*

3 “(5) *COMMUNITY NEWSPAPER PLAN.—For pur-*
4 *poses of this subsection—*

5 “(A) *IN GENERAL.—The term ‘community*
6 *newspaper plan’ means a plan to which this sec-*
7 *tion applies maintained as of December 31,*
8 *2018, by an employer which—*

9 “(i) *maintains the plan on behalf of*
10 *participants and beneficiaries with respect*
11 *to employment in the trade or business of*
12 *publishing 1 or more newspapers which*
13 *were published by the employer at any time*
14 *during the 11-year period ending on the*
15 *date of the enactment of this subsection,*

16 “(ii)(I) *is not a company the stock of*
17 *which is publicly traded (on a stock ex-*
18 *change or in an over-the-counter market),*
19 *and is not controlled, directly or indirectly,*
20 *by such a company, or*

21 “(II) *is controlled, directly, or indi-*
22 *rectly, during the entire 30-year period end-*
23 *ing on the date of the enactment of this sub-*
24 *section by individuals who are members of*
25 *the same family, and does not publish or*

1 *distribute a daily newspaper that is car-*
2 *rier-distributed in printed form in more*
3 *than 5 States, and*

4 *“(iii) is controlled, directly, or indi-*
5 *rectly—*

6 *“(I) by 1 or more persons residing*
7 *primarily in a State in which the*
8 *community newspaper has been pub-*
9 *lished on newsprint or carrier-distrib-*
10 *uted,*

11 *“(II) during the entire 30-year*
12 *period ending on the date of the enact-*
13 *ment of this subsection by individuals*
14 *who are members of the same family,*

15 *“(III) by 1 or more trusts, the sole*
16 *trustees of which are persons described*
17 *in subclause (I) or (II), or*

18 *“(IV) by a combination of persons*
19 *described in subclause (I), (II), or*
20 *(III).*

21 *“(B) NEWSPAPER.—The term ‘newspaper’*
22 *does not include any newspaper (determined*
23 *without regard to this subparagraph) to which*
24 *any of the following apply:*

25 *“(i) Is not in general circulation.*

1 “(ii) *Is published (on newsprint or*
2 *electronically) less frequently than 3 times*
3 *per week.*

4 “(iii) *Has not ever been regularly pub-*
5 *lished on newsprint.*

6 “(iv) *Does not have a bona fide list of*
7 *paid subscribers.*

8 “(C) *CONTROL.—A person shall be treated*
9 *as controlled by another person if such other per-*
10 *son possesses, directly or indirectly, the power to*
11 *direct or cause the direction and management of*
12 *such person (including the power to elect a ma-*
13 *jority of the members of the board of directors of*
14 *such person) through the ownership of voting se-*
15 *curities.*

16 “(6) *CONTROLLED GROUP.—For purposes of this*
17 *subsection, the term ‘controlled group’ means all per-*
18 *sons treated as a single employer under subsection*
19 *(b), (c), (m), or (o) of section 414 of the Internal Rev-*
20 *enue Code of 1986 as of the date of the enactment of*
21 *this subsection.*

22 “(7) *EFFECT ON PREMIUM RATE CALCULA-*
23 *TION.—Notwithstanding any other provision of law*
24 *or any regulation issued by the Pension Benefit*
25 *Guaranty Corporation, in the case of a plan for*

1 *which an election is made to apply the alternative*
2 *standards described in paragraph (3), the additional*
3 *premium under section 4006(a)(3)(E) shall be deter-*
4 *mined as if such election had not been made.”.*

5 *(c) EFFECTIVE DATE.—The amendments made by this*
6 *section shall apply to plan years ending after December 31,*
7 *2017.*

8 **SEC. 307. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**
9 **TERMINATIONS RELATED TO LIFE INSUR-**
10 **ANCE CONTRACTS.**

11 *(a) MODIFICATION OF MINIMUM RATE FOR PURPOSES*
12 *OF CASH VALUE ACCUMULATION TEST.—*

13 *(1) IN GENERAL.—Section 7702(b)(2)(A) of the*
14 *Internal Revenue Code of 1986 is amended by strik-*
15 *ing “an annual effective rate of 4 percent” and in-*
16 *serting “the applicable accumulation test minimum*
17 *rate”.*

18 *(2) APPLICABLE ACCUMULATION TEST MINIMUM*
19 *RATE.—Section 7702(b) of such Code is amended by*
20 *adding at the end the following new paragraph:*

21 *“(3) APPLICABLE ACCUMULATION TEST MINIMUM*
22 *RATE.—For purposes of paragraph (2)(A), the term*
23 *‘applicable accumulation test minimum rate’ means*
24 *the lesser of—*

1 “(A) an annual effective rate of 4 percent,
2 or

3 “(B) the insurance interest rate (as defined
4 in subsection (f)(11)) in effect at the time the
5 contract is issued.”.

6 (b) *MODIFICATION OF MINIMUM RATE FOR PURPOSES*
7 *OF GUIDELINE PREMIUM REQUIREMENTS.*—

8 (1) *IN GENERAL.*—Section 7702(c)(3)(B)(iii) of
9 such Code is amended by striking “an annual effec-
10 tive rate of 6 percent” and inserting “the applicable
11 guideline premium minimum rate”.

12 (2) *APPLICABLE GUIDELINE PREMIUM MINIMUM*
13 *RATE.*—Section 7702(c)(3) of such Code is amended
14 by adding at the end the following new subparagraph:

15 “(E) *APPLICABLE GUIDELINE PREMIUM*
16 *MINIMUM RATE.*—For purposes of subparagraph
17 (B)(iii), the term ‘applicable guideline premium
18 minimum rate’ means the applicable accumula-
19 tion test minimum rate (as defined in subsection
20 (b)(3)) plus 2 percentage points.”.

21 (c) *APPLICATION OF MODIFIED MINIMUM RATES TO*
22 *DETERMINATION OF GUIDELINE LEVEL PREMIUM.*—Sec-
23 tion 7702(c)(4) of such Code is amended—

24 (1) by striking “4 percent” and inserting “the
25 applicable accumulation test minimum rate”, and

1 (2) *by striking “6 percent” and inserting “the*
2 *applicable guideline premium minimum rate”.*

3 (d) *INSURANCE INTEREST RATE.—Section 7702(f) of*
4 *such Code is amended by adding at the end the following*
5 *new paragraph:*

6 “(11) *INSURANCE INTEREST RATE.—For pur-*
7 *poses of this section—*

8 “(A) *IN GENERAL.—The term ‘insurance in-*
9 *terest rate’ means, with respect to any contract*
10 *issued in any calendar year, the lesser of—*

11 “(i) *the section 7702 valuation interest*
12 *rate for such calendar year (or, if such cal-*
13 *endar year is not an adjustment year, the*
14 *most recent adjustment year), or*

15 “(ii) *the section 7702 applicable Fed-*
16 *eral interest rate for such calendar year (or,*
17 *if such calendar year is not an adjustment*
18 *year, the most recent adjustment year).*

19 “(B) *SECTION 7702 VALUATION INTEREST*
20 *RATE.—The term ‘section 7702 valuation interest*
21 *rate’ means, with respect to any adjustment*
22 *year, the prescribed U.S. valuation interest rate*
23 *for life insurance with guaranteed durations of*
24 *more than 20 years (as defined in the National*
25 *Association of Insurance Commissioners’ Stand-*

1 *ard Valuation Law) as effective in the calendar*
2 *year immediately preceding such adjustment*
3 *year.*

4 “(C) *SECTION 7702 APPLICABLE FEDERAL*
5 *INTEREST RATE.—The term ‘section 7702 appli-*
6 *cable Federal interest rate’ means, with respect*
7 *to any adjustment year, the average (rounded to*
8 *the nearest whole percentage point) of the appli-*
9 *cable Federal mid-term rates (as defined in sec-*
10 *tion 1274(d) but based on annual compounding)*
11 *effective as of the beginning of each of the cal-*
12 *endar months in the most recent 60-month pe-*
13 *riod ending before the second calendar year prior*
14 *to such adjustment year.*

15 “(D) *ADJUSTMENT YEAR.—The term ‘ad-*
16 *justment year’ means the calendar year following*
17 *any calendar year that includes the effective date*
18 *of a change in the prescribed U.S. valuation in-*
19 *terest rate for life insurance with guaranteed du-*
20 *rations of more than 20 years (as defined in the*
21 *National Association of Insurance Commis-*
22 *sioners’ Standard Valuation Law).*

23 “(E) *TRANSITION RULE.—Notwithstanding*
24 *subparagraph (A), the insurance interest rate*

1 *shall be 2 percent in the case of any contract*
 2 *which is issued during the period that—*

3 “(i) *begins on January 1, 2021, and*

4 “(ii) *ends immediately before the be-*
 5 *ginning of the first adjustment year that*
 6 *beings after December 31, 2021.”.*

7 (e) *EFFECTIVE DATE.—The amendments made by this*
 8 *section shall apply to contracts issued after December 31,*
 9 *2020.*

10 ***DIVISION H—GIVING RETIRE-***
 11 ***MENT OPTIONS TO WORKERS***
 12 ***ACT***

13 ***SEC. 101. SHORT TITLE, ETC.***

14 (a) *SHORT TITLE.—This division may be cited as the*
 15 *“Giving Retirement Options to Workers Act of 2020” or the*
 16 *“GROW Act”.*

17 (b) *TABLE OF CONTENTS.—The table of contents for*
 18 *this division is as follows:*

Sec. 101. Short title, etc.

Sec. 102. Composite plans.

Sec. 103. Application of certain requirements to composite plans.

Sec. 104. Treatment of composite plans under title IV.

Sec. 105. Conforming changes.

Sec. 106. Effective date.

19 ***SEC. 102. COMPOSITE PLANS.***

20 (a) *AMENDMENT TO THE EMPLOYEE RETIREMENT IN-*
 21 *COME SECURITY ACT OF 1974.—*

1 (1) *IN GENERAL.*—*Title I of the Employee Re-*
2 *irement Income Security Act of 1974 (29 U.S.C.*
3 *1001 et seq.) is amended by adding at the end the fol-*
4 *lowing:*

5 **“PART 8—COMPOSITE PLANS AND LEGACY PLANS**

6 **“SEC. 801. COMPOSITE PLAN DEFINED.**

7 “(a) *IN GENERAL.*—*For purposes of this Act, the term*
8 *‘composite plan’ means a pension plan—*

9 “(1) *which is a multiemployer plan that is nei-*
10 *ther a defined benefit plan nor a defined contribution*
11 *plan;*

12 “(2) *the terms of which provide that the plan is*
13 *a composite plan for purposes of this title with re-*
14 *spect to which not more than one multiemployer de-*
15 *defined benefit plan is treated as a legacy plan within*
16 *the meaning of section 805, unless there is more than*
17 *one legacy plan following a merger of composite plans*
18 *under section 806;*

19 “(3) *which provides systematically for the pay-*
20 *ment of benefits—*

21 “(A) *objectively calculated pursuant to a*
22 *formula enumerated in the plan document with*
23 *respect to plan participants after retirement, for*
24 *life; and*

1 “(B) in the form of life annuities, except for
2 benefits which under section 203(e) may be im-
3 mediately distributed without the consent of the
4 participant;

5 “(4) for which the plan contributions for the first
6 plan year are at least 120 percent of the normal cost
7 for the plan year;

8 “(5) which requires—

9 “(A) an annual valuation of the liability of
10 the plan as of a date within the plan year to
11 which the valuation refers or within one month
12 prior to the beginning of such year;

13 “(B) an annual actuarial determination of
14 the plan’s current funded ratio and projected
15 funded ratio under section 802(a);

16 “(C) corrective action through a realign-
17 ment program pursuant to section 803 whenever
18 the plan’s projected funded ratio is below 120
19 percent for the plan year; and

20 “(D) an annual notification to each partici-
21 pant describing the participant’s benefits under
22 the plan and explaining that such benefits may
23 be subject to reduction under a realignment pro-
24 gram pursuant to section 803 based on the plan’s
25 funded status in future plan years; and

1 “(6) *the board of trustees of which includes at*
2 *least one retiree or beneficiary in pay status during*
3 *each plan year following the first plan year in which*
4 *at least 5 percent of the participants in the plan are*
5 *retirees or beneficiaries in pay status.*

6 “(b) *TRANSITION FROM A MULTIEMPLOYER DEFINED*
7 *BENEFIT PLAN.—*

8 “(1) *IN GENERAL.—The plan sponsor of a de-*
9 *defined benefit plan that is a multiemployer plan may,*
10 *subject to paragraph (2), amend the plan to incor-*
11 *porate the features of a composite plan as a compo-*
12 *nent of the multiemployer plan separate from the de-*
13 *defined benefit plan component, except in the case of a*
14 *defined benefit plan for which the plan actuary has*
15 *certified under section 305(b)(3) that the plan is or*
16 *will be in critical status for the plan year in which*
17 *such amendment would become effective or for any of*
18 *the succeeding 5 plan years.*

19 “(2) *REQUIREMENTS.—Any amendment pursu-*
20 *ant to paragraph (1) to incorporate the features of a*
21 *composite plan as a component of a multiemployer*
22 *plan shall—*

23 “(A) *apply with respect to all collective bar-*
24 *gaining agreements providing for contributions*

1 to the multiemployer plan on or after the effec-
2 tive date of the amendment;

3 “(B) apply with respect to all participants
4 in the multiemployer plan for whom contribu-
5 tions are made to the multiemployer plan on or
6 after the effective date of the amendment;

7 “(C) specify that the effective date of the
8 amendment is—

9 “(i) the first day of a specified plan
10 year following the date of the adoption of
11 the amendment, except that the plan spon-
12 sor may alternatively provide for a separate
13 effective date with respect to each collective
14 bargaining agreement under which con-
15 tributions to the multiemployer plan are re-
16 quired, which shall occur on the first day of
17 the first plan year beginning after the ter-
18 mination, or if earlier, the re-opening, of
19 each such agreement, or such earlier date as
20 the parties to the agreement and the plan
21 sponsor of the multiemployer plan shall
22 agree to; and

23 “(ii) not later than the first day of the
24 fifth plan year beginning on or after the
25 date of the adoption of the amendment;

1 “(D) specify that, as of the amendment’s ef-
2 fective date, no further benefits shall accrue
3 under the defined benefit component of the multi-
4 employer plan; and

5 “(E) specify that, as of the amendment’s ef-
6 fective date, the plan sponsor of the multiem-
7 ployer plan shall be the plan sponsor of both the
8 composite plan component and the defined ben-
9 efit plan component of the plan.

10 “(3) SPECIAL RULES.—If a multiemployer plan
11 is amended pursuant to paragraph (1)—

12 “(A) the requirements of this title and title
13 IV shall be applied to the composite plan compo-
14 nent and the defined benefit plan component of
15 the multiemployer plan as if each such compo-
16 nent were maintained as a separate plan; and

17 “(B) the assets of the composite plan compo-
18 nent and the defined benefit plan component of
19 the plan shall be held in a single trust forming
20 part of the plan under which the trust instru-
21 ment expressly provides—

22 “(i) for separate accounts (and appro-
23 priate records) to be maintained to reflect
24 the interest which each of the plan compo-
25 nents has in the trust, including separate

1 *accounting for additions to the trust for the*
2 *benefit of each plan component, disburse-*
3 *ments made from each plan component’s ac-*
4 *count in the trust, investment experience of*
5 *the trust allocable to that account, and ad-*
6 *ministrative expenses (whether direct ex-*
7 *penses or shared expenses allocated propor-*
8 *tionally), and permits, but does not require,*
9 *the pooling of some or all of the assets of the*
10 *two plan components for investment pur-*
11 *poses; and*

12 “(ii) *that the assets of each of the two*
13 *plan components shall be held, invested, re-*
14 *invested, managed, administered and dis-*
15 *tributed for the exclusive benefit of the par-*
16 *ticipants and beneficiaries of each such*
17 *plan component, and in no event shall the*
18 *assets of one of the plan components be*
19 *available to pay benefits due under the*
20 *other plan component.*

21 “(4) *NOT A TERMINATION EVENT.—Notwith-*
22 *standing section 4041A, an amendment pursuant to*
23 *paragraph (1) to incorporate the features of a com-*
24 *posite plan as a component of a multiemployer plan*

1 *does not constitute termination of the multiemployer*
2 *plan.*

3 “(5) *NOTICE TO THE SECRETARY.*—

4 “(A) *NOTICE.*—*The plan sponsor of a com-*
5 *posite plan shall provide notice to the Secretary*
6 *of the intent to establish the composite plan (or,*
7 *in the case of a composite plan incorporated as*
8 *a component of a multiemployer plan as de-*
9 *scribed in paragraph (1), the intent to amend*
10 *the multiemployer plan to incorporate such com-*
11 *posite plan) at least 30 days prior to the effective*
12 *date of such establishment or amendment.*

13 “(B) *CERTIFICATION.*—*In the case of a*
14 *composite plan incorporated as a component of*
15 *a multiemployer plan as described in paragraph*
16 *(1), such notice shall include a certification by*
17 *the plan actuary under section 305(b)(3) that the*
18 *effective date of the amendment occurs in a plan*
19 *year for which the multiemployer plan is not in*
20 *critical status for that plan year and any of the*
21 *succeeding 5 plan years.*

22 “(6) *REFERENCES TO COMPOSITE PLAN COMPO-*
23 *NENT.*—*As used in this part, the term ‘composite*
24 *plan’ includes a composite plan component added to*
25 *a defined benefit plan pursuant to paragraph (1).*

1 “(7) *RULE OF CONSTRUCTION.*—Paragraph
2 (2)(A) shall not be construed as preventing the plan
3 sponsor of a multiemployer plan from adopting an
4 amendment pursuant to paragraph (1) because some
5 collective bargaining agreements are amended to cease
6 any covered employer’s obligation to contribute to the
7 multiemployer plan before or after the plan amend-
8 ment is effective. Paragraph (2)(B) shall not be con-
9 strued as preventing the plan sponsor of a multiem-
10 ployer plan from adopting an amendment pursuant
11 to paragraph (1) because some participants cease to
12 have contributions made to the multiemployer plan
13 on their behalf before or after the plan amendment is
14 effective.

15 “(c) *COORDINATION WITH FUNDING RULES.*—Except
16 as otherwise provided in this title, sections 302, 304, and
17 305 shall not apply to a composite plan.

18 “(d) *TREATMENT OF A COMPOSITE PLAN.*—For pur-
19 poses of this Act (other than sections 302 and 4245), a com-
20 posite plan shall be treated as if it were a defined benefit
21 plan unless a different treatment is provided for under ap-
22 plicable law.

23 “**SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

24 “(a) *CERTIFICATION OF FUNDED RATIOS.*—

1 “(1) *IN GENERAL.*—Not later than the one-hun-
2 dred twentieth day of each plan year of a composite
3 plan, the plan actuary of the composite plan shall
4 certify to the Secretary, the Secretary of the Treasury,
5 and the plan sponsor the plan’s current funded ratio
6 and projected funded ratio for the plan year.

7 “(2) *DETERMINATION OF CURRENT FUNDED*
8 *RATIO AND PROJECTED FUNDED RATIO.*—For pur-
9 poses of this section:

10 “(A) *CURRENT FUNDED RATIO.*—The cur-
11 rent funded ratio is the ratio (expressed as a
12 percentage) of—

13 “(i) the value of the plan’s assets as of
14 the first day of the plan year; to

15 “(ii) the plan actuary’s best estimate of
16 the present value of the plan liabilities as of
17 the first day of the plan year.

18 “(B) *PROJECTED FUNDED RATIO.*—The pro-
19 jected funded ratio is the current funded ratio
20 projected to the first day of the fifteenth plan
21 year following the plan year for which the deter-
22 mination is being made.

23 “(3) *CONSIDERATION OF CONTRIBUTION RATE*
24 *INCREASES.*—For purposes of projections under this
25 subsection, the plan sponsor may anticipate contribu-

1 *tion rate increases beyond the term of the current col-*
2 *lective bargaining agreement and any agreed-to sup-*
3 *plements, up to a maximum of 2.5 percent per year,*
4 *compounded annually, unless it would be unreason-*
5 *able under the circumstances to assume that contribu-*
6 *tions would increase by that amount.*

7 “(b) *ACTUARIAL ASSUMPTIONS AND METHODS.—For*
8 *purposes of this part:*

9 “(1) *IN GENERAL.—All costs, liabilities, rates of*
10 *interest and other factors under the plan shall be de-*
11 *termined for a plan year on the basis of actuarial as-*
12 *sumptions and methods—*

13 “(A) *each of which is reasonable (taking*
14 *into account the experience of the plan and rea-*
15 *sonable expectations);*

16 “(B) *which, in combination, offer the actu-*
17 *ary’s best estimate of anticipated experience*
18 *under the plan; and*

19 “(C) *with respect to which any change from*
20 *the actuarial assumptions and methods used in*
21 *the previous plan year shall be certified by the*
22 *plan actuary and the actuarial rationale for*
23 *such change provided in the annual report re-*
24 *quired by section 103.*

1 “(2) *FAIR MARKET VALUE OF ASSETS.*—*The*
2 *value of the plan’s assets shall be taken into account*
3 *on the basis of their fair market value.*

4 “(3) *DETERMINATION OF NORMAL COST AND*
5 *PLAN LIABILITIES.*—*A plan’s normal cost and liabil-*
6 *ities shall be based on the most recent actuarial valu-*
7 *ation required under section 801(a)(5)(A) and the*
8 *unit credit funding method.*

9 “(4) *TIME WHEN CERTAIN CONTRIBUTIONS*
10 *DEEMED MADE.*—*Any contributions for a plan year*
11 *made by an employer after the last day of such plan*
12 *year, but not later than two and one-half months*
13 *after such day, shall be deemed to have been made on*
14 *such last day. For purposes of this paragraph, such*
15 *two and one-half month period may be extended for*
16 *not more than six months under regulations pre-*
17 *scribed by the Secretary of the Treasury.*

18 “(5) *ADDITIONAL ACTUARIAL ASSUMPTIONS.*—
19 *Except where otherwise provided in this part, the pro-*
20 *visions of section 305(b)(3)(B) shall apply to any de-*
21 *termination or projection under this part.*

22 **“SEC. 803. REALIGNMENT PROGRAM.**

23 “(a) *REALIGNMENT PROGRAM.*—

24 “(1) *ADOPTION.*—*In any case in which the plan*
25 *actuary certifies under section 802(a) that the plan’s*

1 *projected funded ratio is below 120 percent for the*
2 *plan year, the plan sponsor shall adopt a realignment*
3 *program under paragraph (2) not later than 210*
4 *days after the due date of the certification required*
5 *under such section 802(a). The plan sponsor shall*
6 *adopt an updated realignment program for each suc-*
7 *ceeding plan year for which a certification described*
8 *in the preceding sentence is made.*

9 *“(2) CONTENT OF REALIGNMENT PROGRAM.—*

10 *“(A) IN GENERAL.—A realignment program*
11 *adopted under this paragraph is a written pro-*
12 *gram which consists of all reasonable measures,*
13 *including options or a range of options to be un-*
14 *dertaken by the plan sponsor or proposed to the*
15 *bargaining parties, formulated, based on reason-*
16 *ably anticipated experience and reasonable actu-*
17 *arial assumptions, to enable the plan to achieve*
18 *a projected funded ratio of at least 120 percent*
19 *for the following plan year.*

20 *“(B) INITIAL PROGRAM ELEMENTS.—Rea-*
21 *sonable measures under a realignment program*
22 *described in subparagraph (A) may include any*
23 *of the following:*

24 *“(i) Proposed contribution increases.*

1 “(ii) *A reduction in the rate of future*
2 *benefit accruals, so long as the resulting*
3 *rate is not less than 1 percent of the con-*
4 *tributions on which benefits are based as of*
5 *the start of the plan year (or the equivalent*
6 *standard accrual rate as described in sec-*
7 *tion 305(e)(6)).*

8 “(iii) *A modification or elimination of*
9 *adjustable benefits of participants that are*
10 *not in pay status before the date of the no-*
11 *tice required under subsection (b)(1).*

12 “(iv) *Any other lawfully available*
13 *measures not specifically described in this*
14 *subparagraph or subparagraph (C) or (D)*
15 *that the plan sponsor determines are rea-*
16 *sonable.*

17 “(C) *ADDITIONAL PROGRAM ELEMENTS.—If*
18 *the plan sponsor has determined that all reason-*
19 *able measures available under subparagraph (B)*
20 *will not enable the plan to achieve a projected*
21 *funded ratio of at least 120 percent for the fol-*
22 *lowing plan year, such reasonable measures may*
23 *also include—*

1 “(i) a reduction of accrued benefits
2 that are not in pay status by the date of the
3 notice required under subsection (b)(1); or

4 “(ii) a reduction of any benefits of
5 participants that are in pay status before
6 the date of the notice required under sub-
7 section (b)(1) other than core benefits as de-
8 fined in paragraph (4).

9 “(D) *ADDITIONAL REDUCTIONS.*—In the
10 case of a composite plan for which the plan
11 sponsor has determined that all reasonable meas-
12 ures available under subparagraphs (B) and (C)
13 will not enable the plan to achieve a projected
14 funded ratio of at least 120 percent for the fol-
15 lowing plan year, such reasonable measures may
16 also include—

17 “(i) a further reduction in the rate of
18 future benefit accruals without regard to the
19 limitation applicable under subparagraph
20 (B)(ii); or

21 “(ii) a reduction of core benefits;
22 provided that such reductions shall be equitably
23 distributed across the participant and bene-
24 ficiary population, taking into account factors,
25 with respect to participants and beneficiaries

1 *and their benefits, that may include one or more*
2 *of the factors listed in subclauses (I) through (X)*
3 *of section 305(e)(9)(D)(vi), to the extent nec-*
4 *essary to enable the plan to achieve a projected*
5 *funded ratio of at least 120 percent for the fol-*
6 *lowing plan year, or at the election of the plan*
7 *sponsor, a projected funded ratio of at least 100*
8 *percent for the following plan year and a current*
9 *funded ratio of at least 90 percent.*

10 “(3) *ADJUSTABLE BENEFIT DEFINED.*—*For pur-*
11 *poses of this part, the term ‘adjustable benefit’*
12 *means—*

13 “(A) *benefits, rights, and features under the*
14 *plan, including post-retirement death benefits,*
15 *60-month guarantees, disability benefits not yet*
16 *in pay status, and similar benefits;*

17 “(B) *any early retirement benefit or retire-*
18 *ment-type subsidy (within the meaning of sec-*
19 *tion 204(g)(2)(A)) and any benefit payment op-*
20 *tion (other than the qualified joint and survivor*
21 *annuity); and*

22 “(C) *benefit increases that were adopted (or,*
23 *if later, took effect) less than 60 months before*
24 *the first day such realignment program took ef-*
25 *fect.*

1 “(4) *CORE BENEFIT DEFINED.*—For purposes of
2 this part, the term ‘core benefit’ means a partici-
3 pant’s accrued benefit payable in the normal form of
4 an annuity commencing at normal retirement age,
5 determined without regard to—

6 “(A) any early retirement benefits, retire-
7 ment-type subsidies, or other benefits, rights, or
8 features that may be associated with that benefit;
9 and

10 “(B) any cost-of-living adjustments or ben-
11 efit increases effective after the date of retire-
12 ment.

13 “(5) *COORDINATION WITH CONTRIBUTION IN-*
14 *CREASES.*—

15 “(A) *IN GENERAL.*—A realignment program
16 may provide that some or all of the benefit modi-
17 fications described in the program will only take
18 effect if the bargaining parties fail to agree to
19 specified levels of increases in contributions to
20 the plan, effective as of specified dates.

21 “(B) *INDEPENDENT BENEFIT MODIFICA-*
22 *TIONS.*—If a realignment program adopts any
23 changes to the benefit formula that are inde-
24 pendent of potential contribution increases, such
25 changes shall take effect not later than 180 days

1 *after the first day of the first plan year that be-*
2 *gins following the adoption of the realignment*
3 *program.*

4 “(C) *CONDITIONAL BENEFIT MODIFICA-*
5 *TIONS.—If a realignment program adopts any*
6 *changes to the benefit formula that take effect*
7 *only if the bargaining parties fail to agree to*
8 *contribution increases, such changes shall take ef-*
9 *fect not later than the first day of the first plan*
10 *year beginning after the third anniversary of the*
11 *date of adoption of the realignment program.*

12 “(D) *REVOCATION OF CERTAIN BENEFIT*
13 *MODIFICATIONS.—Benefit modifications de-*
14 *scribed in subparagraph (C) may be revoked, in*
15 *whole or in part, and retroactively or prospec-*
16 *tively, when contributions to the plan are in-*
17 *creased, as specified in the realignment program,*
18 *including any amendments thereto. The pre-*
19 *ceding sentence shall not apply unless the con-*
20 *tribution increases are to be effective not later*
21 *than the fifth anniversary of the first day of the*
22 *first plan year that begins after the adoption of*
23 *the realignment program.*

24 “(b) *NOTICE.—*

1 “(1) *IN GENERAL.*—*In any case in which it is*
2 *certified under section 802(a) that the projected fund-*
3 *ed ratio is less than 120 percent, the plan sponsor*
4 *shall, not later than 30 days after the date of the cer-*
5 *tification, provide notification of the current and pro-*
6 *jected funded ratios to the participants and bene-*
7 *ficiaries, the bargaining parties, and the Secretary.*
8 *Such notice shall include—*

9 “(A) *an explanation that contribution rate*
10 *increases or benefit reductions may be necessary;*

11 “(B) *a description of the types of benefits*
12 *that might be reduced; and*

13 “(C) *an estimate of the contribution in-*
14 *creases and benefit reductions that may be nec-*
15 *essary to achieve a projected funded ratio of 120*
16 *percent.*

17 “(2) *NOTICE OF BENEFIT MODIFICATIONS.*—

18 “(A) *IN GENERAL.*—*No modifications may*
19 *be made that reduce the rate of future benefit ac-*
20 *crual or that reduce core benefits or adjustable*
21 *benefits unless notice of such reduction has been*
22 *given at least 180 days before the general effec-*
23 *tive date of such reduction for all participants*
24 *and beneficiaries to—*

1 “(i) plan participants and bene-
2 ficiaries;

3 “(ii) each employer who has an obliga-
4 tion to contribute to the composite plan;
5 and

6 “(iii) each employee organization
7 which, for purposes of collective bargaining,
8 represents plan participants employed by
9 such employers.

10 “(B) *CONTENT OF NOTICE.*—The notice
11 under subparagraph (A) shall contain—

12 “(i) sufficient information to enable
13 participants and beneficiaries to under-
14 stand the effect of any reduction on their
15 benefits, including an illustration of any af-
16 fected benefit or subsidy, on an annual or
17 monthly basis that a participant or bene-
18 ficiary would otherwise have been eligible
19 for as of the general effective date described
20 in subparagraph (A); and

21 “(ii) information as to the rights and
22 remedies of plan participants and bene-
23 ficiaries as well as how to contact the De-
24 partment of Labor for further information
25 and assistance, where appropriate.

1 “(C) *FORM AND MANNER.*—*Any notice*
2 *under subparagraph (A)—*

3 “(i) *shall be provided in a form and*
4 *manner prescribed in regulations of the Sec-*
5 *retary of Labor;*

6 “(ii) *shall be written in a manner so*
7 *as to be understood by the average plan*
8 *participant.*

9 “(3) *MODEL NOTICES.*—*The Secretary shall—*

10 “(A) *prescribe model notices that the plan*
11 *sponsor of a composite plan may use to satisfy*
12 *the notice requirements under this subsection;*
13 *and*

14 “(B) *by regulation enumerate any details*
15 *related to the elements listed in paragraph (1)*
16 *that any notice under this subsection must in-*
17 *clude.*

18 “(4) *DELIVERY METHOD.*—*Any notice under this*
19 *part shall be provided in writing and may also be*
20 *provided in electronic form to the extent that the form*
21 *is reasonably accessible to persons to whom the notice*
22 *is provided.*

23 **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

24 “(a) *LEVEL OF CURRENT FUNDED RATIOS.*—*Except*
25 *as provided in subsections (c), (d), and (e), no plan amend-*

1 *ment increasing benefits or establishing new benefits under*
2 *a composite plan may be adopted for a plan year unless—*

3 “(1) *the plan’s current funded ratio is at least*
4 *110 percent (without regard to the benefit increase or*
5 *new benefits);*

6 “(2) *taking the benefit increase or new benefits*
7 *into account, the current funded ratio is at least 100*
8 *percent and the projected funded ratio for the current*
9 *plan year is at least 120 percent;*

10 “(3) *in any case in which, after taking the ben-*
11 *efit increase or new benefits into account, the current*
12 *funded ratio is less than 140 percent and the pro-*
13 *jected funded ratio is less than 140 percent, the ben-*
14 *efit increase or new benefits are projected by the plan*
15 *actuary to increase the present value of the plan’s li-*
16 *abilities for the plan year by not more than 3 percent;*
17 *and*

18 “(4) *expected contributions for the current plan*
19 *year are at least 120 percent of normal cost for the*
20 *plan year, determined using the unit credit funding*
21 *method and treating the benefit increase or new bene-*
22 *fits as in effect for the entire plan year.*

23 “(b) *ADDITIONAL REQUIREMENTS WHERE CORE BEN-*
24 *EFITS REDUCED.—If a plan has been amended to reduce*
25 *core benefits pursuant to a realignment program under sec-*

1 *tion 803(a)(2)(D), such plan may not be subsequently*
2 *amended to increase core benefits unless the amendment—*

3 “(1) *increases the level of future benefit pay-*
4 *ments only; and*

5 “(2) *provides for an equitable distribution of*
6 *benefit increases across the participant and bene-*
7 *ficiary population, taking into account the extent to*
8 *which the benefits of participants were previously re-*
9 *duced pursuant to such realignment program.*

10 “(c) *EXCEPTION TO COMPLY WITH APPLICABLE*
11 *LAW.—Subsection (a) shall not apply in connection with*
12 *a plan amendment if the amendment is required as a condi-*
13 *tion of qualification under part I of subchapter D of chapter*
14 *1 of the Internal Revenue Code of 1986 or to comply with*
15 *other applicable law.*

16 “(d) *EXCEPTION WHERE MAXIMUM DEDUCTIBLE*
17 *LIMIT APPLIES.—Subsection (a) shall not apply in connec-*
18 *tion with a plan amendment if and to the extent that con-*
19 *tributions to the composite plan would not be deductible for*
20 *the plan year under section 404(a)(1)(E) of the Internal*
21 *Revenue Code of 1986 if the plan amendment is not adopt-*
22 *ed.*

23 “(e) *EXCEPTION FOR CERTAIN BENEFIT MODIFICA-*
24 *TIONS.—Subsection (a) shall not apply in connection with*

1 *a plan amendment under section 803(a)(5)(C), regarding*
2 *conditional benefit modifications.*

3 “(f) *TREATMENT OF PLAN AMENDMENTS.—For pur-*
4 *poses of this section—*

5 “(1) *if two or more plan amendments increasing*
6 *benefits or establishing new benefits are adopted in a*
7 *plan year, such amendments shall be treated as a sin-*
8 *gle amendment adopted on the last day of the plan*
9 *year;*

10 “(2) *all benefit increases and new benefits adopt-*
11 *ed in a single amendment are treated as a single ben-*
12 *efit increase, irrespective of whether the increases and*
13 *new benefits take effect in more than one plan year;*
14 *and*

15 “(3) *increases in contributions or decreases in*
16 *plan liabilities which are scheduled to take effect in*
17 *future plan years may be taken into account in con-*
18 *nection with a plan amendment if they have been*
19 *agreed to in writing or otherwise formalized by the*
20 *date the plan amendment is adopted.*

21 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
22 **LEGACY PLAN FUNDING.**

23 “(a) *TREATMENT AS A LEGACY PLAN.—*

24 “(1) *IN GENERAL.—For purposes of this part*
25 *and parts 2 and 3, a defined benefit plan shall be*

1 *treated as a legacy plan with respect to the composite*
2 *plan under which the employees who were eligible to*
3 *accrue a benefit under the defined benefit plan become*
4 *eligible to accrue a benefit under such composite plan.*

5 “(2) *COMPONENT PLANS.*—*In any case in which*
6 *a defined benefit plan is amended to add a composite*
7 *plan component pursuant to section 801(b), para-*
8 *graph (1) shall be applied by substituting ‘defined*
9 *benefit component’ for ‘defined benefit plan’ and*
10 *‘composite plan component’ for ‘composite plan’.*

11 “(3) *ELIGIBLE TO ACCRUE A BENEFIT.*—*For*
12 *purposes of paragraph (1), an employee is considered*
13 *eligible to accrue a benefit under a composite plan as*
14 *of the first day in which the employee completes an*
15 *hour of service under a collective bargaining agree-*
16 *ment that provides for contributions to and accruals*
17 *under the composite plan in lieu of accruals under the*
18 *legacy plan.*

19 “(4) *COLLECTIVE BARGAINING AGREEMENT.*—*As*
20 *used in this part, the term ‘collective bargaining*
21 *agreement’ includes any agreement under which an*
22 *employer has an obligation to contribute to a plan.*

23 “(5) *OTHER TERMS.*—*Any term used in this*
24 *part which is not defined in this part and which is*

1 *also used in section 305 shall have the same meaning*
2 *provided such term in such section.*

3 “(b) *RESTRICTIONS ON ACCEPTANCE BY COMPOSITE*
4 *PLAN OF AGREEMENTS AND CONTRIBUTIONS.*—

5 “(1) *IN GENERAL.*—*The plan sponsor of a com-*
6 *posite plan shall not accept or recognize a collective*
7 *bargaining agreement (or any modification to such*
8 *agreement), and no contributions may be accepted*
9 *and no benefits may be accrued or otherwise earned*
10 *under the agreement—*

11 “(A) *in any case in which the plan actuary*
12 *of any defined benefit plan that would be treated*
13 *as a legacy plan with respect to such composite*
14 *plan has certified under section 305(b)(3) that*
15 *such defined benefit plan is or will be in critical*
16 *status for the plan year in which such agreement*
17 *would take effect or for any of the succeeding 5*
18 *plan years; and*

19 “(B) *unless the agreement requires each em-*
20 *ployer who is a party to such agreement, includ-*
21 *ing employers whose employees are not partici-*
22 *pants in the legacy plan, to provide contribu-*
23 *tions to the legacy plan with respect to such com-*
24 *posite plan in a manner that satisfies the transi-*
25 *tion contribution requirements of subsection (d).*

1 “(2) *NOTICE.*—Not later than 30 days after a de-
2 termination by a plan sponsor of a composite plan
3 that an agreement fails to satisfy the requirements de-
4 scribed in paragraph (1), the plan sponsor shall pro-
5 vide notification of such failure and the reasons for
6 such determination—

7 “(A) to the parties to the agreement;

8 “(B) to active participants of the composite
9 plan who have ceased to accrue or otherwise earn
10 benefits with respect to service with an employer
11 pursuant to paragraph (1); and

12 “(C) to the Secretary, the Secretary of the
13 Treasury, and the Pension Benefit Guaranty
14 Corporation.

15 “(3) *LIMITATION ON RETROACTIVE EFFECT.*—
16 This subsection shall not apply to benefits accrued be-
17 fore the date on which notice is provided under para-
18 graph (2).

19 “(c) *RESTRICTION ON ACCRUAL OF BENEFITS UNDER*
20 *A COMPOSITE PLAN.*—

21 “(1) *IN GENERAL.*—In any case in which an em-
22 ployer, under a collective bargaining agreement en-
23 tered into after the date of enactment of the Giving
24 Retirement Options to Workers Act of 2020, ceases to
25 have an obligation to contribute to a multiemployer

1 *defined benefit plan, no employees employed by the*
2 *employer may accrue or otherwise earn benefits under*
3 *any composite plan, with respect to service with that*
4 *employer, for a 60-month period beginning on the*
5 *date on which the employer entered into such collec-*
6 *tive bargaining agreement.*

7 “(2) *NOTICE OF CESSATION OF OBLIGATION.—*
8 *Within 30 days of determining that an employer has*
9 *ceased to have an obligation to contribute to a legacy*
10 *plan with respect to employees employed by an em-*
11 *ployer that is or will be contributing to a composite*
12 *plan with respect to service of such employees, the*
13 *plan sponsor of the legacy plan shall notify the plan*
14 *sponsor of the composite plan of that cessation.*

15 “(3) *NOTICE OF CESSATION OF ACCRUALS.—Not*
16 *later than 30 days after determining that an em-*
17 *ployer has ceased to have an obligation to contribute*
18 *to a legacy plan, the plan sponsor of the composite*
19 *plan shall notify the bargaining parties, the active*
20 *participants affected by the cessation of accruals, the*
21 *Secretary, the Secretary of the Treasury, and the Pen-*
22 *sion Benefit Guaranty Corporation of the cessation of*
23 *accruals, the period during which such cessation is in*
24 *effect, and the reasons therefor.*

1 “(4) *LIMITATION ON RETROACTIVE EFFECT.*—
2 *This subsection shall not apply to benefits accrued be-*
3 *fore the date on which notice is provided under para-*
4 *graph (3).*

5 “(d) *TRANSITION CONTRIBUTION REQUIREMENTS.*—

6 “(1) *IN GENERAL.*—*A collective bargaining*
7 *agreement satisfies the transition contribution re-*
8 *quirements of this subsection if the agreement—*

9 “(A) *authorizes payment of contributions to*
10 *a legacy plan at a rate or rates equal to or*
11 *greater than the transition contribution rate es-*
12 *tablished by the legacy plan under paragraph*
13 *(2); and*

14 “(B) *does not provide for—*

15 “(i) *a suspension of contributions to*
16 *the legacy plan with respect to any period*
17 *of service; or*

18 “(ii) *any new direct or indirect exclu-*
19 *sion of younger or newly hired employees of*
20 *the employer from being taken into account*
21 *in determining contributions owed to the*
22 *legacy plan.*

23 “(2) *TRANSITION CONTRIBUTION RATE.*—

24 “(A) *IN GENERAL.*—*The transition con-*
25 *tribution rate for a plan year is the contribution*

1 *rate that, as certified by the actuary of the leg-*
2 *acy plan in accordance with the principles in*
3 *section 305(b)(3)(B), is reasonably expected to be*
4 *adequate—*

5 *“(i) to fund the normal cost for the*
6 *plan year;*

7 *“(ii) to amortize the plan’s unfunded*
8 *liabilities in level annual installments over*
9 *25 years, beginning with the plan year in*
10 *which the transition contribution rate is*
11 *first established; and*

12 *“(iii) to amortize any subsequent*
13 *changes in the legacy plan’s unfunded li-*
14 *ability due to experience gains or losses (in-*
15 *cluding investment gains or losses, gains or*
16 *losses due to contributions greater or less*
17 *than the contributions made under the prior*
18 *transition contribution rate, and other actu-*
19 *arial gains or losses), changes in actuarial*
20 *assumptions, changes to the legacy plan’s*
21 *benefits, or changes in funding method over*
22 *a period of 15 plan years beginning with*
23 *the plan year in which such change in un-*
24 *funded liability is incurred.*

1 *The transition contribution rate for any plan*
2 *year may not be less than the transition con-*
3 *tribution rate for the plan year in which such*
4 *rate is first established.*

5 “(B) *MULTIPLE RATES.*—*If different rates*
6 *of contribution are payable to the legacy plan by*
7 *different employers or for different classes of em-*
8 *ployees, the certification shall specify a transi-*
9 *tion contribution rate for each such employer.*

10 “(C) *RATE APPLICABLE TO EMPLOYER.*—

11 “(i) *IN GENERAL.*—*Except as provided*
12 *by clause (ii), the transition contribution*
13 *rate applicable to an employer for a plan*
14 *year is the rate in effect for the plan year*
15 *of the legacy plan that commences on or*
16 *after 180 days before the earlier of—*

17 “(I) *the effective date of the collec-*
18 *tive bargaining agreement pursuant to*
19 *which the employer contributes to the*
20 *legacy plan; or*

21 “(II) *5 years after the last plan*
22 *year for which the transition contribu-*
23 *tion rate applicable to the employer*
24 *was established or updated.*

1 “(ii) *EXCEPTION.*—*The transition con-*
2 *tribution rate applicable to an employer for*
3 *the first plan year beginning on or after the*
4 *commencement of the employer’s obligation*
5 *to contribute to the composite plan is the*
6 *rate in effect for the plan year of the legacy*
7 *plan that commences on or after 180 days*
8 *before such first plan year.*

9 “(D) *EFFECT OF LEGACY PLAN FINANCIAL*
10 *CIRCUMSTANCES.*—*If the plan actuary of the leg-*
11 *acy plan has certified under section 305 that the*
12 *plan is in endangered or critical status for a*
13 *plan year, the transition contribution rate for*
14 *the following plan year is the rate determined*
15 *with respect to the employer under the legacy*
16 *plan’s funding improvement or rehabilitation*
17 *plan under section 305, if greater than the rate*
18 *otherwise determined, but in no event greater*
19 *than 75 percent of the sum of the contribution*
20 *rates applicable to the legacy plan and the com-*
21 *posite plan for the plan year.*

22 “(E) *OTHER ACTUARIAL ASSUMPTIONS AND*
23 *METHODS.*—*Except as provided in subparagraph*
24 *(A), the determination of the transition contribu-*
25 *tion rate for a plan year shall be based on actu-*

1 *arial assumptions and methods consistent with*
2 *the minimum funding determinations made*
3 *under section 304 (or, if applicable, section 305)*
4 *with respect to the legacy plan for the plan year.*

5 *“(F) ADJUSTMENTS IN RATE.—The plan*
6 *sponsor of a legacy plan from time to time may*
7 *adjust the transition contribution rate or rates*
8 *applicable to an employer under this paragraph*
9 *by increasing some rates and decreasing others if*
10 *the actuary certifies that such adjusted rates in*
11 *combination will produce projected contribution*
12 *income for the plan year beginning on or after*
13 *the date of certification that is not less than*
14 *would be produced by the transition contribution*
15 *rates in effect at the time of the certification.*

16 *“(G) NOTICE OF TRANSITION CONTRIBUTION*
17 *RATE.—The plan sponsor of a legacy plan shall*
18 *provide notice to the parties to collective bar-*
19 *gaining agreements pursuant to which contribu-*
20 *tions are made to the legacy plan of changes to*
21 *the transition contribution rate requirements at*
22 *least 30 days before the beginning of the plan*
23 *year for which the rate is effective.*

24 *“(H) NOTICE TO COMPOSITE PLAN SPON-*
25 *SOR.—Not later than 30 days after a determina-*

1 tion by the plan sponsor of a legacy plan that
2 a collective bargaining agreement provides for a
3 rate of contributions that is below the transition
4 contribution rate applicable to one or more em-
5 ployers that are parties to the collective bar-
6 gaining agreement, the plan sponsor of the leg-
7 acy plan shall notify the plan sponsor of any
8 composite plan under which employees of such
9 employer would otherwise be eligible to accrue a
10 benefit.

11 “(3) *CORRECTION PROCEDURES.*—Pursuant to
12 standards prescribed by the Secretary, the plan spon-
13 sor of a composite plan shall adopt rules and proce-
14 dures that give the parties to the collective bargaining
15 agreement notice of the failure of such agreement to
16 satisfy the transition contribution requirements of
17 this subsection, and a reasonable opportunity to cor-
18 rect such failure, not to exceed 180 days from the date
19 of notice given under subsection (b)(2).

20 “(4) *SUPPLEMENTAL CONTRIBUTIONS.*—A collec-
21 tive bargaining agreement may provide for supple-
22 mental contributions to the legacy plan for a plan
23 year in excess of the transition contribution rate de-
24 termined under paragraph (2), regardless of whether

1 *the legacy plan is in endangered or critical status for*
2 *such plan year.*

3 “(e) *NONAPPLICATION OF COMPOSITE PLAN RESTRIC-*
4 *TIONS.—*

5 “(1) *IN GENERAL.—The provisions of subsections*
6 *(a), (b), and (c) shall not apply with respect to a col-*
7 *lective bargaining agreement, to the extent the agree-*
8 *ment, or a predecessor agreement, provides or pro-*
9 *vided for contributions to a defined benefit plan that*
10 *is a legacy plan, as of the first day of the first plan*
11 *year following a plan year for which the plan actuary*
12 *certifies that the plan is fully funded, has been fully*
13 *funded for at least three out of the immediately pre-*
14 *ceding 5 plan years, and is projected to remain fully*
15 *funded for at least the following 4 plan years.*

16 “(2) *DETERMINATION OF FULLY FUNDED.—A*
17 *plan is fully funded for purposes of paragraph (1) if,*
18 *as of the valuation date of the plan for a plan year,*
19 *the value of the plan’s assets equals or exceeds the*
20 *present value of the plan’s liabilities, determined in*
21 *accordance with the rules prescribed by the Pension*
22 *Benefit Guaranty Corporation under sections*
23 *4219(c)(1)(D) and 4281 for multiemployer plans ter-*
24 *minating by mass withdrawal, as in effect for the*
25 *date of the determination, except the plan’s reasonable*

1 *assumption regarding the starting date of benefits*
2 *may be used.*

3 “(3) *OTHER APPLICABLE RULES.—Except as*
4 *provided in paragraph (2), actuarial determinations*
5 *and projections under this section shall be based on*
6 *the rules in section 305(b)(3) and section 802(b).*

7 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**
8 **POSITE PLANS.**

9 “(a) *IN GENERAL.—Assets and liabilities of a com-*
10 *posite plan may only be merged with, or transferred to, an-*
11 *other plan if—*

12 “(1) *the other plan is a composite plan;*

13 “(2) *the plan or plans resulting from the merger*
14 *or transfer is a composite plan;*

15 “(3) *no participant’s accrued benefit or adjust-*
16 *able benefit is lower immediately after the transaction*
17 *than it was immediately before the transaction; and*

18 “(4) *the value of the assets transferred in the*
19 *case of a transfer reasonably reflects the value of the*
20 *amounts contributed with respect to the participants*
21 *whose benefits are being transferred, adjusted for allo-*
22 *cable distributions, investment gains and losses, and*
23 *administrative expenses.*

24 “(b) *LEGACY PLAN.—*

1 “(1) *IN GENERAL.*—After a merger or transfer
2 involving a composite plan, the legacy plan with re-
3 spect to an employer that is obligated to contribute to
4 the resulting composite plan is the legacy plan that
5 applied to that employer immediately before the
6 merger or transfer.

7 “(2) *MULTIPLE LEGACY PLANS.*—If an employer
8 is obligated to contribute to more than one legacy
9 plan with respect to employees eligible to accrue bene-
10 fits under more than one composite plan and there is
11 a merger or transfer of such legacy plans, the transi-
12 tion contribution rate applicable to the legacy plan
13 resulting from the merger or transfer with respect to
14 that employer shall be determined in accordance with
15 the provisions of section 805(d)(2)(B).”.

16 (2) *PENALTIES.*—

17 (A) *CIVIL ENFORCEMENT OF FAILURE TO*
18 *COMPLY WITH REALIGNMENT PROGRAM.*—Section
19 502(a) of such Act (29 U.S.C. 1132(a)) is
20 amended—

21 (i) in paragraph (10), by striking “or”
22 at the end;

23 (ii) in paragraph (11), by striking the
24 period at the end and inserting “; or”; and

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

3 “(12) in the case of a composite plan required to
4 adopt a realignment program under section 803, if
5 the plan sponsor—

6 “(A) has not adopted a realignment pro-
7 gram under that section by the deadline estab-
8 lished in such section; or

9 “(B) fails to update or comply with the
10 terms of the realignment program in accordance
11 with the requirements of such section,

12 by the Secretary, by an employer that has an obliga-
13 tion to contribute with respect to the composite plan,
14 or by an employee organization that represents active
15 participants in the composite plan, for an order com-
16 pelling the plan sponsor to adopt a realignment pro-
17 gram, or to update or comply with the terms of the
18 realignment program, in accordance with the require-
19 ments of such section and the realignment program.”.

20 (B) CIVIL PENALTIES.—Section 502(c) of
21 such Act (29 U.S.C. 1132(c)) is amended—

22 (i) by moving paragraphs (8), (10),
23 and (12) each 2 ems to the left;

1 (ii) by redesignating paragraphs (9)
2 through (12) as paragraphs (12) through
3 (15), respectively; and

4 (iii) by inserting after paragraph (8)
5 the following:

6 “(9) The Secretary may assess against any plan
7 sponsor of a composite plan a civil penalty of not
8 more than \$1,100 per day for each violation by such
9 sponsor—

10 “(A) of the requirement under section
11 802(a) on the plan actuary to certify the plan’s
12 current or projected funded ratio by the date
13 specified in such subsection; or

14 “(B) of the requirement under section 803
15 to adopt a realignment program by the deadline
16 established in that section and to comply with its
17 terms.

18 “(10)(A) The Secretary may assess against any
19 plan sponsor of a composite plan a civil penalty of
20 not more than \$100 per day for each violation by
21 such sponsor of the requirement under section 803(b)
22 to provide notice as described in such section, except
23 that no penalty may be assessed in any case in which
24 the plan sponsor exercised reasonable diligence to
25 meet the requirements of such section and—

1 “(i) the plan sponsor did not know that the
2 violation existed; or

3 “(ii) the plan sponsor provided such notice
4 during the 30-day period beginning on the first
5 date on which the plan sponsor knew, or in exer-
6 cising reasonable due diligence should have
7 known, that such violation existed.

8 “(B) In any case in which the plan sponsor exer-
9 cised reasonable diligence to meet the requirements of
10 section 803(b)—

11 “(i) the total penalty assessed under this
12 paragraph against such sponsor for a plan year
13 may not exceed \$500,000; and

14 “(ii) the Secretary may waive part or all of
15 such penalty to the extent that the payment of
16 such penalty would be excessive or otherwise in-
17 equitable relative to the violation involved.

18 “(11) The Secretary may assess against any
19 plan sponsor of a composite plan a civil penalty of
20 not more than \$100 per day for each violation by
21 such sponsor of the notice requirements under sections
22 801(b)(5) and 805(b)(2).”.

23 (3) CONFORMING AMENDMENT.—The table of
24 contents in section 1 of such Act (29 U.S.C. 1001

1 *note) is amended by inserting after the item relating*
 2 *to section 734 the following:*

“PART 8—COMPOSITE PLANS AND LEGACY PLANS

“Sec. 801. *Composite plan defined.*

“Sec. 802. *Funded ratios; actuarial assumptions.*

“Sec. 803. *Realignment program.*

“Sec. 804. *Limitation on increasing benefits.*

“Sec. 805. *Composite plan restrictions to preserve legacy plan funding.*

“Sec. 806. *Mergers and asset transfers of composite plans.*”.

3 ***(b) AMENDMENT TO THE INTERNAL REVENUE CODE***
 4 ***OF 1986.—***

5 ***(1) IN GENERAL.—Part III of subchapter D of***
 6 ***chapter 1 of the Internal Revenue Code of 1986 is***
 7 ***amended by adding at the end the following:***

8 **“Subpart C—Composite Plans and Legacy Plans**

“Sec. 437. *Composite plan defined.*

“Sec. 438. *Funded ratios; actuarial assumptions.*

“Sec. 439. *Realignment program.*

“Sec. 440. *Limitation on increasing benefits.*

“Sec. 440A. *Composite plan restrictions to preserve legacy plan funding.*

“Sec. 440B. *Mergers and asset transfers of composite plans.*

9 **“SEC. 437. COMPOSITE PLAN DEFINED.**

10 ***“(a) IN GENERAL.—For purposes of this title, the term***
 11 ***‘composite plan’ means a pension plan—***

12 ***“(1) which is a multiemployer plan that is nei-***
 13 ***ther a defined benefit plan nor a defined contribution***
 14 ***plan,***

15 ***“(2) the terms of which provide that the plan is***
 16 ***a composite plan for purposes of this title with re-***
 17 ***spect to which not more than one multiemployer de-***
 18 ***finned benefit plan is treated as a legacy plan within***

1 *the meaning of section 440A, unless there is more*
2 *than one legacy plan following a merger of composite*
3 *plans under section 440B,*

4 “(3) *which provides systematically for the pay-*
5 *ment of benefits—*

6 “(A) *objectively calculated pursuant to a*
7 *formula enumerated in the plan document with*
8 *respect to plan participants after retirement, for*
9 *life, and*

10 “(B) *in the form of life annuities, except for*
11 *benefits which under section 411(a)(11) may be*
12 *immediately distributed without the consent of*
13 *the participant,*

14 “(4) *for which the plan contributions for the first*
15 *plan year are at least 120 percent of the normal cost*
16 *for the plan year,*

17 “(5) *which requires—*

18 “(A) *an annual valuation of the liability of*
19 *the plan as of a date within the plan year to*
20 *which the valuation refers or within one month*
21 *prior to the beginning of such year,*

22 “(B) *an annual actuarial determination of*
23 *the plan’s current funded ratio and projected*
24 *funded ratio under section 438(a),*

1 “(C) *corrective action through a realign-*
2 *ment program pursuant to section 439 whenever*
3 *the plan’s projected funded ratio is below 120*
4 *percent for the plan year, and*

5 “(D) *an annual notification to each partici-*
6 *part describing the participant’s benefits under*
7 *the plan and explaining that such benefits may*
8 *be subject to reduction under a realignment pro-*
9 *gram pursuant to section 439 based on the plan’s*
10 *funded status in future plan years, and*

11 “(6) *the board of trustees of which includes at*
12 *least one retiree or beneficiary in pay status during*
13 *each plan year following the first plan year in which*
14 *at least 5 percent of the participants in the plan are*
15 *retirees or beneficiaries in pay status.*

16 “(b) *TRANSITION FROM A MULTIEMPLOYER DEFINED*
17 *BENEFIT PLAN.—*

18 “(1) *IN GENERAL.—The plan sponsor of a de-*
19 *fin ed benefit plan that is a multiemployer plan may,*
20 *subject to paragraph (2), amend the plan to incor-*
21 *porate the features of a composite plan as a compo-*
22 *nent of the multiemployer plan separate from the de-*
23 *fin ed benefit plan component, except in the case of a*
24 *defined benefit plan for which the plan actuary has*
25 *certified under section 432(b)(3) that the plan is or*

1 *will be in critical status for the plan year in which*
2 *such amendment would become effective or for any of*
3 *the succeeding 5 plan years.*

4 “(2) *REQUIREMENTS.*—*Any amendment pursu-*
5 *ant to paragraph (1) to incorporate the features of a*
6 *composite plan as a component of a multiemployer*
7 *plan shall—*

8 “(A) *apply with respect to all collective bar-*
9 *gaining agreements providing for contributions*
10 *to the multiemployer plan on or after the effec-*
11 *tive date of the amendment,*

12 “(B) *apply with respect to all participants*
13 *in the multiemployer plan for whom contribu-*
14 *tions are made to the multiemployer plan on or*
15 *after the effective date of the amendment,*

16 “(C) *specify that the effective date of the*
17 *amendment is—*

18 “(i) *the first day of a specified plan*
19 *year following the date of the adoption of*
20 *the amendment, except that the plan spon-*
21 *sor may alternatively provide for a separate*
22 *effective date with respect to each collective*
23 *bargaining agreement under which con-*
24 *tributions to the multiemployer plan are re-*
25 *quired, which shall occur on the first day of*

1 *the first plan year beginning after the ter-*
2 *mination, or if earlier, the re-opening, of*
3 *each such agreement, or such earlier date as*
4 *the parties to the agreement and the plan*
5 *sponsor of the multiemployer plan shall*
6 *agree to, and*

7 “(ii) *not later than the first day of the*
8 *fifth plan year beginning on or after the*
9 *date of the adoption of the amendment,*

10 “(D) *specify that, as of the amendment’s ef-*
11 *fective date, no further benefits shall accrue*
12 *under the defined benefit component of the multi-*
13 *employer plan, and*

14 “(E) *specify that, as of the amendment’s ef-*
15 *fective date, the plan sponsor of the multiem-*
16 *ployer plan shall be the plan sponsor of both the*
17 *composite plan component and the defined ben-*
18 *efit plan component of the plan.*

19 “(3) *SPECIAL RULES.—If a multiemployer plan*
20 *is amended pursuant to paragraph (1)—*

21 “(A) *the requirements of this title shall be*
22 *applied to the composite plan component and the*
23 *defined benefit plan component of the multiem-*
24 *ployer plan as if each such component were*
25 *maintained as a separate plan, and*

1 “(B) the assets of the composite plan compo-
2 nent and the defined benefit plan component of
3 the plan shall be held in a single trust forming
4 part of the plan under which the trust instru-
5 ment expressly provides—

6 “(i) for separate accounts (and appro-
7 priate records) to be maintained to reflect
8 the interest which each of the plan compo-
9 nents has in the trust, including separate
10 accounting for additions to the trust for the
11 benefit of each plan component, disburse-
12 ments made from each plan component’s ac-
13 count in the trust, investment experience of
14 the trust allocable to that account, and ad-
15 ministrative expenses (whether direct ex-
16 penses or shared expenses allocated propor-
17 tionally), and permits, but does not require,
18 the pooling of some or all of the assets of the
19 two plan components for investment pur-
20 poses, and

21 “(ii) that the assets of each of the two
22 plan components shall be held, invested, re-
23 invested, managed, administered and dis-
24 tributed for the exclusive benefit of the par-
25 ticipants and beneficiaries of each such

1 *plan component, and in no event shall the*
2 *assets of one of the plan components be*
3 *available to pay benefits due under the*
4 *other plan component.*

5 “(4) *NOT A TERMINATION EVENT.*—*Notwith-*
6 *standing section 4041A of the Employee Retirement*
7 *Income Security Act of 1974, an amendment pursu-*
8 *ant to paragraph (1) to incorporate the features of a*
9 *composite plan as a component of a multiemployer*
10 *plan does not constitute termination of the multiem-*
11 *ployer plan.*

12 “(5) *NOTICE TO THE SECRETARY.*—

13 “(A) *NOTICE.*—*The plan sponsor of a com-*
14 *posite plan shall provide notice to the Secretary*
15 *of the intent to establish the composite plan (or,*
16 *in the case of a composite plan incorporated as*
17 *a component of a multiemployer plan as de-*
18 *scribed in paragraph (1), the intent to amend*
19 *the multiemployer plan to incorporate such com-*
20 *posite plan) at least 30 days prior to the effective*
21 *date of such establishment or amendment.*

22 “(B) *CERTIFICATION.*—*In the case of a*
23 *composite plan incorporated as a component of*
24 *a multiemployer plan as described in paragraph*
25 *(1), such notice shall include a certification by*

1 *the plan actuary under section 432(b)(3) that the*
2 *effective date of the amendment occurs in a plan*
3 *year for which the multiemployer plan is not in*
4 *critical status for that plan year and any of the*
5 *succeeding 5 plan years.*

6 “(6) *REFERENCES TO COMPOSITE PLAN COMPO-*
7 *NENT.—As used in this subpart, the term ‘composite*
8 *plan’ includes a composite plan component added to*
9 *a defined benefit plan pursuant to paragraph (1).*

10 “(7) *RULE OF CONSTRUCTION.—Paragraph*
11 *(2)(A) shall not be construed as preventing the plan*
12 *sponsor of a multiemployer plan from adopting an*
13 *amendment pursuant to paragraph (1) because some*
14 *collective bargaining agreements are amended to cease*
15 *any covered employer’s obligation to contribute to the*
16 *multiemployer plan before or after the plan amend-*
17 *ment is effective. Paragraph (2)(B) shall not be con-*
18 *strued as preventing the plan sponsor of a multiem-*
19 *ployer plan from adopting an amendment pursuant*
20 *to paragraph (1) because some participants cease to*
21 *have contributions made to the multiemployer plan*
22 *on their behalf before or after the plan amendment is*
23 *effective.*

1 “(c) *COORDINATION WITH FUNDING RULES.*—*Except*
 2 *as otherwise provided in this title, sections 412, 431, and*
 3 *432 shall not apply to a composite plan.*

4 “(d) *TREATMENT OF A COMPOSITE PLAN.*—*For pur-*
 5 *poses of this title (other than sections 412 and 418E), a*
 6 *composite plan shall be treated as if it were a defined ben-*
 7 *efit plan unless a different treatment is provided for under*
 8 *applicable law.*

9 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

10 “(a) *CERTIFICATION OF FUNDED RATIOS.*—

11 “(1) *IN GENERAL.*—*Not later than the one-hun-*
 12 *dred twentieth day of each plan year of a composite*
 13 *plan, the plan actuary of the composite plan shall*
 14 *certify to the Secretary, the Secretary of Labor, and*
 15 *the plan sponsor the plan’s current funded ratio and*
 16 *projected funded ratio for the plan year.*

17 “(2) *DETERMINATION OF CURRENT FUNDED*
 18 *RATIO AND PROJECTED FUNDED RATIO.*—*For pur-*
 19 *poses of this section—*

20 “(A) *CURRENT FUNDED RATIO.*—*The cur-*
 21 *rent funded ratio is the ratio (expressed as a*
 22 *percentage) of—*

23 “(i) *the value of the plan’s assets as of*
 24 *the first day of the plan year, to*

1 “(ii) the plan actuary’s best estimate of
2 the present value of the plan liabilities as of
3 the first day of the plan year.

4 “(B) *PROJECTED FUNDED RATIO.*—The pro-
5 jected funded ratio is the current funded ratio
6 projected to the first day of the fifteenth plan
7 year following the plan year for which the deter-
8 mination is being made.

9 “(3) *CONSIDERATION OF CONTRIBUTION RATE*
10 *INCREASES.*—For purposes of projections under this
11 subsection, the plan sponsor may anticipate contribu-
12 tion rate increases beyond the term of the current col-
13 lective bargaining agreement and any agreed-to sup-
14 plements, up to a maximum of 2.5 percent per year,
15 compounded annually, unless it would be unreason-
16 able under the circumstances to assume that contribu-
17 tions would increase by that amount.

18 “(b) *ACTUARIAL ASSUMPTIONS AND METHODS.*—For
19 purposes of this part—

20 “(1) *IN GENERAL.*—All costs, liabilities, rates of
21 interest, and other factors under the plan shall be de-
22 termined for a plan year on the basis of actuarial as-
23 sumptions and methods—

1 “(A) each of which is reasonable (taking
2 into account the experience of the plan and rea-
3 sonable expectations),

4 “(B) which, in combination, offer the actu-
5 ary’s best estimate of anticipated experience
6 under the plan, and

7 “(C) with respect to which any change from
8 the actuarial assumptions and methods used in
9 the previous plan year shall be certified by the
10 plan actuary and the actuarial rationale for
11 such change provided in the annual report re-
12 quired by section 6058.

13 “(2) *FAIR MARKET VALUE OF ASSETS.*—The
14 value of the plan’s assets shall be taken into account
15 on the basis of their fair market value.

16 “(3) *DETERMINATION OF NORMAL COST AND*
17 *PLAN LIABILITIES.*—A plan’s normal cost and liabil-
18 ities shall be based on the most recent actuarial valu-
19 ation required under section 437(a)(5)(A) and the
20 unit credit funding method.

21 “(4) *TIME WHEN CERTAIN CONTRIBUTIONS*
22 *DEEMED MADE.*—Any contributions for a plan year
23 made by an employer after the last day of such plan
24 year, but not later than two and one-half months
25 after such day, shall be deemed to have been made on

1 *such last day. For purposes of this paragraph, such*
2 *two and one-half month period may be extended for*
3 *not more than six months under regulations pre-*
4 *scribed by the Secretary.*

5 “(5) *ADDITIONAL ACTUARIAL ASSUMPTIONS.—*
6 *Except where otherwise provided in this subpart, the*
7 *provisions of section 432(b)(3)(B) shall apply to any*
8 *determination or projection under this subpart.*

9 **“SEC. 439. REALIGNMENT PROGRAM.**

10 “(a) *REALIGNMENT PROGRAM.—*

11 “(1) *ADOPTION.—In any case in which the plan*
12 *actuary certifies under section 438(a) that the plan’s*
13 *projected funded ratio is below 120 percent for the*
14 *plan year, the plan sponsor shall adopt a realignment*
15 *program under paragraph (2) not later than 210*
16 *days after the due date of the certification required*
17 *under section 438(a). The plan sponsor shall adopt an*
18 *updated realignment program for each succeeding*
19 *plan year for which a certification described in the*
20 *preceding sentence is made.*

21 “(2) *CONTENT OF REALIGNMENT PROGRAM.—*

22 “(A) *IN GENERAL.—A realignment program*
23 *adopted under this paragraph is a written pro-*
24 *gram which consists of all reasonable measures,*
25 *including options or a range of options to be un-*

1 *dertaken by the plan sponsor or proposed to the*
2 *bargaining parties, formulated, based on reason-*
3 *ably anticipated experience and reasonable actu-*
4 *arial assumptions, to enable the plan to achieve*
5 *a projected funded ratio of at least 120 percent*
6 *for the following plan year.*

7 *“(B) INITIAL PROGRAM ELEMENTS.—Rea-*
8 *sonable measures under a realignment program*
9 *described in subparagraph (A) may include any*
10 *of the following:*

11 *“(i) Proposed contribution increases.*

12 *“(ii) A reduction in the rate of future*
13 *benefit accruals, so long as the resulting*
14 *rate shall not be less than 1 percent of the*
15 *contributions on which benefits are based as*
16 *of the start of the plan year (or the equiva-*
17 *lent standard accrual rate as described in*
18 *section 432(e)(6)).*

19 *“(iii) A modification or elimination of*
20 *adjustable benefits of participants that are*
21 *not in pay status before the date of the no-*
22 *tice required under subsection (b)(1).*

23 *“(iv) Any other legally available meas-*
24 *ures not specifically described in this sub-*

1 *paragraph or subparagraph (C) or (D) that*
2 *the plan sponsor determines are reasonable.*

3 “(C) *ADDITIONAL PROGRAM ELEMENTS.—If*
4 *the plan sponsor has determined that all reason-*
5 *able measures available under subparagraph (B)*
6 *will not enable the plan to achieve a projected*
7 *funded ratio of at least 120 percent the following*
8 *plan year, such reasonable measures may also*
9 *include—*

10 “(i) *a reduction of accrued benefits*
11 *that are not in pay status by the date of the*
12 *notice required under subsection (b)(1), or*

13 “(ii) *a reduction of any benefits of*
14 *participants that are in pay status before*
15 *the date of the notice required under sub-*
16 *section (b)(1) other than core benefits as de-*
17 *finied in paragraph (4).*

18 “(D) *ADDITIONAL REDUCTIONS.—In the*
19 *case of a composite plan for which the plan*
20 *sponsor has determined that all reasonable meas-*
21 *ures available under subparagraphs (B) and (C)*
22 *will not enable the plan to achieve a projected*
23 *funded ratio of at least 120 percent for the fol-*
24 *lowing plan year, such reasonable measures may*
25 *also include—*

1 “(i) a further reduction in the rate of
2 future benefit accruals without regard to the
3 limitation applicable under subparagraph
4 (B)(ii), or

5 “(ii) a reduction of core benefits,
6 provided that such reductions shall be equitably
7 distributed across the participant and bene-
8 ficiary population, taking into account factors,
9 with respect to participants and beneficiaries
10 and their benefits, that may include one or more
11 of the factors listed in subclauses (I) through (X)
12 of section 432(e)(9)(D)(vi), to the extent nec-
13 essary to enable the plan to achieve a projected
14 funded ratio of at least 120 percent for the fol-
15 lowing plan year, or at the election of the plan
16 sponsor, a projected funded ratio of at least 100
17 percent for the following plan year and a current
18 funded ratio of at least 90 percent.

19 “(3) *ADJUSTABLE BENEFIT DEFINED.*—For pur-
20 poses of this subpart, the term ‘adjustable benefit’
21 means—

22 “(A) benefits, rights, and features under the
23 plan, including post-retirement death benefits,
24 60-month guarantees, disability benefits not yet
25 in pay status, and similar benefits,

1 “(B) any early retirement benefit or retire-
2 ment-type subsidy (within the meaning of sec-
3 tion 411(d)(6)(B)(i)) and any benefit payment
4 option (other than the qualified joint and sur-
5 vivor annuity), and

6 “(C) benefit increases that were adopted (or,
7 if later, took effect) less than 60 months before
8 the first day such realignment program took ef-
9 fect.

10 “(4) CORE BENEFIT DEFINED.—For purposes of
11 this subpart, the term ‘core benefit’ means a partici-
12 pant’s accrued benefit payable in the normal form of
13 an annuity commencing at normal retirement age,
14 determined without regard to—

15 “(A) any early retirement benefits, retire-
16 ment-type subsidies, or other benefits, rights, or
17 features that may be associated with that benefit,
18 and

19 “(B) any cost-of-living adjustments or ben-
20 efit increases effective after the date of retire-
21 ment.

22 “(5) COORDINATION WITH CONTRIBUTION IN-
23 CREASES.—

24 “(A) IN GENERAL.—A realignment program
25 may provide that some or all of the benefit modi-

1 *fications described in the program will only take*
2 *effect if the bargaining parties fail to agree to*
3 *specified levels of increases in contributions to*
4 *the plan, effective as of specified dates.*

5 *“(B) INDEPENDENT BENEFIT MODIFICA-*
6 *TIONS.—If a realignment program adopts any*
7 *changes to the benefit formula that are inde-*
8 *pendent of potential contribution increases, such*
9 *changes shall take effect not later than 180 days*
10 *following the first day of the first plan year that*
11 *begins following the adoption of the realignment*
12 *program.*

13 *“(C) CONDITIONAL BENEFIT MODIFICA-*
14 *TIONS.—If a realignment program adopts any*
15 *changes to the benefit formula that take effect*
16 *only if the bargaining parties fail to agree to*
17 *contribution increases, such changes shall take ef-*
18 *fect not later than the first day of the first plan*
19 *year beginning after the third anniversary of the*
20 *date of adoption of the realignment program.*

21 *“(D) REVOCATION OF CERTAIN BENEFIT*
22 *MODIFICATIONS.—Benefit modifications de-*
23 *scribed in paragraph (3) may be revoked, in*
24 *whole or in part, and retroactively or prospec-*
25 *tively, when contributions to the plan are in-*

1 *creased, as specified in the realignment program,*
2 *including any amendments thereto. The pre-*
3 *ceding sentence shall not apply unless the con-*
4 *tribution increases are to be effective not later*
5 *than the fifth anniversary of the first day of the*
6 *first plan year that begins after the adoption of*
7 *the realignment program.*

8 “(b) NOTICE.—

9 “(1) IN GENERAL.—*In any case in which it is*
10 *certified under section 438(a) that the projected fund-*
11 *ed ratio is less than 120 percent, the plan sponsor*
12 *shall, not later than 30 days after the date of the cer-*
13 *tification, provide notification of the current and pro-*
14 *jected funded ratios to the participants and bene-*
15 *ficiaries, the bargaining parties, and the Secretary.*

16 *Such notice shall include—*

17 “(A) *an explanation that contribution rate*
18 *increases or benefit reductions may be necessary,*

19 “(B) *a description of the types of benefits*
20 *that might be reduced, and*

21 “(C) *an estimate of the contribution in-*
22 *creases and benefit reductions that may be nec-*
23 *essary to achieve a projected funded ratio of 120*
24 *percent.*

25 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

1 “(A) *IN GENERAL.*—No modifications may
2 be made that reduce the rate of future benefit ac-
3 crual or that reduce core benefits or adjustable
4 benefits unless notice of such reduction has been
5 given at least 180 days before the general effec-
6 tive date of such reduction for all participants
7 and beneficiaries to—

8 “(i) plan participants and bene-
9 ficiaries,

10 “(ii) each employer who has an obliga-
11 tion to contribute to the composite plan,
12 and

13 “(iii) each employee organization
14 which, for purposes of collective bargaining,
15 represents plan participants employed by
16 such employers.

17 “(B) *CONTENT OF NOTICE.*—The notice
18 under subparagraph (A) shall contain—

19 “(i) sufficient information to enable
20 participants and beneficiaries to under-
21 stand the effect of any reduction on their
22 benefits, including an illustration of any af-
23 fected benefit or subsidy, on an annual or
24 monthly basis that a participant or bene-
25 ficiary would otherwise have been eligible

1 *for as of the general effective date described*
2 *in subparagraph (A), and*

3 “(ii) *information as to the rights and*
4 *remedies of plan participants and bene-*
5 *ficiaries as well as how to contact the De-*
6 *partment of Labor for further information*
7 *and assistance, where appropriate.*

8 “(C) *FORM AND MANNER.—Any notice*
9 *under subparagraph (A)—*

10 “(i) *shall be provided in a form and*
11 *manner prescribed in regulations of the Sec-*
12 *retary of Labor,*

13 “(ii) *shall be written in a manner so*
14 *as to be understood by the average plan*
15 *participant.*

16 “(3) *MODEL NOTICES.—The Secretary shall—*

17 “(A) *prescribe model notices that the plan*
18 *sponsor of a composite plan may use to satisfy*
19 *the notice requirements under this subsection,*
20 *and*

21 “(B) *by regulation enumerate any details*
22 *related to the elements listed in paragraph (1)*
23 *that any notice under this subsection must in-*
24 *clude.*

1 “(4) *DELIVERY METHOD.*—Any notice under this
2 part shall be provided in writing and may also be
3 provided in electronic form to the extent that the form
4 is reasonably accessible to persons to whom the notice
5 is provided.

6 **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

7 “(a) *LEVEL OF CURRENT FUNDED RATIOS.*—Except
8 as provided in subsections (c), (d), and (e), no plan amend-
9 ment increasing benefits or establishing new benefits under
10 a composite plan may be adopted for a plan year unless—

11 “(1) the plan’s current funded ratio is at least
12 110 percent (without regard to the benefit increase or
13 new benefits),

14 “(2) taking the benefit increase or new benefits
15 into account, the current funded ratio is at least 100
16 percent and the projected funded ratio for the current
17 plan year is at least 120 percent,

18 “(3) in any case in which, after taking the ben-
19 efit increase or new benefits into account, the current
20 funded ratio is less than 140 percent or the projected
21 funded ratio is less than 140 percent, the benefit in-
22 crease or new benefits are projected by the plan actu-
23 ary to increase the present value of the plan’s liabil-
24 ities for the plan year by not more than 3 percent,
25 and

1 “(4) *expected contributions for the current plan*
2 *year are at least 120 percent of normal cost for the*
3 *plan year, determined using the unit credit funding*
4 *method and treating the benefit increase or new bene-*
5 *fits as in effect for the entire plan year.*

6 “(b) *ADDITIONAL REQUIREMENTS WHERE CORE BEN-*
7 *EFITS REDUCED.—If a plan has been amended to reduce*
8 *core benefits pursuant to a realignment program under sec-*
9 *tion 439(a)(2)(D), such plan may not be subsequently*
10 *amended to increase core benefits unless the amendment—*

11 “(1) *increases the level of future benefit pay-*
12 *ments only, and*

13 “(2) *provides for an equitable distribution of*
14 *benefit increases across the participant and bene-*
15 *ficiary population, taking into account the extent to*
16 *which the benefits of participants were previously re-*
17 *duced pursuant to such realignment program.*

18 “(c) *EXCEPTION TO COMPLY WITH APPLICABLE*
19 *LAW.—Subsection (a) shall not apply in connection with*
20 *a plan amendment if the amendment is required as a condi-*
21 *tion of qualification under part I of subchapter D of chapter*
22 *1 or to comply with other applicable law.*

23 “(d) *EXCEPTION WHERE MAXIMUM DEDUCTIBLE*
24 *LIMIT APPLIES.—Subsection (a) shall not apply in connec-*
25 *tion with a plan amendment if and to the extent that con-*

1 *tributions to the composite plan would not be deductible for*
2 *the plan year under section 404(a)(1)(E) if the plan amend-*
3 *ment is not adopted. The Secretary of the Treasury shall*
4 *issue regulations to implement this paragraph.*

5 “(e) *EXCEPTION FOR CERTAIN BENEFIT MODIFICA-*
6 *TIONS.—Subsection (a) shall not apply in connection with*
7 *a plan amendment under section 439(a)(5)(C), regarding*
8 *conditional benefit modifications.*

9 “(f) *TREATMENT OF PLAN AMENDMENTS.—For pur-*
10 *poses of this section—*

11 “(1) *if two or more plan amendments increasing*
12 *benefits or establishing new benefits are adopted in a*
13 *plan year, such amendments shall be treated as a sin-*
14 *gle amendment adopted on the last day of the plan*
15 *year,*

16 “(2) *all benefit increases and new benefits adopt-*
17 *ed in a single amendment are treated as a single ben-*
18 *efit increase, irrespective of whether the increases and*
19 *new benefits take effect in more than one plan year,*
20 *and*

21 “(3) *increases in contributions or decreases in*
22 *plan liabilities which are scheduled to take effect in*
23 *future plan years may be taken into account in con-*
24 *nection with a plan amendment if they have been*

1 *agreed to in writing or otherwise formalized by the*
2 *date the plan amendment is adopted.*

3 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
4 **LEGACY PLAN FUNDING.**

5 “(a) *TREATMENT AS A LEGACY PLAN.*—

6 “(1) *IN GENERAL.*—*For purposes of this sub-*
7 *chapter, a defined benefit plan shall be treated as a*
8 *legacy plan with respect to the composite plan under*
9 *which the employees who were eligible to accrue a*
10 *benefit under the defined benefit plan become eligible*
11 *to accrue a benefit under such composite plan.*

12 “(2) *COMPONENT PLANS.*—*In any case in which*
13 *a defined benefit plan is amended to add a composite*
14 *plan component pursuant to section 437(b), para-*
15 *graph (1) shall be applied by substituting ‘defined*
16 *benefit component’ for ‘defined benefit plan’ and*
17 *‘composite plan component’ for ‘composite plan’.*

18 “(3) *ELIGIBLE TO ACCRUE A BENEFIT.*—*For*
19 *purposes of paragraph (1), an employee is considered*
20 *eligible to accrue a benefit under a composite plan as*
21 *of the first day in which the employee completes an*
22 *hour of service under a collective bargaining agree-*
23 *ment that provides for contributions to and accruals*
24 *under the composite plan in lieu of accruals under the*
25 *legacy plan.*

1 “(4) *COLLECTIVE BARGAINING AGREEMENT.*—As
2 used in this subpart, the term ‘collective bargaining
3 agreement’ includes any agreement under which an
4 employer has an obligation to contribute to a plan.

5 “(5) *OTHER TERMS.*—Any term used in this
6 subpart which is not defined in this part and which
7 is also used in section 432 shall have the same mean-
8 ing provided such term in such section.

9 “(b) *RESTRICTIONS ON ACCEPTANCE BY COMPOSITE*
10 *PLAN OF AGREEMENTS AND CONTRIBUTIONS.*—

11 “(1) *IN GENERAL.*—The plan sponsor of a com-
12 posite plan shall not accept or recognize a collective
13 bargaining agreement (or any modification to such
14 agreement), and no contributions may be accepted
15 and no benefits may be accrued or otherwise earned
16 under the agreement—

17 “(A) in any case in which the plan actuary
18 of any defined benefit plan that would be treated
19 as a legacy plan with respect to such composite
20 plan has certified under section 432(b)(3) that
21 such defined benefit plan is or will be in critical
22 status for the plan year in which such agreement
23 would take effect or for any of the succeeding 5
24 plan years, and

1 “(B) unless the agreement requires each em-
2 ployer who is a party to such agreement, includ-
3 ing employers whose employees are not partici-
4 pants in the legacy plan, to provide contribu-
5 tions to the legacy plan with respect to such com-
6 posite plan in a manner that satisfies the transi-
7 tion contribution requirements of subsection (d).

8 “(2) NOTICE.—Not later than 30 days after a de-
9 termination by a plan sponsor of a composite plan
10 that an agreement fails to satisfy the requirements de-
11 scribed in paragraph (1), the plan sponsor shall pro-
12 vide notification of such failure and the reasons for
13 such determination to—

14 “(A) the parties to the agreement,

15 “(B) active participants of the composite
16 plan who have ceased to accrue or otherwise earn
17 benefits with respect to service with an employer
18 pursuant to paragraph (1), and

19 “(C) the Secretary of Labor, the Secretary
20 of the Treasury, and the Pension Benefit Guar-
21 anty Corporation.

22 “(3) LIMITATION ON RETROACTIVE EFFECT.—
23 This subsection shall not apply to benefits accrued be-
24 fore the date on which notice is provided under para-
25 graph (2).

1 “(c) *RESTRICTION ON ACCRUAL OF BENEFITS UNDER*
2 *A COMPOSITE PLAN.*—

3 “(1) *IN GENERAL.*—*In any case in which an em-*
4 *ployer, under a collective bargaining agreement en-*
5 *tered into after the date of enactment of the Giving*
6 *Retirement Options to Workers Act of 2020, ceases to*
7 *have an obligation to contribute to a multiemployer*
8 *defined benefit plan, no employees employed by the*
9 *employer may accrue or otherwise earn benefits under*
10 *any composite plan, with respect to service with that*
11 *employer, for a 60-month period beginning on the*
12 *date on which the employer entered into such collec-*
13 *tive bargaining agreement.*

14 “(2) *NOTICE OF CESSATION OF OBLIGATION.*—
15 *Within 30 days of determining that an employer has*
16 *ceased to have an obligation to contribute to a legacy*
17 *plan with respect to employees employed by an em-*
18 *ployer that is or will be contributing to a composite*
19 *plan with respect to service of such employees, the*
20 *plan sponsor of the legacy plan shall notify the plan*
21 *sponsor of the composite plan of that cessation.*

22 “(3) *NOTICE OF CESSATION OF ACCRUALS.*—*Not*
23 *later than 30 days after determining that an em-*
24 *ployer has ceased to have an obligation to contribute*
25 *to a legacy plan, the plan sponsor of the composite*

1 *plan shall notify the bargaining parties, the active*
2 *participants affected by the cessation of accruals, the*
3 *Secretary, the Secretary of Labor, and the Pension*
4 *Benefit Guaranty Corporation of the cessation of ac-*
5 *cruals, the period during which such cessation is in*
6 *effect, and the reasons therefor.*

7 *“(4) LIMITATION ON RETROACTIVE EFFECT.—*

8 *This subsection shall not apply to benefits accrued be-*
9 *fore the date on which notice is provided under para-*
10 *graph (3).*

11 *“(d) TRANSITION CONTRIBUTION REQUIREMENTS.—*

12 *“(1) IN GENERAL.—A collective bargaining*
13 *agreement satisfies the transition contribution re-*
14 *quirements of this subsection if the agreement—*

15 *“(A) authorizes for payment of contribu-*
16 *tions to a legacy plan at a rate or rates equal*
17 *to or greater than the transition contribution*
18 *rate established under paragraph (2), and*

19 *“(B) does not provide for—*

20 *“(i) a suspension of contributions to*
21 *the legacy plan with respect to any period*
22 *of service, or*

23 *“(ii) any new direct or indirect exclu-*
24 *sion of younger or newly hired employees of*
25 *the employer from being taken into account*

1 *in determining contributions owed to the*
2 *legacy plan.*

3 “(2) *TRANSITION CONTRIBUTION RATE.*—

4 “(A) *IN GENERAL.*—*The transition con-*
5 *tribution rate for a plan year is the contribution*
6 *rate that, as certified by the actuary of the leg-*
7 *acy plan in accordance with the principles in*
8 *section 432(b)(3)(B), is reasonably expected to be*
9 *adequate—*

10 “(i) *to fund the normal cost for the*
11 *plan year,*

12 “(ii) *to amortize the plan’s unfunded*
13 *liabilities in level annual installments over*
14 *25 years, beginning with the plan year in*
15 *which the transition contribution rate is*
16 *first established, and*

17 “(iii) *to amortize any subsequent*
18 *changes in the legacy plan’s unfunded li-*
19 *ability due to experience gains or losses (in-*
20 *cluding investment gains or losses, gains or*
21 *losses due to contributions greater or less*
22 *than the contributions made under the prior*
23 *transition contribution rate, and other actu-*
24 *arial gains or losses), changes in actuarial*
25 *assumptions, changes to the legacy plan’s*

1 *benefits, or changes in funding method over*
2 *a period of 15 plan years beginning with*
3 *the plan year in which such change in un-*
4 *funded liability is incurred.*

5 *The transition contribution rate for any plan*
6 *year may not be less than the transition con-*
7 *tribution rate for the plan year in which such*
8 *rate is first established.*

9 “(B) *MULTIPLE RATES.*—*If different rates*
10 *of contribution are payable to the legacy plan by*
11 *different employers or for different classes of em-*
12 *ployees, the certification shall specify a transi-*
13 *tion contribution rate for each such employer.*

14 “(C) *RATE APPLICABLE TO EMPLOYER.*—

15 “(i) *IN GENERAL.*—*Except as provided*
16 *by clause (ii), the transition contribution*
17 *rate applicable to an employer for a plan*
18 *year is the rate in effect for the plan year*
19 *of the legacy plan that commences on or*
20 *after 180 days before the earlier of—*

21 “(I) *the effective date of the collec-*
22 *tive bargaining agreement pursuant to*
23 *which the employer contributes to the*
24 *legacy plan, or*

1 “(II) 5 years after the last plan
2 year for which the transition contribu-
3 tion rate applicable to the employer
4 was established or updated.

5 “(ii) *EXCEPTION.*—The transition con-
6 tribution rate applicable to an employer for
7 the first plan year beginning on or after the
8 commencement of the employer’s obligation
9 to contribute to the composite plan is the
10 rate in effect for the plan year of the legacy
11 plan that commences on or after 180 days
12 before such first plan year.

13 “(D) *EFFECT OF LEGACY PLAN FINANCIAL*
14 *CIRCUMSTANCES.*—If the plan actuary of the leg-
15 acy plan has certified under section 432 that the
16 plan is in endangered or critical status for a
17 plan year, the transition contribution rate for
18 the following plan year is the rate determined
19 with respect to the employer under the legacy
20 plan’s funding improvement or rehabilitation
21 plan under section 432, if greater than the rate
22 otherwise determined, but in no event greater
23 than 75 percent of the sum of the contribution
24 rates applicable to the legacy plan and the com-
25 posite plan for the plan year.

1 “(E) *OTHER ACTUARIAL ASSUMPTIONS AND*
2 *METHODS.*—*Except as provided in subparagraph*
3 *(A), the determination of the transition contribu-*
4 *tion rate for a plan year shall be based on actu-*
5 *arial assumptions and methods consistent with*
6 *the minimum funding determinations made*
7 *under section 431 (or, if applicable, section 432)*
8 *with respect to the legacy plan for the plan year.*

9 “(F) *ADJUSTMENTS IN RATE.*—*The plan*
10 *sponsor of a legacy plan from time to time may*
11 *adjust the transition contribution rate or rates*
12 *applicable to an employer under this paragraph*
13 *by increasing some rates and decreasing others if*
14 *the actuary certifies that such adjusted rates in*
15 *combination will produce projected contribution*
16 *income for the plan year beginning on or after*
17 *the date of certification that is not less than*
18 *would be produced by the transition contribution*
19 *rates in effect at the time of the certification.*

20 “(G) *NOTICE OF TRANSITION CONTRIBUTION*
21 *RATE.*—*The plan sponsor of a legacy plan shall*
22 *provide notice to the parties to collective bar-*
23 *gaining agreements pursuant to which contribu-*
24 *tions are made to the legacy plan of changes to*
25 *the transition contribution rate requirements at*

1 *least 30 days before the beginning of the plan*
2 *year for which the rate is effective.*

3 “(H) NOTICE TO COMPOSITE PLAN SPON-
4 SOR.—Not later than 30 days after a determina-
5 tion by the plan sponsor of a legacy plan that
6 a collective bargaining agreement provides for a
7 rate of contributions that is below the transition
8 contribution rate applicable to one or more em-
9 ployers that are parties to the collective bar-
10 gaining agreement, the plan sponsor of the leg-
11 acy plan shall notify the plan sponsor of any
12 composite plan under which employees of such
13 employer would otherwise be eligible to accrue a
14 benefit.

15 “(3) CORRECTION PROCEDURES.—Pursuant to
16 standards prescribed by the Secretary of Labor, the
17 plan sponsor of a composite plan shall adopt rules
18 and procedures that give the parties to the collective
19 bargaining agreement notice of the failure of such
20 agreement to satisfy the transition contribution re-
21 quirements of this subsection, and a reasonable oppor-
22 tunity to correct such failure, not to exceed 180 days
23 from the date of notice given under subsection (b)(2).

24 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A collec-
25 tive bargaining agreement may provide for supple-

1 *mental contributions to the legacy plan for a plan*
2 *year in excess of the transition contribution rate de-*
3 *termined under paragraph (2), regardless of whether*
4 *the legacy plan is in endangered or critical status for*
5 *such plan year.*

6 “(e) *NONAPPLICATION OF COMPOSITE PLAN RESTRIC-*
7 *TIONS.—*

8 “(1) *IN GENERAL.—The provisions of subsections*
9 *(a), (b), and (c) shall not apply with respect to a col-*
10 *lective bargaining agreement, to the extent the agree-*
11 *ment, or a predecessor agreement, provides or pro-*
12 *vided for contributions to a defined benefit plan that*
13 *is a legacy plan, as of the first day of the first plan*
14 *year following a plan year for which the plan actuary*
15 *certifies that the plan is fully funded, has been fully*
16 *funded for at least three out of the immediately pre-*
17 *ceding 5 plan years, and is projected to remain fully*
18 *funded for at least the following 4 plan years.*

19 “(2) *DETERMINATION OF FULLY FUNDED.—A*
20 *plan is fully funded for purposes of paragraph (1) if,*
21 *as of the valuation date of the plan for a plan year,*
22 *the value of the plan’s assets equals or exceeds the*
23 *present value of the plan’s liabilities, determined in*
24 *accordance with the rules prescribed by the Pension*
25 *Benefit Guaranty Corporation under sections*

1 4219(c)(1)(D) and 4281 of Employee Retirement In-
2 come and Security Act for multiemployer plans ter-
3 minating by mass withdrawal, as in effect for the
4 date of the determination, except the plan's reasonable
5 assumption regarding the starting date of benefits
6 may be used.

7 “(3) OTHER APPLICABLE RULES.—Except as
8 provided in paragraph (2), actuarial determinations
9 and projections under this section shall be based on
10 the rules in section 432(b)(3) and section 438(b).

11 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**
12 **POSITE PLANS.**

13 “(a) IN GENERAL.—Assets and liabilities of a com-
14 posite plan may only be merged with, or transferred to, an-
15 other plan if—

16 “(1) the other plan is a composite plan,

17 “(2) the plan or plans resulting from the merger
18 or transfer is a composite plan,

19 “(3) no participant's accrued benefit or adjust-
20 able benefit is lower immediately after the transaction
21 than it was immediately before the transaction, and

22 “(4) the value of the assets transferred in the
23 case of a transfer reasonably reflects the value of the
24 amounts contributed with respect to the participants
25 whose benefits are being transferred, adjusted for allo-

1 *cable distributions, investment gains and losses, and*
2 *administrative expenses.*

3 “(b) *LEGACY PLAN.*—

4 “(1) *IN GENERAL.*—*After a merger or transfer*
5 *involving a composite plan, the legacy plan with re-*
6 *spect to an employer that is obligated to contribute to*
7 *the resulting composite plan is the legacy plan that*
8 *applied to that employer immediately before the*
9 *merger or transfer.*

10 “(2) *MULTIPLE LEGACY PLANS.*—*If an employer*
11 *is obligated to contribute to more than one legacy*
12 *plan with respect to employees eligible to accrue bene-*
13 *fits under more than one composite plan and there is*
14 *a merger or transfer of such legacy plans, the transi-*
15 *tion contribution rate applicable to the legacy plan*
16 *resulting from the merger or transfer with respect to*
17 *that employer shall be determined in accordance with*
18 *the provisions of section 440A(d)(2)(B).”.*

19 (2) *CLERICAL AMENDMENT.*—*The table of sub-*
20 *parts for part III of subchapter D of chapter 1 of the*
21 *Internal Revenue Code of 1986 is amended by adding*
22 *at the end the following new item:*

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

23 (c) *EFFECTIVE DATE.*—*The amendments made by this*
24 *section shall apply to plan years beginning after the date*
25 *of the enactment of this Act.*

1 **SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO**
2 **COMPOSITE PLANS.**

3 (a) *AMENDMENTS TO THE EMPLOYEE RETIREMENT*
4 *INCOME SECURITY ACT OF 1974.*—

5 (1) *TREATMENT FOR PURPOSES OF FUNDING NO-*
6 *TICES.*—*Section 101(f) of the Employee Retirement*
7 *Income Security Act of 1974 (29 U.S.C. 1021(f)) is*
8 *amended—*

9 (A) *in paragraph (1) by striking “title IV*
10 *applies” and inserting “title IV applies or which*
11 *is a composite plan”;* and

12 (B) *by adding at the end the following:*

13 “(5) *APPLICATION TO COMPOSITE PLANS.*—*The*
14 *provisions of this subsection shall apply to a com-*
15 *posite plan only to the extent prescribed by the Sec-*
16 *retary in regulations that take into account the dif-*
17 *ferences between a composite plan and a defined ben-*
18 *efit plan that is a multiemployer plan.”*

19 (2) *TREATMENT FOR PURPOSES OF ANNUAL RE-*
20 *PORT.*—*Section 103 of the Employee Retirement In-*
21 *come Security Act of 1974 (29 U.S.C. 1023) is*
22 *amended—*

23 (A) *in subsection (d) by adding at the end*
24 *the following sentence: “The provisions of this*
25 *subsection shall apply to a composite plan only*
26 *to the extent prescribed by the Secretary in regu-*

1 *lations that take into account the differences be-*
2 *tween a composite plan and a defined benefit*
3 *plan that is a multiemployer plan.”;*

4 *(B) in subsection (f) by adding at the end*
5 *the following:*

6 “(3) *ADDITIONAL INFORMATION FOR COMPOSITE*
7 *PLANS.—With respect to any composite plan—*

8 *“(A) the provisions of paragraph (1)(A)*
9 *shall apply by substituting ‘current funded ratio*
10 *and projected funded ratio (as such terms are de-*
11 *finied in section 802(a)(2))’ for ‘funded percent-*
12 *age’ each place it appears; and*

13 *“(B) the provisions of paragraph (2) shall*
14 *apply only to the extent prescribed by the Sec-*
15 *retary in regulations that take into account the*
16 *differences between a composite plan and a de-*
17 *finied benefit plan that is a multiemployer*
18 *plan.”; and*

19 *(C) by adding at the end the following:*

20 “(h) *COMPOSITE PLANS.—A multiemployer plan that*
21 *incorporates the features of a composite plan as provided*
22 *in section 801(b) shall be treated as a single plan for pur-*
23 *poses of the report required by this section, except that sepa-*
24 *rate financial statements and actuarial statements shall be*
25 *provided under paragraphs (3) and (4) of subsection (a)*

1 *for the defined benefit plan component and for the com-*
2 *posite plan component of the multiemployer plan.”.*

3 (3) *TREATMENT FOR PURPOSES OF PENSION*
4 *BENEFIT STATEMENTS.—Section 105(a) of the Em-*
5 *ployee Retirement Income Security Act of 1974 (29*
6 *U.S.C. 1025(a)) is amended by adding at the end the*
7 *following:*

8 “(4) *COMPOSITE PLANS.—For purposes of this*
9 *subsection, a composite plan shall be treated as a de-*
10 *defined benefit plan to the extent prescribed by the Sec-*
11 *retary in regulations that take into account the dif-*
12 *ferences between a composite plan and a defined ben-*
13 *efit plan that is a multiemployer plan.”.*

14 (b) *AMENDMENTS TO THE INTERNAL REVENUE CODE*
15 *OF 1986.—Section 6058 of the Internal Revenue Code of*
16 *1986 is amended by redesignating subsection (f) as sub-*
17 *section (g) and by inserting after subsection (e) the fol-*
18 *lowing:*

19 “(f) *COMPOSITE PLANS.—A multiemployer plan that*
20 *incorporates the features of a composite plan as provided*
21 *in section 437(b) shall be treated as a single plan for pur-*
22 *poses of the return required by this section, except that sepa-*
23 *rate financial statements shall be provided for the defined*
24 *benefit plan component and for the composite plan compo-*
25 *nent of the multiemployer plan.”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to plan years beginning after the date*
3 *of the enactment of this Act.*

4 **SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**
5 **IV.**

6 (a) *DEFINITION.*—*Section 4001(a) of the Employee*
7 *Retirement Income Security Act of 1974 (29 U.S.C.*
8 *1301(a)) is amended by striking the period at the end of*
9 *paragraph (21) and inserting a semicolon and by adding*
10 *at the end the following:*

11 “(22) *COMPOSITE PLAN.*—*The term ‘composite*
12 *plan’ has the meaning set forth in section 801.”.*

13 (b) *COMPOSITE PLANS DISREGARDED FOR CALCULATING*
14 *PREMIUMS.*—*Section 4006(a) of such Act (29*
15 *U.S.C. 1306(a)) is amended by adding at the end the fol-*
16 *lowing:*

17 “(9) *The composite plan component of a multi-*
18 *employer plan shall be disregarded in determining the*
19 *premiums due under this section from the multiem-*
20 *ployer plan.”.*

21 (c) *COMPOSITE PLANS NOT COVERED.*—*Section*
22 *4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amended*
23 *by striking “Act” and inserting “Act, or a composite plan,*
24 *as defined in paragraph (43) of section 3 of this Act”.*

1 (d) *NO WITHDRAWAL LIABILITY.*—Section 4201 of
2 such Act (29 U.S.C. 1381) is amended by adding at the
3 end the following:

4 “(c) Contributions by an employer to the composite
5 plan component of a multiemployer plan shall not be taken
6 into account for any purpose under this title.”.

7 (e) *NO WITHDRAWAL LIABILITY FOR CERTAIN*
8 *PLANS.*—Section 4201 of such Act (29 U.S.C. 1381) is fur-
9 ther amended by adding at the end the following:

10 “(d) Contributions by an employer to a multiemployer
11 plan described in the except clause of section 3(35) of this
12 Act pursuant to a collective bargaining agreement that spe-
13 cifically designates that such contributions shall be allo-
14 cated to the separate defined contribution accounts of par-
15 ticipants under the plan shall not be taken into account
16 with respect to the defined benefit portion of the plan for
17 any purpose under this title (including the determination
18 of the employer’s highest contribution rate under section
19 4219), even if, under the terms of the plan, participants
20 have the option to transfer assets in their separate defined
21 contribution accounts to the defined benefit portion of the
22 plan in return for service credit under the defined benefit
23 portion, at rates established by the plan sponsor.

24 “(e) A legacy plan created under section 805 shall be
25 deemed to have no unfunded vested benefits for purposes of

1 *this part, for each plan year following a period of 5 consec-*
2 *utive plan years for which—*

3 “(1) *the plan was fully funded within the mean-*
4 *ing of section 805 for at least 3 of the plan years dur-*
5 *ing that period, ending with a plan year for which*
6 *the plan is fully funded;*

7 “(2) *the plan had no unfunded vested benefits for*
8 *at least 3 of the plan years during that period, end-*
9 *ing with a plan year for which the plan is fully fund-*
10 *ed; and*

11 “(3) *the plan is projected to be fully funded and*
12 *to have no unfunded vested benefits for the following*
13 *four plan years.”.*

14 (f) *NO WITHDRAWAL LIABILITY FOR EMPLOYERS CON-*
15 *TRIBUTING TO CERTAIN FULLY FUNDED LEGACY PLANS.—*
16 *Section 4211 of such Act (29 U.S.C. 1382) is amended by*
17 *adding at the end the following:*

18 “(g) *No amount of unfunded vested benefits shall be*
19 *allocated to an employer that has an obligation to con-*
20 *tribute to a legacy plan described in subsection (e) of section*
21 *4201 for each plan year for which such subsection applies.”.*

22 (g) *NO OBLIGATION TO CONTRIBUTE.—Section 4212*
23 *of such Act (29 U.S.C. 1392) is amended by adding at the*
24 *end the following:*

1 “(d) *NO OBLIGATION TO CONTRIBUTE.*—An employer
2 shall not be treated as having an obligation to contribute
3 to a multiemployer defined benefit plan within the meaning
4 of subsection (a) solely because—

5 “(1) in the case of a multiemployer plan that in-
6 cludes a composite plan component, the employer has
7 an obligation to contribute to the composite plan com-
8 ponent of the plan;

9 “(2) the employer has an obligation to contribute
10 to a composite plan that is maintained pursuant to
11 one or more collective bargaining agreements under
12 which the multiemployer defined benefit plan is or
13 previously was maintained; or

14 “(3) the employer contributes or has contributed
15 under section 805(d) to a legacy plan associated with
16 a composite plan pursuant to a collective bargaining
17 agreement but employees of that employer were not el-
18 igible to accrue benefits under the legacy plan with
19 respect to service with that employer.”.

20 “(h) *NO INFERENCE.*—Nothing in the amendment made
21 by subsection (e) shall be construed to create an inference
22 with respect to the treatment under title IV of the Employee
23 Retirement Income Security Act of 1974, as in effect before
24 such amendment, of contributions by an employer to a mul-
25 tiemployer plan described in the except clause of section

1 3(35) of such Act that are made before the effective date
2 of subsection (e) specified in subsection (h)(2).

3 (i) *EFFECTIVE DATE.*—

4 (1) *IN GENERAL.*—Except as provided in sub-
5 paragraph (2), the amendments made by this section
6 shall apply to plan years beginning after the date of
7 the enactment of this Act.

8 (2) *SPECIAL RULE FOR SECTION 414(k) MULTI-*
9 *EMPLOYER PLANS.*—The amendment made by sub-
10 section (e) shall apply only to required contributions
11 payable for plan years beginning after the date of the
12 enactment of this Act.

13 **SEC. 105. CONFORMING CHANGES.**

14 (a) *DEFINITIONS.*—Section 3 of the *Employee Retire-*
15 *ment Income Security Act of 1974* (29 U.S.C. 1002) is
16 amended—

17 (1) in paragraph (35), by inserting “or a com-
18 posite plan” after “other than an individual account
19 plan”; and

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

21 “(43) The term ‘composite plan’ has the meaning
22 given the term in section 801(a).”.

23 (b) *SPECIAL FUNDING RULE FOR CERTAIN LEGACY*
24 *PLANS.*—

1 (1) *AMENDMENT TO EMPLOYEE RETIREMENT IN-*
2 *COME SECURITY ACT OF 1974.*—Section 304(b) of the
3 *Employee Retirement Income Security Act of 1974*
4 *(29 U.S.C. 1084(b)) is amended by adding at the end*
5 *the following:*

6 “(9) *SPECIAL FUNDING RULE FOR CERTAIN LEG-*
7 *ACY PLANS.*—In the case of a multiemployer defined
8 *benefit plan that has adopted an amendment under*
9 *section 801(b), in accordance with which no further*
10 *benefits shall accrue under the multiemployer defined*
11 *benefit plan, the plan sponsor may combine the out-*
12 *standing balance of all charge and credit bases and*
13 *amortize that combined base in level annual install-*
14 *ments (until fully amortized) over a period of 25 plan*
15 *years beginning with the plan year following the date*
16 *all benefit accruals ceased.”.*

17 (2) *AMENDMENT TO INTERNAL REVENUE CODE*
18 *OF 1986.*—Section 431(b) of the *Internal Revenue*
19 *Code of 1986 is amended by adding at the end the fol-*
20 *lowing:*

21 “(9) *SPECIAL FUNDING RULE FOR CERTAIN LEG-*
22 *ACY PLANS.*—In the case of a multiemployer defined
23 *benefit plan that has adopted an amendment under*
24 *section 437(b), in accordance with which no further*
25 *benefits shall accrue under the multiemployer defined*

1 *benefit plan, the plan sponsor may combine the out-*
2 *standing balance of all charge and credit bases and*
3 *amortize that combined base in level annual install-*
4 *ments (until fully amortized) over a period of 25 plan*
5 *years beginning with the plan year following the date*
6 *on which all benefit accruals ceased.”.*

7 *(c) BENEFITS AFTER MERGER, CONSOLIDATION, OR*
8 *TRANSFER OF ASSETS.—*

9 *(1) AMENDMENT TO EMPLOYEE RETIREMENT IN-*
10 *COME SECURITY ACT OF 1974.—Section 208 of the*
11 *Employee Retirement Income Security Act of 1974*
12 *(29 U.S.C. 1058) is amended—*

13 *(A) by striking so much of the first sentence*
14 *as precedes “may not merge” and inserting the*
15 *following:*

16 *“(1) IN GENERAL.—Except as provided in para-*
17 *graph (2), a pension plan may not merge, and”;* and

18 *(B) by striking the second sentence and*
19 *adding at the end the following:*

20 *“(2) SPECIAL REQUIREMENTS FOR MULTIEM-*
21 *PLOYER PLANS.—Paragraph (1) shall not apply to*
22 *any transaction to the extent that participants either*
23 *before or after the transaction are covered under a*
24 *multiemployer plan to which title IV of this Act ap-*
25 *plies or a composite plan.”.*

1 (2) *AMENDMENTS TO INTERNAL REVENUE CODE*
2 *OF 1986.*—

3 (A) *QUALIFICATION REQUIREMENT.*—*Sec-*
4 *tion 401(a)(12) of the Internal Revenue Code of*
5 *1986 is amended—*

6 (i) *by striking “(12) A trust” and in-*
7 *serting the following:*

8 “(12) *BENEFITS AFTER MERGER, CONSOLIDA-*
9 *TION, OR TRANSFER OF ASSETS.*—

10 “(A) *IN GENERAL.*—*Except as provided in*
11 *subparagraph (B), a trust”;*

12 (ii) *by striking the second sentence;*

13 *and*

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

16 “(B) *SPECIAL REQUIREMENTS FOR MULTI-*
17 *EMPLOYER PLANS.*—*Subparagraph (A) shall not*
18 *apply to any multiemployer plan with respect to*
19 *any transaction to the extent that participants*
20 *either before or after the transaction are covered*
21 *under a multiemployer plan to which title IV of*
22 *the Employee Retirement Income Security Act of*
23 *1974 applies or a composite plan.”.*

1 (B) *ADDITIONAL QUALIFICATION REQUIRE-*
2 *MENT.—Paragraph (1) of section 414(l) of such*
3 *Code is amended—*

4 (i) *by striking “(1) IN GENERAL” and*
5 *all that follows through “shall not con-*
6 *stitute” and inserting the following:*

7 “(1) *BENEFIT PROTECTIONS: MERGER, CONSOLI-*
8 *DATION, TRANSFER.—*

9 “(A) *IN GENERAL.—Except as provided in*
10 *subparagraph (B), a trust which forms a part of*
11 *a plan shall not constitute”;* and

12 (ii) *by striking the second sentence;*

13 and

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

16 “(B) *SPECIAL REQUIREMENTS FOR MULTI-*
17 *EMPLOYER PLANS.—Subparagraph (A) does not*
18 *apply to any multiemployer plan with respect to*
19 *any transaction to the extent that participants*
20 *either before or after the transaction are covered*
21 *under a multiemployer plan to which title IV of*
22 *the Employee Retirement Income Security Act of*
23 *1974 applies or a composite plan.”.*

24 (d) *REQUIREMENTS FOR STATUS AS A QUALIFIED*
25 *PLAN.—*

1 (1) *REQUIREMENT THAT ACTUARIAL ASSUMP-*
 2 *TIONS BE SPECIFIED.*—Section 401(a)(25) of the In-
 3 *ternal Revenue Code of 1986 is amended by inserting*
 4 *“(in the case of a composite plan, benefits objectively*
 5 *calculated pursuant to a formula)” after “definitely*
 6 *determinable benefits”.*

7 (2) *MISSING PARTICIPANTS IN TERMINATING*
 8 *COMPOSITE PLAN.*—Section 401(a)(34) of the Internal
 9 *Revenue Code of 1986 is amended by striking “, a*
 10 *trust” and inserting “or a composite plan, a trust”.*

11 (e) *DEDUCTION FOR CONTRIBUTIONS TO A QUALIFIED*
 12 *PLAN.*—Section 404(a)(1) of the Internal Revenue Code of
 13 1986 is amended by redesignating subparagraph (E) as
 14 subparagraph (F) and by inserting after subparagraph (D)
 15 the following:

16 “(E) *COMPOSITE PLANS.*—

17 “(i) *IN GENERAL.*—In the case of a
 18 *composite plan, subparagraph (D) shall not*
 19 *apply and the maximum amount deductible*
 20 *for a plan year shall be the excess (if any)*
 21 *of—*

22 “(I) 160 percent of the greater
 23 of—

24 “(aa) the current liability of
 25 the plan determined in accordance

1 with the principles of section
2 431(c)(6)(D), or

3 “(bb) the present value of
4 plan liabilities as determined
5 under section 438, over

6 “(II) the fair market value of the
7 plan’s assets, projected to the end of the
8 plan year.

9 “(ii) *SPECIAL RULES FOR PREDE-*
10 *CESSOR MULTIEMPLOYER PLAN TO COM-*
11 *POSITE PLAN.*—

12 “(I) *IN GENERAL.*—*Except as pro-*
13 *vided in subclause (II), if an employer*
14 *contributes to a composite plan with*
15 *respect to its employees, contributions*
16 *by that employer to a multiemployer*
17 *defined benefit plan with respect to*
18 *some or all of the same group of em-*
19 *ployees shall be deductible under sec-*
20 *tions 162 and this section, subject to*
21 *the limits in subparagraph (D).*

22 “(II) *TRANSITION CONTRIBU-*
23 *TION.*—*The full amount of a contribu-*
24 *tion to satisfy the transition contribu-*
25 *tion requirement (as defined in section*

1 440A(d)) and allocated to the legacy
2 defined benefit plan for the plan year
3 shall be deductible for the employer's
4 taxable year ending with or within the
5 plan year.”.

6 (f) *MINIMUM VESTING STANDARDS.*—

7 (1) *YEARS OF SERVICE UNDER COMPOSITE*
8 *PLANS.*—

9 (A) *EMPLOYEE RETIREMENT INCOME SECUR-*
10 *ITY ACT OF 1974.*—Section 203 of the *Employee*
11 *Retirement Income Security Act of 1974* (29
12 *U.S.C. 1053)* is amended by inserting after sub-
13 section (f) the following:

14 “(g) *SPECIAL RULES FOR COMPUTING YEARS OF*
15 *SERVICE UNDER COMPOSITE PLANS.*—

16 “(1) *IN GENERAL.*—In determining a qualified
17 employee's years of service under a composite plan for
18 purposes of this section, the employee's years of serv-
19 ice under a legacy plan shall be treated as years of
20 service earned under the composite plan. For purposes
21 of such determination, a composite plan shall not be
22 treated as a defined benefit plan pursuant to section
23 801(d).

24 “(2) *QUALIFIED EMPLOYEE.*—For purposes of
25 this subsection, an employee is a qualified employee

1 *if the employee first completes an hour of service*
2 *under the composite plan (determined without regard*
3 *to the provisions of this subsection) within the 12-*
4 *month period immediately preceding or the 24-month*
5 *period immediately following the date the employee*
6 *ceased to accrue benefits under the legacy plan.*

7 “(3) *CERTIFICATION OF YEARS OF SERVICE.—*
8 *For purposes of paragraph (1), the plan sponsor of*
9 *the composite plan shall rely on a written certifi-*
10 *cation by the plan sponsor of the legacy plan of the*
11 *years of service the qualified employee completed*
12 *under the defined benefit plan as of the date the em-*
13 *ployee satisfies the requirements of paragraph (2),*
14 *disregarding any years of service that had been for-*
15 *feited under the rules of the defined benefit plan before*
16 *that date.*

17 “(h) *SPECIAL RULES FOR COMPUTING YEARS OF*
18 *SERVICE UNDER LEGACY PLANS.—*

19 “(1) *IN GENERAL.—In determining a qualified*
20 *employee’s years of service under a legacy plan for*
21 *purposes of this section, and in addition to any serv-*
22 *ice under applicable regulations, the employee’s years*
23 *of service under a composite plan shall be treated as*
24 *years of service earned under the legacy plan. For*
25 *purposes of such determination, a composite plan*

1 shall not be treated as a defined benefit plan pursu-
2 ant to section 801(d).

3 “(2) *QUALIFIED EMPLOYEE.*—For purposes of
4 this subsection, an employee is a qualified employee
5 if the employee first completes an hour of service
6 under the composite plan (determined without regard
7 to the provisions of this subsection) within the 12-
8 month period immediately preceding or the 24-month
9 period immediately following the date the employee
10 ceased to accrue benefits under the legacy plan.

11 “(3) *CERTIFICATION OF YEARS OF SERVICE.*—
12 For purposes of paragraph (1), the plan sponsor of
13 the legacy plan shall rely on a written certification
14 by the plan sponsor of the composite plan of the years
15 of service the qualified employee completed under the
16 composite plan after the employee satisfies the re-
17 quirements of paragraph (2), disregarding any years
18 of service that has been forfeited under the rules of the
19 composite plan.”.

20 (B) *INTERNAL REVENUE CODE OF 1986.*—

21 Section 411(a) of the Internal Revenue Code of
22 1986 is amended by adding at the end the fol-
23 lowing:

24 “(14) *SPECIAL RULES FOR DETERMINING YEARS*
25 *OF SERVICE UNDER COMPOSITE PLANS.*—

1 “(A) *IN GENERAL.*—*In determining a*
2 *qualified employee’s years of service under a*
3 *composite plan for purposes of this subsection,*
4 *the employee’s years of service under a legacy*
5 *plan shall be treated as years of service earned*
6 *under the composite plan. For purposes of such*
7 *determination, a composite plan shall not be*
8 *treated as a defined benefit plan pursuant to sec-*
9 *tion 437(d).*

10 “(B) *QUALIFIED EMPLOYEE.*—*For purposes*
11 *of this paragraph, an employee is a qualified*
12 *employee if the employee first completes an hour*
13 *of service under the composite plan (determined*
14 *without regard to the provisions of this para-*
15 *graph) within the 12-month period immediately*
16 *preceding or the 24-month period immediately*
17 *following the date the employee ceased to accrue*
18 *benefits under the legacy plan.*

19 “(C) *CERTIFICATION OF YEARS OF SERV-*
20 *ICE.*—*For purposes of subparagraph (A), the*
21 *plan sponsor of the composite plan shall rely on*
22 *a written certification by the plan sponsor of the*
23 *legacy plan of the years of service the qualified*
24 *employee completed under the legacy plan as of*
25 *the date the employee satisfies the requirements*

1 of subparagraph (B), disregarding any years of
2 service that had been forfeited under the rules of
3 the defined benefit plan before that date.

4 “(15) *SPECIAL RULES FOR COMPUTING YEARS OF*
5 *SERVICE UNDER LEGACY PLANS.—*

6 “(A) *IN GENERAL.—In determining a*
7 *qualified employee’s years of service under a leg-*
8 *acy plan for purposes of this section, and in ad-*
9 *dition to any service under applicable regula-*
10 *tions, the employee’s years of service under a*
11 *composite plan shall be treated as years of serv-*
12 *ice earned under the legacy plan. For purposes*
13 *of such determination, a composite plan shall*
14 *not be treated as a defined benefit plan pursuant*
15 *to section 437(d).*

16 “(B) *QUALIFIED EMPLOYEE.—For purposes*
17 *of this paragraph, an employee is a qualified*
18 *employee if the employee first completes an hour*
19 *of service under the composite plan (determined*
20 *without regard to the provisions of this para-*
21 *graph) within the 12-month period immediately*
22 *preceding or the 24-month period immediately*
23 *following the date the employee ceased to accrue*
24 *benefits under the legacy plan.*

1 “(C) *CERTIFICATION OF YEARS OF SERV-*
2 *ICE.—For purposes of subparagraph (A), the*
3 *plan sponsor of the legacy plan shall rely on a*
4 *written certification by the plan sponsor of the*
5 *composite plan of the years of service the quali-*
6 *fied employee completed under the composite*
7 *plan after the employee satisfies the requirements*
8 *of subparagraph (B), disregarding any years of*
9 *service that has been forfeited under the rules of*
10 *the composite plan.”.*

11 (2) *REDUCTION OF BENEFITS.—*

12 (A) *EMPLOYEE RETIREMENT INCOME SECUR-*
13 *ITY ACT OF 1974.—Section 203(a)(3)(E)(ii) of*
14 *the Employee Retirement Income Security Act of*
15 *1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is amend-*
16 *ed—*

17 (i) *in subclause (I) by striking*
18 *“4244A” and inserting “305(e), 803,”; and*

19 (ii) *in subclause (II) by striking*
20 *“4245” and inserting “305(e), 4245,”.*

21 (B) *INTERNAL REVENUE CODE OF 1986.—*
22 *Section 411(a)(3)(F) of the Internal Revenue*
23 *Code of 1986 is amended—*

24 (i) *in clause (i) by striking “section*
25 *418D or under section 4281 of the Em-*

1 *ployee Retirement Income Security Act of*
2 *1974” and inserting “section 432(e) or 439*
3 *or under section 4281 of the Employee Re-*
4 *tirement Income Security Act of 1974”; and*
5 *(ii) in clause (ii) by inserting “or*
6 *432(e)” after “section 418E”.*

7 (3) *ACCRUED BENEFIT REQUIREMENTS.—*

8 (A) *EMPLOYEE RETIREMENT INCOME SECUR-*
9 *ITY ACT OF 1974.—Section 204(b)(1)(B)(i) of*
10 *the Employee Retirement Income Security Act of*
11 *1974 (29 U.S.C. 1054(b)(1)(B)(i)) is amended by*
12 *inserting “, including an amendment reducing*
13 *or suspending benefits under section 305(e), 803,*
14 *4245 or 4281,” after “any amendment to the*
15 *plan”.*

16 (B) *INTERNAL REVENUE CODE OF 1986.—*
17 *Section 411(b)(1)(B)(i) of the Internal Revenue*
18 *Code of 1986 is amended by inserting “, includ-*
19 *ing an amendment reducing or suspending bene-*
20 *fits under section 418E, 432(e) or 439, or under*
21 *section 4281 of the Employee Retirement Income*
22 *Security Act of 1974,” after “any amendment to*
23 *the plan”.*

24 (4) *ADDITIONAL ACCRUED BENEFIT REQUIRE-*
25 *MENTS.—*

1 (A) *EMPLOYEE RETIREMENT INCOME SECUR-*
2 *ITY ACT OF 1974.*—Section 204(b)(1)(H)(v) of
3 *the Employee Retirement Income Security Act of*
4 *1974 (29 U.S.C. 1053(b)(1)(H)(v)) is amended*
5 *by inserting before the period at the end the fol-*
6 *lowing: “, or benefits are reduced or suspended*
7 *under section 305(e), 803, 4245, or 4281”.*

8 (B) *INTERNAL REVENUE CODE OF 1986.*—
9 Section 411(b)(1)(H)(iv) of the *Internal Revenue*
10 *Code of 1986 is amended—*

11 (i) *in the heading by striking “BEN-*
12 *EFIT” and inserting “BENEFIT AND THE*
13 *SUSPENSION AND REDUCTION OF CERTAIN*
14 *BENEFITS”;* and

15 (ii) *in the text by inserting before the*
16 *period at the end the following: “, or bene-*
17 *fits are reduced or suspended under section*
18 *418E, 432(e), or 439, or under section 4281*
19 *of the Employee Retirement Income Secu-*
20 *rity Act of 1974”.*

21 (5) *ACCRUED BENEFIT NOT TO BE DECREASED*
22 *BY AMENDMENT.—*

23 (A) *EMPLOYEE RETIREMENT INCOME SECUR-*
24 *ITY ACT OF 1974.*—Section 204(g)(1) of the *Em-*
25 *ployee Retirement Income Security Act of 1974*

1 (29 U.S.C. 1053(g)(1)) is amended by inserting
2 after “302(d)(2)” the following: “, 305(e), 803,
3 4245,”.

4 (B) *INTERNAL REVENUE CODE OF 1986.*—
5 Section 411(d)(6)(A) of the Internal Revenue
6 Code of 1986 is amended by inserting after
7 “412(d)(2),” the following: “418E, 432(e), or
8 439,”.

9 (g) *CERTAIN FUNDING RULES NOT APPLICABLE.*—

10 (1) *EMPLOYEE RETIREMENT INCOME SECURITY*
11 *ACT OF 1974.*—Section 305 of the Employee Retirement
12 Income Security Act of 1974 (29 U.S.C. 1085)
13 is amended by adding at the end the following:

14 “(k) *LEGACY PLANS.*—Sections 302, 304, and 305
15 shall not apply to an employer that has an obligation to
16 contribute to a plan that is a legacy plan within the mean-
17 ing of section 805(a) solely because the employer has an
18 obligation to contribute to a composite plan described in
19 section 801 that is associated with that legacy plan.”.

20 (2) *INTERNAL REVENUE CODE OF 1986.*—Section
21 432 of the Internal Revenue Code of 1986 is amended
22 by adding at the end the following:

23 “(k) *LEGACY PLANS.*—Sections 412, 431, and 432
24 shall not apply to an employer that has an obligation to
25 contribute to a plan that is a legacy plan within the mean-

1 *ing of section 440A(a) solely because the employer has an*
2 *obligation to contribute to a composite plan described in*
3 *section 437 that is associated with that legacy plan.”.*

4 *(h) TERMINATION OF COMPOSITE PLAN.—Section*
5 *403(d) of the Employee Retirement Income Security Act of*
6 *1974 (29 U.S.C. 1103(d) is amended—*

7 *(1) in paragraph (1), by striking “regulations of*
8 *the Secretary.” and inserting “regulations of the Sec-*
9 *retary, or as provided in paragraph (3).”;* and

10 *(2) by adding at the end the following:*

11 *“(3) Section 4044(a) of this Act shall be applied*
12 *in the case of the termination of a composite plan*
13 *by—*

14 *“(A) limiting the benefits subject to para-*
15 *graph (3) thereof to benefits as defined in section*
16 *802(b)(3)(B); and*

17 *“(B) including in the benefits subject to*
18 *paragraph (4) all other benefits (if any) of indi-*
19 *viduals under the plan that would be guaranteed*
20 *under section 4022A if the plan were subject to*
21 *title IV.”.*

22 *(i) GOOD FAITH COMPLIANCE PRIOR TO GUIDANCE.—*
23 *Where the implementation of any provision of law added*
24 *or amended by this division is subject to issuance of regula-*
25 *tions by the Secretary of Labor, the Secretary of the Treas-*

1 *ury, or the Pension Benefit Guaranty Corporation, a multi-*
 2 *employer plan shall not be treated as failing to meet the*
 3 *requirements of any such provision prior to the issuance*
 4 *of final regulations or other guidance to carry out such pro-*
 5 *vision if such plan is operated in accordance with a reason-*
 6 *able, good faith interpretation of such provision.*

7 **SEC. 106. EFFECTIVE DATE.**

8 *Unless otherwise specified, the amendments made by*
 9 *this division shall apply to plan years beginning after the*
 10 *date of the enactment of this Act.*

11 ***DIVISION I—CONTINUED ASSIST-***
 12 ***ANCE TO UNEMPLOYED***
 13 ***WORKERS***

14 ***TITLE I—EXTENSIONS OF CARES***
 15 ***ACT UNEMPLOYMENT BENE-***
 16 ***FITS FOR WORKERS***

17 **SEC. 101. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**
 18 **MENT COMPENSATION.**

19 *(a) IN GENERAL.—Section 2104(e) of the CARES Act*
 20 *(Public Law 116–136) is amended to read as follows:*

21 *“(e) APPLICABILITY.—*

22 *“(1) IN GENERAL.—An agreement entered into*
 23 *under this section shall apply—*

1 “(A) to weeks of unemployment beginning
2 after the date on which such agreement is entered
3 into and ending on or before July 31, 2020; and

4 “(B) to weeks of unemployment beginning
5 after September 5, 2020 (or, if later, the date on
6 which such agreement is entered into) and end-
7 ing on or before January 31, 2021.

8 “(2) *TRANSITION RULE FOR INDIVIDUALS RE-*
9 *MAINING ENTITLED TO REGULAR COMPENSATION AS*
10 *OF JANUARY 31, 2021.—In the case of any individual*
11 *who, as of the date specified in paragraph (1)(B), has*
12 *not yet exhausted all rights to regular compensation*
13 *under the State law of a State with respect to a ben-*
14 *efit year that began before such date, Federal Pan-*
15 *demic Unemployment Compensation shall continue to*
16 *be payable to such individual for any week beginning*
17 *on or after such date for which the individual is oth-*
18 *erwise eligible for regular compensation with respect*
19 *to such benefit year.*

20 “(3) *TERMINATION.—Notwithstanding any other*
21 *provision of this subsection, no Federal Pandemic*
22 *Unemployment Compensation shall be payable for*
23 *any week beginning after March 31, 2021.”.*

24 “(b) *LIMITATION ON APPLICATION OF TRANSITION*
25 *RULE.—Section 2104(g) of such Act is amended by insert-*

1 ing “(except for subsection (e)(2))” after “the preceding pro-
2 visions of this section”.

3 (c) *DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-*
4 *MENT COMPENSATION FOR CERTAIN PURPOSES.*—Section
5 2104(h) of such Act is amended to read as follows:

6 “(h) *DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-*
7 *MENT COMPENSATION FOR PURPOSES OF ALL FEDERAL*
8 *AND FEDERALLY ASSISTED PROGRAMS.*—A Federal Pan-
9 demic Unemployment Compensation payment shall not be
10 regarded as income and shall not be regarded as a resource
11 for the month of receipt and the following 9 months, for
12 purposes of determining the eligibility of the recipient (or
13 the recipient’s spouse or family) for benefits or assistance,
14 or the amount or extent of benefits or assistance, under any
15 Federal program or under any State or local program fi-
16 nanced in whole or in part with Federal funds.”.

17 (d) *EFFECTIVE DATE.*—The amendments made by this
18 section shall take effect as if included in the enactment of
19 the CARES Act (Public Law 116–136).

20 **SEC. 102. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**
21 **SISTANCE.**

22 Section 2102(c) of the CARES Act (15 U.S.C. 9021(c))
23 is amended by striking “December 31, 2020” and inserting
24 “January 31, 2021”.

1 **SEC. 103. EXTENSION OF PANDEMIC EMERGENCY UNEM-**
2 **PLOYMENT COMPENSATION.**

3 *Section 2107(g)(2) of the CARES Act (15 U.S.C.*
4 *9025(g)(2)) is amended by striking “December 31, 2020”*
5 *and inserting “January 31, 2021”.*

6 **SEC. 104. EXTENSION OF TEMPORARY FINANCING OF**
7 **SHORT-TIME COMPENSATION PAYMENTS IN**
8 **STATES WITH PROGRAMS IN LAW.**

9 *Section 2108(b)(2) of the CARES Act (15 U.S.C.*
10 *9026(b)(2)) is amended by striking “December 31, 2020”*
11 *and inserting “January 31, 2021”.*

12 **SEC. 105. EXTENSION OF TEMPORARY FINANCING OF**
13 **SHORT-TIME COMPENSATION AGREEMENTS.**

14 *Section 2109(d)(2) of the CARES Act (15 U.S.C.*
15 *9027(d)(2)) is amended by striking “December 31, 2020”*
16 *and inserting “January 31, 2021”.*

17 **SEC. 106. EXTENSION OF FULL FEDERAL FUNDING OF THE**
18 **FIRST WEEK OF COMPENSABLE REGULAR UN-**
19 **EMPLOYMENT FOR STATES WITH NO WAITING**
20 **WEEK.**

21 *Section 2105(e)(2) of the CARES Act (15 U.S.C.*
22 *9024(e)(2)) is amended by striking “December 31, 2020”*
23 *and inserting “January 31, 2021”.*

1 **TITLE II—ADDITIONAL WEEKS**
2 **OF BENEFIT ELIGIBILITY**

3 **SEC. 201. ADDITIONAL WEEKS.**

4 *Subtitle A of title II of division A of the CARES Act*
5 *(15 U.S.C. 9021 et seq.) is amended by inserting after sec-*
6 *tion 2107 the following:*

7 **“SEC. 2107A. PANDEMIC EMERGENCY UNEMPLOYMENT EX-**
8 **TENSION COMPENSATION.**

9 **“(a) FEDERAL-STATE AGREEMENTS.—**

10 **“(1) IN GENERAL.—***Any State which desires to*
11 *do so may enter into and participate in an agreement*
12 *under this section with the Secretary of Labor (in this*
13 *section referred to as the ‘Secretary’). Any State*
14 *which is a party to an agreement under this section*
15 *may, upon providing 30 days’ written notice to the*
16 *Secretary, terminate such agreement.*

17 **“(2) PROVISIONS OF AGREEMENT.—***Any agree-*
18 *ment under paragraph (1) shall provide that the*
19 *State agency of the State will make payments (in this*
20 *section referred to as ‘pandemic emergency unemploy-*
21 *ment extension compensation’) to individuals who—*

22 **“(A) have exhausted all rights to regular**
23 *compensation, extended compensation, pandemic*
24 *unemployment assistance under section 2102,*

1 *and pandemic emergency unemployment com-*
2 *ensation under section 2107;*

3 “(B) *have no rights to any benefit specified*
4 *in subparagraph (A) or to compensation under*
5 *any other Federal law or under the unemploy-*
6 *ment compensation law of Canada; and*

7 “(C) *are able to work, available to work,*
8 *and actively seeking work.*

9 “(3) *EXHAUSTION OF BENEFITS.—For purposes*
10 *of paragraph (2)(A), an individual shall be deemed to*
11 *have exhausted such individual’s rights to benefits*
12 *specified in subparagraph (A) when—*

13 “(A) *no payments of such benefits can be*
14 *made because such individual has received all*
15 *such benefits available to such individual based*
16 *on employment or wages during such individ-*
17 *ual’s base period; or*

18 “(B) *such individual’s rights to such bene-*
19 *fits have been terminated by reason of the expi-*
20 *ration of the benefit year with respect to which*
21 *such rights existed.*

22 “(4) *WEEKLY BENEFIT AMOUNT, ETC.—For pur-*
23 *poses of any agreement under this section—*

24 “(A) *the amount of pandemic emergency*
25 *unemployment extension compensation which*

1 shall be payable to any individual for any week
2 of total unemployment shall be equal to—

3 “(i) the amount of the base compensa-
4 tion (including any dependents’ allowances)
5 payable to such individual during such in-
6 dividual’s benefit year under the State law
7 for a week of total unemployment; and

8 “(ii) the amount of Federal Pandemic
9 Unemployment Compensation under section
10 2104;

11 “(B) the terms and conditions of the State
12 law which apply to claims for regular compensa-
13 tion and to the payment thereof (including terms
14 and conditions relating to availability for work,
15 active search for work, and refusal to accept
16 work) shall apply to claims for pandemic emer-
17 gency unemployment extension compensation
18 and the payment thereof, except where otherwise
19 inconsistent with the provisions of this section or
20 with the regulations or operating instructions of
21 the Secretary promulgated to carry out this sec-
22 tion;

23 “(C) the maximum amount of pandemic
24 emergency unemployment extension compensa-
25 tion payable to any individual for whom a pan-

1 *demio emergency unemployment extension com-*
2 *ensation account is established under subsection*
3 *(b) shall not exceed the amount established in*
4 *such account for such individual; and*

5 *“(D) the allowable methods of payment*
6 *under section 2104(b)(2) shall apply to pay-*
7 *ments of amounts described in subparagraph*
8 *(A)(ii).*

9 *“(5) NONREDUCTION RULE.—*

10 *“(A) IN GENERAL.—An agreement under*
11 *this section shall not apply (or shall cease to*
12 *apply) with respect to a State upon a deter-*
13 *mination by the Secretary that the method gov-*
14 *erning the computation of regular compensation*
15 *under the State law of that State has been modi-*
16 *fied in a manner such that the number of weeks*
17 *(the maximum benefit entitlement), or the aver-*
18 *age weekly benefit amount, of regular compensa-*
19 *tion which will be payable during the period of*
20 *the agreement will be less than the number of*
21 *weeks, or the average weekly benefit amount, of*
22 *the average weekly benefit amount of regular*
23 *compensation which would otherwise have been*
24 *payable during such period under the State law,*
25 *as in effect on January 1, 2020.*

1 “(B) *MAXIMUM BENEFIT ENTITLEMENT.*—
2 *In subparagraph (A), the term ‘maximum ben-*
3 *efit entitlement’ means the amount of regular*
4 *compensation payable to an individual with re-*
5 *spect to the individual’s benefit year.*

6 “(6) *ACTIVELY SEEKING WORK.*—

7 “(A) *IN GENERAL.*—*For purposes of para-*
8 *graph (2)(C), the term ‘actively seeking work’*
9 *means, with respect to any individual, that such*
10 *individual—*

11 “(i) *is registered for employment serv-*
12 *ices in such a manner and to such extent as*
13 *prescribed by the State agency;*

14 “(ii) *has engaged in an active search*
15 *for employment that is appropriate in light*
16 *of the employment available in the labor*
17 *market, the individual’s skills and capabili-*
18 *ties, and includes a number of employer*
19 *contacts that is consistent with the stand-*
20 *ards communicated to the individual by the*
21 *State;*

22 “(iii) *has maintained a record of such*
23 *work search, including employers contacted,*
24 *method of contact, and date contacted; and*

1 “(iv) when requested, has provided
2 such work search record to the State agency.

3 “(B) FLEXIBILITY.—Notwithstanding the
4 requirements under subparagraph (A) and para-
5 graph (2)(C), a State shall provide flexibility in
6 meeting such requirements in case of individuals
7 unable to search for work because of COVID–19,
8 including because of illness, quarantine, or move-
9 ment restriction.

10 “(b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
11 PENSATION ACCOUNT.—

12 “(1) IN GENERAL.—Any agreement under this
13 section shall provide that the State will establish, for
14 each eligible individual who files an application for
15 pandemic emergency unemployment extension com-
16 pensation, a pandemic emergency unemployment ex-
17 tension compensation account with respect to such in-
18 dividual’s benefit year.

19 “(2) AMOUNT IN ACCOUNT.—The amount estab-
20 lished in an account under subsection (a) shall be
21 equal to 13 times the individual’s average weekly ben-
22 efit amount, which includes the amount of Federal
23 Pandemic Unemployment Compensation under sec-
24 tion 2104, for the benefit year.

1 “(3) *WEEKLY BENEFIT AMOUNT.*—For purposes
2 of this subsection, an individual’s weekly benefit
3 amount for any week is the amount of base compensa-
4 tion (including any dependents’ allowances) under the
5 State law payable to such individual for such week
6 for total unemployment plus the amount of Federal
7 Pandemic Unemployment Compensation under sec-
8 tion 2104.

9 “(c) *PAYMENTS TO STATES HAVING AGREEMENTS FOR*
10 *THE PAYMENT OF PANDEMIC EMERGENCY UNEMPLOYMENT*
11 *EXTENSION COMPENSATION.*—

12 “(1) *IN GENERAL.*—There shall be paid to each
13 State that has entered into an agreement under this
14 section an amount equal to 100 percent of the pan-
15 demic emergency unemployment extension compensa-
16 tion paid to individuals by the State pursuant to
17 such agreement.

18 “(2) *TREATMENT OF REIMBURSABLE COMPENSA-*
19 *TION.*—No payment shall be made to any State under
20 this section in respect of any compensation to the ex-
21 tent the State is entitled to reimbursement in respect
22 of such compensation under the provisions of any
23 Federal law other than this section or chapter 85 of
24 title 5, United States Code. A State shall not be enti-
25 tled to any reimbursement under such chapter 85 in

1 *respect of any compensation to the extent the State is*
2 *entitled to reimbursement under this section in re-*
3 *spect of such compensation.*

4 “(3) *DETERMINATION OF AMOUNT.*—Sums pay-
5 *able to any State by reason of such State having an*
6 *agreement under this section shall be payable, either*
7 *in advance or by way of reimbursement (as may be*
8 *determined by the Secretary), in such amounts as the*
9 *Secretary estimates the State will be entitled to re-*
10 *ceive under this section for each calendar month, re-*
11 *duced or increased, as the case may be, by any*
12 *amount by which the Secretary finds that the Sec-*
13 *retary’s estimates for any prior calendar month were*
14 *greater or less than the amounts which should have*
15 *been paid to the State. Such estimates may be made*
16 *on the basis of such statistical, sampling, or other*
17 *method as may be agreed upon by the Secretary and*
18 *the State agency of the State involved.*

19 “(d) *FINANCING PROVISIONS.*—

20 “(1) *COMPENSATION.*—

21 “(A) *IN GENERAL.*—Funds in the extended
22 *unemployment compensation account (as estab-*
23 *lished by section 905(a) of the Social Security*
24 *Act (42 U.S.C. 1105(a)) of the Unemployment*
25 *Trust Fund (as established by section 904(a) of*

1 *such Act (42 U.S.C. 1104(a)) shall be used for*
2 *the making of payments to States having agree-*
3 *ments entered into under this section.*

4 “(B) *TRANSFER OF FUNDS.—Notwith-*
5 *standing any other provision of law, the Sec-*
6 *retary of the Treasury shall transfer from the*
7 *general fund of the Treasury (from funds not*
8 *otherwise appropriated) to the extended unem-*
9 *ployment compensation account such sums as the*
10 *Secretary of Labor estimates to be necessary to*
11 *make payments described in subparagraph (A).*
12 *There are appropriated from the general fund of*
13 *the Treasury, without fiscal year limitation, the*
14 *sums referred to in the preceding sentence and*
15 *such sums shall not be required to be repaid.*

16 “(2) *ADMINISTRATION.—*

17 “(A) *IN GENERAL.—There are appropriated*
18 *out of the employment security administration*
19 *account (as established by section 901(a) of the*
20 *Social Security Act (42 U.S.C. 1101(a)) of the*
21 *Unemployment Trust Fund, without fiscal year*
22 *limitation, such funds as may be necessary for*
23 *purposes of assisting States (as provided in title*
24 *III of the Social Security Act (42 U.S.C. 501 et*

1 *seq.)) in meeting the costs of administration of*
2 *agreements under this section.*

3 “(B) *TRANSFER OF FUNDS.*—*Notwith-*
4 *standing any other provision of law, the Sec-*
5 *retary of the Treasury shall transfer from the*
6 *general fund of the Treasury (from funds not*
7 *otherwise appropriated) to the employment secu-*
8 *rity administration account such sums as the*
9 *Secretary of Labor estimates to be necessary to*
10 *make payments described in subparagraph (A).*
11 *There are appropriated from the general fund of*
12 *the Treasury, without fiscal year limitation, the*
13 *sums referred to in the preceding sentence and*
14 *such sums shall not be required to be repaid.*

15 “(3) *CERTIFICATION.*—*The Secretary shall from*
16 *time to time certify to the Secretary of the Treasury*
17 *for payment to each State the sums payable to such*
18 *State under this subsection. The Secretary of the*
19 *Treasury, prior to audit or settlement by the Govern-*
20 *ment Accountability Office, shall make payments to*
21 *the State in accordance with such certification, by*
22 *transfers from the extended unemployment compensa-*
23 *tion account (as so established) to the account of such*
24 *State in the Unemployment Trust Fund (as so estab-*
25 *lished).*

1 “(e) *FRAUD AND OVERPAYMENTS.*—

2 “(1) *IN GENERAL.*—*If an individual knowingly*
3 *has made, or caused to be made by another, a false*
4 *statement or representation of a material fact, or*
5 *knowingly has failed, or caused another to fail, to dis-*
6 *close a material fact, and as a result of such false*
7 *statement or representation or of such nondisclosure*
8 *such individual has received an amount of pandemic*
9 *emergency unemployment extension compensation*
10 *under this section to which such individual was not*
11 *entitled, such individual—*

12 “(A) *shall be ineligible for further pandemic*
13 *emergency unemployment extension compensa-*
14 *tion under this section in accordance with the*
15 *provisions of the applicable State unemployment*
16 *compensation law relating to fraud in connec-*
17 *tion with a claim for unemployment compensa-*
18 *tion; and*

19 “(B) *shall be subject to prosecution under*
20 *section 1001 of title 18, United States Code.*

21 “(2) *REPAYMENT.*—*In the case of individuals*
22 *who have received amounts of pandemic emergency*
23 *unemployment extension compensation under this sec-*
24 *tion to which they were not entitled, the State shall*
25 *require such individuals to repay the amounts of such*

1 *pandemic emergency unemployment extension com-*
2 *ensation to the State agency, except that the State*
3 *agency may waive such repayment if it determines*
4 *that—*

5 “(A) *the payment of such pandemic emer-*
6 *gency unemployment extension compensation*
7 *was without fault on the part of any such indi-*
8 *vidual; and*

9 “(B) *such repayment would be contrary to*
10 *equity and good conscience.*

11 “(3) *RECOVERY BY STATE AGENCY.—*

12 “(A) *IN GENERAL.—The State agency shall*
13 *recover the amount to be repaid, or any part*
14 *thereof, by deductions from any pandemic emer-*
15 *gency unemployment extension compensation*
16 *payable to such individual under this section or*
17 *from any unemployment compensation payable*
18 *to such individual under any State or Federal*
19 *unemployment compensation law administered*
20 *by the State agency or under any other State or*
21 *Federal law administered by the State agency*
22 *which provides for the payment of any assistance*
23 *or allowance with respect to any week of unem-*
24 *ployment, during the 3-year period after the date*
25 *such individuals received the payment of the*

1 *pandemic emergency unemployment extension*
2 *compensation to which they were not entitled, in*
3 *accordance with the same procedures as apply to*
4 *the recovery of overpayments of regular unem-*
5 *ployment benefits paid by the State.*

6 “(B) *OPPORTUNITY FOR HEARING.*—*No re-*
7 *payment shall be required, and no deduction*
8 *shall be made, until a determination has been*
9 *made, notice thereof and an opportunity for a*
10 *fair hearing has been given to the individual,*
11 *and the determination has become final.*

12 “(4) *REVIEW.*—*Any determination by a State*
13 *agency under this section shall be subject to review in*
14 *the same manner and to the same extent as deter-*
15 *minations under the State unemployment compensa-*
16 *tion law, and only in that manner and to that extent.*

17 “(f) *DEFINITIONS.*—*In this section—*

18 “(1) *the terms ‘compensation’, ‘regular com-*
19 *ensation’, ‘extended compensation’, ‘benefit year’,*
20 *‘base period’, ‘State’, ‘State agency’, ‘State law’, and*
21 *‘week’ have the respective meanings given such terms*
22 *under section 205 of the Federal-State Extended Un-*
23 *employment Compensation Act of 1970 (26 U.S.C.*
24 *3304 note); and*

1 “(2) the term ‘base compensation’ means, as ap-
2 plicable—

3 “(A) regular compensation; or

4 “(B) pandemic unemployment assistance
5 under section 2102.

6 “(g) *APPLICABILITY*.—An agreement entered into
7 under this section shall apply to weeks of unemployment—

8 “(1) beginning after the date on which such
9 agreement is entered into; and

10 “(2) ending on or before January 31, 2021.”.

11 **TITLE III—CLARIFICATIONS AND**
12 **IMPROVEMENTS TO PAN-**
13 **DEMIC UNEMPLOYMENT AS-**
14 **SISTANCE**

15 **SEC. 301. CLARIFICATION OF PANDEMIC UNEMPLOYMENT**
16 **ASSISTANCE ELIGIBILITY FOR PRIMARY**
17 **CAREGIVING.**

18 (a) *IN GENERAL*.—Section 2102(a)(3)(A)(ii)(I)(dd) of
19 the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(dd)) is
20 amended by striking “that is closed as a direct result of
21 the COVID–19 public health emergency” and inserting “be-
22 cause the school or facility is closed or only partially re-
23 opened due to COVID–19, because child or family care is
24 not available or affordable during the hours work is avail-
25 able due to COVID–19, or because physical attendance at

1 *the school or facility presents an unacceptable health risk*
2 *for the household or the individual in need of care due to*
3 *COVID-19.”*

4 *(b) EFFECTIVE DATE.—The amendment made by sub-*
5 *section (a) shall take effect upon the date of the enactment*
6 *of this Act.*

7 **SEC. 302. WAIVER AUTHORITY FOR CERTAIN OVERPAY-**
8 **MENTS OF PANDEMIC UNEMPLOYMENT AS-**
9 **SISTANCE.**

10 *(a) IN GENERAL.—Section 2102(d) of the CARES Act*
11 *(15 U.S.C. 9021(d)) is amended by adding at the end the*
12 *following:*

13 *“(4) WAIVER AUTHORITY.—In the case of indi-*
14 *viduals who have received amounts of Pandemic Un-*
15 *employment Assistance to which they were not enti-*
16 *tled, the State shall require such individuals to repay*
17 *the amounts of such Pandemic Unemployment Assist-*
18 *ance to the State agency, except that the State agency*
19 *shall waive such repayment if it determines that—*

20 *“(A) the payment of such Pandemic Unem-*
21 *ployment Assistance was without fault on the*
22 *part of any such individual; and*

23 *“(B) such repayment would be contrary to*
24 *equity and good conscience.”*

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the enactment of*
3 *the CARES Act (Public Law 116–136).*

4 **SEC. 303. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**
5 **PLOYMENT ASSISTANCE FOR WORKERS AT**
6 **BUSINESSES THAT REDUCED STAFF DUE TO**
7 **THE PANDEMIC.**

8 (a) *IN GENERAL.*—*Section 2102(a)(3)(A)(ii)(I)(jj) of*
9 *the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(jj)) is*
10 *amended by inserting “or its operations are otherwise cur-*
11 *tailed, including by reducing hours of operation, staffing*
12 *levels, occupancy, or other changes that are recommended*
13 *or required,” after “closed”.*

14 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
15 *section (a) shall apply with respect to weeks of unemploy-*
16 *ment beginning after the date of the enactment of this Act.*

17 **SEC. 304. HOLD HARMLESS FOR PANDEMIC UNEMPLOY-**
18 **MENT ASSISTANCE.**

19 (a) *IN GENERAL.*—*Section 2102(c) of the CARES Act*
20 *(15 U.S.C. 9021(c)) is amended by adding at the end the*
21 *following:*

22 “(4) *CONTINUED ELIGIBILITY FOR ASSIST-*
23 *ANCE.*—*As a condition of continued eligibility for as-*
24 *sistance under this section, a covered individual shall*
25 *submit a recertification to the State for each week*

1 *after the individual's 1st week of eligibility that cer-*
2 *tifies that the individual remains an individual de-*
3 *scribed in subsection (a)(3)(A)(i) for such week.”.*

4 ***(b) EFFECTIVE DATE; SPECIAL RULE.—***

5 ***(1) IN GENERAL.—****The amendment made by sub-*
6 *section (a) shall apply with respect to weeks begin-*
7 *ning on or after the date that is 30 days after the*
8 *date of enactment of this section.*

9 ***(2) SPECIAL RULE.—****In the case of any State*
10 *that made a good faith effort to implement section*
11 *2102 of the CARES Act in accordance with rules*
12 *similar to those provided in section 625.6 of title 20,*
13 *Code of Federal Regulations, for weeks ending before*
14 *the effective date specified in paragraph (1), an indi-*
15 *vidual who received Pandemic Unemployment Assist-*
16 *ance from such State for any such week shall not be*
17 *considered ineligible for such assistance for such week*
18 *solely by reason of failure to submit a recertification*
19 *described in subsection (c)(4) of such section.*

1 **TITLE IV—EXTENSION OF RE-**
2 **LIEF TO STATES AND EM-**
3 **PLOYERS**

4 **SEC. 401. EXTENSION OF FULL FEDERAL FUNDING OF EX-**
5 **TENDED UNEMPLOYMENT COMPENSATION.**

6 *Section 4105 of the Families First Coronavirus Re-*
7 *sponse Act (26 U.S.C. 3304 note) is amended by striking*
8 *“December 31, 2020” each place it appears and inserting*
9 *“June 30, 2021”.*

10 **SEC. 402. EXTENSION OF TEMPORARY ASSISTANCE FOR**
11 **STATES WITH ADVANCES.**

12 *Section 1202(b)(10)(A) of the Social Security Act (42*
13 *U.S.C. 1322(b)(10)(A)) is amended by striking “December*
14 *31, 2020” and inserting “June 30, 2021”.*

15 **SEC. 403. EXTENSION OF EMERGENCY RELIEF FOR GOVERN-**
16 **MENTAL ENTITIES AND NONPROFIT ORGANI-**
17 **ZATIONS.**

18 *Section 903(i)(1)(D) of the Social Security Act (42*
19 *U.S.C. 1103(i)(1)(D)) is amended by striking “December*
20 *31, 2020” and inserting “June 30, 2021”.*

21 **TITLE V—CORRECTIVE ACTION**
22 **FOR PROCESSING BACKLOGS**

23 **SEC. 501. STATE REPORTING ON CLAIMS BACKLOGS.**

24 *(a) IN GENERAL.—Section 2104 of the CARES Act (15*
25 *U.S.C. 9023) is amended by adding at the end the following:*

1 “(j) *STATE ACCOUNTABILITY RELATING TO CLAIMS*
2 *BACKLOGS.*—*As a condition of any agreement under this*
3 *section, the following rules shall apply:*

4 “(1) *CLAIMS REPORTING.*—

5 “(A) *IN GENERAL.*—*Each State partici-*
6 *parting in such an agreement shall submit to the*
7 *Secretary of Labor on a weekly basis a report on*
8 *the status in the State of any backlog of the proc-*
9 *essing of unemployment claims, including claims*
10 *for regular compensation, extended compensa-*
11 *tion, Pandemic Unemployment Assistance, and*
12 *Pandemic Emergency Unemployment Compensa-*
13 *tion. Such report shall include a description,*
14 *with respect to the previous week, of each of the*
15 *following:*

16 “(i) *The number of initial claims still*
17 *in process, disaggregated by the number of*
18 *such claims still pending—*

19 “(I) *because of nonmonetary de-*
20 *terminations;*

21 “(II) *because of monetary deter-*
22 *minations;*

23 “(III) *because of suspected fraud;*
24 *and*

25 “(IV) *for any other reason.*

1 “(ii) *The number of initial claims de-*
2 *nied.*

3 “(iii) *The number of individuals with*
4 *respect to whom a continued claim was*
5 *paid.*

6 “(iv) *The number of individuals with*
7 *respect to whom a continued claim is still*
8 *in process, disaggregated by the number of*
9 *such claims still pending—*

10 “(I) *because of nonmonetary de-*
11 *terminations;*

12 “(II) *because of monetary deter-*
13 *minations;*

14 “(III) *because of suspected fraud;*
15 *and*

16 “(IV) *for any other reason.*

17 “(v) *The number of individuals with*
18 *respect to whom a continued claims was de-*
19 *nied.*

20 “(B) *REPORT TO CONGRESS.—Upon receipt*
21 *of a report described in subparagraph (A), the*
22 *Secretary of Labor shall publish such report on*
23 *the website of the Department of Labor and shall*
24 *submit such report to the Committee on Ways*

1 *and Means of the House of Representatives and*
2 *the Committee on Finance of the Senate.*

3 “(2) *CORRECTIVE ACTION PLANS.*—

4 “(A) *IN GENERAL.*—Not later than 90 days
5 *after the date of enactment of this subsection and*
6 *at least every 90 days thereafter, each State par-*
7 *ticipating in such an agreement shall submit to*
8 *the Secretary of Labor a corrective action plan*
9 *that includes a description of the actions the*
10 *State has taken and intends to take to address*
11 *any backlog of the processing of unemployment*
12 *claims described in paragraph (1)(A). The Sec-*
13 *retary may waive the requirement under this*
14 *subparagraph with respect to any State that the*
15 *Secretary determines has made adequate progress*
16 *in addressing any such backlog.*

17 “(B) *TECHNICAL ASSISTANCE.*—The Sec-
18 *retary of Labor shall make technical assistance*
19 *available to States to the extent feasible to enable*
20 *States to develop and implement corrective ac-*
21 *tion plans in accordance with this paragraph. If*
22 *the Secretary of Labor determines at any time*
23 *that a State has failed to take reasonable actions*
24 *under a corrective action plan to address a*
25 *claims backlog, the State shall collaborate with*

1 *the Secretary to develop a subsequent corrective*
 2 *action plan to achieve clearly defined, targeted*
 3 *outcomes.*

4 “(C) *REPORT TO CONGRESS.*—Upon receipt
 5 of a corrective action plan described in subpara-
 6 graph (A), the Secretary of Labor shall publish
 7 such plan on the website of the Department of
 8 Labor and shall submit such report to the Com-
 9 mittee on Ways and Means of the House of Rep-
 10 resentatives and the Committee on Finance of the
 11 Senate.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 13 section (a) shall apply with respect to weeks beginning after
 14 the date of enactment of this Act.

15 **TITLE VI—ADDITIONAL**
 16 **BENEFITS FOR MIXED EARNERS**
 17 **SECTION 601. MIXED EARNER UNEMPLOYMENT COMPENSA-**
 18 **TION.**

19 (a) *IN GENERAL.*—Section 2104(b)(1) of the CARES
 20 Act (15 U.S.C. 9023(b)(1)) is amended—

21 (1) in subparagraph (B), by striking the period
 22 at the end and inserting “, plus”; and

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

24 “(C) an additional amount of \$125 (in this
 25 section referred to as ‘Mixed Earner Unemploy-

1 *ment Compensation*’) in any case in which the
2 *individual received at least \$5,000 of self-em-*
3 *ployment income (as defined in section 1402(b)*
4 *of the Internal Revenue Code of 1986) in the*
5 *most recent taxable year ending prior to the in-*
6 *dividual’s application for regular compensa-*
7 *tion.”.*

8 **(b) CONFORMING AMENDMENTS.**—*Section 2104 of such*
9 *Act is amended—*

10 (1) *by inserting “or Mixed Earner Unemploy-*
11 *ment Compensation” after “Federal Pandemic Unem-*
12 *ployment Compensation” each place such term ap-*
13 *pears in subsection (b)(2), (c), or (f) of such section;*

14 (2) *in subsection (d), by inserting “and Mixed*
15 *Earner Unemployment Compensation” after “Federal*
16 *Pandemic Unemployment Compensation”; and*

17 (3) *in subsection (g), by striking “provide that”*
18 *and all that follows through the end and inserting*
19 *“provide that—*

20 *“(1) the purposes of the preceding provisions of*
21 *this section, as such provisions apply with respect to*
22 *Federal Pandemic Unemployment Compensation,*
23 *shall be applied with respect to unemployment bene-*
24 *fits described in subsection (i)(2) to the same extent*

1 *and in the same manner as if those benefits were reg-*
 2 *ular compensation; and*

3 “(2) *the purposes of the preceding provisions of*
 4 *this section, as such provisions apply with respect to*
 5 *Mixed Earner Unemployment Compensation, shall be*
 6 *applied with respect to unemployment benefits de-*
 7 *scribed in subparagraph (B) or (D) of subsection*
 8 *(i)(2) to the same extent and in the same manner as*
 9 *if those benefits were regular compensation.”.*

10 (c) *APPLICABILITY.—The amendments made by this*
 11 *section shall not apply with respect to a State participating*
 12 *in an agreement under section 2104 of the CARES Act un-*
 13 *less the State so elects, in which case such amendments shall*
 14 *apply with respect to weeks of unemployment beginning on*
 15 *or after the later of the date of such election or the date*
 16 *of enactment of this section.*

17 **TITLE VII—TECHNICAL**
 18 **CORRECTIONS**

19 **SEC. 701. GRACE PERIOD FOR FULL FINANCING OF SHORT-**
 20 **TIME COMPENSATION PROGRAMS.**

21 *Section 2108(c) of the CARES Act (15 U.S.C. 9026(c))*
 22 *is amended by striking “shall be eligible” and all that fol-*
 23 *lows through the end and inserting the following: “*

24 *“shall be eligible—*

1 “(1) for payments under subsection (a) for weeks
2 of unemployment beginning after the effective date of
3 such enactment; and

4 “(2) for an additional payment equal to the total
5 amount of payments for which the State is eligible
6 pursuant to an agreement under section 2109 for
7 weeks of unemployment before such effective date.”.

8 **SEC. 702. TECHNICAL CORRECTION FOR THE COMMON-**
9 **WEALTH OF NORTHERN MARIANA ISLANDS.**

10 *A Commonwealth Only Transitional Worker (as de-*
11 *fin ed in section 6(i)(2) of the Joint Resolution entitled “A*
12 *Joint Resolution to approve the ‘Covenant To Establish a*
13 *Commonwealth of the Northern Mariana Islands in Polit-*
14 *ical Union with the United States of America’, and for*
15 *other purposes” (48 U.S.C. 1806)) shall be considered a*
16 *qualified alien under section 431 of Public Law 104–193*
17 *(8 U.S.C. 1641) for purposes of eligibility for a benefit*
18 *under section 2102 or 2104 of the CARES Act.*

19 **SEC. 703. TECHNICAL AMENDMENT RELATING TO PAN-**
20 **DEM IC UNEMPLOYMENT ASSISTANCE.**

21 *Section 2102(h) of the CARES Act (15 U.S.C.*
22 *9021(h)) is amended by striking “section 625” each place*
23 *it appears and inserting “part 625”.*

1 ***DIVISION J—EMERGENCY AS-***
2 ***SISTANCE, ELDER JUSTICE,***
3 ***AND CHILD AND FAMILY SUP-***
4 ***PORT***

5 ***TITLE I—EMERGENCY***
6 ***ASSISTANCE***

7 ***SEC. 101. FUNDING TO STATES, LOCALITIES, AND COMMU-***
8 ***NITY-BASED ORGANIZATIONS FOR EMER-***
9 ***GENCY AID AND SERVICES.***

10 *(a) FUNDING FOR STATES.—*

11 *(1) INCREASE IN FUNDING FOR SOCIAL SERVICES*
12 *BLOCK GRANT PROGRAM.—*

13 *(A) IN GENERAL.—The amount specified in*
14 *subsection (c) of section 2003 of the Social Secu-*
15 *rity Act for purposes of subsections (a) and (b)*
16 *of such section is deemed to be \$11,325,000,000*
17 *for fiscal year 2020, of which \$9,600,000,000*
18 *shall be obligated by States in accordance with*
19 *this subsection.*

20 *(B) APPROPRIATION.—Out of any money in*
21 *the Treasury of the United States not otherwise*
22 *appropriated, there are appropriated*
23 *\$9,600,000,000, which shall be available for pay-*
24 *ments under section 2002 of the Social Security*

1 *Act, which shall remain available until the end*
2 *of fiscal year 2021.*

3 (C) *DEADLINE FOR DISTRIBUTION OF*
4 *FUNDS.—Within 45 days after the date of the en-*
5 *actment of this Act, the Secretary of Health and*
6 *Human Services shall distribute the funds made*
7 *available by this paragraph, which shall be made*
8 *available to States on an emergency basis for im-*
9 *mediate obligation and expenditure.*

10 (D) *SUBMISSION OF REVISED PRE-EXPENDI-*
11 *TURE REPORT.—Within 90 days after a State*
12 *receives funds made available by this paragraph,*
13 *the State shall submit to the Secretary a revised*
14 *pre-expenditure report pursuant to title XX of*
15 *the Social Security Act that describes how the*
16 *State plans to administer the funds.*

17 (E) *DEADLINE FOR OBLIGATION OF FUNDS*
18 *BY STATES.—A State to which funds made avail-*
19 *able by this paragraph are distributed shall obli-*
20 *gate the funds not later than 120 days after re-*
21 *ceipt.*

22 (F) *DEADLINE FOR EXPENDITURE OF*
23 *FUNDS.—A grantee to which a State (or a sub-*
24 *grantee to which a grantee) provides funds made*

1 *available by this paragraph shall expend the*
2 *funds not later than December 31, 2021.*

3 (2) *RULES GOVERNING USE OF ADDITIONAL*
4 *FUNDS.—A State to which funds made available by*
5 *paragraph (1)(B) are distributed shall use the funds*
6 *in accordance with the following:*

7 (A) *PURPOSE.—*

8 (i) *IN GENERAL.—The State shall use*
9 *the funds only to support the provision of*
10 *emergency services to disadvantaged chil-*
11 *dren, families, and households.*

12 (ii) *DISADVANTAGED DEFINED.—In*
13 *this paragraph, the term “disadvantaged”*
14 *means, with respect to an entity, that the*
15 *entity—*

16 (I) *is an individual, or is located*
17 *in a community, that is experiencing*
18 *material hardship;*

19 (II) *is a household in which there*
20 *is a child (as defined in section 12(d)*
21 *of the Richard B. Russell National*
22 *School Lunch Act) or a child served*
23 *under section 11(a)(1) of such Act,*
24 *who, if not for the closure of the school*
25 *attended by the child during a public*

1 *health emergency designation and due*
2 *to concerns about a COVID–19 out-*
3 *break, would receive free or reduced*
4 *price school meals pursuant to such*
5 *Act;*

6 *(III) is an individual, or is lo-*
7 *cated in a community, with barriers to*
8 *employment; or*

9 *(IV) is located in a community*
10 *that, as of the date of the enactment of*
11 *this Act, is not experiencing a 56-day*
12 *downward trajectory of—*

13 *(aa) influenza-like illnesses;*

14 *(bb) COVID-like syndromic*
15 *cases;*

16 *(cc) documented COVID–19*
17 *cases; or*

18 *(dd) positive test results as a*
19 *percentage of total COVID–19*
20 *tests.*

21 *(B) PASS-THROUGH TO LOCAL ENTITIES.—*

22 *(i) In the case of a State in which a*
23 *county administers or contributes finan-*
24 *cially to the non-Federal share of the*
25 *amounts expended in carrying out a State*

1 *program funded under title IV of the Social*
2 *Security Act, the State shall pass at least*
3 *50 percent of all funds so made available*
4 *through to the chief elected official of the*
5 *city or county that administers the pro-*
6 *gram.*

7 *(ii) In the case of any other State and*
8 *any State to which clause (i) applies that*
9 *does not pass through funds as described in*
10 *that clause, the State shall—*

11 *(I) pass at least 50 percent of the*
12 *funds through to—*

13 *(aa)(AA) local governments*
14 *that will expend or distribute the*
15 *funds in consultation with com-*
16 *munity-based organizations with*
17 *experience serving disadvantaged*
18 *families or individuals; or*

19 *(BB) community-based orga-*
20 *nizations with experience serving*
21 *disadvantaged families and indi-*
22 *viduals; and*

23 *(bb) sub-State areas in pro-*
24 *portions based on the population*

1 *of disadvantaged individuals liv-*
2 *ing in the areas; and*

3 *(II) report to the Secretary on*
4 *how the State determined the amounts*
5 *passed through pursuant to this clause.*

6 (C) *METHODS.—*

7 *(i) IN GENERAL.—The State shall use*
8 *the funds only for—*

9 *(I) administering emergency serv-*
10 *ices;*

11 *(II) providing short-term cash,*
12 *non-cash, or in-kind emergency dis-*
13 *aster relief;*

14 *(III) providing services with dem-*
15 *onstrated need in accordance with ob-*
16 *jective criteria that are made available*
17 *to the public;*

18 *(IV) operational costs directly re-*
19 *lated to providing services described in*
20 *subclauses (I), (II), and (III);*

21 *(V) local government emergency*
22 *social service operations; and*

23 *(VI) providing emergency social*
24 *services to rural and frontier commu-*

1 nities that may not have access to
2 other emergency funding streams.

3 (ii) *ADMINISTERING EMERGENCY SERV-*
4 *ICES DEFINED.*—In clause (i), the term “ad-
5 ministering emergency services” means—

6 (I) *providing basic disaster relief,*
7 *economic, and well-being necessities to*
8 *ensure communities are able to safely*
9 *observe shelter-in-place and social*
10 *distancing orders;*

11 (II) *providing necessary supplies*
12 *such as masks, gloves, and soap, to*
13 *protect the public against infectious*
14 *disease; and*

15 (III) *connecting individuals, chil-*
16 *dren, and families to services or pay-*
17 *ments for which they may already be*
18 *eligible.*

19 (D) *PROHIBITIONS.*—

20 (i) *NO INDIVIDUAL ELIGIBILITY DE-*
21 *TERMINATIONS BY GRANTEES OR SUB-*
22 *GRANTEES.*—Neither a grantee to which the
23 State provides the funds nor any subgrantee
24 of such a grantee may exercise individual
25 eligibility determinations for the purpose of

1 *administering short-term, non-cash, in-kind*
2 *emergency disaster relief to communities.*

3 *(ii) APPLICABILITY OF CERTAIN SOCIAL*
4 *SERVICES BLOCK GRANT FUNDS USE LIM-*
5 *TATIONS.—The State shall use the funds*
6 *subject to the limitations in section 2005 of*
7 *the Social Security Act, except that, for*
8 *purposes of this clause, section 2005(a)(2)*
9 *and 2005(a)(8) of such Act shall not apply.*

10 *(iii) NO SUPPLANTATION OF CERTAIN*
11 *STATE FUNDS.—The State may use the*
12 *funds to supplement, not supplant, State*
13 *general revenue funds for social services.*

14 *(iv) BAN ON USE FOR CERTAIN COSTS*
15 *REIMBURSABLE BY FEMA.—The State may*
16 *not use the funds for costs that are reim-*
17 *bursable by the Federal Emergency Manage-*
18 *ment Agency, under a contract for insur-*
19 *ance, or by self-insurance.*

20 **(b) FUNDING FOR INDIAN TRIBES AND TRIBAL ORGA-**
21 **NIZATIONS.—**

22 **(1) GRANTS.—**

23 **(A) IN GENERAL.—***Within 90 days after the*
24 *date of the enactment of this Act, the Secretary*
25 *of Health and Human Services shall make*

1 *grants to Indian Tribes and Tribal organiza-*
2 *tions.*

3 *(B) AMOUNT OF GRANT.—The amount of*
4 *the grant for an Indian Tribe or Tribal organi-*
5 *zation shall bear the same ratio to the amount*
6 *appropriated by paragraph (3) as the total*
7 *amount of grants awarded to the Indian Tribe*
8 *or Tribal organization under the Low-Income*
9 *Home Energy Assistance Act of 1981 and the*
10 *Community Service Block Grant for fiscal year*
11 *2020 bears to the total amount of grants award-*
12 *ed to all Indian Tribes and Tribal organizations*
13 *under such Act and such Grant for the fiscal*
14 *year.*

15 *(2) RULES GOVERNING USE OF FUNDS.—An en-*
16 *tity to which a grant is made under paragraph (1)*
17 *shall obligate the funds not later than September 30,*
18 *2021, and the funds shall be expended by grantees*
19 *and subgrantees not later than September 30, 2022,*
20 *and used in accordance with the following:*

21 *(A) PURPOSE.—*

22 *(i) IN GENERAL.—The grantee shall*
23 *use the funds only to support the provision*
24 *of emergency services to disadvantaged*
25 *households.*

1 (ii) *DISADVANTAGED* *DEFINED*.—In
2 clause (i), the term “disadvantaged” means,
3 with respect to an entity, that the entity—

4 (I) is an individual, or is located
5 in a community, that is experiencing
6 material hardship;

7 (II) is a household in which there
8 is a child (as defined in section 12(d)
9 of the *Richard B. Russell National*
10 *School Lunch Act*) or a child served
11 under section 11(a)(1) of such Act,
12 who, if not for the closure of the school
13 attended by the child during a public
14 health emergency designation and due
15 to concerns about a COVID–19 out-
16 break, would receive free or reduced
17 price school meals pursuant to such
18 Act;

19 (III) is an individual, or is lo-
20 cated in a community, with barriers to
21 employment; or

22 (IV) is located in a community
23 that, as of the date of the enactment of
24 this Act, is not experiencing a 56-day
25 downward trajectory of—

- 1 (aa) *influenza-like illnesses;*
2 (bb) *COVID-like syndromic*
3 *cases;*
4 (cc) *documented COVID–19*
5 *cases; or*
6 (dd) *positive test results as a*
7 *percentage of total COVID–19*
8 *tests.*

9 (B) *METHODS.—*

10 (i) *IN GENERAL.—The grantee shall*
11 *use the funds only for—*

12 (I) *administering emergency serv-*
13 *ices;*

14 (II) *providing short-term, non-*
15 *cash, in-kind emergency disaster relief;*
16 *and*

17 (III) *tribal emergency social serv-*
18 *ice operations.*

19 (ii) *ADMINISTERING EMERGENCY SERV-*
20 *ICES DEFINED.—In clause (i), the term “ad-*
21 *ministering emergency services” means—*

22 (I) *providing basic economic and*
23 *well-being necessities to ensure commu-*
24 *nities are able to safely observe shelter-*
25 *in-place and social distancing orders;*

1 (II) *providing necessary supplies*
2 *such as masks, gloves, and soap, to*
3 *protect the public against infectious*
4 *disease; and*

5 (III) *connecting individuals, chil-*
6 *dren, and families to services or pay-*
7 *ments for which they may already be*
8 *eligible.*

9 (C) *PROHIBITIONS.—*

10 (i) *NO INDIVIDUAL ELIGIBILITY DE-*
11 *TERMINATIONS BY GRANTEES OR SUB-*
12 *GRANTEES.—Neither the grantee nor any*
13 *subgrantee may exercise individual eligi-*
14 *bility determinations for the purpose of ad-*
15 *ministering short-term, non-cash, in-kind*
16 *emergency disaster relief to communities.*

17 (ii) *BAN ON USE FOR CERTAIN COSTS*
18 *REIMBURSABLE BY FEMA.—The grantee*
19 *may not use the funds for costs that are re-*
20 *imbursable by the Federal Emergency Man-*
21 *agement Agency, under a contract for insur-*
22 *ance, or by self-insurance.*

23 (3) *APPROPRIATION.—Out of any money in the*
24 *Treasury of the United States not otherwise appro-*

1 *appropriated, there are appropriated \$400,000,000 to make*
2 *tribal grants under this subsection.*

3 **SEC. 102. EMERGENCY ASSISTANCE TO FAMILIES THROUGH**
4 **HOME VISITING PROGRAMS.**

5 *(a) IN GENERAL.—For purposes of section 511 of the*
6 *Social Security Act, during the period that begins on Feb-*
7 *ruary 1, 2020, and ends January 31, 2021—*

8 *(1) a virtual home visit shall be considered a*
9 *home visit;*

10 *(2) funding for, and staffing levels of, a program*
11 *conducted pursuant to such section shall not be re-*
12 *duced on account of reduced enrollment in the pro-*
13 *gram; and*

14 *(3) funds provided for such a program may be*
15 *used—*

16 *(A) to train home visitors in conducting a*
17 *virtual home visit and in emergency prepared-*
18 *ness and response planning for families served,*
19 *and may include training on how to safely con-*
20 *duct intimate partner violence screenings, and*
21 *training on safety and planning for families*
22 *served;*

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

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

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

7 (D) to provide prepaid grocery cards to an
8 eligible family (as defined in section 511(k)(2) of
9 such Act) for the purpose of enabling the family
10 to meet the emergency needs of the family.

11 (b) *VIRTUAL HOME VISIT DEFINED.*—In subsection
12 (a), the term “virtual home visit” means a visit that is con-
13 ducted solely by the use of electronic information and tele-
14 communications technologies.

15 (c) *AUTHORITY TO DELAY DEADLINES.*—

16 (1) *IN GENERAL.*—The Secretary of Health and
17 Human Services may extend the deadline by which a
18 requirement of section 511 of the Social Security Act
19 must be met, by such period of time as the Secretary
20 deems appropriate.

21 (2) *GUIDANCE.*—The Secretary of Health and
22 Human Services shall provide to eligible entities
23 funded under section 511 of the Social Security Act
24 information on the parameters used in extending a
25 deadline under paragraph (1) of this subsection.

1 (d) *SUPPLEMENTAL APPROPRIATION.*—*In addition to*
2 *amounts otherwise appropriated, out of any money in the*
3 *Treasury of the United States not otherwise appropriated,*
4 *there are appropriated to the Secretary of Health and*
5 *Human Services \$100,000,000, to enable eligible entities to*
6 *conduct programs funded under section 511 of the Social*
7 *Security Act pursuant to this section, which shall remain*
8 *available for obligation not later than January 31, 2021.*

9 **TITLE II—REAUTHORIZATION OF**
10 **FUNDING FOR PROGRAMS TO**
11 **PREVENT, INVESTIGATE, AND**
12 **PROSECUTE ELDER ABUSE,**
13 **NEGLECT, AND EXPLOI-**
14 **TATION**

15 **SEC. 201. ELDER ABUSE, NEGLECT, AND EXPLOITATION FO-**
16 **RENSIC CENTERS.**

17 *Section 2031(f) of the Social Security Act (42 U.S.C.*
18 *1397l(f)) is amended—*

19 (1) *in paragraph (2), by striking “and” after the*
20 *semicolon;*

21 (2) *in paragraph (3), by striking the period at*
22 *the end and inserting “; and”; and*

23 (3) *by adding at the end the following:*

24 “(4) *for fiscal year 2021, \$5,000,000.*”.

1 **SEC. 202. GRANTS FOR LONG-TERM CARE STAFFING AND**
2 **TECHNOLOGY.**

3 *Section 2041(d) of the Social Security Act (42 U.S.C.*
4 *1397m(d)) is amended—*

5 *(1) in paragraph (2), by striking “and” after the*
6 *semicolon;*

7 *(2) in paragraph (3), by striking the period at*
8 *the end and inserting “; and”; and*

9 *(3) by adding at the end the following:*

10 *“(4) for fiscal year 2021, \$14,000,000.”*

11 **SEC. 203. ADULT PROTECTIVE SERVICES FUNCTIONS AND**
12 **GRANT PROGRAMS.**

13 *Section 2042 of the Social Security Act (42 U.S.C.*
14 *1397m–1) is amended—*

15 *(1) in subsection (a)(2), by striking*
16 *“\$3,000,000” and all that follows through the period*
17 *and inserting “\$3,000,000 for fiscal year 2021.”;*

18 *(2) in subsection (b)(5), by striking*
19 *“\$100,000,000” and all that follows through the pe-*
20 *riod and inserting “\$100,000,000 for fiscal year*
21 *2021.”; and*

22 *(3) in subsection (c)(6), by striking*
23 *“\$25,000,000” and all that follows through the period*
24 *and inserting “\$20,000,000 for fiscal year 2021.”*

1 **SEC. 204. LONG-TERM CARE OMBUDSMAN PROGRAM**
2 **GRANTS AND TRAINING.**

3 *Section 2043 of the Social Security Act (42 U.S.C.*
4 *1397m-2) is amended—*

5 *(1) in subsection (a)(2)—*

6 *(A) in subparagraph (B), by striking “and”*
7 *after the semicolon;*

8 *(B) in subparagraph (C), by striking the*
9 *period at the end and inserting “; and”; and*

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

11 *“(D) for fiscal year 2021, \$8,000,000.”; and*

12 *(2) in subsection (b)(2), by inserting before the*
13 *period the following: “, and for fiscal year 2021,*
14 *\$10,000,000”.*

15 **SEC. 205. INVESTIGATION SYSTEMS AND TRAINING.**

16 *Section 6703(b) of the Patient Protection and Afford-*
17 *able Care Act (42 U.S.C. 1395i-3a(b)) is amended—*

18 *(1) in paragraph (1)(C), by striking “for the pe-*
19 *riod” and all that follows through the period and in-*
20 *serting “for fiscal year 2021, \$10,000,000.”; and*

21 *(2) in paragraph (2)(C), by striking “for each of*
22 *fiscal years 2011 through 2014, \$5,000,000” and in-*
23 *serting “for fiscal year 2021, \$4,000,000”.*

24 **SEC. 206. INCREASED FUNDING FOR STATES AND INDIAN**
25 **TRIBES FOR ADULT PROTECTIVE SERVICES.**

26 *(a) INCREASE IN FUNDING.—*

1 (1) *RESERVATION OF FUNDS.*—Of the amount
2 made available to carry out subtitle A of title XX of
3 the Social Security Act for fiscal year 2020,
4 \$25,000,000 shall be reserved for obligation by States
5 during calendar year 2020 in accordance with sub-
6 section (b) of this section.

7 (2) *APPROPRIATION.*—Out of any money in the
8 Treasury of the United States not otherwise appro-
9 priated, there are appropriated \$25,000,000 for fiscal
10 year 2020 to make grants to States under this sub-
11 section, which shall remain available until the end of
12 fiscal year 2021.

13 (3) *DEADLINE FOR DISTRIBUTION OF FUNDS.*—
14 Within 45 days after the date of the enactment of this
15 Act, the Secretary of Health and Human Services
16 shall distribute the funds reserved under paragraph
17 (1) of this subsection, which shall be made available
18 to States (as defined for purposes of title XX of the
19 Social Security Act in section 1101 of such Act (42
20 U.S.C. 1301)) on an emergency basis for immediate
21 obligation and expenditure.

22 (4) *SUBMISSION OF REVISED PRE-EXPENDITURE*
23 *REPORT.*—Within 90 days after a State receives funds
24 distributed under paragraph (3), the State shall sub-
25 mit to the Secretary of Health and Human Services

1 *a revised pre-expenditure report pursuant to subtitle*
2 *A of title XX of the Social Security Act (42 U.S.C.*
3 *1397 et seq.) that describes how the State plans to ad-*
4 *minister the funds.*

5 (5) *DEADLINE FOR OBLIGATION OF FUNDS BY*
6 *STATES.—Within 120 days after funds are distributed*
7 *to a State under paragraph (3), the State shall obli-*
8 *gate the funds.*

9 (6) *DEADLINE FOR EXPENDITURE OF FUNDS.—*
10 *A grantee to which a State (or a subgrantee to which*
11 *a grantee) provides funds distributed under this sub-*
12 *section shall expend the funds not later than Decem-*
13 *ber 31, 2021.*

14 (b) *RULES GOVERNING USE OF ADDITIONAL FUNDS.—*
15 *Funds are used in accordance with this subsection if—*

16 (1) *the funds are used for adult protective serv-*
17 *ices (as defined in section 2011(2) of the Social Secu-*
18 *rity Act (42 U.S.C. 1397j(2));*

19 (2) *the funds are used subject to the limitations*
20 *in section 2005 of the Social Security Act (42 U.S.C.*
21 *1397d); and*

22 (3) *the funds are used to supplement, not sup-*
23 *plant, State general revenue funds or funds provided*
24 *under section 2002 of the Social Security Act for*
25 *adult protective services.*

1 (c) *FUNDING FOR INDIAN TRIBES AND TRIBAL ORGA-*
2 *NIZATIONS.*—

3 (1) *GRANTS.*—

4 (A) *IN GENERAL.*—*Within 90 days after the*
5 *date of the enactment of this Act, the Secretary*
6 *of Health and Human Services shall make*
7 *grants to Indian Tribes and Tribal organiza-*
8 *tions (as defined in section 677(e)(1) of the Com-*
9 *munity Services Block Grant Act (42 U.S.C.*
10 *9911(e)(1))).*

11 (B) *AMOUNT OF GRANT.*—*The amount of*
12 *the grant for an Indian Tribe or Tribal organi-*
13 *zation shall bear the same ratio to the amount*
14 *appropriated by paragraph (3) as the total*
15 *amount of grants awarded to the Indian Tribe*
16 *or Tribal organization under the Low-Income*
17 *Home Energy Assistance Act of 1981 and the*
18 *Community Service Block Grant for fiscal year*
19 *2020 bears to the total amount of grants award-*
20 *ed to all Indian Tribes and Tribal organizations*
21 *under such Act and such Grant for the fiscal*
22 *year.*

23 (2) *RULES GOVERNING USE OF FUNDS.*—*An en-*
24 *tity to which a grant is made under paragraph (1)*
25 *shall obligate the funds not later than September 30,*

1 2021, and the funds shall be expended by grantees
2 and subgrantees not later than December 31, 2021,
3 and used in accordance with subsection (b) of this sec-
4 tion (except that paragraph (3) of such subsection
5 shall be applied by substituting “general revenue
6 funds of the Indian Tribe or Tribal organization” for
7 “State general revenue funds”).

8 (3) *REPORTS.*—

9 (A) *PRE-EXPENDITURE REPORT AND IN-*
10 *TENDED USE PLAN.*—Not later than 90 days
11 after an Indian Tribe or Tribal organization re-
12 ceives funds made available by this subsection,
13 the Indian Tribe or Tribal organization shall
14 submit to the Secretary of Health and Human
15 Services a pre-expenditure report on the intended
16 use of such funds including information on the
17 types of activities to be supported and the cat-
18 egories or characteristics of individuals to be
19 served. The Indian Tribe or Tribal organization
20 shall subsequently revise the pre-expenditure re-
21 port as necessary to reflect substantial changes
22 in the activities to be supported or the categories
23 or characteristics of individuals to be served.

24 (B) *POST-EXPENDITURE REPORT.*—Not
25 later than January 1, 2022, each Indian Tribe

1 or Tribal organization that receives funds made
2 available under this section shall submit to the
3 Secretary of Health and Human Services a re-
4 port on the activities supported by such funds.
5 Such report shall be in such form and contain
6 such information (including the information de-
7 scribed in section 2006(c) of the Social Security
8 Act (42 U.S.C. 1397e(c))) as the Tribe or organi-
9 zation finds necessary to provide an accurate de-
10 scription of such activities, to secure a complete
11 record of the purposes for which funds were
12 spent, and to determine the extent to which funds
13 were spent in a manner consistent with the re-
14 port required by subparagraph (A).

15 (4) *APPROPRIATION.*—Out of any money in the
16 Treasury of the United States not otherwise appro-
17 priated, there are appropriated \$650,000 for making
18 grants to Indian Tribes and Tribal organizations
19 under this subsection.

20 **SEC. 207. ASSESSMENT REPORTS.**

21 (a) *IN GENERAL.*—Not later than 2 years after the
22 date of enactment of this Act, the Secretary of Health and
23 Human Services shall submit a report to the Congress on
24 the programs, coordinating bodies, registries, and activities
25 established or authorized under subtitle B of title XX of the

1 *Social Security Act (42 U.S.C. 1397l et seq.) or section*
2 *6703(b) of the Patient Protection and Affordable Care Act*
3 *(42 U.S.C. 1395i–3a(b)). The report shall assess the extent*
4 *to which such programs, coordinating bodies, registries, and*
5 *activities have improved access to, and the quality of, re-*
6 *sources available to aging Americans and their caregivers*
7 *to ultimately prevent, detect, and treat abuse, neglect, and*
8 *exploitation, and shall include, as appropriate, rec-*
9 *ommendations to Congress on funding levels and policy*
10 *changes to help these programs, coordinating bodies, reg-*
11 *istries, and activities better prevent, detect, and treat abuse,*
12 *neglect, and exploitation of aging Americans.*

13 **(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIA-**
14 *TIONS.—For fiscal year 2021, out of any money in the*
15 *Treasury of the United States not otherwise appropriated,*
16 *there are authorized to be appropriated to the Secretary of*
17 *Health and Human Services \$1,000,000 to carry out this*
18 *section.*

1 **TITLE III—FAIRNESS FOR SEN-**
2 ****IORS AND PEOPLE WITH DIS-****
3 ****ABILITIES DURING COVID-19****

4 **SEC. 301. SOCIAL SECURITY AND SUPPLEMENTAL SECURITY**
5 ****INCOME BENEFICIARY PROTECTIONS RE-****
6 ****GARDING INCORRECT PAYMENTS DURING****
7 ****COVID-19.****

8 *(a) NO ADJUSTMENT, RECOVERY, OR LIABILITY WITH*
9 *RESPECT TO CERTAIN INCORRECT PAYMENTS.—*

10 *(1) IN GENERAL.—*

11 *(A) NO ADJUSTMENT, RECOVERY, OR LI-*
12 *ABILITY.—Notwithstanding any other provision*
13 *of title II, title VIII, title XI, or title XVI of the*
14 *Social Security Act, and subject to subparagraph*
15 *(D), in the case of any payment under title II,*
16 *title VIII, or title XVI of such Act of more than*
17 *the correct amount for any month during the pe-*
18 *riod beginning on March 1, 2020, and ending on*
19 *January 31, 2021 (other than a payment de-*
20 *scribed in paragraph (2)), there shall be no ad-*
21 *justment of such payment to, or recovery by the*
22 *United States from, any person, estate, State, or*
23 *organization, and no person, estate, State, or or-*
24 *ganization shall be liable for the repayment of*

1 *the amount of such payment in excess of the cor-*
2 *rect amount.*

3 *(B) AUTOMATIC RELIEF.—The Commis-*
4 *sioner of Social Security shall apply subpara-*
5 *graph (A) to each payment described therein*
6 *without requiring such person, estate, State, or*
7 *organization to so request and regardless of*
8 *whether such person, estate, State, or organiza-*
9 *tion so requests.*

10 *(C) PRESUMPTIONS TO APPLY.—For the*
11 *purposes of precluding such adjustment or recov-*
12 *ery, the Commissioner of Social Security may*
13 *presume—*

14 *(i) all such persons, estates, States, or*
15 *organizations to be not at fault; and*

16 *(ii) recovery to be against equity and*
17 *good conscience.*

18 *(D) RULE OF CONSTRUCTION.—Notwith-*
19 *standing the preceding subparagraphs, in case of*
20 *any payment described in subparagraph (A) that*
21 *has been recovered, in full or in part, the Com-*
22 *missioner of Social Security shall have no obli-*
23 *gation to issue refunds of such recovered*
24 *amounts.*

1 (2) *AMOUNTS SUBJECT TO LIABILITY AND RE-*
2 *COVERY.—A payment described in this paragraph is*
3 *a payment of more than the correct amount resulting*
4 *from—*

5 (A) *a conviction for an offense under section*
6 *208(a), 811, or 1632(a) of the Social Security*
7 *Act;*

8 (B) *an incorrect or incomplete statement*
9 *that is knowingly made and material, or the*
10 *knowing concealment of material information; or*

11 (C) *a determination that a representative*
12 *payee misused benefits made under section*
13 *205(j), 807, or 1631(a)(2) of the Social Security*
14 *Act,*

15 *but only if such offense, misstatement, or misuse oc-*
16 *curred on or after March 1.*

17 (b) *NOTIFICATIONS; SUSPENSION OF RECOVERY UPON*
18 *REQUEST.—*

19 (1) *RECOVERY BY ADJUSTMENT OF BENEFITS.—*

20 (A) *IN GENERAL.—Not later than November*
21 *30, 2020, the Commissioner of Social Security*
22 *shall—*

23 (i) *notify each covered individual of*
24 *the opportunity to request that the adjust-*
25 *ment of benefits described in subparagraph*

1 (B) be reduced or suspended during the pe-
2 riod described in subsection (a)(1); and

3 (ii) reduce or suspend (as requested)
4 such adjustment immediately upon receipt
5 of the request.

6 (B) COVERED INDIVIDUAL.—In this para-
7 graph, the term “covered individual” means an
8 individual with respect to whom the recovery of
9 any payment under title II, title VIII, or title
10 XVI of the Social Security Act of more than the
11 correct amount (other than a payment described
12 in paragraph (a)(2)) is in effect, by adjustment
13 of the individual’s monthly benefits or underpay-
14 ments, for any month during the period de-
15 scribed in subsection (a)(1).

16 (2) RECOVERY BY INSTALLMENT AGREEMENTS.—
17 Not later than November 30, 2020, the Commissioner
18 of Social Security shall notify each party owing a
19 debt to the Social Security Administration (other
20 than a debt arising from a payment described in
21 paragraph (a)(2)) with respect to which an install-
22 ment agreement is in effect of the opportunity to re-
23 quest that the installment payments under such agree-
24 ment be suspended during the period described in sub-
25 section (a)(1), and shall suspend such payments upon

1 *request. The Commissioner of Social Security shall*
2 *deem a debt for which such a suspension has been*
3 *made to be not delinquent during such period.*

4 *(c) REPORT.—Not later than 30 days after the date*
5 *of enactment of this Act, the Commissioner of Social Secu-*
6 *rity shall submit a report to the Committee on Ways and*
7 *Means of the House of Representatives and the Committee*
8 *on Finance of the Senate describing the Commissioner's ac-*
9 *tivities under this section.*

10 *(d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES OF*
11 *DETERMINING MEDICAID ELIGIBILITY.—*

12 *(1) IN GENERAL.—Notwithstanding any provi-*
13 *sion of title XVI or title XIX of the Social Security*
14 *Act (or section 212(a) of Public Law 93-66), each in-*
15 *dividual who receives a covered supplemental pay-*
16 *ment for any month during the period described in*
17 *subsection (a)(1) and is subsequently determined to be*
18 *ineligible for such payment shall be deemed to be a*
19 *recipient of supplemental security income benefits*
20 *under title XVI or State supplementary benefits of the*
21 *type referred to in section 1616(a) of such Act (or*
22 *payments of the type described in section 212(a) of*
23 *Public Law 93-66), as the case may be, for such*
24 *month for purposes of determining the individual's*
25 *eligibility for medical assistance under a State plan*

1 *approved under title XIX of the Social Security Act*
2 *(42 U.S.C. 1396 et seq.) (or a waiver of such plan).*

3 (2) *COVERED SUPPLEMENTAL PAYMENT.—For*
4 *purposes of this subsection, a covered supplemental*
5 *payment is—*

6 (A) *a payment of a supplemental security*
7 *income benefit under title XVI of the Social Se-*
8 *curity Act; or*

9 (B) *a State supplementary payment of the*
10 *type referred to in section 1616(a) of such title*
11 *(or a payment of the type described in section*
12 *212(a) of Public Law 93–66).*

13 (e) *PROTECTION FOR CERTAIN MEDICARE BENE-*
14 *FICIARIES.—Notwithstanding section 226(a) of the Social*
15 *Security Act, in the case of any individual—*

16 (1) *who is entitled to hospital insurance benefits*
17 *under part A of title XVIII of the Social Security by*
18 *operation of section 226(a) of such Act; and*

19 (2) *whose entitlement to monthly insurance bene-*
20 *fits under section 202 of such Act or status as a*
21 *qualified railroad retirement beneficiary (as defined*
22 *in section 226(d) of such Act) terminates with any*
23 *month during the period beginning on March 1, 2020,*
24 *and ending on January 31, 2021, as a result of a de-*
25 *termination made on or after August 31, 2020,*

1 *the individual's entitlement to such hospital insurance ben-*
2 *efits shall end with the month following the month in which*
3 *notice of termination of such entitlement to monthly insur-*
4 *ance benefits under section 202 of such Act or such status*
5 *as a qualified railroad retirement beneficiary is mailed to*
6 *the individual, or if earlier, with the month before the*
7 *month in which the individual dies.*

8 (f) *HOLD HARMLESS FOR THE SOCIAL SECURITY*
9 *TRUST FUNDS.—There are appropriated, out of any mon-*
10 *neys in the Treasury not otherwise appropriated, to each of*
11 *the Federal Old-Age and Survivors Insurance Trust Fund*
12 *and the Federal Disability Insurance Trust Fund for each*
13 *fiscal year such amounts as the chief actuary of the Social*
14 *Security Administration shall certify are necessary to place*
15 *each such Trust Fund in the same position at the end of*
16 *such fiscal year as it would have been in if the amendments*
17 *made by this section had not been enacted.*

18 **TITLE IV—SUPPORTING FOSTER**
19 **YOUTH AND FAMILIES**
20 **THROUGH THE PANDEMIC**

21 **SEC. 401. SHORT TITLE.**

22 *This title may be cited as the “Supporting Foster*
23 *Youth and Families through the Pandemic Act”.*

24 **SEC. 402. DEFINITIONS.**

25 *In this title:*

1 (1) *COVID–19 PUBLIC HEALTH EMERGENCY.*—
2 *The term “COVID–19 public health emergency”*
3 *means the public health emergency declared by the*
4 *Secretary pursuant to section 319 of the Public*
5 *Health Service Act, entitled “Determination that a*
6 *Public Health Emergency Exists Nationwide as the*
7 *Result of the 2019 Novel Coronavirus”.*

8 (2) *COVID–19 PUBLIC HEALTH EMERGENCY PE-*
9 *RIOD.*—*The term “COVID–19 public health emer-*
10 *gency period” means the period beginning on April 1,*
11 *2020 and ending with September 30, 2021.*

12 (3) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of Health and Human Services.*

14 **SEC. 403. CONTINUED SAFE OPERATION OF CHILD WEL-**
15 **FARE PROGRAMS AND SUPPORT FOR OLDER**
16 **FOSTER YOUTH.**

17 (a) *FUNDING INCREASES.*—

18 (1) *INCREASE IN SUPPORT FOR CHAFEE PRO-*
19 *GRAMS.*—*Out of any money in the Treasury of the*
20 *United States not otherwise appropriated, there are*
21 *appropriated \$400,000,000 for fiscal year 2020, to*
22 *carry out section 477 of the Social Security Act, in*
23 *addition to any amounts otherwise made available for*
24 *such purpose.*

1 (2) *EDUCATION AND TRAINING VOUCHERS.*—Of
2 the amount made available by reason of paragraph
3 (1) of this subsection, not less than \$50,000,000 shall
4 be reserved for the provision of vouchers pursuant to
5 section 477(h)(2) of the Social Security Act.

6 (3) *APPLICABILITY OF TECHNICAL ASSISTANCE*
7 *TO ADDITIONAL FUNDS.*—

8 (A) *IN GENERAL.*—Section 477(g)(2) of the
9 Social Security Act shall apply with respect to
10 the amount made available by reason of para-
11 graph (1) of this subsection as if the amount
12 were included in the amount specified in section
13 477(h) of such Act.

14 (B) *RESERVATION OF FUNDS.*—

15 (i) *IN GENERAL.*—Of the amount to
16 which section 477(g)(2) of the Social Secu-
17 rity Act applies by reason of subparagraph
18 (A) of this paragraph, the Secretary shall
19 reserve not less than \$500,000 to provide
20 technical assistance to a State imple-
21 menting or seeking to implement a driving
22 and transportation program for foster
23 youth.

24 (ii) *PROVIDER QUALIFICATIONS.*—The
25 Secretary shall ensure that the entity pro-

1 *viding the assistance has demonstrated the*
2 *capacity to—*

3 *(I) successfully administer activi-*
4 *ties in 1 or more States to provide*
5 *driver's licenses to youth who are in*
6 *foster care under the responsibility of*
7 *the State; and*

8 *(II) increase the number of such*
9 *foster youth who obtain a driver's li-*
10 *cence.*

11 *(4) INAPPLICABILITY OF STATE MATCHING RE-*
12 *QUIREMENT TO ADDITIONAL FUNDS.—In making pay-*
13 *ments under subsections (a)(4) and (e)(1) of section*
14 *474 of the Social Security Act from the additional*
15 *funds made available as a result of paragraphs (1)*
16 *and (2) of this subsection, the percentages specified in*
17 *subsections (a)(4)(A)(i) and (e)(1) of such section are,*
18 *respectively, deemed to be 100 percent.*

19 *(5) MAXIMUM AWARD AMOUNT.—The dollar*
20 *amount specified in section 477(i)(4)(B) of the Social*
21 *Security Act through the end of fiscal year 2021 is*
22 *deemed to be \$12,000.*

23 *(6) INAPPLICABILITY OF NYTD PENALTY TO ADDI-*
24 *TIONAL FUNDS.—In calculating any penalty under*
25 *section 477(e)(2) of the Social Security Act with re-*

1 *spect to the National Youth in Transition Database*
2 *(NYTD) for the COVID–19 public health emergency*
3 *period, none of the additional funds made available*
4 *by reason of paragraphs (1) and (2) of this subsection*
5 *shall be considered to be part of an allotment to a*
6 *State under section 477(c) of such Act.*

7 *(b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR*
8 *ASSISTANCE.—During fiscal years 2020 and 2021, a child*
9 *may be eligible for services and assistance under section 477*
10 *of the Social Security Act until the child attains 27 years*
11 *of age, notwithstanding any contrary certification made*
12 *under such section.*

13 *(c) SPECIAL RULE.—With respect to funds made*
14 *available by reason of subsection (a) that are used during*
15 *the COVID–19 public health emergency period to support*
16 *activities due to the COVID–19 pandemic, the Secretary*
17 *may not require any State to provide proof of a direct con-*
18 *nection to the pandemic if doing so would be administra-*
19 *tively burdensome or would otherwise delay or impede the*
20 *ability of the State to serve foster youth.*

21 *(d) PROGRAMMATIC FLEXIBILITIES.—During the*
22 *COVID–19 public health emergency period:*

23 *(1) SUSPENSION OF CERTAIN REQUIREMENTS*
24 *UNDER THE EDUCATION AND TRAINING VOUCHER*
25 *PROGRAM.—The Secretary shall allow a State to*

1 *waive the applicability of the requirement in section*
2 *477(i)(3) of the Social Security Act that a youth*
3 *must be enrolled in a postsecondary education or*
4 *training program or making satisfactory progress to-*
5 *ward completion of that program if a youth is unable*
6 *to do so due to the COVID–19 public health emer-*
7 *gency.*

8 (2) *AUTHORITY TO USE VOUCHERS TO MAINTAIN*
9 *TRAINING AND POSTSECONDARY EDUCATION.—A*
10 *voucher provided under a State educational and*
11 *training voucher program under section 477(i) of the*
12 *Social Security Act may be used for maintaining*
13 *training and postsecondary education, including less*
14 *than full-time matriculation costs or other expenses*
15 *that are not part of the cost of attendance but would*
16 *help support youth in remaining enrolled as described*
17 *in paragraph (1) of this subsection.*

18 (3) *AUTHORITY TO WAIVE LIMITATIONS ON PER-*
19 *CENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE*
20 *AND ELIGIBILITY FOR SUCH ASSISTANCE.—Notwith-*
21 *standing section 477(b)(3)(B) of the Social Security*
22 *Act, a State may use—*

23 (A) *more than 30 percent of the amounts*
24 *paid to the State from its allotment under sec-*

1 *tion 477(c)(1) of such Act for a fiscal year, for*
2 *room or board payments; and*

3 *(B) any of such amounts for youth other-*
4 *wise eligible for services under section 477 of*
5 *such Act who—*

6 *(i) have attained 18 years of age and*
7 *not 27 years of age; and*

8 *(ii) experienced foster care at 14 years*
9 *of age or older.*

10 *(4) AUTHORITY TO PROVIDE DRIVING AND*
11 *TRANSPORTATION ASSISTANCE.—*

12 *(A) USE OF FUNDS.—Funds provided under*
13 *section 477 of the Social Security Act may be*
14 *used to provide driving and transportation as-*
15 *sistance to youth described in paragraph (3)(B)*
16 *who have attained 15 years of age with costs re-*
17 *lated to obtaining a driver's license and driving*
18 *lawfully in a State (such as vehicle insurance*
19 *costs, driver's education class and testing fees,*
20 *practice lessons, practice hours, license fees, road-*
21 *side assistance, deductible assistance, and assist-*
22 *ance in purchasing an automobile).*

23 *(B) MAXIMUM ALLOWANCE.—The amount of*
24 *the assistance provided for each eligible youth*
25 *under subparagraph (A) shall not exceed \$4,000*

1 *per year, and any assistance so provided shall be*
2 *disregarded for purposes of determining the re-*
3 *recipient's eligibility for, and the amount of, any*
4 *other Federal or federally-supported assistance,*
5 *except that the State agency shall take appro-*
6 *priate steps to prevent duplication of benefits*
7 *under this and other Federal or federally-sup-*
8 *ported programs.*

9 (C) *REPORT TO THE CONGRESS.*—*Within 6*
10 *months after the end of the expenditure period,*
11 *the Secretary shall submit to the Congress a re-*
12 *port on the extent to which, and the manner in*
13 *which, the funds to which subsection (a)(3) ap-*
14 *plies were used to provide technical assistance to*
15 *State child welfare programs, monitor State per-*
16 *formance and foster youth outcomes, and evalu-*
17 *ate program effectiveness.*

18 **SEC. 404. PREVENTING AGING OUT OF FOSTER CARE DUR-**
19 **ING THE PANDEMIC.**

20 (a) *ADDRESSING FOSTER CARE AGE RESTRICTIONS*
21 *DURING THE PANDEMIC.*—*A State operating a program*
22 *under part E of title IV of the Social Security Act may*
23 *not require a child who is in foster care under the responsi-*
24 *bility of the State to leave foster care solely by reason of*
25 *the child's age. A child may not be found ineligible for foster*

1 *care maintenance payments under section 472 of such Act*
2 *solely due to the age of the child or the failure of the child*
3 *to meet a condition of section 475(8)(B)(iv) of such Act be-*
4 *fore October 1, 2021.*

5 *(b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO*
6 *AGE OUT DURING THE PANDEMIC.—A State operating a*
7 *program under the State plan approved under part E of*
8 *title IV of the Social Security Act (and without regard to*
9 *whether the State has exercised the option provided by sec-*
10 *tion 475(8)(B) of such Act to extend assistance under such*
11 *part to older children) shall—*

12 *(1) permit any youth who left foster care due to*
13 *age during the COVID–19 public health emergency to*
14 *voluntarily re-enter foster care;*

15 *(2) provide to each such youth who was formally*
16 *discharged from foster care during the COVID–19*
17 *public health emergency, a notice designed to make*
18 *the youth aware of the option to return to foster care;*

19 *(3) facilitate the voluntary return of any such*
20 *youth to foster care; and*

21 *(4) conduct a public awareness campaign about*
22 *the option to voluntarily re-enter foster care for youth*
23 *who have not attained 22 years of age, who aged out*
24 *of foster care in fiscal year 2020 or fiscal year 2021,*
25 *and who are otherwise eligible to return to foster care.*

1 (c) *PROTECTIONS FOR YOUTH IN FOSTER CARE.*—A
2 *State operating a program under the State plan approved*
3 *under part E of title IV of the Social Security Act shall—*

4 (1) *continue to ensure that the safety, perma-*
5 *nence, and well-being needs of older foster youth, in-*
6 *cluding youth who remain in foster care and youth*
7 *who age out of foster care during that period but who*
8 *re-enter foster care pursuant to this section, are met;*
9 *and*

10 (2) *work with any youth who remains in foster*
11 *care after attaining 18 years of age (or such greater*
12 *age as the State may have elected under section*
13 *475(8)(B)(iii) of such Act) to develop, or review and*
14 *revise, a transition plan consistent with the plan re-*
15 *ferred to in section 475(5)(H) of such Act, and assist*
16 *the youth with identifying adults who can offer mean-*
17 *ingful, permanent connections.*

18 (d) *AUTHORITY TO USE ADDITIONAL FUNDING FOR*
19 *CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,*
20 *FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH IN*
21 *CARE DURING THE PANDEMIC.*—

22 (1) *IN GENERAL.*—*Subject to paragraph (2) of*
23 *this subsection, a State to which additional funds are*
24 *made available as a result of section 3(a) may use the*

1 *funds to meet any costs incurred in complying with*
2 *subsections (a), (b), and (c) of this section.*

3 (2) *RESTRICTIONS.—*

4 (A) *The costs referred to in paragraph (1)*
5 *must be incurred after the date of the enactment*
6 *of this section and before October 1, 2021.*

7 (B) *The costs of complying with subsection*
8 *(a) or (c) of this section must not be incurred on*
9 *behalf of children eligible for foster care mainte-*
10 *nance payments under section 472 of the Social*
11 *Security Act, including youth who have attained*
12 *18 years of age who are eligible for the payments*
13 *by reason of the temporary waiver of the age re-*
14 *quirement or the conditions of section*
15 *475(8)(B)(iv) of such Act.*

16 (C) *A State shall make reasonable efforts to*
17 *ensure that eligibility for foster care mainte-*
18 *nance payments under section 472 of the Social*
19 *Security Act is determined when a youth re-*
20 *mains in, or re-enters, foster care as a result of*
21 *the State complying with subsections (a) and (c)*
22 *of this section.*

23 (D) *A child who re-enters care during the*
24 *COVID–19 public health emergency period may*
25 *not be found ineligible for foster care mainte-*

1 (b) *INAPPLICABILITY OF STATE MATCHING REQUIRE-*
2 *MENT TO ADDITIONAL FUNDS.*—*In making payments under*
3 *section 434(a) of the Social Security Act from the addi-*
4 *tional funds made available as a result of subsection (a)*
5 *of this section, the percentage specified in section 434(a)(1)*
6 *of such Act is deemed to be 100 percent.*

7 (c) *CONFORMING AMENDMENTS.*—*Section 436 of the*
8 *Social Security Act (42 U.S.C. 629f) is amended in each*
9 *of subsections (a), (b)(4), and (b)(5) by striking “2021” and*
10 *inserting “2022”.*

11 **SEC. 407. COURT IMPROVEMENT PROGRAM.**

12 (a) *RESERVATION OF FUNDS.*—*Of the additional*
13 *amounts made available by reason of section 406 of this*
14 *title, the Secretary shall reserve \$10,000,000 for grants*
15 *under subsection (b) of this section, which shall be consid-*
16 *ered to be made under section 438 of the Social Security*
17 *Act.*

18 (b) *DISTRIBUTION OF FUNDS.*—

19 (1) *IN GENERAL.*—*From the amounts reserved*
20 *under subsection (a) of this section, the Secretary*
21 *shall—*

22 (A) *reserve not more than \$500,000 for*
23 *Tribal court improvement activities; and*

24 (B) *from the amount remaining after the*
25 *application of subparagraph (A), make a grant*

1 to each highest State court that is approved to
2 receive a grant under section 438 of the Social
3 Security Act for the purpose described in section
4 438(a)(3) of such Act, for fiscal year 2020.

5 (2) *AMOUNT.*—The amount of the grant awarded
6 to a highest State court under this subsection shall be
7 the sum of—

8 (A) \$85,000; and

9 (B) the amount that bears the same ratio to
10 the amount reserved under subsection (a) that re-
11 mains after the application of paragraph (1)(A)
12 and subparagraph (A) of this paragraph, as the
13 number of individuals in the State in which the
14 court is located who have not attained 21 years
15 of age bears to the total number of such individ-
16 uals in all States the highest courts of which
17 were awarded a grant under this subsection
18 (based on the most recent year for which data
19 are available from the Bureau of the Census).

20 (3) *OTHER RULES.*—

21 (A) *IN GENERAL.*—The grants awarded to
22 the highest State courts under this subsection
23 shall be in addition to any grants made to the
24 courts under section 438 of the Social Security
25 Act for any fiscal year.

1 (B) *NO ADDITIONAL APPLICATION.*—*The*
2 *Secretary shall award grants to the highest State*
3 *courts under this subsection without requiring*
4 *the courts to submit an additional application.*

5 (C) *REPORTS.*—*The Secretary may estab-*
6 *lish reporting criteria specific to the grants*
7 *awarded under this subsection.*

8 (D) *REDISTRIBUTION OF FUNDS.*—*If a*
9 *highest State court does not accept a grant*
10 *awarded under this subsection, or does not agree*
11 *to comply with any reporting requirements im-*
12 *posed under subparagraph (C) or the use of*
13 *funds requirements specified in subsection (c),*
14 *the Secretary shall redistribute the grant funds*
15 *that would have been awarded to that court*
16 *under this subsection among the other highest*
17 *State courts that are awarded grants under this*
18 *subsection and agree to comply with the report-*
19 *ing and use of funds requirements.*

20 (E) *NO MATCHING REQUIREMENT.*—*The*
21 *limitation on the use of funds specified in section*
22 *438(d) of such Act shall not apply to the grants*
23 *awarded under this section.*

24 (c) *USE OF FUNDS.*—*A highest State court awarded*
25 *a grant under subsection (b) shall use the grant funds to*

1 *address needs stemming from the COVID–19 public health*
2 *emergency, which may include any of the following:*

3 (1) *Technology investments to facilitate the tran-*
4 *sition to remote hearings for dependency courts when*
5 *necessary as a direct result of the COVID–19 public*
6 *health emergency.*

7 (2) *Training for judges, attorneys, and case-*
8 *workers on facilitating and participating in remote*
9 *hearings that comply with due process and all appli-*
10 *cable law, ensure child safety and well-being, and*
11 *help inform judicial decision-making.*

12 (3) *Programs to help families address aspects of*
13 *the case plan to avoid delays in legal proceedings that*
14 *would occur as a direct result of the COVID–19 pub-*
15 *lic health emergency.*

16 (4) *Other purposes to assist courts, court per-*
17 *sonnel, or related staff related to the COVID–19 pub-*
18 *lic health emergency.*

19 (d) *CONFORMING AMENDMENTS.—Section 438 of the*
20 *Social Security Act (42 U.S.C. 629h) is amended in each*
21 *of subsections (c)(1) and (d) by striking “2021” and insert-*
22 *ing “2022”.*

1 **SEC. 408. KINSHIP NAVIGATOR PROGRAMS PANDEMIC**
2 **FLEXIBILITY.**

3 (a) *INAPPLICABILITY OF MATCHING FUNDS REQUIRE-*
4 *MENTS.*—During the COVID–19 public health emergency
5 period, the percentage specified in section 474(a)(7) of the
6 Social Security Act is deemed to be 100 percent.

7 (b) *WAIVER OF EVIDENCE STANDARD.*—During the
8 COVID–19 public health emergency period, the requirement
9 in section 474(a)(7) of the Social Security Act that the Sec-
10 retary determine that a kinship navigator program be oper-
11 ated in accordance with promising, supported, or well-sup-
12 ported practices that meet the applicable criteria specified
13 for the practices in section 471(e)(4)(C) of such Act shall
14 have no force or effect.

15 (c) *OTHER ALLOWABLE USES OF FUNDS.*—A State
16 may use funds provided to carry out a kinship navigator
17 program—

18 (1) *for evaluations, independent systematic re-*
19 *view, and related activities;*

20 (2) *to provide short-term support to kinship fam-*
21 *ilies for direct services or assistance during the*
22 *COVID–19 public health emergency period; and*

23 (3) *to ensure that kinship caregivers have the in-*
24 *formation and resources to allow kinship families to*
25 *function at their full potential, including—*

1 (A) ensuring that those who are at risk of
2 contracting COVID–19 have access to informa-
3 tion and resources for necessities, including food,
4 safety supplies, and testing and treatment for
5 COVID–19;

6 (B) access to technology and technological
7 supports needed for remote learning or other ac-
8 tivities that must be carried out virtually due to
9 the COVID–19 public health emergency;

10 (C) health care and other assistance, includ-
11 ing legal assistance and assistance with making
12 alternative care plans for the children in their
13 care if the caregivers were to become unable to
14 continue caring for the children;

15 (D) services to kinship families, including
16 kinship families raising children outside of the
17 foster care system; and

18 (E) assistance to allow children to continue
19 safely living with kin.

20 (d) *TERRITORY CAP EXEMPTION.*—Section 1108(a)(1)
21 of the Social Security Act shall be applied without regard
22 to any amount paid to a territory pursuant to this section
23 that would not have been paid to the territory in the absence
24 of this section.

1 **SEC. 409. ADJUSTMENT OF FUNDING CERTAINTY BASE-**
2 **LINES FOR FAMILY FIRST TRANSITION ACT**
3 **FUNDING CERTAINTY GRANTS.**

4 *Section 602(c)(2) of division N of the Further Consoli-*
5 *dated Appropriations Act, 2020 (Public Law 116–94) is*
6 *amended—*

7 *(1) in subparagraph (C), in the matter preceding*
8 *clause (i), by striking “The calculation” and insert-*
9 *ing “Except as provided in subparagraph (G), the*
10 *calculation”; and*

11 *(2) by adding at the end the following:*

12 *“(G) ADJUSTMENT OF FUNDING CERTAINTY*
13 *BASELINES.—*

14 *“(i) HOLD HARMLESS FOR TEMPORARY*
15 *INCREASE IN FMAP.—For each fiscal year*
16 *specified in subparagraph (B), the Sec-*
17 *retary shall increase the maximum capped*
18 *allocation for fiscal year 2019 or the final*
19 *cost neutrality limit for fiscal year 2018 for*
20 *a State or sub-State jurisdiction referred to*
21 *in subparagraph (A)(i), by the amount*
22 *equal to the difference between—*

23 *“(I) the amount of the foster care*
24 *maintenance payments portion of such*
25 *maximum capped allocation or final*
26 *cost neutrality limit; and*

1 “(II) the amount that the foster
2 care maintenance payments portion of
3 such maximum capped allocation or
4 final cost neutrality limit would be if
5 the Federal medical assistance percent-
6 age applicable to the State under
7 clause (ii) for the fiscal year so speci-
8 fied were used to determine the amount
9 of such portion.

10 “(i) *APPLICABLE FEDERAL MEDICAL*
11 *ASSISTANCE PERCENTAGE.*—For purposes of
12 clause (i)(II), the Federal medical assist-
13 ance percentage applicable to a State for a
14 fiscal year specified in subparagraph (B) is
15 the average of the values of the Federal med-
16 ical assistance percentage applicable to the
17 State in each quarter of such fiscal year
18 under section 474(a)(1) of the Social Secu-
19 rity Act (42 U.S.C. 674(a)(1)) after appli-
20 cation of any temporary increase in the
21 Federal medical assistance percentage for
22 the State and quarter under section 6008 of
23 the Families First Coronavirus Response
24 Act (42 U.S.C. 1396d note) and any other
25 Federal legislation enacted during the pe-

1 *riod that begins on July 1, 2020, and ends*
2 *on September 30, 2021.”.*

3 **SEC. 410. TECHNICAL CORRECTION TO TEMPORARY IN-**
4 **CREASE OF MEDICAID FMAP.**

5 *Section 6008 of the Families First Coronavirus Re-*
6 *sponse Act (Public Law 116–127) is amended by adding*
7 *at the end the following:*

8 *“(e) APPLICATION TO TITLE IV–E PAYMENTS.—If the*
9 *District of Columbia receives the increase described in sub-*
10 *section (a) in the Federal medical assistance percentage for*
11 *the District of Columbia with respect to a quarter, the Fed-*
12 *eral medical assistance percentage for the District of Colum-*
13 *bia, as so increased, shall apply to payments made to the*
14 *District of Columbia under part E of title IV of the Social*
15 *Security Act (42 U.S.C. 670 et seq.) for that quarter, and*
16 *the payments under such part shall be deemed to be made*
17 *on the basis of the Federal medical assistance percentage*
18 *applied with respect to such District for purposes of title*
19 *XIX of such Act (42 U.S.C. 1396 et seq.) and as increased*
20 *under subsection (a).”.*

1 **TITLE V—PANDEMIC STATE**
2 **FLEXIBILITIES**

3 **SEC. 501. EMERGENCY FLEXIBILITY FOR STATE TANF PRO-**
4 **GRAMS.**

5 (a) *STATE PROGRAMS.*—Sections 407(a), 407(e)(1),
6 and 408(a)(7)(A) of the Social Security Act shall have no
7 force or effect during the applicable period, and paragraphs
8 (3), (9), (14), and (15) of section 409(a) of such Act shall
9 not apply with respect to conduct engaged in during the
10 period.

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

17 (c) *PENALTY FOR NONCOMPLIANCE.*—

18 (1) *IN GENERAL.*—If the Secretary of Health and
19 Human Services finds that a State or an Indian tribe
20 has imposed a work requirement as a condition of re-
21 ceiving assistance, or a time limit on the provision of
22 assistance, under a program funded under part A of
23 title IV of the Social Security Act or any program
24 funded with qualified State expenditures (as defined
25 in section 409(a)(7)(B)(i) of such Act) during the ap-

1 *plicable period, or has imposed a penalty for failure*
2 *to comply with a work requirement during the period,*
3 *the Secretary shall reduce the grant payable to the*
4 *State under section 403(a)(1) of such Act or the grant*
5 *payable to the tribe under section 412(a)(1) of such*
6 *Act, as the case may be, for fiscal year 2021 by an*
7 *amount equal to 5 percent of the State or tribal fam-*
8 *ily assistance grant, as the case may be.*

9 (2) *APPLICABILITY OF CERTAIN PROVISIONS.—*

10 *For purposes of section 409(d) of the Social Security*
11 *Act, paragraph (1) of this subsection shall be consid-*
12 *ered to be included in section 409(a) of such Act.*

13 (d) *DEFINITIONS.—In this section:*

14 (1) *APPLICABLE PERIOD.—The term “applicable*
15 *period” means the period that begins on March 1,*
16 *2020, and ends January 31, 2021.*

17 (2) *WORK REQUIREMENT.—The term “work re-*
18 *quirement” means a requirement to engage in a work*
19 *activity (as defined in section 407(d) of the Social Se-*
20 *curity Act) or other work-related activity as defined*
21 *by a State or tribal program funded under part A of*
22 *title IV of such Act.*

23 (3) *OTHER TERMS.—Each other term has the*
24 *meaning given the term in section 419 of the Social*
25 *Security Act.*

1 **SEC. 502. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**
2 **PROGRAMS.**

3 (a) *IN GENERAL.*—*With respect to the period that be-*
4 *gins on March 1, 2020, and ends January 31, 2021:*

5 (1) *Sections 408(a)(2), 409(a)(5), and 409(a)(8)*
6 *of the Social Security Act shall have no force or effect.*

7 (2) *Notwithstanding section 466(d) of such Act,*
8 *the Secretary of Health and Human Services (in this*
9 *subsection referred to as the “Secretary”)* *may exempt*
10 *a State from any requirement of section 466 of such*
11 *Act to respond to the COVID–19 pandemic, except*
12 *that the Secretary may not exempt a State from any*
13 *requirement to—*

14 (A) *provide a parent with notice of a right*
15 *to request a review and, if appropriate, adjust-*
16 *ment of a support order; or*

17 (B) *afford a parent the opportunity to make*
18 *such a request.*

19 (3) *The Secretary may not impose a penalty or*
20 *take any other adverse action against a State pursu-*
21 *ant to section 452(g)(1) of such Act for failure to*
22 *achieve a paternity establishment percentage of less*
23 *than 90 percent.*

24 (4) *The Secretary may not find that the pater-*
25 *nity establishment percentage for a State is not based*
26 *on reliable data for purposes of section 452(g)(1) of*

1 *such Act, and the Secretary may not determine that*
2 *the data which a State submitted pursuant to section*
3 *452(a)(4)(C)(i) of such Act and which is used in de-*
4 *termining a performance level is not complete or reli-*
5 *able for purposes of section 458(b)(5)(B) of such Act,*
6 *on the basis of the failure of the State to submit*
7 *OCSE Form 396 or 34 in a timely manner.*

8 *(5) The Secretary may not impose a penalty or*
9 *take any other adverse action against a State for fail-*
10 *ure to comply with section 454A(g)(1)(A)(i) or*
11 *454B(c)(1) of such Act.*

12 *(6) The Secretary may not disapprove a State*
13 *plan submitted pursuant to part D of title IV of such*
14 *Act for failure of the plan to meet the requirement of*
15 *section 454(1) of such Act, and may not impose a*
16 *penalty or take any other adverse action against a*
17 *State with such a plan that meets that requirement*
18 *for failure to comply with that requirement.*

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

1 *preceding provision shall apply with respect to the*
 2 *Indian tribe or tribal organization.*

3 *(b) CLARIFICATION OF PERFORMANCE INCENTIVE PAY-*
 4 *MENT CALCULATION.—Notwithstanding paragraph (3) of*
 5 *section 458(b) of the Social Security Act, the State incentive*
 6 *payment share for each of fiscal years 2020 and 2021 for*
 7 *purposes of such section shall be the State incentive pay-*
 8 *ment share determined under such section for fiscal year*
 9 *2019.*

10 *(c) STATE DEFINED.—In subsection (a), the term*
 11 *“State” has the meaning given the term in section 1101(a)*
 12 *of the Social Security Act for purposes of title IV of such*
 13 *Act.*

14 ***DIVISION K—HEALTH***
 15 ***PROVISIONS***

16 ***SEC. 100. SHORT TITLE.***

17 *This division may be cited as the “Investing in Amer-*
 18 *ica’s Health Care During the COVID–19 Pandemic Act”.*

19 ***TITLE I—MEDICAID PROVISIONS***

20 ***SEC. 101. COVID–19-RELATED TEMPORARY INCREASE OF***
 21 ***MEDICAID FMAP.***

22 *(a) IN GENERAL.—Section 6008 of the Families First*
 23 *Coronavirus Response Act (42 U.S.C. 1396d note) is*
 24 *amended—*

25 *(1) in subsection (a)—*

1 (A) by inserting “(or, if later, September
2 30, 2021)” after “last day of such emergency pe-
3 riod occurs”; and

4 (B) by striking “6.2 percentage points.”
5 and inserting “the percentage points specified in
6 subsection (e). In no case may the application of
7 this section result in the Federal medical assist-
8 ance percentage determined for a State being
9 more than 95 percent.”; and

10 (2) by adding at the end the following new sub-
11 sections:

12 “(f) *SPECIFIED PERCENTAGE POINTS.*—For purposes
13 of subsection (a), the percentage points specified in this sub-
14 section are—

15 “(1) for each calendar quarter occurring during
16 the period beginning on the first day of the emergency
17 period described in paragraph (1)(B) of section
18 1135(g) of the Social Security Act (42 U.S.C. 1320b-
19 5(g)) and ending on September 30, 2020, 6.2 percent-
20 age points;

21 “(2) for each calendar quarter occurring during
22 the period beginning on October 1, 2020, and ending
23 on September 30, 2021, 14 percentage points; and

24 “(3) for each calendar quarter, if any, occurring
25 during the period beginning on October 1, 2021, and

1 ending on the last day of the calendar quarter in
2 which the last day of such emergency period occurs,
3 6.2 percentage points.

4 “(g) CLARIFICATIONS.—

5 “(1) In the case of a State that treats an indi-
6 vidual described in subsection (b)(3) as eligible for the
7 benefits described in such subsection, for the period
8 described in subsection (a), expenditures for medical
9 assistance and administrative costs attributable to
10 such individual that would not otherwise be included
11 as expenditures under section 1903 of the Social Secu-
12 rity Act shall be regarded as expenditures under the
13 State plan approved under title XIX of the Social Se-
14 curity Act or for administration of such State plan.

15 “(2) The limitations on payment under sub-
16 sections (f) and (g) of section 1108 of the Social Secu-
17 rity Act (42 U.S.C. 1308) shall not apply to Federal
18 payments made under section 1903(a)(1) of the Social
19 Security Act (42 U.S.C. 1396b(a)(1)) attributable to
20 the increase in the Federal medical assistance per-
21 centage under this section.

22 “(3) Expenditures attributable to the increased
23 Federal medical assistance percentage under this sec-
24 tion shall not be counted for purposes of the limita-

1 (1) *IN GENERAL.*—Notwithstanding section
2 1905(b) of the Social Security Act (42 U.S.C.
3 1396d(b)), in the case of an HCBS program State,
4 the Federal medical assistance percentage determined
5 for the State under section 1905(b) of such Act and,
6 if applicable, increased under subsection (y), (z), or
7 (aa) of section 1905 of such Act (42 U.S.C. 1396d),
8 section 1915(k) of such Act (42 U.S.C. 1396n(k)), or
9 section 6008(a) of the Families First Coronavirus Re-
10 sponse Act (Public Law 116–127), shall be increased
11 by 10 percentage points with respect to expenditures
12 of the State under the State Medicaid program for
13 home and community-based services that are provided
14 during the HCBS program improvement period. In
15 no case may the application of the previous sentence
16 result in the Federal medical assistance percentage
17 determined for a State being more than 95 percent.

18 (2) *DEFINITIONS.*—In this section:

19 (A) *HCBS PROGRAM IMPROVEMENT PE-*
20 *RIOD.*—The term “HCBS program improvement
21 period” means, with respect to a State, the pe-
22 riod—

23 (i) beginning on October 1, 2020; and

24 (ii) ending on September 30, 2021.

1 (B) *HCBS PROGRAM STATE.*—*The term*
2 *“HCBS program State” means a State that*
3 *meets the condition described in subsection (b) by*
4 *submitting an application described in such sub-*
5 *section, which is approved by the Secretary pur-*
6 *suant to subsection (c).*

7 (C) *HOME AND COMMUNITY-BASED SERV-*
8 *ICES.*—*The term “home and community-based*
9 *services” means home health care services author-*
10 *ized under paragraph (7) of section 1905(a) of*
11 *the Social Security Act (42 U.S.C. 1396d(a)),*
12 *personal care services authorized under para-*
13 *graph (24) of such section, PACE services au-*
14 *thorized under paragraph (26) of such section,*
15 *services authorized under subsections (b), (c), (i),*
16 *(j), and (k) of section 1915 of such Act (42*
17 *U.S.C. 1396n), such services authorized under a*
18 *waiver under section 1115 of such Act (42 U.S.C.*
19 *1315), and such other services specified by the*
20 *Secretary.*

21 (b) *CONDITION.*—*The condition described in this sub-*
22 *section, with respect to a State, is that the State submits*
23 *an application to the Secretary, at such time and in such*
24 *manner as specified by the Secretary, that includes, in ad-*

1 dition to such other information as the Secretary shall re-
2 quire—

3 (1) a description of which activities described in
4 subsection (d) that a state plans to implement and a
5 description of how it plans to implement such activi-
6 ties;

7 (2) assurances that the Federal funds attrib-
8 utable to the increase under subsection (a) will be
9 used—

10 (A) to implement the activities described in
11 subsection (d); and

12 (B) to supplement, and not supplant, the
13 level of State funds expended for home and com-
14 munity-based services for eligible individuals
15 through programs in effect as of the date of the
16 enactment of this section; and

17 (3) assurances that the State will conduct ade-
18 quate oversight and ensure the validity of such data
19 as may be required by the Secretary.

20 (c) APPROVAL OF APPLICATION.—Not later than 90
21 days after the date of submission of an application of a
22 State under subsection (b), the Secretary shall certify if the
23 application is complete. Upon certification that an applica-
24 tion of a State is complete, the application shall be deemed
25 to be approved for purposes of this section.

1 (d) *ACTIVITIES TO IMPROVE THE DELIVERY OF*
2 *HCBS.*—

3 (1) *IN GENERAL.*—*A State shall work with com-*
4 *munity partners, such as Area Agencies on Aging,*
5 *Centers for Independent Living, non-profit home and*
6 *community-based services providers, and other enti-*
7 *ties providing home and community-based services, to*
8 *implement—*

9 (A) *the purposes described in paragraph (2)*
10 *during the COVID–19 public health emergency*
11 *period; and*

12 (B) *the purposes described in paragraph (3)*
13 *after the end of such emergency period.*

14 (2) *FOCUSED AREAS OF HCBS IMPROVEMENT.*—
15 *The purposes described in this paragraph, with re-*
16 *spect to a State, are the following:*

17 (A) *To increase rates for home health agen-*
18 *cies and agencies that employ direct support pro-*
19 *fessionals (including independent providers in a*
20 *self-directed or consumer-directed model) to pro-*
21 *vide home and community-based services under*
22 *the State Medicaid program, provided that any*
23 *agency or individual that receives payment*
24 *under such an increased rate increases the com-*

1 *compensation it pays its home health workers or di-*
2 *rect support professionals.*

3 *(B) To provide paid sick leave, paid family*
4 *leave, and paid medical leave for home health*
5 *workers and direct support professionals.*

6 *(C) To provide hazard pay, overtime pay,*
7 *and shift differential pay for home health work-*
8 *ers and direct support professionals.*

9 *(D) To provide home and community-based*
10 *services to eligible individuals who are on wait-*
11 *ing lists for programs approved under sections*
12 *1115 or 1915 of the Social Security Act (42*
13 *U.S.C. 1315, 1396n).*

14 *(E) To purchase emergency supplies and*
15 *equipment, which may include items not typi-*
16 *cally covered under the Medicaid program, such*
17 *as personal protective equipment, necessary to*
18 *enhance access to services and to protect the*
19 *health and well-being of home health workers and*
20 *direct support professionals.*

21 *(F) To pay for the travel of home health*
22 *workers and direct support professionals to con-*
23 *duct home and community-based services.*

24 *(G) To recruit new home health workers*
25 *and direct support professionals.*

1 (H) To support family care providers of eli-
2 gible individuals with needed supplies and
3 equipment, which may include items not typi-
4 cally covered under the Medicaid program, such
5 as personal protective equipment, and pay.

6 (I) To pay for training for home health
7 workers and direct support professionals that is
8 specific to the COVID–19 public health emer-
9 gency.

10 (J) To pay for assistive technologies, staff-
11 ing, and other costs incurred during the COVID–
12 19 public health emergency period in order to fa-
13 cilitate community integration and ensure an
14 individual’s person-centered service plan con-
15 tinues to be fully implemented.

16 (K) To prepare information and public
17 health and educational materials in accessible
18 formats (including formats accessible to people
19 with low literacy or intellectual disabilities)
20 about prevention, treatment, recovery and other
21 aspects of COVID–19 for eligible individuals,
22 their families, and the general community served
23 by agencies described in subparagraph (A).

24 (L) To pay for American sign language in-
25 terpreters to assist in providing home and com-

1 *munity-based services to eligible individuals and*
2 *to inform the general public about COVID–19.*

3 *(M) To allow day services providers to pro-*
4 *vide home and community-based services.*

5 *(N) To pay for other expenses deemed ap-*
6 *propriate by the Secretary to enhance, expand,*
7 *or strengthen Home and Community-Based*
8 *Services, including retainer payments, and ex-*
9 *periences which meet the criteria of the home and*
10 *community-based settings rule published on Jan-*
11 *uary 16, 2014.*

12 *(3) PERMISSIBLE USES AFTER THE EMERGENCY*
13 *PERIOD.—The purpose described in this paragraph,*
14 *with respect to a State, is to assist eligible individ-*
15 *uals who had to relocate to a nursing facility or insti-*
16 *tutional setting from their homes during the COVID–*
17 *19 public health emergency period in—*

18 *(A) moving back to their homes (including*
19 *by paying for moving costs, first month’s rent,*
20 *and other one-time expenses and start-up costs);*

21 *(B) resuming home and community-based*
22 *services;*

23 *(C) receiving mental health services and*
24 *necessary rehabilitative service to regain skills*

1 *lost while relocated during the public health*
2 *emergency period; and*

3 *(D) while funds attributable to the in-*
4 *creased FMAP under this section remain avail-*
5 *able, continuing home and community-based*
6 *services for eligible individuals who were served*
7 *from a waiting list for such services during the*
8 *public health emergency period.*

9 *(e) REPORTING REQUIREMENTS.—*

10 *(1) STATE REPORTING REQUIREMENTS.—Not*
11 *later than December 31, 2022, any State with respect*
12 *to which an application is approved by the Secretary*
13 *pursuant to subsection (c) shall submit a report to the*
14 *Secretary that contains the following information:*

15 *(A) Activities and programs that were fund-*
16 *ed using Federal funds attributable to such in-*
17 *crease.*

18 *(B) The number of eligible individuals who*
19 *were served by such activities and programs.*

20 *(C) The number of eligible individuals who*
21 *were able to resume home and community-based*
22 *services as a result of such activities and pro-*
23 *grams.*

24 *(2) HHS EVALUATION.—*

1 (A) *IN GENERAL.*—*The Secretary shall*
2 *evaluate the implementation and outcomes of*
3 *this section in the aggregate using an external*
4 *evaluator with experience evaluating home and*
5 *community-based services, disability programs,*
6 *and older adult programs.*

7 (B) *EVALUATION CRITERIA.*—*For purposes*
8 *of subparagraph (A), the external evaluator*
9 *shall—*

10 (i) *document and evaluate changes in*
11 *access, availability, and quality of home*
12 *and community-based services in each*
13 *HCBS program State;*

14 (ii) *document and evaluate aggregate*
15 *changes in access, availability, and quality*
16 *of home and community-based services*
17 *across all such States; and*

18 (iii) *evaluate the implementation and*
19 *outcomes of this section based on—*

20 (I) *the impact of this section on*
21 *increasing funding for home and com-*
22 *munity-based services;*

23 (II) *the impact of this section on*
24 *achieving targeted access, availability,*

1 *and quality of home and community-*
2 *based services; and*

3 *(III) promising practices identi-*
4 *fied by activities conducted pursuant*
5 *to subsection (d) that increase access*
6 *to, availability of, and quality of home*
7 *and community-based services.*

8 *(C) DISSEMINATION OF EVALUATION FIND-*
9 *INGS.—The Secretary shall—*

10 *(i) disseminate the findings from the*
11 *evaluations conducted under this paragraph*
12 *to—*

13 *(I) all State Medicaid directors;*

14 *and*

15 *(II) the Committee on Energy and*
16 *Commerce of the House of Representa-*
17 *tives, the Committee on Finance of the*
18 *Senate, and the Special Committee on*
19 *Aging of the Senate; and*

20 *(ii) make all evaluation findings pub-*
21 *licly available in an accessible electronic*
22 *format and any other accessible format de-*
23 *termined appropriate by the Secretary.*

24 *(D) OVERSIGHT.—Each State with respect*
25 *to which an application is approved by the Sec-*

1 retary pursuant to subsection (c) shall ensure
2 adequate oversight of the expenditure of Federal
3 funds pursuant to such increase in accordance
4 with the Medicaid regulations, including section
5 1115 and 1915 waiver regulations and special
6 terms and conditions for any relevant waiver or
7 grant program.

8 (3) *NON-APPLICATION OF THE PAPERWORK RE-*
9 *DUCTION ACT.*—Chapter 35 of title 44, United States
10 Code (commonly referred to as the “Paperwork Re-
11 duction Act of 1995”), shall not apply to the provi-
12 sions of this subsection.

13 (f) *ADDITIONAL DEFINITIONS.*—In this section:

14 (1) *COVID–19 PUBLIC HEALTH EMERGENCY PE-*
15 *RIOD.*—The term “COVID–19 public health emer-
16 gency period” means the portion of the emergency pe-
17 riod described in paragraph (1)(B) of section 1135(g)
18 of the Social Security Act (42 U.S.C. 1320b–5(g)) be-
19 ginning on or after the date of the enactment of this
20 Act.

21 (2) *ELIGIBLE INDIVIDUAL.*—The term “eligible
22 individual” means an individual who is eligible for
23 or enrolled for medical assistance under a State Med-
24 icaid program.

1 (3) *MEDICAID PROGRAM.*—*The term “Medicaid*
2 *program” means, with respect to a State, the State*
3 *program under title XIX of the Social Security Act*
4 *(42 U.S.C. 1396 et seq.) (including any waiver or*
5 *demonstration under such title or under section 1115*
6 *of such Act (42 U.S.C. 1315) relating to such title).*

7 (4) *SECRETARY.*—*The term “Secretary” means*
8 *the Secretary of Health and Human Services.*

9 (5) *STATE.*—*The term “State” has the meaning*
10 *given such term for purposes of title XIX of the Social*
11 *Security Act (42 U.S.C. 1396 et seq.).*

12 **SEC. 103. COVERAGE AT NO COST SHARING OF COVID-19**
13 **VACCINE AND TREATMENT.**

14 (a) *MEDICAID.*—

15 (1) *IN GENERAL.*—*Section 1905(a)(4) of the So-*
16 *cial Security Act (42 U.S.C. 1396d(a)(4)) is amend-*
17 *ed—*

18 (A) *by striking “and (D)” and inserting*
19 *“(D)”*; *and*

20 (B) *by striking the semicolon at the end and*
21 *inserting “; (E) during the portion of the emer-*
22 *gency period described in paragraph (1)(B) of*
23 *section 1135(g) beginning on the date of the en-*
24 *actment of the Investing in America’s Health*
25 *Care During the COVID-19 Pandemic Act, a*

1 *COVID–19 vaccine licensed under section 351 of*
2 *the Public Health Service Act, or approved or*
3 *authorized under sections 505 or 564 of the Fed-*
4 *eral Food, Drug, and Cosmetic Act, and admin-*
5 *istration of the vaccine; (F) during such portion*
6 *of the emergency period described in paragraph*
7 *(1)(B) of section 1135(g), items or services for*
8 *the prevention or treatment of COVID–19, in-*
9 *cluding drugs approved or authorized under such*
10 *section 505 or such section 564 or, without re-*
11 *gard to the requirements of section*
12 *1902(a)(10)(B) (relating to comparability), in*
13 *the case of an individual who is diagnosed with*
14 *or presumed to have COVID–19, during such*
15 *portion of such emergency period during which*
16 *such individual is infected (or presumed in-*
17 *fected) with COVID–19, the treatment of a con-*
18 *dition that may complicate the treatment of*
19 *COVID–19;”.*

20 (2) *PROHIBITION OF COST SHARING.—*

21 (A) *IN GENERAL.—Subsections (a)(2) and*
22 *(b)(2) of section 1916 of the Social Security Act*
23 *(42 U.S.C. 1396o) are each amended—*

24 (i) *in subparagraph (F), by striking*
25 *“or” at the end;*

1 (ii) in subparagraph (G), by striking
2 “; and” and inserting “, or”; and

3 (iii) by adding at the end the following
4 subparagraphs:

5 “(H) during the portion of the emergency
6 period described in paragraph (1)(B) of section
7 1135(g) beginning on the date of the enactment
8 of this subparagraph, a COVID–19 vaccine li-
9 censed under section 351 of the Public Health
10 Service Act, or approved or authorized under
11 section 505 or 564 of the Federal Food, Drug,
12 and Cosmetic Act, and the administration of
13 such vaccine, or

14 “(I) during such portion of the emergency
15 period described in paragraph (1)(B) of section
16 1135(g), any item or service furnished for the
17 treatment of COVID–19, including drugs ap-
18 proved or authorized under such section 505 or
19 such section 564 or, in the case of an individual
20 who is diagnosed with or presumed to have
21 COVID–19, during the portion of such emer-
22 gency period during which such individual is in-
23 fected (or presumed infected) with COVID–19,
24 the treatment of a condition that may complicate
25 the treatment of COVID–19; and”.

1 (B) *APPLICATION TO ALTERNATIVE COST*
2 *SHARING.—Section 1916A(b)(3)(B) of the Social*
3 *Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is*
4 *amended—*

5 (i) *in clause (xi), by striking “any*
6 *visit” and inserting “any service”; and*

7 (ii) *by adding at the end the following*
8 *clauses:*

9 “(xii) *During the portion of the emer-*
10 *gency period described in paragraph (1)(B)*
11 *of section 1135(g) beginning on the date of*
12 *the enactment of this clause, a COVID–19*
13 *vaccine licensed under section 351 of the*
14 *Public Health Service Act, or approved or*
15 *authorized under section 505 or 564 of the*
16 *Federal Food, Drug, and Cosmetic Act, and*
17 *the administration of such vaccine.*

18 “(xiii) *During such portion of the*
19 *emergency period described in paragraph*
20 *(1)(B) of section 1135(g), an item or service*
21 *furnished for the treatment of COVID–19,*
22 *including drugs approved or authorized*
23 *under such section 505 or such section 564*
24 *or, in the case of an individual who is diag-*
25 *nosed with or presumed to have COVID–19,*

1 *during such portion of such emergency pe-*
2 *riod during which such individual is in-*
3 *fectured (or presumed infected) with COVID-*
4 *19, the treatment of a condition that may*
5 *complicate the treatment of COVID-19.”.*

6 (C) *CLARIFICATION.—The amendments*
7 *made by this subsection shall apply with respect*
8 *to a State plan of a territory in the same man-*
9 *ner as a State plan of one of the 50 States.*

10 (b) *STATE PEDIATRIC VACCINE DISTRIBUTION PRO-*
11 *GRAM.—Section 1928 of the Social Security Act (42 U.S.C.*
12 *1396s) is amended—*

13 (1) *in subsection (a)(1)—*

14 (A) *in subparagraph (A), by striking “;*
15 *and” and inserting a semicolon;*

16 (B) *in subparagraph (B), by striking the*
17 *period and inserting “; and”; and*

18 (C) *by adding at the end the following sub-*
19 *paragraph:*

20 “(C) *during the portion of the emergency*
21 *period described in paragraph (1)(B) of section*
22 *1135(g) beginning on the date of the enactment*
23 *of this subparagraph, each vaccine-eligible child*
24 *(as defined in subsection (b)) is entitled to re-*
25 *ceive a COVID-19 vaccine from a program-reg-*

1 *istered provider (as defined in subsection (h)(7))*
2 *without charge for—*

3 *“(i) the cost of such vaccine; or*

4 *“(ii) the administration of such vac-*
5 *cine.”;*

6 *(2) in subsection (c)(2)—*

7 *(A) in subparagraph (C)(ii), by inserting “,*
8 *but, during the portion of the emergency period*
9 *described in paragraph (1)(B) of section 1135(g)*
10 *beginning on the date of the enactment of the In-*
11 *vesting in America’s Health Care During the*
12 *COVID–19 Pandemic Act, may not impose a fee*
13 *for the administration of a COVID–19 vaccine”*
14 *before the period; and*

15 *(B) by adding at the end the following sub-*
16 *paragraph:*

17 *“(D) The provider will provide and admin-*
18 *ister an approved COVID–19 vaccine to a vac-*
19 *cine-eligible child in accordance with the same*
20 *requirements as apply under the preceding sub-*
21 *paragraphs to the provision and administration*
22 *of a qualified pediatric vaccine to such a child.”;*
23 *and*

24 *(3) in subsection (d)(1), in the first sentence, by*
25 *inserting “, including, during the portion of the emer-*

1 *gency period described in paragraph (1)(B) of section*
2 *1135(g) beginning on the date of the enactment of the*
3 *Investing in America’s Health Care During the*
4 *COVID–19 Pandemic Act, with respect to a COVID–*
5 *19 vaccine licensed under section 351 of the Public*
6 *Health Service Act, or approved or authorized under*
7 *section 505 or 564 of the Federal Food, Drug, and*
8 *Cosmetic Act” before the period.*

9 *(c) CHIP.—*

10 *(1) IN GENERAL.—Section 2103(c) of the Social*
11 *Security Act (42 U.S.C. 1397cc(c)) is amended by*
12 *adding at the end the following paragraph:*

13 *“(11) COVERAGE OF COVID–19 VACCINES AND*
14 *TREATMENT.—Regardless of the type of coverage elect-*
15 *ed by a State under subsection (a), child health assist-*
16 *ance provided under such coverage for targeted low-*
17 *income children and, in the case that the State elects*
18 *to provide pregnancy-related assistance under such*
19 *coverage pursuant to section 2112, such pregnancy-re-*
20 *lated assistance for targeted low-income pregnant*
21 *women (as defined in section 2112(d)) shall include*
22 *coverage, during the portion of the emergency period*
23 *described in paragraph (1)(B) of section 1135(g) be-*
24 *ginning on the date of the enactment of this para-*
25 *graph, of—*

1 “(A) a COVID–19 vaccine licensed under
2 section 351 of the Public Health Service Act, or
3 approved or authorized under section 505 or 564
4 of the Federal Food, Drug, and Cosmetic Act,
5 and the administration of such vaccine; and

6 “(B) any item or service furnished for the
7 treatment of COVID–19, including drugs ap-
8 proved or authorized under such section 505 or
9 such section 564, or, in the case of an individual
10 who is diagnosed with or presumed to have
11 COVID–19, during the portion of such emer-
12 gency period during which such individual is in-
13 fected (or presumed infected) with COVID–19,
14 the treatment of a condition that may complicate
15 the treatment of COVID–19.”.

16 (2) *PROHIBITION OF COST SHARING.*—Section
17 2103(e)(2) of the Social Security Act (42 U.S.C.
18 1397cc(e)(2)), as amended by section 6004(b)(3) of the
19 *Families First Coronavirus Response Act*, is amend-
20 ed—

21 (A) in the paragraph header, by inserting
22 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
23 before “OR PREGNANCY-RELATED ASSISTANCE”;
24 and

1 (B) by striking “visits described in section
2 1916(a)(2)(G), or” and inserting “services de-
3 scribed in section 1916(a)(2)(G), vaccines de-
4 scribed in section 1916(a)(2)(H) administered
5 during the portion of the emergency period de-
6 scribed in paragraph (1)(B) of section 1135(g)
7 beginning on the date of the enactment of the In-
8 vesting in America’s Health Care During the
9 COVID–19 Pandemic Act, items or services de-
10 scribed in section 1916(a)(2)(I) furnished during
11 such emergency period, or”.

12 (d) *CONFORMING AMENDMENTS.*—Section 1937 of the
13 *Social Security Act (42 U.S.C. 1396u–7) is amended—*

14 (1) in subsection (a)(1)(B), by inserting “, under
15 subclause (XXIII) of section 1902(a)(10)(A)(ii),” after
16 “section 1902(a)(10)(A)(i)”; and

17 (2) in subsection (b)(5), by adding before the pe-
18 riod the following: “, and, effective on the date of the
19 enactment of the Investing in America’s Health Care
20 During the COVID–19 Pandemic Act, must comply
21 with subparagraphs (F) through (I) of subsections
22 (a)(2) and (b)(2) of section 1916 and subsection
23 (b)(3)(B) of section 1916A”.

24 (e) *EFFECTIVE DATE.*—The amendments made by this
25 *section shall take effect on the date of enactment of this Act*

1 *and shall apply with respect to a COVID–19 vaccine begin-*
2 *ning on the date that such vaccine is licensed under section*
3 *351 of the Public Health Service Act (42 U.S.C. 262), or*
4 *approved or authorized under section 505 or 564 of the Fed-*
5 *eral Food, Drug, and Cosmetic Act.*

6 **SEC. 104. OPTIONAL COVERAGE AT NO COST SHARING OF**
7 **COVID–19 TREATMENT AND VACCINES UNDER**
8 **MEDICAID FOR UNINSURED INDIVIDUALS.**

9 (a) *IN GENERAL.*—Section 1902(a)(10) of the Social
10 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
11 matter following subparagraph (G), by striking “and any
12 visit described in section 1916(a)(2)(G)” and inserting the
13 following: “, any COVID–19 vaccine that is administered
14 during any such portion (and the administration of such
15 vaccine), any item or service that is furnished during any
16 such portion for the treatment of COVID–19, including
17 drugs approved or authorized under section 505 or 564 of
18 the Federal Food, Drug, and Cosmetic Act, or, in the case
19 of an individual who is diagnosed with or presumed to have
20 COVID–19, during the period such individual is infected
21 (or presumed infected) with COVID–19, the treatment of
22 a condition that may complicate the treatment of COVID–
23 19, and any services described in section 1916(a)(2)(G)”.

24 (b) *DEFINITION OF UNINSURED INDIVIDUAL.*—

1 (1) *IN GENERAL.*—Subsection (ss) of section
2 1902 of the Social Security Act (42 U.S.C. 1396a) is
3 amended to read as follows:

4 “(ss) *UNINSURED INDIVIDUAL DEFINED.*—For pur-
5 poses of this section, the term ‘uninsured individual’ means,
6 notwithstanding any other provision of this title, any indi-
7 vidual who is not covered by minimum essential coverage
8 (as defined in section 5000A(f)(1) of the Internal Revenue
9 Code of 1986).”.

10 (2) *EFFECTIVE DATE.*—The amendment made by
11 paragraph (1) shall take effect and apply as if in-
12 cluded in the enactment of the Families First
13 Coronavirus Response Act (Public Law 116–127).

14 (c) *CLARIFICATION REGARDING EMERGENCY SERV-*
15 *ICES FOR CERTAIN INDIVIDUALS.*—Section 1903(v)(2) of
16 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amended
17 by adding at the end the following flush sentence:

18 “*For purposes of subparagraph (A), care and services*
19 *described in such subparagraph include any in vitro*
20 *diagnostic product described in section 1905(a)(3)(B)*
21 *(and the administration of such product), any*
22 *COVID–19 vaccine (and the administration of such*
23 *vaccine), any item or service that is furnished for the*
24 *treatment of COVID–19, including drugs approved or*
25 *authorized under section 505 or 564 of the Federal*

1 *Food, Drug, and Cosmetic Act, or a condition that*
2 *may complicate the treatment of COVID–19, and any*
3 *services described in section 1916(a)(2)(G).”.*

4 *(d) INCLUSION OF COVID–19 CONCERN AS AN EMER-*
5 *GENCY CONDITION.—Section 1903(v)(3) of the Social Secu-*
6 *rity Act (42 U.S.C. 1396b(v)(3)) is amended by adding at*
7 *the end the following flush sentence:*

8 *“Such term includes any indication that an alien de-*
9 *scribed in paragraph (1) may have contracted*
10 *COVID–19.”.*

11 **SEC. 105. MEDICAID COVERAGE FOR CITIZENS OF FREELY**
12 **ASSOCIATED STATES.**

13 *(a) IN GENERAL.—Section 402(b)(2) of the Personal*
14 *Responsibility and Work Opportunity Reconciliation Act*
15 *of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the*
16 *end the following new subparagraph:*

17 *“(G) MEDICAID EXCEPTION FOR CITIZENS*
18 *OF FREELY ASSOCIATED STATES.—With respect*
19 *to eligibility for benefits for the designated Fed-*
20 *eral program defined in paragraph (3)(C) (relat-*
21 *ing to the Medicaid program), section 401(a)*
22 *and paragraph (1) shall not apply to any indi-*
23 *vidual who lawfully resides in 1 of the 50 States*
24 *or the District of Columbia in accordance with*
25 *the Compacts of Free Association between the*

1 *Government of the United States and the Gov-*
2 *ernments of the Federated States of Micronesia,*
3 *the Republic of the Marshall Islands, and the Re-*
4 *public of Palau and shall not apply, at the op-*
5 *tion of the Governor of Puerto Rico, the Virgin*
6 *Islands, Guam, the Northern Mariana Islands,*
7 *or American Samoa as communicated to the Sec-*
8 *retary of Health and Human Services in writ-*
9 *ing, to any individual who lawfully resides in*
10 *the respective territory in accordance with such*
11 *Compacts.”.*

12 **(b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—**
13 *Section 403(d) of such Act (8 U.S.C. 1613(d)) is amended—*

14 *(1) in paragraph (1), by striking “or” at the*
15 *end;*

16 *(2) in paragraph (2), by striking the period at*
17 *the end and inserting “; or”; and*

18 *(3) by adding at the end the following new para-*
19 *graph:*

20 *“(3) an individual described in section*
21 *402(b)(2)(G), but only with respect to the designated*
22 *Federal program defined in section 402(b)(3)(C).”.*

23 **(c) DEFINITION OF QUALIFIED ALIEN.—***Section*
24 *431(b) of such Act (8 U.S.C. 1641(b)) is amended—*

1 (1) *in paragraph (6), by striking “; or” at the*
2 *end and inserting a comma;*

3 (2) *in paragraph (7), by striking the period at*
4 *the end and inserting “, or”; and*

5 (3) *by adding at the end the following new para-*
6 *graph:*

7 “(8) *an individual who lawfully resides in the*
8 *United States in accordance with a Compact of Free*
9 *Association referred to in section 402(b)(2)(G), but*
10 *only with respect to the designated Federal program*
11 *defined in section 402(b)(3)(C) (relating to the Med-*
12 *icaid program).”.*

13 (d) *APPLICATION TO STATE PLANS.—Section*
14 *1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.*
15 *1396a(a)(10)(A)(i)) is amended by inserting after subclause*
16 *(IX) the following:*

17 “(X) *who are described in section*
18 *402(b)(2)(G) of the Personal Responsi-*
19 *bility and Work Opportunity Rec-*
20 *onciliation Act of 1996 and eligible for*
21 *benefits under this title by reason of*
22 *application of such section;”.*

23 (e) *CONFORMING AMENDMENTS.—Section 1108 of the*
24 *Social Security Act (42 U.S.C. 1308) is amended—*

1 (1) *in subsection (f), in the matter preceding*
2 *paragraph (1), by striking “subsections (g) and (h)*
3 *and section 1935(e)(1)(B)” and inserting “subsections*
4 *(g), (h), and (i) and section 1935(e)(1)(B)”;* and

5 (2) *by adding at the end the following:*

6 “(i) *EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-*
7 *TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—*
8 *Expenditures for medical assistance provided to an indi-*
9 *vidual described in section 431(b)(8) of the Personal Re-*
10 *sponsibility and Work Opportunity Reconciliation Act of*
11 *1996 (8 U.S.C. 1641(b)(8)) shall not be taken into account*
12 *for purposes of applying payment limits under subsections*
13 *(f) and (g).”.*

14 (f) *EFFECTIVE DATE.—The amendments made by this*
15 *section shall apply to benefits for items and services fur-*
16 *nished on or after the date of the enactment of this Act.*

17 **SEC. 106. TEMPORARY INCREASE IN MEDICAID DSH ALLOT-**
18 **MENTS.**

19 (a) *IN GENERAL.—Section 1923(f)(3) of the Social Se-*
20 *curity Act (42 U.S.C. 1396r-4(f)(3)) is amended—*

21 (1) *in subparagraph (A), by striking “and sub-*
22 *paragraph (E)” and inserting “and subparagraphs*
23 *(E) and (F)”;* and

24 (2) *by adding at the end the following new sub-*
25 *paragraph:*

1 “(F) *TEMPORARY INCREASE IN ALLOT-*
2 *MENTS DURING CERTAIN PUBLIC HEALTH EMER-*
3 *GENCY.—The DSH allotment for any State for*
4 *each of fiscal years 2020 and 2021 is equal to*
5 *102.5 percent of the DSH allotment that would*
6 *be determined under this paragraph for the State*
7 *for each respective fiscal year without applica-*
8 *tion of this subparagraph, notwithstanding sub-*
9 *paragraphs (B) and (C). For each fiscal year*
10 *after fiscal year 2021, the DSH allotment for a*
11 *State for such fiscal year is equal to the DSH*
12 *allotment that would have been determined*
13 *under this paragraph for such fiscal year if this*
14 *subparagraph had not been enacted.”.*

15 (b) *DSH ALLOTMENT ADJUSTMENT FOR TEN-*
16 *NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security*
17 *Act (42 U.S.C. 1396r-4(f)(6)(A)(vi)) is amended—*

18 (1) *by striking “Notwithstanding any other pro-*
19 *vision of this subsection” and inserting the following:*

20 “(I) *IN GENERAL.—Notwith-*
21 *standing any other provision of this*
22 *subsection (except as provided in sub-*
23 *clause (II) of this clause)”;* and

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

1 “(II) *TEMPORARY INCREASE IN*
2 *ALLOTMENTS.—The DSH allotment for*
3 *Tennessee for each of fiscal years 2020*
4 *and 2021 shall be equal to*
5 *\$54,427,500.”.*

6 (c) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that a State should prioritize making payments under the*
8 *State plan of the State under title XIX of the Social Secu-*
9 *rity Act (42 U.S.C. 1396 et seq.) (or a waiver of such plan)*
10 *to disproportionate share hospitals that have a higher share*
11 *of COVID–19 patients relative to other such hospitals in*
12 *the State.*

13 **SEC. 107. ALLOWING FOR MEDICAL ASSISTANCE UNDER**
14 **MEDICAID FOR INMATES DURING 30-DAY PE-**
15 **RIOD PRECEDING RELEASE.**

16 (a) *IN GENERAL.—The subdivision (A) following*
17 *paragraph (30) of section 1905(a) of the Social Security*
18 *Act (42 U.S.C. 1396d(a)) is amended by inserting “and ex-*
19 *cept during the 30-day period preceding the date of release*
20 *of such individual from such public institution” after “med-*
21 *ical institution”.*

22 (b) *REPORT.—Not later than June 30, 2022, the Med-*
23 *icaid and CHIP Payment and Access Commission shall*
24 *submit a report to Congress on the Medicaid inmate exclu-*
25 *sion under the subdivision (A) following paragraph (30) of*

1 *section 1905(a) of the Social Security Act (42 U.S.C.*
2 *1396d(a)). Such report may, to the extent practicable, in-*
3 *clude the following information:*

4 (1) *The number of incarcerated individuals who*
5 *would otherwise be eligible to enroll for medical as-*
6 *sistance under a State plan approved under title XIX*
7 *of the Social Security Act (42 U.S.C. 1396 et seq.) (or*
8 *a waiver of such a plan).*

9 (2) *Access to health care for incarcerated indi-*
10 *viduals, including a description of medical services*
11 *generally available to incarcerated individuals.*

12 (3) *A description of current practices related to*
13 *the discharge of incarcerated individuals, including*
14 *how prisons interact with State Medicaid agencies to*
15 *ensure that such individuals who are eligible to enroll*
16 *for medical assistance under a State plan or waiver*
17 *described in paragraph (1) are so enrolled.*

18 (4) *If determined appropriate by the Commis-*
19 *sion, recommendations for Congress, the Department*
20 *of Health and Human Services, or States regarding*
21 *the Medicaid inmate exclusion.*

22 (5) *Any other information that the Commission*
23 *determines would be useful to Congress.*

1 **SEC. 108. MEDICAID COVERAGE OF CERTAIN MEDICAL**
2 **TRANSPORTATION.**

3 *(a) CONTINUING REQUIREMENT OF MEDICAID COV-*
4 *ERAGE OF NECESSARY TRANSPORTATION.—*

5 *(1) REQUIREMENT.—Section 1902(a)(4) of the*
6 *Social Security Act (42 U.S.C. 1396a(a)(4)) is*
7 *amended—*

8 *(A) by striking “and including provision*
9 *for utilization” and inserting “including provi-*
10 *sion for utilization”; and*

11 *(B) by inserting after “supervision of ad-*
12 *ministration of the plan” the following: “, and,*
13 *subject to section 1903(i), including a specifica-*
14 *tion that the single State agency described in*
15 *paragraph (5) will ensure necessary transpor-*
16 *tation for beneficiaries under the State plan to*
17 *and from providers and a description of the*
18 *methods that such agency will use to ensure such*
19 *transportation”.*

20 *(2) APPLICATION WITH RESPECT TO BENCHMARK*
21 *BENEFIT PACKAGES AND BENCHMARK EQUIVALENT*
22 *COVERAGE.—Section 1937(a)(1) of the Social Secu-*
23 *rity Act (42 U.S.C. 1396u–7(a)(1)) is amended—*

24 *(A) in subparagraph (A), by striking “sub-*
25 *section (E)” and inserting “subparagraphs (E)*
26 *and (F)”;* and

1 (B) by adding at the end the following new
2 subparagraph:

3 “(F) *NECESSARY TRANSPORTATION.*—Not-
4 withstanding the preceding provisions of this
5 paragraph, a State may not provide medical as-
6 sistance through the enrollment of an individual
7 with benchmark coverage or benchmark equiva-
8 lent coverage described in subparagraph (A)(i)
9 unless, subject to section 1903(i)(9) and in ac-
10 cordance with section 1902(a)(4), the benchmark
11 benefit package or benchmark equivalent coverage
12 (or the State)—

13 “(i) ensures necessary transportation
14 for individuals enrolled under such package
15 or coverage to and from providers; and

16 “(ii) provides a description of the
17 methods that will be used to ensure such
18 transportation.”.

19 (3) *LIMITATION ON FEDERAL FINANCIAL PAR-*
20 *TICIPATION.*—Section 1903(i) of the Social Security
21 Act (42 U.S.C. 1396b(i)) is amended by inserting
22 after paragraph (8) the following new paragraph:

23 “(9) with respect to any amount expended for
24 non-emergency transportation authorized under sec-
25 tion 1902(a)(4), unless the State plan provides for the

1 *methods and procedures required under section*
2 *1902(a)(30)(A); or”.*

3 (4) *EFFECTIVE DATE.*—*The amendments made*
4 *by this subsection shall take effect on the date of the*
5 *enactment of this Act and shall apply to transpor-*
6 *tation furnished on or after such date.*

7 (b) *MEDICAID PROGRAM INTEGRITY MEASURES RE-*
8 *LATED TO COVERAGE OF NONEMERGENCY MEDICAL TRANS-*
9 *PORTATION.*—

10 (1) *GAO STUDY.*—*Not later than two years after*
11 *the date of the enactment of this Act, the Comptroller*
12 *General of the United States shall conduct a study,*
13 *and submit to Congress, a report on coverage under*
14 *the Medicaid program under title XIX of the Social*
15 *Security Act of nonemergency transportation to medi-*
16 *cally necessary services. Such study shall take into ac-*
17 *count the 2009 report of the Office of the Inspector*
18 *General of the Department of Health and Human*
19 *Services, titled “Fraud and Abuse Safeguards for*
20 *Medicaid Nonemergency Medical Transportation”*
21 *(OEI–06–07–003200). Such report shall include the*
22 *following:*

23 (A) *An examination of the 50 States and*
24 *the District of Columbia to identify safeguards to*
25 *prevent and detect fraud and abuse with respect*

1 to coverage under the Medicaid program of non-
2 emergency transportation to medically necessary
3 services.

4 (B) An examination of transportation bro-
5 kers to identify the range of safeguards against
6 such fraud and abuse to prevent improper pay-
7 ments for such transportation.

8 (C) Identification of the numbers, types,
9 and outcomes of instances of fraud and abuse,
10 with respect to coverage under the Medicaid pro-
11 gram of such transportation, that State Medicaid
12 Fraud Control Units have investigated in recent
13 years.

14 (D) Identification of commonalities or
15 trends in program integrity, with respect to such
16 coverage, to inform risk management strategies
17 of States and the Centers for Medicare & Med-
18 icaid Services.

19 (2) *STAKEHOLDER WORKING GROUP.*—

20 (A) *IN GENERAL.*—Not later than one year
21 after the date of the enactment of this Act, the
22 Secretary of Health and Human Services,
23 through the Centers for Medicare & Medicaid
24 Services, shall convene a series of meetings to ob-
25 tain input from appropriate stakeholders to fa-

1 *facilitate discussion and shared learning about the*
2 *leading practices for improving Medicaid pro-*
3 *gram integrity, with respect to coverage of non-*
4 *emergency transportation to medically necessary*
5 *services.*

6 (B) *TOPICS.*—*The meetings convened under*
7 *subparagraph (A) shall—*

8 (i) *focus on ongoing challenges to Med-*
9 *icaid program integrity as well as leading*
10 *practices to address such challenges; and*

11 (ii) *address specific challenges raised*
12 *by stakeholders involved in coverage under*
13 *the Medicaid program of nonemergency*
14 *transportation to medically necessary serv-*
15 *ices, including unique considerations for*
16 *specific groups of Medicaid beneficiaries*
17 *meriting particular attention, such as*
18 *American Indians and tribal land issues or*
19 *accommodations for individuals with dis-*
20 *abilities.*

21 (C) *STAKEHOLDERS.*—*Stakeholders de-*
22 *scribed in subparagraph (A) shall include indi-*
23 *viduals from State Medicaid programs, brokers*
24 *for nonemergency transportation to medically*
25 *necessary services that meet the criteria described*

1 *in section 1902(a)(70)(B) of the Social Security*
2 *Act (42 U.S.C. 1396a(a)(70)(B)), providers (in-*
3 *cluding transportation network companies),*
4 *Medicaid patient advocates, and such other indi-*
5 *viduals specified by the Secretary.*

6 (3) *GUIDANCE REVIEW.*—*Not later than 18*
7 *months after the date of the enactment of this Act, the*
8 *Secretary of Health and Human Services, through the*
9 *Centers for Medicare & Medicaid Services, shall assess*
10 *guidance issued to States by the Centers for Medicare*
11 *& Medicaid Services relating to Federal requirements*
12 *for nonemergency transportation to medically nec-*
13 *essary services under the Medicaid program under*
14 *title XIX of the Social Security Act and update such*
15 *guidance as necessary to ensure States have appro-*
16 *priate and current guidance in designing and admin-*
17 *istering coverage under the Medicaid program of non-*
18 *emergency transportation to medically necessary serv-*
19 *ices.*

20 (4) *NEMT TRANSPORTATION PROVIDER AND*
21 *DRIVER REQUIREMENTS.*—

22 (A) *STATE PLAN REQUIREMENT.*—*Section*
23 *1902(a) of the Social Security Act (42 U.S.C.*
24 *1396a(a)) is amended—*

1 (i) by striking “and” at the end of
2 paragraph (85);

3 (ii) by striking the period at the end of
4 paragraph (86) and inserting “; and”; and

5 (iii) by inserting after paragraph (86)
6 the following new paragraph:

7 “(87) provide for a mechanism, which may in-
8 clude attestation, that ensures that, with respect to
9 any provider (including a transportation network
10 company) or individual driver of nonemergency
11 transportation to medically necessary services receiv-
12 ing payments under such plan (but excluding any
13 public transit authority), at a minimum—

14 “(A) each such provider and individual
15 driver is not excluded from participation in any
16 Federal health care program (as defined in sec-
17 tion 1128B(f)) and is not listed on the exclusion
18 list of the Inspector General of the Department
19 of Health and Human Services;

20 “(B) each such individual driver has a
21 valid driver’s license;

22 “(C) each such provider has in place a
23 process to address any violation of a State drug
24 law; and

1 “(D) each such provider has in place a
2 process to disclose to the State Medicaid program
3 the driving history, including any traffic viola-
4 tions, of each such individual driver employed by
5 such provider, including any traffic violations.”.

6 (B) *EFFECTIVE DATE.*—

7 (i) *IN GENERAL.*—Except as provided
8 in clause (ii), the amendments made by
9 subparagraph (A) shall take effect on the
10 date of the enactment of this Act and shall
11 apply to services furnished on or after the
12 date that is one year after the date of the
13 enactment of this Act.

14 (ii) *EXCEPTION IF STATE LEGISLATION*
15 *REQUIRED.*—In the case of a State plan for
16 medical assistance under title XIX of the
17 Social Security Act which the Secretary of
18 Health and Human Services determines re-
19 quires State legislation (other than legisla-
20 tion appropriating funds) in order for the
21 plan to meet the additional requirement im-
22 posed by the amendments made by subpara-
23 graph (A), the State plan shall not be re-
24 garded as failing to comply with the re-
25 quirements of such title solely on the basis

1 *of its failure to meet this additional re-*
2 *quirement before the first day of the first*
3 *calendar quarter beginning after the close of*
4 *the first regular session of the State legisla-*
5 *ture that begins after the date of the enact-*
6 *ment of this Act. For purposes of the pre-*
7 *vious sentence, in the case of a State that*
8 *has a 2-year legislative session, each year of*
9 *such session shall be deemed to be a separate*
10 *regular session of the State legislature.*

11 (5) *ANALYSIS OF T-MSIS DATA.*—*Not later than*
12 *one year after the date of the enactment of this Act,*
13 *the Secretary of Health and Human Services, through*
14 *the Centers for Medicare & Medicaid Services, shall*
15 *analyze, and submit to Congress a report on, the na-*
16 *tion-wide data set under the Transformed Medicaid*
17 *Statistical Information System to identify rec-*
18 *ommendations relating to coverage under the Med-*
19 *icaid program under title XIX of the Social Security*
20 *Act of nonemergency transportation to medically nec-*
21 *essary services.*

1 **TITLE II—MEDICARE**
2 **PROVISIONS**

3 **SEC. 201. HOLDING MEDICARE BENEFICIARIES HARMLESS**
4 **FOR SPECIFIED COVID-19 TREATMENT SERV-**
5 **ICES FURNISHED UNDER PART A OR PART B**
6 **OF THE MEDICARE PROGRAM.**

7 (a) *IN GENERAL.*—Notwithstanding any other provi-
8 sion of law, in the case of a specified COVID-19 treatment
9 service (as defined in subsection (b)) furnished during any
10 portion of the emergency period described in paragraph
11 (1)(B) of section 1135(g) of the Social Security Act (42
12 U.S.C. 1320b-5(g)) beginning on or after the date of the
13 enactment of this Act to an individual entitled to benefits
14 under part A or enrolled under part B of title XVIII of
15 the Social Security Act (42 U.S.C. 1395 et seq.) for which
16 payment is made under such part A or such part B, the
17 Secretary of Health and Human Services (in this section
18 referred to as the “Secretary”) shall provide that—

19 (1) any cost-sharing required (including any de-
20 ductible, copayment, or coinsurance) applicable to
21 such individual under such part A or such part B
22 with respect to such item or service is paid by the
23 Secretary; and

24 (2) the provider of services or supplier (as de-
25 fined in section 1861 of the Social Security Act (42

1 *U.S.C. 1395x)) does not hold such individual liable*
2 *for such requirement.*

3 **(b) DEFINITION OF SPECIFIED COVID-19 TREAT-**
4 **MENT SERVICES.—***For purposes of this section, the term*
5 *“specified COVID-19 treatment service” means any item*
6 *or service furnished to an individual for which payment*
7 *may be made under part A or part B of title XVIII of the*
8 *Social Security Act (42 U.S.C. 1395 et seq.) if such item*
9 *or service is included in a claim with an ICD-10-CM code*
10 *relating to COVID-19 (as described in the document enti-*
11 *tled “ICD-10-CM Official Coding Guidelines - Supplement*
12 *Coding encounters related to COVID-19 Coronavirus Out-*
13 *break” published on February 20, 2020, or as otherwise*
14 *specified by the Secretary).*

15 **(c) RECOVERY OF COST-SHARING AMOUNTS PAID BY**
16 **THE SECRETARY IN THE CASE OF SUPPLEMENTAL INSUR-**
17 **ANCE COVERAGE.—**

18 **(1) IN GENERAL.—***In the case of any amount*
19 *paid by the Secretary pursuant to subsection (a)(1)*
20 *that the Secretary determines would otherwise have*
21 *been paid by a group health plan or health insurance*
22 *issuer (as such terms are defined in section 2791 of*
23 *the Public Health Service Act (42 U.S.C. 300gg-91)),*
24 *a private entity offering a medicare supplemental*
25 *policy under section 1882 of the Social Security Act*

1 (42 U.S.C. 1395ss), any other health plan offering
2 supplemental coverage, a State plan under title XIX
3 of the Social Security Act, or the Secretary of Defense
4 under the TRICARE program, such plan, issuer, pri-
5 vate entity, other health plan, State plan, or Sec-
6 retary of Defense, as applicable, shall pay to the Sec-
7 retary, not later than 1 year after such plan, issuer,
8 private entity, other health plan, State plan, or Sec-
9 retary of Defense receives a notice under paragraph
10 (3), such amount in accordance with this subsection.

11 (2) *REQUIRED INFORMATION.*—Not later than 9
12 months after the date of the enactment of this Act,
13 each group health plan, health insurance issuer, pri-
14 vate entity, other health plan, State plan, and Sec-
15 retary of Defense described in paragraph (1) shall
16 submit to the Secretary such information as the Sec-
17 retary determines necessary for purposes of carrying
18 out this subsection. Such information so submitted
19 shall be updated by such plan, issuer, private entity,
20 other health plan, State plan, or Secretary of Defense,
21 as applicable, at such time and in such manner as
22 specified by the Secretary.

23 (3) *REVIEW OF CLAIMS AND NOTIFICATION.*—The
24 Secretary shall establish a process under which claims
25 for items and services for which the Secretary has

1 *paid an amount pursuant to subsection (a)(1) are re-*
2 *viewed for purposes of identifying if such amount*
3 *would otherwise have been paid by a plan, issuer, pri-*
4 *vate entity, other health plan, State plan, or Sec-*
5 *retary of Defense described in paragraph (1). In the*
6 *case such a claim is so identified, the Secretary shall*
7 *determine the amount that would have been otherwise*
8 *payable by such plan, issuer, private entity, other*
9 *health plan, State plan, or Secretary of Defense and*
10 *notify such plan, issuer, private entity, other health*
11 *plan, State plan, or Secretary of Defense of such*
12 *amount.*

13 *(4) ENFORCEMENT.—The Secretary may impose*
14 *a civil monetary penalty in an amount determined*
15 *appropriate by the Secretary in the case of a plan,*
16 *issuer, private entity, other health plan, or State plan*
17 *that fails to comply with a provision of this section.*
18 *The provisions of section 1128A of the Social Security*
19 *Act shall apply to a civil monetary penalty imposed*
20 *under the previous sentence in the same manner as*
21 *such provisions apply to a penalty or proceeding*
22 *under subsection (a) or (b) of such section.*

23 *(d) FUNDING.—The Secretary shall provide for the*
24 *transfer to the Centers for Medicare & Medicaid Program*
25 *Management Account from the Federal Hospital Insurance*

1 *Trust Fund and the Federal Supplementary Trust Fund*
2 *(in such portions as the Secretary determines appropriate)*
3 *\$100,000,000 for purposes of carrying out this section.*

4 *(e) REPORT.—Not later than 3 years after the date of*
5 *the enactment of this Act, the Inspector General of the De-*
6 *partment of Health and Human Services shall submit to*
7 *Congress a report containing an analysis of amounts paid*
8 *pursuant to subsection (a)(1) compared to amounts paid*
9 *to the Secretary pursuant to subsection (c).*

10 *(f) IMPLEMENTATION.—Notwithstanding any other*
11 *provision of law, the Secretary may implement the provi-*
12 *sions of this section by program instruction or otherwise.*

13 **SEC. 202. ENSURING COMMUNICATIONS ACCESSIBILITY**
14 **FOR RESIDENTS OF SKILLED NURSING FA-**
15 **CILITIES DURING THE COVID-19 EMERGENCY**
16 **PERIOD.**

17 *(a) IN GENERAL.—Section 1819(c)(3) of the Social Se-*
18 *curity Act (42 U.S.C. 1395i-3(c)(3)) is amended—*

19 *(1) in subparagraph (D), by striking “and” at*
20 *the end;*

21 *(2) in subparagraph (E), by striking the period*
22 *and inserting “; and”; and*

23 *(3) by adding at the end the following new sub-*
24 *paragraph:*

1 “(F) provide for reasonable access to the use
2 of a telephone, including TTY and TDD services
3 (as defined for purposes of section 483.10 of title
4 42, Code of Federal Regulations (or a successor
5 regulation)), and the internet (to the extent
6 available to the facility) and inform each such
7 resident (or a representative of such resident) of
8 such access and any changes in policies or proce-
9 dures of such facility relating to limitations on
10 external visitors.”.

11 (b) COVID–19 PROVISIONS.—

12 (1) GUIDANCE.—Not later than 15 days after the
13 date of the enactment of this Act, the Secretary of
14 Health and Human Service shall issue guidance on
15 steps skilled nursing facilities may take to ensure
16 residents have access to televisitiation during the emer-
17 gency period defined in section 1135(g)(1)(B) of the
18 Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).
19 Such guidance shall include information on how such
20 facilities will notify residents of such facilities, rep-
21 resentatives of such residents, and relatives of such
22 residents of the rights of such residents to such tele-
23 visitation, and ensure timely and equitable access to
24 such televisitiation.

1 (2) *REVIEW OF FACILITIES.*—*The Secretary of*
 2 *Health and Human Services shall take such steps as*
 3 *determined appropriate by the Secretary to ensure*
 4 *that residents of skilled nursing facilities and rel-*
 5 *atives of such residents are made aware of the access*
 6 *rights described in section 1819(c)(3)(F) of the Social*
 7 *Security Act (42 U.S.C. 1395i–3(c)(3)(F)).*

8 **SEC. 203. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
 9 **PAYMENT SYSTEM OUTLIER PAYMENTS FOR**
 10 **COVID–19 PATIENTS DURING CERTAIN EMER-**
 11 **GENCY PERIOD.**

12 (a) *IN GENERAL.*—*Section 1886(d)(5)(A) of the Social*
 13 *Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amended—*

14 (1) *in clause (ii), by striking “For cases” and*
 15 *inserting “Subject to clause (vii), for cases”;*

16 (2) *in clause (iii), by striking “The amount”*
 17 *and inserting “Subject to clause (vii), the amount”;*

18 (3) *in clause (iv), by striking “The total*
 19 *amount” and inserting “Subject to clause (vii), the*
 20 *total amount”;* and

21 (4) *by adding at the end the following new*
 22 *clause:*

23 “(vii) *For discharges that have a primary or sec-*
 24 *ondary diagnosis of COVID–19 and that occur during the*
 25 *period beginning on the date of the enactment of this clause*

1 *and ending on the sooner of January 31, 2021, or the last*
2 *day of the emergency period described in section*
3 *1135(g)(1)(B), the amount of any additional payment*
4 *under clause (ii) for a subsection (d) hospital for such a*
5 *discharge shall be determined as if—*

6 “(I) *clause (ii) was amended by striking ‘plus a*
7 *fixed dollar amount determined by the Secretary’;*

8 “(II) *the reference in clause (iii) to ‘approximate*
9 *the marginal cost of care beyond the cutoff point ap-*
10 *plicable under clause (i) or (ii)’ were a reference to*
11 *‘approximate the marginal cost of care beyond the*
12 *cutoff point applicable under clause (i), or, in the*
13 *case of an additional payment requested under clause*
14 *(ii), be equal to 100 percent of the amount by which*
15 *the costs of the discharge for which such additional*
16 *payment is so requested exceed the applicable DRG*
17 *prospective payment rate’; and*

18 “(III) *clause (iv) does not apply.*”.

19 ***(b) EXCLUSION FROM REDUCTION IN AVERAGE***
20 ***STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-***
21 ***CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of the***
22 ***Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is***
23 ***amended by inserting before the period the following: “,***
24 ***other than additional payments described in clause (vii) of***
25 ***such paragraph”.***

1 (c) *IMPLEMENTATION.*—*Notwithstanding any other*
2 *provision of law, the Secretary of Health and Human Serv-*
3 *ices may implement the amendments made by this section*
4 *by program instruction or otherwise.*

5 **SEC. 204. COVERAGE OF TREATMENTS FOR COVID-19 AT NO**
6 **COST SHARING UNDER THE MEDICARE AD-**
7 **VANTAGE PROGRAM.**

8 (a) *IN GENERAL.*—*Section 1852(a)(1)(B) of the Social*
9 *Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is amended by*
10 *adding at the end the following new clause:*

11 “(vii) *SPECIAL COVERAGE RULES FOR*
12 *SPECIFIED COVID-19 TREATMENT SERV-*
13 *ICES.*—*Notwithstanding clause (i), in the*
14 *case of a specified COVID-19 treatment*
15 *service (as defined in section 201(b) of the*
16 *Investing in America’s Health Care During*
17 *the COVID-19 Pandemic Act) that is fur-*
18 *nished during a plan year occurring during*
19 *any portion of the emergency period defined*
20 *in section 1135(g)(1)(B) beginning on or*
21 *after the date of the enactment of this*
22 *clause, a Medicare Advantage plan may*
23 *not, with respect to such service, impose—*

1 “(I) any cost-sharing requirement
2 (including a deductible, copayment, or
3 coinsurance requirement); and

4 “(II) in the case such service is a
5 critical specified COVID–19 treatment
6 service (including ventilator services
7 and intensive care unit services), any
8 prior authorization or other utilization
9 management requirement.

10 A Medicare Advantage plan may not take
11 the application of this clause into account
12 for purposes of a bid amount submitted by
13 such plan under section 1854(a)(6).”.

14 (b) *IMPLEMENTATION.*—Notwithstanding any other
15 provision of law, the Secretary of Health and Human Serv-
16 ices may implement the amendments made by this section
17 by program instruction or otherwise.

18 **SEC. 205. REQUIRING COVERAGE UNDER MEDICARE PDPS**
19 **AND MA–PD PLANS, WITHOUT THE IMPOSI-**
20 **TION OF COST SHARING OR UTILIZATION**
21 **MANAGEMENT REQUIREMENTS, OF DRUGS IN-**
22 **TENDED TO TREAT COVID–19 DURING CER-**
23 **TAIN EMERGENCIES.**

24 (a) *COVERAGE REQUIREMENT.*—

1 (1) *IN GENERAL.*—Section 1860D–4(b)(3) of the
2 *Social Security Act (42 U.S.C. 1395w–104(b)(3))* is
3 *amended by adding at the end the following new sub-*
4 *paragraph:*

5 “(I) *REQUIRED INCLUSION OF DRUGS IN-*
6 *TENDED TO TREAT COVID–19.*—

7 “(i) *IN GENERAL.*—*Notwithstanding*
8 *any other provision of law, a PDP sponsor*
9 *offering a prescription drug plan shall, with*
10 *respect to a plan year, any portion of which*
11 *occurs during the period described in clause*
12 *(ii), be required to—*

13 “(I) *include in any formulary—*

14 “(aa) *all covered part D*
15 *drugs with a medically accepted*
16 *indication (as defined in section*
17 *1860D–2(e)(4)) to treat COVID–*
18 *19 that are marketed in the*
19 *United States; and*

20 “(bb) *all drugs authorized*
21 *under section 564 or 564A of the*
22 *Federal Food, Drug, and Cosmetic*
23 *Act to treat COVID–19; and*

24 “(II) *not impose any prior au-*
25 *thorization or other utilization man-*

1 *agement requirement with respect to*
2 *such drugs described in item (aa) or*
3 *(bb) of subclause (I) (other than such a*
4 *requirement that limits the quantity of*
5 *drugs due to safety).*

6 *“(ii) PERIOD DESCRIBED.—For pur-*
7 *poses of clause (i), the period described in*
8 *this clause is the period during which there*
9 *exists the public health emergency declared*
10 *by the Secretary pursuant to section 319 of*
11 *the Public Health Service Act on January*
12 *31, 2020, entitled ‘Determination that a*
13 *Public Health Emergency Exists Nation-*
14 *wide as the Result of the 2019 Novel*
15 *Coronavirus’ (including any renewal of*
16 *such declaration pursuant to such sec-*
17 *tion).”.*

18 *(b) ELIMINATION OF COST SHARING.—*

19 *(1) ELIMINATION OF COST-SHARING FOR DRUGS*
20 *INTENDED TO TREAT COVID–19 UNDER STANDARD AND*
21 *ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—Sec-*
22 *tion 1860D–2 of the Social Security Act (42 U.S.C.*
23 *1395w–102) is amended—*

24 *(A) in subsection (b)—*

1 (i) in paragraph (1)(A), by striking
2 “The coverage” and inserting “Subject to
3 paragraph (8), the coverage”;

4 (ii) in paragraph (2)—

5 (I) in subparagraph (A), by in-
6 serting after “Subject to subparagraphs
7 (C) and (D)” the following: “and para-
8 graph (8)”;

9 (II) in subparagraph (C)(i), by
10 striking “paragraph (4)” and inserting
11 “paragraphs (4) and (8)”; and

12 (III) in subparagraph (D)(i), by
13 striking “paragraph (4)” and inserting
14 “paragraphs (4) and (8)”;

15 (iii) in paragraph (4)(A)(i), by strik-
16 ing “The coverage” and inserting “Subject
17 to paragraph (8), the coverage”; and

18 (iv) by adding at the end the following
19 new paragraph:

20 “(8) *ELIMINATION OF COST-SHARING FOR DRUGS*
21 *INTENDED TO TREAT COVID-19.—The coverage does*
22 *not impose any deductible, copayment, coinsurance,*
23 *or other cost-sharing requirement for drugs described*
24 *in section 1860D-4(b)(3)(I)(i)(I) with respect to a*
25 *plan year, any portion of which occurs during the pe-*

1 *riod during which there exists the public health emer-*
2 *gency declared by the Secretary pursuant to section*
3 *319 of the Public Health Service Act on January 31,*
4 *2020, entitled ‘Determination that a Public Health*
5 *Emergency Exists Nationwide as the Result of the*
6 *2019 Novel Coronavirus’ (including any renewal of*
7 *such declaration pursuant to such section).’; and*

8 *(B) in subsection (c), by adding at the end*
9 *the following new paragraph:*

10 *“(4) SAME ELIMINATION OF COST-SHARING FOR*
11 *DRUGS INTENDED TO TREAT COVID–19.—The coverage*
12 *is in accordance with subsection (b)(8).”.*

13 *(2) ELIMINATION OF COST-SHARING FOR DRUGS*
14 *INTENDED TO TREAT COVID–19 DISPENSED TO INDI-*
15 *VIDUALS WHO ARE SUBSIDY ELIGIBLE INDIVID-*
16 *UALS.—Section 1860D–14(a) of the Social Security*
17 *Act (42 U.S.C. 1395w–114(a)) is amended—*

18 *(A) in paragraph (1)—*

19 *(i) in subparagraph (D)—*

20 *(I) in clause (ii), by striking “In*
21 *the case of” and inserting “Subject to*
22 *subparagraph (F), in the case of”; and*

23 *(II) in clause (iii), by striking*
24 *“In the case of” and inserting “Subject*

1 to subparagraph (F), in the case of”;

2 and

3 (ii) by adding at the end the following

4 new subparagraph:

5 “(F) *ELIMINATION OF COST-SHARING FOR*

6 *DRUGS INTENDED TO TREAT COVID-19.—Cov-*

7 *erage that is in accordance with section 1860D-*

8 *2(b)(8).*”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (B), by striking

11 “A reduction” and inserting “Subject to

12 subparagraph (F), a reduction”;

13 (ii) in subparagraph (D), by striking

14 “The substitution” and inserting “Subject

15 to subparagraph (F), the substitution”;

16 (iii) in subparagraph (E), by inserting

17 after “Subject to” the following: “subpara-

18 graph (F) and”; and

19 (iv) by adding at the end the following

20 new subparagraph:

21 “(F) *ELIMINATION OF COST-SHARING FOR*

22 *DRUGS INTENDED TO TREAT COVID-19.—Cov-*

23 *erage that is in accordance with section 1860D-*

24 *2(b)(8).*”.

1 (c) *IMPLEMENTATION.*—*Notwithstanding any other*
2 *provision of law, the Secretary of Health and Human Serv-*
3 *ices may implement the amendments made by this section*
4 *by program instruction or otherwise.*

5 **SEC. 206. MEDICARE SPECIAL ENROLLMENT PERIOD FOR**
6 **INDIVIDUALS RESIDING IN COVID-19 EMER-**
7 **GENCY AREAS.**

8 (a) *IN GENERAL.*—*Section 1837(i) of the Social Secu-*
9 *rity Act (42 U.S.C. 1395p(i)) is amended by adding at the*
10 *end the following new paragraph:*

11 “(5)(A) *In the case of an individual who—*

12 “(i) *is eligible under section 1836 to enroll*
13 *in the medical insurance program established by*
14 *this part,*

15 “(ii) *did not enroll (or elected not to be*
16 *deemed enrolled) under this section during an*
17 *enrollment period, and*

18 “(iii) *during the emergency period (as de-*
19 *scribed in section 1135(g)(1)(B)), resided in an*
20 *emergency area (as described in such section),*
21 *there shall be a special enrollment period de-*
22 *scribed in subparagraph (B).*

23 “(B) *The special enrollment period referred*
24 *to in subparagraph (A) is the period that begins*
25 *not later than December 1, 2020, and ends on*

1 *the last day of the month in which the emergency*
 2 *period (as described in section 1135(g)(1)(B))*
 3 *ends.”.*

4 **(b) COVERAGE PERIOD FOR INDIVIDUALS**
 5 **TRANSITIONING FROM OTHER COVERAGE.**—*Section*
 6 *1838(e) of the Social Security Act (42 U.S.C. 1395q(e)) is*
 7 *amended—*

8 (1) *by striking “pursuant to section 1837(i)(3)*
 9 *or 1837(i)(4)(B)—” and inserting the following:*
 10 *“pursuant to—*

11 *“(1) section 1837(i)(3) or 1837(i)(4)(B)—”;*

12 (2) *by redesignating paragraphs (1) and (2) as*
 13 *subparagraphs (A) and (B), respectively, and moving*
 14 *the indentation of each such subparagraph 2 ems to*
 15 *the right;*

16 (3) *by striking the period at the end of the sub-*
 17 *paragraph (B), as so redesignated, and inserting “;*
 18 *or”;* and

19 (4) *by adding at the end the following new para-*
 20 *graph:*

21 *“(2) section 1837(i)(5), the coverage period shall*
 22 *begin on the first day of the month following the*
 23 *month in which the individual so enrolls.”.*

24 **(c) FUNDING.**—*The Secretary of Health and Human*
 25 *Services shall provide for the transfer from the Federal Hos-*

1 *pital Insurance Trust Fund (as described in section 1817*
 2 *of the Social Security Act (42 U.S.C. 1395i)) and the Fed-*
 3 *eral Supplementary Medical Insurance Trust Fund (as de-*
 4 *scribed in section 1841 of such Act (42 U.S.C. 1395t)), in*
 5 *such proportions as determined appropriate by the Sec-*
 6 *retary, to the Social Security Administration, of*
 7 *\$30,000,000, to remain available until expended, for pur-*
 8 *poses of carrying out the amendments made by this section.*

9 (d) *IMPLEMENTATION.*—*Notwithstanding any other*
 10 *provision of law, the Secretary of Health and Human Serv-*
 11 *ices may implement the amendments made by this section*
 12 *by program instruction or otherwise.*

13 **SEC. 207. COVID-19 SKILLED NURSING FACILITY PAYMENT**
 14 **INCENTIVE PROGRAM.**

15 (a) *IN GENERAL.*—*Section 1819 of the Social Security*
 16 *Act (42 U.S.C. 1395i-3) is amended by adding at the end*
 17 *the following new subsection:*

18 “(k) *COVID-19 DESIGNATION PROGRAM.*—

19 “(1) *IN GENERAL.*—*Not later than 2 weeks after*
 20 *the date of the enactment of this subsection, the Sec-*
 21 *retary shall establish a program under which a skilled*
 22 *nursing facility that makes an election described in*
 23 *paragraph (2)(A) and meets the requirements de-*
 24 *scribed in paragraph (2)(B) is designated (or a por-*
 25 *tion of such facility is so designated) as a COVID-*

1 19 treatment center and receives incentive payments
2 under section 1888(e)(13).

3 “(2) DESIGNATION.—

4 “(A) IN GENERAL.—A skilled nursing facil-
5 ity may elect to be designated (or to have a por-
6 tion of such facility designated) as a COVID–19
7 treatment center under the program established
8 under paragraph (1) if the facility submits to
9 the Secretary, at a time and in a manner speci-
10 fied by the Secretary, an application for such
11 designation that contains such information as
12 required by the Secretary and demonstrates that
13 such facility meets the requirements described in
14 subparagraph (B).

15 “(B) REQUIREMENTS.—The requirements
16 described in this subparagraph with respect to a
17 skilled nursing facility are the following:

18 “(i) The facility has a star rating with
19 respect to staffing of 4 or 5 on the Nursing
20 Home Compare website (as described in
21 subsection (i)) and has maintained such a
22 rating on such website during the 2-year pe-
23 riod ending on the date of the submission of
24 the application described in subparagraph
25 (A).

1 “(ii) *The facility has a star rating of*
2 *4 or 5 with respect to health inspections on*
3 *such website and has maintained such a*
4 *rating on such website during such period.*

5 “(iii) *During such period, the Sec-*
6 *retary or a State has not found a deficiency*
7 *with such facility relating to infection con-*
8 *trol that the Secretary or State determined*
9 *immediately jeopardized the health or safety*
10 *of the residents of such facility (as described*
11 *in paragraph (1) or (2)(A) of subsection*
12 *(h), as applicable).*

13 “(iv) *The facility provides care at such*
14 *facility (or, in the case of an election made*
15 *with respect to a portion of such facility, to*
16 *provide care in such portion of such facil-*
17 *ity) only to eligible individuals.*

18 “(v) *The facility arranges for and*
19 *transfers all residents of such facility (or*
20 *such portion of such facility, as applicable)*
21 *who are not eligible individuals to other*
22 *skilled nursing facilities (or other portions*
23 *of such facility, as applicable).*

1 “(vi) *The facility complies with the no-*
2 *tice requirement described in paragraph*
3 *(4).*

4 “(vii) *The facility meets the reporting*
5 *requirement described in paragraph (5).*

6 “(viii) *Any other requirement deter-*
7 *mined appropriate by the Secretary.*

8 “(3) *DURATION OF DESIGNATION.—*

9 “(A) *IN GENERAL.—A designation of a*
10 *skilled nursing facility (or portion of such facil-*
11 *ity) as a COVID–19 treatment center shall begin*
12 *on a date specified by the Secretary and end*
13 *upon the earliest of the following:*

14 “(i) *The revocation of such designation*
15 *under subparagraph (B).*

16 “(ii) *The submission of a notification*
17 *by such facility to the Secretary that such*
18 *facility elects to terminate such designation.*

19 “(iii) *The termination of the program*
20 *(as specified in paragraph (6)).*

21 “(B) *REVOCATION.—The Secretary may re-*
22 *voke the designation of a skilled nursing facility*
23 *(or portion of such facility) as a COVID–19*
24 *treatment center if the Secretary determines that*

1 *the facility is no longer in compliance with a re-*
2 *quirement described in paragraph (2)(B).*

3 “(4) *RESIDENT NOTICE REQUIREMENT.*—*For*
4 *purposes of paragraph (2)(B)(vi), the notice require-*
5 *ment described in this paragraph is that, not later*
6 *than 72 hours before the date specified by the Sec-*
7 *retary under paragraph (3)(A) with respect to the*
8 *designation of a skilled nursing facility (or portion of*
9 *such facility) as a COVID–19 treatment center, the*
10 *facility provides a notification to each resident of*
11 *such facility (and to appropriate representatives or*
12 *family members of each such resident, as specified by*
13 *the Secretary) that contains the following:*

14 “(A) *Notice of such designation.*

15 “(B) *In the case such resident is not an eli-*
16 *gible individual (and, in the case such designa-*
17 *tion is made only with respect to a portion of*
18 *such facility, resides in such portion of such fa-*
19 *cility)—*

20 “(i) *a specification of when and where*
21 *such resident will be transferred (or moved*
22 *within such facility);*

23 “(ii) *an explanation that, in lieu of*
24 *such transfer or move, such resident may*
25 *arrange for transfer to such other setting*

1 *(including a home) selected by the resident;*
2 *and*

3 *“(iii) if such resident so arranges to be*
4 *transferred to a home, information on*
5 *Internet resources for caregivers who elect to*
6 *care for such resident at home.*

7 *“(C) Contact information for the State*
8 *long-term care ombudsman (established under*
9 *section 307(a)(12) of the Older Americans Act of*
10 *1965) for the applicable State.*

11 *“(5) REPORTING REQUIREMENT.—*

12 *“(A) IN GENERAL.—For purposes of para-*
13 *graph (2)(B)(vii), the reporting requirement de-*
14 *scribed in this paragraph is, with respect to a*
15 *skilled nursing facility, that the facility reports*
16 *to the Secretary, weekly and in such manner*
17 *specified by the Secretary, the following (but*
18 *only to the extent the information described in*
19 *clauses (i) through (vii) is not otherwise reported*
20 *to the Secretary weekly):*

21 *“(i) The number of COVID–19 related*
22 *deaths at such facility.*

23 *“(ii) The number of discharges from*
24 *such facility.*

1 “(iii) *The number of admissions to*
2 *such facility.*

3 “(iv) *The number of beds occupied and*
4 *the number of beds available at such facil-*
5 *ity.*

6 “(v) *The number of residents on a ven-*
7 *tilator at such facility.*

8 “(vi) *The number of clinical and non-*
9 *clinical staff providing direct patient care*
10 *at such facility.*

11 “(vii) *Such other information deter-*
12 *mined appropriate by the Secretary.*

13 “(B) *NONAPPLICATION OF PAPERWORK RE-*
14 *DUCTION ACT.—Chapter 35 of title 44, United*
15 *States Code (commonly known as the ‘Paperwork*
16 *Reduction Act’), shall not apply to the collection*
17 *of information under this paragraph.*

18 “(6) *DEFINITION.—For purposes of this sub-*
19 *section, the term ‘eligible individual’ means an indi-*
20 *vidual who, during the 30-day period ending on the*
21 *first day on which such individual is a resident of a*
22 *COVID–19 treatment center (on or after the date such*
23 *center is so designated), was furnished a test for*
24 *COVID–19 that came back positive.*

1 “(7) *TERMINATION.*—*The program established*
2 *under paragraph (1) shall terminate upon the termi-*
3 *nation of the emergency period described in section*
4 *1135(g)(1)(B).*”

5 “(8) *PROHIBITION ON ADMINISTRATIVE AND JU-*
6 *DICIAL REVIEW.*—*There shall be no administrative or*
7 *judicial review under section 1869, 1878, or otherwise*
8 *of a designation of a skilled nursing facility (or por-*
9 *tion of such facility) as a COVID–19 treatment cen-*
10 *ter, or revocation of such a designation, under this*
11 *subsection.*”

12 “(b) *PAYMENT INCENTIVE.*—*Section 1888(e) of the So-*
13 *cial Security Act (42 U.S.C. 1395yy(e)) is amended—*

14 (1) *in paragraph (1), in the matter preceding*
15 *subparagraph (A), by striking “and (12)” and insert-*
16 *ing “(12), and (13)”;* and

17 (2) *by adding at the end the following new para-*
18 *graph:*

19 “(13) *ADJUSTMENT FOR COVID–19 TREATMENT*
20 *CENTERS.*—*In the case of a resident of a skilled nurs-*
21 *ing facility that has been designated as a COVID–19*
22 *treatment center under section 1819(k) (or in the case*
23 *of a resident who resides in a portion of such facility*
24 *that has been so designated), if such resident is an eli-*
25 *gible individual (as defined in paragraph (5) of such*

1 *section), the per diem amount of payment for such*
2 *resident otherwise applicable shall be increased by 20*
3 *percent to reflect increased costs associated with such*
4 *residents.”.*

5 **SEC. 208. FUNDING FOR STATE STRIKE TEAMS FOR RESI-**
6 **DENT AND EMPLOYEE SAFETY IN SKILLED**
7 **NURSING FACILITIES AND NURSING FACILI-**
8 **TIES.**

9 *(a) IN GENERAL.—Of the amounts made available*
10 *under subsection (c), the Secretary of Health and Human*
11 *Services (referred to in this section as the “Secretary”) shall*
12 *allocate such amounts among the States, in a manner that*
13 *takes into account the percentage of skilled nursing facilities*
14 *and nursing facilities in each State that have residents or*
15 *employees who have been diagnosed with COVID–19, for*
16 *purposes of establishing and implementing strike teams in*
17 *accordance with subsection (b).*

18 *(b) USE OF FUNDS.—A State that receives funds under*
19 *this section shall use such funds to establish and implement*
20 *a strike team that will be deployed to a skilled nursing facil-*
21 *ity or nursing facility in the State with diagnosed or sus-*
22 *pected cases of COVID–19 among residents or staff for the*
23 *purposes of assisting with clinical care, infection control,*
24 *or staffing.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—For pur-
 2 poses of carrying out this section, there is authorized to be
 3 appropriated \$500,000,000.

4 (d) *DEFINITIONS.*—In this section:

5 (1) *NURSING FACILITY.*—The term “nursing fa-
 6 cility” has the meaning given such term in section
 7 1919(a) of the Social Security Act (42 U.S.C.
 8 1396r(a)).

9 (2) *SKILLED NURSING FACILITY.*—The term
 10 “skilled nursing facility” has the meaning given such
 11 term in section 1819(a) of the Social Security Act (42
 12 U.S.C. 1395i–3(a)).

13 **SEC. 209. PROVIDING FOR INFECTION CONTROL SUPPORT**
 14 **TO SKILLED NURSING FACILITIES THROUGH**
 15 **CONTRACTS WITH QUALITY IMPROVEMENT**
 16 **ORGANIZATIONS.**

17 (a) *IN GENERAL.*—Section 1862(g) of the Social Secu-
 18 rity Act (42 U.S.C. 1395y(g)) is amended—

19 (1) by striking “The Secretary” and inserting
 20 “(1) The Secretary”; and

21 (2) by adding at the end the following new para-
 22 graph:

23 “(2)(A) The Secretary shall ensure that at least 1 con-
 24 tract with a quality improvement organization described in
 25 paragraph (1) entered into on or after the date of the enact-

1 *ment of this paragraph and before the end of the emergency*
2 *period described in section 1135(g)(1)(B) (or in effect as*
3 *of such date) includes the requirement that such organiza-*
4 *tion provide to skilled nursing facilities with cases of*
5 *COVID–19 (or facilities attempting to prevent outbreaks of*
6 *COVID–19) infection control support described in subpara-*
7 *graph (B) during such period.*

8 “(B) *For purposes of subparagraph (A), the infection*
9 *control support described in this subparagraph is, with re-*
10 *spect to skilled nursing facilities described in such subpara-*
11 *graph, the development and dissemination to such facilities*
12 *of protocols relating to the prevention or mitigation of*
13 *COVID–19 at such facilities and the provision of training*
14 *materials to such facilities relating to such prevention or*
15 *mitigation.”.*

16 **(b) FUNDING.**—*The Secretary of Health and Human*
17 *Services shall provide for the transfer from the Federal Sup-*
18 *plementary Medical Insurance Trust Fund (as described in*
19 *section 1841 of the Social Security Act (42 U.S.C. 1395t))*
20 *and the Federal Hospital Insurance Trust Fund (as de-*
21 *scribed in section 1817 of such Act (42 U.S.C. 1395i)), in*
22 *such proportions as determined appropriate by the Sec-*
23 *retary, to the Centers for Medicare & Medicaid Services*
24 *Program Management Account, of \$210,000,000, to remain*
25 *available until expended, for purposes of entering into con-*

1 *tracts with quality improvement organizations under part*
2 *B of title XI of such Act (42 U.S.C. 1320c et seq.). Of the*
3 *amount transferred pursuant to the previous sentence, not*
4 *less than \$110,000,000 shall be used for purposes of entering*
5 *into such a contract that includes the requirement described*
6 *in section 1862(g)(2)(A) of such Act (as added by subsection*
7 *(a)).*

8 **SEC. 210. REQUIRING LONG TERM CARE FACILITIES TO RE-**
9 **PORT CERTAIN INFORMATION RELATING TO**
10 **COVID-19 CASES AND DEATHS.**

11 *(a) IN GENERAL.—The Secretary of Health and*
12 *Human Services (in this section referred to as the “Sec-*
13 *retary”)* shall, as soon as practicable, require that the infor-
14 *mation described in paragraph (1) of section 483.80(g) of*
15 *title 42, Code of Federal Regulations, or a successor regula-*
16 *tion, be reported by a facility (as defined for purposes of*
17 *such section).*

18 *(b) DEMOGRAPHIC INFORMATION.—The Secretary*
19 *shall post the following information with respect to skilled*
20 *nursing facilities (as defined in section 1819(a) of the So-*
21 *cial Security Act (42 U.S.C. 1395i-3(a))) and nursing fa-*
22 *cilities (as defined in section 1919(a) of such Act (42 U.S.C.*
23 *1396r(a))) on the Nursing Home Compare website (as de-*
24 *scribed in section 1819(i) of the Social Security Act (42*

1 *U.S.C. 1395i–3(i))*, or a successor website, aggregated by
2 *State*:

3 (1) *The age, race/ethnicity, and preferred lan-*
4 *guage of the residents of such skilled nursing facilities*
5 *and nursing facilities with suspected or confirmed*
6 *COVID–19 infections, including residents previously*
7 *treated for COVID–19.*

8 (2) *The age, race/ethnicity, and preferred lan-*
9 *guage relating to total deaths and COVID–19 deaths*
10 *among residents of such skilled nursing facilities and*
11 *nursing facilities.*

12 (c) *CONFIDENTIALITY.—Any information reported*
13 *under this section that is made available to the public shall*
14 *be made so available in a manner that protects the identity*
15 *of residents of skilled nursing facilities and nursing facili-*
16 *ties.*

17 (d) *IMPLEMENTATION.—The Secretary may implement*
18 *the provisions of this section be program instruction or oth-*
19 *erwise.*

20 **SEC. 211. FLOOR ON THE MEDICARE AREA WAGE INDEX FOR**
21 **HOSPITALS IN ALL-URBAN STATES.**

22 (a) *IN GENERAL.—Section 1886(d)(3)(E) of the Social*
23 *Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—*

24 (1) *in clause (i), in the first sentence, by striking*
25 *“or (iii)” and inserting “, (iii), or (iv)”;* and

1 (2) *by adding at the end the following new*
2 *clause:*

3 “(iv) *FLOOR ON AREA WAGE INDEX*
4 *FOR HOSPITALS IN ALL-URBAN STATES.—*

5 “(I) *IN GENERAL.—For discharges*
6 *occurring on or after October 1, 2021,*
7 *the area wage index applicable under*
8 *this subparagraph to any hospital in*
9 *an all-urban State (as defined in sub-*
10 *clause (IV)) may not be less than the*
11 *minimum area wage index for the fis-*
12 *cal year for hospitals in that State, as*
13 *established under subclause (II).*

14 “(II) *MINIMUM AREA WAGE*
15 *INDEX.—For purposes of subclause (I),*
16 *the Secretary shall establish a min-*
17 *imum area wage index for a fiscal*
18 *year for hospitals in each all-urban*
19 *State using the methodology described*
20 *in section 412.64(h)(4) of title 42, Code*
21 *of Federal Regulations, as in effect for*
22 *fiscal year 2018.*

23 “(III) *WAIVING BUDGET NEU-*
24 *TRALITY.—Pursuant to the fifth sen-*
25 *tence of clause (i), this subsection shall*

1 *not be applied in a budget neutral*
2 *manner.*

3 “(IV) *ALL-URBAN STATE DE-*
4 *FINED.—In this clause, the term ‘all-*
5 *urban State’ means a State in which*
6 *there are no rural areas (as defined in*
7 *paragraph (2)(D)) or a State in which*
8 *there are no hospitals classified as*
9 *rural under this section.”.*

10 **(b) *WAIVING BUDGET NEUTRALITY.—***

11 **(1) *TECHNICAL AMENDATORY CORRECTION.—***
12 *Section 10324(a)(2) of Public Law 111–148 is*
13 *amended by striking “third sentence” and inserting*
14 *“fifth sentence”.*

15 **(2) *WAIVER.—Section 1886(d)(3)(E)(i) of the***
16 ***Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i))***
17 ***is amended, in the fifth sentence—***

18 ***(A) by striking “and the amendments” and***
19 ***inserting “, the amendments”; and***

20 ***(B) by inserting “, and the amendments***
21 ***made by section 211 of the Investing in Amer-***
22 ***ica’s Health Care During the COVID–19 Pan-***
23 ***demic Act” after “Care Act”.***

1 **SEC. 212. RELIEF FOR SMALL RURAL HOSPITALS FROM IN-**
2 **ACCURATE INSTRUCTIONS PROVIDED BY**
3 **CERTAIN MEDICARE ADMINISTRATIVE CON-**
4 **TRACTORS.**

5 *Section 1886(d)(5) of the Social Security Act (42*
6 *U.S.C. 1395ww(d)(5)) is amended by adding at the end the*
7 *following new subparagraph:*

8 *“(N)(i) Subject to clause (ii), in the case of a sole com-*
9 *munity hospital or a medicare-dependent, small rural hos-*
10 *pital with respect to which a medicare administrative con-*
11 *tractor initially determined and paid a volume decrease ad-*
12 *justment under subparagraph (D)(ii) or (G)(iii) for a speci-*
13 *fied cost reporting period, at the election of the hospital,*
14 *the Secretary of Health and Human Services shall replace*
15 *the volume decrease adjustment subsequently determined for*
16 *that specified cost reporting period by the medicare admin-*
17 *istrative contractor with the volume decrease adjustment*
18 *initially determined and paid by the medicare administra-*
19 *tive contractor for that specified cost reporting period.*

20 *“(ii)(I) Clause (i) shall not apply in the case of a sole*
21 *community hospital or a medicare-dependent, small rural*
22 *hospital for which the medicare administrative contractor*
23 *determination of the volume decrease adjustment with re-*
24 *spect to a specified cost reporting period of the hospital is*
25 *administratively final before the date that is three years*
26 *before the date of the enactment of this section.*

1 “(II) For purposes of subclause (I), the date on which
2 the medicare administrative contractor determination with
3 respect to a volume decrease adjustment for a specified cost
4 reporting period is administratively final is the latest of
5 the following:

6 “(aa) The date of the contractor determination
7 (as defined in section 405.1801 of title 42, Code of
8 Federal Regulations).

9 “(bb) The date of the final outcome of any re-
10 opening of the medicare administrative contractor de-
11 termination under section 405.1885 of title 42, Code
12 of Federal Regulations.

13 “(cc) The date of the final outcome of the final
14 appeal filed by such hospital with respect to such vol-
15 ume decrease adjustment for such specified cost re-
16 porting period.

17 “(iii) For purposes of this subparagraph, the term
18 ‘specified cost reporting period’ means a cost reporting pe-
19 riod of a sole community hospital or a medicare-dependent,
20 small rural hospital, as the case may be, that begins during
21 a fiscal year before fiscal year 2018.”.

1 **SEC. 213. DEEMING CERTAIN HOSPITALS TO BE LOCATED**
2 **IN AN URBAN AREA FOR PURPOSES OF PAY-**
3 **MENT FOR INPATIENT HOSPITAL SERVICES**
4 **UNDER THE MEDICARE PROGRAM.**

5 *Section 1886(d)(10) of the Social Security Act (42*
6 *U.S.C. 1395ww(d)(10)) is amended by adding at the end*
7 *the following new subparagraph:*

8 *“(G)(i) For purposes of payment under this subsection*
9 *for discharges occurring during the 3-year period beginning*
10 *on October 1, 2020, each hospital located in Albany, Sara-*
11 *toga, Schenectady, Montgomery, or Rensselaer County of*
12 *New York shall be deemed to be located in the urban area*
13 *of Hartford-East Hartford-Middletown, Connecticut (CBSA*
14 *25540), notwithstanding any other reclassification or redес-*
15 *ignation that otherwise would have applied for purposes of*
16 *the wage index under this paragraph or subparagraphs (B)*
17 *or (E) of paragraph (8).*

18 *“(ii) Any deemed location of a hospital pursuant to*
19 *clause (i) shall be treated as a decision of the Medicare Geo-*
20 *graphic Classification Review Board for purposes of para-*
21 *graph (8)(D).”.*

22 **SEC. 214. EFFECTIVE DATE OF MEDICARE COVERAGE OF**
23 **COVID-19 VACCINES WITHOUT ANY COST-**
24 **SHARING.**

25 *Effective as if included in the enactment of the CARES*
26 *Act (Public Law 116-136; 42 U.S.C. 13951 note), section*

1 3713(d) of such Act is amended by inserting before the pe-
 2 riod at the end the following: “or authorized for emergency
 3 use under section 564 of the Federal Food, Drug, and Cos-
 4 metic Act (21 U.S.C. 360bbb–3)”.

5 **TITLE III—PRIVATE INSURANCE**
 6 **PROVISIONS**

7 **SEC. 301. SPECIAL ENROLLMENT PERIOD THROUGH EX-**
 8 **CHANGES.**

9 (a) *SPECIAL ENROLLMENT PERIOD THROUGH EX-*
 10 *CHANGES.*—Section 1311(c) of the Patient Protection and
 11 *Affordable Care Act (42 U.S.C. 18031(c)) is amended—*

12 (1) *in paragraph (6)—*

13 (A) *in subparagraph (C), by striking at the*
 14 *end “and”;*

15 (B) *in subparagraph (D), by striking at the*
 16 *end the period and inserting “; and”; and*

17 (C) *by adding at the end the following new*
 18 *subparagraph:*

19 “(E) *subject to subparagraph (B) of para-*
 20 *graph (8), the special enrollment period de-*
 21 *scribed in subparagraph (A) of such para-*
 22 *graph.”; and*

23 (2) *by adding at the end the following new para-*
 24 *graph:*

1 “(8) *SPECIAL ENROLLMENT PERIOD FOR CER-*
2 *TAIN PUBLIC HEALTH EMERGENCY.—*

3 “(A) *IN GENERAL.—The Secretary shall,*
4 *subject to subparagraph (B), require an Ex-*
5 *change to provide—*

6 “(i) *for a special enrollment period*
7 *during the emergency period described in*
8 *section 1135(g)(1)(B) of the Social Security*
9 *Act—*

10 “(I) *which shall begin on the date*
11 *that is one week after the date of the*
12 *enactment of this paragraph and*
13 *which, in the case of an Exchange es-*
14 *tablished or operated by the Secretary*
15 *within a State pursuant to section*
16 *1321(c), shall be an 8-week period; and*

17 “(II) *during which any indi-*
18 *vidual who is otherwise eligible to en-*
19 *roll in a qualified health plan through*
20 *the Exchange may enroll in such a*
21 *qualified health plan; and*

22 “(ii) *that, in the case of an individual*
23 *who enrolls in a qualified health plan*
24 *through the Exchange during such enroll-*
25 *ment period, the coverage period under such*

1 15 business days after the date on which such vaccine is
2 licensed under section 351 of the Public Health Service Act
3 (42 U.S.C. 262).

4 (b) *DEFINITION.*—In this section, the term “Advisory
5 Committee on Immunization Practices” means the Advi-
6 sory Committee on Immunization Practices established by
7 the Secretary of Health and Human Services pursuant to
8 section 222 of the Public Health Service Act (42 U.S.C.
9 217a), acting through the Director of the Centers for Disease
10 Control and Prevention.

11 **SEC. 303. COVERAGE OF COVID-19 RELATED TREATMENT AT**
12 **NO COST SHARING.**

13 (a) *IN GENERAL.*—A group health plan and a health
14 insurance issuer offering group or individual health insur-
15 ance coverage (including a grandfathered health plan (as
16 defined in section 1251(e) of the Patient Protection and Af-
17 fordable Care Act)) shall provide coverage, and shall not
18 impose any cost sharing (including deductibles, copay-
19 ments, and coinsurance) requirements, for the following
20 items and services furnished during any portion of the
21 emergency period defined in paragraph (1)(B) of section
22 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g))
23 beginning on or after the date of the enactment of this Act:

24 (1) *Medically necessary items and services (in-*
25 *cluding in-person or telehealth visits in which such*

1 *items and services are furnished) that are furnished*
2 *to an individual who has been diagnosed with (or*
3 *after provision of the items and services is diagnosed*
4 *with) COVID–19 to treat or mitigate the effects of*
5 *COVID–19.*

6 *(2) Medically necessary items and services (in-*
7 *cluding in-person or telehealth visits in which such*
8 *items and services are furnished) that are furnished*
9 *to an individual who is presumed to have COVID–19*
10 *but is never diagnosed as such, if the following condi-*
11 *tions are met:*

12 *(A) Such items and services are furnished*
13 *to the individual to treat or mitigate the effects*
14 *of COVID–19 or to mitigate the impact of*
15 *COVID–19 on society.*

16 *(B) Health care providers have taken ap-*
17 *propriate steps under the circumstances to make*
18 *a diagnosis, or confirm whether a diagnosis was*
19 *made, with respect to such individual, for*
20 *COVID–19, if possible.*

21 *(b) ITEMS AND SERVICES RELATED TO COVID–19.—*

22 *For purposes of this section—*

23 *(1) not later than one week after the date of the*
24 *enactment of this section, the Secretary of Health and*
25 *Human Services, Secretary of Labor, and Secretary*

1 *of the Treasury shall jointly issue guidance specifying*
2 *applicable diagnoses and medically necessary items*
3 *and services related to COVID–19; and*

4 (2) *such items and services shall include all*
5 *items or services that are relevant to the treatment or*
6 *mitigation of COVID–19, regardless of whether such*
7 *items or services are ordinarily covered under the*
8 *terms of a group health plan or group or individual*
9 *health insurance coverage offered by a health insur-*
10 *ance issuer.*

11 (c) *ENFORCEMENT.*—

12 (1) *APPLICATION WITH RESPECT TO PHSA,*
13 *ERISA, AND IRC.*—*The provisions of this section shall*
14 *be applied by the Secretary of Health and Human*
15 *Services, Secretary of Labor, and Secretary of the*
16 *Treasury to group health plans and health insurance*
17 *issuers offering group or individual health insurance*
18 *coverage as if included in the provisions of part A of*
19 *title XXVII of the Public Health Service Act, part 7*
20 *of the Employee Retirement Income Security Act of*
21 *1974, and subchapter B of chapter 100 of the Internal*
22 *Revenue Code of 1986, as applicable.*

23 (2) *PRIVATE RIGHT OF ACTION.*—*An individual*
24 *with respect to whom an action is taken by a group*
25 *health plan or health insurance issuer offering group*

1 *amended by adding at the end the following new sec-*
2 *tion:*

3 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**
4 **TIFICATIONS DURING EMERGENCIES.**

5 “(a) *IN GENERAL.*—*A group health plan, and a health*
6 *insurance issuer offering health insurance coverage in con-*
7 *nection with a group health plan, that provides benefits for*
8 *prescription drugs under such plan or such coverage shall*
9 *provide to each participant or beneficiary under such plan*
10 *or such coverage who resides in an emergency area during*
11 *an emergency period—*

12 “(1) *not later than 5 business days after the date*
13 *of the beginning of such period with respect to such*
14 *area (or, the case of the emergency period described*
15 *in section 304(d)(2) of the Investing in America’s*
16 *Health Care During the COVID–19 Pandemic Act,*
17 *not later than 5 business days after the date of the*
18 *enactment of this section), a notification (written in*
19 *a manner that is clear and understandable to the av-*
20 *erage participant or beneficiary)—*

21 “(A) *of whether such plan or coverage will*
22 *waive, during such period with respect to such a*
23 *participant or beneficiary, any time restrictions*
24 *under such plan or coverage on any authorized*
25 *refills for such drugs to enable such refills in ad-*

1 vance of when such refills would otherwise have
2 been permitted under such plan or coverage; and

3 “(B) in the case that such plan or coverage
4 will waive such restrictions during such period
5 with respect to such a participant or beneficiary,
6 that contains information on how such a partici-
7 pant or beneficiary may obtain such a refill; and

8 “(2) in the case such plan or coverage elects to
9 so waive such restrictions during such period with re-
10 spect to such a participant or beneficiary after the
11 notification described in paragraph (1) has been pro-
12 vided with respect to such period, not later than 5
13 business days after such election, a notification of
14 such election that contains the information described
15 in subparagraph (B) of such paragraph.

16 “(b) *EMERGENCY AREA; EMERGENCY PERIOD.*—For
17 purposes of this section, an ‘emergency area’ is a geo-
18 graphical area in which, and an ‘emergency period’ is the
19 period during which, there exists—

20 “(1) an emergency or disaster declared by the
21 President pursuant to the National Emergencies Act
22 or the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act; and

1 “(2) a public health emergency declared by the
2 Secretary pursuant to section 319 of the Public
3 Health Service Act.”.

4 (2) *CLERICAL AMENDMENT.*—The table of con-
5 tents of the Employee Retirement Income Security
6 Act of 1974 is amended by inserting after the item re-
7 lating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emergencies.”.

8 (b) *PHSA.*—Subpart II of part A of title XXVII of
9 the Public Health Service Act (42 U.S.C. 300gg–11 et seq.)
10 is amended by adding at the end the following new section:

11 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**
12 **NOTIFICATIONS DURING EMERGENCIES.**

13 “(a) *IN GENERAL.*—A group health plan, and a health
14 insurance issuer offering group or individual health insur-
15 ance coverage, that provides benefits for prescription drugs
16 under such plan or such coverage shall provide to each par-
17 ticipant, beneficiary, or enrollee enrolled under such plan
18 or such coverage who resides in an emergency area during
19 an emergency period—

20 “(1) not later than 5 business days after the date
21 of the beginning of such period with respect to such
22 area (or, the case of the emergency period described
23 in section 304(d)(2) of the Investing in America’s
24 Health Care During the COVID–19 Pandemic Act,

1 *not later than 5 business days after the date of the*
2 *enactment of this section), a notification (written in*
3 *a manner that is clear and understandable to the av-*
4 *erage participant, beneficiary, or enrollee)—*

5 *“(A) of whether such plan or coverage will*
6 *waive, during such period with respect to such a*
7 *participant, beneficiary, or enrollee, any time re-*
8 *strictions under such plan or coverage on any*
9 *authorized refills for such drugs to enable such*
10 *refills in advance of when such refills would oth-*
11 *erwise have been permitted under such plan or*
12 *coverage; and*

13 *“(B) in the case that such plan or coverage*
14 *will waive such restrictions during such period*
15 *with respect to such a participant, beneficiary,*
16 *or enrollee, that contains information on how*
17 *such a participant, beneficiary, or enrollee may*
18 *obtain such a refill; and*

19 *“(2) in the case such plan or coverage elects to*
20 *so waive such restrictions during such period with re-*
21 *spect to such a participant, beneficiary, or enrollee*
22 *after the notification described in paragraph (1) has*
23 *been provided with respect to such period, not later*
24 *than 5 business days after such election, a notifica-*

1 *tion of such election that contains the information de-*
 2 *scribed in subparagraph (B) of such paragraph.*

3 “(b) *EMERGENCY AREA; EMERGENCY PERIOD.*—For
 4 *purposes of this section, an ‘emergency area’ is a geo-*
 5 *graphical area in which, and an ‘emergency period’ is the*
 6 *period during which, there exists—*

7 “(1) *an emergency or disaster declared by the*
 8 *President pursuant to the National Emergencies Act*
 9 *or the Robert T. Stafford Disaster Relief and Emer-*
 10 *gency Assistance Act; and*

11 “(2) *a public health emergency declared by the*
 12 *Secretary pursuant to section 319.”.*

13 *(c) IRC.*—

14 (1) *IN GENERAL.*—*Subchapter B of chapter 100*
 15 *of the Internal Revenue Code of 1986 is amended by*
 16 *adding at the end the following new section:*

17 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**
 18 **NOTIFICATIONS DURING EMERGENCIES.**

19 “(a) *IN GENERAL.*—*A group health plan that provides*
 20 *benefits for prescription drugs under such plan shall pro-*
 21 *vide to each participant or beneficiary enrolled under such*
 22 *plan who resides in an emergency area during an emer-*
 23 *gency period, not later than 5 business days after the date*
 24 *of the beginning of such period with respect to such area*
 25 *(or, the case of the emergency period described in section*

1 304(d)(2) of the Investing in America’s Health Care During
2 the COVID–19 Pandemic Act, not later than 5 business
3 days after the date of the enactment of this section)—

4 “(1) a notification (written in a manner that is
5 clear and understandable to the average participant
6 or beneficiary)—

7 “(A) of whether such plan will waive, dur-
8 ing such period with respect to such a partici-
9 pant or beneficiary, any time restrictions under
10 such plan on any authorized refills for such
11 drugs to enable such refills in advance of when
12 such refills would otherwise have been permitted
13 under such plan; and

14 “(B) in the case that such plan will waive
15 such restrictions during such period with respect
16 to such a participant or beneficiary, that con-
17 tains information on how such a participant or
18 beneficiary may obtain such a refill; and

19 “(2) in the case such plan elects to so waive such
20 restrictions during such period with respect to such a
21 participant or beneficiary after the notification de-
22 scribed in paragraph (1) has been provided with re-
23 spect to such period, not later than 5 business days
24 after such election, a notification of such election that

1 contains the information described in subparagraph
2 (B) of such paragraph.

3 “(b) *EMERGENCY AREA; EMERGENCY PERIOD.*—For
4 purposes of this section, an ‘emergency area’ is a geo-
5 graphical area in which, and an ‘emergency period’ is the
6 period during which, there exists—

7 “(1) an emergency or disaster declared by the
8 President pursuant to the National Emergencies Act
9 or the Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act; and

11 “(2) a public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act.”.

14 (2) *CLERICAL AMENDMENT.*—The table of sec-
15 tions for subchapter B of chapter 100 of the Internal
16 Revenue Code of 1986 is amended by adding at the
17 end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emer-
gencies.”.

18 (d) *EFFECTIVE DATE.*—The amendments made by this
19 section shall apply with respect to—

20 (1) emergency periods beginning on or after the
21 date of the enactment of this Act; and

22 (2) the emergency period relating to the public
23 health emergency declared by the Secretary of Health
24 and Human Services pursuant to section 319 of the

1 *Public Health Service Act on January 31, 2020, enti-*
2 *tled “Determination that a Public Health Emergency*
3 *Exists Nationwide as the Result of the 2019 Novel*
4 *Coronavirus”.*

5 **SEC. 305. IMPROVEMENT OF CERTAIN NOTIFICATIONS PRO-**
6 **VIDED TO QUALIFIED BENEFICIARIES BY**
7 **GROUP HEALTH PLANS IN THE CASE OF**
8 **QUALIFYING EVENTS.**

9 *(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT*
10 *OF 1974.—*

11 *(1) IN GENERAL.—Section 606 of the Employee*
12 *Retirement Income Security Act of 1974 (29 U.S.C.*
13 *1166) is amended—*

14 *(A) in subsection (a)(4), in the matter fol-*
15 *lowing subparagraph (B), by striking “under*
16 *this subsection” and inserting “under this part*
17 *in accordance with the notification requirements*
18 *under subsection (c)”;* and

19 *(B) in subsection (c)—*

20 *(i) by striking “For purposes of sub-*
21 *section (a)(4), any notification” and insert-*
22 *ing “For purposes of subsection (a)(4)—*
23 *“(1) any notification”;*

24 *(ii) by striking “, whichever is appli-*
25 *cable, and any such notification” and in-*

1 serting “of subsection (a), whichever is ap-
2 plicable;

3 “(2) any such notification”; and

4 (iii) by striking “such notification is
5 made” and inserting “such notification is
6 made; and

7 “(3) any such notification shall, with respect to
8 each qualified beneficiary with respect to whom such
9 notification is made, include information regarding
10 any Exchange established under title I of the Patient
11 Protection and Affordable Care Act through which
12 such a qualified beneficiary may be eligible to enroll
13 in a qualified health plan (as defined in section 1301
14 of the Patient Protection and Affordable Care Act),
15 including—

16 “(A) the publicly accessible Internet website
17 address for such Exchange;

18 “(B) the publicly accessible Internet website
19 address for the Find Local Help directory main-
20 tained by the Department of Health and Human
21 Services on the *healthcare.gov* Internet website
22 (or a successor website);

23 “(C) a clear explanation that—

24 “(i) an individual who is eligible for
25 continuation coverage may also be eligible

1 to enroll, with financial assistance, in a
2 qualified health plan offered through such
3 Exchange, but, in the case that such indi-
4 vidual elects to enroll in such continuation
5 coverage and subsequently elects to termi-
6 nate such continuation coverage before the
7 period of such continuation coverage ex-
8 pires, such individual will not be eligible to
9 enroll in a qualified health plan offered
10 through such Exchange during a special en-
11 rollment period; and

12 “(ii) an individual who elects to enroll
13 in continuation coverage will remain eligi-
14 ble to enroll in a qualified health plan of-
15 fered through such Exchange during an
16 open enrollment period and may be eligible
17 for financial assistance with respect to en-
18 rolling in such a qualified health plan;

19 “(D) information on consumer protections
20 with respect to enrolling in a qualified health
21 plan offered through such Exchange, including
22 the requirement for such a qualified health plan
23 to provide coverage for essential health benefits
24 (as defined in section 1302(b) of the Patient Pro-
25 tection and Affordable Care Act) and the require-

1 *ments applicable to such a qualified health plan*
2 *under part A of title XXVII of the Public Health*
3 *Service Act; and*

4 “(E) *information on the availability of fi-*
5 *nancial assistance with respect to enrolling in a*
6 *qualified health plan, including the maximum*
7 *income limit for eligibility for a premium tax*
8 *credit under section 36B of the Internal Revenue*
9 *Code of 1986.”.*

10 (2) *EFFECTIVE DATE.—The amendments made*
11 *by paragraph (1) shall apply with respect to quali-*
12 *fying events occurring on or after the date that is 14*
13 *days after the date of the enactment of this Act.*

14 (b) *PUBLIC HEALTH SERVICE ACT.—*

15 (1) *IN GENERAL.—Section 2206 of the Public*
16 *Health Service Act (42 U.S.C. 300bb–6) is amend-*
17 *ed—*

18 (A) *by striking “In accordance” and insert-*
19 *ing the following:*

20 “(a) *IN GENERAL.—In accordance”;*

21 (B) *by striking “of such beneficiary’s rights*
22 *under this subsection” and inserting “of such*
23 *beneficiary’s rights under this title in accordance*
24 *with the notification requirements under sub-*
25 *section (b)”;* and

1 (C) by striking “For purposes of paragraph
2 (4),” and all that follows through “such notifica-
3 tion is made.” and inserting the following:

4 “(b) *RULES RELATING TO NOTIFICATION OF QUALI-
5 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.*—For pur-
6 poses of subsection (a)(4)—

7 “(1) any notification shall be made within 14
8 days of the date on which the plan administrator is
9 notified under paragraph (2) or (3) of subsection (a),
10 whichever is applicable;

11 “(2) any such notification to an individual who
12 is a qualified beneficiary as the spouse of the covered
13 employee shall be treated as notification to all other
14 qualified beneficiaries residing with such spouse at
15 the time such notification is made; and

16 “(3) any such notification shall, with respect to
17 each qualified beneficiary with respect to whom such
18 notification is made, include information regarding
19 any Exchange established under title I of the Patient
20 Protection and Affordable Care Act through which
21 such a qualified beneficiary may be eligible to enroll
22 in a qualified health plan (as defined in section 1301
23 of the Patient Protection and Affordable Care Act),
24 including—

1 “(A) the publicly accessible Internet website
2 address for such Exchange;

3 “(B) the publicly accessible Internet website
4 address for the Find Local Help directory main-
5 tained by the Department of Health and Human
6 Services on the healthcare.gov Internet website
7 (or a successor website);

8 “(C) a clear explanation that—

9 “(i) an individual who is eligible for
10 continuation coverage may also be eligible
11 to enroll, with financial assistance, in a
12 qualified health plan offered through such
13 Exchange, but, in the case that such indi-
14 vidual elects to enroll in such continuation
15 coverage and subsequently elects to termi-
16 nate such continuation coverage before the
17 period of such continuation coverage ex-
18 pires, such individual will not be eligible to
19 enroll in a qualified health plan offered
20 through such Exchange during a special en-
21 rollment period; and

22 “(ii) an individual who elects to enroll
23 in continuation coverage will remain eligi-
24 ble to enroll in a qualified health plan of-
25 fered through such Exchange during an

1 open enrollment period and may be eligible
2 for financial assistance with respect to en-
3 rolling in such a qualified health plan;

4 “(D) information on consumer protections
5 with respect to enrolling in a qualified health
6 plan offered through such Exchange, including
7 the requirement for such a qualified health plan
8 to provide coverage for essential health benefits
9 (as defined in section 1302(b) of the Patient Pro-
10 tection and Affordable Care Act) and the require-
11 ments applicable to such a qualified health plan
12 under part A of title XXVII; and

13 “(E) information on the availability of fi-
14 nancial assistance with respect to enrolling in a
15 qualified health plan, including the maximum
16 income limit for eligibility for a premium tax
17 credit under section 36B of the Internal Revenue
18 Code of 1986.”.

19 (2) *EFFECTIVE DATE.*—The amendments made
20 by paragraph (1) shall apply with respect to quali-
21 fying events occurring on or after the date that is 14
22 days after the date of the enactment of this Act.

23 (c) *INTERNAL REVENUE CODE OF 1986.*—

24 (1) *IN GENERAL.*—Section 4980B(f)(6) of the In-
25 ternal Revenue Code of 1986 is amended—

1 (A) in subparagraph (D)—

2 (i) in clause (ii), by striking “under
3 subparagraph (C)” and inserting “under
4 clause (iii)”; and

5 (ii) by redesignating clauses (i) and
6 (ii) as subclauses (I) and (II), respectively,
7 and moving the margin of each such sub-
8 clause, as so redesignated, 2 ems to the
9 right;

10 (B) by redesignating subparagraphs (A)
11 through (D) as clauses (i) through (iv), respec-
12 tively, and moving the margin of each such
13 clause, as so redesignated, 2 ems to the right;

14 (C) by striking “In accordance” and insert-
15 ing the following:

16 “(A) *IN GENERAL*.—In accordance”;

17 (D) by inserting after “of such beneficiary’s
18 rights under this subsection” the following: “in
19 accordance with the notification requirements
20 under subparagraph (C)”; and

21 (E) by striking “The requirements of sub-
22 paragraph (B)” and all that follows through
23 “such notification is made.” and inserting the
24 following:

1 “(B) *ALTERNATIVE MEANS OF COMPLIANCE*
2 *WITH REQUIREMENT FOR NOTIFICATION OF MUL-*
3 *TIEMPLOYER PLANS BY EMPLOYERS.*—*The re-*
4 *quirements of subparagraph (A)(ii) shall be con-*
5 *sidered satisfied in the case of a multiemployer*
6 *plan in connection with a qualifying event de-*
7 *scribed in paragraph (3)(B) if the plan provides*
8 *that the determination of the occurrence of such*
9 *qualifying event will be made by the plan ad-*
10 *ministrator.*

11 “(C) *RULES RELATING TO NOTIFICATION OF*
12 *QUALIFIED BENEFICIARIES BY PLAN ADMINIS-*
13 *TRATOR.*—*For purposes of subparagraph*
14 *(A)(iv)—*

15 “(i) *any notification shall be made*
16 *within 14 days (or, in the case of a group*
17 *health plan which is a multiemployer plan,*
18 *such longer period of time as may be pro-*
19 *vided in the terms of the plan) of the date*
20 *on which the plan administrator is notified*
21 *under clause (ii) or (iii) of subparagraph*
22 *(A), whichever is applicable;*

23 “(ii) *any such notification to an indi-*
24 *vidual who is a qualified beneficiary as the*
25 *spouse of the covered employee shall be*

1 *treated as notification to all other qualified*
2 *beneficiaries residing with such spouse at*
3 *the time such notification is made; and*

4 “(iii) any such notification shall, with
5 *respect to each qualified beneficiary with re-*
6 *spect to whom such notification is made, in-*
7 *clude information regarding any Exchange*
8 *established under title I of the Patient Pro-*
9 *tection and Affordable Care Act through*
10 *which such a qualified beneficiary may be*
11 *eligible to enroll in a qualified health plan*
12 *(as defined in section 1301 of the Patient*
13 *Protection and Affordable Care Act), includ-*
14 *ing—*

15 “(I) the publicly accessible Inter-
16 *net website address for such Exchange;*

17 “(II) the publicly accessible Inter-
18 *net website address for the Find Local*
19 *Help directory maintained by the De-*
20 *partment of Health and Human Serv-*
21 *ices on the healthcare.gov Internet*
22 *website (or a successor website);*

23 “(III) a clear explanation that—

24 “(aa) an individual who is
25 *eligible for continuation coverage*

1 *may also be eligible to enroll, with*
2 *financial assistance, in a quali-*
3 *fied health plan offered through*
4 *such Exchange, but, in the case*
5 *that such individual elects to en-*
6 *roll in such continuation coverage*
7 *and subsequently elects to termi-*
8 *nate such continuation coverage*
9 *before the period of such continu-*
10 *ation coverage expires, such indi-*
11 *vidual will not be eligible to enroll*
12 *in a qualified health plan offered*
13 *through such Exchange during a*
14 *special enrollment period; and*

15 *“(bb) an individual who*
16 *elects to enroll in continuation*
17 *coverage will remain eligible to*
18 *enroll in a qualified health plan*
19 *offered through such Exchange*
20 *during an open enrollment period*
21 *and may be eligible for financial*
22 *assistance with respect to enroll-*
23 *ing in such a qualified health*
24 *plan;*

1 “(IV) information on consumer
2 protections with respect to enrolling in
3 a qualified health plan offered through
4 such Exchange, including the require-
5 ment for such a qualified health plan
6 to provide coverage for essential health
7 benefits (as defined in section 1302(b)
8 of the Patient Protection and Afford-
9 able Care Act) and the requirements
10 applicable to such a qualified health
11 plan under part A of title XXVII of the
12 Public Health Service Act; and

13 “(V) information on the avail-
14 ability of financial assistance with re-
15 spect to enrolling in a qualified health
16 plan, including the maximum income
17 limit for eligibility for a premium tax
18 credit under section 36B.”.

19 (2) *EFFECTIVE DATE.*—The amendments made
20 by paragraph (1) shall apply with respect to quali-
21 fying events occurring on or after the date that is 14
22 days after the date of the enactment of this Act.

23 (d) *MODEL NOTICES.*—Not later than 14 days after
24 the date of the enactment of this Act, the Secretary of the

1 *Labor, in consultation with the Secretary of the Treasury*
2 *and the Secretary of Health and Human Services, shall—*

3 (1) *update the model Consolidated Omnibus*
4 *Budget Reconciliation Act of 1985 (referred to in this*
5 *subsection as “COBRA”) continuation coverage gen-*
6 *eral notice and the model COBRA continuation cov-*
7 *erage election notice developed by the Secretary of*
8 *Labor for purposes of facilitating compliance of group*
9 *health plans with the notification requirements under*
10 *section 606 of the Employee Retirement Income Secu-*
11 *rity Act of 1974 (29 U.S.C. 1166) to include the in-*
12 *formation described in paragraph (3) of subsection (c)*
13 *of such section 606, as added by subsection (a)(1);*

14 (2) *provide an opportunity for consumer testing*
15 *of each such notice, as so updated, to ensure that each*
16 *such notice is clear and understandable to the average*
17 *participant or beneficiary of a group health plan;*
18 *and*

19 (3) *rename the model COBRA continuation cov-*
20 *erage general notice and the model COBRA continu-*
21 *ation coverage election notice as the “model COBRA*
22 *continuation coverage and Affordable Care Act cov-*
23 *erage general notice” and the “model COBRA con-*
24 *tinuation coverage and Affordable Care Act coverage*
25 *election notice”, respectively.*

1 **SEC. 306. SOONER COVERAGE OF TESTING FOR COVID-19.**

2 *Section 6001(a) of division F of the Families First*
3 *Coronavirus Response Act (42 U.S.C. 1320b-5 note) is*
4 *amended by striking “beginning on or after” and inserting*
5 *“beginning before, on, or after”.*

6 **SEC. 307. CLARIFYING SCOPE OF COVERAGE REQUIREMENT**
7 **FOR ITEMS AND SERVICES RELATING TO**
8 **COVID-19.**

9 *Section 6001 of the Families First Coronavirus Re-*
10 *sponse Act (Public Law 116-127) is amended—*

11 *(1) in subsection (b), by striking “subsection (a)”*
12 *and inserting “subsections (a) and (e)”; and*

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

15 *“(e) SCOPE OF COVERAGE REQUIREMENT.—A group*
16 *health plan and a health insurance issuer offering group*
17 *or individual health insurance coverage (including a grand-*
18 *fathered health plan (as defined in section 1251(e) of the*
19 *Patient Protection and Affordable Care Act)) shall provide*
20 *coverage, without cost sharing and without prior authoriza-*
21 *tion or other medical management requirements, in accord-*
22 *ance with subsection (a) for tests, items, and services de-*
23 *scribed in such subsection and furnished to an individual*
24 *during the emergency period defined in paragraph (1)(B)*
25 *of section 1135(g) of the Social Security Act (42 U.S.C.*
26 *1320b-5(g)), regardless of—*

1 “(1) *why such individual sought such tests,*
2 *items, and services;*

3 “(2) *the nature of the clinical assessment that*
4 *was associated with such tests, items, and services;*

5 “(3) *whether such individual was showing symp-*
6 *toms prior to being furnished such tests, items, and*
7 *services;*

8 “(4) *in the case of such tests, whether or not such*
9 *tests were ordered by a provider;*

10 “(5) *the frequency with which such individual is*
11 *furnished such tests, items, and services; and*

12 “(6) *any other review of the encounters or events*
13 *that preceded or followed the furnishing of such tests,*
14 *items, and services.”.*

15 **SEC. 308. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**
16 **SOCIATED WITH COVID-19 TESTING.**

17 *The Secretary of Health and Human Services, the Sec-*
18 *retary of Labor, and the Secretary of the Treasury shall*
19 *jointly issue guidance not later than 30 days after the date*
20 *of enactment of this Act for purposes of clarifying—*

21 (1) *the process for submitting claims for tests,*
22 *items, and services described in section 6001(a) of the*
23 *Families First Coronavirus Response Act (Public*
24 *Law 116–127) to ensure that individuals enrolled in*
25 *individual or group health insurance coverage or*

1 *group health plans (including grandfathered health*
2 *plans (as defined in section 1251(e) of the Patient*
3 *Protection and Affordable Care Act)) to whom such*
4 *tests, items, and services are furnished are not subject*
5 *to cost-sharing (including deductibles, copayments,*
6 *and coinsurance) or prior authorization or other med-*
7 *ical management requirements; and*

8 *(2) that providers should not collect cost-sharing*
9 *amounts from such individuals seeking such tests,*
10 *items, or services.*

11 **SEC. 309. IMPROVEMENTS TO TRANSPARENCY OF THE PRIC-**
12 **ING OF DIAGNOSTIC TESTING FOR COVID-19.**

13 *(a) IN GENERAL.—Section 3202 of the CARES Act*
14 *(Public Law 116–136) is amended—*

15 *(1) in subsection (b)—*

16 *(A) in the heading, by inserting “AND RE-*
17 *LATED ITEMS AND SERVICES” after “DIAG-*
18 *NOSTIC TESTING FOR COVID-19”;*

19 *(B) in paragraph (1)—*

20 *(i) by striking “a diagnostic test for*
21 *COVID-19” and inserting “a test, item, or*
22 *service described in section 6001(a) of divi-*
23 *sion F of the Families First Coronavirus*
24 *Response Act”; and*

1 (ii) by striking “such test” and insert-
2 ing “such test, item, or service”; and

3 (C) in paragraph (2), by striking “a diag-
4 nostic test for COVID–19” and inserting “a test,
5 item, or service described in section 6001(a) of
6 division F of the Families First Coronavirus Re-
7 sponse Act”; and

8 (2) by adding at the end the following new sub-
9 sections:

10 “(c) *IMPROVEMENTS TO TRANSPARENCY POLICY.*—

11 “(1) *IN GENERAL.*—Not later than 30 days after
12 the date of the enactment of this subsection, the Sec-
13 retary of Health and Human Services shall conduct
14 a survey of providers of the items and services de-
15 scribed in section 6001(a) of division F of the Fami-
16 lies First Coronavirus Response Act (Public Law
17 116– 127) regarding the cash prices for such items
18 and services listed by the providers on a public inter-
19 net website of such provider.

20 “(2) *REPRESENTATIVE SAMPLE.*—In carrying
21 out paragraph (1), the Secretary shall survey a sam-
22 ple of providers that is representative of the diversity
23 of sizes, geographic locations, and care settings (such
24 as hospitals, laboratories, and independent free-

1 *standing emergency department) in which diagnostic*
2 *testing for COVID–19 is performed.*

3 “(d) *PUBLIC REPORT.*—*Not later than 60 days after*
4 *the date of the enactment of this subsection, the Secretary*
5 *of Health and Human Services shall publish on the Internet*
6 *website of the Department of Health and Human Services*
7 *a report on cash prices for items and services published*
8 *under subsection (b)(1) during the period beginning on the*
9 *date of the enactment of this Act and ending on the date*
10 *of the enactment of this subsection, which shall include—*

11 “(1) *the percentage of providers that comply*
12 *with the publication requirement under such sub-*
13 *section;*

14 “(2) *the average cash price for each item and*
15 *service described in section 6001(a) of division F of*
16 *the Families First Coronavirus Response Act that is*
17 *published under such subsection;*

18 “(3) *with respect to each such item and service,*
19 *a comparison of such average cash price to the reim-*
20 *bursement rate under the Medicare program under*
21 *title XVIII of the Social Security Act (42 U.S.C. 1395*
22 *et seq.); and*

23 “(4) *any cash prices published under such sub-*
24 *section that substantially exceed the average cash*

1 (A) shall be provided in a manner that is cul-
2 turally and linguistically appropriate to the
3 needs of the populations being served by the Ex-
4 change (including hard-to-reach populations,
5 such as racial and sexual minorities, limited
6 English proficient populations, and young
7 adults).

8 (C) APPLICATIONS.—To be eligible to re-
9 ceive a grant under this paragraph, a State shall
10 submit to the Secretary an application at such
11 time, in such manner, and containing such in-
12 formation as the Secretary may require.

13 (D) LIMITATION ON USE OF FUNDS.—No
14 funds appropriated under paragraph (4)(A)
15 shall be used for expenditures for promoting non-
16 ACA compliant health insurance coverage.

17 (E) GRANT DURATION AND AMOUNT.—

18 (i) DURATION.—Each grant under this
19 paragraph shall be for a 1-year period that
20 begins on the date of the enactment of this
21 Act (which may be renewed for a 1-year pe-
22 riod by the Secretary of Health and Human
23 Services).

24 (ii) AMOUNT.—

1 (I) *IN GENERAL.*—*The Secretary*
2 *of Health and Human Services shall*
3 *determine the amount of each grant*
4 *under this paragraph.*

5 (II) *MINIMUM.*—*Each grant*
6 *under this paragraph shall be for an*
7 *amount that is at least \$500,000 for*
8 *each 1-year period, and if applicable,*
9 *at least \$500,000 for any 1-year period*
10 *of renewal.*

11 (2) *NAVIGATOR ENROLLMENT GRANTS THROUGH*
12 *EXCHANGES.*—

13 (A) *IN GENERAL.*—*The Secretary of Health*
14 *and Human Services shall award grants to Ex-*
15 *changes described in subparagraph (D) for pur-*
16 *poses of facilitating the enrollment of individuals*
17 *in qualified health plans offered through such*
18 *Exchanges.*

19 (B) *USE OF FUNDS.*—*Funds made available*
20 *under a grant made under subparagraph (A)*
21 *may only be used by such Exchanges to carry*
22 *out the navigator program described in sub-*
23 *section (i)(1) of such section 1311.*

24 (C) *APPLICATIONS.*—*To be eligible to re-*
25 *ceive a grant under this paragraph, for purposes*

1 *of carrying out subparagraph (A), an Exchange*
2 *described in subparagraph (D) shall submit to*
3 *the Secretary an application at such time, in*
4 *such manner, and containing such information*
5 *as the Secretary may require.*

6 *(D) EXCHANGE DESCRIBED.—For purposes*
7 *of this paragraph, an Exchange described in this*
8 *subparagraph is an Exchange that a State estab-*
9 *lishes and operates pursuant to section*
10 *1311(b)(1) of the Patient Protection and Afford-*
11 *able Care Act (42 U.S.C. 18031(b)(1)).*

12 *(3) APPROPRIATIONS.—There are appropriated*
13 *for each of fiscal years 2021 and 2022, to remain*
14 *available through fiscal year 2023—*

15 *(A) \$100,000,000 to carry out paragraph*
16 *(1)(A); and*

17 *(B) \$100,000,000—*

18 *(i) to carry out paragraph (2)(A); and*

19 *(ii) to carry out the navigator program*
20 *described in section 1311(i) of the Patient*
21 *Protection and Affordable Care Act (42*
22 *U.S.C. 18031(i)) for Exchanges operated by*
23 *the Secretary pursuant to section 1321(c)(1)*
24 *of such Act (42 U.S.C. 18041(c)(1)).*

25 *(4) DEFINITIONS.—In this subsection:*

1 (A) *ELIGIBLE INDIVIDUALS.*—The term “el-
2 igible individual” means, with respect to an Ex-
3 change, an individual who is otherwise eligible
4 to enroll through such Exchange.

5 (B) *EXCHANGE.*—The term “Exchange”
6 means an American Health Benefit Exchange es-
7 tablished under section 1311 of the Patient Pro-
8 tection and Affordable Care Act (42 U.S.C.
9 18031).

10 (C) *NON-ACA COMPLIANT HEALTH INSUR-*
11 *ANCE COVERAGE.*—

12 (i) *IN GENERAL.*—The term “non-ACA
13 compliant health insurance coverage”
14 means health insurance coverage, or a
15 group health plan, that is not a qualified
16 health plan.

17 (ii) *INCLUSION.*—Such term includes
18 the following:

19 (I) *An association health plan.*

20 (II) *Short-term limited duration*
21 *insurance.*

22 (D) *QUALIFIED HEALTH PLAN.*—The term
23 “qualified health plan” has the meaning given
24 such term in section 1301(a)(1) of the Patient

1 *Protection and Affordable Care Act (42 U.S.C.*
2 *18021(a)(1)).*

3 **(b) IMPLEMENTATION.**—*The Secretary of Health and*
4 *Human Services may implement the provisions of this sec-*
5 *tion through subregulatory guidance, program instruction,*
6 *or otherwise.*

7 **SEC. 311. APPLICATION OF PREMIUM TAX CREDIT IN CASE**
8 **OF INDIVIDUALS RECEIVING UNEMPLOY-**
9 **MENT COMPENSATION DURING THE COVID-19**
10 **PUBLIC HEALTH EMERGENCY.**

11 **(a) IN GENERAL.**—*Section 36B of the Internal Rev-*
12 *enue Code of 1986, as amended by the preceding provisions*
13 *of this Act, is amended by redesignating subsection (g) as*
14 *subsection (h) and by inserting after subsection (f) the fol-*
15 *lowing new subsection:*

16 **“(g) SPECIAL RULE FOR INDIVIDUALS WHO RECEIVE**
17 **UNEMPLOYMENT COMPENSATION DURING COVID-19 PUB-**
18 **LIC HEALTH EMERGENCY.**—

19 **“(1) IN GENERAL.**—*For purposes of the credit*
20 *determined under this section, in the case of a tax-*
21 *payer who has received, or has been approved to re-*
22 *ceive, unemployment compensation for any week dur-*
23 *ing the applicable period, for the taxable year in*
24 *which such week begins—*

1 “(A) such taxpayer shall be treated as an
2 applicable taxpayer, and

3 “(B) there shall not be taken into account
4 any household income of the taxpayer in excess
5 of 133 percent of the poverty line for a family
6 of the size involved.

7 “(2) *APPLICABLE PERIOD.*—For purposes of this
8 section, the applicable period is the period that—

9 “(A) begins on the date of the enactment of
10 this subsection, and

11 “(B) ends 60 days after the last day of the
12 emergency period described in section
13 1135(g)(1)(B) of the Social Security Act.

14 “(3) *REASONABLE EVIDENCE OF UNEMPLOYMENT*
15 *COMPENSATION.*—For purposes of this subsection, a
16 taxpayer shall not be treated as having received (or
17 been approved to receive) unemployment compensa-
18 tion for any week unless such taxpayer provides docu-
19 mentation which demonstrates such receipt or ap-
20 proval.

21 “(4) *UNEMPLOYMENT COMPENSATION.*—For pur-
22 poses of this subsection, the term ‘unemployment com-
23 pensation’ has the meaning given such term in section
24 1311(c)(8)(E) of the Patient Protection and Afford-
25 able Care Act.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to taxable years beginning after Decem-*
3 *ber 31, 2019.*

4 **SEC. 312. INCREASING ACCESSIBILITY AND AFFORDABILITY**
5 **TO QUALIFIED HEALTH PLANS FOR INDIVID-**
6 **UALS RECEIVING UNEMPLOYMENT COM-**
7 **PENSATION DURING THE COVID-19 EMER-**
8 **GENCY PERIOD.**

9 (a) *ESTABLISHMENT OF SPECIAL ENROLLMENT PERI-*
10 *ODS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-*
11 *PENSATION.*—*Section 1311(c) of the Patient Protection and*
12 *Affordable Care Act (42 U.S.C. 18031(c)) is amended—*

13 (1) *in paragraph (6)—*

14 (A) *in subparagraph (C), by striking at the*
15 *end “and”;*

16 (B) *in subparagraph (D), by striking the*
17 *period at the end and inserting “; and”;* and

18 (C) *by adding at the end the following new*
19 *subparagraph:*

20 “(E) *special enrollment periods described in*
21 *paragraph (8).”;* and

22 (2) *by adding at the end the following new para-*
23 *graph:*

1 “(8) *SPECIAL ENROLLMENT PERIODS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.*—

2
3
4 “(A) *IN GENERAL.*—*The special enrollment period described in this paragraph—*

5
6 “(i) *in the case of an individual who becomes eligible for unemployment compensation on any date before January 1, 2021, is the period beginning on the first day on or after such date that the individual is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986) and ending on the later of—*

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15 “(I) *December 31, 2020; and*

16 “(II) *the day that is 60 days after such first day; and*

17
18 “(ii) *in the case of an individual who becomes eligible for unemployment compensation beginning on any date that is on or after January 1, 2021, is the 60-day period beginning on the first day on or after such date that the individual is not eligible for minimum essential coverage.*

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24

1 “(B) *SELF-ATTESTATION.*—For purposes of
2 this paragraph, eligibility of an individual for
3 unemployment compensation and the date on
4 which such eligibility begins shall be determined
5 by the self-attestation of such individual.

6 “(C) *EXCLUSION.*—For purposes of this
7 paragraph, an individual shall not be treated as
8 eligible for minimum essential coverage if—

9 “(i) such individual is eligible only for
10 coverage described in section 5000A(f)(1)(C)
11 of the Internal Revenue Code of 1986; or

12 “(ii) such individual would not be
13 treated as eligible for minimum essential
14 coverage pursuant to section 36B(c)(2)(C) of
15 such Code.

16 “(D) *CLARIFICATION.*—Nothing in subpara-
17 graph (A) shall be construed to prohibit an indi-
18 vidual described in such subparagraph from
19 qualifying for multiple special enrollment peri-
20 ods under such subparagraph.

21 “(E) *UNEMPLOYMENT COMPENSATION DE-*
22 *FINED.*—In this paragraph, the term ‘unemploy-
23 ment compensation’ means, with respect to an
24 individual—

1 “(i) *regular compensation and ex-*
2 *tended compensation (as such terms are de-*
3 *defined by section 205 of the Federal-State*
4 *Extended Unemployment Compensation Act*
5 *of 1970);*

6 “(ii) *unemployment compensation (as*
7 *defined by section 85(b) of the Internal Rev-*
8 *enue Code of 1986) provided under any pro-*
9 *gram administered by a State under an*
10 *agreement with the Secretary;*

11 “(iii) *pandemic unemployment assist-*
12 *ance under section 2102 of the CARES Act;*

13 “(iv) *pandemic emergency unemploy-*
14 *ment compensation under section 2107 of*
15 *the CARES Act;*

16 “(v) *pandemic emergency unemploy-*
17 *ment extension compensation under section*
18 *2107A of the CARES Act;*

19 “(vi) *unemployment benefits under the*
20 *Railroad Unemployment Insurance Act;*
21 *and*

22 “(vii) *trade adjustment assistance*
23 *under title II of the Trade Act of 1974;*

24 *for which such individual is eligible for any week*
25 *during the period beginning on the first day of*

1 *the emergency period described in section*
2 *1135(g)(1)(B) of the Social Security Act and*
3 *ending on December 31, 2021.”.*

4 ***(b) REQUIREMENT FOR FIRST DAY OF COVERAGE FOR***
5 ***INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION***
6 ***ENROLLING DURING SPECIAL ENROLLMENT PERIODS.—***
7 *Section 1303 of the Patient Protection and Affordable Care*
8 *Act (42 U.S.C. 18023) is amended by adding at the end*
9 *the following new subsection:*

10 ***“(e) REQUIREMENT FOR FIRST DAY OF COVERAGE***
11 ***FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSA-***
12 ***TION ENROLLING DURING SPECIAL ENROLLMENT PERI-***
13 ***ODS.—***

14 ***“(1) IN GENERAL.—In the case of an individual***
15 ***described in section 1311(c)(8)(A) who enrolls in a***
16 ***qualified health plan through an Exchange during a***
17 ***month during a special enrollment period described***
18 ***in such section, such coverage shall be effective begin-***
19 ***ning on—***

20 ***“(A) if such individual was enrolled in***
21 ***minimum essential coverage (other than the***
22 ***qualified health plan enrolled through such a***
23 ***special enrollment period) on the first day of***
24 ***such month, the first day of such month on***
25 ***which the individual is longer so enrolled; and***

1 “(B) if such individual was not enrolled in
2 minimum essential coverage (other than the
3 qualified health plan enrolled through such a
4 special enrollment period) on the first day of
5 such month, the first day of such month.

6 “(2) *MINIMUM ESSENTIAL COVERAGE DE-*
7 *FINED.*—In this subsection, the term ‘minimum essen-
8 tial coverage’ has the meaning given such term in sec-
9 tion 5000A(f) of the Internal Revenue Code of 1986.”.

10 (c) *MODEL NOTICE AND PUBLICATION OF INFORMA-*
11 *TION RELATING TO SPECIAL ENROLLMENT PERIODS AND*
12 *CREDITS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT*
13 *COMPENSATION.*—

14 (1) *MODEL NOTICE.*—The Secretary of Health
15 and Human Services shall make available to States
16 a model notice (which may be sent by mail, email, or
17 electronic means upon the receipt of unemployment
18 compensation (as defined in subparagraph (D) of sec-
19 tion 1311(c)(8) of the Patient Protection and Afford-
20 able Care Act, as added by subsection (a)) that in-
21 cludes information with respect to the eligibility of
22 individuals described in subparagraph (A) of such
23 section—

24 (A) to enroll in a qualified health plan of-
25 fered through an Exchange during a special en-

1 *rollment period described in section*
2 *1311(c)(8)(A) of such Act;*

3 *(B) for the premium tax credit under sec-*
4 *tion 36B of the Internal Revenue Code of 1986;*
5 *and*

6 *(C) for any increase to the premium tax*
7 *credit an individual otherwise receives under sec-*
8 *tion 36B of the Internal Revenue Code of 1986*
9 *by reason of subsection (g) of such section.*

10 (2) *PUBLICATION OF INFORMATION* .—*Section*
11 *1311(b) of the Patient Protection and Affordable Care*
12 *Act (42 U.S.C. 18031(b)) by adding at the end the*
13 *following new paragraph:*

14 “(3) *PUBLICATION OF INFORMATION RELATING*
15 *TO A SPECIAL ENROLLMENT PERIOD AND CREDITS.*—
16 *An Exchange shall, not later than 7 days after the*
17 *date of the enactment of this paragraph, prominently*
18 *post on the homepage of the Internet website for such*
19 *Exchange information with respect to the special en-*
20 *rollment period described in subsection (c)(8)(A) and*
21 *hyperlinks to information with respect to the eligi-*
22 *bility of individuals described in such subsection—*

23 *“(A) to enroll in a qualified health plan of-*
24 *fered through an Exchange during a special en-*
25 *rollment period described in such subsection;*

1 “(B) for the premium tax credit under sec-
 2 tion 36B of the Internal Revenue Code of 1986;
 3 and

4 “(C) for any increase to the premium tax
 5 credit an individual otherwise receives under sec-
 6 tion 36B of the Internal Revenue Code of 1986
 7 by reason of subsection (g) of such section.”.

8 **SEC. 313. TEMPORARY MODIFICATION OF LIMITATIONS ON**
 9 **RECONCILIATION OF TAX CREDITS FOR COV-**
 10 **ERAGE UNDER A QUALIFIED HEALTH PLAN**
 11 **WITH ADVANCE PAYMENTS OF SUCH CREDIT.**

12 (a) *IN GENERAL.*—Section 36B(f)(2)(B) of the Inter-
 13 nal Revenue Code of 1986 is amended by adding at the end
 14 the following new clause:

15 “(iii) *TEMPORARY MODIFICATION OF*
 16 *LIMITATION ON INCREASE.*—In the case of
 17 any taxable year beginning in 2020 or
 18 2021, clause (i) shall be applied—

19 “(I) by substituting ‘600 percent’
 20 for ‘400 percent’ the first place it ap-
 21 pears therein, and

22 “(II) by substituting the following
 23 table for the table contained therein:

<i>“If the household income (expressed as a percent of poverty line) is:</i>	<i>The applicable dollar amount is:</i>
<i>Less than 500%</i>	<i>\$0</i>
<i>At least 500% but less than 550%</i>	<i>\$1,600</i>

<i>“If the household income (expressed as a percent of poverty line) is:</i>	<i>The applicable dollar amount is:</i>
<i>At least 550% but less than 600%</i>	<i>\$2,650</i>

1 *The dollar amounts in the table contained*
2 *under this clause shall be increased under*
3 *clause (ii) for taxable years beginning cal-*
4 *endar year 2021 by substituting ‘calendar*
5 *year 2020’ for ‘calendar year 2013’ in sub-*
6 *clause (II) thereof.”.*

7 **(b) EFFECTIVE DATE.**—*The amendment made by this*
8 *section shall apply to taxable years beginning after Decem-*
9 *ber 31, 2019.*

10 **SEC. 314. REQUIREMENTS FOR COBRA NOTICES RELATING**
11 **TO THE AVAILABILITY OF HEALTH INSUR-**
12 **ANCE COVERAGE AND ASSISTANCE.**

13 **(a) ADDITIONAL NOTIFICATION REQUIREMENT FOR**
14 **COBRA NOTICES.**—

15 **(1) IN GENERAL.**—*In the case of a notice pro-*
16 *vided under section 606(a)(4) of the Employee Retirement*
17 *Income Security Act of 1974 (29 U.S.C.*
18 *1166(4)), section 4980B(f)(6)(D) of the Internal Rev-*
19 *enue Code of 1986, or section 2206(4) of the Public*
20 *Health Service Act (42 U.S.C. 300bb–6(4)), with re-*
21 *spect to an individual who, during the period de-*
22 *scribed in paragraph (2), becomes entitled to elect*
23 *COBRA continuation coverage, the requirements of*

1 *such provisions shall not be treated as met unless such*
2 *notice includes an additional written notice advising*
3 *such individual, in clear and understandable lan-*
4 *guage—*

5 *(A) that such individual may be eligible*
6 *for—*

7 *(i) a special enrollment period de-*
8 *scribed in section 1311(c)(8)(A) of the Pa-*
9 *tient Protection and Affordable Care Act;*
10 *and*

11 *(ii) a premium tax credit under sec-*
12 *tion 36B of the Internal Revenue Code of*
13 *1986 (including a possible increase to such*
14 *credit by reason of subsection (g) of such*
15 *section); and*

16 *(B) of the existence and potential effects of*
17 *the temporary modification of limitations on*
18 *reconciliation of such credits under section*
19 *36B(f)(2)(B)(iii) of such Code.*

20 *(2) PERIOD DESCRIBED.—For purposes of para-*
21 *graph (1), the period described in this paragraph is*
22 *the period that—*

23 *(A) begins 14 days after the date of the en-*
24 *actment of this Act; and*

1 (B) ends 60 days after the last day of the
2 emergency period described in section
3 1135(g)(1)(B) of the Social Security Act (42
4 U.S.C. 1320b–5(g)(1)(B)).

5 (3) *FORM.*—The requirement of the additional
6 notification under this subsection may be met by
7 amendment of existing notice forms or by inclusion of
8 a separate document with the notice otherwise re-
9 quired.

10 (4) *MODEL NOTICES.*—Not later than 14 days
11 after the date of enactment of this Act, with respect
12 to any individual described in paragraph (1), the
13 Secretary of Labor, in consultation with the Secretary
14 of the Treasury and the Secretary of Health and
15 Human Services, shall prescribe models for the addi-
16 tional notification required under this subsection.
17 Such models shall include an estimate of the amount
18 of the monthly premium of a silver-level qualified
19 health plan offered through an Exchange following the
20 application of tax credits under section 36B of the In-
21 ternal Revenue Code of 1986 for the average indi-
22 vidual eligible for the special enrollment period de-
23 scribed in paragraph (1)(A)(i).

24 (b) *OUTREACH BY THE SECRETARY OF LABOR.*—The
25 Secretary of Labor, in consultation with the Secretary of

1 *the Treasury and the Secretary of Health and Human Serv-*
2 *ices, shall provide outreach consisting of public education*
3 *and enrollment assistance relating to premium assistance,*
4 *special enrollment periods, and reconciliation modifications*
5 *described in subsection (a)(1). Such outreach shall target*
6 *employers, group health plan administrators, public assist-*
7 *ance programs, States, consumers, and other entities as de-*
8 *termined appropriate by such Secretaries. Information on*
9 *such premium assistance, special enrollment periods, and*
10 *reconciliation modifications shall also be made available on*
11 *the websites of the Departments of Labor, Treasury, and*
12 *Health and Human Services.*

13 *(c) DEFINITIONS.—In this section:*

14 *(1) COBRA CONTINUATION COVERAGE.—The*
15 *term “COBRA continuation coverage” means con-*
16 *tinuation coverage provided pursuant to part 6 of*
17 *subtitle B of title I of the Employee Retirement In-*
18 *come Security Act of 1974 (other than under section*
19 *609), title XXII of the Public Health Service Act, or*
20 *section 4980B of the Internal Revenue Code of 1986*
21 *(other than subsection (f)(1) of such section insofar as*
22 *it relates to pediatric vaccines), or under a State pro-*
23 *gram that provides comparable continuation coverage.*
24 *Such term does not include coverage under a health*
25 *flexible spending arrangement under a cafeteria plan*

1 *within the meaning of section 125 of the Internal*
2 *Revenue Code of 1986.*

3 (2) *EXCHANGE.*—*The term “Exchange” means*
4 *an American Health Benefit Exchange established*
5 *under section 1311 of the Patient Protection and Af-*
6 *fordable Care Act.*

7 (3) *GROUP HEALTH PLAN.*—*The term “group*
8 *health plan” has the meaning given such term in sec-*
9 *tion 607(1) of the Employee Retirement Income Secu-*
10 *rity Act of 1974.*

11 (4) *QUALIFIED HEALTH PLAN.*—*The term*
12 *“qualified health plan” has the meaning given such*
13 *term in section 1301(a)(1) of the Patient Protection*
14 *and Affordable Care Act.*

15 (5) *STATE.*—*The term “State” includes the Dis-*
16 *trict of Columbia, the Commonwealth of Puerto Rico,*
17 *the Virgin Islands, Guam, American Samoa, and the*
18 *Commonwealth of the Northern Mariana Islands.*

19 (6) *UNEMPLOYMENT COMPENSATION.*—*The term*
20 *“unemployment compensation” means, with respect to*
21 *an individual—*

22 (A) *regular compensation and extended*
23 *compensation (as such terms are defined by sec-*
24 *tion 205 of the Federal-State Extended Unem-*
25 *ployment Compensation Act of 1970);*

1 (B) unemployment compensation (as de-
2 fined by section 85(b) of the Internal Revenue
3 Code of 1986) provided under any program ad-
4 ministered by a State under an agreement with
5 the Secretary;

6 (C) pandemic unemployment assistance
7 under section 2102 of the CARES Act;

8 (D) pandemic emergency unemployment
9 compensation under section 2107 of the CARES
10 Act;

11 (E) unemployment benefits under the Rail-
12 road Unemployment Insurance Act; and

13 (F) trade adjustment assistance under title
14 II of the Trade Act of 1974;

15 for which such individual is eligible for any week
16 during the period described in subsection (a)(2).

17 **TITLE IV—APPLICATION TO**
18 **OTHER HEALTH PROGRAMS**

19 **SEC. 401. PROHIBITION ON COPAYMENTS AND COST SHAR-**
20 **ING FOR TRICARE BENEFICIARIES RECEIVING**
21 **COVID-19 TREATMENT.**

22 (a) *IN GENERAL.*—Section 6006(a) of the Families
23 First Coronavirus Response Act (Public Law 116-127; 38
24 U.S.C. 1074 note) is amended by striking “or visits de-
25 scribed in paragraph (2) of such section” and inserting “,

1 *visits described in paragraph (2) of such section, or medical*
2 *care to treat COVID-19”.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
4 *section (a) shall apply with respect to medical care fur-*
5 *nished on or after the date of the enactment of this Act.*

6 **SEC. 402. PROHIBITION ON COPAYMENTS AND COST SHAR-**
7 **ING FOR VETERANS RECEIVING COVID-19**
8 **TREATMENT FURNISHED BY DEPARTMENT OF**
9 **VETERANS AFFAIRS.**

10 *(a) IN GENERAL.—Section 6006(b) of the Families*
11 *First Coronavirus Response Act (Public Law 116-127; 38*
12 *U.S.C. 1701 note) is amended by striking “or visits de-*
13 *scribed in paragraph (2) of such section” and inserting “,*
14 *visits described in paragraph (2) of such section, or hospital*
15 *care or medical services to treat COVID-19”.*

16 *(b) EFFECTIVE DATE.—The amendment made by sub-*
17 *section (a) shall apply with respect to hospital care and*
18 *medical services furnished on or after the date of the enact-*
19 *ment of this Act.*

20 **SEC. 403. PROHIBITION ON COPAYMENTS AND COST SHAR-**
21 **ING FOR FEDERAL CIVILIAN EMPLOYEES RE-**
22 **CEIVING COVID-19 TREATMENT.**

23 *(a) IN GENERAL.—Section 6006(c) of the Families*
24 *First Coronavirus Response Act (Public Law 116-127; 5*
25 *U.S.C. 8904 note) is amended by striking “or visits de-*

1 *scribed in paragraph (2) of such section” and inserting “,*
2 *visits described in paragraph (2) of such section, or hospital*
3 *care or medical services to treat COVID–19”.*

4 *(b) EFFECTIVE DATE.—The amendment made by sub-*
5 *section (a) shall apply with respect to hospital care and*
6 *medical services furnished on or after the date of the enact-*
7 *ment of this Act.*

8 **TITLE V—PUBLIC HEALTH**
9 **POLICIES**

10 **SEC. 501. DEFINITIONS.**

11 *In this title:*

12 *(1) Except as inconsistent with the provisions of*
13 *this title, the term “Secretary” means the Secretary*
14 *of Health and Human Services.*

15 *(2) The term “State” refers to each of the 50*
16 *States and the District of Columbia.*

17 *(3) The term “Tribal”, with respect to a depart-*
18 *ment of health (or health department), includes—*

19 *(A) Indian Tribes that—*

20 *(i) are operating one or more health*
21 *facilities pursuant to an agreement under*
22 *the Indian Self-Determination and Edu-*
23 *cation Assistance Act (25 U.S.C. 5301 et*
24 *seq.); or*

- 1 (ii) receive services from a facility op-
2 erated by the Indian Health Services; and
3 (B) Tribal organizations and Urban Indian
4 organizations.

5 **Subtitle A—Supply Chain**
6 **Improvements**

7 **SEC. 511. MEDICAL SUPPLIES RESPONSE COORDINATOR.**

8 (a) *IN GENERAL.*—The President shall appoint a Med-
9 ical Supplies Response Coordinator to coordinate the efforts
10 of the Federal Government regarding the supply and dis-
11 tribution of critical medical supplies and equipment related
12 to detecting, diagnosing, preventing, and treating COVID-
13 19, including personal protective equipment, medical de-
14 vices, drugs, and vaccines.

15 (b) *QUALIFICATIONS.*—To qualify to be appointed as
16 the Medical Supplies Response Coordinator, an individual
17 shall be a senior government official with—

18 (1) health care training, including training re-
19 lated to infectious diseases or hazardous exposures;
20 and

21 (2) a familiarity with medical supply chain lo-
22 gistics.

23 (c) *ACTIVITIES.*—The Medical Supplies Response Co-
24 ordinator shall—

1 (1) *consult with State, local, territorial, and*
2 *Tribal officials to ensure that health care facilities*
3 *and health care workers have sufficient personal pro-*
4 *TECTIVE equipment and other medical supplies;*

5 (2) *evaluate ongoing needs of States, localities,*
6 *territories, Tribes, health care facilities, and health*
7 *CARE workers to determine the need for critical med-*
8 *ICAL supplies and equipment;*

9 (3) *serve as a point of contact for industry for*
10 *procurement and distribution of critical medical sup-*
11 *PLIES and equipment, including personal protective*
12 *equipment, medical devices, testing supplies, drugs,*
13 *and vaccines;*

14 (4) *procure and distribute critical medical sup-*
15 *PLIES and equipment, including personal protective*
16 *equipment, medical devices, testing supplies, drugs,*
17 *and vaccines;*

18 (5)(A) *establish and maintain an up-to-date na-*
19 *TIONAL database of hospital capacity, including beds,*
20 *ventilators, and supplies, including personal protec-*
21 *TIVE equipment, medical devices, drugs, and vaccines;*
22 *and*

23 (B) *provide weekly reports to the Congress on*
24 *gaps in such capacity and progress made toward clos-*
25 *ING the gaps;*

1 (6) require, as necessary, industry reporting on
2 production and distribution of personal protective
3 equipment, medical devices, testing supplies, drugs,
4 and vaccines and assess financial penalties as may be
5 specified by the Medical Supplies Response Coordi-
6 nator for failure to comply with such requirements for
7 reporting on production and distribution;

8 (7) consult with the Secretary and the Adminis-
9 trator of the Federal Emergency Management Agency,
10 as applicable, to ensure sufficient production levels
11 under the Defense Production Act of 1950 (50 U.S.C.
12 4501 et seq.); and

13 (8) monitor the prices of critical medical sup-
14 plies and equipment, including personal protective
15 equipment and medical devices, drugs, and vaccines
16 related to detecting, diagnosing, preventing, and
17 treating COVID–19 and report any suspected price
18 gouging of such materials to the Federal Trade Com-
19 mission and appropriate law enforcement officials.

20 **SEC. 512. INFORMATION TO BE INCLUDED IN LIST OF DE-**
21 **VICES DETERMINED TO BE IN SHORTAGE.**

22 Section 506J(g)(2)(A) of the Federal Food, Drug, and
23 Cosmetic Act, as added by section 3121 of the CARES Act
24 (Public Law 116–136), is amended by inserting “, includ-

1 *ing the device identifier or national product code for such*
2 *device, if applicable” before the period at the end.*

3 **SEC. 513. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
4 **DEVICES.**

5 *(a) IN GENERAL.—The Federal Food, Drug, and Cos-*
6 *metic Act is amended by inserting after section 506J (21*
7 *U.S.C. 356j) the following:*

8 **“SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**
9 **DEVICES.**

10 *“(a) IN GENERAL.—A manufacturer of a device subject*
11 *to notification requirements under section 506J (in this sec-*
12 *tion referred to as an ‘essential device’) shall—*

13 *“(1) submit to the Secretary data and informa-*
14 *tion as required by subsection (b)(1);*

15 *“(2) conduct and submit the results of any stud-*
16 *ies required under subsection (b)(3); and*

17 *“(3) make any labeling change described in sub-*
18 *section (c) by the date specified by the Secretary pur-*
19 *suant to such subsection.*

20 *“(b) NOTIFICATION.—*

21 *“(1) IN GENERAL.—The Secretary may issue an*
22 *order requiring the manufacturer of any essential de-*
23 *vice to submit, in such manner as the Secretary may*
24 *prescribe, data and information from any stage of de-*
25 *velopment of the device (including pilot, investiga-*

1 *tional, and final product validation) that are ade-*
2 *quate to assess the shelf life of the device to determine*
3 *the longest supported expiration date.*

4 *“(2) UNAVAILABLE OR INSUFFICIENT DATA AND*
5 *INFORMATION.—If the data and information referred*
6 *to in paragraph (1) are not available or are insuffi-*
7 *cient, the Secretary may require the manufacturer of*
8 *the device to—*

9 *“(A) conduct studies adequate to provide the*
10 *data and information; and*

11 *“(B) submit to the Secretary the results,*
12 *data, and information generated by such studies*
13 *when available.*

14 *“(c) LABELING.—The Secretary may issue an order re-*
15 *quiring the manufacturer of an essential device to make by*
16 *a specified date any labeling change regarding the expira-*
17 *tion period that the Secretary determines to be appropriate*
18 *based on the data and information required to be submitted*
19 *under this section or any other data and information avail-*
20 *able to the Secretary.*

21 *“(d) CONFIDENTIALITY.—Nothing in this section shall*
22 *be construed as authorizing the Secretary to disclose any*
23 *information that is a trade secret or confidential informa-*
24 *tion subject to section 552(b)(4) of title 5, United States*
25 *Code, or section 1905 of title 18, United States Code.”.*

1 (b) *CIVIL MONETARY PENALTY.*—Section 303(f) of the
2 *Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f))*
3 *is amended by adding at the end the following:*

4 “(10) *CIVIL MONETARY PENALTY WITH RESPECT TO*
5 *EXTENDED SHELF LIFE DATES FOR ESSENTIAL DE-*
6 *VICES.*—*If the manufacturer of a device subject to notifica-*
7 *tion requirements under section 506J violates section 506K*
8 *by failing to submit data and information as required*
9 *under section 506K(b)(1), failing to conduct or submit the*
10 *results of studies as required under section 506K(b)(3), or*
11 *failing to make a labeling change as required under section*
12 *506K(c), such manufacturer shall be liable to the United*
13 *States for a civil penalty in an amount not to exceed*
14 *\$10,000 for each such violation.”*

15 (c) *EMERGENCY USE ELIGIBLE PRODUCTS.*—Sub-
16 *paragraph (A) of section 564A(a)(1) of the Federal Food,*
17 *Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(a)(1)) is*
18 *amended to read as follows:*

19 “(A) *is approved or cleared under this*
20 *chapter, otherwise listed as a device pursuant to*
21 *section 510(j), conditionally approved under sec-*
22 *tion 571, or licensed under section 351 of the*
23 *Public Health Service Act;”*

1 **SEC. 514. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

2 (a) *IN GENERAL.*—Section 801(a) of the Federal Food,
3 Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

4 (1) in the fourth sentence, by inserting “or coun-
5 terfeit device” after “counterfeit drug”; and

6 (2) by striking “The Secretary of the Treasury
7 shall cause the destruction of” and all that follows
8 through “liable for costs pursuant to subsection (c).”
9 and inserting the following: “The Secretary of the
10 Treasury shall cause the destruction of any such arti-
11 cle refused admission unless such article is exported,
12 under regulations prescribed by the Secretary of the
13 Treasury, within 90 days of the date of notice of such
14 refusal or within such additional time as may be per-
15 mitted pursuant to such regulations, except that the
16 Secretary of Health and Human Services may de-
17 stroy, without the opportunity for export, any drug or
18 device refused admission under this section, if such
19 drug or device is valued at an amount that is \$2,500
20 or less (or such higher amount as the Secretary of the
21 Treasury may set by regulation pursuant to section
22 498(a)(1) of the Tariff Act of 1930 (19 U.S.C.
23 1498(a)(1))) and was not brought into compliance as
24 described under subsection (b). The Secretary of
25 Health and Human Services shall issue regulations
26 providing for notice and an opportunity to appear

1 *before the Secretary of Health and Human Services*
2 *and introduce testimony, as described in the first sen-*
3 *tence of this subsection, on destruction of a drug or*
4 *device under the seventh sentence of this subsection.*
5 *The regulations shall provide that prior to destruc-*
6 *tion, appropriate due process is available to the*
7 *owner or consignee seeking to challenge the decision to*
8 *destroy the drug or device. Where the Secretary of*
9 *Health and Human Services provides notice and an*
10 *opportunity to appear and introduce testimony on*
11 *the destruction of a drug or device, the Secretary of*
12 *Health and Human Services shall store and, as ap-*
13 *plicable, dispose of the drug or device after the*
14 *issuance of the notice, except that the owner and con-*
15 *signee shall remain liable for costs pursuant to sub-*
16 *section (c).”.*

17 **(b) DEFINITION.**—*Section 201(h) of the Federal Food,*
18 *Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—*

19 *(1) by redesignating subparagraphs (1), (2), and*
20 *(3) as clauses (A), (B), and (C), respectively; and*

21 *(2) after making such redesignations—*

22 *(A) by striking “(h) The term” and insert-*
23 *ing “(h)(1) The term”; and*

24 *(B) by adding at the end the following:*

1 “(2) *The term ‘counterfeit device’ means a device*
2 *which, or the container, packaging, or labeling of which,*
3 *without authorization, bears a trademark, trade name, or*
4 *other identifying mark, imprint, or symbol, or any likeness*
5 *thereof, or is manufactured using a design, of a device man-*
6 *ufacturer, packer, or distributor other than the person or*
7 *persons who in fact manufactured, packed, or distributed*
8 *such device and which thereby falsely purports or is rep-*
9 *resented to be the product of, or to have been packed or dis-*
10 *tributed by, such other device manufacturer, packer, or dis-*
11 *tributor.*

12 “(3) *For purposes of subparagraph (2)—*

13 “(A) *the term ‘manufactured’ refers to any of the*
14 *following activities: manufacture, preparation, propa-*
15 *gation, compounding, assembly, or processing; and*

16 “(B) *the term ‘manufacturer’ means a person*
17 *who is engaged in any of the activities listed in clause*
18 *(A).”.*

19 **SEC. 515. REPORTING REQUIREMENT FOR DRUG MANUFAC-**
20 **TURERS.**

21 (a) *ESTABLISHMENTS IN A FOREIGN COUNTRY.—Sec-*
22 *tion 510(i) of the Federal Food, Drug, and Cosmetic Act*
23 *(21 U.S.C. 360(i)) is amended by inserting at the end the*
24 *following new paragraph:*

1 “(5) *The requirements of paragraphs (1) and (2) shall*
2 *apply to establishments within a foreign country engaged*
3 *in the manufacture, preparation, propagation,*
4 *compounding, or processing of any drug, including the ac-*
5 *tive pharmaceutical ingredient, that is required to be listed*
6 *pursuant to subsection (j). Such requirements shall apply*
7 *regardless of whether the drug or active pharmaceutical in-*
8 *redient undergoes further manufacture, preparation, prop-*
9 *agation, compounding, or processing at a separate estab-*
10 *lishment or establishments outside the United States prior*
11 *to being imported or offered for import into the United*
12 *States.”.*

13 **(b) LISTING OF DRUGS.**—*Section 510(j)(1) of the Fed-*
14 *eral Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)(1))*
15 *is amended—*

16 (1) *in subparagraph (D), by striking “and” at*
17 *the end;*

18 (2) *in subparagraph (E), by striking the period*
19 *at the end and inserting “; and”; and*

20 (3) *by adding at the end the following new sub-*
21 *paragraph:*

22 “(F) *in the case of a drug contained in the ap-*
23 *plicable list, a certification that the registrant has—*

1 “(i) identified every other establishment
2 where manufacturing is performed for the drug;
3 and

4 “(ii) notified each known foreign establish-
5 ment engaged in the manufacture, preparation,
6 propagation, compounding, or processing of the
7 drug, including the active pharmaceutical ingre-
8 dient, of the inclusion of the drug in the list and
9 the obligation to register.”.

10 (c) **QUARTERLY REPORTING ON AMOUNT OF DRUGS**

11 **MANUFACTURED.**—Section 510(j)(3)(A) of the Federal
12 Food, Drug, and Cosmetic Act (as added by section 3112
13 of the CARES Act (Public Law 116–136)) is amended by
14 striking “annually” and inserting “once during the month
15 of March of each year, once during the month of June of
16 each year, once during the month of September of each year,
17 and once during the month of December of each year”.

18 **SEC. 516. RECOMMENDATIONS TO ENCOURAGE DOMESTIC**

19 **MANUFACTURING OF CRITICAL DRUGS.**

20 (a) **IN GENERAL.**—Not later than 14 days after the
21 date of enactment of this Act, the Secretary shall enter into
22 an agreement with the National Academies of Sciences, En-
23 gineering, and Medicine (referred to in this section as the
24 “National Academies”) under which, not later than 90 days

1 *after the date of entering into the agreement, the National*
2 *Academies will—*

3 *(1) establish a committee of experts who are*
4 *knowledgeable about drug and device supply issues,*
5 *including—*

6 *(A) sourcing and production of critical*
7 *drugs and devices;*

8 *(B) sourcing and production of active phar-*
9 *maceutical ingredients in critical drugs;*

10 *(C) the raw materials and other components*
11 *for critical drugs and devices; and*

12 *(D) the public health and national security*
13 *implications of the current supply chain for crit-*
14 *ical drugs and devices;*

15 *(2) convene a public symposium to—*

16 *(A) analyze the impact of United States de-*
17 *pendence on the foreign manufacturing of crit-*
18 *ical drugs and devices on patient access and*
19 *care, including in hospitals and intensive care*
20 *units; and*

21 *(B) recommend strategies to end United*
22 *States dependence on foreign manufacturing to*
23 *ensure the United States has a diverse and vital*
24 *supply chain for critical drugs and devices to*

1 *protect the Nation from natural or hostile occur-*
2 *rences; and*

3 (3) *submit a report on the symposium’s pro-*
4 *ceedings to the Congress and publish a summary of*
5 *such proceedings on the public website of the National*
6 *Academies.*

7 (b) *SYMPOSIUM.—In carrying out the agreement under*
8 *subsection (a), the National Academies shall consult with—*

9 (1) *the Department of Health and Human Serv-*
10 *ices, the Department of Homeland Security, the De-*
11 *partment of Defense, the Department of Commerce,*
12 *the Department of State, the Department of Veterans*
13 *Affairs, the Department of Justice, and any other*
14 *Federal agencies as appropriate; and*

15 (2) *relevant stakeholders, including drug and de-*
16 *vice manufacturers, health care providers, medical*
17 *professional societies, State-based societies, public*
18 *health experts, State and local public health depart-*
19 *ments, State medical boards, patient groups, health*
20 *care distributors, wholesalers and group purchasing*
21 *organizations, pharmacists, and other entities with*
22 *experience in health care and public health, as appro-*
23 *priate.*

24 (c) *DEFINITIONS.—For the purposes of this section:*

25 (1) *The term “critical”—*

1 *discontinuance or interruption, as required by section*
2 *506C.”.*

3 **SEC. 518. FAILURE TO DEVELOP RISK MANAGEMENT PLAN.**

4 *Section 301 of the Federal Food, Drug, and Cosmetic*
5 *Act (21 U.S.C. 331), as amended by section 517, is further*
6 *amended by adding at the end the following:*

7 *“(ggg) The failure to develop, maintain, and imple-*
8 *ment a risk management plan, as required by section*
9 *506C(j).”.*

10 **SEC. 519. NATIONAL CENTERS OF EXCELLENCE IN CONTIN-**
11 **UOUS PHARMACEUTICAL MANUFACTURING.**

12 *(a) IN GENERAL.—Section 3016 of the 21st Century*
13 *Cures Act (21 U.S.C. 399h) is amended to read as follows:*

14 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-**
15 **TINUOUS PHARMACEUTICAL MANUFAC-**
16 **TURING.**

17 *“(a) IN GENERAL.—The Secretary of Health and*
18 *Human Services, acting through the Commissioner of Food*
19 *and Drugs—*

20 *“(1) shall solicit and, beginning not later than*
21 *1 year after the date of enactment of the Investing in*
22 *America’s Health Care During the COVID–19 Pan-*
23 *demie Act receive requests from institutions of higher*
24 *education to be designated as a National Center of*
25 *Excellence in Continuous Pharmaceutical Manufac-*

1 *turing (in this section referred to as a ‘National Cen-*
2 *ter of Excellence’)* to support the advancement and de-
3 *velopment of continuous manufacturing; and*

4 *“(2) shall so designate any institution of higher*
5 *education that—*

6 *“(A) requests such designation; and*

7 *“(B) meets the criteria specified in sub-*
8 *section (c).*

9 *“(b) REQUEST FOR DESIGNATION.—A request for des-*
10 *ignation under subsection (a) shall be made to the Secretary*
11 *at such time, in such manner, and containing such infor-*
12 *mation as the Secretary may require. Any such request*
13 *shall include a description of how the institution of higher*
14 *education meets or plans to meet each of the criteria speci-*
15 *fied in subsection (c).*

16 *“(c) CRITERIA FOR DESIGNATION DESCRIBED.—The*
17 *criteria specified in this subsection with respect to an insti-*
18 *tution of higher education are that the institution has, as*
19 *of the date of the submission of a request under subsection*
20 *(a) by such institution—*

21 *“(1) physical and technical capacity for research*
22 *and development of continuous manufacturing;*

23 *“(2) manufacturing knowledge-sharing networks*
24 *with other institutions of higher education, large and*
25 *small pharmaceutical manufacturers, generic and*

1 *nonprescription manufacturers, contract manufactur-*
2 *ers, and other entities;*

3 *“(3) proven capacity to design and demonstrate*
4 *new, highly effective technology for use in continuous*
5 *manufacturing;*

6 *“(4) a track record for creating and transferring*
7 *knowledge with respect to continuous manufacturing;*

8 *“(5) the potential to train a future workforce for*
9 *research on and implementation of advanced manu-*
10 *facturing and continuous manufacturing; and*

11 *“(6) experience in participating in and leading*
12 *a continuous manufacturing technology partnership*
13 *with other institutions of higher education, large and*
14 *small pharmaceutical manufacturers (including ge-*
15 *neric and nonprescription drug manufacturers), con-*
16 *tract manufacturers, and other entities—*

17 *“(A) to support companies with continuous*
18 *manufacturing in the United States;*

19 *“(B) to support Federal agencies with tech-*
20 *nical assistance, which may include regulatory*
21 *and quality metric guidance as applicable, for*
22 *advanced manufacturing and continuous manu-*
23 *facturing;*

24 *“(C) with respect to continuous manufac-*
25 *turing, to organize and conduct research and de-*

1 *velopment activities needed to create new and*
2 *more effective technology, capture and dissemi-*
3 *nate expertise, create intellectual property, and*
4 *maintain technological leadership;*

5 *“(D) to develop best practices for designing*
6 *continuous manufacturing; and*

7 *“(E) to assess and respond to the workforce*
8 *needs for continuous manufacturing, including*
9 *the development of training programs if needed.*

10 *“(d) TERMINATION OF DESIGNATION.—The Secretary*
11 *may terminate the designation of any National Center of*
12 *Excellence designated under this section if the Secretary de-*
13 *termines such National Center of Excellence no longer meets*
14 *the criteria specified in subsection (c). Not later than 60*
15 *days before the effective date of such a termination, the Sec-*
16 *retary shall provide written notice to the National Center*
17 *of Excellence, including the rationale for such termination.*

18 *“(e) CONDITIONS FOR DESIGNATION.—As a condition*
19 *of designation as a National Center of Excellence under this*
20 *section, the Secretary shall require that an institution of*
21 *higher education enter into an agreement with the Sec-*
22 *retary under which the institution agrees—*

23 *“(1) to collaborate directly with the Food and*
24 *Drug Administration to publish the reports required*
25 *by subsection (g);*

1 “(2) to share data with the Food and Drug Ad-
2 ministration regarding best practices and research
3 generated through the funding under subsection (f);

4 “(3) to develop, along with industry partners
5 (which may include large and small biopharma-
6 ceutical manufacturers, generic and nonprescription
7 manufacturers, and contract manufacturers) and an-
8 other institution or institutions designated under this
9 section, if any, a roadmap for developing a contin-
10 uous manufacturing workforce;

11 “(4) to develop, along with industry partners
12 and other institutions designated under this section,
13 a roadmap for strengthening existing, and developing
14 new, relationships with other institutions; and

15 “(5) to provide an annual report to the Food
16 and Drug Administration regarding the institution’s
17 activities under this section, including a description
18 of how the institution continues to meet and make
19 progress on the criteria listed in subsection (c).

20 “(f) FUNDING.—

21 “(1) IN GENERAL.—The Secretary shall award
22 funding, through grants, contracts, or cooperative
23 agreements, to the National Centers of Excellence des-
24 ignated under this section for the purpose of studying
25 and recommending improvements to continuous man-

1 *ufacturing, including such improvements as may en-*
2 *able the Centers—*

3 *“(A) to continue to meet the conditions*
4 *specified in subsection (e); and*

5 *“(B) to expand capacity for research on,*
6 *and development of, continuing manufacturing.*

7 *“(2) CONSISTENCY WITH FDA MISSION.—As a*
8 *condition on receipt of funding under this subsection,*
9 *a National Center of Excellence shall agree to consider*
10 *any input from the Secretary regarding the use of*
11 *funding that would—*

12 *“(A) help to further the advancement of con-*
13 *tinuous manufacturing through the National*
14 *Center of Excellence; and*

15 *“(B) be relevant to the mission of the Food*
16 *and Drug Administration.*

17 *“(3) AUTHORIZATION OF APPROPRIATIONS.—*
18 *There is authorized to be appropriated to carry out*
19 *this subsection \$100,000,000, to remain available*
20 *until expended.*

21 *“(4) RULE OF CONSTRUCTION.—Nothing in this*
22 *section shall be construed as precluding a National*
23 *Center for Excellence designated under this section*
24 *from receiving funds under any other provision of*
25 *this Act or any other Federal law.*

1 “(g) *ANNUAL REVIEW AND REPORTS.*—

2 “(1) *ANNUAL REPORT.*—*Beginning not later*
3 *than 1 year after the date on which the first designa-*
4 *tion is made under subsection (a), and annually*
5 *thereafter, the Secretary shall—*

6 “(A) *submit to Congress a report describing*
7 *the activities, partnerships and collaborations,*
8 *Federal policy recommendations, previous and*
9 *continuing funding, and findings of, and any*
10 *other applicable information from, the National*
11 *Centers of Excellence designated under this sec-*
12 *tion; and*

13 “(B) *make such report available to the pub-*
14 *lic in an easily accessible electronic format on*
15 *the website of the Food and Drug Administra-*
16 *tion.*

17 “(2) *REVIEW OF NATIONAL CENTERS OF EXCEL-*
18 *LENCE AND POTENTIAL DESIGNEES.*—*The Secretary*
19 *shall periodically review the National Centers of Ex-*
20 *cellence designated under this section to ensure that*
21 *such National Centers of Excellence continue to meet*
22 *the criteria for designation under this section.*

23 “(3) *REPORT ON LONG-TERM VISION OF FDA*
24 *ROLE.*—*Not later than 2 years after the date on*
25 *which the first designation is made under subsection*

1 (a), the Secretary, in consultation with the National
2 Centers of Excellence designated under this section,
3 shall submit a report to the Congress on the long-term
4 vision of the Department of Health and Human Serv-
5 ices on the role of the Food and Drug Administration
6 in supporting continuous manufacturing, including—

7 “(A) a national framework of principles re-
8 lated to the implementation and regulation of
9 continuous manufacturing;

10 “(B) a plan for the development of Federal
11 regulations and guidance for how advanced
12 manufacturing and continuous manufacturing
13 can be incorporated into the development of
14 pharmaceuticals and regulatory responsibilities
15 of the Food and Drug Administration; and

16 “(C) appropriate feedback solicited from the
17 public, which may include other institutions,
18 large and small biopharmaceutical manufactur-
19 ers, generic and nonprescription manufacturers,
20 and contract manufacturers.

21 “(h) *DEFINITIONS.*—*In this section:*

22 “(1) *ADVANCED MANUFACTURING.*—*The term*
23 ‘*advanced manufacturing*’ *means an approach for the*
24 *manufacturing of pharmaceuticals that incorporates*
25 *novel technology, or uses an established technique or*

1 *technology in a new or innovative way (such as con-*
2 *tinuous manufacturing where the input materials are*
3 *continuously transformed within the process by two*
4 *or more unit operations) that enhances drug quality*
5 *or improves the manufacturing process.*

6 “(2) *CONTINUOUS MANUFACTURING.*—*The term*
7 *‘continuous manufacturing’—*

8 “(A) *means a process where the input mate-*
9 *rials are continuously fed into and transformed*
10 *within the process, and the processed output ma-*
11 *terials are continuously removed from the sys-*
12 *tem; and*

13 “(B) *consists of an integrated process that*
14 *consists of a series of two or more unit oper-*
15 *ations.*

16 “(3) *INSTITUTION OF HIGHER EDUCATION.*—*The*
17 *term ‘institution of higher education’ has the meaning*
18 *given such term in section 101(a) of the Higher Edu-*
19 *cation Act of 1965 (20 U.S.C. 1001(a)).*

20 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
21 *the Secretary of Health and Human Services, acting*
22 *through the Commissioner of Food and Drugs.”.*

23 (b) *TRANSITION RULE.*—*Section 3016 of the 21st Cen-*
24 *tury Cures Act (21 U.S.C. 399h), as in effect on the day*
25 *before the date of the enactment of this section, shall apply*

1 *with respect to grants awarded under such section before*
2 *such date of enactment.*

3 ***Subtitle B—Strategic National***
4 ***Stockpile Improvements***

5 ***SEC. 531. EQUIPMENT MAINTENANCE.***

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

8 (1) *in subsection (a)(3)—*

9 (A) *in subparagraph (I), by striking “;*
10 *and” and inserting a semicolon;*

11 (B) *in subparagraph (J), by striking the*
12 *period at the end and inserting a semicolon; and*

13 (C) *by inserting the following new subpara-*
14 *graph at the end:*

15 “(K) *ensure the contents of the stockpile re-*
16 *main in good working order and, as appro-*
17 *priate, conduct maintenance services on such*
18 *contents; and”;* and

19 (2) *in subsection (c)(7)(B), by adding at the end*
20 *the following new clause:*

21 “(ix) *EQUIPMENT MAINTENANCE SERV-*
22 *ICE.—In carrying out this section, the Sec-*
23 *retary may enter into contracts for the pro-*
24 *curement of equipment maintenance serv-*
25 *ices.”.*

1 **SEC. 532. SUPPLY CHAIN FLEXIBILITY MANUFACTURING**
2 **PILOT.**

3 (a) *IN GENERAL.*—Section 319F–2(a)(3) of the Public
4 Health Service Act (42 U.S.C. 247d–6b(a)(3)), as amended
5 by section 531, is further amended by adding at the end
6 the following new subparagraph:

7 “(L) enhance medical supply chain elas-
8 ticity and establish and maintain domestic re-
9 serves of critical medical supplies (including per-
10 sonal protective equipment, ancillary medical
11 supplies, and other applicable supplies required
12 for the administration of drugs, vaccines and
13 other biological products, and other medical de-
14 vices (including diagnostic tests)) by—

15 “(i) increasing emergency stock of crit-
16 ical medical supplies;

17 “(ii) geographically diversifying pro-
18 duction of such medical supplies;

19 “(iii) purchasing, leasing, or entering
20 into joint ventures with respect to facilities
21 and equipment for the production of such
22 medical supplies; and

23 “(iv) working with distributors of such
24 medical supplies to manage the domestic re-
25 serves established under this subparagraph

1 by refreshing and replenishing stock of such
2 medical supplies.”.

3 (b) *REPORTING; SUNSET.*—Section 319F–2(a) of the
4 *Public Health Service Act (42 U.S.C. 247d–6b(a))* is
5 amended by adding at the end the following:

6 “(6) *REPORTING.*—Not later than September 30,
7 2022, the Secretary shall submit to the Committee on
8 *Energy and Commerce of the House of Representa-*
9 *tives and the Committee on Health, Education, Labor*
10 *and Pensions of the Senate a report on the details of*
11 *each purchase, lease, or joint venture entered into*
12 *under paragraph (3)(L), including the amount ex-*
13 *pended by the Secretary on each such purchase, lease,*
14 *or joint venture.*

15 “(7) *SUNSET.*—The authority to make purchases,
16 leases, or joint ventures pursuant to paragraph (3)(L)
17 shall cease to be effective on September 30, 2023.”.

18 (c) *FUNDING.*—Section 319F–2(f) of the *Public Health*
19 *Service Act (42 U.S.C. 247d–6b(f))* is amended by adding
20 at the end the following:

21 “(3) *SUPPLY CHAIN ELASTICITY.*—

22 “(A) *IN GENERAL.*—For the purpose of car-
23 rying out subsection (a)(3)(L), there is author-
24 ized to be appropriated \$500,000,000 for each of

1 *fiscal years 2020 through 2023, to remain avail-*
2 *able until expended.*

3 “(B) *RELATION TO OTHER AMOUNTS.—The*
4 *amount authorized to be appropriated by sub-*
5 *paragraph (A) for the purpose of carrying out*
6 *subsection (a)(3)(L) is in addition to any other*
7 *amounts available for such purpose.”.*

8 **SEC. 533. REIMBURSABLE TRANSFERS FROM STRATEGIC**
9 **NATIONAL STOCKPILE.**

10 *Section 319F–2(a) of the Public Health Service Act*
11 *(42 U.S.C. 247d–6b(a)), as amended, is further amended*
12 *by adding at the end the following:*

13 “(8) *TRANSFERS AND REIMBURSEMENTS.—*

14 “(A) *IN GENERAL.—Without regard to*
15 *chapter 5 of title 40, United States Code, the*
16 *Secretary may transfer to any Federal depart-*
17 *ment or agency, on a reimbursable basis, any*
18 *drugs, vaccines and other biological products,*
19 *medical devices, and other supplies in the stock-*
20 *pile if—*

21 “(i) *the transferred supplies are less*
22 *than 6 months from expiry;*

23 “(ii) *the stockpile is able to replenish*
24 *the supplies, as appropriate; and*

1 “(iii) the Secretary decides the transfer
2 is in the best interest of the United States
3 Government.

4 “(B) *USE OF REIMBURSEMENT.*—Reim-
5 bursement derived from the transfer of supplies
6 pursuant to subparagraph (A) may be used by
7 the Secretary, without further appropriation and
8 without fiscal year limitation, to carry out this
9 section.

10 “(C) *REPORT.*—Not later than September
11 30, 2022, the Secretary shall submit to the Com-
12 mittee on Energy and Commerce of the House of
13 Representatives and the Committee on Health,
14 Education, Labor and Pensions of the Senate a
15 report on each transfer made under this para-
16 graph and the amount received by the Secretary
17 in exchange for that transfer.

18 “(D) *SUNSET.*—The authority to make
19 transfers under this paragraph shall cease to be
20 effective on September 30, 2023.”

21 **SEC. 534. STRATEGIC NATIONAL STOCKPILE ACTION RE-**
22 **PORTING.**

23 (a) *IN GENERAL.*—The Assistant Secretary for Pre-
24 paredness and Response (in this section referred to as the
25 “Assistant Secretary”), in coordination with the Adminis-

1 *trator of the Federal Emergency Management Agency,*
2 *shall—*

3 (1) *not later than 30 days after the date of en-*
4 *actment of this Act, issue a report to the Committee*
5 *on Energy and Commerce of the House of Representa-*
6 *tives and the Committee on Health, Education, Labor*
7 *and Pensions of the Senate regarding all State, local,*
8 *Tribal, and territorial requests for supplies from the*
9 *Strategic National Stockpile related to COVID-19;*
10 *and*

11 (2) *not less than every 30 days thereafter through*
12 *the end of the emergency period (as such term is de-*
13 *finied in section 1135(g)(1)(B) of the Social Security*
14 *Act (42 U.S.C. 1320b-5(g)(1)(B))), submit to such*
15 *committees an updated version of such report.*

16 *(b) REPORTING PERIOD.—*

17 (1) *INITIAL REPORT.—The initial report under*
18 *subsection (a) shall address all requests described in*
19 *such subsection made during the period—*

20 (A) *beginning on January 31, 2020; and*

21 (B) *ending on the date that is 30 days be-*
22 *fore the date of submission of the report.*

23 (2) *UPDATES.—Each update to the report under*
24 *subsection (a) shall address all requests described in*
25 *such subsection made during the period—*

1 (A) beginning at the end of the previous re-
2 porting period under this section; and

3 (B) ending on the date that is 30 days be-
4 fore the date of submission of the updated report.

5 (c) *CONTENTS OF REPORT.*—The report under sub-
6 section (a) (and updates thereto) shall include—

7 (1) the details of each request described in such
8 subsection, including—

9 (A) the specific medical countermeasures,
10 including devices such as personal protective
11 equipment, and other materials requested; and

12 (B) the amount of such materials requested;
13 and

14 (2) the outcomes of each request described in sub-
15 section (a), including—

16 (A) whether the request was wholly fulfilled,
17 partially fulfilled, or denied;

18 (B) if the request was wholly or partially
19 fulfilled, the fulfillment amount; and

20 (C) if the request was partially fulfilled or
21 denied, a rationale for such outcome.

22 **SEC. 535. IMPROVED, TRANSPARENT PROCESSES FOR THE**
23 **STRATEGIC NATIONAL STOCKPILE.**

24 (a) *IN GENERAL.*—Not later than January 1, 2021,
25 the Secretary, in collaboration with the Assistant Secretary

1 *for Preparedness and Response and the Director of the Cen-*
2 *ters for Disease Control and Prevention, shall develop and*
3 *implement improved, transparent processes for the use and*
4 *distribution of drugs, vaccines and other biological prod-*
5 *ucts, medical devices, and other supplies (including per-*
6 *sonal protective equipment, ancillary medical supplies, and*
7 *other applicable supplies required for the administration of*
8 *drugs, vaccines and other biological products, diagnostic*
9 *tests, and other medical devices) in the Strategic National*
10 *Stockpile under section 319F–2 of the Public Health Service*
11 *Act (42 U.S.C. 247d–6b) (in this section referred to as the*
12 *“Stockpile”).*

13 *(b) PROCESSES.—The processes developed under sub-*
14 *section (a) shall include—*

15 *(1) the form and manner in which States, local-*
16 *ities, Tribes, and territories are required to submit re-*
17 *quests for supplies from the Stockpile;*

18 *(2) the criteria used by the Secretary in respond-*
19 *ing to such requests, including the reasons for ful-*
20 *filling or denying such requests;*

21 *(3) what circumstances result in prioritization of*
22 *distribution of supplies from the Stockpile to States,*
23 *localities, Tribes, or territories;*

24 *(4) clear plans for future, urgent communication*
25 *between the Secretary and States, localities, Tribes,*

1 *and territories regarding the outcome of such requests;*
2 *and*

3 *(5) any differences in the processes developed*
4 *under subsection (a) for geographically related emer-*
5 *gencies, such as weather events, and national emer-*
6 *gencies, such as pandemics.*

7 *(c) REPORT TO CONGRESS.—Not later than January*
8 *1, 2021, the Secretary shall—*

9 *(1) submit a report to the Committee Energy*
10 *and Commerce of the House of Representatives and*
11 *the Committee on Health, Education, Labor and Pen-*
12 *sions of the Senate regarding the improved, trans-*
13 *parent processes developed under this section; and*

14 *(2) include in such report recommendations for*
15 *opportunities for communication (by telebriefing,*
16 *phone calls, or in-person meetings) between the Sec-*
17 *retary and States, localities, Tribes, and territories*
18 *regarding such improved, transparent processes.*

19 **SEC. 536. GAO STUDY ON THE FEASIBILITY AND BENEFITS**
20 **OF A STRATEGIC NATIONAL STOCKPILE USER**
21 **FEE AGREEMENT.**

22 *(a) IN GENERAL.— The Comptroller General of the*
23 *United States shall conduct a study to investigate the feasi-*
24 *bility of establishing user fees to offset certain Federal costs*
25 *attributable to the procurement of single-source materials*

1 *for the Strategic National Stockpile under section 319F–*
2 *2 of the Public Health Service Act (42 U.S.C. 247d–6b) and*
3 *distributions of such materials from the Stockpile. In con-*
4 *ducting this study, the Comptroller General shall consider,*
5 *to the extent information is available—*

6 (1) *whether entities receiving such distributions*
7 *generate profits from those distributions;*

8 (2) *any Federal costs attributable to such dis-*
9 *tributions;*

10 (3) *whether such user fees would provide the Sec-*
11 *retary with funding to potentially offset procurement*
12 *costs of such materials for the Strategic National*
13 *Stockpile; and*

14 (4) *any other issues the Comptroller General*
15 *identifies as relevant.*

16 (b) *REPORT.—Not later than February 1, 2023, the*
17 *Comptroller General of the United States shall submit to*
18 *the Congress a report on the findings and conclusions of*
19 *the study under subsection (a).*

20 ***Subtitle C—Testing and Testing***
21 ***Infrastructure Improvements***

22 ***SEC. 541. COVID–19 TESTING STRATEGY.***

23 (a) *STRATEGY.—Not later than 30 days after the date*
24 *of the enactment of this Act, the Secretary shall update the*
25 *COVID–19 strategic testing plan under the heading “De-*

1 *partment of Health and Human Services—Office of the*
2 *Secretary—Public Health and Social Service Emergency*
3 *Fund” in title I of division B of the Paycheck Protection*
4 *Program and Health Care Enhancement Act (Public Law*
5 *116–139, 134 Stat. 620, 626–627) and submit to the appro-*
6 *priate congressional committees such updated national plan*
7 *identifying—*

8 (1) *what level of, types of, and approaches to*
9 *testing (including predicted numbers of tests, popu-*
10 *lations to be tested, and frequency of testing and the*
11 *appropriate setting whether a health care setting*
12 *(such as hospital-based, high-complexity laboratory,*
13 *point-of-care, mobile testing units, pharmacies or*
14 *community health centers) or non-health care setting*
15 *(such as workplaces, schools, or child care centers))*
16 *are necessary—*

17 (A) *to sufficiently monitor and contribute to*
18 *the control of the transmission of SARS-CoV-2*
19 *in the United States;*

20 (B) *to ensure that any reduction in social*
21 *distancing efforts, when determined appropriate*
22 *by public health officials, can be undertaken in*
23 *a manner that optimizes the health and safety of*
24 *the people of the United States, and reduces dis-*
25 *parities (including disparities related to race,*

1 *ethnicity, sex, age, disability status, socio-*
2 *economic status, and geographic location) in the*
3 *prevalence of, incidence of, and health outcomes*
4 *with respect to, COVID–19; and*

5 *(C) to provide for ongoing surveillance suf-*
6 *ficient to support contact tracing, case identi-*
7 *fication, quarantine, and isolation to prevent fu-*
8 *ture outbreaks of COVID–19;*

9 *(2) specific plans and benchmarks, each with*
10 *clear timelines, to ensure—*

11 *(A) such level of, types of, and approaches*
12 *to testing as are described in paragraph (1),*
13 *with respect to optimizing health and safety;*

14 *(B) sufficient availability of all necessary*
15 *testing materials and supplies, including extrac-*
16 *tion and testing kits, reagents, transport media,*
17 *swabs, instruments, analysis equipment, per-*
18 *sonal protective equipment if necessary for test-*
19 *ing (including point-of-care testing), and other*
20 *equipment;*

21 *(C) allocation of testing materials and sup-*
22 *plies in a manner that optimizes public health,*
23 *including by considering the variable impact of*
24 *SARS–CoV–2 on specific States, territories, In-*
25 *dian Tribes, Tribal organizations, urban Indian*

1 *organizations, communities, industries, and pro-*
2 *fessions;*

3 *(D) sufficient evidence of validation for tests*
4 *that are deployed as a part of such strategy;*

5 *(E) sufficient laboratory and analytical ca-*
6 *capacity, including target turnaround time for test*
7 *results;*

8 *(F) sufficient personnel, including personnel*
9 *to collect testing samples, conduct and analyze*
10 *results, and conduct testing follow-up, including*
11 *contact tracing, as appropriate; and*

12 *(G) enforcement of the Families First*
13 *Coronavirus Response Act (Public Law 116–127)*
14 *to ensure patients who are tested are not subject*
15 *to cost sharing;*

16 *(3) specific plans to ensure adequate testing in*
17 *rural areas, frontier areas, health professional short-*
18 *age areas, and medically underserved areas (as de-*
19 *fined in section 330I(a) of the Public Health Service*
20 *Act (42 U.S.C. 254c–14(a))), and for underserved*
21 *populations, Native Americans (including Indian*
22 *Tribes, Tribal organizations, and urban Indian orga-*
23 *nizations), and populations at increased risk related*
24 *to COVID–19;*

1 (4) *specific plans to ensure accessibility of test-*
2 *ing to people with disabilities, older individuals, and*
3 *individuals with underlying health conditions or*
4 *weakened immune systems; and*

5 (5) *specific plans for broadly developing and im-*
6 *plementing testing for potential immunity in the*
7 *United States, as appropriate, in a manner suffi-*
8 *cient—*

9 (A) *to monitor and contribute to the control*
10 *of SARS-CoV-2 in the United States;*

11 (B) *to ensure that any reduction in social*
12 *distancing efforts, when determined appropriate*
13 *by public health officials, can be undertaken in*
14 *a manner that optimizes the health and safety of*
15 *the people of the United States; and*

16 (C) *to reduce disparities (including dispari-*
17 *ties related to race, ethnicity, sex, age, disability*
18 *status, socioeconomic status, and geographic lo-*
19 *cation) in the prevalence of, incidence of, and*
20 *health outcomes with respect to, COVID-19.*

21 (b) *COORDINATION.—The Secretary shall carry out*
22 *this section—*

23 (1) *in coordination with the Administrator of*
24 *the Federal Emergency Management Agency;*

1 (2) *in collaboration with other agencies and de-*
2 *partments, as appropriate; and*

3 (3) *taking into consideration the State plans for*
4 *COVID–19 testing prepared as required under the*
5 *heading “Department of Health and Human Serv-*
6 *ices—Office of the Secretary—Public Health and So-*
7 *cial Service Emergency Fund” in title I of division*
8 *B of the Paycheck Protection Program and Health*
9 *Care Enhancement Act (Public Law 116–139; 134*
10 *Stat. 620, 624).*

11 (c) *UPDATES.—*

12 (1) *FREQUENCY.—The updated national plan*
13 *under subsection (a) shall be updated every 30 days*
14 *until the end of the public health emergency first de-*
15 *clared by the Secretary under section 319 of the Pub-*
16 *lic Health Service Act (42 U.S.C. 247d) on January*
17 *31, 2020, with respect to COVID–19.*

18 (2) *RELATION TO OTHER LAW.—Paragraph (1)*
19 *applies in lieu of the requirement (for updates every*
20 *90 days until funds are expended) in the second to*
21 *last proviso under the heading “Department of Health*
22 *and Human Services—Office of the Secretary—Pub-*
23 *lic Health and Social Service Emergency Fund” in*
24 *title I of division B of the Paycheck Protection Pro-*

1 *gram and Health Care Enhancement Act (Public*
2 *Law 116–139; 134 Stat. 620, 627).*

3 *(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
4 *this section, the term “appropriate congressional commit-*
5 *tees” means—*

6 *(1) the Committee on Appropriations and the*
7 *Committee on Energy and Commerce of the House of*
8 *Representatives; and*

9 *(2) the Committee on Appropriations and the*
10 *Committee on Health, Education, Labor and Pen-*
11 *sions and of the Senate.*

12 **SEC. 542. CENTRALIZED TESTING INFORMATION WEBSITE.**

13 *The Secretary shall establish and maintain a public,*
14 *searchable webpage, to be updated and corrected as nec-*
15 *essary through a process established by the Secretary, on*
16 *the website of the Department of Health and Human Serv-*
17 *ices that—*

18 *(1) identifies all in vitro diagnostic and sero-*
19 *logical tests used in the United States to analyze clin-*
20 *ical specimens for detection of SARS–CoV–2 or anti-*
21 *bodies specific to SARS–CoV–2, including—*

22 *(A) those tests—*

23 *(i) that are approved, cleared, or au-*
24 *thorized under section 510(k), 513, 515, or*
25 *564 of the Federal Food, Drug, and Cos-*

1 *metic Act (21 U.S.C. 360(k), 360c, 360e,*
2 *360bbb-3);*

3 *(ii) that have been validated by the*
4 *test's developers for use on clinical speci-*
5 *mens and for which the developer has noti-*
6 *fied the Food and Drug Administration of*
7 *the developer's intent to market the test con-*
8 *sistent with applicable guidance issued by*
9 *the Secretary; or*

10 *(iii) that have been developed and au-*
11 *thorized by a State that has notified the*
12 *Secretary of the State's intention to review*
13 *tests intended to diagnose COVID-19; and*

14 *(B) other SARS-CoV-2-related tests that*
15 *the Secretary determines appropriate in guid-*
16 *ance, which may include tests related to the*
17 *monitoring of COVID-19 patient status;*

18 *(2) provides relevant information, as determined*
19 *by the Secretary, on each test identified pursuant to*
20 *paragraph (1), which may include—*

21 *(A) the name and contact information of*
22 *the developer of the test;*

23 *(B) the date of receipt of notification by the*
24 *Food and Drug Administration of the developer's*
25 *intent to market the test;*

1 (C) the date of authorization for use of the
2 test on clinical specimens, where applicable;

3 (D) the letter of authorization for use of the
4 test on clinical specimens, where applicable;

5 (E) any fact sheets, manufacturer instruc-
6 tions, and package inserts for the test, including
7 information on intended use;

8 (F) sensitivity and specificity of the test;
9 and

10 (G) in the case of tests distributed by com-
11 mercial manufacturers, the number of tests dis-
12 tributed and, if available, the number of labora-
13 tories in the United States with the required
14 platforms installed to perform the test; and

15 (3) includes—

16 (A) a list of laboratories certified under sec-
17 tion 353 of the Public Health Service Act (42
18 U.S.C. 263a; commonly referred to as “CLIA”)
19 that—

20 (i) meet the regulatory requirements
21 under such section to perform high- or mod-
22 erate-complexity testing; and

23 (ii) are authorized to perform SARS-
24 CoV-2 diagnostic or serological tests on
25 clinical specimens; and

1 (B) information on each laboratory identi-
2 fied pursuant to subparagraph (A), including—

3 (i) the name and address of the labora-
4 tory;

5 (ii) the CLIA certificate number;

6 (iii) the laboratory type;

7 (iv) the certificate type; and

8 (v) the complexity level.

9 **SEC. 543. MANUFACTURER REPORTING OF TEST DISTRIBUTION.**
10 **TION.**

11 (a) *IN GENERAL.*—A commercial manufacturer of an
12 *in vitro* diagnostic or serological COVID–19 test shall, on
13 a weekly basis, submit a notification to the Secretary re-
14 garding distribution of each such test, which notification—

15 (1) shall include the number of tests distributed
16 and the entities to which the tests are distributed; and

17 (2) may include the quantity of such tests dis-
18 tributed by the manufacturer.

19 (b) *CONFIDENTIALITY.*—Nothing in this section shall
20 be construed as authorizing the Secretary to disclose any
21 information that is a trade secret or confidential informa-
22 tion subject to section 552(b)(4) of title 5, United States
23 Code, or section 1905 of title 18, United States Code.

1 (c) *FAILURE TO MEET REQUIREMENTS.*—If a manu-
2 *facturer fails to submit a notification as required under*
3 *subsection (a), the following applies:*

4 (1) *The Secretary shall issue a letter to such*
5 *manufacturer informing such manufacturer of such*
6 *failure.*

7 (2) *Not later than 7 calendar days after the*
8 *issuance of a letter under paragraph (1), the manu-*
9 *facturer to whom such letter is issued shall submit to*
10 *the Secretary a written response to such letter—*

11 (A) *setting forth the basis for noncompli-*
12 *ance; and*

13 (B) *providing information as required*
14 *under subsection (a).*

15 (3) *Not later than 14 calendar days after the*
16 *issuance of a letter under paragraph (1), the Sec-*
17 *retary shall make such letter and any response to*
18 *such letter under paragraph (2) available to the pub-*
19 *lic on the internet website of the Food and Drug Ad-*
20 *ministration, with appropriate redactions made to*
21 *protect information described in subsection (b). The*
22 *preceding sentence shall not apply if the Secretary de-*
23 *termines that—*

24 (A) *the letter under paragraph (1) was*
25 *issued in error; or*

1 (B) after review of such response, the manu-
2 facturer had a reasonable basis for not notifying
3 as required under subsection (a).

4 **SEC. 544. STATE TESTING REPORT.**

5 For any State that authorizes (or intends to authorize)
6 one or more laboratories in the State to develop and perform
7 in vitro diagnostic COVID–19 tests, the head of the depart-
8 ment or agency of such State with primary responsibility
9 for health shall—

10 (1) notify the Secretary of such authorization (or
11 intention to authorize); and

12 (2) provide the Secretary with a weekly report—

13 (A) identifying all laboratories authorized
14 (or intended to be authorized) by the State to de-
15 velop and perform in vitro diagnostic COVID–
16 19 tests;

17 (B) including relevant information on all
18 laboratories identified pursuant to subparagraph
19 (A), which may include information on labora-
20 tory testing capacity;

21 (C) identifying all in vitro diagnostic
22 COVID–19 tests developed and approved for clin-
23 ical use in laboratories identified pursuant to
24 subparagraph (A); and

1 (D) including relevant information on all
2 tests identified pursuant to subparagraph (C),
3 which may include—

4 (i) the name and contact information
5 of the developer of any such test;

6 (ii) any fact sheets, manufacturer in-
7 structions, and package inserts for any such
8 test, including information on intended use;
9 and

10 (iii) the sensitivity and specificity of
11 any such test.

12 **SEC. 545. STATE LISTING OF TESTING SITES.**

13 Not later than 14 days after the date of enactment of
14 this Act, any State receiving funding or assistance under
15 this Act, as a condition on such receipt, shall establish and
16 maintain a public, searchable webpage on the official
17 website of the State that—

18 (1) identifies all sites located in the State that
19 provide diagnostic or serological testing for SARS-
20 CoV-2; and

21 (2) provides appropriate contact information for
22 SARS-CoV-2 testing sites pursuant to paragraph
23 (1).

1 **SEC. 546. REPORTING OF COVID-19 TESTING RESULTS.**

2 (a) *IN GENERAL.*—Every laboratory that performs or
3 analyzes a test that is intended to detect SARS-CoV-2 or
4 to diagnose a possible case of COVID-19 shall report daily
5 the number of tests performed and the results from each such
6 test to the Secretary of Health and Human Services and
7 to the Secretary of Homeland Security, in such form and
8 manner as such Secretaries may prescribe. Such informa-
9 tion shall be made available to the public in a searchable,
10 electronic format as soon as is practicable, and in no case
11 later than one week after such information is received.

12 (b) *ADDITIONAL REPORTING REQUIREMENTS.*—The
13 Secretaries specified in subsection (a)—

14 (1) may specify additional reporting require-
15 ments under this section by regulation, including by
16 interim final rule, or by guidance; and

17 (2) may issue such regulations or guidance with-
18 out regard to the procedures otherwise required by
19 section 553 of title 5, United States Code.

20 **SEC. 547. GAO REPORT ON DIAGNOSTIC TESTS.**

21 (a) *GAO STUDY.*—Not later than 18 months after the
22 date of enactment of this Act, the Comptroller General of
23 the United States shall submit to the Committee on Energy
24 and Commerce of the House of Representatives and the
25 Committee on Health, Education, Labor and Pensions of
26 the Senate a report describing the response of entities de-

1 *scribed in subsection (b) to the COVID–19 pandemic with*
2 *respect to the development, regulatory evaluation, and de-*
3 *ployment of diagnostic tests.*

4 *(b) ENTITIES DESCRIBED.—Entities described in this*
5 *subsection include—*

6 *(1) laboratories, including public health, aca-*
7 *demic, clinical, and commercial laboratories;*

8 *(2) diagnostic test manufacturers;*

9 *(3) State, local, Tribal, and territorial govern-*
10 *ments; and*

11 *(4) the Food and Drug Administration, the Cen-*
12 *ters for Disease Control and Prevention, the Centers*
13 *for Medicare & Medicaid Services, the National Insti-*
14 *tutes of Health, and other relevant Federal agencies,*
15 *as appropriate.*

16 *(c) CONTENTS.—The report under subsection (a) shall*
17 *include—*

18 *(1) a description of actions taken by entities de-*
19 *scribed in subsection (b) to develop, evaluate, and de-*
20 *ploy diagnostic tests;*

21 *(2) an assessment of the coordination of Federal*
22 *agencies in the development, regulatory evaluation,*
23 *and deployment of diagnostic tests;*

1 (3) *an assessment of the standards used by the*
2 *Food and Drug Administration to evaluate diagnostic*
3 *tests;*

4 (4) *an assessment of the clarity of Federal agen-*
5 *cy guidance related to testing, including the ability*
6 *for individuals without medical training to under-*
7 *stand which diagnostic tests had been evaluated by*
8 *the Food and Drug Administration;*

9 (5) *a description of—*

10 (A) *actions taken and clinical processes em-*
11 *ployed by States and territories that have au-*
12 *thorized laboratories to develop and perform di-*
13 *agnostic tests not authorized, approved, or*
14 *cleared by the Food and Drug Administration,*
15 *including actions of such States and territories*
16 *to evaluate the accuracy and sensitivity of such*
17 *tests; and*

18 (B) *the standards used by States and terri-*
19 *ories when deciding when to authorize labora-*
20 *tries to develop or perform diagnostic tests;*

21 (6) *an assessment of the steps taken by labora-*
22 *tries and diagnostic test manufacturers to validate*
23 *diagnostic tests, as well as the evidence collected by*
24 *such entities to support validation; and*

1 (7) based on available reports, an assessment of
2 the accuracy and sensitivity of a representative sam-
3 ple of available diagnostic tests.

4 (d) *DEFINITION.*—In this section, the term “diagnostic
5 test” means an *in vitro* diagnostic product (as defined in
6 section 809.3(a) of title 21, Code of Federal Regulations)
7 for—

8 (1) the detection of SARS-CoV-2;

9 (2) the diagnosis of the virus that causes
10 COVID-19; or

11 (3) the detection of antibodies specific to SARS-
12 CoV-2, such as a serological test.

13 **SEC. 548. PUBLIC HEALTH DATA SYSTEM TRANS-**
14 **FORMATION.**

15 Subtitle C of title XXVIII of the Public Health Service
16 Act (42 U.S.C. 300hh–31 et seq.) is amended by adding at
17 the end the following:

18 **“SEC. 2823. PUBLIC HEALTH DATA SYSTEM TRANS-**
19 **FORMATION.**

20 “(a) *EXPANDING CDC AND PUBLIC HEALTH DEPART-*
21 *MENT CAPABILITIES.*—

22 “(1) *IN GENERAL.*—The Secretary, acting
23 through the Director of the Centers for Disease Con-
24 trol and Prevention, shall—

1 “(A) conduct activities to expand, enhance,
2 and improve applicable public health data sys-
3 tems used by the Centers for Disease Control and
4 Prevention, related to the interoperability and
5 improvement of such systems (including as it re-
6 lates to preparedness for, prevention and detec-
7 tion of, and response to public health emer-
8 gencies); and

9 “(B) award grants or cooperative agree-
10 ments to State, local, Tribal, or territorial public
11 health departments for the expansion and mod-
12 ernization of public health data systems, to assist
13 public health departments in—

14 “(i) assessing current data infrastruc-
15 ture capabilities and gaps to improve and
16 increase consistency in data collection, stor-
17 age, and analysis and, as appropriate, to
18 improve dissemination of public health-re-
19 lated information;

20 “(ii) improving secure public health
21 data collection, transmission, exchange,
22 maintenance, and analysis;

23 “(iii) improving the secure exchange of
24 data between the Centers for Disease Con-
25 trol and Prevention, State, local, Tribal,

1 *and territorial public health departments,*
2 *public health organizations, and health care*
3 *providers, including by public health offi-*
4 *cial in multiple jurisdictions within such*
5 *State, as appropriate, and by simplifying*
6 *and supporting reporting by health care*
7 *providers, as applicable, pursuant to State*
8 *law, including through the use of health in-*
9 *formation technology;*

10 *“(iv) enhancing the interoperability of*
11 *public health data systems (including sys-*
12 *tems created or accessed by public health de-*
13 *partments) with health information tech-*
14 *nology, including with health information*
15 *technology certified under section*
16 *3001(c)(5);*

17 *“(v) supporting and training data sys-*
18 *tems, data science, and informatics per-*
19 *sonnel;*

20 *“(vi) supporting earlier disease and*
21 *health condition detection, such as through*
22 *near real-time data monitoring, to support*
23 *rapid public health responses;*

24 *“(vii) supporting activities within the*
25 *applicable jurisdiction related to the expan-*

1 *sion and modernization of electronic case*
2 *reporting; and*

3 *“(viii) developing and disseminating*
4 *information related to the use and impor-*
5 *tance of public health data.*

6 *“(2) DATA STANDARDS.—In carrying out para-*
7 *graph (1), the Secretary, acting through the Director*
8 *of the Centers for Disease Control and Prevention,*
9 *shall, as appropriate and in consultation with the Of-*
10 *fice of the National Coordinator for Health Informa-*
11 *tion Technology, designate data and technology stand-*
12 *ards (including standards for interoperability) for*
13 *public health data systems, with deference given to*
14 *standards published by consensus-based standards de-*
15 *velopment organizations with public input and vol-*
16 *untary consensus-based standards bodies.*

17 *“(3) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-*
18 *retary may develop and utilize public-private part-*
19 *nerships for technical assistance, training, and re-*
20 *lated implementation support for State, local, Tribal,*
21 *and territorial public health departments, and the*
22 *Centers for Disease Control and Prevention, on the*
23 *expansion and modernization of electronic case re-*
24 *porting and public health data systems, as applicable.*

25 *“(b) REQUIREMENTS.—*

1 “(1) *HEALTH INFORMATION TECHNOLOGY*
2 *STANDARDS.—The Secretary may not award a grant*
3 *or cooperative agreement under subsection (a)(1)(B)*
4 *unless the applicant uses or agrees to use standards*
5 *endorsed by the National Coordinator for Health In-*
6 *formation Technology pursuant to section 3001(c)(1)*
7 *or adopted by the Secretary under section 3004.*

8 “(2) *WAIVER.—The Secretary may waive the re-*
9 *quirement under paragraph (1) with respect to an*
10 *applicant if the Secretary determines that the activi-*
11 *ties under subsection (a)(1)(B) cannot otherwise be*
12 *carried out within the applicable jurisdiction.*

13 “(3) *APPLICATION.—A State, local, Tribal, or*
14 *territorial health department applying for a grant or*
15 *cooperative agreement under this section shall submit*
16 *an application to the Secretary at such time and in*
17 *such manner as the Secretary may require. Such ap-*
18 *plication shall include information describing—*

19 “(A) *the activities that will be supported by*
20 *the grant or cooperative agreement; and*

21 “(B) *how the modernization of the public*
22 *health data systems involved will support or im-*
23 *pect the public health infrastructure of the health*
24 *department, including a description of remain-*

1 *ing gaps, if any, and the actions needed to ad-*
2 *dress such gaps.*

3 “(c) *STRATEGY AND IMPLEMENTATION PLAN.*—Not
4 *later than 180 days after the date of enactment of this sec-*
5 *tion, the Secretary, acting through the Director of the Cen-*
6 *ters for Disease Control and Prevention, shall submit to the*
7 *Committee on Health, Education, Labor and Pensions of*
8 *the Senate and the Committee on Energy and Commerce*
9 *of the House of Representatives a coordinated strategy and*
10 *an accompanying implementation plan that identifies and*
11 *demonstrates the measures the Secretary will utilize to—*

12 *“(1) update and improve applicable public*
13 *health data systems used by the Centers for Disease*
14 *Control and Prevention; and*

15 *“(2) carry out the activities described in this sec-*
16 *tion to support the improvement of State, local, Trib-*
17 *al, and territorial public health data systems.*

18 “(d) *CONSULTATION.*—*The Secretary, acting through*
19 *the Director of the Centers for Disease Control and Preven-*
20 *tion, shall consult with State, local, Tribal, and territorial*
21 *health departments, professional medical and public health*
22 *associations, associations representing hospitals or other*
23 *health care entities, health information technology experts,*
24 *and other appropriate public or private entities regarding*
25 *the plan and grant program to modernize public health*

1 *data systems pursuant to this section. Activities under this*
2 *subsection may include the provision of technical assistance*
3 *and training related to the exchange of information by such*
4 *public health data systems used by relevant health care and*
5 *public health entities at the local, State, Federal, Tribal,*
6 *and territorial levels, and the development and utilization*
7 *of public-private partnerships for implementation support*
8 *applicable to this section.*

9 “(e) *REPORT TO CONGRESS.*—*Not later than 1 year*
10 *after the date of enactment of this section, the Secretary*
11 *shall submit a report to the Committee on Health, Edu-*
12 *cation, Labor and Pensions of the Senate and the Com-*
13 *mittee on Energy and Commerce of the House of Represent-*
14 *atives that includes—*

15 “(1) *a description of any barriers to—*

16 “(A) *public health authorities implementing*
17 *interoperable public health data systems and*
18 *electronic case reporting;*

19 “(B) *the exchange of information pursuant*
20 *to electronic case reporting; or*

21 “(C) *reporting by health care providers*
22 *using such public health data systems, as appro-*
23 *priate, and pursuant to State law;*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
2 *out this section, there is authorized to be appropriated*
3 *\$1,000,000,000 to remain available until expended.*

4 **SEC. 550. CORE PUBLIC HEALTH INFRASTRUCTURE FOR**
5 **STATE, LOCAL, TRIBAL, AND TERRITORIAL**
6 **HEALTH DEPARTMENTS.**

7 (a) *PROGRAM.*—*The Secretary, acting through the Di-*
8 *rector of the Centers for Disease Control and Prevention,*
9 *shall establish a core public health infrastructure program*
10 *consisting of awarding grants under subsection (b).*

11 (b) *GRANTS.*—

12 (1) *AWARD.*—*For the purpose of addressing core*
13 *public health infrastructure needs, the Secretary—*

14 (A) *shall award a grant to each State*
15 *health department; and*

16 (B) *may award grants on a competitive*
17 *basis to State, local, Tribal, or territorial health*
18 *departments.*

19 (2) *ALLOCATION.*—*Of the total amount of funds*
20 *awarded as grants under this subsection for a fiscal*
21 *year—*

22 (A) *not less than 50 percent shall be for*
23 *grants to State health departments under para-*
24 *graph (1)(A); and*

1 (B) not less than 30 percent shall be for
2 grants to State, local, Tribal, or territorial
3 health departments under paragraph (1)(B).

4 (c) *USE OF FUNDS.*—A State, local, Tribal, or terri-
5 torial health department receiving a grant under subsection
6 (b) shall use the grant funds to address core public health
7 infrastructure needs, including those identified in the ac-
8 creditation process under subsection (g).

9 (d) *FORMULA GRANTS TO STATE HEALTH DEPART-*
10 *MENTS.*—In making grants under subsection (b)(1)(A), the
11 Secretary shall award funds to each State health depart-
12 ment in accordance with—

13 (1) a formula based on population size; burden
14 of preventable disease and disability; and core public
15 health infrastructure gaps, including those identified
16 in the accreditation process under subsection (g); and

17 (2) application requirements established by the
18 Secretary, including a requirement that the State
19 health department submit a plan that demonstrates to
20 the satisfaction of the Secretary that the State’s health
21 department will—

22 (A) address its highest priority core public
23 health infrastructure needs; and

24 (B) as appropriate, allocate funds to local
25 health departments within the State.

1 (e) *COMPETITIVE GRANTS TO STATE, LOCAL, TRIBAL,*
2 *AND TERRITORIAL HEALTH DEPARTMENTS.*—*In making*
3 *grants under subsection (b)(1)(B), the Secretary shall give*
4 *priority to applicants demonstrating core public health in-*
5 *frastructure needs identified in the accreditation process*
6 *under subsection (g).*

7 (f) *MAINTENANCE OF EFFORT.*—*The Secretary may*
8 *award a grant to an entity under subsection (b) only if*
9 *the entity demonstrates to the satisfaction of the Secretary*
10 *that—*

11 (1) *funds received through the grant will be ex-*
12 *pended only to supplement, and not supplant, non-*
13 *Federal and Federal funds otherwise available to the*
14 *entity for the purpose of addressing core public health*
15 *infrastructure needs; and*

16 (2) *with respect to activities for which the grant*
17 *is awarded, the entity will maintain expenditures of*
18 *non-Federal amounts for such activities at a level not*
19 *less than the level of such expenditures maintained by*
20 *the entity for the fiscal year preceding the fiscal year*
21 *for which the entity receives the grant.*

22 (g) *ESTABLISHMENT OF A PUBLIC HEALTH ACCREDI-*
23 *TATION PROGRAM.*—

24 (1) *IN GENERAL.*—*The Secretary shall—*

1 (A) develop, and periodically review and
2 update, standards for voluntary accreditation of
3 State, local, Tribal, and territorial health de-
4 partments and public health laboratories for the
5 purpose of advancing the quality and perform-
6 ance of such departments and laboratories; and

7 (B) implement a program to accredit such
8 health departments and laboratories in accord-
9 ance with such standards.

10 (2) *COOPERATIVE AGREEMENT.*—The Secretary
11 may enter into a cooperative agreement with a pri-
12 vate nonprofit entity to carry out paragraph (1).

13 (h) *REPORT.*—The Secretary shall submit to the Con-
14 gress an annual report on progress being made to accredit
15 entities under subsection (g), including—

16 (1) a strategy, including goals and objectives, for
17 accrediting entities under subsection (g) and achiev-
18 ing the purpose described in subsection (g)(1)(A);

19 (2) identification of gaps in research related to
20 core public health infrastructure; and

21 (3) recommendations of priority areas for such
22 research.

23 (i) *DEFINITION.*—In this section, the term “core public
24 health infrastructure” includes—

25 (1) workforce capacity and competency;

- 1 (2) *laboratory systems;*
- 2 (3) *testing capacity, including test platforms,*
- 3 *mobile testing units, and personnel;*
- 4 (4) *health information, health information sys-*
- 5 *tems, and health information analysis;*
- 6 (5) *disease surveillance;*
- 7 (6) *contact tracing;*
- 8 (7) *communications;*
- 9 (8) *financing;*
- 10 (9) *other relevant components of organizational*
- 11 *capacity; and*
- 12 (10) *other related activities.*

13 (j) *AUTHORIZATION OF APPROPRIATIONS.—To carry*

14 *out this section, there are authorized to be appropriated*

15 *\$6,000,000,000, to remain available until expended.*

16 **SEC. 551. CORE PUBLIC HEALTH INFRASTRUCTURE AND AC-**

17 **TIVITIES FOR CDC.**

18 (a) *IN GENERAL.—The Secretary, acting through the*

19 *Director of the Centers for Disease Control and Prevention,*

20 *shall expand and improve the core public health infrastruc-*

21 *ture and activities of the Centers for Disease Control and*

22 *Prevention to address unmet and emerging public health*

23 *needs.*

1 (b) *REPORT.*—*The Secretary shall submit to the Con-*
 2 *gress an annual report on the activities funded through this*
 3 *section.*

4 (c) *DEFINITION.*—*In this section, the term “core public*
 5 *health infrastructure” has the meaning given to such term*
 6 *in section 550.*

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
 8 *out this section, there is authorized to be appropriated*
 9 *\$1,000,000,000, to remain available until expended.*

10 ***Subtitle D—COVID-19 National***
 11 ***Testing and Contact Tracing***
 12 ***Initiative***

13 ***SEC. 561. NATIONAL SYSTEM FOR COVID-19 TESTING, CON-***
 14 ***TACT TRACING, SURVEILLANCE, CONTAIN-***
 15 ***MENT, AND MITIGATION.***

16 (a) *IN GENERAL.*—*The Secretary, acting through the*
 17 *Director of the Centers for Disease Control and Prevention,*
 18 *and in coordination with State, local, Tribal, and terri-*
 19 *torial health departments, shall establish and implement a*
 20 *nationwide evidence-based system for—*

21 (1) *testing, contact tracing, surveillance, con-*
 22 *tainment, and mitigation with respect to COVID-19;*

23 (2) *offering guidance on voluntary isolation and*
 24 *quarantine of individuals infected with, or exposed to*

1 *individuals infected with, the virus that causes*
2 *COVID–19; and*

3 *(3) public reporting on testing, contact tracing,*
4 *surveillance, and voluntary isolation and quarantine*
5 *activities with respect to COVID–19.*

6 *(b) COORDINATION; TECHNICAL ASSISTANCE.—In car-*
7 *rying out the national system under this section, the Sec-*
8 *retary shall—*

9 *(1) coordinate State, local, Tribal, and terri-*
10 *torial activities related to testing, contact tracing,*
11 *surveillance, containment, and mitigation with re-*
12 *spect to COVID–19, as appropriate; and*

13 *(2) provide technical assistance for such activi-*
14 *ties, as appropriate.*

15 *(c) CONSIDERATION.—In establishing and imple-*
16 *menting the national system under this section, the Sec-*
17 *retary shall take into consideration—*

18 *(1) the State plans referred to in the heading*
19 *“Public Health and Social Services Emergency*
20 *Fund” in title I of division B of the Paycheck Protec-*
21 *tion Program and Health Care Enhancement Act*
22 *(Public Law 116–139); and*

23 *(2) the testing strategy submitted under section*
24 *541.*

25 *(d) REPORTING.—The Secretary shall—*

1 (1) *not later than one month after the date of the*
2 *enactment of this Act, submit to the Committee on*
3 *Energy and Commerce of the House of Representa-*
4 *tives and the Committee on Health, Education, Labor*
5 *and Pensions a preliminary report on the effective-*
6 *ness of the activities carried out pursuant to this sub-*
7 *title; and*

8 (2) *not later than three months after the end of*
9 *the public health emergency declared pursuant to sec-*
10 *tion 319 of the Public Health Service Act (42 U.S.C.*
11 *247d) with respect to COVID–19, submit to such com-*
12 *mittees a final report on such effectiveness.*

13 **SEC. 562. GRANTS.**

14 (a) *IN GENERAL.*—*To implement the national system*
15 *under section 561, the Secretary, acting through the Direc-*
16 *tor of the Centers for Disease Control and Prevention, shall,*
17 *subject to the availability of appropriations, award grants*
18 *to State, local, Tribal, and territorial health departments*
19 *that seek grants under this section to carry out coordinated*
20 *testing, contact tracing, surveillance, containment, and*
21 *mitigation with respect to COVID–19, including—*

22 (1) *diagnostic and surveillance testing and re-*
23 *porting;*

24 (2) *community-based contact tracing efforts; and*

1 (3) *policies related to voluntary isolation and*
2 *quarantine of individuals infected with, or exposed to*
3 *individuals infected with, the virus that causes*
4 *COVID–19.*

5 (b) *FLEXIBILITY.—The Secretary shall ensure that—*

6 (1) *the grants under subsection (a) provide flexi-*
7 *bility for State, local, Tribal, and territorial health*
8 *departments to modify, establish, or maintain evi-*
9 *dence-based systems; and*

10 (2) *local health departments receive funding from*
11 *State health departments or directly from the Centers*
12 *for Disease Control and Prevention to contribute to*
13 *such systems, as appropriate.*

14 (c) *ALLOCATIONS.—*

15 (1) *FORMULA.—The Secretary, acting through*
16 *the Director of the Centers for Disease Control and*
17 *Prevention, shall allocate amounts made available*
18 *pursuant to subsection (a) in accordance with a for-*
19 *mula to be established by the Secretary that provides*
20 *a minimum level of funding to each State, local,*
21 *Tribal, and territorial health department that seeks a*
22 *grant under this section and allocates additional*
23 *funding based on the following prioritization:*

24 (A) *The Secretary shall give highest priority*
25 *to applicants proposing to serve populations in*

1 one or more geographic regions with a high bur-
2 den of COVID–19 based on data provided by the
3 Centers for Disease Control and Prevention, or
4 other sources as determined by the Secretary.

5 (B) The Secretary shall give second highest
6 priority to applicants preparing for, or cur-
7 rently working to mitigate, a COVID–19 surge
8 in a geographic region that does not yet have a
9 high number of reported cases of COVID–19
10 based on data provided by the Centers for Dis-
11 ease Control and Prevention, or other sources as
12 determined by the Secretary.

13 (C) The Secretary shall give third highest
14 priority to applicants proposing to serve high
15 numbers of low-income and uninsured popu-
16 lations, including medically underserved popu-
17 lations (as defined in section 330(b)(3) of the
18 Public Health Service Act (42 U.S.C.
19 254b(b)(3))), health professional shortage areas
20 (as defined under section 332(a) of the Public
21 Health Service Act (42 U.S.C. 254e(a))), racial
22 and ethnic minorities, or geographically diverse
23 areas, as determined by the Secretary.

24 (2) NOTIFICATION.—Not later than the date that
25 is one week before first awarding grants under this

1 *section, the Secretary shall submit to the Committee*
2 *on Energy and Commerce of the House of Representa-*
3 *tives and the Committee on Health, Education, Labor*
4 *and Pensions of the Senate a notification detailing*
5 *the formula established under paragraph (1) for allo-*
6 *cating amounts made available pursuant to sub-*
7 *section (a).*

8 *(d) USE OF FUNDS.—A State, local, Tribal, and terri-*
9 *torial health department receiving a grant under this sec-*
10 *tion shall, to the extent possible, use the grant funds for*
11 *the following activities, or other activities deemed appro-*
12 *priate by the Director of the Centers for Disease Control*
13 *and Prevention:*

14 *(1) TESTING.—To implement a coordinated test-*
15 *ing system that—*

16 *(A) leverages or modernizes existing testing*
17 *infrastructure and capacity;*

18 *(B) is consistent with the updated testing*
19 *strategy required under section 541;*

20 *(C) is coordinated with the State plan for*
21 *COVID–19 testing prepared as required under*
22 *the heading “Department of Health and Human*
23 *Services—Office of the Secretary—Public Health*
24 *and Social Service Emergency Fund” in title I*
25 *of division B of the Paycheck Protection Pro-*

1 *gram and Health Care Enhancement Act (Public*
2 *Law 116–139; 134 Stat. 620, 624);*

3 *(D) is informed by contact tracing and sur-*
4 *veillance activities under this subtitle;*

5 *(E) is informed by guidelines established by*
6 *the Centers for Disease Control and Prevention*
7 *for which populations should be tested;*

8 *(F) identifies how diagnostic and serological*
9 *tests in such system shall be validated prior to*
10 *use;*

11 *(G) identifies how diagnostic and sero-*
12 *logical tests and testing supplies will be distrib-*
13 *uted to implement such system;*

14 *(H) identifies specific strategies for ensur-*
15 *ing testing capabilities and accessibility in ra-*
16 *cial and ethnic minority populations;*

17 *(I) identifies specific strategies for ensuring*
18 *testing capabilities and accessibility in medi-*
19 *cally underserved populations (as defined in sec-*
20 *tion 330(b)(3) of the Public Health Service Act*
21 *(42 U.S.C. 254b(b)(3))), health professional*
22 *shortage areas (as defined under section 332(a)*
23 *of the Public Health Service Act (42 U.S.C.*
24 *254e(a))), and geographically diverse areas, as*
25 *determined by the Secretary;*

1 *(J) identifies how testing may be used, and*
2 *results may be reported, in both health care set-*
3 *tings (such as hospitals, laboratories for mod-*
4 *erate or high-complexity testing, pharmacies,*
5 *mobile testing units, and community health cen-*
6 *ters) and non-health care settings (such as work-*
7 *places, schools, childcare centers, or drive-*
8 *throughs);*

9 *(K) allows for testing in sentinel surveil-*
10 *lance programs, as appropriate; and*

11 *(L) supports the procurement and distribu-*
12 *tion of diagnostic and serological tests and test-*
13 *ing supplies to meet the goals of the system.*

14 *(2) CONTACT TRACING.—To implement a coordi-*
15 *nated contact tracing system that—*

16 *(A) leverages or modernizes existing contact*
17 *tracing systems and capabilities, including com-*
18 *munity health workers, health departments, and*
19 *Federally qualified health centers;*

20 *(B) is able to investigate cases of COVID–*
21 *19, and help to identify other potential cases of*
22 *COVID–19, through tracing contacts of individ-*
23 *uals with positive diagnoses;*

24 *(C) establishes culturally competent and*
25 *multilingual strategies for contact tracing, ad-*

1 *addressing the specific needs of racial and ethnic*
2 *minority populations, which may include con-*
3 *sultation with and support from faith-based,*
4 *nonprofit, cultural or civic organizations with*
5 *established ties to the community;*

6 *(D) establishes culturally competent and*
7 *multilingual strategies for contact tracing, ad-*
8 *ressing the specific needs of medically under-*
9 *served populations (as defined in section*
10 *330(b)(3) of the Public Health Service Act (42*
11 *U.S.C. 254b(b)(3))), health professional shortage*
12 *areas (as defined under section 332(a) of the*
13 *Public Health Service Act(42 U.S.C. 2324*
14 *254e(a))));*

15 *(E) provides individuals identified under*
16 *the contact tracing program with information*
17 *and support for containment or mitigation;*

18 *(F) enables State, local, Tribal, and terri-*
19 *torial health departments to work with a non-*
20 *governmental, community partner or partners*
21 *and State and local workforce development sys-*
22 *tems (as defined in section 3(67) of Workforce*
23 *Innovation and Opportunity Act (29 U.S.C.*
24 *3102(67))) receiving grants under section 566(b)*
25 *of this Act to hire and compensate a locally-*

1 *sourced contact tracing workforce, if necessary,*
2 *to supplement the public health workforce, to—*

3 *(i) identify the number of contact trac-*
4 *ers needed for the respective State, locality,*
5 *territorial, or Tribal health department to*
6 *identify all cases of COVID–19 currently in*
7 *the jurisdiction and those anticipated to*
8 *emerge over the next 18 months in such ju-*
9 *risdiction;*

10 *(ii) outline qualifications necessary for*
11 *contact tracers;*

12 *(iii) train the existing and newly hired*
13 *public health workforce on best practices re-*
14 *lated to tracing close contacts of individuals*
15 *diagnosed with COVID–19, including the*
16 *protection of individual privacy and cyber-*
17 *security protection; and*

18 *(iv) equip the public health workforce*
19 *with tools and resources to enable a rapid*
20 *response to new cases;*

21 *(G) identifies the level of contact tracing*
22 *needed within the State, locality, territory, or*
23 *Tribal area to contain and mitigate the trans-*
24 *mission of COVID–19; and*

1 *(H) establishes statewide mechanisms to in-*
2 *tegrate regular evaluation to the Centers for Dis-*
3 *ease Control and Prevention regarding contact*
4 *tracing efforts, makes such evaluation publicly*
5 *available, and to the extent possible provides for*
6 *such evaluation at the county level.*

7 *(3) SURVEILLANCE.—To strengthen the existing*
8 *public health surveillance system that—*

9 *(A) leverages or modernizes existing surveil-*
10 *lance systems within the respective State, local,*
11 *Tribal, or territorial health department and na-*
12 *tional surveillance systems;*

13 *(B) detects and identifies trends in COVID–*
14 *19 at the county level;*

15 *(C) evaluates State, local, Tribal, and terri-*
16 *torial health departments in achieving surveil-*
17 *lance capabilities with respect to COVID–19;*

18 *(D) integrates and improves disease surveil-*
19 *lance and immunization tracking;*

20 *(E) identifies specific strategies for ensuring*
21 *disease surveillance in racial and ethnic minor-*
22 *ity populations; and*

23 *(F) identifies specific strategies for ensuring*
24 *disease surveillance in medically underserved*
25 *populations (as defined in section 330(b)(3) of*

1 *the Public Health Service Act (42 U.S.C.*
2 *254b(b)(3))), health professional shortage areas*
3 *(as defined under section 332(a) of the Public*
4 *Health Service Act (42 U.S.C. 254e(a))), and*
5 *geographically diverse areas, as determined by*
6 *the Secretary.*

7 (4) *CONTAINMENT AND MITIGATION.—To imple-*
8 *ment a coordinated containment and mitigation sys-*
9 *tem that—*

10 (A) *leverages or modernizes existing con-*
11 *tainment and mitigation strategies within the*
12 *respective State, local, Tribal, or territorial gov-*
13 *ernments and national containment and mitiga-*
14 *tion strategies;*

15 (B) *may provide for, connect to, and lever-*
16 *age existing social services and support for indi-*
17 *viduals who have been infected with or exposed*
18 *to COVID–19 and who are isolated or quar-*
19 *antined in their homes, such as through—*

20 (i) *food assistance programs;*

21 (ii) *guidance for household infection*
22 *control;*

23 (iii) *information and assistance with*
24 *childcare services; and*

1 (iv) information and assistance per-
2 taining to support available under the
3 CARES Act (Public Law 116–136) and this
4 Act;

5 (C) provides guidance on the establishment
6 of safe, high-quality, facilities for the voluntary
7 isolation of individuals infected with, or quar-
8 antine of the contacts of individuals exposed to
9 COVID–19, where hospitalization is not re-
10 quired, which facilities should—

11 (i) be prohibited from making inquir-
12 ies relating to the citizenship status of an
13 individual isolated or quarantined; and

14 (ii) be operated by a non-Federal, com-
15 munity partner or partners that—

16 (I) have previously established re-
17 lationships in localities;

18 (II) work with local places of wor-
19 ship, community centers, medical fa-
20 cilities, and schools to recruit local
21 staff for such facilities; and

22 (III) are fully integrated into
23 State, local, Tribal, or territorial con-
24 tainment and mitigation efforts;

1 (D) identifies specific strategies for ensuring
2 containment and mitigation activities in racial
3 and ethnic minority populations; and

4 (E) identifies specific strategies for ensuring
5 containment and mitigation activities in medi-
6 cally underserved populations (as defined in sec-
7 tion 330(b)(3) of the Public Health Service Act
8 (42 U.S.C. 254b(b)(3))), health professional
9 shortage areas (as defined under section 332(a)
10 of the Public Health Service Act (42 U.S.C.
11 254e(a))), and geographically diverse areas, as
12 determined by the Secretary.

13 (e) *REPORTING.*—The Secretary shall facilitate mecha-
14 nisms for timely, standardized reporting by grantees under
15 this section regarding implementation of the systems estab-
16 lished under this section and coordinated processes with the
17 reporting as required and under the heading “Department
18 of Health and Human Services—Office of the Secretary—
19 Public Health and Social Service Emergency Fund” in title
20 I of division B of the Paycheck Protection Program and
21 Health Care Enhancement Act (Public Law 116–139, 134
22 Stat. 620), including—

23 (1) a summary of county or local health depart-
24 ment level information from the States receiving
25 funding, and information from directly funded local-

1 *ities, territories, and Tribal entities, about the activi-*
2 *ties that will be undertaken using funding awarded*
3 *under this section, including subgrants;*

4 (2) *any anticipated shortages of required mate-*
5 *rials for testing for COVID–19 under subsection (a);*
6 *and*

7 (3) *other barriers in the prevention, mitigation,*
8 *or treatment of COVID–19 under this section.*

9 (f) *PUBLIC LISTING OF AWARDS.*—*The Secretary*
10 *shall—*

11 (1) *not later than 7 days after first awarding*
12 *grants under this section, post in a searchable, elec-*
13 *tronic format a list of all awards made by the Sec-*
14 *retary under this section, including the recipients and*
15 *amounts of such awards; and*

16 (2) *update such list not less than every 7 days*
17 *until all funds made available to carry out this sec-*
18 *tion are expended.*

19 **SEC. 563. GUIDANCE, TECHNICAL ASSISTANCE, INFORMA-**
20 **TION, AND COMMUNICATION.**

21 (a) *IN GENERAL.*—*Not later than 14 days after the*
22 *date of the enactment of this Act, the Secretary, in coordina-*
23 *tion with other Federal agencies, as appropriate, shall issue*
24 *guidance, provide technical assistance, and provide infor-*

1 *mation to States, localities, Tribes, and territories, with re-*
2 *spect to the following:*

3 (1) *The diagnostic and serological testing of in-*
4 *dividuals identified through contact tracing for*
5 *COVID–19, including information with respect to the*
6 *reduction of duplication related to programmatic ac-*
7 *tivities, reporting, and billing.*

8 (2) *Best practices regarding contact tracing, in-*
9 *cluding the collection of data with respect to such con-*
10 *tact tracing and requirements related to the standard-*
11 *ization of demographic and syndromic information*
12 *collected as part of contact tracing efforts.*

13 (3) *Best practices regarding COVID–19 disease*
14 *surveillance, including best practices to reduce dupli-*
15 *cation in surveillance activities, identifying gaps in*
16 *surveillance and surveillance systems, and ways in*
17 *which the Secretary plans to effectively support State,*
18 *local, Tribal and territorial health departments in*
19 *addressing such gaps.*

20 (4) *Information on ways for State, local, Tribal,*
21 *and territorial health departments to establish and*
22 *maintain the testing, contact tracing, and surveil-*
23 *lance activities described in paragraphs (1) through*
24 *(3).*

1 (5) *The protection of any personally identifiable*
2 *health information collected pursuant to this subtitle.*

3 (6) *Best practices regarding privacy and cyberse-*
4 *curity protection related to contact tracing, contain-*
5 *ment, and mitigation efforts.*

6 (7) *Best practices related to improving public*
7 *compliance for isolation and containment measures*
8 *and reaching medically underserved communities.*

9 (b) *GUIDANCE ON PAYMENT.*—*Not later than 14 days*
10 *after the date of the enactment of this Act, the Secretary,*
11 *in coordination with the Administrator of the Centers for*
12 *Medicare & Medicaid Services, the Director of the Centers*
13 *for Disease Control and Prevention, and in coordination*
14 *with other Federal agencies, as appropriate, shall develop*
15 *and issue to State, local, Tribal, and territorial health de-*
16 *partments clear guidance and policies—*

17 (1) *with respect to the coordination of claims*
18 *submitted for payment out of the Public Health and*
19 *Social Services Emergency Fund for services fur-*
20 *nished in a facility referred to in section*
21 *562(d)(4)(C);*

22 (2) *identifying how an individual who is iso-*
23 *lated or quarantined at home or in such a facility—*

1 (A) incurs no out-of-pocket costs for any
2 services furnished to such individual while iso-
3 lated; and

4 (B) may receive income support for lost
5 earnings or payments for expenses such as child
6 care or elder care while such individual is iso-
7 lated at home or in such a facility;

8 (3) providing information and assistance per-
9 taining to support available under the CARES Act
10 (Public Law 116–136) and this Act; and

11 (4) identifying State, local, Tribal, and terri-
12 torial health departments or partner agencies that
13 may provide social support services, such as groceries
14 or meals, health education, internet access, and behav-
15 ioral health services, to individuals who isolated or
16 quarantined at home or in such a facility.

17 (c) *GUIDANCE ON TESTING.*—Not later than 14 days
18 after the date of the enactment of this Act, the Secretary,
19 in coordination with the Commissioner of Food and Drugs,
20 the Director of the National Institutes of Health, and the
21 Director of the Centers for Disease Control and Prevention,
22 and in coordination with other Federal agencies as appro-
23 priate, shall develop and issue to State, local, Tribal, and
24 territorial health departments clear guidance and policies
25 regarding—

1 (1) *objective standards to characterize the per-*
2 *formance of all diagnostic and serological tests for*
3 *COVID–19 in order to independently evaluate tests*
4 *continuously over time;*

5 (2) *protocols for the evaluation of the perform-*
6 *ance of diagnostic and serological tests for COVID–*
7 *19; and*

8 (3) *a repository of characterized specimens to use*
9 *to evaluate the performance of those tests that can be*
10 *made available for appropriate entities to use to*
11 *evaluate performance.*

12 (d) *COMMUNICATION.—The Secretary shall identify*
13 *and publicly announce the form and manner for commu-*
14 *nication with State, local, Tribal, and territorial health de-*
15 *partments for purposes of carrying out the activities ad-*
16 *dressed by guidance issued under subsections (a) and (b).*

17 (e) *AVAILABILITY TO PROVIDERS.—Guidance issued*
18 *under subsection (a)(1) shall be issued to health care pro-*
19 *viders.*

20 (f) *ONGOING PROVISION OF GUIDANCE AND TECH-*
21 *NICAL ASSISTANCE.—Notwithstanding whether funds are*
22 *available specifically to carry out this subtitle, guidance*
23 *and technical assistance shall continue to be provided under*
24 *this section.*

1 **SEC. 564. RESEARCH AND DEVELOPMENT.**

2 *The Secretary, in coordination with the Director of the*
3 *Centers for Disease Control and Prevention and in collabo-*
4 *ration with the Director of the National Institutes of*
5 *Health, the Director of the Agency for Healthcare Research*
6 *and Quality, the Commissioner of Food and Drugs, and*
7 *the Administrator of the Centers for Medicare & Medicaid*
8 *Services, shall support research and development on more*
9 *efficient and effective strategies—*

10 (1) *for the surveillance of SARS-CoV-2 and*
11 *COVID-19;*

12 (2) *for the testing and identification of individ-*
13 *uals infected with COVID-19; and*

14 (3) *for the tracing of contacts of individuals in-*
15 *fected with COVID-19.*

16 **SEC. 565. AWARENESS CAMPAIGNS.**

17 *The Secretary, acting through the Director of the Cen-*
18 *ters for Disease Control and Prevention and in coordina-*
19 *tion with other offices and agencies, as appropriate, shall*
20 *award competitive grants or contracts to one or more public*
21 *or private entities, including faith-based organizations, to*
22 *carry out multilingual and culturally appropriate aware-*
23 *ness campaigns. Such campaigns shall—*

24 (1) *be based on available scientific evidence;*

1 (2) *increase awareness and knowledge of*
2 *COVID–19, including countering stigma associated*
3 *with COVID–19;*

4 (3) *improve information on the availability of*
5 *COVID–19 diagnostic testing; and*

6 (4) *promote cooperation with contact tracing ef-*
7 *forts.*

8 **SEC. 566. GRANTS TO STATE AND TRIBAL WORKFORCE**
9 **AGENCIES.**

10 (a) *DEFINITIONS.—In this section:*

11 (1) *IN GENERAL.—Except as otherwise provided,*
12 *the terms in this section have the meanings given the*
13 *terms in section 3 of the Workforce Innovation and*
14 *Opportunity Act (29 U.S.C. 3102).*

15 (2) *APPRENTICESHIP; APPRENTICESHIP PRO-*
16 *GRAM.—The term “apprenticeship” or “apprentice-*
17 *ship program” means an apprenticeship program*
18 *registered under the Act of August 16, 1937 (com-*
19 *monly known as the “National Apprenticeship Act”)*
20 *(50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), in-*
21 *cluding any requirement, standard, or rule promul-*
22 *gated under such Act, as such requirement, standard,*
23 *or rule was in effect on December 30, 2019.*

24 (3) *CONTACT TRACING AND RELATED POSI-*
25 *TIONS.—The term “contact tracing and related posi-*

1 *tions” means employment related to contact tracing,*
2 *surveillance, containment, and mitigation activities*
3 *as described in paragraphs (2), (3), and (4) of section*
4 *562(d).*

5 (4) *ELIGIBLE ENTITY.—The term “eligible enti-*
6 *ty” means—*

7 (A) *a State or territory, including the Dis-*
8 *trict of Columbia and Puerto Rico;*

9 (B) *an Indian Tribe, Tribal organization,*
10 *Alaska Native entity, Indian-controlled organi-*
11 *zations serving Indians, or Native Hawaiian or-*
12 *ganizations;*

13 (C) *an outlying area; or*

14 (D) *a local board, if an eligible entity under*
15 *subparagraphs (A) through (C) has not applied*
16 *with respect to the area over which the local*
17 *board has jurisdiction as of the date on which*
18 *the local board submits an application under*
19 *subsection (c).*

20 (5) *ELIGIBLE INDIVIDUAL.—Notwithstanding*
21 *section 170(b)(2) of the Workforce Innovation and*
22 *Opportunity Act (29 U.S.C. 3225(b)(2)), the term “el-*
23 *igible individual” means an individual seeking or se-*
24 *curing employment in contact tracing and related po-*
25 *sitions and served by an eligible entity or commu-*

1 *nity-based organization receiving funding under this*
2 *section.*

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

5 (b) *GRANTS.*—

6 (1) *IN GENERAL.*—*Subject to the availability of*
7 *appropriations under subsection (g), the Secretary*
8 *shall award national dislocated worker grants under*
9 *section 170(b)(1)(B) of the Workforce Innovation and*
10 *Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to each*
11 *eligible entity that seeks a grant to assist local boards*
12 *and community-based organizations in carrying out*
13 *activities under subsections (f) and (d), respectively,*
14 *for the following purposes:*

15 (A) *To support the recruitment, placement,*
16 *and training, as applicable, of eligible individ-*
17 *uals seeking employment in contact tracing and*
18 *related positions in accordance with the national*
19 *system for COVID–19 testing, contact tracing,*
20 *surveillance, containment, and mitigation estab-*
21 *lished under section 561.*

22 (B) *To assist with the employment transi-*
23 *tion to new employment or education and train-*
24 *ing of individuals employed under this section in*

1 *preparation for and upon termination of such*
2 *employment.*

3 (2) *TIMELINE.*—*The Secretary of Labor shall—*

4 (A) *issue application requirements under*
5 *subsection (c) not later than 10 days after the*
6 *date of enactment of this section; and*

7 (B) *award grants to an eligible entity*
8 *under paragraph (1) not later than 10 days*
9 *after the date on which the Secretary receives an*
10 *application from such entity.*

11 (c) *GRANT APPLICATION.*—*An eligible entity applying*
12 *for a grant under this section shall submit an application*
13 *to the Secretary, at such time and in such form and manner*
14 *as the Secretary may reasonably require, which shall in-*
15 *clude a description of—*

16 (1) *how the eligible entity will support the re-*
17 *ruitment, placement, and training, as applicable, of*
18 *eligible individuals seeking employment in contact*
19 *tracing and related positions by partnering with—*

20 (A) *a State, local, Tribal, or territorial*
21 *health department; or*

22 (B) *one or more nonprofit or community-*
23 *based organizations partnering with such health*
24 *departments;*

1 (2) *how the activities described in paragraph (1)*
2 *will support State efforts to address the demand for*
3 *contact tracing and related positions with respect*
4 *to—*

5 (A) *the State plans referred to in the head-*
6 *ing “Public Health and Social Services Emer-*
7 *gency Fund” in title I of division B of the Pay-*
8 *check Protection Program and Health Care En-*
9 *hancement Act (Public Law 116–139);*

10 (B) *the testing strategy submitted under sec-*
11 *tion 541; and*

12 (C) *the number of eligible individuals that*
13 *the State plans to recruit and train under the*
14 *plans and strategies described in subparagraphs*
15 *(A) and (B);*

16 (3) *the specific strategies for recruiting and*
17 *placement of eligible individuals from or residing*
18 *within the communities in which they will work, in-*
19 *cluding—*

20 (A) *plans for the recruitment of eligible in-*
21 *dividuals to serve as contact tracers and related*
22 *positions, including dislocated workers, individ-*
23 *uals with barriers to employment, veterans, new*
24 *entrants in the workforce, or underemployed or*
25 *furloughed workers, who are from or reside in or*

1 *near the local area in which they will serve, and*
2 *who, to the extent practicable—*

3 *(i) have experience or a background in*
4 *industry-sectors and occupations such as*
5 *public health, social services, customer serv-*
6 *ice, case management, or occupations that*
7 *require related qualifications, skills, or com-*
8 *petencies, such as strong interpersonal and*
9 *communication skills, needed for contact*
10 *tracing and related positions, as described*
11 *in section 562(d)(2)(E)(ii); or*

12 *(ii) seek to transition to public health*
13 *and public health related occupations upon*
14 *the conclusion of employment in contact*
15 *tracing and related positions; and*

16 *(B) how such strategies will take into ac-*
17 *count the diversity of such community, including*
18 *racial, ethnic, socioeconomic, linguistic, or geo-*
19 *graphic diversity;*

20 *(4) the amount, timing, and mechanisms for dis-*
21 *tribution of funds provided to local boards or through*
22 *subgrants as described in subsection (d);*

23 *(5) for eligible entities described in subpara-*
24 *graphs (A) through (C) of subsection (a)(4), a descrip-*

1 *tion of how the eligible entity will ensure the equitable*
2 *distribution of funds with respect to—*

3 *(A) geography (such as urban and rural*
4 *distribution);*

5 *(B) medically underserved populations (as*
6 *defined in section 33(b)(3) of the Public Health*
7 *Service Act (42 U.S.C. 254b(b));*

8 *(C) health professional shortage areas (as*
9 *defined under section 332(a) of the Public Health*
10 *Service Act (42 U.S.C. 254e(a)); and*

11 *(D) the racial and ethnic diversity of the*
12 *area; and*

13 *(6) for eligible entities who are local boards, a*
14 *description of how a grant to such eligible entity*
15 *would serve the equitable distribution of funds as de-*
16 *scribed in paragraph (5).*

17 *(d) SUBGRANT AUTHORIZATION AND APPLICATION*
18 *PROCESS.—*

19 *(1) IN GENERAL.—An eligible entity may award*
20 *a subgrant to one or more community-based organiza-*
21 *tions for the purposes of partnering with a State or*
22 *local board to conduct outreach and education activi-*
23 *ties to inform potentially eligible individuals about*
24 *employment opportunities in contact tracing and re-*
25 *lated positions.*

1 (2) *APPLICATION.*—*A community-based organi-*
2 *zation shall submit an application at such time and*
3 *in such manner as the eligible entity may reasonably*
4 *require, including—*

5 (A) *a demonstration of the community-*
6 *based organization’s established expertise and ef-*
7 *fectiveness in community outreach in the local*
8 *area that such organization plans to serve;*

9 (B) *a demonstration of the community-*
10 *based organization’s expertise in providing em-*
11 *ployment or public health information to the*
12 *local areas in which such organization plans to*
13 *serve; and*

14 (C) *a description of the expertise of the com-*
15 *munity-based organization in utilizing cul-*
16 *turally competent and multilingual strategies in*
17 *the provision of services.*

18 (e) *GRANT DISTRIBUTION.*—

19 (1) *FEDERAL DISTRIBUTION.*—

20 (A) *USE OF FUNDS.*— *The Secretary of*
21 *Labor shall use the funds appropriated to carry*
22 *out this section as follows:*

23 (i) *Subject to clause (ii), the Secretary*
24 *shall distribute funds among eligible entities*
25 *in accordance with a formula to be estab-*

1 *lished by the Secretary that provides a min-*
2 *imum level of funding to each eligible entity*
3 *that seeks a grant under this section and al-*
4 *locates additional funding as follows:*

5 *(I) The formula shall give first*
6 *priority based on the number and pro-*
7 *portion of contact tracing and related*
8 *positions that the State plans to re-*
9 *cruit, place, and train individuals as a*
10 *part of the State strategy described in*
11 *subsection (c)(2)(A).*

12 *(II) Subject to subclause (I), the*
13 *formula shall give priority in accord-*
14 *ance with section 562(c).*

15 *(ii) Not more than 2 percent of the*
16 *funding for administration of the grants*
17 *and for providing technical assistance to re-*
18 *cipients of funds under this section.*

19 *(B) EQUITABLE DISTRIBUTION.—If the geo-*
20 *graphic region served by one or more eligible en-*
21 *tities overlaps, the Secretary shall distribute*
22 *funds among such entities in such a manner that*
23 *ensures equitable distribution with respect to the*
24 *factors under subsection (c)(5).*

1 (2) *ELIGIBLE ENTITY USE OF FUNDS.*—An eligi-
2 ble entity described in subparagraphs (A) through (C)
3 of subsection (a)(4)—

4 (A) shall, not later than 30 days after the
5 date on which the entity receives grant funds
6 under this section, provide not less than 70 per-
7 cent of grant funds to local boards for the pur-
8 pose of carrying out activities in subsection (f);

9 (B) may use up to 20 percent of such funds
10 to make subgrants to community-based organiza-
11 tions in the service area to conduct outreach, to
12 potential eligible individuals, as described in
13 subsection (d);

14 (C) in providing funds to local boards and
15 awarding subgrants under this subsection shall
16 ensure the equitable distribution with respect to
17 the factors described in subsection (c)(5); and

18 (D) may use not more than 10 percent of
19 the funds awarded under this section for the ad-
20 ministrative costs of carrying out the grant and
21 for providing technical assistance to local boards
22 and community-based organizations.

23 (3) *LOCAL BOARD USE OF FUNDS.*—A local
24 board, or an eligible entity that is a local board, shall
25 use—

1 (A) *not less than 60 percent of the funds for*
2 *recruitment and training for COVID–19 testing,*
3 *contact tracing, surveillance, containment, and*
4 *mitigation established under section 561;*

5 (B) *not less than 30 of the funds to support*
6 *the transition of individuals hired as contact*
7 *tracers and related positions into an education*
8 *or training program, or unsubsidized employ-*
9 *ment upon completion of such positions; and*

10 (C) *not more than 10 percent of the funds*
11 *for administrative costs.*

12 (f) *ELIGIBLE ACTIVITIES.—The State or local boards*
13 *shall use funds awarded under this section to support the*
14 *recruitment and placement of eligible individuals, training*
15 *and employment transition as related to contact tracing*
16 *and related positions, and for the following activities:*

17 (1) *Establishing or expanding partnerships*
18 *with—*

19 (A) *State, local, Tribal, and territorial pub-*
20 *lic health departments;*

21 (B) *community-based health providers, in-*
22 *cluding community health centers and rural*
23 *health clinics;*

24 (C) *labor organizations or joint labor man-*
25 *agement organizations;*

1 (D) two-year and four-year institutions of
2 higher education (as defined in section 101 of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1001)), including institutions eligible to receive
5 funds under section 371(a) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1067q(a)); and

7 (E) community action agencies or other
8 community-based organizations serving local
9 areas in which there is a demand for contact
10 tracing and related positions.

11 (2) Providing training for contact tracing and
12 related positions in coordination with State, local,
13 Tribal, or territorial health departments that is con-
14 sistent with the State or territorial testing and con-
15 tact tracing strategy, and ensuring that eligible indi-
16 viduals receive compensation while participating in
17 such training.

18 (3) Providing eligible individuals with—

19 (A) adequate and safe equipment, environ-
20 ments, and facilities for training and super-
21 vision, as applicable;

22 (B) information regarding the wages and
23 benefits related to contact tracing and related po-
24 sitions, as compared to State, local, and national
25 averages;

1 (C) supplies and equipment needed by the
2 eligible individuals to support placement of an
3 individual in contact tracing and related posi-
4 tions, as applicable;

5 (D) an individualized employment plan for
6 each eligible individual, as applicable—

7 (i) in coordination with the entity em-
8 ploying the eligible individual in a contact
9 tracing and related positions; and

10 (ii) which shall include providing a
11 case manager to work with each eligible in-
12 dividual to develop the plan, which may in-
13 clude—

14 (I) identifying employment and
15 career goals, and setting appropriate
16 achievement objectives to attain such
17 goals; and

18 (II) exploring career pathways
19 that lead to in-demand industries and
20 sectors, including in public health and
21 related occupations; and

22 (E) services for the period during which the
23 eligible individual is employed in a contact trac-
24 ing and related position to ensure job retention,
25 which may include—

1 (i) *supportive services throughout the*
2 *term of employment;*

3 (ii) *a continuation of skills training as*
4 *related to employment in contact tracing*
5 *and related positions, that is conducted in*
6 *collaboration with the employers of such in-*
7 *dividuals;*

8 (iii) *mentorship services and job reten-*
9 *tion support for eligible individuals; or*

10 (iv) *targeted training for managers*
11 *and workers working with eligible individ-*
12 *uals (such as mentors), and human resource*
13 *representatives;*

14 (4) *Supporting the transition and placement in*
15 *unsubsidized employment for eligible individuals serv-*
16 *ing in contact tracing and related positions after such*
17 *positions are no longer necessary in the State or local*
18 *area, including—*

19 (A) *any additional training and employ-*
20 *ment activities as described in section 170(d)(4)*
21 *of the Workforce Innovation and Opportunity*
22 *Act (29 U.S.C. 3225(d)(4));*

23 (B) *developing the appropriate combination*
24 *of services to enable the eligible individual to*

1 *achieve the employment and career goals identi-*
2 *fied under paragraph (3)(D)(ii)(I); and*

3 *(C) services to assist eligible individuals in*
4 *maintaining employment for not less than 12*
5 *months after the completion of employment in*
6 *contact tracing and related positions, as appro-*
7 *priate.*

8 *(5) Any other activities as described in sub-*
9 *sections (a)(3) and (b) of section 134 of the Workforce*
10 *Innovation and Opportunity Act (29 U.S.C. 3174).*

11 *(g) LIMITATION.—Notwithstanding section*
12 *170(d)(3)(A) of the Workforce Innovation and Opportunity*
13 *Act (29 U.S.C. 3225(d)(3)(A)), a person may be employed*
14 *in a contact tracing and related positions using funds*
15 *under this section for a period not greater than 2 years.*

16 *(h) REPORTING BY THE DEPARTMENT OF LABOR.—*

17 *(1) IN GENERAL.—Not later than 120 days of the*
18 *enactment of this Act, and once grant funds have been*
19 *expended under this section, the Secretary shall report*
20 *to the Committee on Education and Labor of the*
21 *House of Representatives and the Committee on*
22 *Health, Education, Labor and Pensions of the Senate,*
23 *and make publicly available a report containing a de-*
24 *scription of—*

1 (A) *the number of eligible individuals re-*
2 *cruited, hired, and trained in contact tracing*
3 *and related positions;*

4 (B) *the number of individuals successfully*
5 *transitioned to unsubsidized employment or*
6 *training at the completion of employment in*
7 *contact tracing and related positions using funds*
8 *under this subtitle;*

9 (C) *the number of such individuals who*
10 *were unemployed prior to being hired, trained,*
11 *or deployed as described in paragraph (1);*

12 (D) *the performance of each program sup-*
13 *ported by funds under this subtitle with respect*
14 *to the indicators of performance under section*
15 *116 of the Workforce Innovation and Oppor-*
16 *tunity Act (29 U.S.C. 3141), as applicable;*

17 (E) *the number of individuals in unsub-*
18 *sidized employment within six months and 1*
19 *year, respectively, of the conclusion of employ-*
20 *ment in contact tracing and related positions*
21 *and, of those, the number of individuals within*
22 *a State, territorial, or local public health depart-*
23 *ment in an occupation related to public health;*

24 (F) *any information on how eligible enti-*
25 *ties, local boards, or community-based organiza-*

1 *tions that received funding under this subsection*
2 *were able to support the goals of the national*
3 *system for COVID–19 testing, contact tracing,*
4 *surveillance, containment, and mitigation estab-*
5 *lished under section 561 of this Act; and*

6 *(G) best practices for improving and in-*
7 *creasing the transition of individuals employed*
8 *in contract tracing and related positions to un-*
9 *subsidized employment.*

10 *(2) DISAGGREGATION.—All data reported under*
11 *paragraph (1) shall be disaggregated by race, eth-*
12 *nicity, sex, age, and, with respect to individuals with*
13 *barriers to employment, subpopulation of such indi-*
14 *viduals, except for when the number of participants*
15 *in a category is insufficient to yield statistically reli-*
16 *able information or when the results would reveal per-*
17 *sonally identifiable information about an individual*
18 *participant.*

19 *(i) SPECIAL RULE.—Any funds used for programs*
20 *under this section that are used to fund an apprenticeship*
21 *or apprenticeship program shall only be used for, or pro-*
22 *vided to, an apprenticeship or apprenticeship program that*
23 *meets the definition of such term subsection (a) of this sec-*
24 *tion, including any funds awarded for the purposes of*
25 *grants, contracts, or cooperative agreements, or the develop-*

1 *ment, implementation, or administration, of an apprentice-*
2 *ship or an apprenticeship program.*

3 (j) *INFORMATION SHARING REQUIREMENT FOR*
4 *HHS.—The Secretary of Health and Human Services, act-*
5 *ing through the Director of the Centers for Disease Control*
6 *and Prevention, shall provide the Secretary of Labor, acting*
7 *through the Assistant Secretary of the Employment and*
8 *Training Administration, with information on grants*
9 *under section 562, including—*

10 (1) *the formula used to award such grants to*
11 *State, local, Tribal, and territorial health depart-*
12 *ments;*

13 (2) *the dollar amounts of and scope of the work*
14 *funded under such grants;*

15 (3) *the geographic areas served by eligible enti-*
16 *ties that receive such grants; and*

17 (4) *the number of contact tracers and related po-*
18 *sitions to be hired using such grants.*

19 (k) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
20 *amounts appropriated to carry out this subtitle,*
21 *\$500,000,000 shall be used by the Secretary of Labor to*
22 *carry out subsections (a) through (h) of this section.*

1 **SEC. 567. APPLICATION OF THE SERVICE CONTRACT ACT TO**
2 **CONTRACTS AND GRANTS.**

3 *Contracts and grants which include contact tracing as*
4 *part of the scope of work and that are awarded under this*
5 *subtitle shall require that contract tracers and related posi-*
6 *tions are paid not less than the prevailing wage and fringe*
7 *rates required under chapter 67 of title 41, United States*
8 *Code (commonly known as the “Service Contract Act”) for*
9 *the area in which the work is performed. To the extent that*
10 *a nonstandard wage determination is required to establish*
11 *a prevailing wage for contact tracers and related positions*
12 *for purposes of this subtitle, the Secretary of Labor shall*
13 *issue such determination not later than 14 days after the*
14 *date of enactment of this Act, based on a job description*
15 *used by the Centers for Disease Control and Prevention and*
16 *contractors or grantees performing contact tracing for State*
17 *public health agencies.*

18 **SEC. 568. AUTHORIZATION OF APPROPRIATIONS.**

19 *To carry out this subtitle, there are authorized to be*
20 *appropriated \$75,000,000,000, to remain available until*
21 *expended.*

1 ***Subtitle E—Demographic Data and***
2 ***Supply Reporting Related to***
3 ***COVID–19***

4 ***SEC. 571. COVID–19 REPORTING PORTAL.***

5 *(a) IN GENERAL.—Not later than 15 days after the*
6 *date of enactment of this Act, the Secretary shall establish*
7 *and maintain an online portal for use by eligible health*
8 *care entities to track and transmit data regarding their*
9 *personal protective equipment and medical supply inven-*
10 *tory and capacity related to COVID–19.*

11 *(b) ELIGIBLE HEALTH CARE ENTITIES.—In this sec-*
12 *tion, the term “eligible health care entity” means a licensed*
13 *acute care hospital, hospital system, or long-term care facil-*
14 *ity with confirmed cases of COVID–19.*

15 *(c) SUBMISSION.—An eligible health care entity shall*
16 *report using the portal under this section on a biweekly*
17 *basis in order to assist the Secretary in tracking usage and*
18 *need of COVID–related supplies and personnel in a regular*
19 *and real-time manner.*

20 *(d) INCLUDED INFORMATION.—The Secretary shall de-*
21 *sign the portal under this section to include information*
22 *on personal protective equipment and medical supply in-*
23 *ventory and capacity related to COVID–19, including with*
24 *respect to the following:*

1 (1) *PERSONAL PROTECTIVE EQUIPMENT.*—*Total*
2 *personal protective equipment inventory, including,*
3 *in units, the numbers of N95 masks and authorized*
4 *equivalent respirator masks, surgical masks, exam*
5 *gloves, face shields, isolation gowns, and coveralls.*

6 (2) *MEDICAL SUPPLY.*—

7 (A) *Total ventilator inventory, including,*
8 *in units, the number of universal, adult, pedi-*
9 *atric, and infant ventilators.*

10 (B) *Total diagnostic and serological test in-*
11 *ventory, including, in units, the number of test*
12 *platforms, tests, test kits, reagents, transport*
13 *media, swabs, and other materials or supplies*
14 *determined necessary by the Secretary.*

15 (3) *CAPACITY.*—

16 (A) *Case count measurements, including*
17 *confirmed positive cases and persons under in-*
18 *vestigation.*

19 (B) *Total number of staffed beds, including*
20 *medical surgical beds, intensive care beds, and*
21 *critical care beds.*

22 (C) *Available beds, including medical sur-*
23 *gical beds, intensive care beds, and critical care*
24 *beds.*

1 (D) *Total number of COVID–19 patients*
2 *currently utilizing a ventilator.*

3 (E) *Average number of days a COVID–19*
4 *patient is utilizing a ventilator.*

5 (F) *Total number of additionally needed*
6 *professionals in each of the following categories:*
7 *intensivists, critical care physicians, respiratory*
8 *therapists, registered nurses, certified registered*
9 *nurse anesthetists, and laboratory personnel.*

10 (G) *Total number of hospital personnel cur-*
11 *rently not working due to self-isolation following*
12 *a known or presumed COVID–19 exposure.*

13 (e) *ACCESS TO INFORMATION RELATED TO INVENTORY*
14 *AND CAPACITY.—The Secretary shall ensure that relevant*
15 *agencies and officials, including the Centers for Disease*
16 *Control and Prevention, the Assistant Secretary for Pre-*
17 *paredness and Response, and the Federal Emergency Man-*
18 *agement Agency, have access to information related to in-*
19 *ventory and capacity submitted under this section.*

20 (f) *WEEKLY REPORT TO CONGRESS.—On a weekly*
21 *basis, the Secretary shall transmit information related to*
22 *inventory and capacity submitted under this section to the*
23 *appropriate committees of the House and Senate.*

1 **SEC. 572. REGULAR CDC REPORTING ON DEMOGRAPHIC**
2 **DATA.**

3 *Not later than 14 days after the date of enactment of*
4 *this Act, the Secretary, in coordination with the Director*
5 *of the Centers for Disease Control and Prevention, shall*
6 *amend the reporting under the heading “Department of*
7 *Health and Human Services—Office of the Secretary—*
8 *Public Health and Social Service Emergency Fund” in title*
9 *I of division B of the Paycheck Protection Program and*
10 *Health Care Enhancement Act (Public Law 116–139; 134*
11 *Stat. 620, 626) on the demographic characteristics, includ-*
12 *ing race, ethnicity, age, sex, gender, geographic region, and*
13 *other relevant factors of individuals tested for or diagnosed*
14 *with COVID–19, to include—*

15 *(1) providing technical assistance to State, local,*
16 *and territorial health departments to improve the col-*
17 *lection and reporting of such demographic data;*

18 *(2) if such data is not so collected or reported,*
19 *the reason why the State, local, or territorial depart-*
20 *ment of health has not been able to collect or provide*
21 *such information; and*

22 *(3) making a copy of such report available pub-*
23 *licly on the website of the Centers for Disease Control*
24 *and Prevention.*

1 **SEC. 573. FEDERAL MODERNIZATION FOR HEALTH INEQUI-**
2 **TIES DATA.**

3 (a) *IN GENERAL.*—*The Secretary shall work with cov-*
4 *ered agencies to support the modernization of data collec-*
5 *tion methods and infrastructure at such agencies for the*
6 *purpose of increasing data collection related to health in-*
7 *equities, such as racial, ethnic, socioeconomic, sex, gender,*
8 *and disability disparities.*

9 (b) *COVERED AGENCY DEFINED.*—*In this section, the*
10 *term “covered agency” means each of the following Federal*
11 *agencies:*

12 (1) *The Agency for Healthcare Research and*
13 *Quality.*

14 (2) *The Centers for Disease Control and Preven-*
15 *tion.*

16 (3) *The Centers for Medicare & Medicaid Serv-*
17 *ices.*

18 (4) *The Food and Drug Administration.*

19 (5) *The Office of the National Coordinator for*
20 *Health Information Technology.*

21 (6) *The National Institutes of Health.*

22 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to each covered agency to*
24 *carry out this section \$4,000,000, to remain available until*
25 *expended.*

1 **SEC. 574. MODERNIZATION OF STATE AND LOCAL HEALTH**

2 **INEQUITIES DATA.**

3 (a) *IN GENERAL.*—Not later than 6 months after the
4 date of enactment of this Act, the Secretary, acting through
5 the Director of the Centers for Disease Control and Preven-
6 tion, shall award grants to State, local, and territorial
7 health departments in order to support the modernization
8 of data collection methods and infrastructure for the pur-
9 poses of increasing data related to health inequities, such
10 as racial, ethnic, socioeconomic, sex, gender, and disability
11 disparities. The Secretary shall—

12 (1) provide guidance, technical assistance, and
13 information to grantees under this section on best
14 practices regarding culturally competent, accurate,
15 and increased data collection and transmission; and

16 (2) track performance of grantees under this sec-
17 tion to help improve their health inequities data col-
18 lection by identifying gaps and taking effective steps
19 to support States, localities, and territories in ad-
20 dressing the gaps.

21 (b) *REPORT.*—Not later than 1 year after the date on
22 which the first grant is awarded under this section, the Sec-
23 retary shall submit to the Committee on Energy and Com-
24 merce of the House of Representatives and the Committee
25 on Health, Education, Labor and Pensions of the Senate
26 an initial report detailing—

1 (1) *nationwide best practices for ensuring States*
2 *and localities collect and transmit health inequities*
3 *data;*

4 (2) *nationwide trends which hinder the collection*
5 *and transmission of health inequities data;*

6 (3) *Federal best practices for working with*
7 *States and localities to ensure culturally competent,*
8 *accurate, and increased data collection and trans-*
9 *mission; and*

10 (4) *any recommended changes to legislative or*
11 *regulatory authority to help improve and increase*
12 *health inequities data collection.*

13 (c) *FINAL REPORT.*—*Not later than three months after*
14 *the end of the public health emergency declared pursuant*
15 *to section 319 of the Public Health Service Act (42 U.S.C.*
16 *247d) with respect to COVID–19, the Secretary shall—*

17 (1) *update and finalize the initial report under*
18 *subsection (b); and*

19 (2) *submit such final report to the committees*
20 *specified in such subsection.*

21 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to carry out this section*
23 *\$100,000,000, to remain available until expended.*

1 **SEC. 575. TRIBAL FUNDING TO RESEARCH HEALTH INEQUI-**
2 **TIES INCLUDING COVID-19.**

3 (a) *IN GENERAL.*—Not later than 6 months after the
4 date of enactment of this Act, the Director of the Indian
5 Health Service, in coordination with Tribal Epidemiology
6 Centers and other Federal agencies, as appropriate, shall
7 conduct or support research and field studies for the pur-
8 poses of improved understanding of Tribal health inequities
9 among American Indians and Alaska Natives, including
10 with respect to—

- 11 (1) *disparities related to COVID-19;*
12 (2) *public health surveillance and infrastructure*
13 *regarding unmet needs in Indian country and Urban*
14 *Indian communities;*
15 (3) *population-based health disparities;*
16 (4) *barriers to health care services;*
17 (5) *the impact of socioeconomic status; and*
18 (6) *factors contributing to Tribal health inequi-*
19 *ties.*

20 (b) *CONSULTATION, CONFER, AND COORDINATION.*—In
21 carrying out this section, the Director of the Indian Health
22 Service shall—

- 23 (1) *consult with Indian Tribes and Tribal orga-*
24 *nizations;*
25 (2) *confer with Urban Indian organizations; and*

1 (3) *coordinate with the Director of the Centers*
2 *for Disease Control and Prevention and the Director*
3 *of the National Institutes of Health.*

4 (c) *PROCESS.*—*Not later than 60 days after the date*
5 *of enactment of this Act, the Director of the Indian Health*
6 *Service shall establish a nationally representative panel to*
7 *establish processes and procedures for the research and field*
8 *studies conducted or supported under subsection (a). The*
9 *Director shall ensure that, at a minimum, the panel con-*
10 *sists of the following individuals:*

11 (1) *Elected Tribal leaders or their designees.*

12 (2) *Tribal public health practitioners and ex-*
13 *perts from the national and regional levels.*

14 (d) *DUTIES.*—*The panel established under subsection*
15 *(c) shall, at a minimum—*

16 (1) *advise the Director of the Indian Health*
17 *Service on the processes and procedures regarding the*
18 *design, implementation, and evaluation of, and re-*
19 *porting on, research and field studies conducted or*
20 *supported under this section;*

21 (2) *develop and share resources on Tribal public*
22 *health data surveillance and reporting, including best*
23 *practices; and*

24 (3) *carry out such other activities as may be ap-*
25 *propriate to establish processes and procedures for the*

1 *research and field studies conducted or supported*
2 *under subsection (a).*

3 *(e) REPORT.—Not later than 1 year after expending*
4 *all funds made available to carry out this section, the Direc-*
5 *tor of the Indian Health Service, in coordination with the*
6 *panel established under subsection (c), shall submit an ini-*
7 *tial report on the results of the research and field studies*
8 *under this section to—*

9 *(1) the Committee on Energy and Commerce and*
10 *the Committee on Natural Resources of the House of*
11 *Representatives; and*

12 *(2) the Committee on Indian Affairs and the*
13 *Committee on Health, Education, Labor and Pen-*
14 *sions of the Senate.*

15 *(f) TRIBAL DATA SOVEREIGNTY.—The Director of the*
16 *Indian Health Service shall ensure that all research and*
17 *field studies conducted or supported under this section are*
18 *tribally-directed and carried out in a manner which en-*
19 *sures Tribal-direction of all data collected under this sec-*
20 *tion—*

21 *(1) according to Tribal best practices regarding*
22 *research design and implementation, including by en-*
23 *suring the consent of the Tribes involved to public re-*
24 *porting of Tribal data;*

1 (2) according to all relevant and applicable
2 Tribal, professional, institutional, and Federal stand-
3 ards for conducting research and governing research
4 ethics;

5 (3) with the prior and informed consent of any
6 Indian Tribe participating in the research or sharing
7 data for use under this section; and

8 (4) in a manner that respects the inherent sov-
9 ereignty of Indian Tribes, including Tribal govern-
10 ance of data and research.

11 (g) *FINAL REPORT*.—Not later than three months after
12 the end of the public health emergency declared pursuant
13 to section 319 of the Public Health Service Act (42 U.S.C.
14 247d) with respect to COVID–19, the Director of the Indian
15 Health Service shall—

16 (1) update and finalize the initial report under
17 subsection (e); and

18 (2) submit such final report to the committees
19 specified in such subsection.

20 (h) *DEFINITIONS*.—In this section:

21 (1) The terms “Indian Tribe” and “Tribal orga-
22 nization” have the meanings given to such terms in
23 section 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 5304).

1 (4) *factors contributing to disparities in health*
2 *outcomes for the COVID–19 pandemic; and*

3 (5) *other topics related to disparities in health*
4 *outcomes for the COVID–19 pandemic, as determined*
5 *by the Secretary.*

6 (b) *REPORT.—Not later than December 31, 2021, the*
7 *Secretary shall submit to the Committee on Energy and*
8 *Commerce of the House of Representatives and the Com-*
9 *mittee on Health, Education, Labor and Pensions of the*
10 *Senate an initial report on the results of the field studies*
11 *under this section.*

12 (c) *FINAL REPORT.—Not later than three months after*
13 *the end of the public health emergency declared pursuant*
14 *to section 319 of the Public Health Service Act (42 U.S.C.*
15 *247d) with respect to COVID–19, the Secretary shall—*

16 (1) *update and finalize the initial report under*
17 *subsection (b); and*

18 (2) *submit such final report to the committees*
19 *specified in such subsection.*

20 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated to carry out this section*
22 *\$25,000,000, to remain available until expended.*

1 **SEC. 577. ADDITIONAL REPORTING TO CONGRESS ON THE**
2 **RACE AND ETHNICITY RATES OF COVID-19**
3 **TESTING, HOSPITALIZATIONS, AND MORTALI-**
4 **TIES.**

5 (a) *IN GENERAL.*—Not later than 30 days after the
6 date of enactment of this Act, the Secretary shall submit
7 to the Committee on Appropriations and the Committee on
8 Energy and Commerce of the House of Representatives and
9 the Committee on Appropriations and the Committee on
10 Health, Education, Labor and Pensions of the Senate an
11 initial report—

12 (1) *describing the testing, positive diagnoses, hos-*
13 *pitalization, intensive care admissions, and mortality*
14 *rates associated with COVID-19, disaggregated by*
15 *race, ethnicity, age, sex, gender, geographic region,*
16 *and other relevant factors as determined by the Sec-*
17 *retary;*

18 (2) *including an analysis of any variances of*
19 *testing, positive diagnoses, hospitalizations, and*
20 *deaths by demographic characteristics; and*

21 (3) *including proposals for evidenced-based re-*
22 *sponse strategies to reduce disparities related to*
23 *COVID-19.*

24 (b) *FINAL REPORT.*—Not later than three months after
25 the end of the public health emergency declared pursuant

1 to section 319 of the Public Health Service Act (42 U.S.C.
2 247d) with respect to COVID–19, the Secretary shall—

3 (1) update and finalize the initial report under
4 subsection (a); and

5 (2) submit such final report to the committees
6 specified in such subsection.

7 (c) *COORDINATION.*—In preparing the report sub-
8 mitted under this section, the Secretary shall take into ac-
9 count and otherwise coordinate such report with reporting
10 required under section 572 and under the heading “Depart-
11 ment of Health and Human Services—Office of the Sec-
12 retary—Public Health and Social Service Emergency
13 Fund” in title I of division B of the Paycheck Protection
14 Program and Health Care Enhancement Act (Public Law
15 116–139; 134 Stat. 620, 626).

16 ***Subtitle F—Miscellaneous***

17 **SEC. 581. TECHNICAL CORRECTIONS TO AMENDMENTS**

18 **MADE BY CARES ACT.**

19 (a) The amendments made by this section shall take
20 effect as if included in the enactment of the CARES Act
21 (Public Law 116–136).

22 (b) Section 3112 of division A of the CARES Act (Pub-
23 lic Law 116–136) is amended—

24 (1) in subsection (a)(2)(A), by striking the
25 comma before “or a permanent”;

1 (2) in subsection (d)(1), by striking “and sub-
2 paragraphs (A) and (B)” and inserting “as subpara-
3 graphs (A) and (B)”; and

4 (3) in subsection (e), by striking “Drug, Cos-
5 metic Act” and inserting “Drug, and Cosmetic Act”.

6 (c) Section 6001(a)(1)(D) of division F of the Families
7 First Coronavirus Response Act (Public Law 116–127), as
8 amended by section 3201 of division A of the CARES Act
9 (Public Law 116–136), is amended by striking “other test
10 that”.

11 (d) Subsection (k)(9) of section 543 of the Public
12 Health Service Act (42 U.S.C. 290dd–2), as added by sec-
13 tion 3221(d) of division A of the CARES Act (Public Law
14 116–136), is amended by striking “unprotected health infor-
15 mation” and inserting “unsecured protected health infor-
16 mation”.

17 (e) Section 3401(2)(D) of division A of the CARES
18 Act (Public Law 116–136), is amended by striking “Not
19 Later than” and inserting “Not later than”.

20 (f) Section 831(f) of the Public Health Service Act, as
21 redesignated by section 3404(a)(6)(E) and amended by sec-
22 tion 3404(a)(6)(G) of division A of the CARES Act (Public
23 Law 116–136), is amended by striking “a health care facil-
24 ity, or a partnership of such a school and facility”.

1 (g) Section 846(i) of the Public Health Service Act,
2 as amended by section 3404(a)(8)(C) of division A of the
3 CARES Act (Public Law 116–136), is amended by striking
4 “871(b),” and inserting “871(b),”.

5 (h) Section 3606(a)(1)(A) of division A of the CARES
6 Act (Public Law 116–136) is amended by striking “In gen-
7 eral” and inserting “IN GENERAL”.

8 (i) Section 3856(b)(1) of division A of the CARES Act
9 (Public Law 116–136) is amended to read as follows:

10 “(1) IN GENERAL.—Section 905(b)(4) of the
11 FDA Reauthorization Act of 2017 (Public Law 115–
12 52) is amended by striking ‘Section 744H(e)(2)(B) of
13 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
14 379j–52(e)(2)(B))’ and inserting ‘Section
15 744H(f)(2)(B) of the Federal Food, Drug, and Cos-
16 metic Act, as redesignated by section 403(c)(1) of this
17 Act.’”.

18 **TITLE VI—PUBLIC HEALTH** 19 **ASSISTANCE**

20 **SEC. 601. DEFINITION.**

21 In this title, the term “Secretary” means the Secretary
22 of Health and Human Services.

1 ***Subtitle A—Assistance to Providers***
2 ***and Health System***

3 ***SEC. 611. HEALTH CARE PROVIDER RELIEF FUND.***

4 *(a) IN GENERAL.—Not later than 7 days after the date*
5 *of enactment of this Act, the Secretary, acting through the*
6 *Administrator of the Health Resources and Services Admin-*
7 *istration, shall establish a program under which the Sec-*
8 *retary shall reimburse, through grants or other mechanisms,*
9 *eligible health care providers for eligible expenses or lost rev-*
10 *enues occurring during calendar quarters beginning on or*
11 *after January 1, 2020, to prevent, prepare for, and respond*
12 *to COVID–19, in an amount calculated under subsection*
13 *(c).*

14 *(b) QUARTERLY BASIS.—*

15 *(1) SUBMISSION OF APPLICATIONS.—The Sec-*
16 *retary shall give applicants a period of 7 calendar*
17 *days after the close of a quarter to submit applica-*
18 *tions under this section with respect to such quarter,*
19 *except that the Secretary shall give applicants a pe-*
20 *riod of 7 calendar days after the date of enactment*
21 *of this Act to submit applications with respect to the*
22 *quarters beginning on January 1 and April 1, 2020,*
23 *if the applicant has not previously submitted an ap-*
24 *plication with the respect to such quarters.*

1 (2) *REVIEW AND PAYMENT.*—*The Secretary*
2 *shall—*

3 (A) *review applications and make awards*
4 *of reimbursement under this section on a quar-*
5 *terly basis; and*

6 (B) *award the reimbursements under this*
7 *section for a quarter not later than 14 calendar*
8 *days after the close of the quarter, except that the*
9 *Secretary shall award the reimbursements under*
10 *this section for the quarters beginning on Janu-*
11 *ary 1 and April 1, 2020, not later than 14 cal-*
12 *endar days after the date of enactment of this*
13 *Act.*

14 (c) *CALCULATION.*—

15 (1) *IN GENERAL.*—*The amount of the reimburse-*
16 *ment to an eligible health care provider under this*
17 *section with respect to a calendar quarter shall*
18 *equal—*

19 (A) *the sum of—*

20 (i) *100 percent of the eligible expenses,*
21 *as described in subsection (d), of the pro-*
22 *vider during the quarter; and*

23 (ii) *subject to paragraph (3), 60 per-*
24 *cent of the lost revenues, as described in*

1 *subsection (e), of the provider during the*
2 *quarter; less*

3 *(B) any funds that are—*

4 *(i) received by the provider during the*
5 *quarter pursuant to the Coronavirus Pre-*
6 *paredness and Response Supplemental Ap-*
7 *propriations Act, 2020 (Public Law 116-*
8 *123), the Families First Coronavirus Re-*
9 *sponse Act (Public Law 116-127), the*
10 *CARES Act (Public Law 116-136), or the*
11 *Paycheck Protection Program and Health*
12 *Care Enhancement Act (Public Law 116-*
13 *139); and*

14 *(ii) not required to be repaid.*

15 *(2) CARRYOVER.—If the amount determined*
16 *under paragraph (1)(B) for a calendar quarter with*
17 *respect to an eligible health care provider exceeds the*
18 *amount determined under paragraph (1)(A) with re-*
19 *spect to such provider and quarter, the amount of*
20 *such difference shall be applied in making the cal-*
21 *culatation under this subsection, over each subsequent*
22 *calendar quarter for which the eligible health care*
23 *provider seeks reimbursement under this section.*

24 *(3) LOST REVENUE LIMITATION.—If the amount*
25 *determined under subsection (e) with respect to the*

1 *lost revenue of an eligible health care provider for a*
2 *calendar quarter does not exceed an amount that*
3 *equals 10 percent of the net patient revenue (as de-*
4 *finied in such subsection) of the provider for the cor-*
5 *responding quarter in 2019, the addend under para-*
6 *graph (1)(A)(ii), in making the calculation under*
7 *paragraph (1), is deemed to be zero.*

8 *(d) ELIGIBLE EXPENSES.—Subject to subsection*
9 *(h)(1), expenses eligible for reimbursement under this sec-*
10 *tion include expenses for—*

11 *(1) building or construction of temporary struc-*
12 *tures;*

13 *(2) leasing of properties;*

14 *(3) medical supplies and equipment including*
15 *personal protective equipment;*

16 *(4) in vitro diagnostic tests, serological tests, or*
17 *testing supplies;*

18 *(5) increased workforce and trainings;*

19 *(6) emergency operation centers;*

20 *(7) construction or retrofitting of facilities;*

21 *(8) mobile testing units;*

22 *(9) surge capacity;*

23 *(10) retention of workforce; and*

1 (11) such other items and services as the Sec-
2 retary determines to be appropriate, in consultation
3 with relevant stakeholders.

4 (e) *LOST REVENUES.*—

5 (1) *IN GENERAL.*—Subject to subsection (h)(1),
6 for purposes of subsection (c)(1)(A)(ii), the lost reve-
7 nues of an eligible health care provider, with respect
8 to the calendar quarter involved, shall be equal to—

9 (A) net patient revenue of the provider for
10 the corresponding quarter in 2019 minus net pa-
11 tient revenue of the provider for such quarter;
12 less

13 (B) the savings of the provider during the
14 calendar quarter involved attributable to fore-
15 gone wages, payroll taxes, and benefits of per-
16 sonnel who were furloughed or laid off by the
17 provider during that quarter.

18 (2) *NET PATIENT REVENUE DEFINED.*—For pur-
19 poses of paragraph (1)(A), the term “net patient rev-
20 enue”, with respect to an eligible health care provider
21 and a calendar quarter, means the sum of—

22 (A) 200 percent of the total amount of reim-
23 bursement received by the provider during the
24 quarter for all items and services furnished
25 under a State plan or a waiver of a State plan

1 *under title XIX of the Social Security Act (42*
2 *U.S.C. 1396 et seq.);*

3 *(B) 125 percent of the total amount of reim-*
4 *bursement received by the provider during the*
5 *quarter for all items and services furnished*
6 *under title XVIII of the Social Security Act (42*
7 *U.S.C. 1395 et seq.); and*

8 *(C) 100 percent of the total amount of reim-*
9 *bursement not described in subparagraph (A) or*
10 *(B) received by the provider during the quarter*
11 *for all items and services.*

12 *(f) INSUFFICIENT FUNDS FOR A QUARTER.—If there*
13 *are insufficient funds made available to reimburse all eligi-*
14 *ble health care providers for all eligible expenses and lost*
15 *revenues for a quarter in accordance with this section, the*
16 *Secretary shall—*

17 *(1) prioritize reimbursement of eligible expenses;*
18 *and*

19 *(2) using the entirety of the remaining funds,*
20 *uniformly reduce the percentage of lost revenues other-*
21 *wise applicable under subsection (c)(1)(A)(ii) to the*
22 *extent necessary to reimburse a portion of the lost rev-*
23 *enues of all eligible health care providers applying for*
24 *reimbursement.*

1 (g) *APPLICATION.*—A health care provider seeking re-
2 *imbursement under this section for a calendar quarter shall*
3 *submit to the Secretary an application that—*

4 (1) *provides documentation demonstrating that*
5 *the health care provider is an eligible health care pro-*
6 *vider;*

7 (2) *includes a valid tax identification number of*
8 *the health care provider or, if the health care provider*
9 *does not have a valid tax identification number, an*
10 *employer identification number or such other identi-*
11 *fication number as the Secretary may accept or may*
12 *assign;*

13 (3) *attests to the eligible expenses and lost reve-*
14 *nuces of the health care provider, as described in sub-*
15 *section (d), occurring during the calendar quarter;*

16 (4) *includes an itemized listing of each such eli-*
17 *gible expense, including expenses incurred in pro-*
18 *viding uncompensated care;*

19 (5) *for purposes of subsection (c)(3), attests to*
20 *whether the amount determined under subsection (e)*
21 *with respect to the lost revenue of an eligible health*
22 *care provider for a calendar quarter exceeds an*
23 *amount that equals 10 percent of the net patient rev-*
24 *enue (as defined in such subsection) of the provider*
25 *for the corresponding quarter in 2019;*

1 (6) includes projections of the eligible expenses
2 and lost revenues of the health care provider, as de-
3 scribed in subsection (c), for the calendar quarter that
4 immediately follows the calendar quarter for which
5 reimbursement is sought; and

6 (7) indicates the dollar amounts described in
7 each of subparagraphs (A) and (B) of subsection
8 (e)(1) and subparagraphs (A), (B), and (C) of sub-
9 section (e)(2) for the calendar quarter and any other
10 information the Secretary determines necessary to de-
11 termine expenses and lost revenue related to COVID-
12 19.

13 (h) LIMITATIONS.—

14 (1) NO DUPLICATIVE REIMBURSEMENT.—The
15 Secretary may not provide, and a health care pro-
16 vider may not accept, reimbursement under this sec-
17 tion for expenses or losses with respect to which—

18 (A) the eligible health care provider is reim-
19 bursed from other sources; or

20 (B) other sources are obligated to reimburse
21 the provider.

22 (2) NO EXECUTIVE COMPENSATION.—Reimburse-
23 ment for eligible expenses (as described in subsection
24 (d)) and lost revenues (as described in subsection (e))
25 shall not include compensation or benefits, including

1 salary, bonuses, awards of stock, or other financial
2 benefits, for an officer or employee described in sec-
3 tion 4004(a)(2) of the CARES Act (Public Law 116-
4 136).

5 (i) *NO BALANCE BILLING AS CONDITION OF RECEIPT*
6 *OF FUNDS.*—

7 (1) *PROTECTING INDIVIDUALS ENROLLED IN*
8 *HEALTH PLANS.*—As a condition of receipt of reim-
9 bursement under this section, a health care provider,
10 in the case such provider furnishes during the emer-
11 gency period described in section 1135(g)(1)(B) of the
12 Social Security Act (42 U.S.C. 1320b-5(g)(1)(B))
13 (whether before, on, or after, the date on which the
14 provider submits an application under this section) a
15 medically necessary item or service described in sub-
16 paragraph (A), (B), or (C) of paragraph (3) to an in-
17 dividual who is described in such subparagraph (A),
18 (B), or (C), respectively, and enrolled in a group
19 health plan or group or individual health insurance
20 coverage offered by a health insurance issuer (includ-
21 ing grandfathered health plans as defined in section
22 1251(e) of the Patient Protection and Affordable Care
23 Act (42 U.S.C. 18011(e)) and such provider is a non-
24 participating provider, with respect to such plan or
25 coverage or with respect to such item or service, and

1 *such plan or coverage and such items and services*
2 *would otherwise be covered under such plan if fur-*
3 *nished by a participating provider—*

4 *(A) may not bill or otherwise hold liable*
5 *such individual for a payment amount for such*
6 *item or service that is more than the cost-sharing*
7 *amount that would apply under such plan or*
8 *coverage for such item or service if such provider*
9 *furnishing such service were a participating pro-*
10 *vider with respect to such plan or coverage;*

11 *(B) shall reimburse such individual in a*
12 *timely manner for any amount for such item or*
13 *service paid by the individual to such provider*
14 *in excess of such cost-sharing amount;*

15 *(C) shall submit any claim for such item or*
16 *service directly to the plan or coverage; and*

17 *(D) shall not bill the individual for such*
18 *cost-sharing amount until such individual is in-*
19 *formed by the plan or coverage of the required*
20 *payment amount.*

21 *(2) PROTECTING UNINSURED INDIVIDUALS.—As*
22 *a condition of receipt by a health care provider of re-*
23 *imbursement under this section, if the health care*
24 *provider furnishes any medically necessary item or*
25 *service described in subparagraph (A), (B), or (C) of*

1 paragraph (3) during the emergency period described
2 in section 1135(g)(1)(B) of the Social Security Act
3 (42 U.S.C. 1320b-5(g)(1)(B)) (whether before, on, or
4 after, the date on which the provider submits an ap-
5 plication under this section) to an uninsured indi-
6 vidual who is described in such subparagraph (A),
7 (B), or (C), respectively, the health care provider—

8 (A) shall submit a claim for purposes of re-
9 imbursement, with respect to such item or serv-
10 ice—

11 (i) from the uninsured portal estab-
12 lished pursuant to the provider relief fund
13 established through the Public Health and
14 Social Services Emergency Fund under the
15 Coronavirus Aid, Relief, and Economic Se-
16 curity Act (Public Law 116–136), or pursu-
17 ant to activities authorized under section
18 2812 of the Public Health Service Act (42
19 U.S.C. 300hh–11) under the Public Health
20 and Social Services Emergency Fund under
21 the Families First Coronavirus Response
22 Act (Public Law 116–127); or

23 (ii) if applicable, under this section
24 with respect to expenses incurred in pro-
25 viding uncompensated care (as described in

1 *subsection (g)(4)) with respect to such med-*
2 *ical care); and*

3 *(B) if such claim is eligible for such reim-*
4 *bursement—*

5 *(i) shall consider the amount of such*
6 *reimbursement as payment in full with re-*
7 *spect to such item or service so furnished to*
8 *such individual;*

9 *(ii) may not bill or otherwise hold lia-*
10 *ble such individual for any payment for*
11 *such item or service so furnished to such in-*
12 *dividual; and*

13 *(iii) shall reimburse such individual in*
14 *a timely manner for any amount for such*
15 *item or service paid by the individual to*
16 *such provider.*

17 *(3) MEDICALLY NECESSARY ITEMS AND SERVICES*
18 *DESCRIBED.—For purposes of this subsection, medi-*
19 *cally necessary items and services described in this*
20 *paragraph are—*

21 *(A) medically necessary items and services*
22 *(including in-person or telehealth visits in which*
23 *such items and services are furnished) that are*
24 *furnished to an individual who has been diag-*
25 *nosied with (or after provision of the items and*

1 *services is diagnosed with) COVID–19 to treat or*
2 *mitigate the effects of COVID–19;*

3 *(B) medically necessary items and services*
4 *(including in-person or telehealth visits in which*
5 *such items and services are furnished) that are*
6 *furnished to an individual who is presumed, in*
7 *accordance with paragraph (4), to have COVID–*
8 *19 but is never diagnosed as such; and*

9 *(C) a diagnostic test (and administration of*
10 *such test) as described in section 6001(a) of divi-*
11 *sion F of the Families First Coronavirus Re-*
12 *sponse Act (42 U.S.C. 1320b–5 note) adminis-*
13 *tered to an individual.*

14 *(4) PRESUMPTIVE CASE OF COVID–19.—For pur-*
15 *poses of paragraph (3)(B), an individual shall be pre-*
16 *sumed to have COVID–19 if the medical record docu-*
17 *mentation of the individual supports a diagnosis of*
18 *COVID–19, even if the individual does not have a*
19 *positive in vitro diagnostic test result in the medical*
20 *record of the individual.*

21 *(5) PENALTY.—In the case of an eligible health*
22 *care provider that is paid a reimbursement under this*
23 *section and that is in violation of paragraph (1) or*
24 *(2), in addition to any other penalties that may be*
25 *prescribed by law, the Secretary may recoup from*

1 *such provider up to the full amount of reimbursement*
2 *the provider receives under this section.*

3 (6) *DEFINITIONS.—In this subsection:*

4 (A) *NONPARTICIPATING PROVIDER.—The*
5 *term “nonparticipating provider” means, with*
6 *respect to an item or service and group health*
7 *plan or group or individual health insurance*
8 *coverage offered by a health insurance issuer, a*
9 *health care provider that does not have a con-*
10 *tractual relationship directly or indirectly with*
11 *the plan or issuer, respectively, for furnishing*
12 *such an item or service under the plan or cov-*
13 *erage.*

14 (B) *PARTICIPATING PROVIDER.—The term*
15 *“participating provider” means, with respect to*
16 *an item or service and group health plan or*
17 *group or individual health insurance coverage of-*
18 *fered by a health insurance issuer, a health care*
19 *provider that has a contractual relationship di-*
20 *rectly or indirectly with the plan or issuer, re-*
21 *spectively, for furnishing such an item or service*
22 *under the plan or coverage.*

23 (C) *GROUP HEALTH PLAN, HEALTH INSUR-*
24 *ANCE COVERAGE.—The terms “group health*
25 *plan”, “health insurance issuer”, “group health*

1 *insurance coverage*”, and “*individual health in-*
2 *surance coverage*” shall have the meanings given
3 *such terms under section 2791 of the Public*
4 *Health Service Act (42 U.S.C. 300gg–91).*

5 (D) *UNINSURED INDIVIDUAL.*—*The term*
6 *“uninsured individual” shall have the meaning*
7 *given such term in the Families First*
8 *Coronavirus Response Act (Public Law 116–127)*
9 *for purposes of the additional amount made*
10 *available under such Act to the Public Health*
11 *and Social Services Emergency Fund for activi-*
12 *ties authorized under section 2812 of the Public*
13 *Health Service Act (42 U.S.C. 300hh–11).*

14 (j) *REPORTS.*—

15 (1) *AWARD INFORMATION.*—*In making awards*
16 *under this section, the Secretary shall post in a*
17 *searchable, electronic format, a list of all recipients*
18 *and awards pursuant to funding authorized under*
19 *this section.*

20 (2) *REPORTS BY RECIPIENTS.*—*Each recipient of*
21 *an award under this section shall, as a condition on*
22 *receipt of such award, submit reports and maintain*
23 *documentation, in such form, at such time, and con-*
24 *taining such information, as the Secretary determines*
25 *is needed to ensure compliance with this section.*

1 (3) *PUBLIC LISTING OF AWARDS.*—*The Secretary*
2 *shall—*

3 (A) *not later than 7 days after the date of*
4 *enactment of this Act, post in a searchable, elec-*
5 *tronic format, a list of all awards made by the*
6 *Secretary under this section, including the re-*
7 *cipients and amounts of such awards; and*

8 (B) *update such list not less than every 7*
9 *days until all funds made available to carry out*
10 *this section are expended.*

11 (4) *INSPECTOR GENERAL REPORT.*—

12 (A) *IN GENERAL.*—*Not later than 3 years*
13 *after final payments are made under this sec-*
14 *tion, the Inspector General of the Department of*
15 *Health and Human Services shall transmit a*
16 *final report on audit findings with respect to the*
17 *program under this section to the Committee on*
18 *Energy and Commerce and the Committee on*
19 *Appropriations of the House of Representatives*
20 *and the Committee on Health, Education, Labor*
21 *and Pensions and the Committee on Appropria-*
22 *tions of the Senate.*

23 (B) *RULE OF CONSTRUCTION.*—*Nothing in*
24 *this paragraph shall be construed as limiting the*
25 *authority of the Inspector General of the Depart-*

1 *ment of Health and Human Services or the*
2 *Comptroller General of the United States to con-*
3 *duct audits of interim payments earlier than the*
4 *deadline described in subparagraph (A).*

5 *(k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—*

6 *In this section:*

7 *(1) IN GENERAL.—The term “eligible health care*
8 *provider” means a health care provider described in*
9 *paragraph (2) that provides diagnostic or testing*
10 *services or treatment to individuals with a confirmed*
11 *or possible diagnosis of COVID–19.*

12 *(2) HEALTH CARE PROVIDERS DESCRIBED.—A*
13 *health care provider described in this paragraph is*
14 *any of the following:*

15 *(A) A health care provider enrolled as a*
16 *participating provider under a State plan ap-*
17 *proved under title XIX of the Social Security Act*
18 *(42 U.S.C. 1396 et seq.) (or a waiver of such a*
19 *plan).*

20 *(B) A provider of services (as defined in*
21 *subsection (u) of section 1861 of the Social Secu-*
22 *rity Act (42 U.S.C. 1395x)) or a supplier (as de-*
23 *finied in subsection (d) of such section) that is*
24 *enrolled as a participating provider of services*
25 *or participating supplier under the Medicare*

1 *program under title XVIII of such Act (42*
2 *U.S.C. 1395 et seq.).*

3 *(C) A public entity.*

4 *(D) Any other entity not described in this*
5 *paragraph as the Secretary may specify.*

6 *(l) FUNDING.—*

7 *(1) AUTHORIZATION OF APPROPRIATIONS.—*

8 *There is authorized to be appropriated for an addi-*
9 *tional amount to carry out this section*
10 *\$50,000,000,000, to remain available until expended.*

11 *(2) HEALTH CARE PROVIDER RELIEF FUND.—*

12 *(A) USE OF APPROPRIATED FUNDS.—*

13 *(i) IN GENERAL.—In addition to*
14 *amounts authorized to be appropriated pur-*
15 *suant to paragraph (1), the unobligated bal-*
16 *ance of all amounts appropriated to the*
17 *Health Care Provider Relief Fund shall be*
18 *made available only to carry out this sec-*
19 *tion.*

20 *(ii) AMOUNTS.—For purposes of clause*
21 *(i), the following amounts are deemed to be*
22 *appropriated to the Health Care Provider*
23 *Relief Fund:*

24 *(I) The unobligated balance of the*
25 *appropriation of \$100,000,000,000 in*

1 *the third paragraph under the heading*
2 *“Department of Health and Human*
3 *Services—Office of the Secretary—*
4 *Public Health and Social Services*
5 *Emergency Fund” in division B of the*
6 *CARES Act (Public Law 116–136).*

7 *(II) The unobligated balance of*
8 *the appropriation under the heading*
9 *“Department of Health and Human*
10 *Services—Office of the Secretary—*
11 *Public Health and Social Services*
12 *Emergency Fund” in division B of the*
13 *Paycheck Protection Program and*
14 *Health Care Enhancement Act (Public*
15 *Law 116–139).*

16 *(B) LIMITATION.—Of the unobligated bal-*
17 *ances described in subparagraph (A)(ii), the Sec-*
18 *retary may not make available more than*
19 *\$5,000,000,000 to reimburse eligible health care*
20 *providers for expenses incurred in providing un-*
21 *compensated care.*

22 *(C) FUTURE AMOUNTS.—Any appropria-*
23 *tion enacted subsequent to the date of enactment*
24 *of this Act that is made available for reimburs-*
25 *ing eligible health care providers as described in*

1 *subsection (a) shall be made available only to*
2 *carry out this section.*

3 **SEC. 612. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**
4 **PROGRAM.**

5 *Part D of title III of the Public Health Service Act*
6 *(42 U.S.C. 254b et seq.) is amended by adding at the end*
7 *the following new subpart:*

8 **“Subpart XIII—Public Health Workforce**

9 **“SEC. 340J. LOAN REPAYMENT PROGRAM.**

10 *“(a) ESTABLISHMENT.—The Secretary of Health and*
11 *Human Services shall establish a program to be known as*
12 *the Public Health Workforce Loan Repayment Program (re-*
13 *ferred to in this section as the ‘Program’) to assure an ade-*
14 *quate supply of and encourage recruitment of public health*
15 *professionals to eliminate critical public health workforce*
16 *shortages in local, State, territorial, and Tribal public*
17 *health agencies.*

18 *“(b) ELIGIBILITY.—To be eligible to participate in the*
19 *Program, an individual shall—*

20 *“(1)(A) be accepted for enrollment, or be en-*
21 *rolled, as a student in an accredited academic edu-*
22 *cational institution in a State or territory in the*
23 *final semester or equivalent of a course of study or*
24 *program leading to a public health degree, a health*
25 *professions degree or certificate, or a degree in com-*

1 *puter science, information science, information sys-*
2 *tems, information technology, or statistics and have*
3 *accepted employment with a local, State, territorial,*
4 *or Tribal public health agency, or a related training*
5 *fellowship, as recognized by the Secretary, to com-*
6 *mence upon graduation; or*

7 *“(B)(i) have graduated, during the preceding 10-*
8 *year period, from an accredited educational institu-*
9 *tion in a State or territory and received a public*
10 *health degree, a health professions degree or certifi-*
11 *cate, or a degree in computer science, information*
12 *science, information systems, information technology,*
13 *or statistics; and*

14 *“(ii) be employed by, or have accepted employ-*
15 *ment with, a local, State, territorial, or Tribal public*
16 *health agency or a related training fellowship, as rec-*
17 *ognized by the Secretary;*

18 *“(2) be a United States citizen;*

19 *“(3)(A) submit an application to the Secretary*
20 *to participate in the Program; and*

21 *“(B) execute a written contract as required in*
22 *subsection (c); and*

23 *“(4) not have received, for the same service, a re-*
24 *duction of loan obligations under section 428K or*

1 *428L of the Higher Education Act of 1965 (20 U.S.C.*
2 *1078–11, 1078–12).*

3 “(c) *CONTRACT.—The written contract referred to in*
4 *subsection (b)(3)(B) between the Secretary and an indi-*
5 *vidual shall contain—*

6 “(1) *an agreement on the part of the Secretary*
7 *that the Secretary will repay, on behalf of the indi-*
8 *vidual, loans incurred by the individual in the pur-*
9 *suit of the relevant degree or certificate in accordance*
10 *with the terms of the contract;*

11 “(2) *an agreement on the part of the individual*
12 *that the individual will serve in the full-time employ-*
13 *ment of a local, State, or Tribal public health agency*
14 *or a related fellowship program in a position related*
15 *to the course of study or program for which the con-*
16 *tract was awarded for a period of time equal to the*
17 *greater of—*

18 “(A) *2 years; or*

19 “(B) *such longer period of time as deter-*
20 *mined appropriate by the Secretary and the in-*
21 *dividual;*

22 “(3) *an agreement, as appropriate, on the part*
23 *of the individual to relocate to a priority service area*
24 *(as determined by the Secretary) in exchange for an*

1 *additional loan repayment incentive amount to be de-*
2 *termined by the Secretary;*

3 *“(4) a provision that any financial obligation of*
4 *the United States arising out of a contract entered*
5 *into under this section and any obligation of the indi-*
6 *vidual that is conditioned thereon, is contingent on*
7 *funds being appropriated for loan repayments under*
8 *this section;*

9 *“(5) a statement of the damages to which the*
10 *United States is entitled, under this section for the*
11 *individual’s breach of the contract; and*

12 *“(6) such other statements of the rights and li-*
13 *abilities of the Secretary and of the individual as the*
14 *Secretary determines appropriate, not inconsistent*
15 *with this section.*

16 *“(d) PAYMENTS.—*

17 *“(1) IN GENERAL.—A loan repayment provided*
18 *for an individual under a written contract referred to*
19 *in subsection (b)(3)(B) shall consist of payment, in*
20 *accordance with paragraph (2), for the individual to-*
21 *ward the outstanding principal and interest on edu-*
22 *cation loans incurred by the individual in the pursuit*
23 *of the relevant degree in accordance with the terms of*
24 *the contract.*

1 “(2) *EQUITABLE DISTRIBUTION.*—*In awarding*
2 *contracts under this section, the Secretary shall en-*
3 *sure—*

4 “(A) *a certain percentage of contracts are*
5 *awarded to individuals who are not already*
6 *working in public health departments;*

7 “(B) *an equitable distribution of funds geo-*
8 *graphically; and*

9 “(C) *an equitable distribution among State,*
10 *local, territorial, and Tribal public health de-*
11 *partments.*

12 “(3) *PAYMENTS FOR YEARS SERVED.*—*For each*
13 *year of service that an individual contracts to serve*
14 *pursuant to subsection (c)(2), the Secretary may pay*
15 *not more than \$35,000 on behalf of the individual for*
16 *loans described in paragraph (1). With respect to par-*
17 *ticipants under the Program whose total eligible loans*
18 *are less than \$105,000, the Secretary shall pay an*
19 *amount that does not exceed $\frac{1}{3}$ of the eligible loan*
20 *balance for each year of such service of such indi-*
21 *vidual.*

22 “(4) *TAX LIABILITY.*—*For purposes of the Inter-*
23 *nal Revenue Code of 1986, a payment made under*
24 *this section shall be treated in the same manner as*

1 *an amount received under section 338B(g) of this Act,*
2 *as described in section 108(f)(4) of such Code.*

3 “(e) *POSTPONING OBLIGATED SERVICE.*—*With respect*
4 *to an individual receiving a degree or certificate from a*
5 *health professions or other related school, the date of the ini-*
6 *tiation of the period of obligated service may be postponed*
7 *as approved by the Secretary.*

8 “(f) *BREACH OF CONTRACT.*—*An individual who fails*
9 *to comply with the contract entered into under subsection*
10 *(c) shall be subject to the same financial penalties as pro-*
11 *vided for under section 338E of the Public Health Service*
12 *Act (42 U.S.C. 2540) for breaches of loan repayment con-*
13 *tracts under section 338B of such Act (42 U.S.C. section*
14 *254l-1).*

15 “(g) *DEFINITION.*—*For purposes of this section, the*
16 *term ‘full-time’ means full-time as such term is used in sec-*
17 *tion 455(m)(3) of the Higher Education Act of 1965.*

18 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
19 *authorized to be appropriated to carry out this section—*

20 *“(1) \$100,000,000 for fiscal year 2021; and*

21 *“(2) \$75,000,000 for fiscal year 2022.”.*

22 **SEC. 613. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

23 (a) *IN GENERAL.*—*The Secretary, acting through the*
24 *Administrator of the Health Resources and Services Admin-*
25 *istration, shall award grants to eligible entities to develop*

1 *and expand the use of technology-enabled collaborative*
2 *learning and capacity building models to respond to ongo-*
3 *ing and real-time learning, health care information shar-*
4 *ing, and capacity building needs related to COVID–19.*

5 (b) *ELIGIBLE ENTITIES.—To be eligible to receive a*
6 *grant under this section, an entity shall have experience*
7 *providing technology-enabled collaborative learning and ca-*
8 *capacity building health care services—*

9 (1) *in rural areas, frontier areas, health profes-*
10 *sional shortage areas, or medically underserved area;*
11 *or*

12 (2) *to medically underserved populations or In-*
13 *dian Tribes.*

14 (c) *USE OF FUNDS.—An eligible entity receiving a*
15 *grant under this section shall use funds received through*
16 *the grant—*

17 (1) *to advance quality of care in response to*
18 *COVID–19, with particular emphasis on rural and*
19 *underserved areas and populations;*

20 (2) *to protect medical personnel and first re-*
21 *sponders through sharing real-time learning through*
22 *virtual communities of practice;*

23 (3) *to improve patient outcomes for conditions*
24 *affected or exacerbated by COVID–19, including im-*

1 *provement of care for patients with complex chronic*
2 *conditions; and*

3 *(4) to support rapid uptake by health care pro-*
4 *essionals of emerging best practices and treatment*
5 *protocols around COVID–19.*

6 *(d) OPTIONAL ADDITIONAL USES OF FUNDS.—An eli-*
7 *gible entity receiving a grant under this section may use*
8 *funds received through the grant for—*

9 *(1) equipment to support the use and expansion*
10 *of technology-enabled collaborative learning and ca-*
11 *capacity building models, including hardware and soft-*
12 *ware that enables distance learning, health care pro-*
13 *vider support, and the secure exchange of electronic*
14 *health information;*

15 *(2) the participation of multidisciplinary expert*
16 *team members to facilitate and lead technology-en-*
17 *abled collaborative learning sessions, and profes-*
18 *sionals and staff assisting in the development and*
19 *execution of technology-enabled collaborative learning;*

20 *(3) the development of instructional program-*
21 *ming and the training of health care providers and*
22 *other professionals that provide or assist in the provi-*
23 *sion of services through technology-enabled collabo-*
24 *rative learning and capacity building models; and*

1 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**
2 **AREAS.**

3 “(a) *GRANTS.*—*The Secretary, acting through the Ad-*
4 *ministrator of the Health Resources and Services Adminis-*
5 *tration, may award grants to institutions of higher edu-*
6 *cation (including multiple institutions of higher education*
7 *applying jointly) for the establishment, improvement, and*
8 *expansion of an allopathic or osteopathic school of medicine,*
9 *or a branch campus of an allopathic or osteopathic school*
10 *of medicine.*

11 “(b) *PRIORITY.*—*In selecting grant recipients under*
12 *this section, the Secretary shall give priority to institutions*
13 *of higher education that—*

14 “(1) *propose to use the grant for an allopathic*
15 *or osteopathic school of medicine, or a branch campus*
16 *of an allopathic or osteopathic school of medicine, in*
17 *a combined statistical area with fewer than 200 ac-*
18 *tively practicing physicians per 100,000 residents ac-*
19 *cording to the medical board (or boards) of the State*
20 *(or States) involved;*

21 “(2) *have a curriculum that emphasizes care for*
22 *diverse and underserved populations; or*

23 “(3) *are minority-serving institutions described*
24 *in the list in section 371(a) of the Higher Education*
25 *Act of 1965.*

1 “(c) *USE OF FUNDS.—The activities for which a grant*
2 *under this section may be used include—*

3 “(1) *planning and constructing—*

4 “(A) *a new allopathic or osteopathic school*
5 *of medicine in an area in which no other school*
6 *is based; or*

7 “(B) *a branch campus of an allopathic or*
8 *osteopathic school of medicine in an area in*
9 *which no such school is based;*

10 “(2) *accreditation and planning activities for an*
11 *allopathic or osteopathic school of medicine or branch*
12 *campus;*

13 “(3) *hiring faculty and other staff to serve at an*
14 *allopathic or osteopathic school of medicine or branch*
15 *campus;*

16 “(4) *recruitment and enrollment of students at*
17 *an allopathic or osteopathic school of medicine or*
18 *branch campus;*

19 “(5) *supporting educational programs at an*
20 *allopathic or osteopathic school of medicine or branch*
21 *campus;*

22 “(6) *modernizing infrastructure or curriculum*
23 *at an existing allopathic or osteopathic school of med-*
24 *icine or branch campus thereof;*

1 “(7) *expanding infrastructure or curriculum at*
2 *existing an allopathic or osteopathic school of medi-*
3 *cine or branch campus; and*

4 “(8) *other activities that the Secretary deter-*
5 *mines further the development, improvement, and ex-*
6 *pansion of an allopathic or osteopathic school of medi-*
7 *cine or branch campus thereof.*

8 “(d) *DEFINITIONS.—In this section:*

9 “(1) *The term ‘branch campus’ means a geo-*
10 *graphically separate site at least 100 miles from the*
11 *main campus of a school of medicine where at least*
12 *one student completes at least 60 percent of the stu-*
13 *dent’s training leading to a degree of doctor of medi-*
14 *cine.*

15 “(2) *The term ‘institution of higher education’*
16 *has the meaning given to such term in section 101(a)*
17 *of the Higher Education Act of 1965.*

18 “(e) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
19 *out this section, there is authorized to be appropriated*
20 *\$1,000,000,000, to remain available until expended.”.*

21 **SEC. 616. GAO STUDY ON PUBLIC HEALTH WORKFORCE.**

22 “(a) *IN GENERAL.—The Comptroller General of the*
23 *United States shall conduct a study on the public health*
24 *workforce in the United States during the COVID–19 pan-*
25 *demic.*

1 (b) *TOPICS.*—*The study under subsection (a) shall ad-*
2 *dress—*

3 (1) *existing gaps in the Federal, State, local,*
4 *Tribal, and territorial public health workforce, in-*
5 *cluding—*

6 (A) *epidemiological and disease interven-*
7 *tion specialists needed during the pandemic for*
8 *contact tracing, laboratory technicians necessary*
9 *for testing, community health workers for com-*
10 *munity supports and services, and other staff*
11 *necessary for contact tracing, testing, or surveil-*
12 *lance activities; and*

13 (B) *other personnel needed during the*
14 *COVID–19 pandemic;*

15 (2) *challenges associated with the hiring, recruit-*
16 *ment, and retention of the Federal, State, local, Trib-*
17 *al, and territorial public health workforce; and*

18 (3) *recommended steps the Federal Government*
19 *should take to improve hiring, recruitment, and reten-*
20 *tion of the public health workforce.*

21 (c) *REPORT.*—*Not later than December 1, 2022, the*
22 *Comptroller General shall submit to the Congress a report*
23 *on the findings of the study conducted under this section.*

1 **SEC. 617. LONGITUDINAL STUDY ON THE IMPACT OF**
2 **COVID-19 ON RECOVERED PATIENTS.**

3 *Part A of title IV of the Public Health Service Act*
4 *(42 U.S.C. 281 et seq.) is amended by adding at the end*
5 *the following:*

6 **“SEC. 4040. LONGITUDINAL STUDY ON THE IMPACT OF**
7 **COVID-19 ON RECOVERED PATIENTS.**

8 *“(a) IN GENERAL.—The Director of NIH, in consulta-*
9 *tion with the Director of the Centers for Disease Control*
10 *and Prevention, shall conduct a longitudinal study, over*
11 *not less than 10 years, on the full impact of SARS-CoV-*
12 *2 or COVID-19 on infected individuals, including both*
13 *short-term and long-term health impacts.*

14 *“(b) TIMING.—The Director of NIH shall begin enroll-*
15 *ing patients in the study under this section not later than*
16 *6 months after the date of enactment of this section.*

17 *“(c) REQUIREMENTS.—The study under this section*
18 *shall—*

19 *“(1) be nationwide;*

20 *“(2) include diversity of enrollees to account for*
21 *gender, age, race, ethnicity, geography, comorbidities,*
22 *and underrepresented populations, including preg-*
23 *nant and lactating women;*

24 *“(3) study individuals with COVID-19 who ex-*
25 *perienced mild symptoms, such individuals who expe-*

1 *rienced moderate symptoms, and such individuals*
2 *who experienced severe symptoms;*

3 *“(4) monitor the health outcomes and symptoms*
4 *of individuals with COVID–19, or who had prenatal*
5 *exposure to SARS–CoV–2 or COVID–19, including*
6 *lung capacity and function, and immune response,*
7 *taking into account any pharmaceutical interventions*
8 *such individuals may have received;*

9 *“(5) monitor the mental health outcomes of indi-*
10 *viduals with COVID–19, taking into account any*
11 *interventions that affected mental health; and*

12 *“(6) monitor individuals enrolled in the study*
13 *not less frequently than twice per year after the first*
14 *year of the individual’s infection with SARS–CoV–2.*

15 *“(d) PUBLIC-PRIVATE RESEARCH NETWORK.—For*
16 *purposes of carrying out the study under this section, the*
17 *Director of NIH may develop a network of public-private*
18 *research partners, provided that all research, including the*
19 *research carried out through any such partner, is available*
20 *publicly.*

21 *“(e) SUMMARIES OF FINDINGS.—The Director of NIH*
22 *shall make public a summary of findings under this section*
23 *not less frequently than once every 3 months for the first*
24 *2 years of the study, and not less frequently than every 6*
25 *months thereafter. Such summaries may include informa-*

1 *tion about how the findings of the study under this section*
2 *compare with findings from research conducted abroad.*

3 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$200,000,000, to remain available until expended.”.*

6 **SEC. 618. RESEARCH ON THE MENTAL HEALTH IMPACT OF**
7 **COVID-19.**

8 (a) *IN GENERAL.—The Secretary, acting through the*
9 *Director of the National Institute of Mental Health, shall*
10 *conduct or support research on the mental health con-*
11 *sequences of SARS-CoV-2 or COVID-19.*

12 (b) *USE OF FUNDS.—Research under subsection (a)*
13 *may include the following:*

14 (1) *Research on the mental health impact of*
15 *SARS-CoV-2 or COVID-19 on health care providers,*
16 *including—*

17 (A) *traumatic stress;*

18 (B) *psychological distress; and*

19 (C) *psychiatric disorders.*

20 (2) *Research on the impact of SARS-CoV-2 or*
21 *COVID-19 stressors on mental health over time.*

22 (3) *Research to strengthen the mental health re-*
23 *sponse to SARS-CoV-2 or COVID-19, including*
24 *adapting to and maintaining or providing additional*
25 *services for new or increasing mental health needs.*

1 **“SEC. 520B. EMERGENCY MENTAL HEALTH AND SUBSTANCE**
2 **USE TRAINING AND TECHNICAL ASSISTANCE**
3 **CENTER.**

4 *“(a) ESTABLISHMENT.—The Secretary, acting through*
5 *the Assistant Secretary, shall establish or operate a center*
6 *to be known as the Emergency Mental Health and Sub-*
7 *stance Use Training and Technical Assistance Center (re-*
8 *ferred to in this section as the ‘Center’) to provide technical*
9 *assistance and support—*

10 *“(1) to public or nonprofit entities seeking to es-*
11 *tablish or expand access to mental health and sub-*
12 *stance use prevention, treatment, and recovery sup-*
13 *port services, and increase awareness of such services;*
14 *and*

15 *“(2) to public health professionals, health care*
16 *professionals and support staff, essential workers (as*
17 *defined by a State, Tribe, locality, or territory), and*
18 *members of the public to address the trauma, stress,*
19 *and mental health needs associated with an emer-*
20 *gency period.*

21 *“(b) ASSISTANCE AND SUPPORT.—The assistance and*
22 *support provided under subsection (a) shall include assist-*
23 *ance and support with respect to—*

24 *“(1) training on identifying signs of trauma,*
25 *stress, and mental health needs;*

1 “(2) *providing accessible resources to assist indi-*
2 *viduals and families experiencing trauma, stress, or*
3 *other mental health needs during and after an emer-*
4 *gency period;*

5 “(3) *providing resources for substance use dis-*
6 *order prevention, treatment, and recovery designed to*
7 *assist individuals and families during and after an*
8 *emergency period;*

9 “(4) *the provision of language access services, in-*
10 *cluding translation services, interpretation, or other*
11 *such services for individuals with limited English*
12 *speaking proficiency or people with disabilities; and*

13 “(5) *evaluation and improvement, as necessary,*
14 *of the effectiveness of such services provided by public*
15 *or nonprofit entities.*

16 “(c) *BEST PRACTICES.—The Center shall periodically*
17 *issue best practices for use by organizations seeking to pro-*
18 *vide mental health services or substance use disorder pre-*
19 *vention, treatment, or recovery services to individuals dur-*
20 *ing and after an emergency period.*

21 “(d) *EMERGENCY PERIOD.—In this section, the term*
22 *‘emergency period’ has the meaning given such term in sec-*
23 *tion 1135(g)(1)(A) of the Social Security Act.*

1 *sured individuals” after “or visits described in paragraph*
2 *(2) of such section for uninsured individuals”.*

3 **SEC. 632. CENTERS FOR DISEASE CONTROL AND PREVEN-**
4 **TION COVID-19 RESPONSE LINE.**

5 *(a) IN GENERAL.—During the public health emergency*
6 *declared by the Secretary pursuant to section 319 of the*
7 *Public Health Service Act (42 U.S.C. 247d) on January*
8 *31, 2020, with respect to COVID-19, the Secretary, acting*
9 *through the Director of the Centers for Disease Control and*
10 *Prevention, shall maintain a toll-free telephone number to*
11 *address public health queries, including questions con-*
12 *cerning COVID-19.*

13 *(b) AUTHORIZATION OF APPROPRIATIONS.—To carry*
14 *out this section, there is authorized to be appropriated*
15 *\$10,000,000, to remain available until expended.*

16 **SEC. 633. GRANTS TO ADDRESS SUBSTANCE USE DURING**
17 **COVID-19.**

18 *(a) IN GENERAL.—The Assistant Secretary for Mental*
19 *Health and Substance Use of the Department of Health and*
20 *Human Services (in this section referred to as the “Assist-*
21 *ant Secretary”), in consultation with the Director of the*
22 *Centers for Disease Control and Prevention, shall award*
23 *grants to States, political subdivisions of States, Tribes,*
24 *Tribal organizations, and community-based entities to ad-*
25 *dress the harms of drug misuse, including by—*

1 (1) *preventing and controlling the spread of in-*
2 *fectious diseases, such as HIV/AIDS and viral hepa-*
3 *titis, and the consequences of such diseases for indi-*
4 *viduals with substance use disorder;*

5 (2) *connecting individuals at risk for or with a*
6 *substance use disorder to overdose education, coun-*
7 *seling, and health education; or*

8 (3) *encouraging such individuals to take steps to*
9 *reduce the negative personal and public health im-*
10 *pacts of substance use or misuse during the emergency*
11 *period.*

12 (b) *CONSIDERATIONS.—In awarding grants under this*
13 *section, the Assistant Secretary shall prioritize grants to*
14 *applicants proposing to serve areas with—*

15 (1) *a high proportion of people who meet criteria*
16 *for dependence on or abuse of illicit drugs who have*
17 *not received any treatment;*

18 (2) *high drug overdose death rates;*

19 (3) *high telemedicine infrastructure needs; and*

20 (4) *high behavioral health and substance use dis-*
21 *order workforce needs.*

22 (c) *DEFINITION.—In this section, the term “emergency*
23 *period” has the meaning given to such term in section*
24 *1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–*
25 *5(g)(1)(B)).*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
2 *out this section, there is authorized to be appropriated*
3 *\$10,000,000, to remain available until expended.*

4 **SEC. 634. GRANTS TO SUPPORT INCREASED BEHAVIORAL**
5 **HEALTH NEEDS DUE TO COVID-19.**

6 (a) *IN GENERAL.*—*The Secretary, acting through the*
7 *Assistant Secretary of Mental Health and Substance Use,*
8 *shall award grants to States, political subdivisions of*
9 *States, Indian Tribes and Tribal organizations, commu-*
10 *nity-based entities, and primary care and behavioral health*
11 *organizations to address behavioral health needs caused by*
12 *the public health emergency declared pursuant to section*
13 *319 of the Public Health Service Act (42 U.S.C. 247d) with*
14 *respect to COVID-19.*

15 (b) *USE OF FUNDS.*—*An entity that receives a grant*
16 *under subsection (a) may use funds received through such*
17 *grant to—*

18 (1) *increase behavioral health treatment and pre-*
19 *vention capacity, including to—*

20 (A) *promote coordination among local enti-*
21 *ties;*

22 (B) *train the behavioral health workforce,*
23 *relevant stakeholders, and community members;*

1 (C) upgrade technology to support effective
2 delivery of health care services through telehealth
3 modalities;

4 (D) purchase medical supplies and equip-
5 ment for behavioral health treatment entities and
6 providers;

7 (E) address surge capacity for behavioral
8 health needs such as through mobile units; and

9 (F) promote collaboration between primary
10 care and mental health providers; and

11 (2) support or enhance behavioral health services,
12 including—

13 (A) emergency crisis intervention, including
14 mobile crisis units, 24/7 crisis call centers, and
15 medically staffed crisis stabilization programs;

16 (B) screening, assessment, diagnosis, and
17 treatment;

18 (C) mental health awareness trainings;

19 (D) evidence-based suicide prevention;

20 (E) evidence-based integrated care models;

21 (F) community recovery supports;

22 (G) outreach to underserved and minority
23 communities; and

24 (H) for front line health care workers.

1 (c) *PRIORITY.*—*The Secretary shall give priority to*
2 *applicants proposing to serve areas with a high number of*
3 *COVID–19 cases.*

4 (d) *EVALUATION.*—*An entity that receives a grant*
5 *under this section shall prepare and submit an evaluation*
6 *to the Secretary at such time, in such manner, and con-*
7 *taining such information as the Secretary may reasonably*
8 *require, including—*

9 (1) *an evaluation of activities carried out with*
10 *funds received through the grant; and*

11 (2) *a process and outcome evaluation.*

12 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*To carry*
13 *out this section, there is authorized to be appropriated*
14 *\$50,000,000 for each of fiscal years 2021 and 2022, to re-*
15 *main available until expended.*

16 ***Subtitle C—Assistance to Tribes***

17 ***SEC. 641. IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC*** 18 ***HEALTH SECURITY.***

19 *Section 319C–1 of the Public Health Service Act (42*
20 *U.S.C. 247d–3a) is amended—*

21 (1) *in the section heading, by striking “AND*
22 *LOCAL” and inserting “, LOCAL, AND TRIBAL”;*

23 (2) *in subsection (b)—*

24 (A) *in paragraph (1)—*

1 (i) in subparagraph (B), by striking
2 “or” at the end;

3 (ii) in subparagraph (C), by striking
4 “and” at the end and inserting “or”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(D) be an Indian Tribe, Tribal organization, or
8 a consortium of Indian Tribes or Tribal organiza-
9 tions; and”;

10 (B) in paragraph (2)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “, as applicable”
13 after “including”;

14 (ii) in subparagraph (A)(viii)—

15 (I) by inserting “and Tribal”
16 after “with State”;

17 (II) by striking “(as defined in
18 section 8101 of the Elementary and
19 Secondary Education Act of 1965)”
20 and inserting “and Tribal educational
21 agencies (as defined in sections 8101
22 and 6132, respectively, of the Elemen-
23 tary and Secondary Education Act of
24 1965)”;

1 (III) by inserting “and Tribal”
2 after “and State”;

3 (iii) in subparagraph (G), by striking
4 “and tribal” and inserting “Tribal, and
5 urban Indian organization”; and

6 (iv) in subparagraph (H), by inserting
7 “, Indian Tribes, and urban Indian organi-
8 zations” after “public health”;

9 (3) in subsection (e), by inserting “Indian
10 Tribes, Tribal organizations, urban Indian organiza-
11 tions,” after “local emergency plans,”;

12 (4) in subsection (g)(1), by striking “tribal offi-
13 cials” and inserting “Tribal officials”;

14 (5) in subsection (h)—

15 (A) in paragraph (1)(A)—

16 (i) by striking “through 2023” and in-
17 serting “and 2020”; and

18 (ii) by inserting before the period “;
19 and \$690,000,000 for each of fiscal years
20 2021 through 2024 for awards pursuant to
21 paragraph (3) (subject to the authority of
22 the Secretary to make awards pursuant to
23 paragraphs (4) and (5)) and paragraph (8),
24 of which not less than \$5,000,000 shall be

1 reserved each fiscal year for awards under
2 paragraph (8)”;

3 (B) in paragraph (2)(B), by striking “trib-
4 al public” and inserting “Tribal public”;

5 (C) in the heading of paragraph (3), by in-
6 serting “FOR STATES” after “AMOUNT”; and

7 (D) by adding at the end the following:

8 “(8) TRIBAL ELIGIBLE ENTITIES.—

9 “(A) DETERMINATION OF FUNDING
10 AMOUNT.—

11 “(i) IN GENERAL.—The Secretary shall
12 award at least 10 cooperative agreements
13 under this section, in amounts not less than
14 the minimum amount determined under
15 clause (ii), to eligible entities described in
16 subsection (b)(1)(D) that submits to the Sec-
17 retary an application that meets the cri-
18 teria of the Secretary for the receipt of such
19 an award and that meets other reasonable
20 implementation conditions established by
21 the Secretary, in consultation with Indian
22 Tribes, for such awards. If the Secretary re-
23 ceives more than 10 applications under this
24 section from eligible entities described in
25 subsection (b)(1)(D) that meet the criteria

1 *and conditions described in the previous*
2 *sentence, the Secretary, in consultation with*
3 *Indian Tribes, may make additional*
4 *awards under this section to such entities.*

5 “(i) *MINIMUM AMOUNT.—In deter-*
6 *mining the minimum amount of an award*
7 *pursuant to clause (i), the Secretary, in*
8 *consultation with Indian Tribes, shall first*
9 *determine an amount the Secretary con-*
10 *siders appropriate for the eligible entity.*

11 “(B) *AVAILABLE UNTIL EXPENDED.—*
12 *Amounts provided to a Tribal eligible entity*
13 *under a cooperative agreement under this section*
14 *for a fiscal year and remaining unobligated at*
15 *the end of such year shall remain available to*
16 *such entity during the entirety of the perform-*
17 *ance period, for the purposes for which said*
18 *funds were provided.*

19 “(C) *NO MATCHING REQUIREMENT.—Sub-*
20 *paragraphs (B), (C), and (D) of paragraph (1)*
21 *shall not apply with respect to cooperative agree-*
22 *ments awarded under this section to eligible enti-*
23 *ties described in subsection (b)(1)(D).”;* and
24 *(6) by adding at the end the following:*

1 “(1) *SPECIAL RULES RELATED TO TRIBAL ELIGIBLE*
2 *ENTITIES.*—

3 “(1) *MODIFICATIONS.*—*After consultation with*
4 *Indian Tribes, the Secretary may make necessary and*
5 *appropriate modifications to the program under this*
6 *section to facilitate the use of the cooperative agree-*
7 *ment program by eligible entities described in sub-*
8 *section (b)(1)(D).*

9 “(2) *WAIVERS.*—

10 “(A) *IN GENERAL.*—*Except as provided in*
11 *subparagraph (B), the Secretary may waive or*
12 *specify alternative requirements for any provi-*
13 *sion of this section (including regulations) that*
14 *the Secretary administers in connection with*
15 *this section if the Secretary finds that the waiver*
16 *or alternative requirement is necessary for the ef-*
17 *fective delivery and administration of this pro-*
18 *gram with respect to eligible entities described in*
19 *subsection (b)(1)(D).*

20 “(B) *EXCEPTION.*—*The Secretary may not*
21 *wave or specify alternative requirements under*
22 *subparagraph (A) relating to labor standards or*
23 *the environment.*

24 “(3) *CONSULTATION.*—*The Secretary shall con-*
25 *sult with Indian Tribes and Tribal organizations on*

1 *the design of this program with respect to such Tribes*
2 *and organizations to ensure the effectiveness of the*
3 *program in enhancing the security of Indian Tribes*
4 *with respect to public health emergencies.*

5 *“(4) REPORTING.—*

6 *“(A) IN GENERAL.—Not later than 2 years*
7 *after the date of enactment of this subsection,*
8 *and as an addendum to the biennial evaluations*
9 *required under subsection (k), the Secretary, in*
10 *coordination with the Director of the Indian*
11 *Health Service, shall—*

12 *“(i) conduct a review of the implemen-*
13 *tation of this section with respect to eligible*
14 *entities described in subsection (b)(1)(D),*
15 *including any factors that may have lim-*
16 *ited its success; and*

17 *“(ii) submit a report describing the re-*
18 *sults of the review described in clause (i)*
19 *to—*

20 *“(I) the Committee on Indian Af-*
21 *airs, the Committee on Health, Edu-*
22 *cation, Labor and Pensions, and the*
23 *Committee on Appropriations of the*
24 *Senate; and*

1 “(II) the Subcommittee for Indig-
2 enous Peoples of the United States of
3 the Committee on Natural Resources,
4 the Committee on Energy and Com-
5 merce, and the Committee on Appro-
6 priations of the House of Representa-
7 tives.

8 “(B) ANALYSIS OF TRIBAL PUBLIC HEALTH
9 EMERGENCY INFRASTRUCTURE LIMITATION.—The
10 Secretary shall include in the initial report sub-
11 mitted under subparagraph (A) a description of
12 any public health emergency infrastructure limi-
13 tation encountered by eligible entities described
14 in subsection (b)(1)(D).”

15 **SEC. 642. PROVISION OF ITEMS TO INDIAN PROGRAMS AND**
16 **FACILITIES.**

17 (a) **STRATEGIC NATIONAL STOCKPILE.**—Section
18 *319F-2(a)(3)(G) of the Public Health Service Act (42*
19 *U.S.C. 247d-6b(a)(3)(G)) is amended by inserting “, and,*
20 *in the case that the Secretary deploys the stockpile under*
21 *this subparagraph, ensure, in coordination with the appli-*
22 *cable States and programs and facilities, that appropriate*
23 *drugs, vaccines and other biological products, medical de-*
24 *vices, and other supplies are deployed by the Secretary di-*
25 *rectly to health programs or facilities operated by the In-*

1 *dian Health Service, an Indian Tribe, a Tribal organiza-*
2 *tion (as those terms are defined in section 4 of the Indian*
3 *Self-Determination and Education Assistance Act (25*
4 *U.S.C. 5304)), or an inter-Tribal consortium (as defined*
5 *in section 501 of the Indian Self-Determination and Edu-*
6 *cation Assistance Act (25 U.S.C. 5381)) or through an*
7 *urban Indian organization (as defined in section 4 of the*
8 *Indian Health Care Improvement Act), while avoiding du-*
9 *plicative distributions to such programs or facilities” before*
10 *the semicolon.*

11 *(b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-*
12 *DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the*
13 *Public Health Service Act (42 U.S.C. 241 et seq.) is amend-*
14 *ed by inserting after section 319F–4 the following:*

15 **“SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**
16 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**
17 **AND FACILITIES.**

18 *“In the case that the Secretary distributes qualified*
19 *pandemic or epidemic products (as defined in section*
20 *319F–3(i)(7)) to States or other entities, the Secretary shall*
21 *ensure, in coordination with the applicable States and pro-*
22 *grams and facilities, that, as appropriate, such products are*
23 *distributed directly to health programs or facilities operated*
24 *by the Indian Health Service, an Indian Tribe, a Tribal*
25 *organization (as those terms are defined in section 4 of the*

1 *Indian Self-Determination and Education Assistance Act*
2 *(25 U.S.C. 5304)), or an inter-Tribal consortium (as de-*
3 *defined in section 501 of the Indian Self-Determination and*
4 *Education Assistance Act (25 U.S.C. 5381)) or through an*
5 *urban Indian organization (as defined in section 4 of the*
6 *Indian Health Care Improvement Act), while avoiding du-*
7 *plicative distributions to such programs or facilities.”.*

8 **SEC. 643. HEALTH CARE ACCESS FOR URBAN NATIVE VET-**
9 **ERANS.**

10 *Section 405 of the Indian Health Care Improvement*
11 *Act (25 U.S.C. 1645) is amended—*

12 *(1) in subsection (a)(1), by inserting “urban In-*
13 *dian organizations,” before “and tribal organiza-*
14 *tions”; and*

15 *(2) in subsection (c)—*

16 *(A) by inserting “urban Indian organiza-*
17 *tion,” before “or tribal organization”; and*

18 *(B) by inserting “an urban Indian organi-*
19 *zation,” before “or a tribal organization”.*

20 **SEC. 644. TRIBAL SCHOOL FEDERAL INSURANCE PARITY.**

21 *Section 409 of the Indian Health Care Improvement*
22 *Act (25 U.S.C. 1647b) is amended by inserting “or the*
23 *Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501*
24 *et seq.)” after “(25 U.S.C. 450 et seq.)”.*

1 **SEC. 645. PRC FOR NATIVE VETERANS.**

2 *Section 405(c) of the Indian Health Care Improvement*
3 *Act (25 U.S.C. 1645) is amended by inserting before the*
4 *period at the end the following: “, regardless of whether such*
5 *services are provided directly by the Service, an Indian*
6 *tribe, or tribal organization, through contract health serv-*
7 *ices, or through a contract for travel described in section*
8 *213(b)”.*

9 ***Subtitle D—Public Health***
10 ***Assistance to Essential Workers***

11 **SEC. 651. CONTAINMENT AND MITIGATION FOR ESSENTIAL**
12 **WORKERS PROGRAM.**

13 *(a) PROGRAM.—The Secretary, acting through the Di-*
14 *rector of the Centers for Disease Control and Prevention*
15 *and in consultation with the Director of the National Insti-*
16 *tute for Occupational Safety and Health, shall establish a*
17 *COVID–19 containment and mitigation for essential work-*
18 *ers program consisting of awarding grants under subsection*
19 *(b).*

20 *(b) GRANTS.—For the purpose of improving essential*
21 *worker safety, the Secretary—*

22 *(1) shall award a grant to each State health de-*
23 *partment; and*

24 *(2) may award grants on a competitive basis to*
25 *State, local, Tribal, or territorial health departments.*

1 (c) *USE OF FUNDS.*—A State, local, Tribal, or terri-
2 torial health department receiving a grant under subsection
3 (b) shall use the grant funds—

4 (1) to purchase or procure personal protective
5 equipment and rapid testing equipment and supplies
6 for distribution to employers of essential workers, in-
7 cluding public employers; or

8 (2) to support the implementation of other work-
9 place safety measures for use in containment and
10 mitigation of COVID–19 transmission among essen-
11 tial workers in their workplaces, including workplaces
12 of public employers.

13 (d) *FORMULA GRANTS TO STATE HEALTH DEPART-*
14 *MENTS.*—In making grants under subsection (b)(1), the
15 Secretary shall award funds to each State health depart-
16 ment in accordance with a formula based on overall popu-
17 lation size, essential workers population size, and burden
18 of COVID–19.

19 (e) *COMPETITIVE GRANTS TO STATE, LOCAL, TRIBAL,*
20 *AND TERRITORIAL HEALTH DEPARTMENTS.*—In making
21 grants under subsection (b)(2), the Secretary shall give pri-
22 ority to applicants demonstrating a commitment to con-
23 taining and mitigating COVID–19 among racial and eth-
24 nic minority groups who are disproportionately represented
25 in essential worker settings.

1 (f) *NO DUPLICATIVE ASSISTANCE LIMITATION.*—The
2 Secretary may not provide, and a State, local, Tribal, or
3 territorial health department, or employer of essential work-
4 ers may not accept, assistance under this section for con-
5 tainment and mitigation of COVID–19 transmission
6 among essential workers in their workplaces with respect
7 to which—

8 (1) the State, local, Tribal, or territorial health
9 department, or employer of essential workers receives
10 assistance from other sources for such purposes; or

11 (2) other sources are obligated to provide assist-
12 ance to such health department or employer for such
13 purposes.

14 (g) *TECHNICAL ASSISTANCE.*—In carrying out the
15 program under this section, the Secretary shall provide
16 technical assistance to State, local, Tribal, or territorial
17 health departments.

18 (h) *REPORT.*—No later than 90 days after the date of
19 enactment of this Act, and every 90 days thereafter, the Sec-
20 retary shall submit to the Committee on Energy and Com-
21 merce and the Committee on Education and Labor of the
22 House of Representatives and the Committee on Health,
23 Education, Labor, and Pensions of the Senate a report on
24 the activities funded through this section, including—

1 (1) *the amount expended and the awardees under*
2 *subsection (b)(1);*

3 (2) *the amount expended and the awardees under*
4 *subsection (b)(2);*

5 (3) *the total amount remaining of the amounts*
6 *appropriated or otherwise made available to carry*
7 *out this section under subsection (i); and*

8 (4) *evaluating the progress of State, local, Trib-*
9 *al, and territorial health departments in reducing*
10 *COVID–19 burden among essential workers.*

11 *(i) CONSULTATION WITH ESSENTIAL EMPLOYERS, ES-*
12 *SENTIAL WORKERS, AND EMPLOYEE REPRESENTATIVES OF*
13 *ESSENTIAL WORKERS.—*

14 (1) *IN GENERAL.—In developing the strategy*
15 *and program under subsection (a) and in deter-*
16 *mining criteria for distribution of competitive grants*
17 *under this section, the Secretary of Health and*
18 *Human Services, acting through the Director of the*
19 *Centers for Disease Control and Prevention and in*
20 *consultation with the Director of the National Insti-*
21 *tute for Occupational Safety and Health, shall consult*
22 *in advance with—*

23 (A) *employers of essential workers;*

24 (B) *representatives of essential workers; and*

1 (C) labor organizations representing essen-
2 tial workers.

3 (2) *OPTIONAL ADVANCE CONSULTATION.*—A
4 State health department may, before receiving fund-
5 ing through a grant under this section, consult with
6 employers of essential workers, representatives of
7 workers, and labor organizations representing essen-
8 tial workers in determining—

9 (A) priorities for the use of such funds; and

10 (B) the distribution of COVID–19 contain-
11 ment and mitigation equipment and supplies.

12 (j) *DEFINITIONS.*—In this section:

13 (1) The term “essential worker” refers to—

14 (A) the “essential critical infrastructure
15 workers” identified in the Department of Home-
16 land Security’s “Advisory Memorandum on En-
17 suring Essential Critical Infrastructure Workers
18 Ability to Work During the COVID–19 Re-
19 sponse” released on August 18, 2020 (or any suc-
20 cessor document); and

21 (B) workers included as essential workers in
22 executive orders issued by the Governor of a
23 State.

24 (2) The term “containment and mitigation” in-
25 cludes the use of—

1 (A) *personal protective equipment;*

2 (B) *other protections, including expanding*
3 *or improving workplace infrastructure through*
4 *engineering and work practice controls, such as*
5 *ventilation systems, plexiglass partitions, air fil-*
6 *ters, and the use of hand sanitizer or sanitation*
7 *supplies;*

8 (C) *access to medical evaluations, testing*
9 *(including rapid testing), and contact tracing;*
10 *and*

11 (D) *other related activities or equipment*
12 *recommended or required by the Director of Cen-*
13 *ters of Disease Control and Prevention or re-*
14 *quired pursuant to the Occupational Safety and*
15 *Health Act of 1970 (29 U.S.C. 651 et seq.) or a*
16 *State plan approved pursuant to section 18 of*
17 *that Act (29 U.S.C. 667); and*

18 (k) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
19 *out this section, there is authorized to be appropriated*
20 *\$2,000,000,000, to remain available until expended.*

21 **TITLE VII—VACCINE DEVELOP-**
22 **MENT, DISTRIBUTION, ADMIN-**
23 **ISTRATION, AND AWARENESS**

24 **SEC. 701. DEFINITIONS.**

25 *In this title:*

1 (1) *The term “ancillary medical supplies” in-*
2 *cludes—*

3 (A) *vials;*

4 (B) *bandages;*

5 (C) *alcohol swabs;*

6 (D) *syringes;*

7 (E) *needles;*

8 (F) *gloves, masks, and other personal pro-*
9 *tective equipment;*

10 (G) *cold storage equipment; and*

11 (H) *other products the Secretary determines*
12 *necessary for the administration of vaccines.*

13 (2) *The term “Secretary” means the Secretary of*
14 *Health and Human Services.*

15 **SEC. 702. VACCINE AND THERAPEUTIC DEVELOPMENT AND**
16 **PROCUREMENT.**

17 (a) *ENHANCING DEVELOPMENT, PROCUREMENT AND*
18 *MANUFACTURING CAPACITY.—*

19 (1) *IN GENERAL.—The Secretary shall, as appro-*
20 *priate, award contracts, grants, and cooperative*
21 *agreements, and, where otherwise allowed by law,*
22 *enter into other transactions, for purposes of—*

23 (A) *expanding and enhancing COVID–19*
24 *and SARS–CoV–2 vaccine and therapeutic devel-*
25 *opment and research;*

1 (B) procurement of COVID–19 and SARS–
2 CoV–2 vaccines, therapeutics, and ancillary
3 medical supplies; and

4 (C) expanding and enhancing capacity for
5 manufacturing vaccines, therapeutics, and ancil-
6 lary medical supplies to prevent the spread of
7 COVID–19 and SARS–CoV–2 and .

8 (2) *AUTHORIZATION OF APPROPRIATIONS.*—To
9 carry out this subsection, there is authorized to be ap-
10 propriated \$20,000,000,000 for the period of fiscal
11 years 2021 through 2025, to remain available until
12 expended.

13 (b) *REPORT ON VACCINE MANUFACTURING AND AD-*
14 *MINISTRATION CAPACITY.*—Not later than December 1,
15 2020, the Secretary shall submit to the Committee on En-
16 ergy and Commerce and the Committee on Appropriations
17 of the House of Representatives and the Committee on
18 Health, Education, Labor and Pensions and the Committee
19 on Appropriations of the Senate a report detailing—

20 (1) an assessment of the estimated supply of vac-
21 cines and ancillary medical supplies related to vac-
22 cine administration necessary to control and stop the
23 spread of SARS–CoV–2 and COVID–19, domestically
24 and internationally;

1 (2) *an assessment of current and future domestic*
2 *capacity for manufacturing vaccines or vaccine can-*
3 *didates to control or stop the spread of SARS-CoV-*
4 *2 and COVID-19 and ancillary medical supplies re-*
5 *lated to the administration of such vaccines, includ-*
6 *ing—*

7 (A) *identification of any gaps in capacity*
8 *for manufacturing; and*

9 (B) *the effects of shifting manufacturing re-*
10 *sources to address COVID-19;*

11 (3) *activities conducted to expand and enhance*
12 *capacity for manufacturing vaccines, vaccine can-*
13 *didates, and ancillary medical supplies to levels suffi-*
14 *cient to control and stop the spread of SARS-CoV-*
15 *2 and COVID-19, domestically and internationally,*
16 *including a list and explanation of all contracts,*
17 *grants, and cooperative agreements awarded, and*
18 *other transactions entered into, for purposes of such*
19 *expansion and enhancement and how such activities*
20 *will help to meet future domestic manufacturing ca-*
21 *capacity needs;*

22 (4) *a plan for the ongoing support of enhanced*
23 *capacity for manufacturing vaccines, vaccine can-*
24 *didates, and ancillary medical supplies sufficient to*

1 *control and stop the spread of SARS-CoV-2 and*
2 *COVID-19, domestically and internationally; and*

3 *(5) a plan to support the distribution and ad-*
4 *ministration of vaccines approved or authorized by*
5 *the Food and Drug Administration to control and*
6 *stop the spread of SARS-CoV-2 and COVID-19, do-*
7 *mestically and internationally, including Federal*
8 *workforce enhancements necessary to administer such*
9 *vaccines.*

10 **SEC. 703. VACCINE DISTRIBUTION AND ADMINISTRATION.**

11 *(a) IN GENERAL.—The Secretary, acting through the*
12 *Director of the Centers for Disease Control and Prevention,*
13 *shall—*

14 *(1) conduct activities to enhance, expand, and*
15 *improve nationwide COVID-19 and SARS-CoV-2*
16 *vaccine distribution and administration, including*
17 *activities related to distribution of ancillary medical*
18 *supplies; and*

19 *(2) award grants or cooperative agreements to*
20 *State, local, Tribal, and territorial public health de-*
21 *partments for enhancement of COVID-19 and SARS-*
22 *CoV-2 vaccine distribution and administration capa-*
23 *bilities, including—*

24 *(A) distribution of vaccines approved or au-*
25 *thorized by the Food and Drug Administration;*

1 (B) *distribution of ancillary medical sup-*
2 *plies;*

3 (C) *workforce enhancements;*

4 (D) *information technology and data en-*
5 *hancements, including—*

6 (i) *enhancements for purposes of main-*
7 *taining and tracking real-time information*
8 *related to vaccine distribution and adminis-*
9 *tration; and*

10 (ii) *enhancements to improve immuni-*
11 *zation information systems, including pa-*
12 *tient matching capabilities and the inter-*
13 *operability of such systems, that are admin-*
14 *istered by State, local, Tribal, and terri-*
15 *torial public health departments and used*
16 *by health care providers and health care fa-*
17 *ilities; and*

18 (E) *facilities enhancements.*

19 (b) *REPORT TO CONGRESS.—Not later than December*
20 *31, 2020, and annually thereafter, the Secretary shall sub-*
21 *mit a report to the Committee on Energy and Commerce*
22 *and the Committee on Appropriations of the House of Rep-*
23 *resentatives and the Committee on Health, Education,*
24 *Labor, and Pensions and the Committee on Appropriations*

1 *of the Senate detailing activities carried out and grants and*
2 *cooperative agreements awarded under this section.*

3 (c) *AUTHORIZATION OF APPROPRIATIONS.—To carry*
4 *out this section, there is authorized to be appropriated*
5 *\$7,000,000,000 for the period of fiscal years 2021 through*
6 *2025, to remain available until expended.*

7 **SEC. 704. STOPPING THE SPREAD OF COVID-19 AND OTHER**
8 **INFECTIOUS DISEASES THROUGH EVIDENCE-**
9 **BASED VACCINE AWARENESS.**

10 (a) *IN GENERAL.—The Public Health Service Act is*
11 *amended by striking section 313 of such Act (42 U.S.C. 245)*
12 *and inserting the following:*

13 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**
14 **TANCE OF VACCINATIONS.**

15 *“(a) IN GENERAL.—The Secretary, acting through the*
16 *Director of the Centers for Disease Control and Prevention*
17 *and in coordination with other offices and agencies, as ap-*
18 *propriate, shall award competitive grants or contracts to*
19 *one or more public or private entities to carry out a na-*
20 *tional, evidence-based campaign for increasing rates of vac-*
21 *cination across all ages, as applicable, particularly in com-*
22 *munities with low rates of vaccination, to reduce and elimi-*
23 *nate vaccine-preventable diseases by—*

24 *“(1) increasing awareness and knowledge of the*
25 *safety and effectiveness of vaccines approved or au-*

1 *thorized by the Food and Drug Administration for the*
2 *prevention and control of diseases, including COVID–*
3 *19;*

4 *“(2) combating misinformation about vaccines;*
5 *and*

6 *“(3) disseminating scientific and evidence-based*
7 *vaccine-related information.*

8 *“(b) CONSULTATION.—In carrying out the campaign*
9 *under this section, the Secretary shall consult with appro-*
10 *priate public health and medical experts, including the Na-*
11 *tional Academy of Medicine and medical and public health*
12 *associations and nonprofit organizations, in the develop-*
13 *ment, implementation, and evaluation of the campaign*
14 *under this section.*

15 *“(c) REQUIREMENTS.—The campaign under this sec-*
16 *tion shall—*

17 *“(1) be a nationwide, evidence-based media and*
18 *public engagement initiative;*

19 *“(2) include the development of resources for*
20 *communities with low rates of vaccination, including*
21 *culturally and linguistically appropriate resources, as*
22 *applicable;*

23 *“(3) include the dissemination of vaccine infor-*
24 *mation and communication resources to public health*
25 *departments, health care providers, and health care*

1 *facilities, including such providers and facilities that*
2 *provide prenatal and pediatric care;*

3 *“(4) be complementary to, and coordinated with,*
4 *any other Federal, State, local, or Tribal efforts;*

5 *“(5) assess the effectiveness of communication*
6 *strategies to increase rates of vaccination; and*

7 *“(6) not be used for partisan political purposes,*
8 *or to express advocacy in support of or to defeat any*
9 *clearly identified candidate, clearly identified ballot*
10 *initiative, or clearly identified legislative or regu-*
11 *latory proposal.*

12 *“(d) ADDITIONAL ACTIVITIES.—The campaign under*
13 *this section may—*

14 *“(1) include the use of television, radio, the*
15 *internet, and other media and telecommunications*
16 *technologies;*

17 *“(2) include the use of in-person activities;*

18 *“(3) be focused and directed to address specific*
19 *needs of communities and populations with low rates*
20 *of vaccination; and*

21 *“(4) include the dissemination of scientific and*
22 *evidence-based vaccine-related information, such as—*

23 *“(A) advancements in evidence-based re-*
24 *search related to diseases that may be prevented*
25 *by vaccines and vaccine development;*

1 “(B) information on vaccinations for indi-
2 viduals and communities, including individuals
3 for whom vaccines are not recommended by the
4 Advisory Committee for Immunization Practices,
5 and the effects of low vaccination rates within a
6 community on such individuals;

7 “(C) information on diseases that may be
8 prevented by vaccines; and

9 “(D) information on vaccine safety and the
10 systems in place to monitor vaccine safety.

11 “(e) EVALUATION.—The Secretary shall—

12 “(1) establish benchmarks and metrics to quan-
13 titatively measure and evaluate the campaign under
14 this section;

15 “(2) conduct qualitative assessments regarding
16 the campaign under this section; and

17 “(3) prepare and submit to the Committee on
18 Energy and Commerce of the House of Representa-
19 tives and the Committee on Health, Education,
20 Labor, and Pensions of the Senate an evaluation of
21 the campaign under this section.

22 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
23 available to carry out this section shall be used to supple-
24 ment and not supplant other Federal, State, local, and

1 *Tribal public funds provided for activities described in this*
2 *section.*

3 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$200,000,000 for the period of fiscal years 2021 through*
6 *2025.”.*

7 (b) *GRANTS TO ADDRESS VACCINE-PREVENTABLE DIS-*
8 *EASES.—Section 317 of the Public Health Service Act (42*
9 *U.S.C. 247b) is amended—*

10 (1) *in subsection (k)—*

11 (A) *in paragraph (1)—*

12 (i) *in subparagraph (C), by striking “;*
13 *and” at the end and inserting a semicolon;*

14 (ii) *in subparagraph (D), by striking*
15 *the period at the end and inserting a semi-*
16 *colon; and*

17 (iii) *by adding at the end the fol-*
18 *lowing:*

19 “(E) *planning, implementation, and evaluation*
20 *of activities to address vaccine-preventable diseases,*
21 *including activities—*

22 “(i) *to identify communities at high risk of*
23 *outbreaks related to vaccine-preventable diseases,*
24 *including through improved data collection and*
25 *analysis;*

1 “(ii) to pilot innovative approaches to im-
2 prove vaccination rates in communities and
3 among populations with low rates of vaccina-
4 tion;

5 “(iii) to reduce barriers to accessing vac-
6 cines and evidence-based information about the
7 health effects of vaccines;

8 “(iv) to partner with community organiza-
9 tions and health care providers to develop and
10 deliver evidence-based, culturally and linguis-
11 tically appropriate interventions to increase vac-
12 cination rates;

13 “(v) to improve delivery of evidence-based
14 vaccine-related information to parents and oth-
15 ers; and

16 “(vi) to improve the ability of State, local,
17 Tribal, and territorial public health departments
18 to engage communities at high risk for outbreaks
19 related to vaccine-preventable diseases, including,
20 as appropriate, with local educational agencies
21 (as defined in section 8101 of the Elementary
22 and Secondary Education Act of 1965); and

23 “(F) research related to strategies for improving
24 awareness of scientific and evidence-based vaccine-re-
25 lated information, including for communities with

1 *low rates of vaccination, in order to understand bar-*
2 *riers to vaccination, improve vaccination rates, and*
3 *assess the public health outcomes of such strategies.”;*
4 *and*

5 *(B) by adding at the end the following:*

6 *“(5) In addition to amounts authorized to be appro-*
7 *priated by subsection (j) to carry out this subsection, there*
8 *is authorized to be appropriated to carry out this subsection*
9 *\$750,000,000 for the period of fiscal years 2021 through*
10 *2025.”; and*

11 *(2) by adding at the end the following:*

12 *“(n) VACCINATION DATA.—*

13 *“(1) IN GENERAL.—The Secretary, acting*
14 *through the Director of the Centers for Disease Con-*
15 *trol and Prevention, shall expand and enhance, and,*
16 *as appropriate, establish and improve, programs and*
17 *conduct activities to collect, monitor, and analyze*
18 *vaccination coverage data to assess levels of protection*
19 *from vaccine-preventable diseases including COVID–*
20 *19, including by—*

21 *“(A) assessing factors contributing to un-*
22 *derutilization of vaccines and variations of such*
23 *factors; and*

1 “(B) identifying communities at high risk
2 of outbreaks associated with vaccine-preventable
3 diseases.

4 “(2) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to carry out
6 this section \$50,000,000 for the period of fiscal years
7 2021 through 2025.”.

8 (c) SUPPLEMENTAL GRANT FUNDS.—Section
9 330(d)(1) of the Public Health Service Act (42 U.S.C.
10 254b(d)(1)) is amended—

11 (1) in subparagraph (F), by striking “and” at
12 the end;

13 (2) in subparagraph (G), by striking the period
14 at the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(H) improving access to recommended im-
17 munizations.”.

18 (d) UPDATE OF 2015 NVAC REPORT.—The National
19 Vaccine Advisory Committee established under section 2105
20 of the Public Health Service Act (42 U.S.C. 300aa–5) shall,
21 as appropriate, update the report entitled, “Assessing the
22 State of Vaccine Confidence in the United States: Rec-
23 ommendations from the National Vaccine Advisory Com-
24 mittee”, approved by the National Vaccine Advisory Com-

1 *mittee on June 10, 2015, with respect to factors affecting*
2 *childhood vaccination.*

3 **TITLE VIII—OTHER MATTERS**

4 **SEC. 801. NON-DISCRIMINATION.**

5 *(a) IN GENERAL.—Notwithstanding any provision of*
6 *a covered law (or an amendment made in any such provi-*
7 *sion), no person otherwise eligible shall be excluded from*
8 *participation in, denied the benefits of, or subjected to dis-*
9 *crimination in the administration of, programs and serv-*
10 *ices receiving funding under a covered law (or an amend-*
11 *ment made by a provision of such a covered law), based*
12 *on any factor that is not merit-based, such as age, dis-*
13 *ability, sex (including sexual orientation, gender identity,*
14 *and pregnancy, childbirth, and related medical conditions),*
15 *race, color, national origin, immigration status, or religion.*

16 *(b) COVERED LAW DEFINED.—In this section, the term*
17 *“covered law” includes—*

18 *(1) this Act (other than this section);*

19 *(2) title I of division B of the Paycheck Protec-*
20 *tion Program and Healthcare Enhancement Act*
21 *(Public Law 116–139);*

22 *(3) subtitles A, D, and E of title III of the*
23 *CARES Act (Public Law 116–136);*

24 *(4) division F of the Families First Coronavirus*
25 *Relief Act (Public Law 116–127); and*

1 (5) *division B of the Coronavirus Preparedness*
2 *and Response Supplemental Appropriations Act,*
3 *2020 (Public Law 116–123).*

4 ***DIVISION L—VETERANS AND***
5 ***SERVICEMEMBERS PROVISIONS***

6 ***SEC. 101. INCREASE OF AMOUNT OF CERTAIN DEPARTMENT***
7 ***OF VETERANS AFFAIRS PAYMENTS DURING***
8 ***EMERGENCY PERIOD RESULTING FROM***
9 ***COVID–19 PANDEMIC.***

10 *(a) IN GENERAL.—During the covered period, the Sec-*
11 *retary of Veterans Affairs shall apply each of the following*
12 *provisions of title 38, United States Code, by substituting*
13 *for each of the dollar amounts in such provision the amount*
14 *equal to 125 percent of the dollar amount that was in effect*
15 *under such provision on the date of the enactment of this*
16 *Act:*

17 (1) *Subsections (l), (m), (r), and (t) of section*
18 *1114.*

19 (2) *Paragraph (1)(E) of section 1115.*

20 (3) *Subsection (c) of section 1311.*

21 (4) *Subsection (g) of section 1315.*

22 (5) *Paragraphs (1) and (2) of subsection (d) of*
23 *section 1521.*

24 (6) *Paragraphs (2) and (4) of subsection (f) of*
25 *section 1521.*

1 (b) *TREATMENT OF AMOUNTS.*—Any amount payable
2 to an individual under subsection (a) in excess of the
3 amount otherwise in effect shall be in addition to any other
4 benefit or any other amount payable to that individual
5 under any provision of law referred to in subsection (a)
6 or any other provision of law administered by the Secretary
7 of Veterans Affairs.

8 (c) *COVERED PERIOD.*—In this section, the covered pe-
9 riod is the period that begins on the date of the enactment
10 of this Act and ends 60 days after the last day of the emer-
11 gency period (as defined in section 1135(g)(1) of the Social
12 Security Act (42 U.S.C. 1320b-5(g)(1))) resulting from the
13 COVID-19 pandemic.

14 **SEC. 102. PROHIBITION ON COPAYMENTS AND COST SHAR-**
15 **ING FOR VETERANS RECEIVING PREVENTIVE**
16 **SERVICES RELATING TO COVID-19.**

17 (a) *PROHIBITION.*—The Secretary of Veterans Affairs
18 may not require any copayment or other cost sharing under
19 chapter 17 of title 38, United States Code, for qualifying
20 coronavirus preventive services. The requirement described
21 in this subsection shall take effect with respect to a quali-
22 fying coronavirus preventive service on the specified date.

23 (b) *DEFINITIONS.*—In this section, the terms “quali-
24 fying coronavirus preventive service” and “specified date”

1 *have the meaning given those terms in section 3203 of the*
2 *CARES Act (Public Law 116–136).*

3 **SEC. 103. EMERGENCY TREATMENT FOR VETERANS DURING**
4 **COVID–19 EMERGENCY PERIOD.**

5 (a) *EMERGENCY TREATMENT.*—*Notwithstanding sec-*
6 *tion 1725 or 1728 of title 38, United States Code, or any*
7 *other provision of law administered by the Secretary of Vet-*
8 *erans Affairs pertaining to furnishing emergency treatment*
9 *to veterans at non-Department facilities, during the period*
10 *of a covered public health emergency, the Secretary of Vet-*
11 *erans Affairs shall furnish to an eligible veteran emergency*
12 *treatment at a non-Department facility in accordance with*
13 *this section.*

14 (b) *AUTHORIZATION NOT REQUIRED.*—*The Secretary*
15 *may not require an eligible veteran to seek authorization*
16 *by the Secretary for emergency treatment furnished to the*
17 *veteran pursuant to subsection (a).*

18 (c) *PAYMENT RATES.*—

19 (1) *DETERMINATION.*—*The rate paid for emer-*
20 *gency treatment furnished to eligible veterans pursu-*
21 *ant to subsection (a) shall be equal to the rate paid*
22 *by the United States to a provider of services (as de-*
23 *fined in section 1861(u) of the Social Security Act*
24 *(42 U.S.C. 1395x(u))) or a supplier (as defined in*
25 *section 1861(d) of such Act (42 U.S.C. 1395x(d)))*

1 *under the Medicare program under title XI or title*
2 *XVIII of the Social Security Act (42 U.S.C. 1301 et*
3 *seq.), including section 1834 of such Act (42 U.S.C.*
4 *1395m), for the same treatment.*

5 (2) *FINALITY.*—*A payment in the amount pay-*
6 *able under paragraph (1) for emergency treatment*
7 *furnished to an eligible veteran pursuant to subsection*
8 *(a) shall be considered payment in full and shall ex-*
9 *tinguish the veteran’s liability to the provider of such*
10 *treatment, unless the provider rejects the payment*
11 *and refunds to the United States such amount by not*
12 *later than 30 days after receiving the payment.*

13 (d) *CLAIMS PROCESSED BY THIRD PARTY ADMINIS-*
14 *TRATORS.*—

15 (1) *REQUIREMENT.*—*Not later than 30 days*
16 *after the date of the enactment of this Act, the Sec-*
17 *retary shall seek to award a contract to one or more*
18 *entities, or to modify an existing contract, to process*
19 *claims for payment for emergency treatment fur-*
20 *nished to eligible veterans pursuant to subsection (a).*

21 (2) *PROMPT PAYMENT STANDARD.*—*Section*
22 *1703D of title 38, United States Code, shall apply*
23 *with respect to claims for payment for emergency*
24 *treatment furnished to eligible veterans pursuant to*
25 *subsection (a).*

1 (e) *PRIMARY PAYER.*—*The Secretary shall be the pri-*
2 *mary payer with respect to emergency treatment furnished*
3 *to eligible veterans pursuant to subsection (a), and with re-*
4 *spect to the transportation of a veteran by ambulance. In*
5 *any case in which an eligible veteran is furnished such*
6 *emergency treatment for a non-service-connected disability*
7 *described in subsection (a)(2) of section 1729 of title 38,*
8 *United States Code, the Secretary shall recover or collect*
9 *reasonable charges for such treatment from a health plan*
10 *contract described in such section 1729 in accordance with*
11 *such section.*

12 (f) *APPLICATION.*—*This section shall apply to emer-*
13 *gency treatment furnished to eligible veterans during the*
14 *period of a covered public health emergency, regardless of*
15 *whether treatment was furnished before the date of the en-*
16 *actment of this Act.*

17 (g) *DEFINITIONS.*—*In this section:*

18 (1) *The term “covered public health emergency”*
19 *means the declaration—*

20 (A) *of a public health emergency, based on*
21 *an outbreak of COVID–19 by the Secretary of*
22 *Health and Human Services under section 319*
23 *of the Public Health Service Act (42 U.S.C.*
24 *247d); or*

1 (B) of a domestic emergency, based on an
2 outbreak of COVID–19 by the President, the Sec-
3 retary of Homeland Security, or a State or local
4 authority.

5 (2) The term “eligible veteran” means a veteran
6 enrolled in the health care system established under
7 section 1705 of title 38, United States Code.

8 (3) The term “emergency treatment” means med-
9 ical care or services rendered in a medical emergency
10 of such nature that a prudent layperson reasonably
11 expects that delay in seeking immediate medical at-
12 tention would be hazardous to life or health.

13 (4) The term “non-Department facility” has the
14 meaning given that term in section 1701 of title 38,
15 United States Code.

16 **SEC. 104. HUD–VASH PROGRAM.**

17 The Secretary of Housing and Urban Development
18 shall take such actions with respect to the supported housing
19 program carried out under section 8(o)(19) of the United
20 States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) in
21 conjunction with the Department of Veterans Affairs (com-
22 monly referred to as “HUD–VASH”), and shall require
23 public housing agencies administering assistance under
24 such program to take such actions, as may be appropriate
25 to facilitate the issuance and utilization of vouchers for

1 rental assistance under such program during the period of
2 the covered public health emergency (as such term is defined
3 in section 1 of this Act), including the following actions:

4 (1) Establishing mechanisms and procedures
5 providing for referral and application documents
6 used under such program to be received by fax, elec-
7 tronic mail, drop box, or other means not requiring
8 in-person contact.

9 (2) Establishing mechanisms and procedures for
10 processing applications for participation in such pro-
11 gram that do not require identification or verification
12 of identity by social security number or photo ID in
13 cases in which closure of governmental offices prevents
14 confirmation or verification of identity by such
15 means.

16 (3) Providing for waiver of requirements to con-
17 duct housing quality standard inspections with re-
18 spect to dwelling units for which rental assistance is
19 provided under such program.

20 **SEC. 105. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
21 **BENEFITS UNDER LAWS ADMINISTERED BY**
22 **THE SECRETARY OF VETERANS AFFAIRS.**

23 (a) *IN GENERAL.*—During the covered period, the Sec-
24 retary of Veterans Affairs may not—

1 (1) *take any action to collect a covered debt (in-*
2 *cluding the offset of any payment by the Secretary);*

3 (2) *record a covered debt;*

4 (3) *issue notice of a covered debt to a person or*
5 *a consumer reporting agency;*

6 (4) *allow any interest to accrue on a covered*
7 *debt; or*

8 (5) *apply any administrative fee to a covered*
9 *debt.*

10 (b) *EXCEPTION.—Notwithstanding subsection (a), the*
11 *Secretary may collect a payment regarding a covered debt*
12 *(including interest or any administrative fee) from a person*
13 *(or the fiduciary of that person) who elects to make such*
14 *a payment during the covered period.*

15 (c) *DEFINITIONS.—In this section:*

16 (1) *The term “consumer reporting agency” has*
17 *the meaning given that term in section 5701 of title*
18 *38, United States Code.*

19 (2) *The term “covered debt” means a debt—*

20 (A) *owed by a person (including a fidu-*
21 *ciary) to the United States;*

22 (B) *arising from a benefit under a covered*
23 *law; and*

24 (C) *that is not subject to recovery under—*

1 (i) section 3729 of title 31, United
2 States Code;

3 (ii) section 1729 of title 38, United
4 States Code; or

5 (iii) Public Law 87–693 (42 U.S.C.
6 2651).

7 (3) The term “covered law” means any law ad-
8 ministered by the Secretary of Veterans Affairs
9 through—

10 (A) the Under Secretary for Health; or

11 (B) the Under Secretary for Benefits.

12 (4) The term “covered period” means—

13 (A) the COVID–19 emergency period; and

14 (B) the 60 days immediately following the
15 date of the end of the COVID–19 emergency pe-
16 riod.

17 (5) The term “COVID–19 emergency period”
18 means the emergency period described in section
19 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
20 1320b-5(g)(1)(B)).

1 **SEC. 106. TOLLING OF DEADLINES RELATING TO CLAIMS**
2 **FOR BENEFITS ADMINISTERED BY SEC-**
3 **RETARY OF VETERANS AFFAIRS.**

4 (a) *REQUIRED TOLLING.*—*With respect to claims and*
5 *appeals made by a claimant, the covered period shall be*
6 *excluded in computing the following:*

7 (1) *In cases where an individual expresses an in-*
8 *tent to file a claim, the period in which the indi-*
9 *vidual is required to file the claim in order to have*
10 *the effective date of the claim be determined based on*
11 *the date of such intent, as described in section*
12 *3.155(b)(1) of title 38, Code of Federal Regulations.*

13 (2) *The period in which the claimant is required*
14 *to take an action pursuant to section 5104C of title*
15 *38, United States Code.*

16 (3) *The period in which the claimant is required*
17 *to appeal a change in service-connected or employ-*
18 *ability status or change in physical condition de-*
19 *scribed in section 5112(b)(6) of such title.*

20 (4) *The period in which an individual is re-*
21 *quired to file a notice of appeal under section 7266*
22 *of such title.*

23 (5) *Any other period in which a claimant or*
24 *beneficiary is required to act with respect to filing,*
25 *perfecting, or appealing a claim, as determined ap-*
26 *propriate by the Secretary of Veterans Affairs.*

1 (b) *USE OF POSTMARK DATES.*—With respect to
2 *claims filed using nonelectronic means and appeals made*
3 *during the covered period, the Secretary of Veterans Affairs*
4 *and the Court of Appeals for Veterans Claims, as the case*
5 *may be, shall administer the provisions of title 38, United*
6 *States Code, as follows:*

7 (1) *In section 5110—*

8 (A) *in subsection (a)—*

9 (i) *in paragraph (1), by substituting*
10 *“the earlier of the date of receipt of applica-*
11 *tion therefor and the date of the postmark*
12 *or other official proof of mailing date of the*
13 *application therefor” for “the date of receipt*
14 *of application therefor”;* and

15 (ii) *in paragraph (3), by substituting*
16 *“the earlier of the date of receipt of the sup-*
17 *plemental claim and the date of the post-*
18 *mark or other official proof of mailing date*
19 *of the supplemental claim” for “the date of*
20 *receipt of the supplemental claim”;* and

21 (B) *in subsection (b)(2)(A), by substituting*
22 *“the earlier of the date of receipt of application*
23 *and the date of the postmark or other official*
24 *proof of mailing date of the application” for “the*
25 *date of receipt of the application”.*

1 (2) *In section 7266, without regard to subsection*
2 *(d).*

3 (c) *DEFINITIONS.—In this section:*

4 (1) *The term “claimant” has the meaning given*
5 *that term in section 5100 of title 38, United States*
6 *Code.*

7 (2) *The term “covered period” means the period*
8 *beginning on the date of the emergency period (as de-*
9 *finied in section 1135(g)(1) of the Social Security Act*
10 *(42 U.S.C. 1320b-5(g)(1))) resulting from the*
11 *COVID–19 pandemic and ending 90 days after the*
12 *last day of such emergency period.*

13 **SEC. 107. PROVISION OF DEPARTMENT OF VETERANS AF-**
14 **FAIRS HOSPITAL CARE AND MEDICAL SERV-**
15 **ICES TO CERTAIN VETERANS WHO ARE UNEM-**
16 **PLOYED OR LOST EMPLOYER-SPONSORED**
17 **HEALTH CARE COVERAGE BY REASON OF A**
18 **COVERED PUBLIC HEALTH EMERGENCY.**

19 (a) *IN GENERAL.—During the 12-month period begin-*
20 *ning on the date on which a covered veteran applies for*
21 *hospital care or medical services under this section, the Sec-*
22 *retary of Veterans Affairs shall consider the covered veteran*
23 *to be unable to defray the expenses of necessary care for*
24 *purposes of section 1722 of title 38, United States Code,*

1 *and shall furnish to such veteran hospital care and medical*
2 *services under chapter 17 of title 38, United States Code.*

3 (b) *COVERED VETERAN.*—*For purposes of this section,*
4 *a covered veteran is a veteran—*

5 (1) *who—*

6 (A) *is unemployed; or*

7 (B) *has lost access to a group health plan*
8 *or group health insurance coverage by reason of*
9 *a covered public health emergency; and*

10 (2) *whose projected attributable income for the*
11 *12-month period beginning on the date of application*
12 *for hospital care or medical services under this section*
13 *is not more than the amount in effect under section*
14 *1722(b) of title 38, United States Code.*

15 (c) *DEFINITIONS.*—*In this section:*

16 (1) *The term “covered public health emergency”*
17 *means the declaration—*

18 (A) *of a public health emergency, based on*
19 *an outbreak of COVID–19 by the Secretary of*
20 *Health and Human Services under section 319*
21 *of the Public Health Service Act (42 U.S.C.*
22 *247d); or*

23 (B) *of a domestic emergency, based on an*
24 *outbreak of COVID–19 by the President, the Sec-*

1 retary of Homeland Security, or State, or local
2 authority.

3 (2) The terms “group health plan” and “group
4 health insurance coverage” have the meaning given
5 such terms in section 2701 of the Public Health Serv-
6 ice Act (42 U.S.C. 300gg-3).

7 **SEC. 108. EXPANSION OF VET CENTER SERVICES TO VET-**
8 **ERANS AND MEMBERS OF THE ARMED**
9 **FORCES WHO PERFORM CERTAIN SERVICE IN**
10 **RESPONSE TO COVERED PUBLIC HEALTH**
11 **EMERGENCY.**

12 (a) *IN GENERAL.*—Section 1712A of title 38, United
13 States Code, is amended—

14 (1) by striking “clauses (i) through (iv)” both
15 places it appears and inserting “clauses (i) through
16 (v)”;

17 (2) by striking “in clause (v)” both places it ap-
18 pears and inserting “in clause (vi)”;

19 (3) in subsection (a)(1)(C)—

20 (A) by redesignating clauses (iv) and (v) as
21 clauses (v) and (vi), respectively; and

22 (B) by inserting after clause (iii) the fol-
23 lowing new clause (iv):

24 “(iv) Any individual who is a veteran or mem-
25 ber of the Armed Forces (including the reserve compo-

1 nents), who, in response to a covered public health
2 emergency, performed active service or State active
3 duty for a period of at least 14 days.”; and

4 (4) in subsection (h), by adding at the end the
5 following new paragraphs:

6 “(4) The term ‘active service’ has the meaning
7 given that term in section 101 of title 10.

8 “(5) The term ‘covered public health emergency’
9 means the declaration—

10 “(A) of a public health emergency, based on
11 an outbreak of COVID–19, by the Secretary of
12 Health and Human Services under section 319
13 of the Public Health Service Act (42 U.S.C.
14 247d); or

15 “(B) of a domestic emergency, based on an
16 outbreak of COVID–19, by the President, the
17 Secretary of Homeland Security, or a State or
18 local authority.”.

19 (b) *CONFORMING AMENDMENT.*—Section 201(q)(4) of
20 the Commander John Scott Hannon Veterans Mental
21 Health Care Improvement Act of 2019 is amended by strik-
22 ing “clauses (i) through (iv) of section 1712A(a)(1)(C)” and
23 inserting “clauses (i) through (v) of section
24 1712A(a)(1)(C)”.

1 ***DIVISION M—CONSUMER PRO-***
2 ***TECTION AND TELECOMMUNI-***
3 ***CATIONS PROVISIONS***
4 ***TITLE I—COVID-19 PRICE***
5 ***GOUGING PREVENTION***

6 ***SEC. 101. SHORT TITLE.***

7 *This title may be cited as the “COVID-19 Price*
8 *Gouging Prevention Act”.*

9 ***SEC. 102. PREVENTION OF PRICE GOUGING.***

10 *(a) IN GENERAL.—For the duration of a public health*
11 *emergency declared pursuant to section 319 of the Public*
12 *Health Service Act (42 U.S.C. 247d) as a result of con-*
13 *firmed cases of 2019 novel coronavirus (COVID-19), in-*
14 *cluding any renewal thereof, it shall be unlawful for any*
15 *person to sell or offer for sale a good or service at a price*
16 *that—*

17 *(1) is unconscionably excessive; and*

18 *(2) indicates the seller is using the circumstances*
19 *related to such public health emergency to increase*
20 *prices unreasonably.*

21 *(b) FACTORS FOR CONSIDERATION.—In determining*
22 *whether a person has violated subsection (a), there shall be*
23 *taken into account, with respect to the price at which such*
24 *person sold or offered for sale the good or service, factors*
25 *that include the following:*

1 (1) *Whether such price grossly exceeds the aver-*
2 *age price at which the same or a similar good or serv-*
3 *ice was sold or offered for sale by such person—*

4 (A) *during the 90-day period immediately*
5 *preceding January 31, 2020; or*

6 (B) *during the period that is 45 days before*
7 *or after the date that is one year before the date*
8 *such good or service is sold or offered for sale*
9 *under subsection (a).*

10 (2) *Whether such price grossly exceeds the aver-*
11 *age price at which the same or a similar good or serv-*
12 *ice was readily obtainable from other similarly situ-*
13 *ated competing sellers before January 31, 2020.*

14 (3) *Whether such price reasonably reflects addi-*
15 *tional costs, not within the control of such person,*
16 *that were paid, incurred, or reasonably anticipated*
17 *by such person, or reasonably reflects the profitability*
18 *of forgone sales or additional risks taken by such per-*
19 *son, to produce, distribute, obtain, or sell such good*
20 *or service under the circumstances.*

21 (c) *ENFORCEMENT.—*

22 (1) *ENFORCEMENT BY FEDERAL TRADE COMMIS-*
23 *SION.—*

24 (A) *UNFAIR OR DECEPTIVE ACTS OR PRAC-*
25 *TICES.—A violation of subsection (a) shall be*

1 *treated as a violation of a regulation under sec-*
2 *tion 18(a)(1)(B) of the Federal Trade Commis-*
3 *sion Act (15 U.S.C. 57a(a)(1)(B)) regarding un-*
4 *fair or deceptive acts or practices.*

5 *(B) POWERS OF COMMISSION.—The Com-*
6 *mission shall enforce subsection (a) in the same*
7 *manner, by the same means, and with the same*
8 *jurisdiction, powers, and duties as though all ap-*
9 *plicable terms and provisions of the Federal*
10 *Trade Commission Act (15 U.S.C. 41 et seq.)*
11 *were incorporated into and made a part of this*
12 *section. Any person who violates such subsection*
13 *shall be subject to the penalties and entitled to*
14 *the privileges and immunities provided in the*
15 *Federal Trade Commission Act.*

16 *(2) EFFECT ON OTHER LAWS.—Nothing in this*
17 *section shall be construed in any way to limit the au-*
18 *thority of the Commission under any other provision*
19 *of law.*

20 *(3) ENFORCEMENT BY STATE ATTORNEYS GEN-*
21 *ERAL.—*

22 *(A) IN GENERAL.—If the chief law enforce-*
23 *ment officer of a State, or an official or agency*
24 *designated by a State, has reason to believe that*
25 *any person has violated or is violating subsection*

1 (a), the attorney general, official, or agency of
2 the State, in addition to any authority it may
3 have to bring an action in State court under its
4 laws, may bring a civil action in any appro-
5 priate United States district court or in any
6 other court of competent jurisdiction, including a
7 State court, to—

8 (i) enjoin further such violation by
9 such person;

10 (ii) enforce compliance with such sub-
11 section;

12 (iii) obtain civil penalties; and

13 (iv) obtain damages, restitution, or
14 other compensation on behalf of residents of
15 the State.

16 (B) NOTICE AND INTERVENTION BY THE
17 FTC.—The attorney general of a State shall pro-
18 vide prior written notice of any action under
19 subparagraph (A) to the Commission and pro-
20 vide the Commission with a copy of the com-
21 plaint in the action, except in any case in which
22 such prior notice is not feasible, in which case
23 the attorney general shall serve such notice im-
24 mediately upon instituting such action. The
25 Commission shall have the right—

- 1 (i) to intervene in the action;
- 2 (ii) upon so intervening, to be heard
- 3 on all matters arising therein; and
- 4 (iii) to file petitions for appeal.

5 (C) *LIMITATION ON STATE ACTION WHILE*

6 *FEDERAL ACTION IS PENDING.*—*If the Commis-*

7 *sion has instituted a civil action for violation of*

8 *this section, no State attorney general, or official*

9 *or agency of a State, may bring an action under*

10 *this paragraph during the pendency of that ac-*

11 *tion against any defendant named in the com-*

12 *plaint of the Commission for any violation of*

13 *this section alleged in the complaint.*

14 (D) *RELATIONSHIP WITH STATE-LAW*

15 *CLAIMS.*—*If the attorney general of a State has*

16 *authority to bring an action under State law di-*

17 *rected at acts or practices that also violate this*

18 *section, the attorney general may assert the*

19 *State-law claim and a claim under this section*

20 *in the same civil action.*

21 (4) *SAVINGS CLAUSE.*—*Nothing in this section*

22 *shall preempt or otherwise affect any State or local*

23 *law.*

24 (d) *DEFINITIONS.*—*In this section:*

1 (1) *COMMISSION.*—*The term “Commission”*
2 *means the Federal Trade Commission.*

3 (2) *GOOD OR SERVICE.*—*The term “good or serv-*
4 *ice” means a good or service offered in commerce, in-*
5 *cluding—*

6 (A) *food, beverages, water, ice, a chemical,*
7 *or a personal hygiene product;*

8 (B) *any personal protective equipment for*
9 *protection from or prevention of contagious dis-*
10 *eases, filtering facepiece respirators, medical*
11 *equipment and supplies (including medical test-*
12 *ing supplies), a drug as defined in section*
13 *201(g)(1) of the Federal Food, Drug, and Cos-*
14 *metic Act (21 U.S.C. 321(g)(1)), cleaning sup-*
15 *plies, disinfectants, sanitizers; or*

16 (C) *any healthcare service, cleaning service,*
17 *or delivery service.*

18 (3) *STATE.*—*The term “State” means each of the*
19 *several States, the District of Columbia, each com-*
20 *monwealth, territory, or possession of the United*
21 *States, and each federally recognized Indian Tribe.*

1 **TITLE II—E-RATE SUPPORT FOR**
2 **WI-FI HOTSPOTS, OTHER**
3 **EQUIPMENT, CONNECTED DE-**
4 **VICES, AND CONNECTIVITY**

5 **SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
6 **EQUIPMENT, CONNECTED DEVICES, AND**
7 **CONNECTIVITY DURING EMERGENCY PERI-**
8 **ODS RELATING TO COVID-19.**

9 (a) *REGULATIONS REQUIRED.*—Not later than 7 days
10 after the date of the enactment of this Act, the Commission
11 shall promulgate regulations providing for the provision,
12 from amounts made available from the Emergency
13 Connectivity Fund established under subsection (j)(1), of
14 support under section 254(h)(1)(B) of the Communications
15 Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elementary
16 school, secondary school, or library (including a Tribal ele-
17 mentary school, Tribal secondary school, or Tribal library)
18 for the purchase during an emergency period described in
19 subsection (f) (including any portion of such a period oc-
20 ccurring before the date of the enactment of this Act) of
21 equipment described in subsection (c), advanced tele-
22 communications and information services, or equipment de-
23 scribed in such subsection and advanced telecommuni-
24 cations and information services, for use by—

1 (1) *in the case of a school, students and staff of*
2 *such school at locations that include locations other*
3 *than such school; and*

4 (2) *in the case of a library, patrons of such li-*
5 *brary at locations that include locations other than*
6 *such library.*

7 **(b) TRIBAL ISSUES.—**

8 (1) **RESERVATION FOR TRIBAL LANDS.—***The*
9 *Commission shall reserve not less than 5 percent of*
10 *the amounts available to the Commission under sub-*
11 *section (j)(2) to provide support under the regulations*
12 *required by subsection (a) to schools and libraries*
13 *that serve persons who are located on Tribal lands.*

14 (2) **ELIGIBILITY OF TRIBAL LIBRARIES.—***For*
15 *purposes of determining the eligibility of a Tribal li-*
16 *brary for support under the regulations required by*
17 *subsection (a), the portion of paragraph (4) of section*
18 *254(h) of the Communications Act of 1934 (47 U.S.C.*
19 *254(h)) relating to eligibility for assistance from a*
20 *State library administrative agency under the Li-*
21 *brary Services and Technology Act shall not apply.*

22 **(c) EQUIPMENT DESCRIBED.—***The equipment de-*
23 *scribed in this subsection is the following:*

24 (1) *Wi-Fi hotspots.*

25 (2) *Modems.*

1 (3) *Routers.*

2 (4) *Devices that combine a modem and router.*

3 (5) *Connected devices.*

4 (d) *PRIORITIZATION OF SUPPORT.—The Commission*
5 *shall provide in the regulations required by subsection (a)*
6 *for a mechanism to require a school or library to prioritize*
7 *the provision of equipment described in subsection (c), ad-*
8 *vanced telecommunications and information services, or*
9 *equipment described in such subsection and advanced tele-*
10 *communications and information services, for which sup-*
11 *port is received under such regulations, to students and staff*
12 *or patrons (as the case may be) that the school or library*
13 *believes do not have access to equipment described in sub-*
14 *section (c), do not have access to advanced telecommuni-*
15 *cations and information services, or have access to neither*
16 *equipment described in subsection (c) nor advanced tele-*
17 *communications and information services, at the residences*
18 *of such students and staff or patrons.*

19 (e) *SUPPORT AMOUNT.—*

20 (1) *REIMBURSEMENT OF 100 PERCENT OF*
21 *COSTS.—In providing support under the regulations*
22 *required by subsection (a), the Commission shall re-*
23 *imburse 100 percent of the costs associated with the*
24 *equipment described in subsection (c), advanced tele-*
25 *communications and information services, or equip-*

1 *ment described in such subsection and advanced tele-*
2 *communications and information services for which*
3 *such support is provided, except that any reimburse-*
4 *ment of a school or library for the costs associated*
5 *with any such equipment may not exceed an amount*
6 *that the Commission determines, with respect to the*
7 *request by such school or library for such reimburse-*
8 *ment, is reasonable.*

9 (2) *SHORTFALL IN FUNDING.—If requests for re-*
10 *imbursement for equipment described in subsection*
11 *(c), advanced telecommunications and information*
12 *services, or equipment described in such subsection*
13 *and advanced telecommunications and information*
14 *services exceed amounts available from the Emergency*
15 *Connectivity Fund established under subsection (j)(1),*
16 *the Commission shall—*

17 (A) *prioritize reimbursements based on the*
18 *assigned discount percentage of each eligible*
19 *school or library requesting reimbursement under*
20 *subpart F of part 54 of title 47, Code of Federal*
21 *Regulations (or any successor regulation), start-*
22 *ing with the eligible schools and libraries with*
23 *the highest discount percentage established under*
24 *such subpart; and*

1 (B) not later than 2 days after the Commis-
2 sion determines that the shortfall in funding ex-
3 ists, notify the Committee on Commerce, Science,
4 and Transportation and the Committee on Ap-
5 propriations of the Senate and the Committee on
6 Energy and Commerce and the Committee on
7 Appropriations of the House of Representatives
8 of such shortfall.

9 (f) *EMERGENCY PERIODS DESCRIBED.*—An emergency
10 period described in this subsection is a period that—

11 (1) begins on the date of a determination by the
12 Secretary of Health and Human Services pursuant to
13 section 319 of the Public Health Service Act (42
14 U.S.C. 247d) that a public health emergency exists as
15 a result of COVID–19; and

16 (2) ends on the June 30 that first occurs after
17 the date on which such determination (including any
18 renewal thereof) terminates.

19 (g) *TREATMENT OF EQUIPMENT AFTER EMERGENCY*
20 *PERIOD.*—The Commission shall provide in the regulations
21 required by subsection (a) that, in the case of a school or
22 library that purchases equipment described in subsection (c)
23 using support received under such regulations, such school
24 or library—

1 (1) *may, after the emergency period with respect*
2 *to which such support is received, use such equipment*
3 *for such purposes as such school or library considers*
4 *appropriate, subject to any restrictions provided in*
5 *such regulations (or any successor regulation); and*

6 (2) *may not sell or otherwise transfer such*
7 *equipment in exchange for any thing (including a*
8 *service) of value, except that such school or library*
9 *may exchange such equipment for upgraded equip-*
10 *ment of the same type.*

11 (h) *RULE OF CONSTRUCTION.*—*Nothing in this section*
12 *shall be construed to affect any authority the Commission*
13 *may have under section 254(h)(1)(B) of the Communica-*
14 *tions Act of 1934 (47 U.S.C. 254(h)(1)(B)) to allow support*
15 *under such section to be used for the purposes described in*
16 *subsection (a) other than as required by such subsection.*

17 (i) *PROCEDURAL MATTERS.*—

18 (1) *PART 54 REGULATIONS.*—*Nothing in this sec-*
19 *tion shall be construed to prevent the Commission*
20 *from providing that the regulations in part 54 of title*
21 *47, Code of Federal Regulations (or any successor reg-*
22 *ulation), shall apply in whole or in part to support*
23 *provided under the regulations required by subsection*
24 *(a), shall not apply in whole or in part to such sup-*

1 *port, or shall be modified in whole or in part for pur-*
2 *poses of application to such support.*

3 (2) *EXEMPTION FROM CERTAIN RULEMAKING RE-*
4 *QUIREMENTS.—Section 553 of title 5, United States*
5 *Code, shall not apply to a regulation promulgated*
6 *under subsection (a) or a rulemaking to promulgate*
7 *such a regulation.*

8 (3) *PAPERWORK REDUCTION ACT EXEMPTION.—*
9 *A collection of information conducted or sponsored*
10 *under the regulations required by subsection (a), or*
11 *under section 254 of the Communications Act of 1934*
12 *(47 U.S.C. 254) in connection with support provided*
13 *under such regulations, shall not constitute a collec-*
14 *tion of information for the purposes of subchapter I*
15 *of chapter 35 of title 44, United States Code (com-*
16 *monly referred to as the Paperwork Reduction Act).*

17 (j) *EMERGENCY CONNECTIVITY FUND.—*

18 (1) *ESTABLISHMENT.—There is established in*
19 *the Treasury of the United States a fund to be known*
20 *as the Emergency Connectivity Fund.*

21 (2) *USE OF FUNDS.—Amounts in the Emergency*
22 *Connectivity Fund shall be available to the Commis-*
23 *sion to provide support under the regulations required*
24 *by subsection (a).*

1 (3) *RELATIONSHIP TO UNIVERSAL SERVICE CON-*
2 *TRIBUTIONS.*—*Support provided under the regula-*
3 *tions required by subsection (a) shall be provided*
4 *from amounts made available under paragraph (2)*
5 *and not from contributions under section 254(d) of*
6 *the Communications Act of 1934 (47 U.S.C. 254(d)).*

7 (k) *DEFINITIONS.*—*In this section:*

8 (1) *ADVANCED TELECOMMUNICATIONS AND IN-*
9 *FORMATION SERVICES.*—*The term “advanced tele-*
10 *communications and information services” means ad-*
11 *vanced telecommunications and information services,*
12 *as such term is used in section 254(h) of the Commu-*
13 *nications Act of 1934 (47 U.S.C. 254(h)).*

14 (2) *COMMISSION.*—*The term “Commission”*
15 *means the Federal Communications Commission.*

16 (3) *CONNECTED DEVICE.*—*The term “connected*
17 *device” means a laptop computer, tablet computer, or*
18 *similar device that is capable of connecting to ad-*
19 *vanced telecommunications and information services.*

20 (4) *LIBRARY.*—*The term “library” includes a li-*
21 *brary consortium.*

22 (5) *TRIBAL LAND.*—*The term “Tribal land”*
23 *means—*

24 (A) *any land located within the boundaries*
25 *of—*

1 (i) an Indian reservation, pueblo, or
2 rancheria; or

3 (ii) a former reservation within Okla-
4 homa;

5 (B) any land not located within the bound-
6 aries of an Indian reservation, pueblo, or
7 rancheria, the title to which is held—

8 (i) in trust by the United States for the
9 benefit of an Indian Tribe or an individual
10 Indian;

11 (ii) by an Indian Tribe or an indi-
12 vidual Indian, subject to restriction against
13 alienation under laws of the United States;
14 or

15 (iii) by a dependent Indian commu-
16 nity;

17 (C) any land located within a region estab-
18 lished pursuant to section 7(a) of the Alaska Na-
19 tive Claims Settlement Act (43 U.S.C. 1606(a));

20 (D) Hawaiian Home Lands, as defined in
21 section 801 of the Native American Housing As-
22 sistance and Self-Determination Act of 1996 (25
23 U.S.C. 4221); or

24 (E) those areas or communities designated
25 by the Assistant Secretary of Indian Affairs of

1 *the Department of the Interior that are near, ad-*
2 *acent, or contiguous to reservations where finan-*
3 *cial assistance and social service programs are*
4 *provided to Indians because of their status as In-*
5 *dians.*

6 (6) *TRIBAL LIBRARY.*—*The term “Tribal li-*
7 *brary” means, only during an emergency period de-*
8 *scribed under subsection (f), a facility owned by an*
9 *Indian Tribe, serving Indian Tribes, or serving*
10 *American Indians, Alaskan Natives, or Native Ha-*
11 *waiian communities, including—*

12 (A) *a Tribal library or Tribal library con-*
13 *sortium; or*

14 (B) *a Tribal government building, chapter*
15 *house, longhouse, community center, or other*
16 *similar public building.*

17 (7) *WI-FI.*—*The term “Wi-Fi” means a wireless*
18 *networking protocol based on Institute of Electrical*
19 *and Electronics Engineers standard 802.11 (or any*
20 *successor standard).*

21 (8) *WI-FI HOTSPOT.*—*The term “Wi-Fi hotspot”*
22 *means a device that is capable of—*

23 (A) *receiving mobile advanced telecommuni-*
24 *cations and information services; and*

1 (B) sharing such services with another de-
2 vice through the use of Wi-Fi.

3 **TITLE III—EMERGENCY BENEFIT**
4 **FOR BROADBAND SERVICE**

5 **SEC. 301. BENEFIT FOR BROADBAND SERVICE DURING**
6 **EMERGENCY PERIODS RELATING TO COVID-**
7 **19.**

8 (a) *PROMULGATION OF REGULATIONS REQUIRED.*—
9 *Not later than 7 days after the date of the enactment of*
10 *this Act, the Commission shall promulgate regulations im-*
11 *plementing this section.*

12 (b) *REQUIREMENTS.*—*The regulations promulgated*
13 *pursuant to subsection (a) shall establish the following:*

14 (1) *EMERGENCY BROADBAND BENEFIT.*—*During*
15 *an emergency period, a provider shall provide an eli-*
16 *gible household with an internet service offering, upon*
17 *request by a member of such household. Such provider*
18 *shall discount the price charged to such household for*
19 *such internet service offering in an amount equal to*
20 *the emergency broadband benefit for such household.*

21 (2) *VERIFICATION OF ELIGIBILITY.*—*To verify*
22 *whether a household is an eligible household, a pro-*
23 *vider shall either—*

24 (A) *use the National Lifeline Eligibility*
25 *Verifier; or*

1 (B) *rely upon an alternative verification*
2 *process of the provider, if the Commission finds*
3 *such process to be sufficient to avoid waste,*
4 *fraud, and abuse.*

5 (3) *USE OF NATIONAL LIFELINE ELIGIBILITY*
6 *VERIFIER.—The Commission shall—*

7 (A) *expedite the ability of all providers to*
8 *access the National Lifeline Eligibility Verifier*
9 *for purposes of determining whether a household*
10 *is an eligible household; and*

11 (B) *ensure that the National Lifeline Eligi-*
12 *bility Verifier approves an eligible household to*
13 *receive the emergency broadband benefit not later*
14 *than two days after the date of the submission of*
15 *information necessary to determine if such*
16 *household is an eligible household.*

17 (4) *EXTENSION OF EMERGENCY PERIOD.—An*
18 *emergency period may be extended within a State or*
19 *any portion thereof if the State, or in the case of*
20 *Tribal land, a Tribal government, provides written,*
21 *public notice to the Commission stipulating that an*
22 *extension is necessary in furtherance of the recovery*
23 *related to COVID–19. The Commission shall, within*
24 *48 hours after receiving such notice, post the notice on*
25 *the public website of the Commission.*

1 (5) *REIMBURSEMENT.*—*From the Emergency*
2 *Broadband Connectivity Fund established in sub-*
3 *section (h), the Commission shall reimburse a pro-*
4 *vider in an amount equal to the emergency broadband*
5 *benefit with respect to an eligible household that re-*
6 *ceives such benefit from such provider.*

7 (6) *REIMBURSEMENT FOR CONNECTED DE-*
8 *VICE.*—*A provider that, in addition to providing the*
9 *emergency broadband benefit to an eligible household,*
10 *supplies such household with a connected device may*
11 *be reimbursed up to \$100 from the Emergency*
12 *Broadband Connectivity Fund established in sub-*
13 *section (h) for such connected device, if the charge to*
14 *such eligible household is more than \$10 but less than*
15 *\$50 for such connected device, except that a provider*
16 *may receive reimbursement for no more than one con-*
17 *nected device per eligible household.*

18 (7) *NO RETROACTIVE REIMBURSEMENT.*—*A pro-*
19 *vider may not receive a reimbursement from the*
20 *Emergency Broadband Connectivity Fund for pro-*
21 *viding an internet service offering discounted by the*
22 *emergency broadband benefit, or for supplying a con-*
23 *nected device, that was provided or supplied (as the*
24 *case may be) before the date of the enactment of this*
25 *Act.*

1 (8) *CERTIFICATION REQUIRED.*—*To receive a re-*
2 *imbursement under paragraph (5) or (6), a provider*
3 *shall certify to the Commission the following:*

4 (A) *That the amount for which the provider*
5 *is seeking reimbursement from the Emergency*
6 *Broadband Connectivity Fund for an internet*
7 *service offering to an eligible household is not*
8 *more than the normal rate.*

9 (B) *That each eligible household for which*
10 *a provider is seeking reimbursement for pro-*
11 *viding an internet service offering discounted by*
12 *the emergency broadband benefit—*

13 (i) *has not been and will not be*
14 *charged—*

15 (I) *for such offering, if the normal*
16 *rate for such offering is less than or*
17 *equal to the amount of the emergency*
18 *broadband benefit for such household;*
19 *or*

20 (II) *more for such offering than*
21 *the difference between the normal rate*
22 *for such offering and the amount of the*
23 *emergency broadband benefit for such*
24 *household;*

1 (ii) will not be required to pay an
2 early termination fee if such eligible house-
3 hold elects to enter into a contract to receive
4 such internet service offering if such house-
5 hold later terminates such contract; and

6 (iii) was not subject to a mandatory
7 waiting period for such internet service of-
8 fering based on having previously received
9 broadband internet access service from such
10 provider.

11 (C) That each eligible household for which
12 the provider is seeking reimbursement for sup-
13 plying such household with a connected device
14 has not been and will not be charged \$10 or less
15 or \$50 or more for such device.

16 (D) A description of the process used by the
17 provider to verify that a household is an eligible
18 household, if the provider elects an alternative
19 verification process under paragraph (2)(B), and
20 that such verification process was designed to
21 avoid waste, fraud, and abuse.

22 (9) *AUDIT REQUIREMENTS.*—The Commission
23 shall adopt audit requirements to ensure that pro-
24 viders are in compliance with the requirements of this
25 section and to prevent waste, fraud, and abuse in the

1 *emergency broadband benefit program established*
2 *under this section.*

3 (c) *ELIGIBLE PROVIDERS.*—*Notwithstanding sub-*
4 *section (e) of this section, the Commission shall provide a*
5 *reimbursement to a provider under this section without re-*
6 *quiring such provider to be designated as an eligible tele-*
7 *communications carrier under section 214(e) of the Com-*
8 *munications Act of 1934 (47 U.S.C. 214(e)).*

9 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
10 *shall affect the collection, distribution, or administration*
11 *of the Lifeline Assistance Program governed by the rules*
12 *set forth in subpart E of part 54 of title 47, Code of Federal*
13 *Regulations (or any successor regulation).*

14 (e) *PART 54 REGULATIONS.*—*Nothing in this section*
15 *shall be construed to prevent the Commission from pro-*
16 *viding that the regulations in part 54 of title 47, Code of*
17 *Federal Regulations (or any successor regulation), shall*
18 *apply in whole or in part to support provided under the*
19 *regulations required by subsection (a), shall not apply in*
20 *whole or in part to such support, or shall be modified in*
21 *whole or in part for purposes of application to such sup-*
22 *port.*

23 (f) *ENFORCEMENT.*—*A violation of this section or a*
24 *regulation promulgated under this section, including the*
25 *knowing or reckless denial of an internet service offering*

1 *discounted by the emergency broadband benefit to an eligi-*
2 *ble household that requests such an offering, shall be treated*
3 *as a violation of the Communications Act of 1934 (47*
4 *U.S.C. 151 et seq.) or a regulation promulgated under such*
5 *Act. The Commission shall enforce this section and the regu-*
6 *lations promulgated under this section in the same manner,*
7 *by the same means, and with the same jurisdiction, powers,*
8 *and duties as though all applicable terms and provisions*
9 *of the Communications Act of 1934 were incorporated into*
10 *and made a part of this section.*

11 *(g) EXEMPTIONS.—*

12 *(1) CERTAIN RULEMAKING REQUIREMENTS.—*
13 *Section 553 of title 5, United States Code, shall not*
14 *apply to a regulation promulgated under subsection*
15 *(a) or a rulemaking to promulgate such a regulation.*

16 *(2) PAPERWORK REDUCTION ACT REQUIRE-*
17 *MENTS.—A collection of information conducted or*
18 *sponsored under the regulations required by sub-*
19 *section (a) shall not constitute a collection of informa-*
20 *tion for the purposes of subchapter I of chapter 35 of*
21 *title 44, United States Code (commonly referred to as*
22 *the Paperwork Reduction Act).*

23 *(h) EMERGENCY BROADBAND CONNECTIVITY FUND.—*

1 (1) *ESTABLISHMENT.*—*There is established in*
2 *the Treasury of the United States a fund to be known*
3 *as the Emergency Broadband Connectivity Fund.*

4 (2) *USE OF FUNDS.*—*Amounts in the Emergency*
5 *Broadband Connectivity Fund shall be available to*
6 *the Commission for reimbursements to providers*
7 *under the regulations required by subsection (a).*

8 (3) *RELATIONSHIP TO UNIVERSAL SERVICE CON-*
9 *TRIBUTIONS.*—*Reimbursements provided under the*
10 *regulations required by subsection (a) shall be pro-*
11 *vided from amounts made available under this sub-*
12 *section and not from contributions under section*
13 *254(d) of the Communications Act of 1934 (47 U.S.C.*
14 *254(d)), except the Commission may use such con-*
15 *tributions if needed to offset expenses associated with*
16 *the reliance on the National Lifeline Eligibility*
17 *Verifier to determine eligibility of households to re-*
18 *ceive the emergency broadband benefit.*

19 (i) *DEFINITIONS.*—*In this section:*

20 (1) *BROADBAND INTERNET ACCESS SERVICE.*—
21 *The term “broadband internet access service” has the*
22 *meaning given such term in section 8.1(b) of title 47,*
23 *Code of Federal Regulations (or any successor regula-*
24 *tion).*

1 (2) *CONNECTED DEVICE.*—*The term “connected*
2 *device” means a laptop or desktop computer or a tab-*
3 *let.*

4 (3) *ELIGIBLE HOUSEHOLD.*—*The term “eligible*
5 *household” means, regardless of whether the household*
6 *or any member of the household receives support*
7 *under subpart E of part 54 of title 47, Code of Fed-*
8 *eral Regulations (or any successor regulation), and*
9 *regardless of whether any member of the household has*
10 *any past or present arrearages with a provider, a*
11 *household in which—*

12 (A) *at least one member of the household*
13 *meets the qualifications in subsection (a) or (b)*
14 *of section 54.409 of title 47, Code of Federal Reg-*
15 *ulations (or any successor regulation);*

16 (B) *at least one member of the household*
17 *has applied for and been approved to receive*
18 *benefits under the free and reduced price lunch*
19 *program under the Richard B. Russell National*
20 *School Lunch Act (42 U.S.C. 1751 et seq.) or the*
21 *school breakfast program under section 4 of the*
22 *Child Nutrition Act of 1966 (42 U.S.C. 1773);*

23 (C) *at least one member of the household*
24 *has experienced a substantial loss of income since*
25 *February 29, 2020, documented by layoff or fur-*

1 *lough notice, application for unemployment in-*
2 *surance benefits, or similar documentation; or*

3 *(D) at least one member of the household*
4 *has received a Federal Pell Grant under section*
5 *401 of the Higher Education Act of 1965 (20*
6 *U.S.C. 1070a) in the current award year.*

7 *(4) EMERGENCY BROADBAND BENEFIT.—The*
8 *term “emergency broadband benefit” means a month-*
9 *ly discount for an eligible household applied to the*
10 *normal rate for an internet service offering, in an*
11 *amount equal to such rate, but not more than \$50, or,*
12 *if an internet service offering is provided to an eligi-*
13 *ble household on Tribal land, not more than \$75.*

14 *(5) EMERGENCY PERIOD.—The term “emergency*
15 *period” means a period that—*

16 *(A) begins on the date of a determination*
17 *by the Secretary of Health and Human Services*
18 *pursuant to section 319 of the Public Health*
19 *Service Act (42 U.S.C. 247d) that a public*
20 *health emergency exists as a result of COVID–19;*
21 *and*

22 *(B) ends on the date that is 6 months after*
23 *the date on which such determination (including*
24 *any renewal thereof) terminates, except as such*
25 *period may be extended under subsection (b)(4).*

1 (2) *the minimum service standard for Lifeline*
2 *supported mobile data service shall provide an unlim-*
3 *ited data allowance each month and 4G speeds, where*
4 *available; and*

5 (3) *the Basic Support Amount and Tribal Lands*
6 *Support Amount, as described in section 54.403 of*
7 *title 47, Code of Federal Regulations (or any suc-*
8 *cessor regulation), shall be increased by an amount*
9 *necessary, as determined by the Commission, to offset*
10 *any incremental increase in cost associated with the*
11 *requirements in paragraphs (1) and (2), but at a*
12 *minimum the Basic Support Amount shall be not less*
13 *than \$25 per month and the Tribal Lands Support*
14 *Amount shall be not less than \$40 per month.*

15 (b) *EXTENSION OF EMERGENCY PERIOD.—An emer-*
16 *gency period may be extended within a State or any por-*
17 *tion thereof for a maximum of six months, if the State, or*
18 *in the case of Tribal land, a Tribal government, provides*
19 *written, public notice to the Commission stipulating that*
20 *an extension is necessary in furtherance of the recovery re-*
21 *lated to COVID–19. The Commission shall, within 48 hours*
22 *after receiving such notice, post the notice on the public*
23 *website of the Commission.*

24 (c) *REGULATIONS.—*

1 (1) *IN GENERAL.*—Not later than 7 days after
2 the date of the enactment of this Act, the Commission
3 shall promulgate regulations implementing this sec-
4 tion.

5 (2) *EXEMPTIONS.*—

6 (A) *CERTAIN RULEMAKING REQUIRE-*
7 *MENTS.*—Section 553 of title 5, United States
8 Code, shall not apply to a regulation promul-
9 gated under paragraph (1) or a rulemaking to
10 promulgate such a regulation.

11 (B) *PAPERWORK REDUCTION ACT REQUIRE-*
12 *MENTS.*—A collection of information conducted
13 or sponsored under the regulations promulgated
14 under paragraph (1), or under section 254 of the
15 Communications Act of 1934 (47 U.S.C. 254) in
16 connection with support provided under such
17 regulations, shall not constitute a collection of
18 information for the purposes of subchapter I of
19 chapter 35 of title 44, United States Code (com-
20 monly referred to as the Paperwork Reduction
21 Act).

22 (d) *EMERGENCY PERIOD DEFINED.*—In this section,
23 the term “emergency period” means a period that—

24 (1) begins on the date of a determination by the
25 Secretary of Health and Human Services pursuant to

1 *section 319 of the Public Health Service Act (42*
2 *U.S.C. 247d) that a public health emergency exists as*
3 *a result of COVID–19; and*

4 *(2) ends on the date that is 6 months after the*
5 *date on which such determination (including any re-*
6 *newal thereof) terminates, except as such period may*
7 *be extended under subsection (b).*

8 **SEC. 303. GRANTS TO STATES TO STRENGTHEN NATIONAL**
9 **LIFELINE ELIGIBILITY VERIFIER.**

10 *(a) IN GENERAL.—From amounts appropriated to*
11 *carry out this section, the Commission shall, not later than*
12 *7 days after the date of the enactment of this Act, make*
13 *a grant to each State, in an amount in proportion to the*
14 *population of such State, for the purpose of connecting the*
15 *database used by such State for purposes of the supple-*
16 *mental nutrition assistance program under the Food and*
17 *Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the Na-*
18 *tional Lifeline Eligibility Verifier, so that the receipt by*
19 *a household of benefits under such program is reflected in*
20 *the National Lifeline Eligibility Verifier.*

21 *(b) DISBURSEMENT OF GRANT FUNDS.—Funds under*
22 *each grant made under subsection (a) shall be disbursed to*
23 *the State receiving such grant not later than 7 days after*
24 *the date of the enactment of this Act.*

1 (c) *CERTIFICATION TO CONGRESS.*—Not later than 21
2 days after the date of the enactment of this Act, the Commis-
3 sion shall certify to the Committee on Energy and Com-
4 merce of the House of Representatives and the Committee
5 on Commerce, Science, and Transportation of the Senate
6 that the grants required by subsection (a) have been made
7 and that funds have been disbursed as required by sub-
8 section (b).

9 **SEC. 304. DEFINITIONS.**

10 *In this title:*

11 (1) *COMMISSION.*—The term “Commission”
12 means the Federal Communications Commission.

13 (2) *NATIONAL LIFELINE ELIGIBILITY*
14 *VERIFIER.*—The term “National Lifeline Eligibility
15 Verifier” has the meaning given such term in section
16 54.400 of title 47, Code of Federal Regulations (or
17 any successor regulation).

18 (3) *STATE.*—The term “State” has the meaning
19 given such term in section 3 of the Communications
20 Act of 1934 (47 U.S.C. 153).

1 **TITLE IV—CONTINUED**
2 **CONNECTIVITY**

3 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

4 **PERIODS RELATING TO COVID-19.**

5 *Title VII of the Communications Act of 1934 (47*
6 *U.S.C. 601 et seq.) is amended by adding at the end the*
7 *following:*

8 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**
9 **GENCY PERIODS RELATING TO COVID-19.**

10 *“(a) IN GENERAL.—During an emergency period de-*
11 *scribed in subsection (c), it shall be unlawful—*

12 *“(1) for a provider of advanced telecommuni-*
13 *cations service or voice service to—*

14 *“(A) terminate, reduce, or change such serv-*
15 *ice provided to any individual customer or small*
16 *business because of the inability of the individual*
17 *customer or small business to pay for such serv-*
18 *ice if the individual customer or small business*
19 *certifies to such provider that such inability to*
20 *pay is a result of disruptions caused by the pub-*
21 *lic health emergency to which such emergency pe-*
22 *riod relates; or*

23 *“(B) impose late fees on any individual*
24 *customer or small business because of the inabil-*
25 *ity of the individual customer or small business*

1 to pay for such service if the individual customer
2 or small business certifies to such provider that
3 such inability to pay is a result of disruptions
4 caused by the public health emergency to which
5 such emergency period relates;

6 “(2) for a provider of advanced telecommuni-
7 cations service to, during such emergency period—

8 “(A) employ a limit on the amount of data
9 allotted to an individual customer or small busi-
10 ness during such emergency period, except that
11 such provider may engage in reasonable network
12 management; or

13 “(B) charge an individual customer or
14 small business an additional fee for exceeding the
15 limit on the data allotted to an individual cus-
16 tomer or small business; or

17 “(3) for a provider of advanced telecommuni-
18 cations service that had functioning Wi-Fi hotspots
19 available to subscribers in public places on the day
20 before the beginning of such emergency period to fail
21 to make service provided by such Wi-Fi hotspots
22 available to the public at no cost during such emer-
23 gency period.

24 “(b) WAIVER.—Upon a petition by a provider ad-
25 vanced telecommunications service or voice service, the pro-

1 *visions in subsection (a) may be suspended or waived by*
2 *the Commission at any time, in whole or in part, for good*
3 *cause shown.*

4 “(c) *EMERGENCY PERIODS DESCRIBED.*—*An emer-*
5 *gency period described in this subsection is any portion be-*
6 *ginning on or after the date of the enactment of this section*
7 *of the duration of a public health emergency declared pursu-*
8 *ant to section 319 of the Public Health Service Act (42*
9 *U.S.C. 247d) as a result of COVID–19, including any re-*
10 *newal thereof.*

11 “(d) *DEFINITIONS.*—*In this section:*

12 “(1) *ADVANCED TELECOMMUNICATIONS SERV-*
13 *ICE.*—*The term ‘advanced telecommunications service’*
14 *means a service that provides advanced telecommuni-*
15 *cations capability (as defined in section 706 of the*
16 *Telecommunications Act of 1996 (47 U.S.C. 1302)).*

17 “(2) *BROADBAND INTERNET ACCESS SERVICE.*—
18 *The term ‘broadband internet access service’ has the*
19 *meaning given such term in section 8.1(b) of title 47,*
20 *Code of Federal Regulations (or any successor regula-*
21 *tion).*

22 “(3) *INDIVIDUAL CUSTOMER.*—*The term ‘indi-*
23 *vidual customer’ means an individual who contracts*
24 *with a mass-market retail provider of advanced tele-*

1 *communications service or voice service to provide*
2 *service to such individual.*

3 “(4) *REASONABLE NETWORK MANAGEMENT.*—

4 *The term ‘reasonable network management’—*

5 “(A) *means the use of a practice that—*

6 “(i) *has a primarily technical network*
7 *management justification; and*

8 “(ii) *is primarily used for and tailored*
9 *to achieving a legitimate network manage-*
10 *ment purpose, taking into account the par-*
11 *ticular network architecture and technology*
12 *of the service; and*

13 “(B) *does not include other business prac-*
14 *tices.*

15 “(5) *SMALL BUSINESS.*—*The term ‘small busi-*
16 *ness’ has the meaning given such term under section*
17 *601(3) of title 5, United States Code.*

18 “(6) *VOICE SERVICE.*—*The term ‘voice service’*
19 *has the meaning given such term under section*
20 *227(e)(8) of the Communications Act of 1934 (47*
21 *U.S.C. 227(e)(8)).*

22 “(7) *WI-FI.*—*The term ‘Wi-Fi’ means a wireless*
23 *networking protocol based on Institute of Electrical*
24 *and Electronics Engineers standard 802.11 (or any*
25 *successor standard).*

1 “(8) *WI-FI HOTSPOT*.—*The term ‘Wi-Fi hotspot’*
2 *means a device that is capable of—*

3 “(A) *receiving mobile broadband internet*
4 *access service; and*

5 “(B) *sharing such service with another de-*
6 *vice through the use of Wi-Fi.”.*

7 ***TITLE V—DON’T BREAK UP THE***
8 ***T-BAND***

9 ***SEC. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND***
10 ***AUCTION T-BAND SPECTRUM.***

11 (a) *REPEAL*.—*Section 6103 of the Middle Class Tax*
12 *Relief and Job Creation Act of 2012 (47 U.S.C. 1413) is*
13 *repealed.*

14 (b) *CLERICAL AMENDMENT*.—*The table of contents in*
15 *section 1(b) of such Act is amended by striking the item*
16 *relating to section 6103.*

17 ***TITLE VI—COVID-19 COMPAS-***
18 ***SION AND MARTHA WRIGHT***
19 ***PRISON PHONE JUSTICE***

20 ***SEC. 601. FINDINGS.***

21 *Congress finds the following:*

22 (1) *Prison, jails, and other confinement facilities*
23 *in the United States have unique telecommunications*
24 *needs due to safety and security concerns.*

1 (2) *Unjust and unreasonable charges for tele-*
2 *phone and advanced communications services in con-*
3 *finement facilities negatively impact the safety and*
4 *security of communities in the United States by dam-*
5 *aging relationships between incarcerated persons and*
6 *their support systems, thereby exacerbating recidi-*
7 *vism.*

8 (3) *The COVID–19 pandemic has greatly inten-*
9 *sified these concerns. Jails and prisons have become*
10 *epicenters for the spread of the virus, with incarcer-*
11 *ated persons concentrated in small, confined spaces*
12 *and often without access to adequate health care. At*
13 *Cook County jail alone, hundreds of incarcerated per-*
14 *sons and jail staff have tested positive for the virus*
15 *since its outbreak.*

16 (4) *To prevent the spread of the virus, many*
17 *jails and prisons across the country suspended public*
18 *visitation, leaving confinement facility communica-*
19 *tions services as the only way that incarcerated per-*
20 *sons can stay in touch with their families.*

21 (5) *All people in the United States, including*
22 *anyone who pays for confinement facility commu-*
23 *nications services, should have access to communica-*
24 *tions services at charges that are just and reasonable.*

1 (6) *Unemployment has risen sharply as a result*
2 *of the COVID–19 pandemic, straining the incomes of*
3 *millions of Americans and making it even more dif-*
4 *ficult for families of incarcerated persons to pay the*
5 *high costs of confinement facility communications*
6 *services.*

7 (7) *Certain markets for confinement facility*
8 *communications services are distorted due to reverse*
9 *competition, in which the financial interests of the*
10 *entity making the buying decision (the confinement*
11 *facility) are aligned with the seller (the provider of*
12 *confinement facility communications services) and*
13 *not the consumer (the incarcerated person or a mem-*
14 *ber of his or her family). This reverse competition oc-*
15 *currs because site commission payments to the confine-*
16 *ment facility from the provider of confinement facil-*
17 *ity communications services are the chief criterion*
18 *many facilities use to select their provider of confine-*
19 *ment facility communications services.*

20 (8) *Charges for confinement facility communica-*
21 *tions services that have been shown to be unjust and*
22 *unreasonable are often a result of site commission*
23 *payments that far exceed the costs incurred by the*
24 *confinement facility in accommodating these services.*

1 (9) *Unjust and unreasonable charges have been*
2 *assessed for both audio and video services and for both*
3 *intrastate and interstate communications from con-*
4 *finement facilities.*

5 (10) *Though Congress enacted emergency legisla-*
6 *tion to allow free communications in Federal prisons*
7 *during the pandemic, it does not cover communica-*
8 *tions to or from anyone incarcerated in State and*
9 *local prisons or jails.*

10 (11) *Mrs. Martha Wright-Reed led a campaign*
11 *for just communications rates for incarcerated people*
12 *for over a decade.*

13 (12) *Mrs. Wright-Reed was the lead plaintiff in*
14 *Wright v. Corrections Corporation of America, CA*
15 *No. 00–293 (GK) (D.D.C. 2001).*

16 (13) *That case ultimately led to the Wright Peti-*
17 *tion at the Federal Communications Commission, CC*
18 *Docket No. 96–128 (November 3, 2003).*

19 (14) *As a grandmother, Mrs. Wright-Reed was*
20 *forced to choose between purchasing medication and*
21 *communicating with her incarcerated grandson.*

22 (15) *Mrs. Wright-Reed passed away on January*
23 *18, 2015, before fully realizing her dream of just com-*
24 *munications rates for all people.*

1 **SEC. 602. REQUIREMENTS FOR CONFINEMENT FACILITY**
2 **COMMUNICATIONS SERVICES, DURING THE**
3 **COVID-19 PANDEMIC AND OTHER TIMES.**

4 (a) *IN GENERAL.*—Section 276 of the Communications
5 Act of 1934 (47 U.S.C. 276) is amended by adding at the
6 end the following:

7 “(e) *ADDITIONAL REQUIREMENTS FOR CONFINEMENT*
8 *FACILITY COMMUNICATIONS SERVICES.*—

9 “(1) *AUTHORITY.*—

10 “(A) *IN GENERAL.*—All charges, practices,
11 classifications, and regulations for and in con-
12 nection with confinement facility communica-
13 tions services shall be just and reasonable, and
14 any such charge, practice, classification, or regu-
15 lation that is unjust or unreasonable is declared
16 to be unlawful.

17 “(B) *RULEMAKING REQUIRED.*—Not later
18 than 18 months after the date of the enactment
19 of this subsection, the Commission shall issue
20 rules to adopt, for the provision of confinement
21 facility communications services, rates and an-
22 cillary service charges that are just and reason-
23 able, which shall be the maximum such rates and
24 charges that a provider of confinement facility
25 communications services may charge for such
26 services. In determining rates and charges that

1 *are just and reasonable, the Commission shall*
2 *adopt such rates and charges based on the aver-*
3 *age industry costs of providing such services*
4 *using data collected from providers of confine-*
5 *ment facility communications services.*

6 “(C) *BIENNIAL REVIEW.*—*Not less fre-*
7 *quently than every 2 years following the issuance*
8 *of rules under subparagraph (B), the Commis-*
9 *sion shall—*

10 “(i) *determine whether the rates and*
11 *ancillary service charges authorized by the*
12 *rules issued under such subparagraph re-*
13 *main just and reasonable; and*

14 “(ii) *if the Commission determines*
15 *under clause (i) that any such rate or*
16 *charge does not remain just and reasonable,*
17 *revise such rules so that such rate or charge*
18 *is just and reasonable.*

19 “(2) *INTERIM RATE CAPS.*—*Until the Commis-*
20 *sion issues the rules required by paragraph (1)(B), a*
21 *provider of confinement facility communications serv-*
22 *ices may not charge a rate for any voice service com-*
23 *munication using confinement facility communica-*
24 *tions services that exceeds the following:*

1 “(A) For debit calling or prepaid calling,
2 \$0.04 per minute.

3 “(B) For collect calling, \$0.05 per minute.

4 “(3) ASSESSMENT ON PER-MINUTE BASIS.—*Ex-*
5 *cept as provided in paragraph (4), a provider of con-*
6 *finement facility communications services—*

7 “(A) shall assess all charges for a commu-
8 nication using such services on a per-minute
9 basis for the actual duration of the communi-
10 cation, measured from communication acceptance
11 to termination, rounded up to the next full
12 minute, except in the case of charges for services
13 that the confinement facility offers free of charge
14 or for amounts below the amounts permitted
15 under this subsection; and

16 “(B) may not charge a per-communication
17 or per-connection charge for a communication
18 using such services.

19 “(4) ANCILLARY SERVICE CHARGES.—

20 “(A) GENERAL PROHIBITION.—A provider
21 of confinement facility communications services
22 may not charge an ancillary service charge other
23 than—

24 “(i) if the Commission has not yet
25 issued the rules required by paragraph

1 (1)(B), a charge listed in subparagraph (B)
2 of this paragraph; or

3 “(ii) a charge authorized by the rules
4 adopted by the Commission under para-
5 graph (1).

6 “(B) *PERMITTED CHARGES AND RATES.*—If
7 the Commission has not yet issued the rules re-
8 quired by paragraph (1)(B), a provider of con-
9 finement facility communications services may
10 not charge a rate for an ancillary service charge
11 in excess of the following:

12 “(i) In the case of an automated pay-
13 ment fee, 2.9 percent of the total charge on
14 which the fee is assessed.

15 “(ii) In the case of a fee for single-call
16 and related services, the exact transaction
17 fee charged by the third-party provider,
18 with no markup.

19 “(iii) In the case of a live agent fee,
20 \$5.95 per use.

21 “(iv) In the case of a paper bill or
22 statement fee, \$2 per use.

23 “(v) In the case of a third-party finan-
24 cial transaction fee, the exact fee, with no

1 *markup, charged by the third party for the*
2 *transaction.*

3 “(5) *PROHIBITION ON SITE COMMISSIONS.*—A
4 *provider of confinement facility communications serv-*
5 *ices may not assess a site commission.*

6 “(6) *RELATIONSHIP TO STATE LAW.*—A State or
7 *political subdivision of a State may not enforce any*
8 *law, rule, regulation, standard, or other provision*
9 *having the force or effect of law relating to confine-*
10 *ment facility communications services that allows for*
11 *higher rates or other charges to be assessed for such*
12 *services than is permitted under any Federal law or*
13 *regulation relating to confinement facility commu-*
14 *nications services.*

15 “(7) *DEFINITIONS.*—*In this subsection:*

16 “(A) *ANCILLARY SERVICE CHARGE.*—*The*
17 *term ‘ancillary service charge’ means any charge*
18 *a consumer may be assessed for the setting up or*
19 *use of a confinement facility communications*
20 *service that is not included in the per-minute*
21 *charges assessed for individual communications.*

22 “(B) *AUTOMATED PAYMENT FEE.*—*The term*
23 *‘automated payment fee’ means a credit card*
24 *payment, debit card payment, or bill processing*
25 *fee, including a fee for a payment made by*

1 *means of interactive voice response, the internet,*
2 *or a kiosk.*

3 “(C) *COLLECT CALLING.*—*The term ‘collect*
4 *calling’ means an arrangement whereby a credit-*
5 *qualified party agrees to pay for charges associ-*
6 *ated with a communication made to such party*
7 *using confinement facility communications serv-*
8 *ices and originating from within a confinement*
9 *facility.*

10 “(D) *CONFINEMENT FACILITY.*—*The term*
11 *‘confinement facility’—*

12 “(i) *means a jail or a prison; and*

13 “(ii) *includes any juvenile, detention,*
14 *work release, or mental health facility that*
15 *is used primarily to hold individuals who*
16 *are—*

17 “(I) *awaiting adjudication of*
18 *criminal charges or an immigration*
19 *matter; or*

20 “(II) *serving a sentence for a*
21 *criminal conviction.*

22 “(E) *CONFINEMENT FACILITY COMMUNICA-*
23 *TIONS SERVICE.*—*The term ‘confinement facility*
24 *communications service’ means a service that al-*
25 *lows incarcerated persons to make electronic*

1 *communications (whether intrastate, interstate,*
2 *or international and whether made using video,*
3 *audio, or any other communicative method, in-*
4 *cluding advanced communications services) to*
5 *individuals outside the confinement facility, or*
6 *to individuals inside the confinement facility,*
7 *where the incarcerated person is being held, re-*
8 *gardless of the technology used to deliver the*
9 *service.*

10 “(F) *CONSUMER.*—*The term ‘consumer’*
11 *means the party paying a provider of confine-*
12 *ment facility communications services.*

13 “(G) *DEBIT CALLING.*—*The term ‘debit call-*
14 *ing’ means a presubscription or comparable serv-*
15 *ice which allows an incarcerated person, or*
16 *someone acting on an incarcerated person’s be-*
17 *half, to fund an account set up through a pro-*
18 *vider that can be used to pay for confinement fa-*
19 *cility communications services originated by the*
20 *incarcerated person.*

21 “(H) *FEE FOR SINGLE-CALL AND RELATED*
22 *SERVICES.*—*The term ‘fee for single-call and re-*
23 *lated services’ means a billing arrangement*
24 *whereby communications made by an incarcer-*
25 *ated person using collect calling are billed*

1 through a third party on a per-communication
2 basis, where the recipient does not have an ac-
3 count with the provider of confinement facility
4 communications services.

5 “(I) *INCARCERATED PERSON*.—The term
6 ‘incarcerated person’ means a person detained at
7 a confinement facility, regardless of the duration
8 of the detention.

9 “(J) *JAIL*.—The term ‘jail’—

10 “(i) means a facility of a law enforce-
11 ment agency of the Federal Government or
12 of a State or political subdivision of a State
13 that is used primarily to hold individuals
14 who are—

15 “(I) awaiting adjudication of
16 criminal charges;

17 “(II) post-conviction and com-
18 mitted to confinement for sentences of
19 one year or less; or

20 “(III) post-conviction and await-
21 ing transfer to another facility; and

22 “(ii) includes—

23 “(I) city, county, or regional fa-
24 cilities that have contracted with a pri-

1 *vate company to manage day-to-day*
2 *operations;*

3 *“(II) privately-owned and oper-*
4 *ated facilities primarily engaged in*
5 *housing city, county, or regional incar-*
6 *cerated persons; and*

7 *“(III) facilities used to detain in-*
8 *dividuals pursuant to a contract with*
9 *U.S. Immigration and Customs En-*
10 *forcement.*

11 *“(K) LIVE AGENT FEE.—The term ‘live*
12 *agent fee’ means a fee associated with the op-*
13 *tional use of a live operator to complete a con-*
14 *finement facility communications service trans-*
15 *action.*

16 *“(L) PAPER BILL OR STATEMENT FEE.—*
17 *The term ‘paper bill or statement fee’ means a*
18 *fee associated with providing a consumer an op-*
19 *tional paper billing statement.*

20 *“(M) PER-COMMUNICATION OR PER-CONNEC-*
21 *TION CHARGE.—The term ‘per-communication or*
22 *per-connection charge’ means a one-time fee*
23 *charged to a consumer at the initiation of a*
24 *communication.*

1 “(N) *PREPAID CALLING.*—*The term ‘pre-*
2 *paid calling’ means a calling arrangement that*
3 *allows a consumer to pay in advance for a speci-*
4 *fied amount of confinement facility communica-*
5 *tions services.*

6 “(O) *PRISON.*—*The term ‘prison’—*

7 “(i) *means a facility operated by a*
8 *State or Federal agency that is used pri-*
9 *marily to confine individuals convicted of*
10 *felonies and sentenced to terms in excess of*
11 *one year; and*

12 “(ii) *includes—*

13 “(I) *public and private facilities*
14 *that provide outsource housing to State*
15 *or Federal agencies such as State De-*
16 *partments of Correction and the Fed-*
17 *eral Bureau of Prisons; and*

18 “(II) *facilities that would other-*
19 *wise be jails but in which the majority*
20 *of incarcerated persons are post-convic-*
21 *tion or are committed to confinement*
22 *for sentences of longer than one year.*

23 “(P) *PROVIDER OF CONFINEMENT FACILITY*
24 *COMMUNICATIONS SERVICES.*—*The term ‘pro-*
25 *vider of confinement facility communications*

1 *services’ means any communications service pro-*
2 *vider that provides confinement facility commu-*
3 *nications services, regardless of the technology*
4 *used.*

5 “(Q) *SITE COMMISSION.*—*The term ‘site*
6 *commission’ means any monetary payment, in-*
7 *kind payment, gift, exchange of services or goods,*
8 *fee, technology allowance, or product that a pro-*
9 *vider of confinement facility communications*
10 *services or an affiliate of a provider of confine-*
11 *ment facility communications services may pay,*
12 *give, donate, or otherwise provide to—*

13 “(i) *an entity that operates a confine-*
14 *ment facility;*

15 “(ii) *an entity with which the provider*
16 *of confinement facility communications*
17 *services enters into an agreement to provide*
18 *confinement facility communications serv-*
19 *ices;*

20 “(iii) *a governmental agency that over-*
21 *sees a confinement facility;*

22 “(iv) *the State or political subdivision*
23 *of a State where a confinement facility is*
24 *located; or*

1 “(v) *an agent or other representative of*
2 *an entity described in any of clauses (i)*
3 *through (iv).*

4 “(R) *THIRD-PARTY FINANCIAL TRANSACTION*
5 *FEE.—The term ‘third-party financial trans-*
6 *action fee’ means the exact fee, with no markup,*
7 *that a provider of confinement facility commu-*
8 *nications services is charged by a third party to*
9 *transfer money or process a financial trans-*
10 *action to facilitate the ability of a consumer to*
11 *make an account payment via a third party.*

12 “(S) *VOICE SERVICE.—The term ‘voice serv-*
13 *ice’—*

14 “(i) *means any service that is inter-*
15 *connected with the public switched telephone*
16 *network and that furnishes voice commu-*
17 *nications to an end user using resources*
18 *from the North American Numbering Plan*
19 *or any successor to the North American*
20 *Numbering Plan adopted by the Commis-*
21 *sion under section 251(e)(1); and*

22 “(ii) *includes—*

23 “(I) *transmissions from a tele-*
24 *phone facsimile machine, computer, or*

1 *other device to a telephone facsimile*
2 *machine; and*

3 “(II) *without limitation, any*
4 *service that enables real-time, two-way*
5 *voice communications, including any*
6 *service that requires internet protocol-*
7 *compatible customer premises equip-*
8 *ment (commonly known as ‘CPE’) and*
9 *permits out-bound calling, whether or*
10 *not the service is one-way or two-way*
11 *voice over internet protocol.”.*

12 (b) *CONFORMING AMENDMENT.*—*Section 276(d) of the*
13 *Communications Act of 1934 (47 U.S.C. 276(d)) is amend-*
14 *ed by striking “inmate telephone service in correctional in-*
15 *stitutions” and inserting “confinement facility communica-*
16 *tions services (as defined in subsection (e)(7))”.*

17 (c) *EXISTING CONTRACTS.*—

18 (1) *IN GENERAL.*—*In the case of a contract that*
19 *was entered into and under which a provider of con-*
20 *finement facility communications services was pro-*
21 *viding such services at a confinement facility on or*
22 *before the date of the enactment of this Act—*

23 (A) *paragraphs (1) through (5) of sub-*
24 *section (e) of section 276 of the Communications*
25 *Act of 1934, as added by subsection (a) of this*

1 *section, shall apply to the provision of confine-*
2 *ment facility communications services by such*
3 *provider at such facility beginning on the earlier*
4 *of—*

5 *(i) the date that is 60 days after such*
6 *date of enactment; or*

7 *(ii) the date of the termination of the*
8 *contract; and*

9 *(B) the terms of such contract may not be*
10 *extended after such date of enactment, whether*
11 *by exercise of an option or otherwise.*

12 (2) *DEFINITIONS.—In this subsection, the terms*
13 *“confinement facility”, “confinement facility commu-*
14 *nications service”, and “provider of confinement fa-*
15 *ility communications services” have the meanings*
16 *given such terms in paragraph (7) of subsection (e)*
17 *of section 276 of the Communications Act of 1934, as*
18 *added by subsection (a) of this section.*

19 **SEC. 603. AUTHORITY.**

20 *Section 2(b) of the Communications Act of 1934 (47*
21 *U.S.C. 152(b)) is amended by inserting “section 276,” after*
22 *“227, inclusive,”.*

1 ***DIVISION N—AGRICULTURE***
2 ***PROVISIONS***

3 ***SEC. 100. DEFINITIONS.***

4 *In this division:*

5 (1) *The term “COVID–19” means the disease*
6 *caused by SARS–CoV–2, or any viral strain mutat-*
7 *ing therefrom with pandemic potential.*

8 (2) *The term “COVID–19 public health emer-*
9 *gency” means the public health emergency declared by*
10 *the Secretary of Health and Human Services under*
11 *section 319 of the Public Health Services Act (42*
12 *U.S.C. 247d) on January 31, 2020, with respect to*
13 *COVID–19 (including any renewal of that declara-*
14 *tion).*

15 (3) *The term “Secretary” means the Secretary of*
16 *Agriculture.*

17 ***TITLE I—LIVESTOCK AND***
18 ***POULTRY***

19 ***SEC. 101. ESTABLISHMENT OF TRUST FOR BENEFIT OF UN-***
20 ***PAID CASH SELLERS OF LIVESTOCK.***

21 *The Packers and Stockyards Act, 1921, is amended by*
22 *inserting after section 317 (7 U.S.C. 217a) the following*
23 *new section:*

24 ***“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.***

25 ***“(a) ESTABLISHMENT.—***

1 “(1) *IN GENERAL.*—All livestock purchased by a
2 dealer in cash sales and all inventories of, or receiv-
3 ables or proceeds from, such livestock shall be held by
4 such dealer in trust for the benefit of all unpaid cash
5 sellers of such livestock until full payment has been
6 received by such unpaid cash sellers.

7 “(2) *EXEMPTION.*—Any dealer whose average an-
8 nual purchases of livestock do not exceed \$100,000
9 shall be exempt from the provisions of this section.

10 “(3) *EFFECT OF DISHONORED INSTRUMENTS.*—
11 For purposes of determining full payment under
12 paragraph (1), a payment to an unpaid cash seller
13 shall not be considered to have been made if the un-
14 paid cash seller receives a payment instrument that
15 is dishonored.

16 “(b) *PRESERVATION OF TRUST.*—An unpaid cash sell-
17 er shall lose the benefit of a trust under subsection (a) if
18 the unpaid cash seller has not preserved the trust by giving
19 written notice to the dealer involved and filing such notice
20 with the Secretary—

21 “(1) within 30 days of the final date for making
22 a payment under section 409 in the event that a pay-
23 ment instrument has not been received; or

24 “(2) within 15 business days after the date on
25 which the seller receives notice that the payment in-

1 *strument promptly presented for payment has been*
2 *dishonored.*

3 “(c) *NOTICE TO LIEN HOLDERS.*—*When a dealer re-*
4 *ceives notice under subsection (b) of the unpaid cash seller’s*
5 *intent to preserve the benefits of the trust, the dealer shall,*
6 *within 15 business days, give notice to all persons who have*
7 *recorded a security interest in, or lien on, the livestock held*
8 *in such trust.*

9 “(d) *CASH SALES DEFINED.*—*For the purpose of this*
10 *section, a cash sale means a sale in which the seller does*
11 *not expressly extend credit to the buyer.*

12 “(e) *PURCHASE OF LIVESTOCK SUBJECT TO TRUST.*—

13 “(1) *IN GENERAL.*—*A person purchasing live-*
14 *stock subject to a dealer trust shall receive good title*
15 *to the livestock if the person receives the livestock—*

16 “(A) *in exchange for payment of new value;*

17 *and*

18 “(B) *in good faith without notice that the*
19 *transfer is a breach of trust.*

20 “(2) *DISHONORED PAYMENT INSTRUMENT.*—

21 *Payment shall not be considered to have been made*
22 *if a payment instrument given in exchange for the*
23 *livestock is dishonored.*

24 “(3) *TRANSFER IN SATISFACTION OF ANTE-*
25 *CEDENT DEBT.*—*A transfer of livestock subject to a*

1 *dealer trust is not for value if the transfer is in satis-*
2 *faction of an antecedent debt or to a secured party*
3 *pursuant to a security agreement.*

4 “(f) *ENFORCEMENT.*—*Whenever the Secretary has rea-*
5 *son to believe that a dealer subject to this section has failed*
6 *to perform the duties required by this section or whenever*
7 *the Secretary has reason to believe that it will be in the*
8 *best interest of unpaid cash sellers, the Secretary shall do*
9 *one or more of the following—*

10 “(1) *Appoint an independent trustee to carry out*
11 *the duties required by this section, preserve trust as-*
12 *sets, and enforce the trust.*

13 “(2) *Serve as independent trustee, preserve trust*
14 *assets, and enforce the trust.*

15 “(3) *File suit in the United States district court*
16 *for the district in which the dealer resides to enjoin*
17 *the dealer’s failure to perform the duties required by*
18 *this section, preserve trust assets, and to enforce the*
19 *trust. Attorneys employed by the Secretary may, with*
20 *the approval of the Attorney General, represent the*
21 *Secretary in any such suit. Nothing herein shall pre-*
22 *clude unpaid sellers from filing suit to preserve or en-*
23 *force the trust.”.*

1 **SEC. 102. EMERGENCY ASSISTANCE FOR MARKET-READY**
2 **LIVESTOCK AND POULTRY LOSSES.**

3 (a) *IN GENERAL.*—*The Secretary shall make payments*
4 *to covered producers to offset the losses of income related*
5 *to the intentional depopulation of market-ready livestock*
6 *and poultry due to insufficient regional access to meat and*
7 *poultry processing related to the COVID–19 public health*
8 *emergency, as determined by the Secretary.*

9 (b) *PAYMENT RATE FOR COVERED PRODUCERS.*—

10 (1) *PAYMENTS FOR FIRST 30-DAY PERIOD.*—*For*
11 *a period of 30 days beginning, with respect to a cov-*
12 *ered producer, on the initial date of depopulation de-*
13 *scribed in subsection (a) of the market-ready livestock*
14 *or poultry of the covered producer, the Secretary shall*
15 *reimburse such covered producer for 85 percent of the*
16 *value of losses as determined under subsection (c).*

17 (2) *SUBSEQUENT 30-DAY PERIODS.*—*For each*
18 *30-day period subsequent to the 30-day period de-*
19 *scribed in paragraph (1), the Secretary shall reduce*
20 *the value of the losses as determined under subsection*
21 *(c) with respect to a covered producer by 10 percent.*

22 (c) *VALUATION.*—*In calculating the amount of losses*
23 *for purposes of the payment rates under subsection (b), the*
24 *Secretary shall use the average fair market value, as deter-*
25 *mined by the Secretary in collaboration with the Chief*
26 *Economist of the Department of Agriculture and the Ad-*

1 *administrator of the Agricultural Marketing Service, for mar-*
2 *ket-ready livestock, where applicable, and market-ready*
3 *poultry, where applicable, during the period beginning on*
4 *March 1, 2020, and ending on the date of the enactment*
5 *of this section. In no case shall a payment made under sub-*
6 *section (b) and compensation received from any other source*
7 *exceed the average market value of market-ready livestock*
8 *or poultry on the date of depopulation.*

9 (d) *PACKER-OWNED ANIMALS EXCLUDED.—The Sec-*
10 *retary may not make payments under this section for the*
11 *actual losses of livestock owned by a packer or poultry*
12 *owned by a live poultry dealer.*

13 (e) *DEFINITIONS.—In this section:*

14 (1) *COVERED PRODUCER.—The term “covered*
15 *producer” means a person or legal entity that as-*
16 *sumes the production and market risks associated*
17 *with the agricultural production of livestock and*
18 *poultry (as such terms are defined in section 2(a) of*
19 *the Packers and Stockyards Act, 1921 (7 U.S.C.*
20 *182(a)).*

21 (2) *PACKER.—The term “packer” has the mean-*
22 *ing given the term in section 201 of the Packers and*
23 *Stockyards Act, 1921 (7 U.S.C. 191).*

24 (3) *LIVE POULTRY DEALER.—The term “live*
25 *poultry dealer” has the meaning given the term in*

1 *section 2(a) of the Packers and Stockyards Act, 1921*
 2 *(7 U.S.C. 182(a)).*

3 (4) *INTENTIONAL DEPOPULATION.*—*The term*
 4 *“intentional depopulation” means—*

5 (A) *the destruction of livestock or poultry;*
 6 *and*

7 (B) *the transfer of livestock or poultry to a*
 8 *noncommercial interest.*

9 (f) *FUNDING.*—*Out of any amounts of the Treasury*
 10 *not otherwise appropriated, there is appropriated to carry*
 11 *out this section such sums as may be necessary, to remain*
 12 *available until expended.*

13 **SEC. 103. ANIMAL DISEASE PREVENTION AND MANAGE-**
 14 **MENT RESPONSE.**

15 *Out of any amounts in the Treasury not otherwise ap-*
 16 *propriated, there is appropriated to carry out section*
 17 *10409A of the Animal Health Protection Act (7 U.S.C.*
 18 *8308A) \$300,000,000, to remain available until expended.*

19 **SEC. 104. GRANTS FOR IMPROVEMENTS TO MEAT AND**
 20 **POULTRY FACILITIES TO ALLOW FOR INTER-**
 21 **STATE SHIPMENT.**

22 (a) *IN GENERAL.*—*The Secretary, acting through the*
 23 *Administrator of the Agricultural Marketing Service and*
 24 *in consultation with the Administrator of the Food Safety*
 25 *Inspection Service, shall make grants to meat and poultry*

1 *processing facilities (including facilities operating under*
2 *State inspection or facilities that are exempt from Federal*
3 *inspection) in operation as of the date on which an applica-*
4 *tion for such a grant is made to assist such facilities with*
5 *respect to costs incurred in making improvements to such*
6 *facilities and carrying out other planning activities nec-*
7 *essary to be subject to inspection under the Federal Meat*
8 *Inspection Act (21 U.S.C. 601 et seq.), or the Poultry Prod-*
9 *ucts Inspection Act (21 U.S.C. 451 et seq.).*

10 (b) *GRANT AMOUNT.*—*The amount of a grant under*
11 *this section shall not exceed \$100,000.*

12 (c) *CONDITION.*—*As a condition on receipt of a grant*
13 *under this section, a grant recipient shall agree that if the*
14 *recipient is not subject to inspection or making a good faith*
15 *effort to be subject to inspection under the Federal Meat*
16 *Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Prod-*
17 *ucts Inspection Act (21 U.S.C. 451 et seq.) within 36*
18 *months of receiving such grant, the grant recipient shall*
19 *make a payment (or payments) to the Secretary in an*
20 *amount equal to the amount of the grant.*

21 (d) *MATCHING FUNDS.*—

22 (1) *IN GENERAL.*—*Except as provided in para-*
23 *graph (2), the Secretary shall require a grant recipi-*
24 *ent under this section to provide matching non-Fed-*

1 *eral funds in an amount equal to the amount of a*
2 *grant.*

3 (2) *EXCEPTION.—The Secretary shall not require*
4 *any recipient of a grant under this section to provide*
5 *matching funds with respect to a grant awarded in*
6 *fiscal year 2021.*

7 (e) *REPORTS.—*

8 (1) *REPORTS ON GRANTS MADE.—Beginning not*
9 *later than one year after the date on which the first*
10 *grant is awarded under this section, and annually*
11 *thereafter, the Secretary shall submit to the Com-*
12 *mittee on Agriculture and the Committee on Appro-*
13 *propriations of the House of Representatives and the*
14 *Committee on Agriculture, Nutrition, and Forestry*
15 *and the Committee on Appropriations of the Senate*
16 *a report on grants made under this section and any*
17 *facilities that were upgraded using such funds during*
18 *the year covered by the report.*

19 (2) *REPORT ON THE COOPERATIVE INTERSTATE*
20 *SHIPMENT PROGRAM.—Beginning not later than one*
21 *year after the date of the enactment of this section, the*
22 *Secretary shall submit to the Committee on Agri-*
23 *culture and the Committee on Appropriations of the*
24 *House of Representatives and the Committee on Agri-*
25 *culture, Nutrition, and Forestry and the Committee*

1 *on Appropriations of the Senate a report of any rec-*
2 *ommendations, developed in consultation with all*
3 *States, for possible improvements to the cooperative*
4 *interstate shipment programs under section 501 of the*
5 *Federal Meat Inspection Act (21 U.S.C. 683) and sec-*
6 *tion 31 of the Poultry Products Inspection Act (21*
7 *U.S.C. 472).*

8 *(f) FUNDING.—Of the funds of the Treasury not other-*
9 *wise appropriated, there is appropriated to carry out this*
10 *section \$100,000,000 for the period of fiscal years 2021*
11 *through 2023.*

12 **SEC. 105. PAYMENTS TO CONTRACT PRODUCERS.**

13 *(a) IN GENERAL.—The Secretary shall make payments*
14 *to contract growers of livestock or poultry to cover revenue*
15 *losses in response to the COVID–19 pandemic.*

16 *(b) LIVESTOCK AND POULTRY LOSSES NOT COVERED*
17 *BY THE FIRST OR SECOND CORONAVIRUS FOOD ASSIST-*
18 *ANCE PROGRAM.—In the case of livestock or poultry related*
19 *revenue losses for which a contract grower is ineligible to*
20 *receive direct payments under the first coronavirus food as-*
21 *sistance program or the second coronavirus food assistance*
22 *program, the Secretary shall base payments required under*
23 *subsection (a), per commodity, by comparing—*

1 (1) *the revenue losses for the period beginning on*
2 *January 15, 2020, and ending on December 31, 2020;*
3 *and*

4 (2) *historical revenue.*

5 (c) *ADJUSTED GROSS INCOME LIMITATIONS.*—A pay-
6 *ment under this section shall be deemed to be a covered ben-*
7 *efit under section 1001D(b)(2) of the Food Security Act of*
8 *1985 (7 U.S.C. 1308–3a(b)(2)), unless at least 75 percent*
9 *of the adjusted gross income of the recipient of the payment*
10 *is derived from activities related to farming, ranching, or*
11 *forestry.*

12 (d) *PAYMENTS.*—*The Secretary shall begin making*
13 *payments under subsection (a) not later than 60 days after*
14 *the date of the enactment of this section.*

15 (e) *FUNDING.*—*There is appropriated, out of any*
16 *funds in the Treasury not otherwise appropriated, to carry*
17 *out this section \$1,250,000,000, to remain available until*
18 *expended.*

19 (f) *DEFINITIONS.*—*In this section:*

20 (1) *CFAP DEFINITIONS.*—

21 (A) *FIRST CORONAVIRUS FOOD ASSISTANCE*
22 *PROGRAM.*—*The term “first coronavirus food as-*
23 *sistance program” means the first coronavirus*
24 *food assistance program (CFAP1) of the Depart-*

1 *ment of Agriculture under sections 9.101 and*
2 *9.102 of title 7, Code of Federal Regulations.*

3 (B) *SECOND CORONAVIRUS FOOD ASSIST-*
4 *ANCE PROGRAM.—The term “second coronavirus*
5 *food assistance program” means the second*
6 *coronavirus food assistance program (CFAP2) of*
7 *the Department of Agriculture under sections*
8 *9.201 and 9.202 of title 7, Code of Federal Regu-*
9 *lations.*

10 (2) *CONTRACT GROWER.—The term “contract*
11 *grower” means a grower of livestock or poultry, in-*
12 *cluding poultry used for egg production, and does not*
13 *include a packer, live poultry dealer, processor, inte-*
14 *grator, or any other business entity relating to live-*
15 *stock or poultry production that does not raise live-*
16 *stock or poultry.*

17 (3) *LIVE POULTRY DEALER.—The term “live*
18 *poultry dealer” has the meaning given the term in*
19 *section 2(a) of the Packers and Stockyards Act, 1921*
20 *(7 U.S.C. 182(a)).*

21 (4) *PACKER.—The term “packer” has the mean-*
22 *ing given the term in section 201 of the Packers and*
23 *Stockyards Act, 1921 (7 U.S.C. 191).*

1 (5) *REVENUE*.—*The term “revenue” means in-*
2 *come derived only from contract livestock or poultry*
3 *production.*

4 **SEC. 106. REPORTS AND OUTREACH RELATED TO MEAT AND**
5 **POULTRY PROCESSING.**

6 (a) *STUDY AND REPORT ON PROCESSING CAPACITY*
7 *REQUIRED*.—

8 (1) *STUDY REQUIRED*.—*The Secretary shall con-*
9 *duct a study on covered processing facilities, which*
10 *shall assess with respect to such facilities in each*
11 *State and region—*

12 (A) *the available monthly and annual*
13 *slaughter capacity of such facilities,*
14 *disaggregated by type of facility and whether*
15 *that capacity is sufficient to meet the national,*
16 *State, and regional need, including on a local*
17 *basis;*

18 (B) *the available cold storage capacity of*
19 *such facilities, disaggregated by type of facility;*

20 (C) *the number and age of established proc-*
21 *essing facilities, disaggregated by type of facility;*

22 (D) *the ownership demographics of covered*
23 *processing facilities, including—*

24 (i) *whether such facilities are foreign*
25 *or domestically-owned; and*

1 (ii) the business structure of such proc-
2 essing facilities;

3 (E) the available slaughter capacity for
4 livestock and poultry not grown under contract,
5 disaggregated by type of facility and species so
6 slaughtered;

7 (F) with respect to each species slaughtered
8 at covered processing facilities, the estimated dis-
9 tance between livestock and poultry production
10 and processing and the transportation costs asso-
11 ciated with such processing;

12 (G) any opportunities to support new or in-
13 novative processing partnerships that would in-
14 crease resiliency and flexibility of slaughter and
15 processing capacity; and

16 (H) the barriers to increasing the avail-
17 ability of slaughter and processing of meat and
18 poultry, including with respect to—

19 (i) expanding existing facilities;

20 (ii) creating additional facilities; and

21 (iii) reactivating closed facilities.

22 (2) COVERED PROCESSING FACILITY DEFINED.—

23 In this section, the term “covered processing facility”
24 means a facility that slaughters or otherwise processes

1 *meat or poultry in the United States, including the*
2 *following types of facilities:*

3 *(A) Facilities subject to Federal inspection*
4 *under the Federal Meat Inspection Act (21*
5 *U.S.C. 601 et seq.) or the Poultry Products In-*
6 *spection Act (21 U.S.C. 451 et seq.), as applica-*
7 *ble.*

8 *(B) Facilities subject to State inspection*
9 *under a meat and poultry inspection program*
10 *agreement.*

11 *(C) Custom facilities exempt from inspec-*
12 *tion under the Acts referred to in subparagraph*
13 *(A).*

14 *(3) REPORT TO CONGRESS.—Not later than 1*
15 *year after the date of the enactment of this section, the*
16 *Secretary shall submit to the Committee on Agri-*
17 *culture of the House of Representatives and the Com-*
18 *mittee on Agriculture, Nutrition, and Forestry of the*
19 *Senate a report that includes the results of the study*
20 *conducted under paragraph (1).*

21 *(b) STUDY AND REPORT ON FINANCIAL ASSISTANCE*
22 *AVAILABILITY.—*

23 *(1) STUDY REQUIRED.—The Secretary shall con-*
24 *duct a study on the availability and effectiveness of—*

1 (A) *Federal loan programs, Federal loan*
2 *guarantee programs, and grant programs for*
3 *which—*

4 (i) *facilities that slaughter or otherwise*
5 *process meat and poultry in the United*
6 *States, which are in operation and subject*
7 *to inspection under the Federal Meat In-*
8 *spection Act (21 U.S.C. 601 et seq.) or the*
9 *Poultry Products Inspection Act (21 U.S.C.*
10 *451 et seq.), as of the date of the enactment*
11 *of this section, and*

12 (ii) *entities seeking to establish such a*
13 *facility in the United States,*
14 *may be eligible; and*

15 (B) *Federal grant programs intended to*
16 *support—*

17 (i) *business activities relating to in-*
18 *creasing the slaughter or processing capac-*
19 *ity in the United States; and*

20 (ii) *feasibility or marketing studies on*
21 *the practicality and viability of specific*
22 *new or expanded projects to support addi-*
23 *tional slaughter or processing capacity in*
24 *the United States.*

1 (2) *REPORT TO CONGRESS.*—Not later than 60
2 days after the date of the enactment of this section,
3 the Secretary, in consultation with applicable Federal
4 agencies, shall submit a report to the Committee on
5 Agriculture of the House of Representatives and the
6 Committee on Agriculture, Nutrition, and Forestry of
7 the Senate that includes the results of the study re-
8 quired under paragraph (1).

9 (3) *PUBLICATION.*—Not later than 90 days after
10 the date of the enactment of this section, the Secretary
11 shall make publicly available on the website of the
12 Food Safety and Inspection Service of the Depart-
13 ment of Agriculture a list of each loan program, loan
14 guarantee program, and grant program identified
15 under paragraph (1).

16 (c) *OUTREACH ACTIVITIES.*—

17 (1) *IN GENERAL.*—To the maximum extent prac-
18 ticable, the Secretary shall conduct outreach and edu-
19 cation activities to inform the current or prospective
20 owners and operators of facilities or other entities de-
21 scribed in subsection (b)(1)(A), producer groups, and
22 institutions of higher education, of the availability of
23 each loan program, loan guarantee program, and
24 grant program identified under paragraph (1).

1 (2) *FEASIBILITY OR MARKETING STUDIES.*—*In*
2 *carrying out paragraph (1), the Secretary may enter*
3 *into cooperative agreements with eligible entities to*
4 *conduct feasibility or marketing studies to determine*
5 *the practicality and viability of specific projects to*
6 *support additional slaughter or processing capacity*
7 *in the United States.*

8 (3) *MAXIMUM AMOUNT.*—*The amount of assist-*
9 *ance provided through a cooperative agreement under*
10 *paragraph (2) with respect to a particular project*
11 *may not exceed \$75,000.*

12 (4) *REPORTING.*—*The Secretary shall publish*
13 *(and update as necessary) on the public website of the*
14 *Department of Agriculture, an accounting of outreach*
15 *activities conducted pursuant to this subsection, in-*
16 *cluding a description of each such activity and the*
17 *amount of Federal funds expended to conduct each*
18 *such activity.*

19 (d) *FUNDING.*—*To carry out this section, there is ap-*
20 *propriated, out of the funds of the Treasury not otherwise*
21 *appropriated—*

22 (1) *\$2,000,000 to carry out subsection (a);*

23 (2) *\$2,000,000 to carry out subsection (b); and*

24 (3) *\$16,000,000 to carry out subsection (c).*

TITLE II—DAIRY**SEC. 201. DAIRY DIRECT DONATION PROGRAM.**

(a) *DEFINITIONS.—In this section:*

(1) *ELIGIBLE DAIRY ORGANIZATION.—The term “eligible dairy organization” is defined in section 1431(a) of the Agricultural Act of 2014 (7 U.S.C. 9071(a)).*

(2) *ELIGIBLE DAIRY PRODUCTS.—The term “eligible dairy products” means products primarily made from milk.*

(3) *ELIGIBLE DISTRIBUTOR.—The term “eligible distributor” means a public or private nonprofit organization that distributes donated eligible dairy products to recipient individuals and families.*

(4) *ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means a partnership between an eligible dairy organization and an eligible distributor.*

(b) *ESTABLISHMENT AND PURPOSES.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall establish and administer a direct dairy donation program for the purposes of—*

(1) *facilitating the timely donation of eligible dairy products; and*

(2) *preventing and minimizing food waste.*

(c) *DONATION AND DISTRIBUTION PLANS.—*

1 (1) *IN GENERAL.*—*To be eligible to receive reim-*
2 *bursement under this section, an eligible partnership*
3 *shall submit to the Secretary a donation and dis-*
4 *tribution plan that describes the process that the eligi-*
5 *ble partnership will use for the donation, processing,*
6 *transportation, temporary storage, and distribution of*
7 *eligible dairy products.*

8 (2) *REVIEW AND APPROVAL.*—*No later than 15*
9 *business days after receiving a plan described in*
10 *paragraph (1), the Secretary shall—*

11 (A) *review such plan; and*

12 (B) *issue an approval or disapproval of*
13 *such plan.*

14 (d) *REIMBURSEMENT.*—

15 (1) *IN GENERAL.*—*On receipt of appropriate*
16 *documentation under paragraph (2), the Secretary*
17 *shall reimburse an eligible dairy organization at a*
18 *rate equal to the raw milk cost for the product as*
19 *priced in the Federal milk marketing orders multi-*
20 *plied by the volume of milk required to make the do-*
21 *nated product.*

22 (2) *DOCUMENTATION.*—

23 (A) *IN GENERAL.*—*An eligible dairy organi-*
24 *zation shall submit to the Secretary such docu-*
25 *mentation as the Secretary may require to dem-*

1 *onstrate the eligible dairy product production*
2 *and donation to the eligible distributor.*

3 (B) *VERIFICATION.*—*The Secretary may*
4 *verify the accuracy of documentation submitted*
5 *under subparagraph (A).*

6 (3) *RETROACTIVE REIMBURSEMENT.*—*In pro-*
7 *viding reimbursements under paragraph (1), the Sec-*
8 *retary may provide reimbursements for milk costs in-*
9 *curring before the date on which the donation and dis-*
10 *tribution plan for the applicable participating part-*
11 *nership was approved by the Secretary.*

12 (e) *PROHIBITION ON RESALE OF PRODUCTS.*—

13 (1) *IN GENERAL.*—*An eligible distributor that*
14 *receives eligible dairy products donated under this*
15 *section may not sell the products into commercial*
16 *markets.*

17 (2) *PROHIBITION ON FUTURE PARTICIPATION.*—
18 *An eligible distributor that the Secretary determines*
19 *has violated paragraph (1) shall not be eligible for*
20 *any future participation in the program established*
21 *under this section.*

22 (f) *REVIEWS.*—*The Secretary shall conduct appro-*
23 *priate reviews or audits to ensure the integrity of the pro-*
24 *gram established under this section.*

1 (g) *PUBLICATION OF DONATION ACTIVITY.*—*The Sec-*
2 *retary, acting through the Administrator of the Agricultural*
3 *Marketing Service, shall publish on the publicly accessible*
4 *website of the Agricultural Marketing Service periodic re-*
5 *ports containing donation activity under this section.*

6 (h) *SUPPLEMENTAL REIMBURSEMENTS.*—

7 (1) *IN GENERAL.*—*The Secretary may make a*
8 *supplemental reimbursement to an eligible dairy or-*
9 *ganization for an approved donation and distribution*
10 *plan in accordance with the milk donation program*
11 *established under section 1431 of the Agricultural Act*
12 *of 2014 (7 U.S.C. 9071).*

13 (2) *REIMBURSEMENT CALCULATION.*—*A supple-*
14 *mental reimbursement described in paragraph (1)*
15 *shall be equal to the value of—*

16 (A) *raw milk cost for the product as priced*
17 *in the Federal milk marketing orders, less any*
18 *reimbursement provided under section 1431 of*
19 *the Agricultural Act of 2014, multiplied by*

20 (B) *the volume of eligible dairy products*
21 *under such approved donation plan.*

22 (i) *FUNDING.*—*Out of any amounts of the Treasury*
23 *not otherwise appropriated, there is appropriated to carry*
24 *out this section \$500,000,000, to remain available until ex-*
25 *pended.*

1 (j) *AUTHORITY TO CARRY OUT SECTION.*—The Sec-
 2 retary may only carry out this section during a period in
 3 which—

4 (1) a public health emergency is—

5 (A) declared under section 319 of the Public
 6 Health Services Act (42 U.S.C. 247d); or

7 (B) renewed under such section; or

8 (2) a disaster is designated by the Secretary.

9 **SEC. 202. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**
 10 **MENTS.**

11 (a) *IN GENERAL.*—The Secretary shall provide supple-
 12 mental dairy margin coverage payments to eligible dairy
 13 operations described in subsection (b)(1) whenever the aver-
 14 age actual dairy production margin (as defined in section
 15 1401 of the Agricultural Act of 2014 (7 U.S.C. 9051)) for
 16 a month is less than the coverage level threshold selected
 17 by such eligible dairy operation under section 1406 of such
 18 Act (7 U.S.C. 9056).

19 (b) *ELIGIBLE DAIRY OPERATION DESCRIBED.*—

20 (1) *IN GENERAL.*—An eligible dairy operation
 21 described in this subsection is a dairy operation
 22 that—

23 (A) is located in the United States; and

24 (B) during a calendar year in which such
 25 dairy operation is a participating dairy oper-

1 *ation (as defined in section 1401 of the Agricul-*
2 *tural Act of 2014 (7 U.S.C. 9051)), has a pro-*
3 *duction history established under the dairy mar-*
4 *gin coverage program under section 1405 of the*
5 *Agricultural Act of 2014 (7 U.S.C. 9055) of less*
6 *than 5 million pounds, as determined in accord-*
7 *ance with subsection (c) of such section 1405.*

8 (2) *LIMITATION ON ELIGIBILITY.—An eligible*
9 *dairy operation shall only be eligible for payments*
10 *under this section during a calendar year in which*
11 *such eligible dairy operation is enrolled in dairy*
12 *margin coverage (as defined in section 1401 of the*
13 *Agricultural Act of 2014 (7 U.S.C. 9051)).*

14 (c) *SUPPLEMENTAL PRODUCTION HISTORY CALCULA-*
15 *TION.—For purposes of determining the production history*
16 *of an eligible dairy operation under this section, such dairy*
17 *operation’s production history shall be equal to—*

18 (1) *the production volume of such dairy oper-*
19 *ation for the 2019 milk marketing year; minus*

20 (2) *the dairy margin coverage production history*
21 *of such dairy operation established under section 1405*
22 *of the Agricultural Act of 2014 (7 U.S.C. 9055).*

23 (d) *COVERAGE PERCENTAGE.—*

24 (1) *IN GENERAL.—For purposes of calculating*
25 *payments to be issued under this section during a cal-*

1 *endar year, an eligible dairy operation's coverage per-*
2 *centage shall be equal to the coverage percentage se-*
3 *lected by such eligible dairy operation with respect to*
4 *such calendar year under section 1406 of the Agricul-*
5 *tural Act of 2014 (7 U.S.C. 9056).*

6 (2) *5-MILLION POUND LIMITATION.—*

7 (A) *IN GENERAL.—The Secretary shall not*
8 *provide supplemental dairy margin coverage on*
9 *an eligible dairy operation's actual production*
10 *for a calendar year such that the total covered*
11 *production history of such dairy operation ex-*
12 *ceeds 5 million pounds.*

13 (B) *DETERMINATION OF AMOUNT.—In cal-*
14 *culating the total covered production history of*
15 *an eligible dairy operation under subparagraph*
16 *(A), the Secretary shall multiply the coverage*
17 *percentage selected by such operation under sec-*
18 *tion 1406 of the Agricultural Act of 2014 (7*
19 *U.S.C. 9056) by the sum of—*

20 (i) *the supplemental production history*
21 *calculated under subsection (c) with respect*
22 *to such dairy operation; and*

23 (ii) *the dairy margin coverage produc-*
24 *tion history described in subsection (c)(2)*
25 *with respect to such dairy operation.*

1 (e) *PREMIUM COST.*—*The premium cost for an eligible*
2 *dairy operation under this section for a calendar year shall*
3 *be equal to the product of multiplying—*

4 (1) *the Tier I premium cost calculated with re-*
5 *spect to such dairy operation for such year under sec-*
6 *tion 1407(b) of the Agricultural Act of 2014 (7 U.S.C.*
7 *9057(b)); by*

8 (2) *the production history calculation with re-*
9 *spect to such dairy operation determined under sub-*
10 *section (c) (such that total covered production history*
11 *does not exceed 5 million pounds).*

12 (f) *REGULATIONS.*—*Not later than 45 days after the*
13 *date of the enactment of this section, the Secretary shall*
14 *issue regulations to carry out this section.*

15 (g) *PROHIBITION WITH RESPECT TO DAIRY MARGIN*
16 *COVERAGE ENROLLMENT.*—*The Secretary may not reopen*
17 *or otherwise provide a special enrollment for dairy margin*
18 *coverage (as defined in section 1401 of the Agricultural Act*
19 *of 2014 (7 U.S.C. 9051)) for purposes of establishing eligi-*
20 *bility for supplemental dairy margin coverage payments*
21 *under this section.*

22 (h) *RETROACTIVE APPLICATION FOR CALENDAR YEAR*
23 *2020.*—*The Secretary shall make payments under this sec-*
24 *tion to eligible dairy operations described in subsection*
25 *(b)(1) for months after and including January, 2020.*

1 (i) *SUNSET.*—*The authority to make payments under*
2 *this section shall terminate on December 31, 2023.*

3 (j) *FUNDING.*—*There is appropriated, out of any funds*
4 *in the Treasury not otherwise appropriated, to carry out*
5 *this section such sums as necessary, to remain available*
6 *until the date specified in subsection (i).*

7 **SEC. 203. RECOURSE LOAN PROGRAM FOR COMMERCIAL**
8 **PROCESSORS OF DAIRY PRODUCTS.**

9 (a) *IN GENERAL.*—*The Secretary shall make recourse*
10 *loans available to qualified applicants during the COVID–*
11 *19 pandemic.*

12 (b) *AMOUNT OF LOAN.*—

13 (1) *IN GENERAL.*—*A recourse loan made under*
14 *this section shall be provided to qualified applicants*
15 *up to the value of the eligible dairy product inventory*
16 *of the applicant as determined by the Secretary and*
17 *in accordance with subsection (c).*

18 (2) *VALUATION.*—*For purposes of making re-*
19 *course loans under this section, the Secretary shall*
20 *conduct eligible dairy product valuations to provide,*
21 *to the maximum extent practicable, funds to continue*
22 *the operations of qualified applicants.*

23 (c) *INVENTORY USED AS COLLATERAL.*—*Eligible*
24 *dairy product inventory used as collateral for the recourse*

1 *loan program under this section shall be pledged on a rotat-*
2 *ing basis to prevent spoilage of perishable products.*

3 (d) *TERM OF LOAN.*—*A recourse loan under this sec-*
4 *tion may be made for a period as determined by the Sec-*
5 *retary, except that no such recourse loan may end after the*
6 *date that is 24 months after the date of the enactment of*
7 *this section.*

8 (e) *FUNDING.*—*Out of any amounts in the Treasury*
9 *not otherwise appropriated, there is appropriated to carry*
10 *out this section \$500,000,000.*

11 (f) *DEFINITIONS.*—*In this section:*

12 (1) *ELIGIBLE DAIRY PRODUCTS.*—*The term “eli-*
13 *gible dairy products” means all dairy products*
14 *whether in base commodity or finished product form.*

15 (2) *QUALIFIED APPLICANT.*—*The term “qualified*
16 *applicant” means any commercial processor, pack-*
17 *ager, or merchandiser of eligible dairy products that*
18 *is impacted by COVID–19.*

19 **SEC. 204. DAIRY MARGIN COVERAGE PREMIUM DISCOUNT**
20 **FOR A 3-YEAR SIGNUP.**

21 *The Secretary shall provide a 15 percent discount for*
22 *the premiums described in subsections (b) and (c) of section*
23 *1407 of the Agricultural Act of 2014 (7 U.S.C. 9051) and*
24 *the premium described in section 202(e) for a dairy oper-*
25 *ation (as defined in section 1401 of the Agricultural Act*

1 of 2014 (7 U.S.C. 9051)) that makes a 1-time, 3-year elec-
2 tion to enroll in dairy margin coverage under part I of
3 subtitle D of such Act for calendar years 2021 through 2024.

4 **TITLE III—SPECIALTY CROPS**
5 **AND OTHER COMMODITIES**

6 **SEC. 301. SUPPORT FOR SPECIALTY CROP SECTOR.**

7 Section 101(l) of the Specialty Crops Competitiveness
8 Act of 2004 (7 U.S.C. 1621 note) is amended by adding
9 at the end the following:

10 “(3) COVID–19 OUTBREAK SUPPORT.—

11 “(A) IN GENERAL.—The Secretary shall
12 make grants to States eligible to receive a grant
13 under this section to assist State efforts to sup-
14 port the specialty crop sector for impacts related
15 to the COVID–19 public health emergency.

16 “(B) FUNDING.—There is appropriated, out
17 of any funds in the Treasury not otherwise ap-
18 propriated, to carry out subparagraph (A) not
19 less than \$500,000,000, to remain available until
20 expended.”.

21 **SEC. 302. SUPPORT FOR LOCAL AGRICULTURAL MARKETS.**

22 Section 210A(i) of the Agricultural Marketing Act of
23 1946 (7 U.S.C. 1627c(i)) is amended by adding at the end
24 the following:

25 “(4) GRANTS FOR COVID–19 ASSISTANCE.—

1 “(A) *IN GENERAL.*—*In addition to grants*
2 *made under the preceding provisions of this sub-*
3 *section, the Secretary shall make grants to eligi-*
4 *ble entities specified in paragraphs (5)(B) and*
5 *(6)(B) of subsection (d) to provide assistance in*
6 *response to the COVID–19 pandemic.*

7 “(B) *MATCHING FUNDS APPLICABILITY.*—
8 *The Secretary may not require a recipient of a*
9 *grant under subparagraph (A) to provide any*
10 *non-Federal matching funds.*

11 “(C) *FUNDING.*—*There is appropriated, out*
12 *of any funds in the Treasury not otherwise ap-*
13 *propriated, to carry out this paragraph,*
14 *\$350,000,000, to remain available until ex-*
15 *pended.”.*

16 **SEC. 303. SUPPORT FOR FARMING OPPORTUNITIES TRAIN-**
17 **ING AND OUTREACH.**

18 *Section 2501 of the Food, Agriculture, Conservation,*
19 *and Trade Act of 1990 (7 U.S.C. 2279) is amended by add-*
20 *ing at the end the following:*

21 “(m) *ADDITIONAL FUNDING.*—

22 “(1) *IN GENERAL.*—*The Secretary shall make*
23 *grants to, or enter into cooperative agreements or con-*
24 *tracts with, eligible entities specified in subsection*
25 *(c)(1) or entities eligible for grants under subsection*

1 (d) to provide training, outreach, and technical as-
2 sistance on operations, financing, and marketing, in-
3 cluding identifying Federal, State, or local assistance
4 available, to beginning farmers and ranchers, socially
5 disadvantaged farmers and ranchers, and veteran
6 farmers and ranchers in response to the COVID-19
7 pandemic.

8 “(2) *MATCHING FUNDS APPLICABILITY.*—The
9 Secretary may not require a recipient of a grant
10 under this subsection to provide any non-Federal
11 matching funds.

12 “(3) *FUNDING.*—There is appropriated, out of
13 any funds in the Treasury not otherwise appro-
14 priated, to carry out this subsection, \$50,000,000, to
15 remain available until expended.”.

16 **SEC. 304. SUPPORT FOR FARM STRESS PROGRAMS.**

17 (a) *IN GENERAL.*—The Secretary shall make grants to
18 State departments of agriculture (or such equivalent de-
19 partment) to expand or sustain stress assistance programs
20 for individuals who are engaged in farming, ranching, and
21 other agriculture-related occupations, including—

22 (1) programs that meet the criteria specified in
23 section 7522(b)(1) of the Food, Conservation, and En-
24 ergy Act of 2008 (7 U.S.C. 5936(b)(1)); and

1 (2) *any State initiatives carried out as of the*
2 *date of the enactment of this Act that provide stress*
3 *assistance for such individuals.*

4 **(b) GRANT TIMING AND AMOUNT.**—*In making grants*
5 *under subsection (a), not later than 60 days after the date*
6 *of the enactment of this Act and subject to subsection (c),*
7 *the Secretary shall—*

8 (1) *make awards to States submitting State*
9 *plans that meet the criteria specified in paragraph*
10 (1) *of subsection (c) within the time period specified*
11 *by the Secretary, in an amount not to exceed*
12 *\$1,500,000 for each State; and*

13 (2) *of the amounts made available under sub-*
14 *section (f) and remaining after awards to States*
15 *under paragraph (1), allocate among such States, an*
16 *amount to be determined by the Secretary.*

17 **(c) STATE PLAN.**—

18 (1) **IN GENERAL.**—*A State department of agri-*
19 *culture seeking a grant under subsection (b) shall sub-*
20 *mit to the Secretary a State plan to expand or sus-*
21 *tain stress assistance programs described in sub-*
22 *section (a) that includes—*

23 (A) *a description of each activity and the*
24 *estimated amount of funding to support each*

1 *program and activity carried out through such a*
2 *program;*

3 *(B) an estimated timeline for the operation*
4 *of each such program and activity;*

5 *(C) the total amount of funding sought; and*

6 *(D) an assurance that the State department*
7 *of agriculture will comply with the reporting re-*
8 *quirement under subsection (e).*

9 (2) *GUIDANCE.*—*Not later than 20 days after the*
10 *date of the enactment of this Act, the Secretary shall*
11 *issue guidance for States with respect to the submis-*
12 *sion of a State plan under paragraph (1) and the al-*
13 *location criteria under subsection (b).*

14 (3) *REALLOCATION.*—*If, after the first grants are*
15 *awarded pursuant to allocation made under sub-*
16 *section (b), any funds made available under sub-*
17 *section (f) to carry out this subsection remain unobli-*
18 *gated, the Secretary shall—*

19 *(A) inform States that submit plans as de-*
20 *scribed in subsection (b), of such availability;*
21 *and*

22 *(B) reallocate such funds among such*
23 *States, as the Secretary determines to be appro-*
24 *priate and equitable.*

1 (d) *COLLABORATION.*—*The Secretary may issue guid-*
2 *ance to encourage State departments of agriculture to use*
3 *funds provided under this section to support programs de-*
4 *scribed in subsection (a) that are operated by—*

5 (1) *Indian tribes (as defined in section 4 of the*
6 *Indian Self-Determination and Education Assistance*
7 *Act (25 U.S.C. 5304));*

8 (2) *State cooperative extension services; and*

9 (3) *nongovernmental organizations.*

10 (e) *REPORTING.*—*Not later than 180 days after the*
11 *COVID–19 public health emergency ends, each State receiv-*
12 *ing additional grants under subsection (b) shall submit a*
13 *report to the Secretary describing—*

14 (1) *the activities conducted using such funds;*

15 (2) *the amount of funds used to support each*
16 *such activity; and*

17 (3) *the estimated number of individuals served*
18 *by each such activity.*

19 (f) *FUNDING.*—*Out of the funds of the Treasury not*
20 *otherwise appropriated, there is appropriated to carry out*
21 *this section \$84,000,000, to remain available until ex-*
22 *pended.*

23 (g) *STATE DEFINED.*—*In this section, the term*
24 *“State” means—*

25 (1) *a State;*

- 1 (2) *the District of Columbia;*
2 (3) *the Commonwealth of Puerto Rico; and*
3 (4) *any other territory or possession of the*
4 *United States.*

5 **SEC. 305. SUPPORT FOR PROCESSED COMMODITIES.**

6 (a) *RENEWABLE FUEL REIMBURSEMENT PROGRAM.—*

7 (1) *IN GENERAL.—The Secretary shall make*
8 *payments in accordance with this subsection to eligi-*
9 *ble entities that experienced unexpected market losses*
10 *as a result of the COVID–19 pandemic during the ap-*
11 *plicable period.*

12 (2) *DEFINITIONS.—In this section:*

13 (A) *APPLICABLE PERIOD.—The term “ap-*
14 *plicable period” means January 1, 2020,*
15 *through May 1, 2020.*

16 (B) *ELIGIBLE ENTITY.—The term “eligible*
17 *entity” means any domestic entity or facility*
18 *that produced any qualified fuel in the calendar*
19 *year 2019.*

20 (C) *QUALIFIED FUEL.—The term “qualified*
21 *fuel” means any advanced biofuel, biomass-based*
22 *diesel, cellulosic biofuel, conventional biofuel, or*
23 *renewable fuel, as such terms are defined in sec-*
24 *tion 211(o)(1) of the Clean Air Act (42 U.S.C.*

1 7545(o)(1)), that is produced in the United
2 States.

3 (3) *AMOUNT OF PAYMENT.*—*The amount of the*
4 *payment payable to an eligible entity shall be the*
5 *sum of—*

6 (A) *\$0.45 multiplied by the number of gal-*
7 *lons of qualified fuel produced by the eligible en-*
8 *tity during the applicable period; and*

9 (B) *if the Secretary determines that the eli-*
10 *gible entity was unable to produce any qualified*
11 *fuel throughout 1 or more calendar months dur-*
12 *ing the applicable period due to the COVID–19*
13 *pandemic, \$0.45 multiplied by 50 percent of the*
14 *number of gallons produced by the eligible entity*
15 *in the corresponding month or months in cal-*
16 *endar year 2019.*

17 (4) *REPORT.*—*Not later than 180 days after the*
18 *date of the enactment of this Act, the Secretary shall*
19 *submit to the Committee on Agriculture of the House*
20 *of Representatives and the Committee on Agriculture,*
21 *Nutrition, and Forestry of the Senate a report on the*
22 *payments made under this subsection, including the*
23 *identity of each payment recipient and the amount of*
24 *the payment paid to the payment recipient.*

1 (5) *FUNDING.*—*There is appropriated, out of*
2 *any funds in the Treasury not otherwise appro-*
3 *priated, to carry out this subsection such sums as nec-*
4 *essary, to remain available until expended.*

5 (6) *ADMINISTRATION.*—

6 (A) *IN GENERAL.*—*The Secretary may use*
7 *the facilities and authorities of the Commodity*
8 *Credit Corporation to carry out this subsection.*

9 (B) *REGULATIONS.*—

10 (i) *IN GENERAL.*—*Except as otherwise*
11 *provided in this subsection, not later than*
12 *30 days after the date of the enactment of*
13 *this Act, the Secretary and the Commodity*
14 *Credit Corporation, as appropriate, shall*
15 *prescribe such regulations as are necessary*
16 *to carry out this subsection.*

17 (ii) *PROCEDURE.*—*The promulgation*
18 *of regulations under, and administration of,*
19 *this subsection shall be made without regard*
20 *to—*

21 *(I) the notice and comment provi-*
22 *sions of section 553 of title 5, United*
23 *States Code; and*

1 (II) chapter 35 of title 44, United
2 States Code (commonly known as the
3 “Paperwork Reduction Act”).

4 (b) EMERGENCY ASSISTANCE FOR TEXTILE MILLS.—

5 (1) IN GENERAL.—The Secretary shall make
6 emergency assistance available to domestic users of
7 upland cotton and extra long staple cotton in the
8 form of a payment in an amount determined under
9 paragraph (2), regardless of the origin of such upland
10 cotton or extra long staple cotton, during the 10-
11 month period beginning on March 1, 2020.

12 (2) CALCULATION OF ASSISTANCE.—The amount
13 of the assistance provided under paragraph (1) to a
14 domestic user described in such paragraph shall be
15 equal to 10 multiplied by the product of—

16 (A) the domestic user’s historical monthly
17 average consumption; and

18 (B) 6 cents per pound so consumed.

19 (3) ALLOWABLE USE.—Any emergency assistance
20 provided under this section shall be made available
21 only to domestic users of upland cotton and extra
22 long staple cotton that certify that the assistance shall
23 be used only for operating expenses.

24 (4) HISTORICAL MONTHLY AVERAGE CONSUMP-
25 TION DEFINED.—The term “historical monthly aver-

1 *age consumption” means the average consumption for*
 2 *each month occurring during the period beginning on*
 3 *January 1, 2017, and ending on December 31, 2019.*

4 (5) *FUNDING.—There is appropriated, out of*
 5 *any funds in the Treasury not otherwise appro-*
 6 *priated, to carry out this subsection, such sums as*
 7 *necessary, to remain available until expended.*

8 ***TITLE IV—COMMODITY CREDIT***
 9 ***CORPORATION***

10 ***SEC. 401. EMERGENCY ASSISTANCE.***

11 *Section 5 of the Commodity Credit Corporation Char-*
 12 *ter Act (15 U.S.C. 714c) is amended—*

13 (1) *by redesignating subsection (h) as subsection*
 14 *(i); and*

15 (2) *by inserting after subsection (g) the fol-*
 16 *lowing:*

17 *“(h) Remove and dispose of or aid in the removal or*
 18 *disposition of surplus livestock and poultry due to signifi-*
 19 *cant supply chain interruption during an emergency pe-*
 20 *riod.”.*

21 ***SEC. 402. CONGRESSIONAL NOTIFICATION AND REPORT.***

22 (a) *NOTIFICATION.—The Commodity Credit Corpora-*
 23 *tion Charter Act (15 U.S.C. 714 et seq.) is amended by add-*
 24 *ing at the end the following new section:*

1 **“SEC. 20. CONGRESSIONAL NOTIFICATION.**

2 “(a) *IN GENERAL.*—*The Secretary shall notify in*
3 *writing, by first-class mail and electronic mail, the Com-*
4 *mittee on Agriculture of the House of Representatives and*
5 *the Committee on Agriculture, Nutrition, and Forestry of*
6 *the Senate in advance of any obligation or expenditure au-*
7 *thorized under this Act.*

8 “(b) *WRITTEN NOTICE.*—*A written notice required*
9 *under subsection (a) shall specify the commodities that will*
10 *be affected, the maximum financial benefit per commodity,*
11 *the expected legal entities or individuals that would receive*
12 *financial benefits, the intended policy goals, and the pro-*
13 *jected impacts to commodity markets.*

14 “(c) *EXCEPTION TO THE WRITTEN NOTICE REQUIRE-*
15 *MENT.*—*Subsection (a) shall not apply if, prior to obli-*
16 *gating or spending any funding described in such sub-*
17 *section, the Secretary obtains approval in writing from*
18 *each of the following individuals—*

19 “(1) *the Chair of the Committee on Agriculture*
20 *of the House of Representatives;*

21 “(2) *the Ranking Member of the Committee on*
22 *Agriculture of the House of Representatives;*

23 “(3) *the Chair of the Committee on Agriculture,*
24 *Nutrition, and Forestry of the Senate; and*

25 “(4) *the Ranking Member of the Committee on*
26 *Agriculture, Nutrition, and Forestry of the Senate.*

1 “(d) *EXCLUSION FOR PREEXISTING AUTHORIZA-*
 2 *TIONS.—This section shall not apply to obligations and ex-*
 3 *penditures authorized under the Agriculture Improvement*
 4 *Act of 2018 (Public Law 115–334).”.*

5 (b) *CLARIFICATION.—Section 3003 of the Federal Re-*
 6 *ports Elimination and Sunset Act of 1995 (31 U.S.C. 1113*
 7 *note) shall not apply to the second sentence of section 13*
 8 *of the Commodity Credit Corporation Charter Act (15*
 9 *U.S.C. 714k).*

10 **TITLE V—CONSERVATION**

11 **SEC. 501. EMERGENCY SOIL HEALTH AND INCOME PROTEC-** 12 **TION PILOT PROGRAM.**

13 (a) *DEFINITION OF ELIGIBLE LAND.—In this section,*
 14 *the term “eligible land” means cropland that—*

15 (1) *is selected by the owner or operator of the*
 16 *land for proposed enrollment in the pilot program*
 17 *under this section; and*

18 (2) *as determined by the Secretary, had a crop-*
 19 *ping history or was considered to be planted during*
 20 *each of the 3 crop years preceding enrollment.*

21 (b) *ESTABLISHMENT.—*

22 (1) *IN GENERAL.—The Secretary shall establish*
 23 *a voluntary emergency soil health and income protec-*
 24 *tion pilot program under which eligible land is en-*
 25 *rolled through the use of contracts to assist owners*

1 *and operators of eligible land to conserve and improve*
2 *the soil, water, and wildlife resources of the eligible*
3 *land.*

4 (2) *DEADLINE FOR PARTICIPATION.*—*Eligible*
5 *land may be enrolled in the program under this sec-*
6 *tion through December 31, 2021.*

7 (c) *CONTRACTS.*—

8 (1) *REQUIREMENTS.*—*A contract described in*
9 *subsection (b) shall—*

10 (A) *be entered into by the Secretary, the*
11 *owner of the eligible land, and (if applicable) the*
12 *operator of the eligible land; and*

13 (B) *provide that, during the term of the*
14 *contract—*

15 (i) *the lowest practicable cost perennial*
16 *conserving use cover crop for the eligible*
17 *land, as determined by the applicable State*
18 *conservationist after considering the advice*
19 *of the applicable State technical committee,*
20 *shall be planted on the eligible land;*

21 (ii) *subject to paragraph (4), the eligi-*
22 *ble land may be harvested for seed, hayed,*
23 *or grazed outside the primary nesting sea-*
24 *son established for the applicable county;*

1 (iii) the eligible land may be eligible
2 for a walk-in access program of the applica-
3 ble State, if any; and

4 (iv) a nonprofit wildlife organization
5 may provide to the owner or operator of the
6 eligible land a payment in exchange for an
7 agreement by the owner or operator not to
8 harvest the conserving use cover.

9 (2) PAYMENTS.—

10 (A) RENTAL RATE.—Except as provided in
11 paragraph (4)(B)(i), the annual rental rate for
12 a payment under a contract described in sub-
13 section (b) shall be \$70 per acre.

14 (B) ADVANCE PAYMENT.—At the request of
15 the owner and (if applicable) the operator of the
16 eligible land, the Secretary shall make all rental
17 payments under a contract entered into under
18 this section within 30 days of entering into such
19 contract.

20 (C) COST SHARE PAYMENTS.—A contract
21 described in subsection (b) shall provide that,
22 during the term of the contract, the Secretary
23 shall pay, of the actual cost of establishment of
24 the conserving use cover crop under paragraph
25 (1)(B)(i), not more than \$30 per acre.

1 (3) *TERM.*—

2 (A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), each contract described in*
4 *subsection (b) shall be for a term of 3 years.*

5 (B) *EARLY TERMINATION.*—

6 (i) *SECRETARY.*—*The Secretary may*
7 *terminate a contract described in subsection*
8 *(b) before the end of the term described in*
9 *subparagraph (A) if the Secretary deter-*
10 *mines that the early termination of the con-*
11 *tract is appropriate.*

12 (ii) *OWNERS AND OPERATORS.*—*An*
13 *owner and (if applicable) an operator of eli-*
14 *gible land enrolled in the pilot program*
15 *under this section may terminate a contract*
16 *described in subsection (b) before the end of*
17 *the term described in subparagraph (A) if*
18 *the owner and (if applicable) the operator*
19 *pay to the Secretary an amount equal to the*
20 *amount of rental payments received under*
21 *the contract.*

22 (4) *HARVESTING, HAYING, AND GRAZING OUT-*
23 *SIDE APPLICABLE PERIOD.*—*The harvesting for seed,*
24 *haying, or grazing of eligible land under paragraph*
25 *(1)(B)(ii) outside of the primary nesting season estab-*

1 *lished for the applicable county shall be subject to the*
2 *conditions that—*

3 *(A) with respect to eligible land that is so*
4 *hayed or grazed, adequate stubble height shall be*
5 *maintained to protect the soil on the eligible*
6 *land, as determined by the applicable State con-*
7 *servationist after considering the advice of the*
8 *applicable State technical committee; and*

9 *(B) with respect to eligible land that is so*
10 *harvested for seed—*

11 *(i) the eligible land shall not be eligible*
12 *to be insured or reinsured under the Federal*
13 *Crop Insurance Act (7 U.S.C. 1501 et seq.);*
14 *and*

15 *(ii) the annual rental rate for a pay-*
16 *ment under a contract described in sub-*
17 *section (b) shall be \$52.50 per acre.*

18 *(d) ACREAGE LIMITATION.—Not more than 5,000,000*
19 *total acres of eligible land may be enrolled under the pilot*
20 *program under this section.*

21 *(e) FUNDING.—There is appropriated, out of any*
22 *funds in the Treasury not otherwise appropriated, such*
23 *sums as may be necessary to carry out this section.*

TITLE VI—NUTRITION**SEC. 601. DEFINITION OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

In this title, the term “supplemental nutrition assistance program” has the meaning given such term in section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)).

SEC. 602. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(a) VALUE OF BENEFITS.—Notwithstanding any other provision of law, beginning on November 1, 2020, and for each subsequent month through September 30, 2021, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)), and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act (7 U.S.C. 2028(a)), shall be calculated using 115 percent of the June 2020 value of the thrifty food plan (as defined in section 3 of such Act (7 U.S.C. 2012)) if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection.

(b) MINIMUM AMOUNT.—

(1) IN GENERAL.—The minimum value of benefits determined under section 8(a) of the Food and

1 *Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a house-*
2 *hold of not more than 2 members shall be \$30.*

3 (2) *EFFECTIVENESS.—Paragraph (1) shall re-*
4 *main in effect through September 30, 2021.*

5 (c) *REQUIREMENTS FOR THE SECRETARY.—In car-*
6 *rying out this section, the Secretary shall—*

7 (1) *consider the benefit increases described in*
8 *subsections (a) and (b) to be a “mass change”;*

9 (2) *require a simple process for States to notify*
10 *households of the increase in benefits;*

11 (3) *consider section 16(c)(3)(A) of the Food and*
12 *Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to*
13 *apply to any errors in the implementation of this sec-*
14 *tion without regard to the 120-day limit described in*
15 *that section;*

16 (4) *disregard the additional amount of benefits*
17 *that a household receives as a result of this section in*
18 *determining the amount of overissuances under sec-*
19 *tion 13 of the Food and Nutrition Act of 2008 (7*
20 *U.S.C. 2022); and*

21 (5) *set the tolerance level for excluding small er-*
22 *rors for the purposes of section 16(c) of the Food and*
23 *Nutrition Act of 2008 (7 U.S.C. 2025(c)) at \$50*
24 *through September 30, 2021.*

25 (d) *ADMINISTRATIVE EXPENSES.—*

1 (1) *IN GENERAL.*—*For the costs of State admin-*
2 *istrative expenses associated with carrying out this*
3 *section and administering the supplemental nutrition*
4 *assistance program established under the Food and*
5 *Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Sec-*
6 *retary shall make available \$200,000,000 for fiscal*
7 *year 2021 and \$100,000,000 for fiscal year 2022.*

8 (2) *TIMING FOR FISCAL YEAR 2021.*—*Not later*
9 *than 60 days after the date of the enactment of this*
10 *Act, the Secretary shall make available to States*
11 *amounts for fiscal year 2021 under paragraph (1).*

12 (3) *ALLOCATION OF FUNDS.*—*Funds described in*
13 *paragraph (1) shall be made available as grants to*
14 *State agencies for each fiscal year as follows:*

15 (A) *75 percent of the amounts available for*
16 *each fiscal year shall be allocated to States based*
17 *on the share of each State of households that par-*
18 *ticipate in the supplemental nutrition assistance*
19 *program as reported to the Department of Agri-*
20 *culture for the most recent 12-month period for*
21 *which data are available, adjusted by the Sec-*
22 *retary (as of the date of the enactment of this*
23 *Act) for participation in disaster programs*
24 *under section 5(h) of the Food and Nutrition Act*
25 *of 2008 (7 U.S.C. 2014(h)); and*

1 (B) 25 percent of the amounts available for
2 each fiscal year shall be allocated to States based
3 on the increase in the number of households that
4 participate in the supplemental nutrition assist-
5 ance program as reported to the Department of
6 Agriculture over the most recent 12-month period
7 for which data are available, adjusted by the
8 Secretary (as of the date of the enactment of this
9 Act) for participation in disaster programs
10 under section 5(h) of the Food and Nutrition Act
11 of 2008 (7 U.S.C. 2014(h)).

12 (e) *PROVISIONS FOR IMPACTED WORKERS.*—Notwith-
13 standing any other provision of law, the requirements of
14 subsections (d)(1)(A)(ii) and (o) of section 6 of the Food
15 and Nutrition Act of 2008 (7 U.S.C. 2015) shall not be in
16 effect during the period beginning on November 1, 2020,
17 and ending 1 year after the date of enactment of this Act.

18 (f) *CERTAIN EXCLUSIONS FROM SNAP INCOME.*—A
19 Federal pandemic unemployment compensation payment
20 made to an individual under section 2104 of the
21 Coronavirus Aid, Relief, and Economic Security Act (Pub-
22 lic Law 116–136) shall not be regarded as income and shall
23 not be regarded as a resource for the month of receipt and
24 the following 9 months, for the purpose of determining eligi-
25 bility of such individual or any other individual for benefits

1 *or assistance, or the amount of benefits or assistance, under*
2 *any programs authorized under the Food and Nutrition Act*
3 *of 2008 (7 U.S.C. 2011 et seq.).*

4 *(g) PUBLIC AVAILABILITY.—Not later than 10 days*
5 *after the date of the receipt or issuance of each document*
6 *listed below, the Secretary shall make publicly available on*
7 *the website of the Department of Agriculture the following*
8 *documents:*

9 *(1) Any State agency request to participate in*
10 *the supplemental nutrition assistance program online*
11 *program under section 7(k) of the Food and Nutrition*
12 *Act of 2008 (7 U.S.C. 2016(k)).*

13 *(2) Any State agency request to waive, adjust, or*
14 *modify statutory or regulatory requirements of the*
15 *Food and Nutrition Act of 2008 related to the*
16 *COVID–19 outbreak.*

17 *(3) The Secretary’s approval or denial of each*
18 *such request under paragraphs (1) or (2).*

19 *(h) PROVISIONS FOR IMPACTED STUDENTS.—*

20 *(1) IN GENERAL.—Notwithstanding any other*
21 *provision of law, not later than 20 days after the date*
22 *of the enactment of this Act, eligibility for supple-*
23 *mental nutrition assistance program benefits shall not*
24 *be limited under section 6(e) of the Food and Nutri-*

1 *tion Act of 2008 (7 U.S.C. 2015(e)) for an individual*
2 *who—*

3 *(A) is enrolled at least half-time in an in-*
4 *stitution of higher education; and*

5 *(B) is eligible to participate in a State or*
6 *federally financed work study program during*
7 *the regular school year as determined by the in-*
8 *stitution of higher education.*

9 *(2) SUNSET.—*

10 *(A) INITIAL APPLICATIONS.—The eligibility*
11 *standards authorized under paragraph (1) shall*
12 *be in effect for initial applications for the sup-*
13 *plemental nutrition assistance program until 90*
14 *days after the COVID–19 public health emer-*
15 *gency is lifted.*

16 *(B) RECERTIFICATIONS.—The eligibility*
17 *standards authorized under paragraph (1) shall*
18 *be in effect until the first recertification of a*
19 *household beginning no earlier than 90 days*
20 *after the COVID–19 public health emergency is*
21 *lifted.*

22 *(3) GUIDANCE.—*

23 *(A) IN GENERAL.—Not later than 10 days*
24 *after the date of enactment of this Act, the Sec-*
25 *retary shall issue guidance to State agencies on*

1 *the temporary student eligibility requirements*
2 *established under this subsection.*

3 *(B) COORDINATION WITH THE DEPARTMENT*
4 *OF EDUCATION.—The Secretary of Education, in*
5 *consultation with the Secretary of Agriculture*
6 *and institutions of higher education, shall carry*
7 *out activities to inform applicants for Federal*
8 *student financial aid under the Higher Edu-*
9 *cation Act of 1965 (20 U.S.C. 1001 et seq.) and*
10 *students at institutions of higher education of the*
11 *temporary student eligibility requirements estab-*
12 *lished under this subsection.*

13 *(i) FUNDING.—There are hereby appropriated to the*
14 *Secretary, out of any money not otherwise appropriated,*
15 *such sums as may be necessary to carry out this section.*

16 **SEC. 603. SNAP HOT FOOD PURCHASES.**

17 *During the period beginning 10 days after the date*
18 *of the enactment of this Act and ending on the termination*
19 *date of the COVID–19 public health emergency, the term*
20 *“food”, as defined in section 3 of the Food and Nutrition*
21 *Act of 2008 (7 U.S.C. 2012), shall be deemed to exclude*
22 *“hot foods or hot food products ready for immediate con-*
23 *sumption other than those authorized pursuant to clauses*
24 *(3), (4), (5), (7), (8), and (9) of this subsection,” for pur-*
25 *poses of such Act, except that such exclusion shall be limited*

1 *to retail food stores authorized to accept and redeem supple-*
2 *mental nutrition assistance program benefits as of the date*
3 *of enactment of this Act.*

4 **SEC. 604. SNAP NUTRITION EDUCATION FLEXIBILITY.**

5 *(a) IN GENERAL.—Notwithstanding any other provi-*
6 *sion of law, the Secretary may issue nationwide guidance*
7 *to allow funds allocated under section 28 of the Food and*
8 *Nutrition Act (7 U.S.C. 2036a) to be used for individuals*
9 *distributing food in a non-congregate setting under com-*
10 *modity distribution programs and child nutrition pro-*
11 *grams administered by the Food and Nutrition Service of*
12 *the Department of Agriculture in States affected by the*
13 *COVID–19 outbreak, provided that any individuals who*
14 *distribute school meals under—*

15 *(1) the school lunch program established under*
16 *the Richard B. Russell National School Lunch Act*
17 *(42 U.S.C. 1751 et seq.); and*

18 *(2) the school breakfast program established*
19 *under section 4 of the Child Nutrition Act of 1966 (42*
20 *U.S.C. 1773);*

21 *using funds allocated under section 28 of the Food and Nu-*
22 *trition Act of 2008 (7 U.S.C. 2036a) supplement, not sup-*
23 *plant, individuals who are employed by local educational*
24 *authorities as of the date of enactment of this Act.*

1 (b) *SUNSET.*—*The authority provided in this section*
2 *shall expire 30 days after the COVID–19 public health*
3 *emergency is terminated.*

4 **SEC. 605. FLEXIBILITIES FOR SENIOR FARMERS' MARKET**
5 **NUTRITION PROGRAM.**

6 (a) *AUTHORITY TO MODIFY OR WAIVE RULES.*—*Not-*
7 *withstanding any other provision of law and if requested*
8 *by a State agency, the Secretary may modify or waive any*
9 *rule issued under section 4402 of the Farm Security and*
10 *Rural Investment Act of 2002 (7 U.S.C. 3007) that applies*
11 *to such State agency if the Secretary determines that—*

12 (1) *such State agency is unable to comply with*
13 *such rule as a result of COVID–19; and*

14 (2) *the requested modification or waiver is nec-*
15 *essary to enable such State agency to provide assist-*
16 *ance to low-income seniors under such section.*

17 (b) *PUBLIC AVAILABILITY.*—*Not later than 10 days*
18 *after the date of the receipt or issuance of each document*
19 *listed in paragraphs (1) and (2) of this subsection, the Sec-*
20 *retary shall make publicly available on the website of the*
21 *Department of Agriculture the following documents:*

22 (1) *Any request submitted by State agencies*
23 *under subsection (a).*

24 (2) *The Secretary's approval or denial of each*
25 *such request.*

1 (c) *DEFINITION OF STATE AGENCY.*—The term “State
2 agency” has the meaning given such term in section 249.2
3 of title 7 of the Code of Federal Regulations.

4 (d) *EFFECTIVE PERIOD.*—Subsection (a) shall be in
5 effect during the period that begins on the date of the enact-
6 ment of this Act and ends 30 days after the termination
7 of the COVID–19 public health emergency.

8 **SEC. 606. FLEXIBILITIES FOR THE FOOD DISTRIBUTION**
9 **PROGRAM ON INDIAN RESERVATIONS.**

10 (a) *WAIVER OF NON-FEDERAL SHARE REQUIRE-*
11 *MENT.*—Funds provided in division B of the Coronavirus
12 *Aid, Relief, and Economic Security Act (Public Law 116–*
13 *136) for the food distribution program on Indian reserva-*
14 *tions authorized by section 4(b) of the Food and Nutrition*
15 *Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to the*
16 *payment of the non-Federal share requirement described in*
17 *section 4(b)(4)(A) of such Act (7 U.S.C. 2013(b)(4)(A)).*

18 (b) *FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.*—

19 (1) *IN GENERAL.*—Notwithstanding any other
20 *provision of law, the Secretary of Agriculture may*
21 *issue guidance to waive or adjust section 4(b)(2)(C)*
22 *of the Food and Nutrition Act of 2008 (7 U.S.C.*
23 *2013(b)(2)(C) for any Tribal organization (as defined*
24 *in section 3(v) of such Act (7 U.S.C. 2012(v)), or for*
25 *an appropriate State agency administering the pro-*

1 *gram established under section 4(b) of such Act (7*
2 *U.S.C. 2013(b)), to ensure that households on the In-*
3 *Indian reservation who are participating in the supple-*
4 *mental nutrition assistance program and who are un-*
5 *able to access approved retail food stores due to the*
6 *outbreak of COVID–19 have access to commodities*
7 *distributed under section 4(b) of such Act.*

8 (2) *PUBLIC AVAILABILITY.—The Secretary shall*
9 *make available the guidance document issued under*
10 *paragraph (1) on the public website of the Depart-*
11 *ment of Agriculture not later than 10 days after the*
12 *date of the issuance of such guidance.*

13 (3) *SUNSET.—The authority under this sub-*
14 *section shall expire 30 days after the termination of*
15 *the COVID–19 public health emergency.*

16 **TITLE VII—RURAL**

17 **DEVELOPMENT**

18 **SEC. 701. ASSISTANCE FOR RURAL UTILITIES SERVICE BOR-**

19 **ROWERS.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *ELIGIBLE LOAN.—The term “eligible loan”*
22 *means a loan made by the Secretary under section 4*
23 *or 201 of the Rural Electrification Act of 1936 (7*
24 *U.S.C. 904 or 922), or made by the Federal Financ-*

1 *ing Bank and guaranteed by the Secretary under sec-*
2 *tion 306 of such Act (7 U.S.C. 936).*

3 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
4 *ty” means a borrower to whom an eligible loan is*
5 *made.*

6 (3) *RATEPAYER.*—*The term “ratepayer” means*
7 *an individual who receives utility services from an*
8 *entity to whom the Rural Utilities Service has made*
9 *a loan.*

10 (b) *IN GENERAL.*—

11 (1) *ESTABLISHMENT.*—*The Secretary shall make*
12 *grants on a competitive basis to eligible entities to*
13 *mitigate the effects of the COVID–19 pandemic and*
14 *support their continued or expanded delivery of crit-*
15 *ical services (as defined by the Secretary), including*
16 *covering the cost of forgiving or refinancing ratepayer*
17 *debt outstanding as of such date of enactment.*

18 (2) *TIMELINE.*—

19 (A) *NOTICE OF FUNDING AVAILABILITY.*—
20 *Within 60 days after the date of the enactment*
21 *of this Act, the Secretary shall publish a Notice*
22 *of Funding Availability to solicit applications*
23 *for a grant under this section.*

24 (B) *GRANT AWARDS.*—*The Secretary shall*
25 *announce the grants awarded under this section*

1 *no later than 60 days after the publication of the*
2 *Notice of Funding Availability pursuant to sub-*
3 *paragraph (A).*

4 (3) *MAXIMUM GRANT AMOUNT.*—*The amount of*
5 *the grant awarded to an eligible entity under this sec-*
6 *tion shall not exceed \$1,000,000.*

7 (c) *APPLICATION.*—*To be eligible to receive a grant*
8 *under this section, an eligible entity shall submit to the Sec-*
9 *retary an application containing such information as the*
10 *Secretary may require.*

11 (d) *SELECTION CRITERIA.*—*In awarding grants under*
12 *this section, the Secretary shall consider—*

13 (1) *the degree to which applicants who are eligi-*
14 *ble entities are experiencing economic hardship due to*
15 *reduced or delayed payments from ratepayers;*

16 (2) *whether applicants who are eligible entities*
17 *are using eligible loans to provide services primarily*
18 *to socially disadvantaged groups, as defined in section*
19 *355(e) of the Consolidated Farm and Rural Develop-*
20 *ment Act; and*

21 (3) *the degree to which applicants who are eligi-*
22 *ble entities are using eligible loans in providing serv-*
23 *ices in persistent poverty counties, as defined by the*
24 *Secretary.*

1 **TITLE I—PROVIDING MEDICAL**
2 **EQUIPMENT FOR FIRST RE-**
3 **SPONDERS AND ESSENTIAL**
4 **WORKERS**

5 **SEC. 101. COVID-19 EMERGENCY MEDICAL SUPPLIES EN-**
6 **HANCEMENT.**

7 (a) *DETERMINATION ON EMERGENCY SUPPLIES AND*
8 *RELATIONSHIP TO STATE AND LOCAL EFFORTS.—*

9 (1) *DETERMINATION.—For the purposes of sec-*
10 *tion 101 of the Defense Production Act of 1950 (50*
11 *U.S.C. 4511), the following materials shall be deemed*
12 *to be scarce and critical materials essential to the na-*
13 *tional defense and otherwise meet the requirements of*
14 *section 101(b) of such Act during the COVID-19*
15 *emergency period:*

16 (A) *Diagnostic tests, including serological*
17 *tests, for COVID-19 and the reagents and other*
18 *materials necessary for producing or conducting*
19 *such tests.*

20 (B) *Personal protective equipment, includ-*
21 *ing face shields, N-95 respirator masks, and any*
22 *other masks determined by the Secretary of*
23 *Health and Human Services to be needed to re-*
24 *spond to the COVID-19 pandemic, and the ma-*
25 *terials to produce such equipment.*

1 (C) *Medical ventilators, the components nec-*
2 *essary to make such ventilators, and medicines*
3 *needed to use a ventilator as a treatment for any*
4 *individual who is hospitalized for COVID–19.*

5 (D) *Pharmaceuticals and any medicines de-*
6 *termined by the Food and Drug Administration*
7 *or another Government agency to be effective in*
8 *treating COVID–19 (including vaccines for*
9 *COVID–19) and any materials necessary to*
10 *produce or use such pharmaceuticals or medi-*
11 *cines (including self-injection syringes or other*
12 *delivery systems).*

13 (E) *Any other medical equipment or sup-*
14 *plies determined by the Secretary of Health and*
15 *Human Services or the Secretary of Homeland*
16 *Security to be scarce and critical materials es-*
17 *sential to the national defense for purposes of*
18 *section 101 of the Defense Production Act of*
19 *1950 (50 U.S.C. 4511).*

20 (2) *EXERCISE OF TITLE I AUTHORITIES IN RELA-*
21 *TION TO CONTRACTS BY STATE AND LOCAL GOVERN-*
22 *MENTS.—In exercising authorities under title I of the*
23 *Defense Production Act of 1950 (50 U.S.C. 4511 et*
24 *seq.) during the COVID–19 emergency period, the*
25 *President (and any officer or employee of the United*

1 *States to which authorities under such title I have*
2 *been delegated)—*

3 *(A) may exercise the prioritization or allo-*
4 *cation authority provided in such title I to ex-*
5 *clude any materials described in paragraph (1)*
6 *ordered by a State or local government that are*
7 *scheduled to be delivered within 15 days of the*
8 *time at which—*

9 *(i) the purchase order or contract by*
10 *the Federal Government for such materials*
11 *is made; or*

12 *(ii) the materials are otherwise allo-*
13 *cated by the Federal Government under the*
14 *authorities contained in such Act; and*

15 *(B) shall, within 24 hours of any exercise of*
16 *the prioritization or allocation authority pro-*
17 *vided in such title I—*

18 *(i) notify any State or local govern-*
19 *ment if the exercise of such authorities*
20 *would delay the receipt of such materials*
21 *ordered by such government; and*

22 *(ii) take such steps as may be nec-*
23 *essary to ensure that such materials ordered*
24 *by such government are delivered in the*
25 *shortest possible period.*

1 (3) *UPDATE TO THE FEDERAL ACQUISITION REG-*
2 *ULATION.—Not later than 15 days after the date of*
3 *the enactment of this Act, the Federal Acquisition*
4 *Regulation shall be revised to reflect the requirements*
5 *of paragraph (2)(A).*

6 (b) *ENGAGEMENT WITH THE PRIVATE SECTOR.—*

7 (1) *SENSE OF CONGRESS.—The Congress—*

8 (A) *appreciates the willingness of private*
9 *companies not traditionally involved in pro-*
10 *ducing items for the health sector to volunteer to*
11 *use their expertise and supply chains to produce*
12 *essential medical supplies and equipment;*

13 (B) *encourages other manufacturers to re-*
14 *view their existing capacity and to develop ca-*
15 *capacity to produce essential medical supplies,*
16 *medical equipment, and medical treatments to*
17 *address the COVID–19 emergency; and*

18 (C) *commends and expresses deep apprecia-*
19 *tion to individual citizens who have been pro-*
20 *ducing personal protective equipment and other*
21 *materials for, in particular, use at hospitals in*
22 *their community.*

23 (2) *OUTREACH REPRESENTATIVE.—*

24 (A) *DESIGNATION.—Consistent with the au-*
25 *thorities in title VII of the Defense Production*

1 *Act of 1950 (50 U.S.C. 4551 et seq.), the Admin-*
2 *istrator of the Federal Emergency Management*
3 *Agency, in consultation with the Secretary of*
4 *Health and Human Services, shall designate or*
5 *shall appoint, pursuant to section 703 of such*
6 *Act (50 U.S.C. 4553), an individual to be known*
7 *as the “Outreach Representative”. Such indi-*
8 *vidual shall—*

9 *(i) be appointed from among individ-*
10 *uals with substantial experience in the pri-*
11 *vate sector in the production of medical*
12 *supplies or equipment; and*

13 *(ii) act as the Government-wide single*
14 *point of contact during the COVID–19*
15 *emergency for outreach to manufacturing*
16 *companies and their suppliers who may be*
17 *interested in producing medical supplies or*
18 *equipment, including the materials de-*
19 *scribed under subsection (a).*

20 *(B) ENCOURAGING PARTNERSHIPS.—The*
21 *Outreach Representative shall seek to develop*
22 *partnerships between companies, in coordination*
23 *with the Supply Chain Stabilization Task Force*
24 *or any overall coordinator appointed by the*
25 *President to oversee the response to the COVID–*

1 19 emergency, including through the exercise of
2 the authorities under section 708 of the Defense
3 Production Act of 1950 (50 U.S.C. 4558).

4 (c) *ENHANCEMENT OF SUPPLY CHAIN PRODUCTION.*—
5 In exercising authority under title III of the Defense Pro-
6 duction Act of 1950 (50 U.S.C. 4531 et seq.) with respect
7 to materials described in subsection (a), the President shall
8 seek to ensure that support is provided to companies that
9 comprise the supply chains for reagents, components, raw
10 materials, and other materials and items necessary to
11 produce or use the materials described in subsection (a).

12 (d) *OVERSIGHT OF CURRENT ACTIVITY AND NEEDS.*—

13 (1) *RESPONSE TO IMMEDIATE NEEDS.*—

14 (A) *IN GENERAL.*—Not later than 7 days
15 after the date of the enactment of this Act, the
16 President, in coordination with the National Re-
17 sponse Coordination Center of the Federal Emer-
18 gency Management Agency, the Administrator of
19 the Defense Logistics Agency, the Secretary of
20 Health and Human Services, the Secretary of
21 Veterans Affairs, and heads of other Federal
22 agencies (as appropriate), shall submit to the ap-
23 propriate congressional committees a report as-
24 sessing the immediate needs described in sub-
25 paragraph (B) to combat the COVID-19 pan-

1 *demie and the plan for meeting those immediate*
2 *needs.*

3 *(B) ASSESSMENT.—The report required by*
4 *this paragraph shall include—*

5 *(i) an assessment of the needs for med-*
6 *ical supplies or equipment necessary to ad-*
7 *dress the needs of the population of the*
8 *United States infected by the virus SARS-*
9 *CoV-2 that causes COVID-19 and to pre-*
10 *vent an increase in the incidence of*
11 *COVID-19 throughout the United States,*
12 *including diagnostic tests, serological tests,*
13 *medicines that have been approved by the*
14 *Food and Drug Administration to treat*
15 *COVID-19, and ventilators and medicines*
16 *needed to employ ventilators;*

17 *(ii) based on meaningful consultations*
18 *with relevant stakeholders, an identification*
19 *of the target rate of diagnostic testing for*
20 *each State and an assessment of the need for*
21 *personal protective equipment and other*
22 *supplies (including diagnostic tests) re-*
23 *quired by—*

24 *(I) health professionals, health*
25 *workers, and hospital staff including*

1 *supplies needed for worst case scenarios*
2 *for surges of COVID–19 infections and*
3 *hospitalizations;*

4 *(II) workers in industries and sec-*
5 *tors described in the “Advisory Memo-*
6 *randum on Identification of Essential*
7 *Critical Infrastructure Workers during*
8 *the COVID–19 Response” issued by the*
9 *Director of Cybersecurity and Infra-*
10 *structure Security Agency of the De-*
11 *partment of Homeland Security on*
12 *April 17, 2020 (and any expansion of*
13 *industries and sectors included in up-*
14 *dates to such advisory memorandum);*

15 *(III) students, teachers, and ad-*
16 *ministrators at primary and sec-*
17 *ondary schools; and*

18 *(IV) other workers determined to*
19 *be essential based on such consultation;*

20 *(iii) an assessment of the quantities of*
21 *equipment and supplies in the Strategic*
22 *National Stockpile (established under sec-*
23 *tion 319F–2 of the Public Health Service*
24 *Act ((42 U.S.C. 247d–6b(a)(1))) as of the*
25 *date of the report, and the projected gap be-*

1 *tween the quantities of equipment and sup-*
2 *plies identified as needed in the assessment*
3 *under clauses (i) and (ii) and the quantities*
4 *in the Strategic National Stockpile;*

5 *(iv) an identification of the industry*
6 *sectors and manufacturers most ready to*
7 *fulfill purchase orders for such equipment*
8 *and supplies (including manufacturers that*
9 *may be incentivized) through the exercise of*
10 *authority under section 303(e) of the De-*
11 *fense Production Act of 1950 (50 U.S.C.*
12 *4533(e)) to modify, expand, or improve pro-*
13 *duction processes to manufacture such*
14 *equipment and supplies to respond imme-*
15 *diately to a need identified in clause (i) or*
16 *(ii);*

17 *(v) an identification of Government-*
18 *owned and privately-owned stockpiles of*
19 *such equipment and supplies not included*
20 *in the Strategic National Stockpile that*
21 *could be repaired or refurbished;*

22 *(vi) an identification of previously dis-*
23 *tributed critical supplies that can be redis-*
24 *tributed based on current need;*

1 (vii) a description of any exercise of
2 the authorities described under paragraph
3 (1)(E) or (2)(A) of subsection (a); and

4 (viii) an identification of critical areas
5 of need, by county and by areas identified
6 by the Indian Health Service, in the United
7 States and the metrics and criteria for
8 identification as a critical area.

9 (C) *PLAN.*—The report required by this
10 paragraph shall include a plan for meeting the
11 immediate needs to combat the COVID–19 pan-
12 demic, including the needs described in subpara-
13 graph (B). Such plan shall include—

14 (i) each contract the Federal Govern-
15 ment has entered into to meet such needs,
16 including the purpose of each contract, the
17 type and amount of equipment, supplies, or
18 services to be provided under the contract,
19 the entity performing such contract, and the
20 dollar amount of each contract;

21 (ii) each contract that the Federal Gov-
22 ernment intends to enter into within 14
23 days after submission of such report, in-
24 cluding the information described in sub-
25 paragraph (B) for each such contract; and

1 (iii) whether any of the contracts de-
2 scribed in clause (i) or (ii) have or will
3 have a priority rating under the Defense
4 Production Act of 1950 (50 U.S.C. 4501 et
5 seq.), including purchase orders pursuant to
6 Department of Defense Directive 4400.1 (or
7 any successor directive), subpart A of part
8 101 of title 45, Code of Federal Regulations,
9 or any other applicable authority.

10 (D) ADDITIONAL REQUIREMENTS.—The re-
11 port required by this paragraph, and each up-
12 date required by subparagraph (E), shall in-
13 clude—

14 (i) any requests for equipment and
15 supplies from State or local governments
16 and Indian Tribes, and an accompanying
17 list of the employers and unions consulted
18 in developing these requests;

19 (ii) any modeling or formulas used to
20 determine allocation of equipment and sup-
21 plies, and any related chain of command
22 issues on making final decisions on alloca-
23 tions;

24 (iii) the amount and destination of
25 equipment and supplies delivered;

1 (iv) an explanation of why any por-
2 tion of any contract described under sub-
3 paragraph (C), whether to replenish the
4 Strategic National Stockpile or otherwise,
5 will not be filled;

6 (v) of products procured under such
7 contract, the percentage of such products
8 that are used to replenish the Strategic Na-
9 tional Stockpile, that are targeted to
10 COVID-19 hotspots, and that are used for
11 the commercial market;

12 (vi) a description of the range of prices
13 for goods described in subsection (a), or
14 other medical supplies and equipment that
15 are subject to shortages, purchased by the
16 United States Government, transported by
17 the Government, or otherwise known to the
18 Government, which shall also identify all
19 such prices that exceed the prevailing mar-
20 ket prices of such goods prior to March 1,
21 2020, and any actions taken by the Govern-
22 ment under section 102 of the Defense Pro-
23 duction Act of 1950 or similar provisions of
24 law to prevent hoarding of such materials
25 and charging of such increased prices be-

1 *tween March 1, 2020, and the date of the*
2 *submission of the first report required by*
3 *this paragraph, and, for all subsequent re-*
4 *ports, within each reporting period;*

5 *(vii) metrics, formulas, and criteria*
6 *used to determine COVID–19 hotspots or*
7 *areas of critical need for a State, county, or*
8 *an area identified by the Indian Health*
9 *Service;*

10 *(viii) production and procurement*
11 *benchmarks, where practicable; and*

12 *(ix) results of the consultation with the*
13 *relevant stakeholders required by subpara-*
14 *graph (B)(ii).*

15 *(E) UPDATES.—The President, in coordina-*
16 *tion with the National Response Coordination*
17 *Center of the Federal Emergency Management*
18 *Agency, the Administrator of the Defense Logis-*
19 *tics Agency, the Secretary of Health and Human*
20 *Services, the Secretary of Veterans Affairs, and*
21 *heads of other Federal agencies (as appropriate),*
22 *shall update such report every 14 days.*

23 *(F) PUBLIC AVAILABILITY.—The President*
24 *shall make the report required by this paragraph*
25 *and each update required by subparagraph (E)*

1 available to the public, including on a Govern-
2 ment website.

3 (2) *RESPONSE TO LONGER-TERM NEEDS.*—

4 (A) *IN GENERAL.*—Not later than 14 days
5 after the date of enactment of this Act, the Presi-
6 dent, in coordination with the National Response
7 Coordination Center of the Federal Emergency
8 Management Agency, the Administrator of the
9 Defense Logistics Agency, the Secretary of Health
10 and Human Services, the Secretary of Veterans
11 Affairs, and heads of other Federal agencies (as
12 appropriate), shall submit to the appropriate
13 congressional committees a report containing an
14 assessment of the needs described in subpara-
15 graph (B) to combat the COVID–19 pandemic
16 and the plan for meeting such needs during the
17 6-month period beginning on the date of submis-
18 sion of the report.

19 (B) *ASSESSMENT.*—The report required by
20 this paragraph shall include—

21 (i) an assessment of the elements de-
22 scribe in clauses (i) through (v) and clause
23 (viii) of paragraph (1)(B);

24 (ii) an assessment of needs related to
25 COVID–19 vaccines;

1 (iii) an assessment of the manner in
2 which the *Defense Production Act of 1950*
3 could be exercised to increase services re-
4 lated to health surveillance to ensure that
5 the appropriate level of contact tracing re-
6 lated to detected infections is available
7 throughout the United States to prevent fu-
8 ture outbreaks of COVID–19 infections; and

9 (iv) an assessment of any additional
10 services needed to address the COVID–19
11 pandemic.

12 (C) *PLAN.*—The report required by this
13 paragraph shall include a plan for meeting the
14 longer-term needs to combat the COVID–19 pan-
15 demic, including the needs described in subpara-
16 graph (B). This plan shall include—

17 (i) a plan to exercise authorities under
18 the *Defense Production Act of 1950* (50
19 U.S.C. 4501 et seq.) necessary to increase
20 the production of the medical equipment,
21 supplies, and services that are essential to
22 meeting the needs identified in subpara-
23 graph (B), including the number of N–95
24 respirator masks and other personal protec-
25 tive equipment needed, based on meaningful

1 *consultations with relevant stakeholders, by*
2 *the private sector to resume economic activ-*
3 *ity and by the public and nonprofit sectors*
4 *to significantly increase their activities;*

5 *(ii) results of the consultations with the*
6 *relevant stakeholders required by clause (i);*

7 *(iii) an estimate of the funding and*
8 *other measures necessary to rapidly expand*
9 *manufacturing production capacity for such*
10 *equipment and supplies, including—*

11 *(I) any efforts to expand, retool,*
12 *or reconfigure production lines;*

13 *(II) any efforts to establish new*
14 *production lines through the purchase*
15 *and installation of new equipment; or*

16 *(III) the issuance of additional*
17 *contracts, purchase orders, purchase*
18 *guarantees, or other similar measures;*

19 *(iv) each contract the Federal Govern-*
20 *ment has entered into to meet such needs or*
21 *expand such production, the purpose of each*
22 *contract, the type and amount of equip-*
23 *ment, supplies, or services to be provided*
24 *under the contract, the entity performing*

1 *such contract, and the dollar amount of*
2 *each contract;*

3 *(v) each contract that the Federal Gov-*
4 *ernment intends to enter into within 14*
5 *days after submission of such report, in-*
6 *cluding the information described in clause*
7 *(iv) for each such contract;*

8 *(vi) whether any of the contracts de-*
9 *scribed in clause (iv) or (v) have or will*
10 *have a priority rating under the Defense*
11 *Production Act of 1950 (50 U.S.C. 4501 et*
12 *seq.), including purchase orders pursuant to*
13 *Department of Defense Directive 4400.1 (or*
14 *any successor directive), subpart A of part*
15 *101 of title 45, Code of Federal Regulations,*
16 *or any other applicable authority; and*

17 *(vii) the manner in which the Defense*
18 *Production Act of 1950 (50 U.S.C. 4501 et*
19 *seq.) could be used to increase services nec-*
20 *essary to combat the COVID–19 pandemic,*
21 *including services described in subpara-*
22 *graph (B)(ii).*

23 *(D) UPDATES.—The President, in coordina-*
24 *tion with the National Response Coordination*
25 *Center of the Federal Emergency Management*

1 *Agency, the Administrator of the Defense Logis-*
2 *tics Agency, the Secretary of Health and Human*
3 *Services, the Secretary of Veterans Affairs, and*
4 *heads of other Federal agencies (as appropriate),*
5 *shall update such report every 14 days.*

6 *(E) PUBLIC AVAILABILITY.—The President*
7 *shall make the report required by this subsection*
8 *and each update required by subparagraph (D)*
9 *available to the public, including on a Govern-*
10 *ment website.*

11 (3) *REPORT ON EXERCISING AUTHORITIES*
12 *UNDER THE DEFENSE PRODUCTION ACT OF 1950.—*

13 *(A) IN GENERAL.—Not later than 14 days*
14 *after the date of the enactment of this Act, the*
15 *President, in consultation with the Adminis-*
16 *trator of the Federal Emergency Management*
17 *Agency, the Secretary of Defense, and the Sec-*
18 *retary of Health and Human Services, shall sub-*
19 *mit to the appropriate congressional committees*
20 *a report on the exercise of authorities under titles*
21 *I, III, and VII of the Defense Production Act of*
22 *1950 (50 U.S.C. 4501 et seq.) prior to the date*
23 *of such report.*

24 *(B) CONTENTS.—The report required under*
25 *subparagraph (A) and each update required*

1 under subparagraph (C) shall include, with re-
2 spect to each exercise of such authority—

3 (i) an explanation of the purpose of the
4 applicable contract, purchase order, or other
5 exercise of authority (including an alloca-
6 tion of materials, services, and facilities
7 under section 101(a)(2) of the Defense Pro-
8 duction Act of 1950 (50 U.S.C. 4511(a)(2));

9 (ii) the cost of such exercise of author-
10 ity; and

11 (iii) if applicable—

12 (I) the amount of goods that were
13 purchased or allocated;

14 (II) an identification of the entity
15 awarded a contract or purchase order
16 or that was the subject of the exercise
17 of authority; and

18 (III) an identification of any en-
19 tity that had shipments delayed by the
20 exercise of any authority under the De-
21 fense Production Act of 1950 (50
22 U.S.C. 4501 et seq.).

23 (C) *UPDATES.*—The President shall update
24 the report required under subparagraph (A)
25 every 14 days.

1 (D) *PUBLIC AVAILABILITY.*—*The President*
2 *shall make the report required by this subsection*
3 *and each update required by subparagraph (C)*
4 *available to the public, including on a Govern-*
5 *ment website.*

6 (4) *QUARTERLY REPORTING.*—*The President*
7 *shall submit to Congress, and make available to the*
8 *public (including on a Government website), a quar-*
9 *terly report detailing all expenditures made pursuant*
10 *to titles I, III, and VII of the Defense Production Act*
11 *of 1950 50 U.S.C. 4501 et seq.).*

12 (5) *EXERCISE OF LOAN AUTHORITIES.*—

13 (A) *IN GENERAL.*—*Any loan made pursu-*
14 *ant to section 302 or 303 of the Defense Produc-*
15 *tion Act of 1950, carried out by the Inter-*
16 *national Development Finance Corporation pur-*
17 *suant to the authorities delegated by Executive*
18 *Order 13922, shall be subject to the notification*
19 *requirements contained in section 1446 of the*
20 *BUILD Act of 2018 (22 U.S.C. 9656).*

21 (B) *APPROPRIATE CONGRESSIONAL COMMIT-*
22 *TEES.*—*For purposes of the notifications re-*
23 *quired by subparagraph (A), the term “appro-*
24 *priate congressional committees”, as used section*
25 *1446 of the BUILD Act of 2018, shall be deemed*

1 to include the Committee on Financial Services
2 of the House of Representatives and the Com-
3 mittee on Banking, Housing and Urban Devel-
4 opment of the Senate.

5 (6) *SUNSET.*—*The requirements of this sub-*
6 *section shall terminate on the later of—*

7 (A) *December 31, 2021; or*

8 (B) *the end of the COVID–19 emergency pe-*
9 *riod.*

10 (e) *ENHANCEMENTS TO THE DEFENSE PRODUCTION*
11 *ACT OF 1950.*—

12 (1) *HEALTH EMERGENCY AUTHORITY.*—*Section*
13 *107 of the Defense Production Act of 1950 (50 U.S.C.*
14 *4517) is amended by adding at the end the following:*

15 “(c) *HEALTH EMERGENCY AUTHORITY.*—*With respect*
16 *to a public health emergency declaration by the Secretary*
17 *of Health and Human Services under section 319 of the*
18 *Public Health Service Act, or preparations for such a health*
19 *emergency, the Secretary of Health and Human Services*
20 *and the Administrator of the Federal Emergency Manage-*
21 *ment Agency are authorized to carry out the authorities*
22 *provided under this section to the same extent as the Presi-*
23 *dent.”.*

24 (2) *EMPHASIS ON BUSINESS CONCERNS OWNED*
25 *BY WOMEN, MINORITIES, VETERANS, AND NATIVE*

1 *AMERICANS.—Section 108 of the Defense Production*
2 *Act of 1950 (50 U.S.C. 4518) is amended—*

3 *(A) in the heading, by striking “MOD-*
4 *ERNIZATION OF SMALL BUSINESS SUP-*
5 *PLIERS” and inserting “SMALL BUSINESS*
6 *PARTICIPATION AND FAIR INCLUSION”;*

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

9 “(a) *PARTICIPATION AND INCLUSION.—*

10 “(1) *IN GENERAL.—In providing any assistance*
11 *under this Act, the President shall accord a strong*
12 *preference for subcontractors and suppliers that are—*

13 “(A) *small business concerns; or*

14 “(B) *businesses of any size owned by*
15 *women, minorities, veterans, and the disabled.*

16 “(2) *SPECIAL CONSIDERATION.—To the max-*
17 *imum extent practicable, the President shall accord*
18 *the preference described under paragraph (1) to small*
19 *business concerns and businesses described in para-*
20 *graph (1)(B) that are located in areas of high unem-*
21 *ployment or areas that have demonstrated a con-*
22 *tinuing pattern of economic decline, as identified by*
23 *the Secretary of Labor.”; and*

24 *(C) by adding at the end the following:*

1 “(c) *MINORITY DEFINED.*—*In this section, the term*
2 *‘minority’—*

3 “(1) *has the meaning given the term in section*
4 *308(b) of the Financial Institutions Reform, Recov-*
5 *ery, and Enforcement Act of 1989; and*

6 “(2) *includes any indigenous person in the*
7 *United States, including any territories of the United*
8 *States.”.*

9 “(3) *ADDITIONAL INFORMATION IN ANNUAL RE-*
10 *PORT.*—*Section 304(f)(3) of the Defense Production*
11 *Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by*
12 *striking “year.” and inserting “year, including the*
13 *percentage of contracts awarded using Fund amounts*
14 *to each of the groups described in section 108(a)(1)(B)*
15 *(and, with respect to minorities, disaggregated by eth-*
16 *nic group), and the percentage of the total amount ex-*
17 *pende d during such fiscal year on such contracts.”.*

18 “(4) *DEFINITION OF NATIONAL DEFENSE.*—*Sec-*
19 *tion 702(14) of the Defense Production Act of 1950 is*
20 *amended by striking “and critical infrastructure pro-*
21 *tection and restoration” and inserting “, critical in-*
22 *frastructure protection and restoration, and health*
23 *emergency preparedness and response activities”.*

24 “(f) *SECURING ESSENTIAL MEDICAL MATERIALS.*—

1 (1) *STATEMENT OF POLICY.*—Section 2(b) of the
2 *Defense Production Act of 1950 (50 U.S.C. 4502)* is
3 *amended—*

4 (A) *by redesignating paragraphs (3)*
5 *through (8) as paragraphs (4) through (9), re-*
6 *spectively; and*

7 (B) *by inserting after paragraph (2) the fol-*
8 *lowing:*

9 “*(3) authorities under this Act should be used*
10 *when appropriate to ensure the availability of med-*
11 *ical materials essential to national defense, including*
12 *through measures designed to secure the drug supply*
13 *chain, and taking into consideration the importance*
14 *of United States competitiveness, scientific leadership*
15 *and cooperation, and innovative capacity;”.*

16 (2) *STRENGTHENING DOMESTIC CAPABILITY.*—
17 *Section 107 of the Defense Production Act of 1950 (50*
18 *U.S.C. 4517) is amended—*

19 (A) *in subsection (a), by inserting “(includ-*
20 *ing medical materials)” after “materials”; and*

21 (B) *in subsection (b)(1), by inserting “(in-*
22 *cluding medical materials such as drugs to diag-*
23 *nose, cure, mitigate, treat, or prevent disease*
24 *that essential to national defense)” after “essen-*
25 *tial materials”.*

1 (3) *STRATEGY ON SECURING SUPPLY CHAINS FOR*
2 *MEDICAL ARTICLES.*—*Title I of the Defense Produc-*
3 *tion Act of 1950 (50 U.S.C. 4511 et seq.) is amended*
4 *by adding at the end the following:*

5 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
6 **MEDICAL MATERIALS.**

7 “(a) *IN GENERAL.*—*Not later than 180 days after the*
8 *date of the enactment of this section, the President, in con-*
9 *sultation with the Secretary of Health and Human Serv-*
10 *ices, the Secretary of Commerce, the Secretary of Homeland*
11 *Security, and the Secretary of Defense, shall transmit a*
12 *strategy to the appropriate Members of Congress that in-*
13 *cludes the following:*

14 “(1) *A detailed plan to use the authorities under*
15 *this title and title III, or any other provision of law,*
16 *to ensure the supply of medical materials (including*
17 *drugs to diagnose, cure, mitigate, treat, or prevent*
18 *disease) essential to national defense, to the extent*
19 *necessary for the purposes of this Act.*

20 “(2) *An analysis of vulnerabilities to existing*
21 *supply chains for such medical articles, and rec-*
22 *ommendations to address the vulnerabilities.*

23 “(3) *Measures to be undertaken by the President*
24 *to diversify such supply chains, as appropriate and*
25 *as required for national defense; and*

1 “(4) A discussion of—

2 “(A) any significant effects resulting from
3 the plan and measures described in this sub-
4 section on the production, cost, or distribution of
5 vaccines or any other drugs (as defined under
6 section 201 of the Federal Food, Drug, and Cos-
7 metic Act (21 U.S.C. 321));

8 “(B) a timeline to ensure that essential
9 components of the supply chain for medical ma-
10 terials are not under the exclusive control of a
11 foreign government in a manner that the Presi-
12 dent determines could threaten the national de-
13 fense of the United States; and

14 “(C) efforts to mitigate any risks resulting
15 from the plan and measures described in this
16 subsection to United States competitiveness, sci-
17 entific leadership, and innovative capacity, in-
18 cluding efforts to cooperate and proactively en-
19 gage with United States allies.

20 “(b) *PROGRESS REPORT.*—Following submission of
21 the strategy under subsection (a), the President shall submit
22 to the appropriate Members of Congress an annual progress
23 report evaluating the implementation of the strategy, and
24 may include updates to the strategy as appropriate. The

1 *strategy and progress reports shall be submitted in unclassi-*
2 *fied form but may contain a classified annex.*

3 “(c) *APPROPRIATE MEMBERS OF CONGRESS.*—The
4 *term ‘appropriate Members of Congress’ means the Speaker,*
5 *majority leader, and minority leader of the House of Rep-*
6 *resentatives, the majority leader and minority leader of the*
7 *Senate, the Chairman and Ranking Member of the Commit-*
8 *tees on Armed Services and Financial Services of the House*
9 *of Representatives, and the Chairman and Ranking Member*
10 *of the Committees on Armed Services and Banking, Hous-*
11 *ing, and Urban Affairs of the Senate.’”.*

12 (g) *GAO REPORT.*—

13 (1) *IN GENERAL.*—Not later than 270 days after
14 *the date of the enactment of this Act, and annually*
15 *thereafter, the Comptroller General of the United*
16 *States shall submit to the appropriate congressional*
17 *committees a report on ensuring that the United*
18 *States Government has access to the medical supplies*
19 *and equipment necessary to respond to future*
20 *pandemics and public health emergencies, including*
21 *recommendations with respect to how to ensure that*
22 *the United States supply chain for diagnostic tests*
23 *(including serological tests), personal protective*
24 *equipment, vaccines, and therapies is better equipped*
25 *to respond to emergencies, including through the use*

1 *of funds in the Defense Production Act Fund under*
2 *section 304 of the Defense Production Act of 1950 (50*
3 *U.S.C. 4534) to address shortages in that supply*
4 *chain.*

5 (2) *REVIEW OF ASSESSMENT AND PLAN.—*

6 (A) *IN GENERAL.—Not later than 30 days*
7 *after each of the submission of the reports de-*
8 *scribed in paragraphs (1) and (2) of subsection*
9 *(d), the Comptroller General of the United States*
10 *shall submit to the appropriate congressional*
11 *committees an assessment of such reports, includ-*
12 *ing identifying any gaps and providing any rec-*
13 *ommendations regarding the subject matter in*
14 *such reports.*

15 (B) *MONTHLY REVIEW.—Not later than a*
16 *month after the submission of the assessment*
17 *under subparagraph (A), and monthly thereafter,*
18 *the Comptroller General shall issue a report to*
19 *the appropriate congressional committees with*
20 *respect to any updates to the reports described in*
21 *paragraph (1) and (2) of subsection (d) that*
22 *were issued during the previous 1-month period,*
23 *containing an assessment of such updates, in-*
24 *cluding identifying any gaps and providing any*

1 *recommendations regarding the subject matter in*
2 *such updates.*

3 (h) *DEFINITIONS.—In this section:*

4 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
5 *TEES.—The term “appropriate congressional commit-*
6 *tees” means the Committees on Appropriations,*
7 *Armed Services, Energy and Commerce, Financial*
8 *Services, Homeland Security, and Veterans’ Affairs of*
9 *the House of Representatives and the Committees on*
10 *Appropriations, Armed Services, Banking, Housing,*
11 *and Urban Affairs, Health, Education, Labor, and*
12 *Pensions, Homeland Security and Governmental Af-*
13 *airs, and Veterans’ Affairs of the Senate.*

14 (2) *COVID–19 EMERGENCY PERIOD.—The term*
15 *“COVID–19 emergency period” means the period be-*
16 *ginning on the date of enactment of this Act and end-*
17 *ing after the end of the incident period for the emer-*
18 *gency declared on March 13, 2020, by the President*
19 *under Section 501 of the Robert T. Stafford Disaster*
20 *Relief and Emergency Assistance Act (42 U.S.C. 4121*
21 *et seq.) relating to the Coronavirus Disease 2019*
22 *(COVID–19) pandemic.*

23 (3) *RELEVANT STAKEHOLDER.—The term “rel-*
24 *evant stakeholder” means—*

25 (A) *representative private sector entities;*

1 (B) representatives of the nonprofit sector;

2 (C) representatives of primary and sec-
3 ondary school systems; and

4 (D) representatives of labor organizations
5 representing workers, including unions that rep-
6 resent health workers, manufacturers, teachers,
7 other public sector employees, and service sector
8 workers.

9 (4) STATE.—The term “State” means each of the
10 several States, the District of Columbia, the Common-
11 wealth of Puerto Rico, and any territory or possession
12 of the United States.

13 **TITLE II—PROTECTING RENTERS**
14 **AND HOMEOWNERS FROM**
15 **EVICCTIONS AND FORE-**
16 **CLOSURES**

17 **SEC. 201. EMERGENCY RENTAL ASSISTANCE AND RENTAL**
18 **MARKET STABILIZATION.**

19 (a) DEFINITIONS.—In this section:

20 (1) INDIAN TRIBE.—The term “Indian tribe” has
21 the meaning given the such term in section 4 of the
22 Native American Housing Assistance and Self-Deter-
23 mination Act of 1996 (25 U.S.C. 4103).

24 (2) PUBLIC HOUSING AGENCY.—The term “pub-
25 lic housing agency” has the meaning given such term

1 *in section 3(b) of the United States Housing Act of*
2 *1937 (42 U.S.C. 1437a(b)).*

3 (3) *SECRETARY* .—*The term “Secretary” means*
4 *the Secretary of Housing and Urban Development.*

5 (4) *TRIBALLY DESIGNATED HOUSING ENTITY*.—
6 *The term “tribally designated housing entity” has the*
7 *meaning given such term in section 4 of the Native*
8 *American Housing Assistance and Self-Determination*
9 *Act of 1996 (25 U.S.C. 4103).*

10 (b) *AUTHORIZATION OF APPROPRIATIONS*.—*There is*
11 *authorized to be appropriated to the Secretary*
12 *\$50,000,000,000 for an additional amount for grants under*
13 *the Emergency Solutions Grants program under subtitle B*
14 *of title IV of the McKinney-Vento Homeless Assistance Act*
15 *(42 U.S.C. 11371 et seq.), to remain available until ex-*
16 *pended (subject to subsection (e) of this section), to be used*
17 *for providing short- or medium-term assistance with rent*
18 *and rent-related costs (including tenant-paid utility costs,*
19 *utility- and rent-arrears, fees charged for those arrears, and*
20 *security and utility deposits) in accordance with para-*
21 *graphs (4) and (5) of section 415(a) of such Act (42 U.S.C.*
22 *11374(a)) and this section.*

23 (c) *DEFINITION OF AT RISK OF HOMELESSNESS*.—
24 *Notwithstanding section 401(1) of the McKinney-Vento*
25 *Homeless Assistance Act (42 U.S.C. 11360(1)), for purposes*

1 *of assistance made available with amounts made available*
2 *pursuant to subsection (b), the term “at risk of homeless-*
3 *ness” means, with respect to an individual or family, that*
4 *the individual or family—*

5 *(1) except as provided in subsection (d)(1)(C),*
6 *has an income below 80 percent of the median income*
7 *for the area as determined by the Secretary; and*

8 *(2) has an inability to attain or maintain hous-*
9 *ing stability or has insufficient resources to pay for*
10 *rent or utilities.*

11 *(d) INCOME TARGETING AND CALCULATION.—For pur-*
12 *poses of assistance made available with amounts made*
13 *available pursuant to subsection (b)—*

14 *(1) each recipient of such amounts shall use—*

15 *(A) not less than 40 percent of the amounts*
16 *received only for providing assistance to individ-*
17 *uals or families experiencing homelessness, or for*
18 *persons or families at risk of homelessness who*
19 *have incomes not exceeding 30 percent of the me-*
20 *dian income for the area as determined by the*
21 *Secretary;*

22 *(B) not less than 70 percent of the amounts*
23 *received only for providing assistance to individ-*
24 *uals or families experiencing homelessness, or for*
25 *persons or families at risk of homelessness who*

1 *have incomes not exceeding 50 percent of the me-*
2 *dian income for the area as determined by the*
3 *Secretary; and*

4 *(C) the remainder of the amounts received*
5 *only for providing assistance to individuals or*
6 *families experiencing homelessness, or for persons*
7 *or families at risk of homelessness who have in-*
8 *comes not exceeding 80 percent of the median in-*
9 *come for the area as determined by the Sec-*
10 *retary, except that the recipient may establish a*
11 *higher percentage limit for purposes of subsection*
12 *(c)(1), which shall not in any case exceed 120*
13 *percent of the area median income, provided that*
14 *the recipient—*

15 *(i) proposes to permit such assistance*
16 *to individuals and households in its plan to*
17 *carry out activities under this section; and*

18 *(ii) solicits public comment on the pro-*
19 *posal; and*

20 *(2) in determining the income of a household for*
21 *homelessness prevention assistance—*

22 *(A) the calculation of income performed at*
23 *the time of application for the assistance, includ-*
24 *ing arrearages, shall consider only income that*
25 *the household is receiving at the time of the ap-*

1 *plication, and any income recently terminated*
2 *shall not be included;*

3 *(B) any subsequent calculation of income*
4 *performed with respect to households receiving*
5 *ongoing assistance shall consider only the income*
6 *that the household is receiving at the time of the*
7 *review; and*

8 *(C) the calculation of income performed*
9 *with respect to households receiving assistance*
10 *for arrearages shall consider only the income*
11 *that the household was receiving at the time the*
12 *arrearages were incurred.*

13 *(e) 3-YEAR AVAILABILITY.—*

14 *(1) IN GENERAL.—Each recipient of amounts*
15 *made available pursuant to subsection (b) shall—*

16 *(A) expend not less than 60 percent of the*
17 *grant amounts within 2 years of the date on*
18 *which the funds became available to the recipient*
19 *for obligation; and*

20 *(B) expend 100 percent of the grant*
21 *amounts within 3 years of the date on which the*
22 *funds became available to the recipient for obli-*
23 *gation.*

24 *(2) REALLOCATION AFTER 2 YEARS.—*

1 (A) *IN GENERAL.*—*The Secretary may re-*
2 *capture any amounts not expended in compli-*
3 *ance with paragraph (1)(A) and reallocate those*
4 *amounts to recipients in compliance with the*
5 *formula described in subsection (i) and this*
6 *paragraph.*

7 (B) *STATES, METROPOLITAN CITIES, AND*
8 *URBAN COUNTIES.*—*Funds recaptured under sub-*
9 *paragraph (A) with respect to a recipient de-*
10 *scribed in subsection (i)(1)(B) shall be reallo-*
11 *cated to other participating recipients of funds*
12 *described in subsection (i)(1)(B).*

13 (C) *INDIAN TRIBES, TRIBALLY DESIGNATED*
14 *HOUSING ENTITIES, AND DEPARTMENT OF HA-*
15 *WAIAN HOME LANDS.*—*Funds recaptured under*
16 *subparagraph (A) with respect to a recipient de-*
17 *scribed in subsection (i)(1)(A)(i)(I) shall be re-*
18 *allocated to other participating recipients of*
19 *funds described in subsection (i)(1)(A)(i)(I).*

20 (D) *INSULAR AREAS.*—*Funds recaptured*
21 *under subparagraph (A) with respect to a recipi-*
22 *ent described in subsection (i)(1)(A)(i)(II) shall*
23 *be reallocated to other participating recipients of*
24 *funds described in subsection (i)(1)(A)(i)(II).*

25 (f) *RENT RESTRICTIONS.*—

1 (1) *INAPPLICABILITY.*—Section 576.106(d) of
2 *title 24, Code of Federal Regulations, or any successor*
3 *regulation, shall not apply with respect to homeless-*
4 *ness prevention assistance made available with*
5 *amounts made available pursuant to subsection (b).*

6 (2) *AMOUNT OF RENTAL ASSISTANCE.*—*In pro-*
7 *viding homelessness prevention assistance with*
8 *amounts made available pursuant to subsection (b),*
9 *the maximum amount of rental assistance that may*
10 *be provided shall be the greater of—*

11 (A) *120 percent of the higher of—*

12 (i) *the fair market rent established by*
13 *the Secretary for the metropolitan area or*
14 *county; or*

15 (ii) *the applicable small area fair mar-*
16 *ket rent established by the Secretary; or*

17 (iii) *such higher amount as the Sec-*
18 *retary shall determine is needed to cover*
19 *market rents in the area.*

20 (g) *SUBLEASES.*—*A recipient of amounts made avail-*
21 *able pursuant to subsection (b) shall not be prohibited from*
22 *providing assistance authorized under subsection (b) with*
23 *respect to subleases that are valid under State law.*

1 (h) *UTILITY PAYMENT AND RENTAL ARREARAGES.*—
2 *In providing assistance with amounts made available pur-*
3 *suant to subsection (b) of this section—*

4 (1) *sections 576.105(a)(5) and 576.106(a)(3) of*
5 *title 24, Code of Federal Regulations, shall each be*
6 *applied by substituting “12 months” for “6 months”;*
7 *and*

8 (2) *notwithstanding section 576.106(g) of title*
9 *24, Code of Federal Regulations, where such assist-*
10 *ance is solely with respect to rental arrears, the re-*
11 *cipient shall not be required to provide a written*
12 *lease or evidence of an oral agreement.*

13 (i) *ALLOCATION OF ASSISTANCE.*—

14 (1) *IN GENERAL.*—*In allocating amounts made*
15 *available pursuant to subsection (b), the Secretary*
16 *shall—*

17 (A)(i) *for any purpose authorized in this*
18 *section—*

19 (I) *allocate 2 percent of such amount*
20 *for Indian tribes and tribally designated*
21 *housing entities under the formula estab-*
22 *lished under section 302 of the Native*
23 *American Housing Assistance and Self-De-*
24 *termination Act of 1996 (25 U.S.C. 4152),*
25 *except that 0.3 percent of the amount allo-*

1 *cated under this subclause shall be allocated*
2 *for the Department of Hawaiian Home*
3 *Lands; and*

4 *(II) allocate 0.3 percent of such*
5 *amount for the Virgin Islands, Guam,*
6 *American Samoa, and the Northern Mar-*
7 *iana Islands; and*

8 *(ii) not later than 30 days after the date of*
9 *enactment of this Act, obligate and disburse the*
10 *amounts allocated under clause (i) in accordance*
11 *with those allocations and provide the recipients*
12 *with any necessary guidance for use of the funds;*
13 *and*

14 *(B)(i) not later than 7 days after the date*
15 *of enactment of this Act and after setting aside*
16 *amounts under subparagraph (A)—*

17 *(I) allocate 50 percent of any such re-*
18 *maining amounts under the formula speci-*
19 *fied in subsections (a), (b), and (e) of sec-*
20 *tion 414 of the McKinney-Vento Homeless*
21 *Assistance Act (42 U.S.C. 11373) for each*
22 *State, metropolitan city, and urban county*
23 *that is to receive a direct grant of such*
24 *amounts;*

1 (II) allocate 50 percent of any such re-
2 remaining amounts through the formula used
3 by the Secretary to distribute the second al-
4 location of grants in accordance with the
5 formula described in the matter under the
6 heading “Department of Housing and
7 Urban Development—Community Planning
8 and Development—Homeless Assistance
9 Grants” in title XII of division B of the
10 CARES Act (Public Law 116–136) for each
11 State, metropolitan city, and urban county
12 that is to receive a direct grant of such
13 amounts; and

14 (III) notify each direct grantee of the
15 total amount to be allocated under this
16 clause; and

17 (i) not later than 30 days after the date of
18 enactment of this Act, obligate and disburse the
19 amounts allocated under clause (i) in accordance
20 with those allocations and provide the recipient
21 with any necessary guidance for use of the funds.

22 (2) ALLOCATIONS TO STATES.—

23 (A) IN GENERAL.—Notwithstanding section
24 414(a) of the McKinney-Vento Homeless Assist-
25 ance Act (42 U.S.C. 11373(a)) and section

1 576.202(a) of title 24, Code of Federal Regula-
2 tions, or any successor regulation, a State recipi-
3 ent of an allocation under this section may elect
4 to use up to 100 percent of its allocation to carry
5 out activities eligible under this section directly.

6 (B) *REQUIREMENT.*—Any State recipient
7 making an election described in subparagraph
8 (A) shall serve households throughout the entire
9 State, including households in rural commu-
10 nities and small towns.

11 (3) *ELECTION NOT TO ADMINISTER.*—

12 (A) *METROPOLITAN CITIES AND URBAN*
13 *COUNTIES.*—If a recipient under paragraph
14 (1)(B) other than a State elects not to receive
15 funds under this section, such funds shall be allo-
16 cated to the State recipient in which the recipi-
17 ent is located.

18 (B) *INDIAN TRIBES, TRIBALLY DESIGNATED*
19 *HOUSING ENTITIES, AND DEPARTMENT OF HA-*
20 *WAIIAN HOMELANDS.*—If a recipient under para-
21 graph (1)(A)(i)(I) elects not to receive funds
22 under this section, such funds shall be allocated
23 to other participating recipients of funds under
24 paragraph (1)(A)(i)(I).

1 (C) *INSULAR AREAS.*—If a recipient under
2 paragraph (1)(A)(i)(II) elects not to receive
3 funds under this section, such funds shall be allo-
4 cated to other participating recipients of funds
5 under paragraph (1)(A)(i)(II).

6 (D) *PARTNERSHIPS, SUBGRANTS, AND CON-*
7 *TRACTS.*—A recipient of a grant under this sec-
8 tion may distribute funds through partnerships,
9 subgrants, or contracts with an entity, such as a
10 public housing agency, that is capable of car-
11 rying out activities under this section.

12 (j) *INAPPLICABILITY OF MATCHING REQUIREMENT.*—
13 Section 416(a) of the McKinney-Vento Homeless Assistance
14 Act (42 U.S.C. 11375(a)) shall not apply to any amounts
15 made available pursuant to subsection (b) of this section.

16 (k) *REIMBURSEMENT OF ELIGIBLE ACTIVITIES.*—
17 Amounts made available pursuant to subsection (b) may
18 be used by a recipient to reimburse expenditures incurred
19 for eligible activities under this section carried out after the
20 date of enactment of this Act.

21 (l) *PROHIBITION ON PREREQUISITES.*—None of the
22 funds made available under this section may be used to re-
23 quire any individual or household receiving assistance
24 under this section to receive treatment or perform any other

1 *prerequisite activities as a condition for receiving such as-*
2 *sistance.*

3 (m) *WAIVERS AND ALTERNATIVE REQUIREMENTS.—*

4 (1) *IN GENERAL.—*

5 (A) *AUTHORITY.—In administering the*
6 *amounts made available pursuant to subsection*
7 *(b), the Secretary may waive, or specify alter-*
8 *native requirements for, any provision of any*
9 *statute or regulation that the Secretary admin-*
10 *isters in connection with the obligation by the*
11 *Secretary or the use by the recipient of such*
12 *amounts (except for requirements related to fair*
13 *housing, nondiscrimination, labor standards,*
14 *prohibition on prerequisites, minimum data re-*
15 *porting, and the environment), if the Secretary*
16 *finds that good cause exists for the waiver or al-*
17 *ternative requirement and such waiver or alter-*
18 *native requirement is necessary to expedite the*
19 *use of funds made available pursuant to this sec-*
20 *tion, to respond to public health orders or condi-*
21 *tions related to the COVID–19 emergency, or to*
22 *ensure that eligible individuals can attain or*
23 *maintain housing stability.*

24 (B) *PUBLIC NOTICE.—The Secretary shall*
25 *notify the public through the Federal Register or*

1 *other appropriate means of any waiver or alter-*
2 *native requirement under this paragraph, and*
3 *that such public notice shall be provided, at a*
4 *minimum, on the internet at the appropriate*
5 *Government website or through other electronic*
6 *media, as determined by the Secretary.*

7 (C) *ELIGIBILITY REQUIREMENTS.—Eligi-*
8 *bility for rental assistance or housing relocation*
9 *and stabilization services shall not be restricted*
10 *based upon the prior receipt of assistance under*
11 *the program during the preceding three years.*

12 (D) *INSPECTIONS OF CURRENT HOUSING*
13 *UNITS.—A recipient of funds made available*
14 *pursuant to subsection (b) may elect not to con-*
15 *duct inspections for minimum habitability*
16 *standards described in section 576.403 of title*
17 *24, Code of Federal Regulations, or any successor*
18 *regulation, for any assistance under this section*
19 *that is provided on behalf of an individual or*
20 *household who will continue to reside in the*
21 *same housing unit in which they resided imme-*
22 *diately before receiving the assistance.*

23 (2) *PUBLIC HEARINGS.—*

1 (A) *INAPPLICABILITY OF IN-PERSON HEAR-*
2 *ING REQUIREMENTS DURING THE COVID-19*
3 *EMERGENCY.—*

4 (i) *IN GENERAL.—A recipient under*
5 *this section shall not be required to hold in-*
6 *person public hearings in connection with*
7 *its citizen participation plan, but shall pro-*
8 *vide citizens with notice, including publica-*
9 *tion of its plan for carrying out this section*
10 *on the internet, and a reasonable oppor-*
11 *tunity to comment of not less than 5 days.*

12 (ii) *RESUMPTION OF IN-PERSON HEAR-*
13 *ING REQUIREMENTS.—After the period be-*
14 *ginning on the date of enactment of this Act*
15 *and ending on the date of the termination*
16 *by the Federal Emergency Management*
17 *Agency of the emergency declared on March*
18 *13, 2020, by the President under the Robert*
19 *T. Stafford Disaster Relief and Emergency*
20 *Assistance Act (42 U.S.C. 4121 et seq.) re-*
21 *lating to the Coronavirus Disease 2019*
22 *(COVID-19) pandemic, and after the period*
23 *described in subparagraph (B)(i), the Sec-*
24 *retary shall direct recipients under this sec-*

1 *tion to resume pre-crisis public hearing re-*
2 *quirements.*

3 *(B) VIRTUAL PUBLIC HEARINGS.—*

4 *(i) IN GENERAL.—During the period*
5 *that national or local health authorities rec-*
6 *ommend social distancing and limiting*
7 *public gatherings for public health reasons,*
8 *a recipient may fulfill applicable public*
9 *hearing requirements for all grants from*
10 *funds made available pursuant to this sec-*
11 *tion by carrying out virtual public hear-*
12 *ings.*

13 *(ii) REQUIREMENTS.—Any virtual*
14 *hearings held under clause (i) by a recipi-*
15 *ent under this section shall provide reason-*
16 *able notification and access for citizens in*
17 *accordance with the recipient’s certifi-*
18 *cations, timely responses from local officials*
19 *to all citizen questions and issues, and pub-*
20 *lic access to all questions and responses.*

21 *(n) CONSULTATION.—In addition to any other citizen*
22 *participation and consultation requirements, in developing*
23 *and implementing a plan to carry out this section, each*
24 *recipient of funds made available pursuant to this section*
25 *shall consult with—*

1 (1) *the applicable Continuum or Continuums of*
2 *Care for the area served by the recipient;*

3 (2) *organizations representing underserved com-*
4 *munities and populations; and*

5 (3) *organizations with expertise in affordable*
6 *housing, fair housing, and services for people with*
7 *disabilities.*

8 (o) *ADMINISTRATION.—*

9 (1) *BY SECRETARY.—Of any amounts made*
10 *available pursuant to subsection (b)—*

11 (A) *not more than the lesser of 0.5 percent,*
12 *or \$15,000,000, may be used by the Secretary for*
13 *staffing, training, technical assistance, tech-*
14 *nology, monitoring, research, and evaluation ac-*
15 *tivities necessary to carry out the program car-*
16 *ried out under this section, and such amounts*
17 *shall remain available until September 30, 2024;*
18 *and*

19 (B) *not more than \$2,000,000 shall be*
20 *available to the Office of the Inspector General of*
21 *the Department of Housing and Urban Develop-*
22 *ment for audits and investigations of the pro-*
23 *gram authorized under this section.*

24 (2) *BY RECIPIENTS.—Notwithstanding section*
25 *576.108 of title 24 of the Code of Federal Regulations,*

1 or any successor regulation, with respect to amounts
2 made available pursuant to subsection (b), a recipient
3 may use up to 10 percent of funds received for pay-
4 ment of administrative costs related to the planning
5 and execution of eligible activities carried out under
6 this section.

7 **SEC. 202. HOMEOWNER ASSISTANCE FUND.**

8 (a) *DEFINITIONS.*—In this section:

9 (1) *FUND.*—The term “Fund” means the Home-
10 owner Assistance Fund established under subsection
11 (b).

12 (2) *SECRETARY.*—The term “Secretary” means
13 the Secretary of the Treasury.

14 (3) *STATE.*—The term “State” means any State
15 of the United States, the District of Columbia, any
16 territory of the United States, Puerto Rico, Guam,
17 American Samoa, the Virgin Islands, and the North-
18 ern Mariana Islands.

19 (b) *ESTABLISHMENT OF FUND.*—There is established
20 at the Department of the Treasury a Homeowner Assistance
21 Fund to provide such funds as are made available under
22 subsection (g) to State housing finance agencies for the pur-
23 pose of preventing homeowner mortgage defaults, fore-
24 closures, and displacements of individuals and families ex-
25 periencing financial hardship after January 21, 2020.

1 (c) *ALLOCATION OF FUNDS.*—

2 (1) *ADMINISTRATION.*—Of any amounts made
3 available for the Fund, the Secretary of the Treasury
4 may allocate, in the aggregate, an amount not exceed-
5 ing 5 percent—

6 (A) to the Office of Financial Stability es-
7 tablished under section 101(a) of the Emergency
8 Economic Stabilization Act of 2008 (12 U.S.C.
9 5211(a)) to administer and oversee the Fund,
10 and to provide technical assistance to States for
11 the creation and implementation of State pro-
12 grams to administer assistance from the Fund;
13 and

14 (B) to the Inspector General of the Depart-
15 ment of the Treasury for oversight of the pro-
16 gram under this section.

17 (2) *FOR STATES.*—The Secretary shall establish
18 such criteria as are necessary to allocate the funds
19 available within the Fund for each State. The Sec-
20 retary shall allocate such funds among all States tak-
21 ing into consideration the number of unemployment
22 claims within a State relative to the nationwide num-
23 ber of unemployment claims.

1 (3) *SMALL STATE MINIMUM.*—*The amount allo-*
2 *cated for each State shall not be less than*
3 *\$80,000,000.*

4 (4) *SET-ASIDE FOR INSULAR AREAS.*—*Notwith-*
5 *standing any other provision of this section, of the*
6 *amounts appropriated under subsection (g), the Sec-*
7 *retary shall reserve \$65,000,000 to be disbursed to*
8 *Guam, American Samoa, the Virgin Islands, and the*
9 *Northern Mariana Islands based on each such terri-*
10 *tory's share of the combined total population of all*
11 *such territories, as determined by the Secretary. For*
12 *the purposes of this paragraph, population shall be*
13 *determined based on the most recent year for which*
14 *data are available from the United States Census Bu-*
15 *reau.*

16 (5) *SET-ASIDE FOR INDIAN TRIBES AND NATIVE*
17 *HAWAIIANS.*—

18 (A) *INDIAN TRIBES.*—*Notwithstanding any*
19 *other provision of this section, of the amounts*
20 *appropriated under subsection (g), the Secretary*
21 *shall use 5 percent to make grants in accordance*
22 *with subsection (f) to eligible recipients for the*
23 *purposes described in subsection (e)(1).*

24 (B) *NATIVE HAWAIIANS.*—*Of the funds set*
25 *aside under subparagraph (A), the Secretary*

1 *shall use 0.3 percent to make grants to the De-*
2 *partment of Hawaiian Home Lands in accord-*
3 *ance with subsection (f) for the purposes de-*
4 *scribed in subsection (e)(1).*

5 *(d) DISBURSEMENT OF FUNDS.—*

6 *(1) ADMINISTRATION.—Except for amounts made*
7 *available for assistance under subsection (f), State*
8 *housing finance agencies shall be primarily respon-*
9 *sible for administering amounts disbursed from the*
10 *Fund, but may delegate responsibilities and sub-alloc-*
11 *ate amounts to community development financial in-*
12 *stitutions and State agencies that administer Low-In-*
13 *come Home Energy Assistance Program of the De-*
14 *partment of Health and Human Services.*

15 *(2) NOTICE OF FUNDING.—The Secretary shall*
16 *provide public notice of the amounts that will be*
17 *made available to each State and the method used for*
18 *determining such amounts not later than the expira-*
19 *tion of the 14-day period beginning on the date of the*
20 *enactment of this Act of enactment.*

21 *(3) SHEFA PLANS.—*

22 *(A) ELIGIBILITY.—To be eligible to receive*
23 *funding allocated for a State under the section,*
24 *a State housing finance agency for the State*
25 *shall submit to the Secretary a plan for the im-*

1 *plementation of State programs to administer,*
2 *in part or in full, the amount of funding the*
3 *state is eligible to receive, which shall provide for*
4 *the commencement of receipt of applications by*
5 *homeowners for assistance, and funding of such*
6 *applications, not later than the expiration of the*
7 *6-month period beginning upon the approval*
8 *under this paragraph of such plan.*

9 *(B) MULTIPLE PLANS.— A State housing*
10 *finance agency may submit multiple plans, each*
11 *covering a separate portion of funding for which*
12 *the State is eligible.*

13 *(C) TIMING.—The Secretary shall approve*
14 *or disapprove a plan within 30 days after the*
15 *plan's submission and, if disapproved, explain*
16 *why the plan could not be approved.*

17 *(D) DISBURSEMENT UPON APPROVAL.—The*
18 *Secretary shall disburse to a State housing fi-*
19 *nance agency the appropriate amount of funding*
20 *upon approval of the agency's plan.*

21 *(E) AMENDMENTS.—A State housing fi-*
22 *nance agency may subsequently amend a plan*
23 *that has previously been approved, provided that*
24 *any plan amendment shall be subject to the ap-*
25 *proval of the Secretary. The Secretary shall ap-*

1 *prove any plan amendment or disapprove such*
2 *amendment explain why the plan amendment*
3 *could not be approved within 45 days after sub-*
4 *mission to the Secretary of such amendment.*

5 (F) *TECHNICAL ASSISTANCE.*—*The Sec-*
6 *retary shall provide technical assistance for any*
7 *State housing finance agency that twice fails to*
8 *have a submitted plan approved.*

9 (4) *PLAN TEMPLATES.*—*The Secretary shall, not*
10 *later than 30 days after the date of the enactment of*
11 *this Act, publish templates that States may utilize in*
12 *drafting the plans required under paragraph (3)(A).*
13 *The template plans shall include standard program*
14 *terms and requirements, as well as any required legal*
15 *language, which State housing finance agencies may*
16 *modify with the consent of the Secretary.*

17 (e) *PERMISSIBLE USES OF FUND.*—

18 (1) *IN GENERAL.*—*Funds made available to*
19 *State housing finance agencies pursuant to this sec-*
20 *tion may be used for the purposes established under*
21 *subsection (b), which may include—*

22 (A) *mortgage payment assistance, including*
23 *financial assistance to allow a borrower to rein-*
24 *state their mortgage or to achieve a more afford-*
25 *able mortgage payment, which may include*

1 *principal reduction or rate reduction, provided*
2 *that any mortgage payment assistance is tai-*
3 *lored to a borrower's needs and their ability to*
4 *repay, and takes into consideration the loss miti-*
5 *gation options available to the borrower;*

6 *(B) assistance with payment of taxes, haz-*
7 *ard insurance, flood insurance, mortgage insur-*
8 *ance, or homeowners' association fees;*

9 *(C) utility payment assistance, including*
10 *electric, gas, water, and internet service, includ-*
11 *ing broadband internet access service (as such*
12 *term is defined in section 8.1(b) of title 47, Code*
13 *of Federal Regulations (or any successor regula-*
14 *tion));*

15 *(D) reimbursement of funds expended by a*
16 *State or local government during the period be-*
17 *ginning on January 21, 2020, and ending on the*
18 *date that the first funds are disbursed by the*
19 *State under the Fund, for the purpose of pro-*
20 *viding housing or utility assistance to individ-*
21 *uals or otherwise providing funds to prevent*
22 *foreclosure or eviction of a homeowner or prevent*
23 *mortgage delinquency or loss of housing or crit-*
24 *ical utilities as a response to the coronavirus dis-*
25 *ease 2019 (COVID–19) pandemic; and*

1 (E) any other assistance for homeowners to
2 prevent eviction, mortgage delinquency or de-
3 fault, foreclosure, or the loss of essential utility
4 services.

5 (2) *TARGETING.*—

6 (A) *REQUIREMENT.*—Not less than 60 per-
7 cent of amounts made available for each State or
8 other entity allocated amounts under subsection
9 (c) shall be used for activities under paragraph
10 (1) that assist homeowners having incomes equal
11 to or less than 80 percent of the area median in-
12 come.

13 (B) *DETERMINATION OF INCOME.*—In deter-
14 mining the income of a household for purposes of
15 this paragraph, income shall be considered to in-
16 clude only income that the household is receiving
17 at the time of application for assistance from the
18 Fund and any income recently terminated shall
19 not be included, except that for purposes of
20 households receiving assistance for arrearages in-
21 come shall include only the income that the
22 household was receiving at the time such arrear-
23 ages were incurred.

24 (C) *LANGUAGE ASSISTANCE.*—Each State
25 housing finance agency or other entity allocated

1 *amounts under subsection (c) shall make avail-*
2 *able to each applicant for assistance from*
3 *amounts from the Fund language assistance in*
4 *any language for which such language assistance*
5 *is available to the State housing finance agency*
6 *or entity in and shall provide notice to each such*
7 *applicant that such language assistance is avail-*
8 *able.*

9 (3) *ADMINISTRATIVE EXPENSES.*—*Not more than*
10 *15 percent of the amount allocated to a State pursu-*
11 *ant to subsection (c) may be used by a State housing*
12 *financing agency for administrative expenses. Any*
13 *amounts allocated to administrative expenses that are*
14 *no longer necessary for administrative expenses may*
15 *be used in accordance with paragraph (1).*

16 (f) *TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.*—

17 (1) *DEFINITIONS.*—*In this subsection:*

18 (A) *DEPARTMENT OF HAWAIIAN HOME*
19 *LANDS.*—*The term “Department of Hawaiian*
20 *Home Lands” has the meaning given the term in*
21 *section 801 of the Native American Housing As-*
22 *istance and Self-Determination Act of 1996 (42*
23 *U.S.C. 4221).*

24 (B) *ELIGIBLE RECIPIENT.*—*The term “eligi-*
25 *ble recipient” means any entity eligible to re-*

1 *ceive a grant under section 101 of the Native*
2 *American Housing Assistance and Self-Deter-*
3 *mination Act of 1996 (25 U.S.C. 4111).*

4 (2) *REQUIREMENTS.*—

5 (A) *ALLOCATION.*—*Except for the funds set*
6 *aside under subsection (c)(5)(B), the Secretary*
7 *shall allocate the funds set aside under subsection*
8 *(c)(5)(A) using the allocation formula described*
9 *in subpart D of part 1000 of title 24, Code of*
10 *Federal Regulations (or any successor regula-*
11 *tions).*

12 (B) *NATIVE HAWAIIANS.*—*The Secretary*
13 *shall use the funds made available under sub-*
14 *section (c)(5)(B) in accordance with part 1006 of*
15 *title 24, Code of Federal Regulations (or suc-*
16 *cessor regulations).*

17 (3) *TRANSFER.*—*The Secretary shall transfer*
18 *any funds made available under subsection (c)(5) that*
19 *have not been allocated by an eligible recipient or the*
20 *Department of Hawaiian Home Lands, as applicable,*
21 *to provide the assistance described in subsection (e)(1)*
22 *by December 31, 2030, to the Secretary of Housing*
23 *and Urban Development to carry out the Native*
24 *American Housing Assistance and Self-Determination*
25 *Act of 1996 (25 U.S.C. 4101 et seq.).*

1 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Homeowner Assistance*
3 *Fund established under subsection (b), \$21,000,000,000, to*
4 *remain available until expended.*

5 (h) *USE OF HOUSING FINANCE AGENCY INNOVATION*
6 *FUND FOR THE HARDEST HIT HOUSING MARKETS*
7 *FUNDS.*—*A State housing finance agency may reallocate*
8 *any administrative or programmatic funds it has received*
9 *as an allocation from the Housing Finance Agency Innova-*
10 *tion Fund for the Hardest Hit Housing Markets created*
11 *pursuant to section 101(a) of the Emergency Economic Sta-*
12 *bilization Act of 2008 (12 U.S.C. 5211(a)) that have not*
13 *been otherwise allocated or disbursed as of the date of enact-*
14 *ment of this Act to supplement any administrative or pro-*
15 *grammatic funds received from the Housing Assistance*
16 *Fund. Such reallocated funds shall not be considered when*
17 *allocating resources from the Housing Assistance Fund*
18 *using the process established under subsection (c) and shall*
19 *remain available for the uses permitted and under the terms*
20 *and conditions established by the contract with Secretary*
21 *created pursuant to subsection (d)(1) and the terms of sub-*
22 *section (i).*

23 (i) *REPORTING REQUIREMENTS.*—*The Secretary shall*
24 *provide public reports not less frequently than quarterly re-*
25 *garding the use of funds provided by the Homeowner Assist-*

1 *ance Fund. Such reports shall include the following data*
2 *by State and by program within each State, both for the*
3 *past quarter and throughout the life of the program—*

4 *(1) the amount of funds allocated;*

5 *(2) the amount of funds disbursed;*

6 *(3) the number of households and individuals as-*
7 *sisted;*

8 *(4) the acceptance rate of applicants;*

9 *(5) the type or types of assistance provided to*
10 *each household;*

11 *(6) whether the household assisted had a feder-*
12 *ally backed loan and identification of the Federal en-*
13 *tity backing such loan;*

14 *(7) the average amount of funding provided per*
15 *household receiving assistance and per type of assist-*
16 *ance provided;*

17 *(8) the average number of monthly payments*
18 *that were covered by the funding amount that a*
19 *household received, as applicable, disaggregated by*
20 *type of assistance provided;*

21 *(9) the income level of each household receiving*
22 *assistance; and*

23 *(10) the outcome 12 months after the household*
24 *has received assistance.*

1 *Each report under this subsection shall disaggregate the in-*
2 *formation provided under paragraphs (3) through (10) by*
3 *State, zip code, racial and ethnic composition of the house-*
4 *hold, and whether or not the person from the household ap-*
5 *plying for assistance speaks English as a second language.*

6 **SEC. 203. PROTECTING RENTERS AND HOMEOWNERS FROM**
7 **EVICCTIONS AND FORECLOSURES.**

8 (a) *EVICTION MORATORIUM.—The CARES Act is*
9 *amended by striking section 4024 (15 U.S.C. 9058; Public*
10 *Law 116–136; 134 Stat. 492) and inserting the following*
11 *new section:*

12 **“SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
13 **INGS.**

14 *“(a) CONGRESSIONAL FINDINGS.—The Congress finds*
15 *that—*

16 *“(1) according to the 2018 American Commu-*
17 *nity Survey, 36 percent of households in the United*
18 *States—more than 43 million households—are rent-*
19 *ers;*

20 *“(2) in 2019 alone, renters in the United States*
21 *paid \$512 billion in rent;*

22 *“(3) according to the Joint Center for Housing*
23 *Studies of Harvard University, 20.8 million renters*
24 *in the United States spent more than 30 percent of*
25 *their incomes on housing in 2018 and 10.9 million*

1 *renters spent more than 50 percent of their incomes*
2 *on housing in the same year;*

3 *“(4) according to data from the Department of*
4 *Labor, more than 30 million people have filed for un-*
5 *employment since the COVID–19 pandemic began;*

6 *“(5) the impacts of the spread of COVID–19,*
7 *which is now considered a global pandemic, are ex-*
8 *pected to negatively impact the incomes of potentially*
9 *millions of renter households, making it difficult for*
10 *them to pay their rent on time; and*

11 *“(6) evictions in the current environment would*
12 *increase homelessness and housing instability which*
13 *would be counterproductive towards the public health*
14 *goals of keeping individuals in their homes to the*
15 *greatest extent possible.*

16 *“(b) MORATORIUM.—During the period beginning on*
17 *the date of the enactment of this Act and ending 12 months*
18 *after such date of enactment, the lessor of a covered dwelling*
19 *located in such State may not—*

20 *“(1) make, or cause to be made, any filing with*
21 *the court of jurisdiction to initiate a legal action to*
22 *recover possession of the covered dwelling from the*
23 *tenant for nonpayment of rent or other fees or*
24 *charges; or*

1 “(2) charge fees, penalties, or other charges to the
2 tenant related to such nonpayment of rent.

3 “(c) *DEFINITIONS.*—For purposes of this section, the
4 following definitions shall apply:

5 “(1) *COVERED DWELLING.*—The term ‘covered
6 dwelling’ means a dwelling that is occupied by a ten-
7 ant—

8 “(A) pursuant to a residential lease; or

9 “(B) without a lease or with a lease ter-
10 minable at will under State law.

11 “(2) *DWELLING.*—The term ‘dwelling’ has the
12 meaning given such term in section 802 of the Fair
13 Housing Act (42 U.S.C. 3602) and includes houses
14 and dwellings described in section 803(b) of such Act
15 (42 U.S.C. 3603(b)).

16 “(d) *NOTICE TO VACATE AFTER MORATORIUM EXPI-*
17 *RATION DATE.*—After the expiration of the period described
18 in subsection (b), the lessor of a covered dwelling may not
19 require the tenant to vacate the covered dwelling by reason
20 of nonpayment of rent or other fees or charges before the
21 expiration of the 30-day period that begins upon the provi-
22 sion by the lessor to the tenant, after the expiration of the
23 period described in subsection (b), of a notice to vacate the
24 covered dwelling.”.

25 (b) *MORTGAGE RELIEF.*—

1 (1) *FORBEARANCE AND FORECLOSURE MORATO-*
2 *RIUM FOR COVERED MORTGAGE LOANS.*—Section 4022
3 *of the CARES Act (15 U.S.C. 9056) is amended—*

4 (A) *by striking “Federally backed mortgage*
5 *loan” each place that term appears and insert-*
6 *ing “covered mortgage loan”; and*

7 (B) *in subsection (a)—*

8 (i) *by amending paragraph (2) to read*
9 *as follows:*

10 “(2) *COVERED MORTGAGE LOAN.*—*The term ‘cov-*
11 *ered mortgage loan’—*

12 (A) *means any credit transaction that is*
13 *secured by a mortgage, deed of trust, or other*
14 *equivalent consensual security interest on a 1- to*
15 *4-unit dwelling or on residential real property*
16 *that includes a 1- to 4-unit dwelling; and*

17 (B) *does not include a credit transaction*
18 *under an open end credit plan other than a re-*
19 *verse mortgage.”; and*

20 (ii) *by adding at the end the following:*

21 “(3) *COVERED PERIOD.*—*With respect to a loan,*
22 *the term ‘covered period’ means the period beginning*
23 *on the date of enactment of this Act and ending 12*
24 *months after such date of enactment.”.*

1 (2) *AUTOMATIC FORBEARANCE FOR DELINQUENT*
2 *BORROWERS.*—Section 4022(c) of the CARES Act (15
3 U.S.C. 9056(c)), as amended by paragraph (5) of this
4 subsection, is further amended by adding at the end
5 the following:

6 “(9) *AUTOMATIC FORBEARANCE FOR DELIN-*
7 *QUENT BORROWERS OF COVERED MORTGAGE LOANS*
8 *THAT ARE NOT FEDERALLY-INSURED REVERSE MORT-*
9 *GAGE LOANS.*—

10 “(A) *IN GENERAL.*—Notwithstanding any
11 other law governing forbearance relief, with re-
12 spect to any covered mortgage loan that is not a
13 federally-insured reverse mortgage loan—

14 “(i) any borrower whose covered mort-
15 gage loan became 60 days delinquent be-
16 tween March 13, 2020, and the date of en-
17 actment of this paragraph, and who has not
18 already received a forbearance under sub-
19 section (b), shall automatically be granted a
20 60-day forbearance that begins on the date
21 of enactment of this paragraph, provided
22 that a borrower shall not be considered de-
23 linquent for purposes of this paragraph
24 while making timely payments or otherwise

1 *performing under a trial modification or*
2 *other loss mitigation agreement; and*

3 “(ii) *any borrower whose covered mort-*
4 *gage loan becomes 60 days delinquent be-*
5 *tween the date of enactment of this para-*
6 *graph and the end of the covered period,*
7 *and who has not already received a forbear-*
8 *ance under subsection (b), shall automati-*
9 *cally be granted a 60-day forbearance that*
10 *begins on the 60th day of delinquency, pro-*
11 *vided that a borrower shall not be consid-*
12 *ered delinquent for purposes of this para-*
13 *graph while making timely payments or*
14 *otherwise performing under a trial modi-*
15 *fication or other loss mitigation agreement.*

16 “(B) *INITIAL EXTENSION.—An automatic*
17 *forbearance provided under subparagraph (A)*
18 *shall be extended for up to an additional 120*
19 *days upon the request of the borrower, oral or*
20 *written, submitted to the servicer of the borrower*
21 *affirming that the borrower is experiencing a fi-*
22 *nancial hardship that prevents the borrower*
23 *from making timely payments on the covered*
24 *mortgage loan due, directly or indirectly, to the*
25 *COVID–19 emergency.*

1 “(C) *SUBSEQUENT EXTENSION.*—*A forbear-*
2 *ance extended under subparagraph (B) shall be*
3 *further extended by the servicer, for the period or*
4 *periods requested, for a total forbearance period*
5 *of up to 12 months (including the period of auto-*
6 *matic forbearance), upon the borrower’s request,*
7 *oral or written, submitted to the borrower’s*
8 *servicer affirming that the borrower is experi-*
9 *encing a financial hardship that prevents the*
10 *borrower from making timely payments on the*
11 *covered mortgage loan due, directly or indirectly,*
12 *to the COVID–19 emergency.*

13 “(D) *RIGHT TO ELECT TO CONTINUE MAK-*
14 *ING PAYMENTS.*—

15 “(i) *IN GENERAL.*—*With respect to a*
16 *forbearance provided under this paragraph,*
17 *the borrower of the covered mortgage loan*
18 *may elect to continue making regular pay-*
19 *ments on the covered mortgage loan.*

20 “(ii) *LOSS MITIGATION.*—*A borrower*
21 *who makes an election described in clause*
22 *(i) shall be offered a loss mitigation option*
23 *pursuant to subsection (d) within 30 days*
24 *of resuming regular payments to address*

1 *any payment deficiency during the forbear-*
2 *ance.*

3 “(E) *RIGHT TO SHORTEN FORBEARANCE.*—

4 “(i) *IN GENERAL.*—*At the request of a*
5 *borrower, any period of forbearance pro-*
6 *vided to the borrower under this paragraph*
7 *may be shortened.*

8 “(ii) *LOSS MITIGATION.*—*A borrower*
9 *who makes a request under clause (i) shall*
10 *be offered a loss mitigation option pursuant*
11 *to subsection (d) within 30 days of resum-*
12 *ing regular payments to address any pay-*
13 *ment deficiency during the forbearance.*

14 “(10) *AUTOMATIC EXTENSION OF DUE AND PAY-*
15 *ABLE STATUS FOR CERTAIN REVERSE MORTGAGE*
16 *LOANS.*—

17 “(A) *IN GENERAL.*—*When any covered*
18 *mortgage loan that is also a federally-insured re-*
19 *verse mortgage loan, during the covered period,*
20 *is due and payable due to the death of the last*
21 *surviving borrower but the property to which the*
22 *covered mortgage loan relates is not vacant or*
23 *abandoned, or the covered mortgage loan is eligi-*
24 *ble to be called due and payable due to a prop-*
25 *erty charge default, or if the borrower defaults on*

1 *a property charge repayment plan, or if the bor-*
2 *rower defaults for failure to complete property*
3 *repairs, or if an obligation of the borrower under*
4 *the Security Instrument is not performed, the*
5 *mortgagee automatically shall be granted a 180-*
6 *day extension of—*

7 *“(i) the mortgagee’s deadline to request*
8 *due and payable status from the Depart-*
9 *ment of Housing and Urban Development,*
10 *where applicable;*

11 *“(ii) the mortgagee’s deadline to send*
12 *notification to the mortgagor or his or her*
13 *heirs that the loan is due and payable;*

14 *“(iii) the deadline to initiate fore-*
15 *closure;*

16 *“(iv) any reasonable diligence period*
17 *related to foreclosure or the Mortgage Op-*
18 *tional Election;*

19 *“(v) any deadline relevant to estab-*
20 *lishing that a non-borrowing spouse may be*
21 *eligible for a deferral period;*

22 *“(vi) if applicable, the deadline to ob-*
23 *tain the due and payable appraisal; and*

1 “(vii) any claim submission deadline,
2 including the 6-month acquired property
3 marketing period.

4 “(B) *LENGTH OF EXTENSION OF DUE AND*
5 *PAYABLE STATUS.*—*The mortgagee shall not re-*
6 *quest due and payable status from the Secretary*
7 *of Housing and Urban Development nor initiate*
8 *or continue a foreclosure action during this 180-*
9 *day period described in subparagraph (A), which*
10 *shall be considered a forbearance period.*

11 “(C) *EXTENSION.*—*A forbearance provided*
12 *under subparagraph (B) and related deadline ex-*
13 *ension authorized under subparagraph (A) shall*
14 *be extended for the period or periods requested,*
15 *for a total forbearance period of up to 12 months*
16 *upon—*

17 “(i) *the request of the borrower, oral or*
18 *written, submitted to the servicer of the bor-*
19 *rower affirming that the borrower is experi-*
20 *encing a financial hardship that prevents*
21 *the borrower from making payments on*
22 *property charges, completing property re-*
23 *pairs, or performing an obligation of the*
24 *borrower under the Security Instrument*

1 *due, directly or indirectly, to the COVID-*
2 *19 emergency;*

3 “(ii) *the request of a non-borrowing*
4 *spouse, oral or written, submitted to the*
5 *servicer affirming that the non-borrowing*
6 *spouse has been unable to satisfy all criteria*
7 *for the Mortgagee Optional Election pro-*
8 *gram due, directly or indirectly, to the*
9 *COVID–19 emergency, or to perform all ac-*
10 *tions necessary to become an eligible non-*
11 *borrowing spouse following the death of all*
12 *borrowers; or*

13 “(iii) *the request of a successor-in-in-*
14 *terest of the borrower, oral or written, sub-*
15 *mitted to the servicer affirming the dif-*
16 *ficulty of the heir in satisfying the reverse*
17 *mortgage loan due, directly or indirectly, to*
18 *the COVID–19 emergency.*

19 “(D) *CURTAILMENT OF DEBENTURE INTER-*
20 *EST.—Where any covered mortgage loan that is*
21 *also a federally insured reverse mortgage loan is*
22 *in default during the covered period and subject*
23 *to a prior event which provides for curtailment*
24 *of debenture interest in connection with a claim*
25 *for insurance benefits, the curtailment of debenture*

1 *ture interest shall be suspended during any for-*
2 *bearance period provided herein.”.*

3 (3) *ADDITIONAL FORECLOSURE AND REPOSSES-*
4 *SION PROTECTIONS.—Section 4022(c) of the CARES*
5 *Act (15 U.S.C. 9056(c)) is amended—*

6 (A) *in paragraph (2), by striking “may not*
7 *initiate any judicial or non-judicial foreclosure*
8 *process, move for a foreclosure judgment or order*
9 *of sale, or execute a foreclosure-related eviction or*
10 *foreclosure sale for not less than the 60-day pe-*
11 *riod beginning on March 18, 2020” and insert-*
12 *ing “may not initiate or proceed with any judi-*
13 *cial or non-judicial foreclosure process, schedule*
14 *a foreclosure sale, move for a foreclosure judg-*
15 *ment or order of sale, execute a foreclosure re-*
16 *lated eviction or foreclosure sale for the 6-month*
17 *period beginning on the date of enactment of the*
18 *COVID–19 HERO Act”;* and

19 (B) *by adding at the end the following:*

20 (3) *REPOSSESSION MORATORIUM.—In the case*
21 *of personal property, including any recreational or*
22 *motor vehicle, used as a dwelling, no person may use*
23 *any judicial or non-judicial procedure to repossess or*
24 *otherwise take possession of the property for the 6-*

1 *month period beginning on the date of enactment of*
2 *this paragraph.”*

3 (4) *MORTGAGE FORBEARANCE REFORMS.—Section*
4 *4022 of the CARES Act (15 U.S.C. 9056) is*
5 *amended—*

6 (A) *in subsection (b), by striking para-*
7 *graphs (1), (2), and (3) and inserting the fol-*
8 *lowing:*

9 “(1) *IN GENERAL.—During the covered period, a*
10 *borrower with a covered mortgage loan who has not*
11 *obtained automatic forbearance pursuant to this sec-*
12 *tion and who is experiencing a financial hardship*
13 *that prevents the borrower from making timely pay-*
14 *ments on the covered mortgage loan due, directly or*
15 *indirectly, to the COVID–19 emergency may request*
16 *forbearance on the covered mortgage loan, regardless*
17 *of delinquency status, by—*

18 (A) *submitting a request, orally or in*
19 *writing, to the servicer of the covered mortgage*
20 *loan; and*

21 (B) *affirming that the borrower is experi-*
22 *encing a financial hardship that prevents the*
23 *borrower from making timely payments on the*
24 *covered mortgage loan due, directly or indirectly,*
25 *to the COVID–19 emergency.*

1 “(2) *DURATION OF FORBEARANCE.*—

2 “(A) *IN GENERAL.*—Upon a request by a
3 borrower to a servicer for forbearance under
4 paragraph (1), the forbearance shall be granted
5 by the servicer for the period requested by the
6 borrower, up to an initial length of 180 days, the
7 length of which shall be extended by the servicer,
8 at the request of the borrower for the period or
9 periods requested, for a total forbearance period
10 of not more than 12 months.

11 “(B) *MINIMUM FORBEARANCE AMOUNTS.*—
12 For purposes of granting a forbearance under
13 this paragraph, a servicer may grant an initial
14 forbearance with a term of not less than 90 days,
15 provided that it is automatically extended for an
16 additional 90 days unless the servicer confirms
17 the borrower does not want to renew the forbear-
18 ance or that the borrower is no longer experi-
19 encing a financial hardship that prevents the
20 borrower from making timely mortgage pay-
21 ments due, directly or indirectly, to the COVID-
22 19 emergency.

23 “(C) *RIGHT TO SHORTEN FORBEARANCE.*—

24 “(i) *IN GENERAL.*—At the request of a
25 borrower, any period of forbearance de-

1 scribed under this paragraph may be short-
2 ened.

3 “(ii) *LOSS MITIGATION.*—A borrower
4 who makes a request under clause (i) shall
5 be offered a loss mitigation option pursuant
6 to subsection (d) within 30 days of resum-
7 ing regular payments to address any pay-
8 ment deficiency during the forbearance.

9 “(3) *ACCRUAL OF INTEREST OR FEES.*—A
10 servicer shall not charge a borrower any fees, pen-
11 alties, or interest (beyond the amounts scheduled or
12 calculated as if the borrower made all contractual
13 payments on time and in full under the terms of the
14 mortgage contract) in connection with a forbearance,
15 provided that a servicer may offer the borrower a
16 modification option at the end of a forbearance period
17 granted hereunder that includes the capitalization of
18 past due principal and interest and escrow payments
19 as long as the principal and interest payment of the
20 borrower under such modification remains at or
21 below the contractual principal and interest pay-
22 ments owed under the terms of the mortgage contract
23 before such forbearance period except as the result of
24 a change in the index of an adjustable rate mortgage,
25 or, in the case of loans insured by the Federal Hous-

1 *ing Administration, except in a modification compli-*
2 *ant with applicable Federal Housing Administration*
3 *policies.*

4 “(4) *COMMUNICATION WITH SERVICERS.—Any*
5 *communication between a borrower and a servicer de-*
6 *scribed in this section may be made in writing or*
7 *orally, at the election of the borrower.*

8 “(5) *COMMUNICATION WITH BORROWERS WITH A*
9 *DISABILITY.—*

10 “(A) *IN GENERAL.—Upon request from a*
11 *borrower, servicers shall communicate with bor-*
12 *rowers who have a disability in the preferred*
13 *method of communication of the borrower.*

14 “(B) *DEFINITION.—In this paragraph, the*
15 *term ‘disability’ has the meaning given the term*
16 *‘handicap’ in section 802 of the Fair Housing*
17 *Act (42 U.S.C. 3602).”;* and

18 *(B) in subsection (c), by amending para-*
19 *graph (1) to read as follows:*

20 “(1) *NO DOCUMENTATION REQUIRED.—A*
21 *servicer of a covered mortgage loan shall not require*
22 *any documentation with respect to a forbearance*
23 *under this section other than the oral or written affir-*
24 *mation of the borrower to a financial hardship that*
25 *prevents the borrower from making timely payments*

1 *on the covered mortgage loan due, directly or indi-*
2 *rectly, to the COVID–19 emergency. An oral request*
3 *for forbearance and oral affirmation of hardship by*
4 *the borrower shall be sufficient for the borrower to ob-*
5 *tain or extend a forbearance.”.*

6 (5) *OTHER SERVICER REQUIREMENTS DURING*
7 *FORBEARANCE.—Section 4022(c) of the CARES Act*
8 *(15 U.S.C. 9056(c)), as amended by paragraph (3) of*
9 *this subsection, is amended by adding at the end the*
10 *following:*

11 “(4) *FORBEARANCE TERMS NOTICE.—Within 30*
12 *days of a servicer of a covered mortgage loan pro-*
13 *viding forbearance to a borrower under subsection (b)*
14 *or paragraph (9) or (10), or 10 days if the forbear-*
15 *ance is for a term of less than 60 days, but only*
16 *where the forbearance was provided in response to a*
17 *request by the borrower for forbearance or when an*
18 *automatic forbearance was initially provided under*
19 *paragraph (9) or (10), and not when an existing for-*
20 *bearance is automatically extended, the servicer shall*
21 *provide the borrower with a notice in accordance with*
22 *the terms in paragraph (5).*

23 “(5) *CONTENTS OF NOTICE.—The written notice*
24 *required under paragraph (4) shall state in plain*
25 *language—*

1 “(A) the specific terms of the forbearance;

2 “(B) the beginning and ending dates of the
3 forbearance;

4 “(C) that the borrower is eligible for not
5 more than 12 months of forbearance;

6 “(D) that the borrower may request an ex-
7 tension of the forbearance unless the borrower
8 will have reached the maximum period at the
9 end of the forbearance;

10 “(E) that the borrower may request that the
11 initial or extended period be shortened at any
12 time;

13 “(F) that the borrower should contact the
14 servicer before the end of the forbearance period;

15 “(G) a description of the loss mitigation op-
16 tions that may be available to the borrower at
17 the end of the forbearance period based on the
18 specific covered mortgage loan of the borrower;

19 “(H) information on how to find a housing
20 counseling agency approved by the Department
21 of Housing and Urban Development;

22 “(I) in the case of a forbearance provided
23 pursuant to paragraph (9) or (10), that the for-
24 bearance was automatically provided and how to

1 *contact the servicer to make arrangements for*
2 *further assistance, including any renewal; and*

3 *“(J) where applicable, that the forbearance*
4 *is subject to an automatic extension, including*
5 *the terms of any such automatic extensions and*
6 *when any further extension would require a bor-*
7 *rower request.*

8 *“(6) TREATMENT OF ESCROW ACCOUNTS.—Dur-*
9 *ing any forbearance provided under this section, a*
10 *servicer shall pay or advance funds to make disburse-*
11 *ments in a timely manner from any escrow account*
12 *established on the covered mortgage loan.*

13 *“(7) NOTIFICATION FOR BORROWERS.—During*
14 *the period beginning on the date that is 90 days after*
15 *the date of the enactment of this paragraph and end-*
16 *ing on the last day of the covered period, each servicer*
17 *of a covered mortgage loan shall be required to—*

18 *“(A) make available in a clear and con-*
19 *spicuous manner on their web page accurate in-*
20 *formation, in English and Spanish, for bor-*
21 *rowers regarding the availability of forbearance*
22 *as provided under subsection (b);*

23 *“(B) notify every borrower whose payments*
24 *on a covered mortgage loan are or become 31*
25 *days delinquent in any oral communication with*

1 *or to the borrower that the borrower may be eli-*
2 *gible to request forbearance as provided under*
3 *subsection (b), except that such notice shall not*
4 *be required if the borrower already has requested*
5 *forbearance under subsection (b); and*

6 “(C) *provide in writing, in both English*
7 *and Spanish, to any borrower whose payments*
8 *on the covered mortgage loan are or become 31*
9 *days delinquent, a notification that—*

10 “(i) *the borrower may be eligible for*
11 *forbearance under this section;*

12 “(ii) *the borrower can seek language*
13 *assistance and general help through a hous-*
14 *ing counseling agency certified by the De-*
15 *partment of Housing and Urban Develop-*
16 *ment;*

17 “(iii) *provides information on how to*
18 *find a counseling agency described in clause*
19 *(ii); and*

20 “(iv) *shall be provided not later than*
21 *the 45th day of the delinquency of the bor-*
22 *rower.*

23 “(8) *CERTAIN TREATMENT UNDER RESPA.—Dur-*
24 *ing any period of time that a borrower is in forbear-*
25 *ance, has not yet received an offer under subsection*

1 *(d)(2) or a notice of the determination of the servicer*
2 *under subsection (d)(3), as applicable, or whose first*
3 *payment due under an offer under subsection (d)(2)*
4 *is not yet past due—*

5 *“(A) for purposes of section 1024.41 of title*
6 *12, Code of Federal Regulations (or any suc-*
7 *cessor regulation), any delinquency on the mort-*
8 *gage loan shall be tolled; and*

9 *“(B) the servicer shall not initiate or pro-*
10 *ceed with any judicial or non-judicial foreclosure*
11 *process, schedule a foreclosure sale, move for a*
12 *foreclosure judgment or order of sale, execute a*
13 *foreclosure related eviction or foreclosure sale, in-*
14 *cluding charging, assessing, or incurring any*
15 *foreclosure related fees, such as attorney fees,*
16 *property inspection fees, or title fees.”.*

17 *(6) POST-FORBEARANCE LOSS MITIGATION.—*

18 *(A) AMENDMENT TO THE CARES ACT.—Sec-*
19 *tion 4022 of the CARES Act (15 U.S.C. 9056)*
20 *is amended by adding at the end the following:*

21 *“(d) POST-FORBEARANCE LOSS MITIGATION.—*

22 *“(1) NOTICE OF AVAILABILITY OF ADDITIONAL*
23 *FORBEARANCE.—With respect to any covered mort-*
24 *gage loan as to which forbearance under this section*
25 *has been granted and not otherwise extended, includ-*

1 *ing by automatic extension, a servicer shall, not later*
2 *than 30 days before the end of the forbearance period,*
3 *in writing, notify the borrower that additional for-*
4 *bearance may be available and how to request such*
5 *forbearance, except that no such notice is required*
6 *where the borrower already has requested an extension*
7 *of the forbearance period, is subject to automatic ex-*
8 *ension pursuant to subsection (b)(2)(B), or no addi-*
9 *tional forbearance is available.*

10 *“(2) LOSS MITIGATION OFFER BEFORE EXPIRA-*
11 *TION OF FORBEARANCE ON A COVERED MORTGAGE*
12 *LOAN OTHER THAN A FEDERALLY INSURED REVERSE*
13 *MORTGAGE LOAN.—*

14 *“(A) IN GENERAL.—For any covered mort-*
15 *gage loan that is not a federally insured reverse*
16 *mortgage loan, not later than 30 days before the*
17 *end of any forbearance period that has not been*
18 *extended or 30 days after a request by a bor-*
19 *rower to terminate the forbearance, which time*
20 *shall be before the servicer initiates or engages in*
21 *any foreclosure activity listed in subsection*
22 *(c)(2), including incurring or charging to a bor-*
23 *rower any fees or corporate advances related to*
24 *a foreclosure, the servicer shall, in writing—*

1 “(i) offer the borrower a loss mitiga-
2 tion option, without the charging of any
3 fees or penalties other than interest, such
4 that the principal and interest payment of
5 the borrower remains the same as it was
6 prior to the forbearance, subject to any ad-
7 justment of the index pursuant to the terms
8 of an adjustable rate mortgage, and that—

9 “(I) defers the payment of total
10 arrearages, including any escrow ad-
11 vances, to the end of the existing term
12 of the loan, without the charging or
13 collection of any additional interest on
14 the deferred amounts; or

15 “(II) extends the term of the mort-
16 gage loan, and capitalizes, defers, or
17 forgives all escrow advances and other
18 arrearages;

19 “(ii) concurrent with the loss mitiga-
20 tion offer in clause (i), notify the borrower
21 that the borrower has the right to be evalu-
22 ated for other loss mitigation options if the
23 borrower is not able to make the payment
24 under the option offered in clause (i).

1 “(B) *EXCEPTION.*—Notwithstanding sub-
2 paragraph (A)(i), a servicer may offer a bor-
3 rower of a covered mortgage loan described in
4 subparagraph (A) a loss mitigation option that
5 reduces the principal and interest payment on
6 the covered mortgage loan and capitalizes, defers,
7 or forgives all escrow advances or arrearages if
8 the servicer has information indicating that the
9 borrower cannot resume the pre-forbearance
10 mortgage payments.

11 “(3) *EVALUATION FOR LOSS MITIGATION PRIOR*
12 *TO FORECLOSURE INITIATION FOR ANY COVERED*
13 *MORTGAGE LOAN THAT IS NOT A FEDERALLY INSURED*
14 *REVERSE MORTGAGE LOAN.*—Before a servicer may
15 initiate or engage in any foreclosure activity listed in
16 subsection (c)(2) for any covered mortgage loan that
17 is not a federally insured reverse mortgage loan, in-
18 cluding incurring or charging to a borrower any fees
19 or corporate advances related to a foreclosure on the
20 basis that the borrower has failed to perform under
21 the loss mitigation offer in paragraph (2)(A) within
22 the first 90 days after the option is offered, including
23 a failure to accept the loss mitigation offer in para-
24 graph (2)(A), the servicer shall—

1 “(A) unless the borrower has already sub-
2 mitted a complete application that the servicer is
3 reviewing—

4 “(i) notify the borrower in writing of
5 the documents and information, if any,
6 needed by the servicer to enable the servicer
7 to consider the borrower for all available
8 loss mitigation options; and

9 “(ii) exercise reasonable diligence to
10 obtain the documents and information need-
11 ed to complete the loss mitigation applica-
12 tion of the borrower; and

13 “(B) upon receipt of a complete application
14 or if, despite the exercise by the servicer of rea-
15 sonable diligence, the loss mitigation application
16 remains incomplete 60 days after the notice in
17 paragraph (2)(A) is sent—

18 “(i) conduct an evaluation of the com-
19 plete or incomplete loss mitigation applica-
20 tion without reference to whether the bor-
21 rower has previously submitted a complete
22 loss mitigation application; and

23 “(ii) offer the borrower all available
24 loss mitigation options for which the bor-
25 rower qualifies under applicable investor

1 *guidelines, including guidelines regarding*
2 *required documentation.*

3 “(4) *EFFECT ON FUTURE REQUESTS FOR LOSS*
4 *MITIGATION REVIEW FOR BORROWERS WITH COVERED*
5 *MORTGAGE LOANS THAT ARE NOT FEDERALLY IN-*
6 *SURED REVERSE MORTGAGE LOANS.—An application,*
7 *offer, or evaluation for loss mitigation under this sec-*
8 *tion for a covered mortgage loan that is not a feder-*
9 *ally insured reverse mortgage loan shall not be the*
10 *basis for the denial of an application of a borrower*
11 *as duplicative or for a reduction in the appeal rights*
12 *of the borrower under Regulation X in part 1024 of*
13 *title 12, Code of Federal Regulations, in regard to*
14 *any loss mitigation application submitted after the*
15 *servicer has complied with the requirements of para-*
16 *graphs (2) and (3),*

17 “(5) *SAFE HARBOR.—For any covered mortgage*
18 *loan that is not a federally insured reverse mortgage*
19 *loan, any loss mitigation option authorized by the*
20 *Federal National Mortgage Association, the Federal*
21 *Home Loan Corporation, or the Federal Housing Ad-*
22 *ministration shall be deemed to comply with the re-*
23 *quirements of paragraph (2)(A) if the loss mitigation*
24 *option—*

1 “(A) defers the payment of total arrearages,
2 including any escrow advances, to the end of the
3 existing term of the loan, without the charging or
4 collection of any additional interest on the de-
5 ferred amounts; or

6 “(B) extends the term of the mortgage loan,
7 and capitalizes, defers, or forgives all escrow ad-
8 vances and other arrearages, without the charg-
9 ing of any fees or penalties beyond interest on
10 any amount capitalized into the loan principal.

11 “(6) HOME RETENTION OPTIONS FOR CERTAIN
12 REVERSE MORTGAGE LOANS.—

13 “(A) IN GENERAL.—For a covered mortgage
14 loan that is also a federally insured reverse
15 mortgage loan, the conduct of a servicer shall be
16 deemed to comply with this section, provided
17 that if the loan is eligible to be called due and
18 payable due to a property charge default, the
19 mortgagee shall, as a precondition to sending a
20 due and payable request to the Secretary or ini-
21 tiating or continuing a foreclosure process—

22 “(i) make a good faith effort to com-
23 municate with the borrower regarding
24 available home retention options to cure the
25 property charge default, including encour-

1 aging the borrower to apply for home reten-
2 tion options; and

3 “(ii) consider the borrower for all
4 available home retention options as allowed
5 by the Secretary.

6 “(B) *PERMISSIBLE REPAYMENT PLANS.*—
7 The Secretary shall amend the allowable home
8 retention options of the Secretary to permit a re-
9 payment plan of not more than 120 months in
10 length, and to permit a repayment plan without
11 regard to prior defaults on repayment plans.

12 “(C) *LIMITATION ON INTEREST CURTAIL-*
13 *MENT.*—The Secretary may not curtail interest
14 paid to mortgagees who engage in loss mitiga-
15 tion or home retention actions through interest
16 curtailment during such loss mitigation or home
17 retention review or during the period when a loss
18 mitigation or home retention plan is in effect
19 and ending 90 days after any such plan termi-
20 nates.”.

21 (B) *AMENDMENT TO HOUSING ACT OF*
22 1949.—

23 (i) *IN GENERAL.*—Section 505 of the
24 Housing Act of 1949 (42 U.S.C. 1475) is
25 amended—

1 (I) by striking the section heading
2 and inserting “LOSS MITIGATION
3 AND FORECLOSURE PROCE-
4 DURES”;

5 (II) in subsection (a), by striking
6 the section designation and all that fol-
7 lows through “During any” and insert-
8 ing the following:

9 “(a) MORATORIUM.—(1) In determining the eligibility
10 of a borrower for relief, the Secretary shall make all eligi-
11 bility decisions based on the household income, expenses,
12 and circumstances of the borrower.

13 “(2) During any”;

14 (III) by redesignating subsection
15 (b) as subsection (c); and

16 (IV) by inserting after subsection
17 (a) the following new subsection:

18 “(b) LOAN MODIFICATION.—(1) Notwithstanding any
19 other provision of this title, for any loan made under section
20 502 or 504, the Secretary may modify the interest rate and
21 extend the term of such loan for up to 30 years from the
22 date of such modification.

23 “(2) At the end of any moratorium period grant-
24 ed under this section or under this Act, the Secretary

1 *shall reset the principal and interest payments of the*
2 *borrower—*

3 “(A) *based on a reasonable assessment of the*
4 *ability of the household of the borrower to make*
5 *principal and interest payments; and*

6 “(B) *in accordance with paragraphs (1)*
7 *and (2) of subsection (a) and paragraphs (1)*
8 *and (3) of this subsection.*

9 “(3) *The amount of the principal and interest*
10 *payment that is reset under paragraph (2) may not*
11 *exceed the amount of the principal and interest pay-*
12 *ment of the borrower before the moratorium.”.*

13 *(ii) RULES.—*

14 *(I) INTERIM FINAL RULE.—Not*
15 *later than 60 days after the date of en-*
16 *actment of this Act, the Secretary of*
17 *Agriculture shall promulgate an in-*
18 *terim final rule to carry out the*
19 *amendments made by this subpara-*
20 *graph.*

21 *(II) FINAL RULE.—Not later than*
22 *180 days after the date of enactment of*
23 *this Act, the Secretary of Agriculture*
24 *shall promulgate a final rule to carry*

1 *out the amendments made by this sub-*
2 *paragraph.*

3 (7) *MULTIFAMILY MORTGAGE FORBEARANCE.—*
4 *Section 4023 of the CARES Act (15 U.S.C. 9057) is*
5 *amended—*

6 (A) *in the section heading, by striking*
7 *“with federally backed loans”;*

8 (B) *by striking “Federally backed multi-*
9 *family mortgage loan” each place that term ap-*
10 *pears and inserting “multifamily mortgage*
11 *loan”;*

12 (C) *in subsection (b), by striking “during”*
13 *and inserting “due, directly or indirectly, to”;*

14 (D) *in subsection (c)(1)—*

15 (i) *in subparagraph (A), by adding*
16 *“and” at the end; and*

17 (ii) *by striking subparagraphs (B) and*
18 (C) *and inserting the following:*

19 *“(B) provide the forbearance for up to the*
20 *end of the period described in section 4024(b).”;*

21 (E) *by redesignating subsection (f) as sub-*
22 *section (g);*

23 (F) *by inserting after subsection (e) the fol-*
24 *lowing:*

1 “(f) *TREATMENT AFTER FORBEARANCE.*—*With respect*
2 *to a multifamily mortgage loan provided a forbearance*
3 *under this section, the servicer of such loan—*

4 “(1) *shall provide the borrower with not less*
5 *than a 12-month period beginning at the end of the*
6 *forbearance to become current on the payments under*
7 *such loan;*

8 “(2) *may not charge any late fees, penalties, or*
9 *other charges with respect to payments on the loan*
10 *that were due during the forbearance period, if the*
11 *payments are made before the end of the repayment*
12 *period under paragraph (1); and*

13 “(3) *may not report any adverse information to*
14 *a credit rating agency (as defined in section 603 of*
15 *the Fair Credit Reporting Act (12 U.S.C. 1681a))*
16 *with respect to any payments on the loan that were*
17 *due during the forbearance period, if the payments*
18 *are made before the end of the repayment period*
19 *under paragraph (1)).”;* and

20 (G) *in subsection (g), as so redesignated—*

21 (i) *in paragraph (2)—*

22 (I) *in the paragraph heading, by*
23 *striking “FEDERALLY BACKED*
24 *MULTIFAMILY” and inserting*
25 *“MULTIFAMILY”;*

- 1 (II) by striking “that—” and all
2 that follows through “(A) is secured
3 by” and inserting “that is secured by”;
4 (III) by striking “; and” and in-
5 serting a period; and
6 (IV) by striking subparagraph
7 (B); and
8 (ii) by amending paragraph (5) to
9 read as follows:

10 “(5) *COVERED PERIOD.*—The term ‘covered pe-
11 riod’ has the meaning given the term in section
12 4022(a)(3).”.

13 (8) *RENTER PROTECTIONS DURING FORBEAR-*
14 *ANCE PERIOD.*—A borrower that receives a forbear-
15 ance pursuant to section 4022 or 4023 of the CARES
16 Act (15 U.S.C. 9056, 9057) may not, for the duration
17 of the forbearance—

18 (A) evict or initiate the eviction of a tenant
19 solely for nonpayment of rent or other fees or
20 charges; or

21 (B) charge any late fees, penalties, or other
22 charges to a tenant for late payment of rent.

23 (9) *EXTENSION OF GSE PATCH.*—

24 (A) *NON-APPLICABILITY OF EXISTING SUN-*
25 *SET.*—Section 1026.43(e)(4)(iii)(B) of title 12,

1 *Code of Federal Regulations, shall have no force*
2 *or effect.*

3 (B) *EXTENDED SUNSET.*—*The special rules*
4 *in section 1026.43(e)(4) of title 12, Code of Fed-*
5 *eral Regulations, shall apply to covered trans-*
6 *actions consummated prior to June 1, 2022, or*
7 *such later date as the Director of the Bureau of*
8 *Consumer Financial Protection may determine,*
9 *by rule.*

10 (10) *SERVICER SAFE HARBOR FROM INVESTOR*
11 *LIABILITY.*—

12 (A) *SAFE HARBOR.*—

13 (i) *IN GENERAL.*—*A servicer of covered*
14 *mortgage loans or multifamily mortgage*
15 *loans—*

16 (I) *shall be deemed not to have*
17 *violated any duty or contractual obli-*
18 *gation owed to investors or other par-*
19 *ties regarding those mortgage loans on*
20 *account of offering or implementing in*
21 *good faith forbearance during the cov-*
22 *ered period or offering or imple-*
23 *menting in good faith post-forbearance*
24 *loss mitigation (including after the ex-*
25 *piration of the covered period) in ac-*

1 *cordance with the terms of sections*
2 *4022 and 4023 of the CARES Act (15*
3 *U.S.C. 9056, 9057) to borrowers, re-*
4 *spectively, on covered mortgage loans*
5 *or multifamily mortgage loans that the*
6 *servicer services; and*

7 *(II) shall not be liable to any*
8 *party who is owed such a duty or obli-*
9 *gation or subject to any injunction,*
10 *stay, or other equitable relief to such*
11 *party on account of such offer or im-*
12 *plementation of forbearance or post-*
13 *forbearance loss mitigation.*

14 *(ii) OTHER PERSONS.—Any person,*
15 *including a trustee of a securitization vehi-*
16 *cle or other party involved in a*
17 *securitization or other investment vehicle,*
18 *who in good faith cooperates with a servicer*
19 *of covered mortgage loans or multifamily*
20 *mortgage loans held by that securitization*
21 *or investment vehicle to comply with the*
22 *terms of section 4022 and 4023 of the*
23 *CARES Act (15 U.S.C. 9056, 9057), respec-*
24 *tively, to borrowers on covered or multi-*
25 *family mortgage loans owned by the*

1 *securitization or other investment vehicle*
2 *shall not be liable to any party who is owed*
3 *such a duty or obligation or subject to any*
4 *injunction, stay, or other equitable relief to*
5 *such party on account of the cooperation of*
6 *the servicer with an offer or implementation*
7 *of forbearance during the covered period or*
8 *post-forbearance loss mitigation, including*
9 *after the expiration of the covered period.*

10 *(B) STANDARD INDUSTRY PRACTICE.—Dur-*
11 *ing the covered period, notwithstanding any con-*
12 *tractual restrictions, it is deemed to be standard*
13 *industry practice for a servicer to offer forbear-*
14 *ance (or in the case of a reverse mortgage, an ex-*
15 *ension of the due and payable period) or loss*
16 *mitigation options in accordance with the terms*
17 *of sections 4022 and 4023 of the CARES Act (15*
18 *U.S.C. 9056, 9057) to borrowers, respectively, on*
19 *all covered mortgage loans or multifamily mort-*
20 *gage loans serviced by the servicer.*

21 *(C) RULE OF CONSTRUCTION.—Nothing in*
22 *this paragraph may be construed as affecting the*
23 *liability of a servicer or other person for actual*
24 *fraud in the servicing of a mortgage loan or for*
25 *the violation of a State or Federal law.*

1 (D) *DEFINITIONS.*—*In this paragraph:*

2 (i) *COVERED MORTGAGE LOAN.*—*The*
3 *term “covered mortgage loan” has the*
4 *meaning given the term in section 4022(a)*
5 *of the CARES Act (15 U.S.C. 9056(a)).*

6 (ii) *COVERED PERIOD.*—*The term*
7 *“covered period” has the meaning given the*
8 *term in section 4023(g) of the CARES Act*
9 *(15 U.S.C. 9057(g)).*

10 (iii) *MULTIFAMILY MORTGAGE LOAN.*—
11 *The term “multifamily mortgage loan” has*
12 *the meaning given the term in section*
13 *4023(g) of the CARES Act (15 U.S.C.*
14 *9057(g)).*

15 (iv) *SERVICER.*—*The term*
16 *“servicer”—*

17 (I) *has the meaning given the*
18 *term in section 6(i) of the Real Estate*
19 *Settlement Procedures Act of 1974 (12*
20 *U.S.C. 2605(i)); and*

21 (II) *means a master servicer and*
22 *a subservicer, as those terms are de-*
23 *finied in section 1024.31 of title 12,*
24 *Code of Federal Regulations.*

1 (v) *SECURITIZATION VEHICLE*.—*The*
2 term “*securitization vehicle*” has the mean-
3 ing given that term in section 129A(f) of the
4 *Truth in Lending Act (15 U.S.C. 1639a(f))*.

5 (c) *AMENDMENTS TO NATIONAL HOUSING ACT*.—*Sec-*
6 tion 306(g)(1) of the *National Housing Act (12 U.S.C.*
7 *1721(g)(1))* is amended—

8 (1) in the fifth sentence, by inserting after
9 “*issued*” the following: “, subject to any pledge or
10 grant of security interest of the Federal Reserve under
11 section 4003(b)(4) of the *CARES Act (15 U.S.C.*
12 *9042(b)(4))* related to any such mortgage or mort-
13 gages or any interest therein and the proceeds thereon,
14 which the Association may elect to approve”; and

15 (2) in the sixth sentence—

16 (A) by striking “or (C)” and inserting
17 “(C)”; and

18 (B) by inserting before the period the fol-
19 lowing: “, or (D) its approval and honoring of
20 any pledge or grant of security interest of the
21 Federal Reserve under section 4003(b)(4) of the
22 *CARES Act (15 U.S.C. 9042(b)(4))* related to
23 any such mortgage or mortgages or any interest
24 therein and proceeds thereon”.

1 **SEC. 204. PROMOTING ACCESS TO CREDIT FOR HOME-**
2 **BUYERS.**

3 (a) *FANNIE MAE AND FREDDIE MAC.*—

4 (1) *PURCHASE REQUIREMENTS.*—*During the pe-*
5 *riod that begins 5 days after the date of the enactment*
6 *of this Act and ends 60 days after the expiration of*
7 *the covered period with respect to the mortgage, not-*
8 *withstanding any other provision of law, an enter-*
9 *prise may not refuse to purchase any single-family*
10 *mortgage originated on or after February 1, 2020,*
11 *that otherwise would have been eligible for purchase*
12 *by such enterprise, solely due to the fact that the bor-*
13 *rower has, for the borrower’s previous mortgage or on*
14 *the mortgage being purchased—*

15 (A) *entered into forbearance as a result of*
16 *a financial hardship due, directly or indirectly,*
17 *to the COVID–19 emergency;*

18 (B) *requested forbearance as a result of a fi-*
19 *nancial hardship due, directly or indirectly, to*
20 *the COVID–19 emergency; or*

21 (C) *inquired as to options related to for-*
22 *bearance as a result of a financial hardship due,*
23 *directly or indirectly, to the COVID–19 emer-*
24 *gency.*

25 (2) *PROHIBITION ON RESTRICTIONS.*—*With re-*
26 *spect to purchase of single-family mortgages described*

1 *in paragraph (1) and specified in any of subpara-*
2 *graphs (A) through (C) of such paragraph, an enter-*
3 *prise may not—*

4 *(A) establish additional restrictions that are*
5 *not applicable to similarly situated mortgages*
6 *under which the borrower is not in forbearance;*

7 *(B) charge a higher guarantee fee (within*
8 *the meaning provided such term in section 1327*
9 *of the Housing and Community Development Act*
10 *of 1992 (12 U.S.C. 4547)), or loan level pricing*
11 *adjustment, or otherwise alter pricing for such*
12 *mortgages, relative to similarly situated mort-*
13 *gages under which the borrower is not in forbear-*
14 *ance;*

15 *(C) apply repurchase requirements to such*
16 *mortgages that are more restrictive than repur-*
17 *chase requirements applicable to similarly situ-*
18 *ated mortgages under which the borrower is not*
19 *in forbearance; or*

20 *(D) require lender indemnification of such*
21 *mortgages, solely due to the fact that the bor-*
22 *rower is in forbearance.*

23 *(3) FRAUD DETECTION.—This subsection may*
24 *not be construed to prevent an enterprise from con-*
25 *ducting oversight and review of single-family mort-*

1 *gages purchased when a borrower is in forbearance on*
2 *the borrower's previous mortgage, or on the mortgage*
3 *being purchased, for purposes of detecting fraud. An*
4 *enterprise shall report any fraud detected to the Di-*
5 *rector of the Federal Housing Finance Agency.*

6 (4) *ENTERPRISE CAPITAL.—During the period*
7 *that begins 5 days after the date of the enactment of*
8 *this Act and ends 60 days after the expiration of the*
9 *covered period with respect to a mortgage, notwith-*
10 *standing any other provision of law, a forbearance on*
11 *such mortgage shall not be considered to be a delin-*
12 *quency under such mortgage for purposes of calcu-*
13 *lating capital of an enterprise for any purpose under*
14 *title XIII of the Housing and Community Develop-*
15 *ment Act of 1992 (12 U.S.C. 4501 et seq.).*

16 (5) *RULES OF CONSTRUCTION.—*

17 (A) *PURCHASE PARAMETERS.—This sub-*
18 *section may not be construed to require an enter-*
19 *prise to purchase single-family mortgages that do*
20 *not meet existing or amended purchase param-*
21 *eters, other than parameters related to borrower*
22 *forbearance, established by such enterprise.*

23 (B) *EMPLOYMENT; INCOME.—This sub-*
24 *section may not be construed to prevent an en-*
25 *terprise from establishing additional require-*

1 *ments to ensure that a borrower has not lost*
2 *their job or income prior to a mortgage closing.*

3 (6) *IMPLEMENTATION.*—*The Director may issue*
4 *any guidance, orders, and regulations necessary to*
5 *carry out this subsection.*

6 (b) *FHA.*—

7 (1) *PROHIBITION ON RESTRICTIONS.*—*During*
8 *the period that begins 5 days after the date of the en-*
9 *actment of this Act and ends 60 days after the expira-*
10 *tion of the covered period with respect to the mort-*
11 *gage, notwithstanding any other provision of law, the*
12 *Secretary of Housing and Urban Development may*
13 *not deny the provision of mortgage insurance for a*
14 *single-family mortgage originated on or after Feb-*
15 *ruary 1, 2020, may not implement additional pre-*
16 *miums or otherwise alter pricing for such a mortgage,*
17 *may not require mortgagee indemnification, and may*
18 *not establish additional restrictions on such a mort-*
19 *gagor, solely due to the fact that the borrower has—*

20 (A) *entered into forbearance as a result of*
21 *a financial hardship due, directly or indirectly,*
22 *to the COVID–19 emergency;*

23 (B) *requested forbearance as a result of a fi-*
24 *nancial hardship due, directly or indirectly, to*
25 *the COVID–19 emergency; or*

1 (C) *inquired as to options related to for-*
2 *bearance as a result of a financial hardship due,*
3 *directly or indirectly, to the COVID–19 emer-*
4 *gency.*

5 (2) *RULES OF CONSTRUCTION.—*

6 (A) *INSURANCE.—This subsection may not*
7 *be construed to require the Secretary of Housing*
8 *and Urban Development to provide insurance on*
9 *single-family mortgages that do not meet existing*
10 *or amended insurance parameters, other than*
11 *parameters related to borrower forbearance, es-*
12 *tablished by the Secretary.*

13 (B) *EMPLOYMENT; INCOME.—This sub-*
14 *section may not be construed to prevent the Sec-*
15 *retary of Housing and Urban Development from*
16 *establishing additional requirements regarding*
17 *insurance on single-family mortgages to ensure*
18 *that a borrower has not lost their job or income*
19 *prior to a mortgage closing.*

20 (c) *REPORTING REQUIREMENTS.—*

21 (1) *FHFA ACTIONS.—During the COVID–19*
22 *emergency, the Director may not increase guarantee*
23 *fees, loan level pricing adjustments, or any other fees*
24 *or implement any restrictions on access to credit un-*
25 *less the Director provides 48-hour advance notice of*

1 *such increase or restrictions to the Committee on Fi-*
2 *nancial Services of the House of Representatives and*
3 *the Committee on Banking, Housing, and Urban Af-*
4 *airs of the Senate together with a detailed report of*
5 *the policy rationale for the decision, including any*
6 *and all data considered in making such decision.*

7 (2) *QUARTERLY REPORTS BY ENTERPRISES AND*
8 *FHA.—*

9 (A) *REQUIREMENT.—Each enterprise and*
10 *the Secretary of Housing and Urban Develop-*
11 *ment, with respect to the FHA mortgage insur-*
12 *ance programs, shall provide reports to the Con-*
13 *gress, and make such reports publicly available,*
14 *not less frequently than quarterly regarding the*
15 *impact of COVID–19 pandemic on the such en-*
16 *terprises’ and program’s ability to meet their*
17 *charter requirements, civil rights responsibilities,*
18 *mandates under the CARES Act (Public Law*
19 *116–136), and other laws enacted in response to*
20 *the COVID–19 pandemic, and other require-*
21 *ments under law. The first such report shall be*
22 *submitted not later than the expiration of the 3-*
23 *month period beginning upon the date of the en-*
24 *actment of this Act and the requirement under*
25 *this subparagraph to submit such reports shall*

1 *terminate upon the expiration of the 2-year pe-*
2 *riod beginning upon the termination of the*
3 *COVID–19 emergency.*

4 *(B) CONTENT.—Each report required under*
5 *subparagraph (A) shall include the following in-*
6 *formation for the most recent quarter for which*
7 *data is available:*

8 *(i) ENTERPRISES.—For each report re-*
9 *quired by an enterprise:*

10 *(I) The number of single-family*
11 *and multi-family residential mortgage*
12 *loans purchased by the enterprise and*
13 *the unpaid principal balance of such*
14 *mortgage loans purchased,*
15 *disaggregated by—*

16 *(aa) mortgage loans made to*
17 *low- and moderate-income bor-*
18 *rowers;*

19 *(bb) mortgage loans made for*
20 *properties in low- and moderate-*
21 *income census tracts; and*

22 *(cc) mortgage loans made for*
23 *properties in central cities, rural*
24 *areas, and underserved areas.*

1 (ii) *In the single-family residen-*
2 *tial mortgage market—*

3 (aa) *the total number, un-*
4 *paid principal balance, and*
5 *length of forbearances provided to*
6 *borrowers, including whether or*
7 *not the forbearance was requested*
8 *by the borrower;*

9 (bb) *a detailed breakdown of*
10 *the loan modifications offered to*
11 *borrowers and whether the bor-*
12 *rowers accepted the offer including*
13 *the total number and unpaid*
14 *principal balance of loan modi-*
15 *fications ultimately made to bor-*
16 *rowers;*

17 (cc) *a detailed breakdown of*
18 *the home retention options offered*
19 *to borrowers and whether the bor-*
20 *rowers accepted the offer, includ-*
21 *ing the total number and unpaid*
22 *principal balance of other home*
23 *retention options ultimately made*
24 *to borrowers; and*

1 *(dd) the total number of out-*
2 *comes that included short-sales,*
3 *deed-in-lieu of foreclosure, and*
4 *foreclosure sales.*

5 *(III) A description of any efforts*
6 *by the enterprise to provide assistance*
7 *and support to consumers who are not*
8 *proficient in English.*

9 *(IV) A description of any other ef-*
10 *forts by the enterprise to provide as-*
11 *sistance to low- and moderate-income*
12 *communities, central cities, rural*
13 *areas, and other underserved areas,*
14 *such as financial literacy and edu-*
15 *cation or support of fair housing and*
16 *housing counseling agencies.*

17 *(V) A description of any other as-*
18 *sistance provided by the enterprise to*
19 *consumers in response to the COVID-*
20 *19 pandemic.*

21 *(ii) FHA.—For each report required*
22 *with respect to the FHA mortgage insurance*
23 *programs:*

24 *(I) The number and unpaid prin-*
25 *cipal balance for all residential mort-*

1 *gage loans, disaggregated by type, in-*
2 *sured under such programs.*

3 *(II) The total number, unpaid*
4 *principal balance, and length of*
5 *forbearances provided to borrowers, in-*
6 *cluding whether or not the forbearance*
7 *was requested by the borrower.*

8 *(III) A detailed breakdown of the*
9 *loan modifications offered to borrowers*
10 *and whether the borrowers accepted the*
11 *offer including the total number and*
12 *unpaid principal balance of loan*
13 *modifications ultimately made to bor-*
14 *rowers.*

15 *(IV) A detailed breakdown of the*
16 *home retention options offered to bor-*
17 *rowers and whether the borrowers ac-*
18 *cepted the offer including the total*
19 *number and unpaid principal balance*
20 *of other home retention options ul-*
21 *timately made to borrowers.*

22 *(V) A description of any efforts*
23 *under such programs to provide assist-*
24 *ance and support to consumers who*
25 *are not proficient in English.*

1 (VI) *A description of any other ef-*
2 *forts under such programs to provide*
3 *assistance to low- and moderate-income*
4 *communities, central cities, rural*
5 *areas, and other underserved areas,*
6 *such as financial literacy and edu-*
7 *cation or support of fair housing and*
8 *housing counseling agencies.*

9 (VII) *A description of any other*
10 *assistance provided under such pro-*
11 *grams to consumers in response to the*
12 *COVID–19 pandemic.*

13 (iii) *PROVISIONS TO BE INCLUDED IN*
14 *ALL REPORTS.—Each report required under*
15 *subparagraph (A) shall include, to the de-*
16 *gree reasonably possible, the following infor-*
17 *mation:*

18 (I) *An analysis of all loan level*
19 *data required by clauses (i) and (ii) of*
20 *this subparagraph disaggregated by*
21 *race, national origin, gender, disability*
22 *status, whether or not the borrower*
23 *seeking or obtaining assistance speaks*
24 *English as a second language, the pre-*
25 *ferred language of the borrower, debt-*

1 *to-income level of the borrower, loan-to-*
2 *value ratio of the loan, and credit score*
3 *of the borrower.*

4 *(II) A geographical analysis at*
5 *the census tract level, but if informa-*
6 *tion is not available at the census tract*
7 *level for any of the items required by*
8 *clauses (i) and (ii), the geographical*
9 *analysis shall be provided at the zip*
10 *code level for the item for which a cen-*
11 *sus tract analysis was not possible.*

12 *(III) A description of any policy*
13 *changes made by the enterprise or Sec-*
14 *retary of Housing and Urban Develop-*
15 *ment, as appropriate, in response to*
16 *the COVID–19 pandemic and analysis*
17 *of actions taken to ensure that such*
18 *policy changes were in compliance*
19 *with all relevant civil rights respon-*
20 *sibilities, including the Fair Housing*
21 *Act, including the Affirmatively Fur-*
22 *thering Fair Housing provision, the*
23 *Equal Credit Opportunity Act, the*
24 *Community Reinvestment Act of 1977,*
25 *the Federal Housing Enterprises Fi-*

1 *nancial Safety and Soundness Act of*
2 *1992, the Housing and Economic Re-*
3 *covery Act of 2008, Federal Home*
4 *Loan Bank Act, Executive Orders*
5 *11063 and 12892, the Federal National*
6 *Mortgage Association Charter Act, and*
7 *the Federal Home Loan Mortgage Cor-*
8 *poration Act.*

9 (3) *REPORT BY GAO.—Not later than the expira-*
10 *tion of the 120-day period that begins upon the termi-*
11 *nation of the COVID–19 emergency, the Comptroller*
12 *General of the United States shall submit to the Con-*
13 *gress and make public available a report on—*

14 (A) *the extent to which the enterprises and*
15 *the FHA mortgage insurance programs provided*
16 *loan products, forbearances, loan modifications,*
17 *and COVID–19-related assistance to consumers;*

18 (B) *the availability and type of any such*
19 *assistance provided post-forbearance; and*

20 (C) *the overall ability of the enterprises and*
21 *the FHA mortgage insurance programs to suc-*
22 *cessfully meet their charter requirements, civil*
23 *rights responsibilities, and other requirements*
24 *under law.*

1 (d) *DEFINITIONS.*—*For purposes of this Act, the fol-*
 2 *lowing definitions shall apply:*

3 (1) *COVERED PERIOD.*—*The term “covered pe-*
 4 *riod” means, with respect to a federally backed mort-*
 5 *gage loan, the period of time during which the bor-*
 6 *rower under such loan may request forbearance on the*
 7 *loan under section 4022(b) of the CARES Act (15*
 8 *U.S.C. 9056; Public Law 116–136; 134 Stat. 490).*

9 (2) *COVID-19 EMERGENCY.*—*The term*
 10 *“COVID–19 emergency” has the meaning given such*
 11 *term in section 4022 of the CARES Act (15 U.S.C.*
 12 *9056; Public Law 116–136; 134 Stat. 490).*

13 (3) *DIRECTOR.*—*The term “Director” means the*
 14 *Director of the Federal Housing Finance Agency.*

15 (4) *ENTERPRISE.*—*The term “enterprise” has the*
 16 *meaning given such term in section 1303 of the Hous-*
 17 *ing and Community Development Act of 1992 (12*
 18 *U.S.C. 4502).*

19 **SEC. 205. LIQUIDITY FOR MORTGAGE SERVICERS AND RESI-**
 20 **DENTIAL RENTAL PROPERTY OWNERS.**

21 (a) *IN GENERAL.*—*Section 4003 of the CARES Act (15*
 22 *U.S.C. 9042), is amended by adding at the end the fol-*
 23 *lowing:*

24 “(i) *LIQUIDITY FOR MORTGAGE*
 25 *SERVICERS.*—

1 “(1) *IN GENERAL.*—Subject to paragraph (2), the
2 Secretary shall ensure that servicers of covered mort-
3 gage loans (as defined under section 4022) and multi-
4 family mortgage loans (as defined under section
5 4023) are provided the opportunity to participate in
6 the loans, loan guarantees, or other investments made
7 by the Secretary under this section. The Secretary
8 shall ensure that servicers are provided with access to
9 such opportunities under equitable terms and condi-
10 tions regardless of their size.

11 “(2) *MORTGAGE SERVICER ELIGIBILITY.*—In
12 order to receive assistance under subsection (b)(4), a
13 mortgage servicer shall—

14 “(A) demonstrate that the mortgage servicer
15 has established policies and procedures to use
16 such funds only to replace funds used for bor-
17 rower assistance, including to advance funds as
18 a result of forbearance or other loss mitigation
19 provided to borrowers;

20 “(B) demonstrate that the mortgage servicer
21 has established policies and procedures to pro-
22 vide forbearance, post-forbearance loss mitiga-
23 tion, and other assistance to borrowers in com-
24 pliance with the terms of section 4022 or 4023,
25 as applicable;

1 “(C) demonstrate that the mortgage servicer
2 has established policies and procedures to ensure
3 that forbearance and post-forbearance assistance
4 is available to all borrowers in a non-discrimi-
5 natory fashion and in compliance with the Fair
6 Housing Act, the Equal Credit Opportunity Act,
7 and other applicable fair housing and fair lend-
8 ing laws; and

9 “(D) comply with the limitations on com-
10 pensation set forth in section 4004.

11 “(3) *MORTGAGE SERVICER REQUIREMENTS.*—A
12 mortgage servicer receiving assistance under sub-
13 section (b)(4) may not, while the servicer is under
14 any obligation to repay funds provided or guaranteed
15 under this section—

16 “(A) pay dividends with respect to the com-
17 mon stock of the mortgage servicer or purchase
18 an equity security of the mortgage servicer or
19 any parent company of the mortgage servicer if
20 the security is listed on a national securities ex-
21 change, except to the extent required under a
22 contractual obligation that is in effect on the
23 date of enactment of this subsection; or

24 “(B) prepay any debt obligation.”.

1 **(b) CREDIT FACILITY FOR RESIDENTIAL RENTAL**
2 **PROPERTY OWNERS.—**

3 **(1) IN GENERAL.—***The Board of Governors of the*
4 *Federal Reserve System shall—*

5 **(A)** *establish a facility, using amounts*
6 *made available under section 4003(b)(4) of the*
7 *CARES Act (15 U.S.C. 9042(b)(4)), to make*
8 *long-term, low-cost loans to residential rental*
9 *property owners as to temporarily compensate*
10 *such owners for documented financial losses*
11 *caused by reductions in rent payments; and*

12 **(B)** *defer such owners' required payments*
13 *on such loans until after six months after the*
14 *date of enactment of this Act.*

15 **(2) REQUIREMENTS.—***A borrower that receives a*
16 *loan under this subsection may not, for the duration*
17 *of the loan—*

18 **(A)** *evict or initiate the eviction of a tenant*
19 *solely for nonpayment of rent or other fees or*
20 *charges;*

21 **(B)** *charge any late fees, penalties, or other*
22 *charges to a tenant for late payment of rent; and*

23 **(C)** *with respect to a person or entity de-*
24 *scribed under paragraph (4), discriminate on the*
25 *basis of source of income.*

1 (3) *REPORT ON RESIDENTIAL RENTAL PROPERTY*
2 *OWNERS.—The Board of Governors shall issue reports*
3 *to the Congress on a monthly basis containing the fol-*
4 *lowing, with respect to each property owner receiving*
5 *a loan under this subsection:*

6 (A) *The number of borrowers that received*
7 *assistance under this subsection.*

8 (B) *The average total loan amount that*
9 *each borrower received.*

10 (C) *The total number of rental units that*
11 *each borrower owned.*

12 (D) *The average rent charged by each bor-*
13 *rower.*

14 (4) *REPORT ON LARGE RESIDENTIAL RENTAL*
15 *PROPERTY OWNERS.—The Board of Governors shall*
16 *issue reports to the Congress on a monthly basis that*
17 *identify any person or entity that in aggregate owns*
18 *or holds a controlling interest in any entity that, in*
19 *aggregate, owns—*

20 (A) *more than 100 rental units that are lo-*
21 *cated within in a single Metropolitan Statistical*
22 *Area;*

23 (B) *more than 1,000 rental units nation-*
24 *wide; or*

25 (C) *rental units in three or more States.*

1 (c) *AMENDMENTS TO NATIONAL HOUSING ACT.*—*Sec-*
2 *tion 306(g)(1) of the National Housing Act (12 U.S.C.*
3 *1721(a)) is amended—*

4 (1) *in the fifth sentence, by inserting after*
5 *“issued” the following: “, subject to any pledge or*
6 *grant of security interest of the Federal Reserve under*
7 *section 4003(a) of the CARES Act (Public Law 116-*
8 *136; 134 Stat. 470; 15 U.S.C. 9042(a)) and to any*
9 *such mortgage or mortgages or any interest therein*
10 *and the proceeds thereon, which the Association may*
11 *elect to approve”; and*

12 (2) *in the sixth sentence—*

13 (A) *by striking “or (C)” and inserting*
14 *“(C)”; and*

15 (B) *by inserting before the period the fol-*
16 *lowing: “, or (D) its approval and honoring of*
17 *any pledge or grant of security interest of the*
18 *Federal Reserve under section 4003(a) of the*
19 *CARES Act and to any such mortgage or mort-*
20 *gages or any interest therein and proceeds there-*
21 *on as”.*

1 **SEC. 206. SUPPLEMENTAL FUNDING FOR SUPPORTIVE**
2 **HOUSING FOR THE ELDERLY AND PERSONS**
3 **WITH DISABILITIES.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
5 *authorized to be appropriated \$500,000,000 for fiscal year*
6 *2021 for additional assistance for supportive housing for*
7 *the elderly, of which—*

8 (1) *\$200,000,000 shall be for rental assistance*
9 *under section 202 of the Housing Act of 1959 (12*
10 *U.S.C. 1701q) or section 8 of the United States Hous-*
11 *ing Act of 1937 (42 U.S.C. 1437f), as appropriate,*
12 *and for hiring additional staff and for services and*
13 *costs, including acquiring personal protective equip-*
14 *ment, to prevent, prepare for, or respond to the public*
15 *health emergency relating to Coronavirus Disease*
16 *2019 (COVID–19) pandemic; and*

17 (2) *\$300,000,000 shall be for grants under sec-*
18 *tion 676 of the Housing and Community Develop-*
19 *ment Act of 1992 (42 U.S.C. 13632) for costs of pro-*
20 *viding service coordinators for purposes of coordi-*
21 *nating services to prevent, prepare for, or respond to*
22 *the public health emergency relating to Coronavirus*
23 *Disease 2019 (COVID–19).*

24 *Any provisions of, and waivers and alternative require-*
25 *ments issued by the Secretary pursuant to, the heading “De-*
26 *partment of Housing and Urban Development—Housing*

1 *Programs—Housing for the Elderly” in title XII of divi-*
2 *sion B of the CARES Act (Public Law 116–136) shall*
3 *apply with respect to amounts made available pursuant to*
4 *this subsection.*

5 **(b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PER-**
6 *SONS WITH DISABILITIES.—Subsection (a) of section 676*
7 *of the Housing and Community Development Act of 1992*
8 *(42 U.S.C. 13632(a)) shall be applied, for purposes of sub-*
9 *section (a) of this section, by substituting “(G), and (H)”*
10 *for “and (G)”.*

11 **(c) SERVICE COORDINATORS.—**

12 **(1) HIRING.—***In the hiring of staff using*
13 *amounts made available pursuant to this section for*
14 *costs of providing service coordinators, grantees shall*
15 *consider and hire, at all levels of employment and to*
16 *the greatest extent possible, a diverse staff, including*
17 *by race, ethnicity, gender, and disability status. Each*
18 *grantee shall submit a report to the Secretary of*
19 *Housing and Urban Development describing compli-*
20 *ance with the preceding sentence not later than the*
21 *expiration of the 120-day period that begins upon the*
22 *termination of the emergency declared on March 13,*
23 *2020, by the President under the Robert T. Stafford*
24 *Disaster Relief and Emergency Assistance Act (42*

1 *U.S.C. 4121 et seq.) relating to the Coronavirus Dis-*
2 *ease 2019 (COVID–19) pandemic.*

3 (2) *ONE-TIME GRANTS.*—*Grants made using*
4 *amounts made available pursuant to subsection (a)*
5 *for costs of providing service coordinators shall not be*
6 *renewable.*

7 (3) *ONE-YEAR AVAILABILITY.*—*Any amounts*
8 *made available pursuant to this section for costs of*
9 *providing service coordinators that are allocated for a*
10 *grantee and remain unexpended upon the expiration*
11 *of the 12-month period beginning upon such alloca-*
12 *tion shall be recaptured by the Secretary.*

13 **SEC. 207. FAIR HOUSING.**

14 (a) *DEFINITION OF COVID–19 EMERGENCY PERIOD.*—
15 *For purposes of this Act, the term “COVID–19 emergency*
16 *period” means the period that begins upon the date of the*
17 *enactment of this Act and ends upon the date of the termi-*
18 *nation by the Federal Emergency Management Agency of*
19 *the emergency declared on March 13, 2020, by the President*
20 *under the Robert T. Stafford Disaster Relief and Emer-*
21 *gency Assistance Act (42 U.S.C. 4121 et seq.) relating to*
22 *the Coronavirus Disease 2019 (COVID–19) pandemic.*

23 (b) *FAIR HOUSING ACTIVITIES.*—

24 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*To*
25 *ensure existing grantees have sufficient resource for*

1 *fair housing activities and for technology and equip-*
2 *ment needs to deliver services through use of the Inter-*
3 *net or other electronic or virtual means in response*
4 *to the public health emergency related to the*
5 *Coronavirus Disease 2019 (COVID–19) pandemic,*
6 *there is authorized to be appropriated \$4,000,000 for*
7 *Fair Housing Organization Initiative grants through*
8 *the Fair Housing Initiatives Program under section*
9 *561 of the Housing and Community Development Act*
10 *of 1987 (42 U.S.C. 3616a).*

11 (2) *3-YEAR AVAILABILITY.*—*Any amounts made*
12 *available pursuant paragraph (1) that are allocated*
13 *for a grantee and remain unexpended upon the expi-*
14 *ration of the 3-year period beginning upon such allo-*
15 *cation shall be recaptured by the Secretary.*

16 (c) *FAIR HOUSING EDUCATION.*—*There is authorized*
17 *to be appropriated \$10,000,000 for the Office of Fair Hous-*
18 *ing and Equal Opportunity of the Department of Housing*
19 *and Urban Development to carry out a national media*
20 *campaign and local education and outreach to educate the*
21 *public of increased housing rights during COVID–19 emer-*
22 *gency period, that provides that information and materials*
23 *used in such campaign are available—*

24 (1) *in the languages used by communities with*
25 *limited English proficiency; and*

1 (2) *to persons with disabilities.*

2 **TITLE III—PROTECTING PEOPLE**
3 **EXPERIENCING HOMELESSNESS**

4 **SEC. 301. HOMELESS ASSISTANCE FUNDING.**

5 (a) *EMERGENCY HOMELESS ASSISTANCE.*—

6 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

7 *There is authorized to be appropriated under the*
8 *Emergency Solutions Grants program under subtitle*
9 *B of title IV of the McKinney-Vento Homeless Assist-*
10 *ance Act (42 U.S.C. 11371 et seq.) \$5,000,000,000 for*
11 *grants under such subtitle in accordance with this*
12 *subsection to respond to needs arising from the public*
13 *health emergency relating to Coronavirus Disease*
14 *2019 (COVID–19).*

15 (2) *FORMULA.*—*Notwithstanding sections 413*
16 *and 414 of the McKinney-Vento Homeless Assistance*
17 *Act (42 U.S.C. 11372, 11373), the Secretary of Hous-*
18 *ing and Urban Development (in this Act referred to*
19 *as the “Secretary”) shall allocate any amounts re-*
20 *maining after amounts are allocated pursuant to*
21 *paragraph (1) in accordance with a formula to be es-*
22 *tablished by the Secretary that takes into consider-*
23 *ation the following factors:*

24 (A) *Risk of transmission of coronavirus in*
25 *a jurisdiction.*

1 (B) Whether a jurisdiction has a high num-
2 ber or rate of sheltered and unsheltered homeless
3 individuals and families.

4 (C) Economic and housing market condi-
5 tions in a jurisdiction.

6 (3) *ELIGIBLE ACTIVITIES*.—In addition to eligi-
7 ble activities under section 415(a) of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C. 11374(a),
9 amounts made available pursuant to paragraph (1)
10 may also be used for costs of the following activities:

11 (A) Providing training on infectious disease
12 prevention and mitigation.

13 (B) Providing hazard pay, including for
14 time worked before the effectiveness of this sub-
15 paragraph, for staff working directly to prevent
16 and mitigate the spread of coronavirus or
17 COVID–19 among people experiencing or at risk
18 of homelessness.

19 (C) Reimbursement of costs for eligible ac-
20 tivities (including activities described in this
21 paragraph) relating to preventing, preparing for,
22 or responding to the coronavirus or COVID–19
23 that were accrued before the date of the enact-
24 ment of this Act.

1 (D) Notwithstanding 24 C.F.R.
2 576.102(a)(3), providing a hotel or motel voucher
3 for a homeless individual or family.

4 Use of such amounts for activities described in this
5 paragraph shall not be considered use for administra-
6 tive purposes for purposes of section 418 of the
7 McKinney-Vento Homeless Assistance Act (42 U.S.C.
8 11377).

9 (4) *INAPPLICABILITY OF PROCUREMENT STAND-*
10 *ARDS.—To the extent amounts made available pursu-*
11 *ant to paragraph (1) are used to procure goods and*
12 *services relating to activities to prevent, prepare for,*
13 *or respond to the coronavirus or COVID–19, the*
14 *standards and requirements regarding procurement*
15 *that are otherwise applicable shall not apply.*

16 (5) *INAPPLICABILITY OF HABITABILITY AND EN-*
17 *vironmental Review Standards.—Any Federal*
18 *standards and requirements regarding habitability*
19 *and environmental review shall not apply with re-*
20 *spect to any emergency shelter that is assisted with*
21 *amounts made available pursuant to paragraph (1)*
22 *and has been determined by a State or local health*
23 *official, in accordance with such requirements as the*
24 *Secretary shall establish, to be necessary to prevent*

1 *and mitigate the spread of coronavirus or COVID–19,*
2 *such shelters.*

3 (6) *INAPPLICABILITY OF CAP ON EMERGENCY*
4 *SHELTER ACTIVITIES.*—*Subsection (b) of section 415*
5 *of the McKinney-Vento Homeless Assistance Act (42*
6 *U.S.C. 11374) shall not apply to any amounts made*
7 *available pursuant to paragraph (1) of this sub-*
8 *section.*

9 (7) *INITIAL ALLOCATION OF ASSISTANCE.*—*Sec-*
10 *tion 417(b) of the McKinney-Vento Homeless Assist-*
11 *ance Act (42 U.S.C. 11376(b)) shall be applied with*
12 *respect to amounts made available pursuant to para-*
13 *graph (1) of this subsection by substituting “30-day”*
14 *for “60-day”.*

15 (8) *WAIVERS AND ALTERNATIVE REQUIRE-*
16 *MENTS.*—

17 (A) *AUTHORITY.*—*In administering*
18 *amounts made available pursuant to paragraph*
19 *(1), the Secretary may waive, or specify alter-*
20 *native requirements for, any provision of any*
21 *statute or regulation (except for any require-*
22 *ments related to fair housing, nondiscrimination,*
23 *labor standards, and the environment) that the*
24 *Secretary administers in connection with the ob-*
25 *ligation or use by the recipient of such amounts,*

1 *if the Secretary finds that good cause exists for*
2 *the waiver or alternative requirement and such*
3 *waiver or alternative requirement is consistent*
4 *with the purposes described in this subsection.*

5 (B) *NOTIFICATION.*—*The Secretary shall*
6 *notify the public through the Federal Register or*
7 *other appropriate means 5 days before the effec-*
8 *tive date of any such waiver or alternative re-*
9 *quirement, and any such public notice may be*
10 *provided on the Internet at the appropriate Gov-*
11 *ernment web site or through other electronic*
12 *media, as determined by the Secretary.*

13 (C) *EXEMPTION.*—*The use of amounts made*
14 *available pursuant to paragraph (1) shall not be*
15 *subject to the consultation, citizen participation,*
16 *or match requirements that otherwise apply to*
17 *the Emergency Solutions Grants program, except*
18 *that a recipient shall publish how it has and will*
19 *utilize its allocation at a minimum on the Inter-*
20 *net at the appropriate Government web site or*
21 *through other electronic media.*

22 (9) *INAPPLICABILITY OF MATCHING REQUIRE-*
23 *MENT.*—*Subsection (a) of section 416 of the McKin-*
24 *ney-Vento Homeless Assistance Act (42 U.S.C.*
25 *11375(a)) shall not apply to any amounts made*

1 *available pursuant to paragraph (1) of this sub-*
2 *section.*

3 (10) *PROHIBITION ON PREREQUISITES.*—None of
4 *the funds authorized under this subsection may be*
5 *used to require people experiencing homelessness to re-*
6 *ceive treatment or perform any other prerequisite ac-*
7 *tivities as a condition for receiving shelter, housing,*
8 *or other services.*

9 (b) *RENEWAL OF CONTINUUM OF CARE PROJECTS.*—

10 (1) *IN GENERAL.*—In allocating and awarding
11 *amounts provided for the Continuum of Care pro-*
12 *gram under subtitle C of title IV of the McKinney-*
13 *Vento Homeless Assistance Act (42 U.S.C. 11381 et*
14 *seq.), the Secretary of Housing and Urban Develop-*
15 *ment shall renew for one 12-month period, without*
16 *additional competition, all projects with existing*
17 *grants expiring during calendar year 2021, including*
18 *shelter plus care projects expiring during calendar*
19 *year 2021, notwithstanding any inconsistent provi-*
20 *sions in subtitle C of title IV of the McKinney-Vento*
21 *Homeless Assistance Act or any other Act.*

22 (2) *PLANNING AND UNIFIED FUNDING AGENCY*
23 *AWARDS.*—Continuum of Care planning and unified
24 *funding agency awards expiring in calendar year*
25 *2021 may also be renewed and the continuum of care*

1 *may designate a new collaborative applicant to re-*
2 *ceive the award in accordance with the existing proc-*
3 *ess established by the Secretary of Housing and*
4 *Urban Development.*

5 (3) *NOTICE.—The Secretary of Housing and*
6 *Urban Development shall publish a notice that identi-*
7 *fies and lists all projects and awards eligible for such*
8 *noncompetitive renewal, prescribes the format and*
9 *process by which the projects and awards from the list*
10 *will be renewed, makes adjustments to the renewal*
11 *amount based on changes to the fair market rent, and*
12 *establishes a maximum amount for the renewal of*
13 *planning and unified funding agency awards not-*
14 *withstanding the requirement that such maximum*
15 *amount be established in a notice of funding avail-*
16 *ability.*

17 (4) *YOUTH HOMELESS DEMONSTRATION*
18 *PROJECTS AND DOMESTIC VIOLENCE BONUS*
19 *PROJECTS.— Subsection (a) shall not apply to youth*
20 *homeless demonstration projects and domestic violence*
21 *bonus projects under the Continuum of Care program.*

22 (c) *HOUSING TRUST FUND.—Notwithstanding any*
23 *other provision of law, subparagraph (B) of section*
24 *1338(c)(10) of the Housing and Community Development*
25 *Act of 1992 (12 U.S.C. 4568(c)(10)(B)), and any regula-*

1 tions implementing such subparagraph, shall not apply
2 during the 12-month period beginning upon the date of the
3 enactment of this Act.

4 **TITLE IV—SUSPENDING NEGA-**
5 **TIVE CREDIT REPORTING AND**
6 **STRENGTHENING CONSUMER**
7 **AND INVESTOR PROTECTIONS**

8 **SEC. 401. REPORTING OF INFORMATION DURING MAJOR**
9 **DISASTERS.**

10 (a) *IN GENERAL.*—The CARES Act (Public Law 116–
11 136) is amended by striking section 4021 and inserting the
12 following:

13 **“SEC. 4021. REPORTING OF INFORMATION DURING MAJOR**
14 **DISASTERS.**

15 “(a) *PURPOSE.*—The purpose of this section, and the
16 amendments made by this section, is to protect consumers’
17 credit from negative impacts as a result of financial hard-
18 ship due to the coronavirus disease (COVID–19) outbreak
19 and future major disasters.

20 “(b) *REPORTING OF INFORMATION DURING MAJOR*
21 *DISASTERS.*—

22 “(1) *IN GENERAL.*—The Fair Credit Reporting
23 Act is amended by inserting after section 605B the
24 following:

1 “§ 605C. *Reporting of information during major dis-*
2 *asters*

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *CONSUMER.—With respect to a covered pe-*
5 *riod, the term “consumer” shall only include a con-*
6 *sumer who is a resident of the affected area covered*
7 *by the applicable disaster or emergency declaration.*

8 “(2) *COVERED MAJOR DISASTER PERIOD.—The*
9 *term “covered major disaster period” means the pe-*
10 *riod—*

11 “(A) *beginning on the date on which a*
12 *major disaster is declared by the President*
13 *under—*

14 “(i) *section 401 of the Robert T. Staf-*
15 *ford Disaster Relief and Emergency Assist-*
16 *ance Act (42 U.S.C. 5170), under which as-*
17 *sistance is authorized under section 408 of*
18 *such Act (42 U.S.C. 5174); or*

19 “(ii) *section 501 of such Act; and*

20 “(B) *ending on the date that is 120 days*
21 *after the end of the incident period for such dis-*
22 *aster.*

23 “(3) *COVERED PERIOD.—The term “covered pe-*
24 *riod” means the COVID–19 emergency period or a*
25 *covered major disaster period.*

1 “(4) *COVID–19 EMERGENCY PERIOD.*—*The*
2 *term “COVID–19 emergency period” means the pe-*
3 *riod beginning on March 13, 2020 (the date the Presi-*
4 *dent declared the emergency under section 501 of the*
5 *Robert T. Stafford Disaster Relief and Emergency As-*
6 *sistance Act (42 U.S.C. 4121 et seq.) relating to the*
7 *Coronavirus Disease 2019 (COVID–19) pandemic*
8 *and ending on the later of—*

9 “(A) *120 days after the date of enactment*
10 *of this section; or*

11 “(B) *120 days after the end of the incident*
12 *period for such emergency.*

13 “(5) *MAJOR DISASTER.*—*The term “major dis-*
14 *aster” means a major disaster declared by the Presi-*
15 *dent under—*

16 “(A) *section 401 of the Robert T. Stafford*
17 *Disaster Relief and Emergency Assistance Act*
18 *(42 U.S.C. 5170), under which assistance is au-*
19 *thorized under section 408 of such Act (42*
20 *U.S.C. 5174); or*

21 “(B) *section 501 of such Act.*

22 “(b) *MORATORIUM ON FURNISHING ADVERSE INFOR-*
23 *MATION DURING COVERED PERIOD.*—*No person may fur-*
24 *nish any adverse item of information (except information*
25 *related to a felony criminal conviction) relating to a con-*

1 *sumer that was the result of any action or inaction that*
2 *occurred during a covered period.*

3 “(c) *INFORMATION EXCLUDED FROM CONSUMER RE-*
4 *PORTS.*—*In addition to the information described in section*
5 *605(a), no consumer reporting agency may make any con-*
6 *sumer report containing an adverse item of information*
7 *(except information related to a felony criminal conviction)*
8 *relating to a consumer that was the result of any action*
9 *or inaction that occurred during a covered period.*

10 “(d) *SUMMARY OF RIGHTS.*—*Not later than 60 days*
11 *after the date of enactment of this section, the Director of*
12 *the Bureau shall update the model summary of rights under*
13 *section 609(c)(1) to include a description of the right of a*
14 *consumer to—*

15 “(1) *request the deletion of adverse items of in-*
16 *formation under subsection (e); and*

17 “(2) *request a consumer report or score, without*
18 *charge to the consumer, under subsection (f).*

19 “(e) *DELETION OF ADVERSE ITEMS OF INFORMATION*
20 *RESULTING FROM THE CORONAVIRUS DISEASE (COVID-*
21 *19) OUTBREAK AND MAJOR DISASTERS.*—

22 “(1) *REPORTING.*—

23 “(A) *IN GENERAL.*—*Not later than 60 days*
24 *after the date of enactment of this subsection, the*
25 *Director of the Bureau shall create a website for*

1 consumers to report, under penalty of perjury,
2 economic hardship as a result of the coronavirus
3 disease (COVID–19) outbreak or a major dis-
4 aster for the purpose of providing credit report
5 protections under this subsection.

6 “(B) DOCUMENTATION.—The Director of
7 the Bureau shall—

8 “(i) not require any documentation
9 from a consumer to substantiate the eco-
10 nomic hardship; and

11 “(ii) provide notice to the consumer
12 that a report under subparagraph (A) is
13 under penalty of perjury.

14 “(C) REPORTING PERIOD.—A consumer
15 may report economic hardship under subpara-
16 graph (A) during a covered period and for 60
17 days thereafter.

18 “(2) DATABASE.—The Director of the Bureau
19 shall establish and maintain a secure database that—

20 “(A) is accessible to each consumer report-
21 ing agency described in section 603(p) and na-
22 tionwide specialty consumer reporting agency for
23 purposes of fulfilling their duties under para-
24 graph (3) to check and automatically delete any
25 adverse item of information (except information

1 *related to a felony criminal conviction) reported*
2 *that occurred during a covered period with re-*
3 *spect to a consumer; and*

4 *“(B) contains the information reported*
5 *under paragraph (1).*

6 *“(3) DELETION OF ADVERSE ITEMS OF INFOR-*
7 *MATION BY NATIONWIDE CONSUMER REPORTING AND*
8 *NATIONWIDE SPECIALTY CONSUMER REPORTING AGEN-*
9 *CIES.—*

10 *“(A) IN GENERAL.—Each consumer report-*
11 *ing agency described in section 603(p) and each*
12 *nationwide specialty consumer reporting agency*
13 *shall, using the information contained in the*
14 *database established under paragraph (2), delete*
15 *from the file of each consumer named in the*
16 *database each adverse item of information (ex-*
17 *cept information related to a felony criminal*
18 *conviction) that was a result of an action or in-*
19 *action that occurred during a covered period or*
20 *in the 270-day period following the end of a cov-*
21 *ered period.*

22 *“(B) TIMELINE.—Each consumer report-*
23 *ing agency described in section 603(p) and each*
24 *nationwide specialty consumer reporting agency*
25 *shall check the database at least weekly and de-*

1 *lete adverse items of information as soon as*
2 *practicable after information that is reported*
3 *under paragraph (1) appears in the database es-*
4 *tablished under paragraph (2).*

5 “(4) *REQUEST FOR DELETION OF ADVERSE*
6 *ITEMS OF INFORMATION.—*

7 “(A) *IN GENERAL.—A consumer who has*
8 *filed a report of economic hardship with the Bu-*
9 *reau may submit a request, without charge to the*
10 *consumer, to a consumer reporting agency de-*
11 *scribed in section 603(p) or nationwide specialty*
12 *consumer reporting agency to delete from the*
13 *consumer’s file an adverse item of information*
14 *(except information related to a felony criminal*
15 *conviction) that was a result of an action or in-*
16 *action that occurred during a covered period or*
17 *in the 270-day period following the end of a cov-*
18 *ered period.*

19 “(B) *TIMING.—A consumer may submit a*
20 *request under subparagraph (A), not later than*
21 *the end of the 270-day period described in that*
22 *subparagraph.*

23 “(C) *REMOVAL AND NOTIFICATION.—Upon*
24 *receiving a request under this paragraph to de-*
25 *lete an adverse item of information, a consumer*

1 *reporting agency described in section 603(p) or*
2 *nationwide specialty consumer reporting agency*
3 *shall—*

4 “(i) *delete the adverse item of infor-*
5 *mation (except information related to a fel-*
6 *ony criminal conviction) from the con-*
7 *sumer’s file; and*

8 “(ii) *notify the consumer and the fur-*
9 *nisher of the adverse item of information of*
10 *the deletion.*

11 “(f) *FREE CREDIT REPORT AND SCORES.—*

12 “(1) *IN GENERAL.—During the period between*
13 *the beginning of a covered period and ending 12-*
14 *months after the end of the covered period, each con-*
15 *sumer reporting agency described under section*
16 *603(p) and each nationwide specialty consumer re-*
17 *porting agency shall make all disclosures described*
18 *under section 609 upon request by a consumer, by*
19 *mail or online, without charge to the consumer and*
20 *without limitation as to the number of requests. Such*
21 *a consumer reporting agency shall also supply a con-*
22 *sumer, upon request and without charge, with a cred-*
23 *it score that—*

24 “(A) *is derived from a credit scoring model*
25 *that is widely distributed to users by the con-*

1 *sumer reporting agency for the purpose of any*
2 *extension of credit or other transaction des-*
3 *ignated by the consumer who is requesting the*
4 *credit score; or*

5 ““(B) *is widely distributed to lenders of*
6 *common consumer loan products and predicts*
7 *the future credit behavior of a consumer.*

8 ““(2) *TIMING.—A file disclosure or credit score*
9 *under paragraph (1) shall be provided to the con-*
10 *sumer not later than—*

11 ““(A) *7 days after the date on which the re-*
12 *quest is received if the request is made by mail;*
13 *and*

14 ““(B) *not later than 15 minutes if the re-*
15 *quest is made online.*

16 ““(3) *ADDITIONAL REPORTS.—A file disclosure*
17 *provided under paragraph (1) shall be in addition to*
18 *any disclosure requested by the consumer under sec-*
19 *tion 612(a).*

20 ““(4) *PROHIBITION.—A consumer reporting*
21 *agency that receives a request under paragraph (1)*
22 *may not request or require any documentation from*
23 *the consumer that demonstrates that the consumer*
24 *was impacted by the coronavirus disease (COVID–19)*
25 *outbreak or a major disaster (except to verify that the*

1 *consumer is a resident of the affected area covered by*
2 *the applicable disaster or emergency declaration) as a*
3 *condition of receiving the file disclosure or score.*

4 “‘(g) *POSTING OF RIGHTS.—Not later than 30 days*
5 *after the date of enactment of this section, each consumer*
6 *reporting agency described under section 603(p) and each*
7 *nationwide specialty consumer reporting agency shall*
8 *prominently post and maintain a direct link on the home-*
9 *page of the public website of the consumer reporting agency*
10 *information relating to the right of consumers to—*

11 “‘(1) *request the deletion of adverse items of in-*
12 *formation (except information related to a felony*
13 *criminal conviction) under subsection (e); and*

14 “‘(2) *request consumer file disclosures and*
15 *scores, without charge to the consumer, under sub-*
16 *section (f).*

17 “‘(h) *BAN ON REPORTING MEDICAL DEBT INFORMA-*
18 *TION RELATED TO COVID–19 OR A MAJOR DISASTER.—*

19 “‘(1) *FURNISHING BAN.—No person shall fur-*
20 *nish adverse information to a consumer reporting*
21 *agency related to medical debt if such medical debt is*
22 *with respect to medical expenses related to treatments*
23 *arising from COVID–19 or a major disaster (whether*
24 *or not the expenses were incurred during a covered*
25 *period).*

1 “**§ 630. Limitations on new credit scoring models dur-**
2 **ing the COVID–19 emergency and major**
3 **disasters**

4 “With respect to a person that creates and imple-
5 ments credit scoring models, such person may not, during
6 a covered period (as defined under section 605C), create or
7 implement a new credit scoring model (including a revision
8 to an existing scoring model) if the new credit scoring model
9 would identify a significant percentage of consumers as
10 being less creditworthy when compared to the previous cred-
11 it scoring models created or implemented by such person.’;
12 and

13 “(2) in the table of contents for such Act, by add-
14 ing at the end the following new item:

“‘630. Limitations on new credit scoring models during the COVID–19 emergency
and major disasters.’”

15 (b) *CLERICAL AMENDMENT.*—The table of contents in
16 section 2 of the CARES Act is amended by striking the item
17 relating to section 4021 and inserting the following:

“Sec. 4021. Reporting of information during major disasters.

“Sec. 4021A. Limitations on new credit scoring models during the COVID–19
emergency and major disasters.”

18 (c) *CONFORMING AMENDMENT.*—Subparagraph (F) of
19 section 623(a)(1) of the Fair Credit Reporting Act (15
20 U.S.C. 1681s–2(a)(1)) is hereby repealed.

1 **SEC. 402. RESTRICTIONS ON COLLECTIONS OF CONSUMER**
2 **DEBT DURING A NATIONAL DISASTER OR**
3 **EMERGENCY.**

4 (a) *IN GENERAL.*—*The Fair Debt Collection Practices*
5 *Act (15 U.S.C. 1692 et seq.) is amended by inserting after*
6 *section 812 (15 U.S.C. 1692j) the following:*

7 **“§ 812A. Restrictions on collections of consumer debt**
8 **during a national disaster or emergency**

9 “(a) *DEFINITIONS.*—*In this section:*

10 “(1) *COVERED PERIOD.*—*The term ‘covered pe-*
11 *riod’ means the period beginning on the date of enact-*
12 *ment of this section and ending 120 days after the*
13 *end of the incident period for the emergency declared*
14 *on March 13, 2020, by the President under section*
15 *501 of the Robert T. Stafford Disaster Relief and*
16 *Emergency Assistance Act (42 U.S.C. 4121 et seq.) re-*
17 *lating to the Coronavirus Disease 2019 (COVID–19)*
18 *pandemic.*

19 “(2) *CREDITOR.*—*The term ‘creditor’ means any*
20 *person—*

21 “(A) *who offers or extends credit creating a*
22 *debt or to whom a debt is owed; or*

23 “(B) *to whom any obligation for payment*
24 *is owed.*

25 “(3) *DEBT.*—*The term ‘debt’—*

1 “(A) means any obligation or alleged obli-
2 gation that is or during the covered period be-
3 comes past due, other than an obligation arising
4 out of a credit agreement entered into after the
5 effective date of this section, that arises out of a
6 transaction with a consumer; and

7 “(B) does not include a mortgage loan.

8 “(4) *DEBT COLLECTOR*.—The term ‘debt col-
9 lector’ means a creditor and any other person or enti-
10 ty that engages in the collection of debt, including the
11 Federal Government and a State government, irre-
12 spective of whether the applicable debt is allegedly
13 owed to or assigned to such creditor, person, or entity.

14 “(5) *MORTGAGE LOAN*.—The term ‘mortgage
15 loan’ means a covered mortgage loan (as defined
16 under section 4022 of the CARES Act) and a multi-
17 family mortgage loan (as defined under section 4023
18 of the CARES Act).

19 “(b) *PROHIBITIONS*.—

20 “(1) *IN GENERAL*.—Notwithstanding any other
21 provision of law, no debt collector may, during a cov-
22 ered period—

23 “(A) enforce a security interest securing a
24 debt through repossession, limitation of use, or
25 foreclosure;

1 “(B) take or threaten to take any action to
2 deprive an individual of their liberty as a result
3 of nonpayment of or nonappearance at any
4 hearing relating to an obligation owed by a con-
5 sumer;

6 “(C) collect any debt, by way of garnish-
7 ment, attachment, assignment, deduction, offset,
8 or other seizure, from—

9 “(i) wages, income, benefits, bank, pre-
10 paid or other asset accounts; or

11 “(ii) any assets of, or other amounts
12 due to, a consumer;

13 “(D) commence or continue an action to
14 evict a consumer from real or personal property
15 for nonpayment;

16 “(E) disconnect or terminate service from a
17 utility service, including electricity, natural gas,
18 telecommunications or broadband, water, or
19 sewer, for nonpayment; or

20 “(F) threaten to take any of the foregoing
21 actions.

22 “(2) *RULE OF CONSTRUCTION.*—Nothing in this
23 section may be construed to prohibit a consumer from
24 voluntarily paying, in whole or in part, a debt.

1 “(c) *LIMITATION ON FEES AND INTEREST.*—After the
2 *expiration of a covered period, a debt collector may not add*
3 *to any past due debt any interest on unpaid interest, higher*
4 *rate of interest triggered by the nonpayment of the debt,*
5 *or fee triggered prior to the expiration of the covered period*
6 *by the nonpayment of the debt.*

7 “(e) *VIOLATIONS.*—Any person or government entity
8 *that violates this section shall be liable to the applicable*
9 *consumer as provided under section 813, except that, for*
10 *purposes of applying section 813—*

11 “(1) *such person or government entity shall be*
12 *deemed a debt collector, as such term is defined for*
13 *purposes of section 813; and*

14 “(2) *each dollar figure in such section shall be*
15 *deemed to be 10 times the dollar figure specified.*

16 “(f) *TOLLING.*—Any applicable time limitations for
17 *exercising an action prohibited under subsection (b) shall*
18 *be tolled during a covered period.*

19 “(g) *PREDISPUTE ARBITRATION AGREEMENTS.*—Not-
20 *withstanding any other provision of law, no predispute ar-*
21 *bitration agreement or predispute joint-action waiver shall*
22 *be valid or enforceable with respect to a dispute brought*
23 *under this section, including a dispute as to the applica-*
24 *bility of this section, which shall be determined under Fed-*
25 *eral law.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
 2 *the Fair Debt Collection Practices Act is amended by insert-*
 3 *ing after the item relating to section 812 the following:*

“812A. Restrictions on collections of consumer debt during a national disaster or emergency.”.

4 **SEC. 403. REPAYMENT PERIOD AND FORBEARANCE FOR**
 5 **CONSUMERS.**

6 *Section 812A of the Fair Debt Collection Practices Act*
 7 *(15 U.S.C. 1692 et seq.), as added by section 110402, is*
 8 *amended—*

9 (1) *by inserting after subsection (c) the fol-*
 10 *lowing:*

11 “*(d) REPAYMENT PERIOD.*—*After the expiration of a*
 12 *covered period, a debt collector shall comply with the fol-*
 13 *lowing:*

14 “*(1) DEBT ARISING FROM CREDIT WITH A DE-*
 15 *FINED PAYMENT PERIOD.*—*For any debt arising from*
 16 *credit with a defined term, the debt collector shall ex-*
 17 *tend the time period to repay any past due balance*
 18 *of the debt by—*

19 “*(A) 1 payment period for each payment*
 20 *that a consumer missed during the covered pe-*
 21 *riod, with the payments due in the same*
 22 *amounts and at the same intervals as the pre-ex-*
 23 *isting payment schedule; and*

1 “(B) 1 payment period in addition to the
2 payment periods described under subparagraph
3 (A).

4 “(2) *DEBT ARISING FROM AN OPEN END CREDIT*
5 *PLAN.—For debt arising from an open end credit*
6 *plan, as defined in section 103 of the Truth in Lend-*
7 *ing Act (15 U.S.C. 1602), the debt collector shall*
8 *allow the consumer to repay the past-due balance in*
9 *a manner that does not exceed the amounts permitted*
10 *by the methods described in section 171(c) of the*
11 *Truth in Lending Act (15 U.S.C. 1666i–1(c)) and*
12 *regulations promulgated under that section.*

13 “(3) *DEBT ARISING FROM OTHER CREDIT.—*

14 “(A) *IN GENERAL.—For debt not described*
15 *under paragraph (2) or (3), the debt collector*
16 *shall—*

17 “(i) *allow the consumer to repay the*
18 *past-due balance of the debt in substantially*
19 *equal payments over time; and*

20 “(ii) *provide the consumer with—*

21 “(I) *for past due balances of*
22 *\$2,000 or less, 12 months to repay, or*
23 *such longer period as the debt collector*
24 *may allow;*

1 “(II) for past due balances be-
2 tween \$2,001 and \$5,000, 24 months to
3 repay, or such longer period as the debt
4 collector may allow; or

5 “(III) for past due balances great-
6 er than \$5,000, 36 months to repay, or
7 such longer period as the debt collector
8 may allow.

9 “(B) *ADDITIONAL PROTECTIONS.*—The Di-
10 rector of the Bureau may issue rules to provide
11 greater repayment protections to consumers with
12 debts described under subparagraph (A).

13 “(C) *RELATION TO STATE LAW.*—This para-
14 graph shall not preempt any State law that pro-
15 vides for greater consumer protections than this
16 paragraph.”; and

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

18 “(h) *FORBEARANCE FOR AFFECTED CONSUMERS.*—

19 “(1) *FORBEARANCE PROGRAM.*—Each debt col-
20 lector that makes use of the credit facility described
21 in paragraph (4) shall establish a forbearance pro-
22 gram for debts available during the covered period.

23 “(2) *AUTOMATIC GRANT OF FORBEARANCE UPON*
24 *REQUEST.*—Under a forbearance program required
25 under paragraph (1), upon the request of a consumer

1 *experiencing a financial hardship due, directly or in-*
2 *directly, to COVID–19, the debt collector shall grant*
3 *a forbearance on payment of debt for such time as*
4 *needed until the end of the covered period, with no*
5 *additional documentation required other than the bor-*
6 *rower’s attestation to a financial hardship caused by*
7 *COVID–19 and with no fees, penalties, or interest*
8 *(beyond the amounts scheduled or calculated as if the*
9 *borrower made all contractual payments on time and*
10 *in full under the terms of the loan contract) charged*
11 *to the borrower in connection with the forbearance.*

12 *“(3) EXCEPTION FOR CERTAIN MORTGAGE LOANS*
13 *SUBJECT TO THE CARES ACT.—This subsection shall*
14 *not apply to a mortgage loan subject to section 4022*
15 *or 4023 of the CARES Act.”.*

16 **SEC. 404. CREDIT FACILITY.**

17 *Section 812A(h) of the Fair Debt Collection Practices*
18 *Act (15 U.S.C. 1692 et seq.), as added by section 110403,*
19 *is amended by adding at the end the following:*

20 *“(4) CREDIT FACILITY.—The Board of Governors*
21 *of the Federal Reserve System shall—*

22 *“(A) establish a facility, using amounts*
23 *made available under section 4003(b)(4) of the*
24 *CARES Act (15 U.S.C. 9042(b)(4)), to make*
25 *long-term, low-cost loans to debt collectors to*

1 temporarily compensate such debt collectors for
 2 documented financial losses caused by forbear-
 3 ance of debt payments under this subsection; and
 4 “(B) defer debt collectors’ required pay-
 5 ments on such loans until after consumers’ debt
 6 payments resume.”.

7 **TITLE V—PROTECTING STUDENT**
 8 **BORROWERS**

9 **SEC. 501. PAYMENTS FOR PRIVATE EDUCATION LOAN BOR-**
 10 **ROWERS AS A RESULT OF THE COVID-19 NA-**
 11 **TIONAL EMERGENCY.**

12 (a) *IN GENERAL.*—Section 140 of the Truth in Lend-
 13 ing Act (15 U.S.C. 1650) is amended by adding at the end
 14 the following new subsection:

15 “(h) *COVID-19 NATIONAL EMERGENCY PRIVATE*
 16 *EDUCATION LOAN REPAYMENT ASSISTANCE.*—

17 “(1) *AUTHORITY.*—

18 “(A) *IN GENERAL.*—Effective on the date of
 19 the enactment of this section, until February 1,
 20 2021, the Secretary of the Treasury shall, for
 21 each borrower of a private education loan, pay
 22 the total amount due for such month on the loan,
 23 based on the payment plan selected by the bor-
 24 rower or the borrower’s loan status.

1 “(B) *LIMITATION ON PAYMENTS.*—*The maximum amount of aggregate payments that the*
2 *Secretary of the Treasury may make under sub-*
3 *paragraph (A) with respect to an individual bor-*
4 *rower is \$10,000.*

6 “(2) *NO CAPITALIZATION OF INTEREST.*—*With*
7 *respect to any loan in repayment until February 1,*
8 *2021, interest due on a private education loan during*
9 *such period shall not be capitalized at any time until*
10 *after February 1, 2021.*

11 “(3) *REPORTING TO CONSUMER REPORTING*
12 *AGENCIES.*—*Until February 1, 2021—*

13 “(A) *during the period in which the Sec-*
14 *retary of the Treasury is making payments on a*
15 *loan under paragraph (1), the Secretary shall*
16 *ensure that, for the purpose of reporting infor-*
17 *mation about the loan to a consumer reporting*
18 *agency, any payment made by the Secretary is*
19 *treated as if it were a regularly scheduled pay-*
20 *ment made by a borrower; and*

21 “(B) *no adverse credit information may be*
22 *furnished to a consumer reporting agency for*
23 *any private education loan.*

24 “(4) *NOTICE OF PAYMENTS AND PROGRAM.*—*Not*
25 *later than 15 days following the date of enactment of*

1 *this subsection, and monthly thereafter until Feb-*
2 *ruary 1, 2021, the Secretary of the Treasury shall*
3 *provide a notice to all borrowers of private education*
4 *loans—*

5 *“(A) informing borrowers of the actions*
6 *taken under this subsection;*

7 *“(B) providing borrowers with an easily ac-*
8 *cessible method to opt out of the benefits provided*
9 *under this subsection; and*

10 *“(C) notifying the borrower that the pro-*
11 *gram under this subsection is a temporary pro-*
12 *gram and will end on February 1, 2021.*

13 *“(5) SUSPENSION OF INVOLUNTARY COLLEC-*
14 *TION.—Until February 1, 2021, the holder of a pri-*
15 *vate education loan shall immediately take action to*
16 *halt all involuntary collection related to the loan.*

17 *“(6) MANDATORY FORBEARANCE.—During the*
18 *period in which the Secretary of the Treasury is mak-*
19 *ing payments on a loan under paragraph (1), the*
20 *servicer of such loan shall grant the borrower forbear-*
21 *ance as follows:*

22 *“(A) A temporary cessation of all payments*
23 *on the loan other than the payments of interest*
24 *and principal on the loan that are made under*
25 *paragraph (1).*

1 “(B) *For borrowers who are delinquent but*
2 *who are not yet in default before the date on*
3 *which the Secretary begins making payments*
4 *under paragraph (1), the retroactive application*
5 *of forbearance to address any delinquency.*

6 “(7) *DATA TO IMPLEMENT.—*Holders and
7 *servicers of private education loans shall report, to the*
8 *satisfaction of the Secretary of the Treasury, the in-*
9 *formation necessary to calculate the amount to be*
10 *paid under this subsection.*

11 “(8) *APPLICATION ONLY TO ECONOMICALLY DIS-*
12 *TRESSED BORROWERS.—*

13 “(A) *IN GENERAL.—*This subsection shall
14 *only apply to a borrower of a private education*
15 *loan who is an economically distressed borrower.*

16 “(B) *ECONOMICALLY DISTRESSED BOR-*
17 *ROWER DEFINED.—*In this paragraph, the term
18 *‘economically distressed borrower’ means a bor-*
19 *rower of a private education loan who, as of*
20 *March 12, 2020—*

21 “(i) *based on financial state or other*
22 *conditions, would be otherwise eligible, if*
23 *the borrower instead had a Federal student*
24 *loan, of having a monthly payment due on*
25 *such loan of \$0 pursuant to an income-con-*

1 *tingent repayment plan under section*
2 *455(d)(1)(D) of the Higher Education Act*
3 *of 1965 (20 U.S.C. 1087e(d)(1)(D)) or an*
4 *income-based repayment plan under section*
5 *493C of such Act (20 U.S.C. 1098e);*

6 *“(ii) was in default on such loan;*

7 *“(iii) had a payment due on such loan*
8 *that was at least 90 days past due; or*

9 *“(iv) based on financial state or other*
10 *conditions, was in forbearance or deferment.*

11 *“(C) RULEMAKING.—Not later than 7 days*
12 *after the date of enactment of this paragraph, the*
13 *Director of the Bureau, in consultation with the*
14 *Secretary of Education, shall issue rules to im-*
15 *plement this paragraph, including providing a*
16 *detailed description of how a borrower of a pri-*
17 *ivate education loan will be considered an eco-*
18 *nomically distressed borrower as defined under*
19 *each clause of subparagraph (B).”.*

20 *(b) APPROPRIATION.—There is appropriated to the*
21 *Secretary of the Treasury, out of amounts in the Treasury*
22 *not otherwise appropriated, \$5,000,000,000 to carry out*
23 *this title and the amendments made by this title.*

1 **SEC. 502. ADDITIONAL PROTECTIONS FOR PRIVATE STU-**
2 **DENT LOAN BORROWERS.**

3 (a) *IN GENERAL.*—

4 (1) *REPAYMENT PLAN AND FORGIVENESS*
5 *TERMS.*—*Each private education loan holder who re-*
6 *ceives a monthly payment pursuant to section 140(h)*
7 *of the Truth in Lending Act shall modify all private*
8 *education loan contracts that it holds to provide for*
9 *the same repayment plan and forgiveness terms avail-*
10 *able to Direct Loans borrowers under section*
11 *685.209(c) of title 34, Code of Federal Regulations, in*
12 *effect as of January 1, 2020.*

13 (2) *TREATMENT OF STATE STATUTES OF LIMITA-*
14 *TION.*—*For a borrower who has defaulted on a pri-*
15 *vate education loan under the terms of the promissory*
16 *note prior to any loan payment made or forbearance*
17 *granted under section 140(h) of the Truth in Lending*
18 *Act, no payment made or forbearance granted under*
19 *such section 140(h) shall be considered an event that*
20 *impacts the calculation of the applicable State stat-*
21 *utes of limitation.*

22 (3) *PROHIBITION ON PRESSURING BOR-*
23 *ROWERS.*—

24 (A) *IN GENERAL.*—*A private education loan*
25 *debt collector or creditor may not pressure a bor-*
26 *rower to elect to apply any amount received pur-*

1 *suant to subsection (b) to any private education*
2 *loan.*

3 *(B) VIOLATIONS.—A violation of this para-*
4 *graph is deemed—*

5 *(i) an unfair, deceptive, or abusive act*
6 *or practice under Federal law in connection*
7 *with any transaction with a consumer for a*
8 *consumer financial product or service under*
9 *section 1031 of the Consumer Financial*
10 *Protection Act of 2010 (12 U.S.C. 5531);*
11 *and*

12 *(ii) with respect to a violation by a*
13 *debt collector, an unfair or unconscionable*
14 *means to collect or attempt to collect any*
15 *debt under section 808 of the Federal Debt*
16 *Collection Practices Act (15 U.S.C. 1692f).*

17 *(C) PRESSURE DEFINED.—In this para-*
18 *graph, the term “pressure” means any commu-*
19 *nication, recommendation, or other similar com-*
20 *munication, other than providing basic informa-*
21 *tion about a borrower’s options, urging a bor-*
22 *rower to make an election described under sub-*
23 *section (b).*

24 *(b) RELIEF FOR PRIVATE STUDENT LOAN BORROWERS*
25 *AS A RESULT OF THE COVID–19 NATIONAL EMERGENCY.—*

1 (1) *STUDENT LOAN RELIEF AS A RESULT OF THE*
2 *COVID-19 NATIONAL EMERGENCY.*—Not later than 90
3 days after February 1, 2021, the Secretary of the
4 Treasury shall carry out a program under which a
5 borrower, with respect to the private education loans
6 of such borrower, shall receive in accordance with
7 paragraph (3) an amount equal to the lesser of—

8 (A) the total amount of each private edu-
9 cation loan of the borrower; or

10 (B) \$10,000, reduced by the aggregate
11 amount of all payments made by the Secretary
12 of the Treasury with respect to such borrower
13 under section 140(h) of the Truth in Lending
14 Act.

15 (2) *NOTIFICATION OF BORROWERS.*—Not later
16 than 90 days after February 1, 2021, the Secretary
17 of the Treasury shall notify each borrower of a pri-
18 vate education loan of—

19 (A) the requirements to provide loan relief
20 to such borrower under this section; and

21 (B) the opportunity for such borrower to
22 make an election under paragraph (3)(A) with
23 respect to the application of such loan relief to
24 the private education loans of such borrower.

25 (3) *DISTRIBUTION OF FUNDING.*—

1 (A) *ELECTION BY BORROWER.*—Not later
2 than 45 days after a notice is sent under para-
3 graph (2), a borrower may elect to apply the
4 amount determined with respect to such borrower
5 under paragraph (1) to any private education
6 loan of the borrower.

7 (B) *AUTOMATIC PAYMENT.*—

8 (i) *IN GENERAL.*—In the case of a bor-
9 rower who does not make an election under
10 subparagraph (A) before the date described
11 in such subparagraph, the Secretary of the
12 Treasury shall apply the amount deter-
13 mined with respect to such borrower under
14 paragraph (1) in order of the private edu-
15 cation loan of the borrower with the highest
16 interest rate.

17 (ii) *EQUAL INTEREST RATES.*—In case
18 of two or more private education loans de-
19 scribed in clause (i) with equal interest
20 rates, the Secretary of the Treasury shall
21 apply the amount determined with respect
22 to such borrower under paragraph (1) first
23 to the loan with the highest principal.

24 (c) *APPLICATION ONLY TO ECONOMICALLY DIS-*
25 *TRESSED BORROWERS.*—This section shall only apply to

1 *a borrower of a private education loan who is an economi-*
2 *cally distressed borrower.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) FAIR DEBT COLLECTION PRACTICES ACT*
5 *TERMS.—The terms “creditor” and “debt collector”*
6 *have the meaning given those terms, respectively,*
7 *under section 803 of the Fair Debt Collection Prac-*
8 *tices Act (15 U.S.C. 1692a).*

9 *(2) PRIVATE EDUCATION LOAN.—The term “pri-*
10 *ivate education loan” has the meaning given the term*
11 *in section 140 of the Truth in Lending Act (15 U.S.C.*
12 *1650).*

13 *(3) ECONOMICALLY DISTRESSED BORROWER DE-*
14 *FINED.—The term “economically distressed borrower”*
15 *has the meaning given that term under section*
16 *140(h)(8) of the Truth in Lending Act, as added by*
17 *section 501.*

1 **TITLE VI—STANDING UP FOR**
2 **SMALL BUSINESSES, MINOR-**
3 **ITY-OWNED BUSINESSES, AND**
4 **NON-PROFITS**

5 **SEC. 601. RESTRICTIONS ON COLLECTIONS OF SMALL BUSI-**
6 **NESS AND NONPROFIT DEBT DURING A NA-**
7 **TIONAL DISASTER OR EMERGENCY.**

8 (a) *IN GENERAL.*—*The Fair Debt Collection Practices*
9 *Act (15 U.S.C. 1692 et seq.), as amended by section 110402,*
10 *is further amended by inserting after section 812A the fol-*
11 *lowing:*

12 **“§ 812B. Restrictions on collections of small business**
13 **and nonprofit debt during a national dis-**
14 **aster or emergency**

15 “(a) *DEFINITIONS.*—*In this section:*

16 “(1) *COVERED PERIOD.*—*The term ‘covered pe-*
17 *riod’ means the period beginning on the date of enact-*
18 *ment of this section and ending 120 days after the*
19 *end of the incident period for the emergency declared*
20 *on March 13, 2020, by the President under section*
21 *501 of the Robert T. Stafford Disaster Relief and*
22 *Emergency Assistance Act (42 U.S.C. 4121 et seq.) re-*
23 *lating to the Coronavirus Disease 2019 (COVID–19)*
24 *pandemic.*

1 “(2) *CREDITOR.*—*The term ‘creditor’ means any*
2 *person—*

3 “(A) *who offers or extends credit creating a*
4 *debt or to whom a debt is owed; or*

5 “(B) *to whom any obligation for payment*
6 *is owed.*

7 “(3) *DEBT.*—*The term ‘debt’—*

8 “(A) *means any obligation or alleged obli-*
9 *gation that is or during the covered period be-*
10 *comes past due, other than an obligation arising*
11 *out of a credit agreement entered into after the*
12 *effective date of this section, that arises out of a*
13 *transaction with a nonprofit organization or*
14 *small business; and*

15 “(B) *does not include a mortgage loan.*

16 “(4) *DEBT COLLECTOR.*—*The term ‘debt col-*
17 *lector’ means a creditor and any other person or enti-*
18 *ty that engages in the collection of debt, including the*
19 *Federal Government and a State government, irre-*
20 *spective of whether the applicable debt is allegedly*
21 *owed to or assigned to such creditor, person, or entity.*

22 “(5) *MORTGAGE LOAN.*—*The term ‘mortgage*
23 *loan’ means a covered mortgage loan (as defined*
24 *under section 4022 of the CARES Act) and a multi-*

1 *family mortgage loan (as defined under section 4023*
2 *of the CARES Act).*

3 “(6) *NONPROFIT ORGANIZATION.*—*The term*
4 *‘nonprofit organization’ means an organization that*
5 *is described in section 501(c)(3) of the Internal Rev-*
6 *enue Code of 1986 and that is exempt from taxation*
7 *under section 501(a) of such Code.*

8 “(7) *SMALL BUSINESS.*—*The term ‘small busi-*
9 *ness’ has the meaning given the term ‘small business*
10 *concern’ in section 3 of the Small Business Act (15*
11 *U.S.C. 632).*

12 “(b) *PROHIBITIONS.*—

13 “(1) *IN GENERAL.*—*Notwithstanding any other*
14 *provision of law, no debt collector may, during a cov-*
15 *ered period—*

16 “(A) *enforce a security interest securing a*
17 *debt through repossession, limitation of use, or*
18 *foreclosure;*

19 “(B) *take or threaten to take any action to*
20 *deprive an individual of their liberty as a result*
21 *of nonpayment of or nonappearance at any*
22 *hearing relating to an obligation owed by a*
23 *small business or nonprofit organization;*

1 “(C) collect any debt, by way of garnish-
2 ment, attachment, assignment, deduction, offset,
3 or other seizure, from—

4 “(i) wages, income, benefits, bank, pre-
5 paid or other asset accounts; or

6 “(ii) any assets of, or other amounts
7 due to, a small business or nonprofit orga-
8 nization;

9 “(D) commence or continue an action to
10 evict a small business or nonprofit organization
11 from real or personal property for nonpayment;

12 “(E) disconnect or terminate service from a
13 utility service, including electricity, natural gas,
14 telecommunications or broadband, water, or
15 sewer, for nonpayment; or

16 “(F) threaten to take any of the foregoing
17 actions.

18 “(2) *RULE OF CONSTRUCTION.*—Nothing in this
19 section may be construed to prohibit a small business
20 or nonprofit organization from voluntarily paying, in
21 whole or in part, a debt.

22 “(c) *LIMITATION ON FEES AND INTEREST.*—After the
23 expiration of a covered period, a debt collector may not add
24 to any past due debt any interest on unpaid interest, higher
25 rate of interest triggered by the nonpayment of the debt,

1 *or fee triggered prior to the expiration of the covered period*
2 *by the nonpayment of the debt.*

3 “(e) *VIOLATIONS.—Any person or government entity*
4 *that violates this section shall be liable to the applicable*
5 *small business or nonprofit organization as provided under*
6 *section 813, except that, for purposes of applying section*
7 *813—*

8 “(1) *such person or government entity shall be*
9 *deemed a debt collector, as such term is defined for*
10 *purposes of section 813; and*

11 “(2) *such small business or nonprofit organiza-*
12 *tion shall be deemed a consumer, as such term is de-*
13 *efined for purposes of section 813.*

14 “(f) *TOLLING.—Any applicable time limitations for*
15 *exercising an action prohibited under subsection (b) shall*
16 *be tolled during a covered period.*

17 “(g) *PREDISPUTE ARBITRATION AGREEMENTS.—Not-*
18 *withstanding any other provision of law, no predispute ar-*
19 *bitration agreement or predispute joint-action waiver shall*
20 *be valid or enforceable with respect to a dispute brought*
21 *under this section, including a dispute as to the applica-*
22 *bility of this section, which shall be determined under Fed-*
23 *eral law.”.*

24 (b) *CLERICAL AMENDMENT.—The table of contents for*
25 *the Fair Debt Collection Practices Act, as amended by sec-*

1 *tion 110402, is further amended by inserting after the item*
2 *relating to section 812A the following:*

“812B. Restrictions on collections of small business and nonprofit debt during a national disaster or emergency.”.

3 **SEC. 602. REPAYMENT PERIOD AND FORBEARANCE FOR**
4 **SMALL BUSINESSES AND NONPROFIT ORGA-**
5 **NIZATIONS.**

6 *Section 812B of the Fair Debt Collection Practices Act*
7 *(15 U.S.C. 1692 et seq.), as added by section 110601, is*
8 *amended—*

9 *(1) by inserting after subsection (c) the fol-*
10 *lowing:*

11 *“(d) REPAYMENT PERIOD.—After the expiration of a*
12 *covered period, a debt collector shall comply with the fol-*
13 *lowing:*

14 *“(1) DEBT ARISING FROM CREDIT WITH A DE-*
15 *FINED PAYMENT PERIOD.—For any debt arising from*
16 *credit with a defined term, the debt collector shall ex-*
17 *tend the time period to repay any past due balance*
18 *of the debt by—*

19 *“(A) 1 payment period for each payment*
20 *that a small business or nonprofit organization*
21 *missed during the covered period, with the pay-*
22 *ments due in the same amounts and at the same*
23 *intervals as the pre-existing payment schedule;*
24 *and*

1 “(B) 1 payment period in addition to the
2 payment periods described under subparagraph
3 (A).

4 “(2) *DEBT ARISING FROM AN OPEN END CREDIT*
5 *PLAN.*—For debt arising from an open end credit
6 plan, as defined in section 103 of the Truth in Lend-
7 ing Act (15 U.S.C. 1602), the debt collector shall
8 allow the small business or nonprofit organization to
9 repay the past-due balance in a manner that does not
10 exceed the amounts permitted by the methods de-
11 scribed in section 171(c) of the Truth in Lending Act
12 (15 U.S.C. 1666i–1(c)) and regulations promulgated
13 under that section.

14 “(3) *DEBT ARISING FROM OTHER CREDIT.*—

15 “(A) *IN GENERAL.*—For debt not described
16 under paragraph (2) or (3), the debt collector
17 shall—

18 “(i) allow the small business or non-
19 profit organization to repay the past-due
20 balance of the debt in substantially equal
21 payments over time; and

22 “(ii) provide the small business or non-
23 profit organization with—

24 “(I) for past due balances of
25 \$2,000 or less, 12 months to repay, or

1 *such longer period as the debt collector*
2 *may allow;*

3 “(II) *for past due balances be-*
4 *tween \$2,001 and \$5,000, 24 months to*
5 *repay, or such longer period as the debt*
6 *collector may allow; or*

7 “(III) *for past due balances great-*
8 *er than \$5,000, 36 months to repay, or*
9 *such longer period as the debt collector*
10 *may allow.*

11 “(B) *ADDITIONAL PROTECTIONS.—The Di-*
12 *rector of the Bureau may issue rules to provide*
13 *greater repayment protections to small businesses*
14 *and nonprofit organizations with debts described*
15 *under subparagraph (A).*

16 “(C) *RELATION TO STATE LAW.—This para-*
17 *graph shall not preempt any State law that pro-*
18 *vides for greater small business or nonprofit or-*
19 *ganization protections than this paragraph.”;*
20 *and*

21 *(2) by adding at the end the following:*

22 “(h) *FORBEARANCE FOR AFFECTED SMALL BUSI-*
23 *NESSES AND NONPROFIT ORGANIZATIONS.—*

24 “(1) *FORBEARANCE PROGRAM.—Each debt col-*
25 *lector that makes use of the credit facility described*

1 *in paragraph (4) shall establish a forbearance pro-*
2 *gram for debts available during the covered period.*

3 *“(2) AUTOMATIC GRANT OF FORBEARANCE UPON*
4 *REQUEST.—Under a forbearance program required*
5 *under paragraph (1), upon the request of a small*
6 *business or nonprofit organization experiencing a fi-*
7 *nancial hardship due, directly or indirectly, to*
8 *COVID–19, the debt collector shall grant a forbear-*
9 *ance on payment of debt for such time as needed until*
10 *the end of the covered period, with no additional doc-*
11 *umentation required other than the small business or*
12 *nonprofit organization’s attestation to a financial*
13 *hardship caused by COVID–19 and with no fees, pen-*
14 *alties, or interest (beyond the amounts scheduled or*
15 *calculated as if the borrower made all contractual*
16 *payments on time and in full under the terms of the*
17 *loan contract) charged to the borrower in connection*
18 *with the forbearance.*

19 *“(3) EXCEPTION FOR CERTAIN MORTGAGE LOANS*
20 *SUBJECT TO THE CARES ACT.—This subsection shall*
21 *not apply to a mortgage loan subject to section 4022*
22 *or 4023 of the CARES Act.”.*

1 **SEC. 603. CREDIT FACILITY.**

2 *Section 812B(h) of the Fair Debt Collection Practices*
3 *Act (15 U.S.C. 1692 et seq.), as added by section 110602,*
4 *is amended by adding at the end the following:*

5 “(4) *CREDIT FACILITY.*—*The Board of Governors*
6 *of the Federal Reserve System shall—*

7 “(A) *establish a facility, using amounts*
8 *made available under section 4003(b)(4) of the*
9 *CARES Act (15 U.S.C. 9042(b)(4)), to make*
10 *long-term, low-cost loans to debt collectors to*
11 *temporarily compensate such debt collectors for*
12 *documented financial losses caused by forbear-*
13 *ance of debt payments under this subsection; and*

14 “(B) *defer debt collectors’ required pay-*
15 *ments on such loans until after small businesses*
16 *or nonprofit organizations’ debt payments re-*
17 *sume.”.*

18 **SEC. 604. MAIN STREET LENDING PROGRAM REQUIRE-**
19 **MENTS.**

20 (a) *IN GENERAL.*—*Section 4003(c)(3)(D)(ii) of the*
21 *CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—*

22 (1) *by striking “Nothing in this subparagraph*
23 *shall limit the discretion of the Board of Governors of*
24 *the Federal Reserve System to” and inserting the fol-*
25 *lowing:*

1 “(I) *IN GENERAL.*—*The Board of Governors*
2 *of the Federal Reserve System shall*”; and

3 (2) *by adding at the end the following:*

4 “(II) *REQUIREMENTS.*—*In car-*
5 *rying out subclause (I), the Board of*
6 *Governors of the Federal Reserve Sys-*
7 *tem—*

8 “(aa) *shall make non-profit*
9 *organizations and institutions of*
10 *higher education (as such term is*
11 *defined in section 101(a) of the*
12 *Higher Education Act of 1965 (20*
13 *U.S.C. 1001(a)) eligible for any*
14 *program or facility established*
15 *under such subclause;*

16 “(bb) *shall create a low-cost*
17 *loan option tailored to the unique*
18 *needs of non-profit organizations,*
19 *including the ability to defer pay-*
20 *ments without capitalization of*
21 *interest;*

22 “(cc) *shall make any*
23 *501(c)(4) organization (as defined*
24 *in section 501(c)(4) of the Inter-*
25 *nal Revenue Code of 1986) eligible*

1 *for any facility provided that such*
2 *501(c)(4) organization has not*
3 *made and will not make a con-*
4 *tribution, expenditure, inde-*
5 *pendent expenditure, or election-*
6 *eering communication within the*
7 *meaning of the Federal Election*
8 *Campaign Act, and has not un-*
9 *dertaken and will not undertake*
10 *similar campaign finance activi-*
11 *ties in state and local elections,*
12 *during the election cycle which*
13 *ends on the date of the general*
14 *election in this calendar year;*

15 *“(dd) shall ensure loans*
16 *made available to all eligible bor-*
17 *rowers have a maturity of no less*
18 *than seven years; and*

19 *“(ee) shall prohibit eligible*
20 *lenders from requiring additional*
21 *collateral beyond minimum collat-*
22 *eral requirements the Board of*
23 *Governors of the Federal Reserve*
24 *System may require.”.*

1 (b) *DEADLINE.*—Not later than the end of the 5-day
2 period beginning on the date of enactment of this Act, the
3 Board of Governors of the Federal Reserve System shall
4 issue such rules or take such other actions as may be nec-
5 essary to implement the requirements made by the amend-
6 ments made by this section.

7 **SEC. 605. OPTIONS FOR SMALL BUSINESSES AND NON-**
8 **PROFITS UNDER THE MAIN STREET LENDING**
9 **PROGRAM.**

10 (a) *IN GENERAL.*—Section 4003(c)(3)(D)(ii)(II) of the
11 CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)(II)), as added by
12 section 110604, is further amended by adding at the end
13 the following:

14 “(cc) shall provide at least one low-cost loan option
15 that small businesses, small non-profits, and small institu-
16 tions of higher education (as such term is defined in section
17 101(a) of the Higher Education Act of 1965 (20 U.S.C.
18 1001(a)) are eligible for that does not have a minimum loan
19 size and includes the ability to defer payments, without
20 capitalization of interest.”.

21 (b) *DEADLINE.*—Not later than the end of the 5-day
22 period beginning on the date of enactment of this Act, the
23 Board of Governors of the Federal Reserve System shall
24 issue such rules or take such other actions as may be nec-

1 *essary to implement the requirements made by the amend-*
2 *ments made by this section.*

3 **SEC. 606. SAFE BANKING.**

4 *(a) SHORT TITLE; PURPOSE.—*

5 *(1) SHORT TITLE.—This section may be cited as*
6 *the “Secure And Fair Enforcement Banking Act of*
7 *2020” or the “SAFE Banking Act of 2020”.*

8 *(2) PURPOSE.—The purpose of this section is to*
9 *increase public safety by ensuring access to financial*
10 *services to cannabis-related legitimate businesses and*
11 *service providers and reducing the amount of cash at*
12 *such businesses.*

13 *(b) SAFE HARBOR FOR DEPOSITORY INSTITUTIONS.—*

14 *(1) IN GENERAL.—A Federal banking regulator*
15 *may not—*

16 *(A) terminate or limit the deposit insurance*
17 *or share insurance of a depository institution*
18 *under the Federal Deposit Insurance Act (12*
19 *U.S.C. 1811 et seq.), the Federal Credit Union*
20 *Act (12 U.S.C. 1751 et seq.), or take any other*
21 *adverse action against a depository institution*
22 *under section 8 of the Federal Deposit Insurance*
23 *Act (12 U.S.C. 1818) solely because the deposi-*
24 *tory institution provides or has provided finan-*

1 *cial services to a cannabis-related legitimate*
2 *business or service provider;*

3 *(B) prohibit, penalize, or otherwise discour-*
4 *age a depository institution from providing fi-*
5 *nancial services to a cannabis-related legitimate*
6 *business or service provider or to a State, polit-*
7 *ical subdivision of a State, or Indian Tribe that*
8 *exercises jurisdiction over cannabis-related legiti-*
9 *mate businesses;*

10 *(C) recommend, incentivize, or encourage a*
11 *depository institution not to offer financial serv-*
12 *ices to an account holder, or to downgrade or*
13 *cancel the financial services offered to an account*
14 *holder solely because—*

15 *(i) the account holder is a cannabis-re-*
16 *lated legitimate business or service provider,*
17 *or is an employee, owner, or operator of a*
18 *cannabis-related legitimate business or serv-*
19 *ice provider;*

20 *(ii) the account holder later becomes an*
21 *employee, owner, or operator of a cannabis-*
22 *related legitimate business or service pro-*
23 *vider; or*

24 *(iii) the depository institution was not*
25 *aware that the account holder is an em-*

1 *ployee, owner, or operator of a cannabis-re-*
2 *lated legitimate business or service provider;*

3 *(D) take any adverse or corrective super-*
4 *visory action on a loan made to—*

5 *(i) a cannabis-related legitimate busi-*
6 *ness or service provider, solely because the*
7 *business is a cannabis-related legitimate*
8 *business or service provider;*

9 *(ii) an employee, owner, or operator of*
10 *a cannabis-related legitimate business or*
11 *service provider, solely because the em-*
12 *ployee, owner, or operator is employed by,*
13 *owns, or operates a cannabis-related legiti-*
14 *mate business or service provider, as appli-*
15 *cable; or*

16 *(iii) an owner or operator of real es-*
17 *tate or equipment that is leased to a can-*
18 *nabis-related legitimate business or service*
19 *provider, solely because the owner or oper-*
20 *ator of the real estate or equipment leased*
21 *the equipment or real estate to a cannabis-*
22 *related legitimate business or service pro-*
23 *vider, as applicable; or*

24 *(E) prohibit or penalize a depository insti-*
25 *tution (or entity performing a financial service*

1 *for or in association with a depository institu-*
2 *tion) for, or otherwise discourage a depository*
3 *institution (or entity performing a financial*
4 *service for or in association with a depository*
5 *institution) from, engaging in a financial service*
6 *for a cannabis-related legitimate business or*
7 *service provider.*

8 (2) *SAFE HARBOR APPLICABLE TO DE NOVO IN-*
9 *STITUTIONS.—Paragraph (1) shall apply to an insti-*
10 *tution applying for a depository institution charter to*
11 *the same extent as such subsection applies to a deposi-*
12 *tory institution.*

13 (c) *PROTECTIONS FOR ANCILLARY BUSINESSES.—For*
14 *the purposes of sections 1956 and 1957 of title 18, United*
15 *States Code, and all other provisions of Federal law, the*
16 *proceeds from a transaction involving activities of a can-*
17 *nabis-related legitimate business or service provider shall*
18 *not be considered proceeds from an unlawful activity solely*
19 *because—*

20 (1) *the transaction involves proceeds from a can-*
21 *nabis-related legitimate business or service provider;*

22 *or*

23 (2) *the transaction involves proceeds from—*

1 (A) *cannabis-related activities described in*
2 *subsection (n)(4)(B) conducted by a cannabis-re-*
3 *lated legitimate business; or*

4 (B) *activities described in subsection*
5 *(n)(13)(A) conducted by a service provider.*

6 (d) *PROTECTIONS UNDER FEDERAL LAW.—*

7 (1) *IN GENERAL.—With respect to providing a*
8 *financial service to a cannabis-related legitimate*
9 *business or service provider within a State, political*
10 *subdivision of a State, or Indian country that allows*
11 *the cultivation, production, manufacture, sale, trans-*
12 *portation, display, dispensing, distribution, or pur-*
13 *chase of cannabis pursuant to a law or regulation of*
14 *such State, political subdivision, or Indian Tribe that*
15 *has jurisdiction over the Indian country, as applica-*
16 *ble, a depository institution, entity performing a fi-*
17 *nancial service for or in association with a depository*
18 *institution, or insurer that provides a financial serv-*
19 *ice to a cannabis-related legitimate business or service*
20 *provider, and the officers, directors, and employees of*
21 *that depository institution, entity, or insurer may not*
22 *be held liable pursuant to any Federal law or regula-*
23 *tion—*

24 (A) *solely for providing such a financial*
25 *service; or*

1 (B) for further investing any income de-
2 rived from such a financial service.

3 (2) *PROTECTIONS FOR FEDERAL RESERVE BANKS*
4 *AND FEDERAL HOME LOAN BANKS.*—With respect to
5 providing a service to a depository institution that
6 provides a financial service to a cannabis-related le-
7 gitimate business or service provider (where such fi-
8 nancial service is provided within a State, political
9 subdivision of a State, or Indian country that allows
10 the cultivation, production, manufacture, sale, trans-
11 portation, display, dispensing, distribution, or pur-
12 chase of cannabis pursuant to a law or regulation of
13 such State, political subdivision, or Indian Tribe that
14 has jurisdiction over the Indian country, as applica-
15 ble), a Federal reserve bank or Federal Home Loan
16 Bank, and the officers, directors, and employees of the
17 Federal reserve bank or Federal Home Loan Bank,
18 may not be held liable pursuant to any Federal law
19 or regulation—

20 (A) solely for providing such a service; or

21 (B) for further investing any income de-
22 rived from such a service.

23 (3) *PROTECTIONS FOR INSURERS.*—With respect
24 to engaging in the business of insurance within a
25 State, political subdivision of a State, or Indian

1 country that allows the cultivation, production, man-
2 ufacture, sale, transportation, display, dispensing,
3 distribution, or purchase of cannabis pursuant to a
4 law or regulation of such State, political subdivision,
5 or Indian Tribe that has jurisdiction over the Indian
6 country, as applicable, an insurer that engages in the
7 business of insurance with a cannabis-related legiti-
8 mate business or service provider or who otherwise en-
9 gages with a person in a transaction permissible
10 under State law related to cannabis, and the officers,
11 directors, and employees of that insurer may not be
12 held liable pursuant to any Federal law or regula-
13 tion—

14 (A) solely for engaging in the business of in-
15 surance; or

16 (B) for further investing any income de-
17 rived from the business of insurance.

18 (4) *FORFEITURE.*—

19 (A) *DEPOSITORY INSTITUTIONS.*—A deposi-
20 tory institution that has a legal interest in the
21 collateral for a loan or another financial service
22 provided to an owner, employee, or operator of
23 a cannabis-related legitimate business or service
24 provider, or to an owner or operator of real es-
25 tate or equipment that is leased or sold to a can-

1 *cannabis-related legitimate business or service pro-*
2 *vider, shall not be subject to criminal, civil, or*
3 *administrative forfeiture of that legal interest*
4 *pursuant to any Federal law for providing such*
5 *loan or other financial service.*

6 (B) *FEDERAL RESERVE BANKS AND FED-*
7 *ERAL HOME LOAN BANKS.—A Federal reserve*
8 *bank or Federal Home Loan Bank that has a*
9 *legal interest in the collateral for a loan or an-*
10 *other financial service provided to a depository*
11 *institution that provides a financial service to a*
12 *cannabis-related legitimate business or service*
13 *provider, or to an owner or operator of real es-*
14 *tate or equipment that is leased or sold to a can-*
15 *nabis-related legitimate business or service pro-*
16 *vider, shall not be subject to criminal, civil, or*
17 *administrative forfeiture of that legal interest*
18 *pursuant to any Federal law for providing such*
19 *loan or other financial service.*

20 (e) *RULES OF CONSTRUCTION.—*

21 (1) *NO REQUIREMENT TO PROVIDE FINANCIAL*
22 *SERVICES.—Nothing in this section shall require a de-*
23 *pository institution, entity performing a financial*
24 *service for or in association with a depository institu-*
25 *tion, or insurer to provide financial services to a can-*

1 *nabis-related legitimate business, service provider, or*
2 *any other business.*

3 (2) *GENERAL EXAMINATION, SUPERVISORY, AND*
4 *ENFORCEMENT AUTHORITY.—Nothing in this section*
5 *may be construed in any way as limiting or other-*
6 *wise restricting the general examination, supervisory,*
7 *and enforcement authority of the Federal banking reg-*
8 *ulators, provided that the basis for any supervisory or*
9 *enforcement action is not the provision of financial*
10 *services to a cannabis-related legitimate business or*
11 *service provider.*

12 (f) *REQUIREMENTS FOR FILING SUSPICIOUS ACTIVITY*
13 *REPORTS.—Section 5318(g) of title 31, United States Code,*
14 *is amended by adding at the end the following:*

15 “(5) *REQUIREMENTS FOR CANNABIS-RELATED*
16 *LEGITIMATE BUSINESSES.—*

17 “(A) *IN GENERAL.—With respect to a fi-*
18 *nancial institution or any director, officer, em-*
19 *ployee, or agent of a financial institution that*
20 *reports a suspicious transaction pursuant to this*
21 *subsection, if the reason for the report relates to*
22 *a cannabis-related legitimate business or service*
23 *provider, the report shall comply with appro-*
24 *priate guidance issued by the Financial Crimes*
25 *Enforcement Network. The Secretary shall ensure*

1 *that the guidance is consistent with the purpose*
2 *and intent of the SAFE Banking Act of 2020*
3 *and does not significantly inhibit the provision*
4 *of financial services to a cannabis-related legiti-*
5 *mate business or service provider in a State, po-*
6 *litical subdivision of a State, or Indian country*
7 *that has allowed the cultivation, production,*
8 *manufacture, transportation, display, dis-*
9 *persing, distribution, sale, or purchase of can-*
10 *nabis pursuant to law or regulation of such*
11 *State, political subdivision, or Indian Tribe that*
12 *has jurisdiction over the Indian country.*

13 “(B) *DEFINITIONS.*—*For purposes of this*
14 *paragraph:*

15 “(i) *CANNABIS.*—*The term ‘cannabis’*
16 *has the meaning given the term ‘mari-*
17 *huana’ in section 102 of the Controlled Sub-*
18 *stances Act (21 U.S.C. 802).*

19 “(ii) *CANNABIS-RELATED LEGITIMATE*
20 *BUSINESS.*—*The term ‘cannabis-related le-*
21 *gitimate business’ has the meaning given*
22 *that term in subsection (n) of the SAFE*
23 *Banking Act of 2020.*

1 “(iii) *INDIAN COUNTRY*.—The term
2 ‘Indian country’ has the meaning given
3 that term in section 1151 of title 18.

4 “(iv) *INDIAN TRIBE*.—The term ‘In-
5 dian Tribe’ has the meaning given that
6 term in section 102 of the Federally Recog-
7 nized Indian Tribe List Act of 1994 (25
8 U.S.C. 479a).

9 “(v) *FINANCIAL SERVICE*.—The term
10 ‘financial service’ has the meaning given
11 that term in subsection (n) of the *SAFE*
12 *Banking Act of 2020*.

13 “(vi) *SERVICE PROVIDER*.—The term
14 ‘service provider’ has the meaning given
15 that term in subsection (n) of the *SAFE*
16 *Banking Act of 2020*.

17 “(vii) *STATE*.—The term ‘State’ means
18 each of the several States, the District of Co-
19 lumbia, Puerto Rico, and any territory or
20 possession of the United States.”.

21 (g) *GUIDANCE AND EXAMINATION PROCEDURES*.—Not
22 later than 180 days after the date of enactment of this Act,
23 the Financial Institutions Examination Council shall de-
24 velop uniform guidance and examination procedures for de-

1 *pository institutions that provide financial services to can-*
2 *nabis-related legitimate businesses and service providers.*

3 *(h) ANNUAL DIVERSITY AND INCLUSION REPORT.—*

4 *The Federal banking regulators shall issue an annual report*
5 *to Congress containing—*

6 *(1) information and data on the availability of*
7 *access to financial services for minority-owned and*
8 *women-owned cannabis-related legitimate businesses;*
9 *and*

10 *(2) any regulatory or legislative recommenda-*
11 *tions for expanding access to financial services for*
12 *minority-owned and women-owned cannabis-related*
13 *legitimate businesses.*

14 *(i) GAO STUDY ON DIVERSITY AND INCLUSION.—*

15 *(1) STUDY.—The Comptroller General of the*
16 *United States shall carry out a study on the barriers*
17 *to marketplace entry, including in the licensing proc-*
18 *ess, and the access to financial services for potential*
19 *and existing minority-owned and women-owned can-*
20 *nabis-related legitimate businesses.*

21 *(2) REPORT.—The Comptroller General shall*
22 *issue a report to the Congress—*

23 *(A) containing all findings and determina-*
24 *tions made in carrying out the study required*
25 *under paragraph (1); and*

1 (B) containing any regulatory or legislative
2 recommendations for removing barriers to mar-
3 ketplace entry, including in the licensing process,
4 and expanding access to financial services for
5 potential and existing minority-owned and
6 women-owned cannabis-related legitimate busi-
7 nesses.

8 (j) *GAO STUDY ON EFFECTIVENESS OF CERTAIN RE-*
9 *PORTS ON FINDING CERTAIN PERSONS.*—Not later than 2
10 years after the date of the enactment of this Act, the Comp-
11 troller General of the United States shall carry out a study
12 on the effectiveness of reports on suspicious transactions
13 filed pursuant to section 5318(g) of title 31, United States
14 Code, at finding individuals or organizations suspected or
15 known to be engaged with transnational criminal organiza-
16 tions and whether any such engagement exists in a State,
17 political subdivision, or Indian Tribe that has jurisdiction
18 over Indian country that allows the cultivation, production,
19 manufacture, sale, transportation, display, dispensing, dis-
20 tribution, or purchase of cannabis. The study shall examine
21 reports on suspicious transactions as follows:

22 (1) During the period of 2014 until the date of
23 the enactment of this Act, reports relating to mari-
24 juana-related businesses.

1 (2) *During the 1-year period after date of the en-*
2 *actment of this Act, reports relating to cannabis-re-*
3 *lated legitimate businesses.*

4 (k) *BANKING SERVICES FOR HEMP BUSINESSES.—*

5 (1) *FINDINGS.—The Congress finds that—*

6 (A) *the Agriculture Improvement Act of*
7 *2018 (Public Law 115–334) legalized hemp by*
8 *removing it from the definition of “marihuana”*
9 *under the Controlled Substances Act;*

10 (B) *despite the legalization of hemp, some*
11 *hemp businesses (including producers, manufac-*
12 *turers, and retailers) continue to have difficulty*
13 *gaining access to banking products and services;*
14 *and*

15 (C) *businesses involved in the sale of hemp-*
16 *derived cannabidiol (“CBD”) products are par-*
17 *ticularly affected, due to confusion about their*
18 *legal status.*

19 (2) *FEDERAL BANKING REGULATOR HEMP BANK-*
20 *ING GUIDANCE.—Not later than the end of the 90-day*
21 *period beginning on the date of enactment of this Act,*
22 *the Federal banking regulators shall jointly issue*
23 *guidance to financial institutions—*

24 (A) *confirming the legality of hemp, hemp-*
25 *derived CBD products, and other hemp-derived*

1 *cannabinoid products, and the legality of engag-*
2 *ing in financial services with businesses selling*
3 *hemp, hemp-derived CBD products, and other*
4 *hemp-derived cannabinoid products, after the en-*
5 *actment of the Agriculture Improvement Act of*
6 *2018; and*

7 *(B) to provide recommended best practices*
8 *for financial institutions to follow when pro-*
9 *viding financial services and merchant proc-*
10 *essing services to businesses involved in the sale*
11 *of hemp, hemp-derived CBD products, and other*
12 *hemp-derived cannabinoid products.*

13 *(3) FINANCIAL INSTITUTION DEFINED.—In this*
14 *section, the term “financial institution” means any*
15 *person providing financial services.*

16 *(l) APPLICATION OF SAFE HARBORS TO HEMP AND*
17 *CBD PRODUCTS.—*

18 *(1) IN GENERAL.—Except as provided under*
19 *paragraph (2), the provisions of this section (other*
20 *than subsections (f) and (j)) shall apply to hemp (in-*
21 *cluding hemp-derived cannabidiol and other hemp-de-*
22 *derived cannabinoid products) in the same manner as*
23 *such provisions apply to cannabis.*

24 *(2) RULE OF APPLICATION.—In applying the*
25 *provisions of this section described under paragraph*

1 (1) *to hemp, the definition of “cannabis-related legiti-*
2 *mate business” shall be treated as excluding any re-*
3 *quirement to engage in activity pursuant to the law*
4 *of a State or political subdivision thereof.*

5 (3) *HEMP DEFINED.—In this subsection, the*
6 *term “hemp” has the meaning given that term under*
7 *section 297A of the Agricultural Marketing Act of*
8 *1946 (7 U.S.C. 1639o).*

9 (m) *REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-*
10 *NATION REQUESTS AND ORDERS.—*

11 (1) *TERMINATION REQUESTS OR ORDERS MUST*
12 *BE VALID.—*

13 (A) *IN GENERAL.—An appropriate Federal*
14 *banking agency may not formally or informally*
15 *request or order a depository institution to ter-*
16 *minate a specific customer account or group of*
17 *customer accounts or to otherwise restrict or dis-*
18 *courage a depository institution from entering*
19 *into or maintaining a banking relationship with*
20 *a specific customer or group of customers un-*
21 *less—*

22 (i) *the agency has a valid reason for*
23 *such request or order; and*

24 (ii) *such reason is not based solely on*
25 *reputation risk.*

1 (B) *TREATMENT OF NATIONAL SECURITY*
2 *THREATS.*—*If an appropriate Federal banking*
3 *agency believes a specific customer or group of*
4 *customers is, or is acting as a conduit for, an*
5 *entity which—*

6 (i) *poses a threat to national security;*

7 (ii) *is involved in terrorist financing;*

8 (iii) *is an agency of the Government of*
9 *Iran, North Korea, Syria, or any country*
10 *listed from time to time on the State Spon-*
11 *sors of Terrorism list;*

12 (iv) *is located in, or is subject to the*
13 *jurisdiction of, any country specified in*
14 *clause (iii); or*

15 (v) *does business with any entity de-*
16 *scribed in clause (iii) or (iv), unless the ap-*
17 *propriate Federal banking agency deter-*
18 *mines that the customer or group of cus-*
19 *tomers has used due diligence to avoid*
20 *doing business with any entity described in*
21 *clause (iii) or (iv),*

22 *such belief shall satisfy the requirement under*
23 *subparagraph (A).*

24 (2) *NOTICE REQUIREMENT.*—

1 (A) *IN GENERAL.*—*If an appropriate Fed-*
2 *eral banking agency formally or informally re-*
3 *quests or orders a depository institution to ter-*
4 *minate a specific customer account or a group of*
5 *customer accounts, the agency shall—*

6 (i) *provide such request or order to the*
7 *institution in writing; and*

8 (ii) *accompany such request or order*
9 *with a written justification for why such*
10 *termination is needed, including any spe-*
11 *cific laws or regulations the agency believes*
12 *are being violated by the customer or group*
13 *of customers, if any.*

14 (B) *JUSTIFICATION REQUIREMENT.*—*A jus-*
15 *tification described under subparagraph (A)(ii)*
16 *may not be based solely on the reputation risk*
17 *to the depository institution.*

18 (3) *CUSTOMER NOTICE.*—

19 (A) *NOTICE REQUIRED.*—*Except as pro-*
20 *vided under subparagraph (B) or as otherwise*
21 *prohibited from being disclosed by law, if an ap-*
22 *propriate Federal banking agency orders a de-*
23 *pository institution to terminate a specific cus-*
24 *tomer account or a group of customer accounts,*
25 *the depository institution shall inform the spe-*

1 *cific customer or group of customers of the jus-*
2 *tification for the customer's account termination*
3 *described under paragraph (2).*

4 *(B) NOTICE PROHIBITED.—*

5 *(i) NOTICE PROHIBITED IN CASES OF*
6 *NATIONAL SECURITY.—If an appropriate*
7 *Federal banking agency requests or orders a*
8 *depository institution to terminate a spe-*
9 *cific customer account or a group of cus-*
10 *tomer accounts based on a belief that the*
11 *customer or customers pose a threat to na-*
12 *tional security, or are otherwise described*
13 *under subsection (a)(2), neither the deposi-*
14 *tory institution nor the appropriate Federal*
15 *banking agency may inform the customer or*
16 *customers of the justification for the cus-*
17 *tomer's account termination.*

18 *(ii) NOTICE PROHIBITED IN OTHER*
19 *CASES.—If an appropriate Federal banking*
20 *agency determines that the notice required*
21 *under subparagraph (A) may interfere with*
22 *an authorized criminal investigation, nei-*
23 *ther the depository institution nor the ap-*
24 *propriate Federal banking agency may in-*
25 *form the specific customer or group of cus-*

1 *tomers of the justification for the customer's*
2 *account termination.*

3 (4) *REPORTING REQUIREMENT.*—*Each appro-*
4 *prate Federal banking agency shall issue an annual*
5 *report to the Congress stating—*

6 (A) *the aggregate number of specific cus-*
7 *tomers accounts that the agency requested or or-*
8 *dered a depository institution to terminate dur-*
9 *ing the previous year; and*

10 (B) *the legal authority on which the agency*
11 *relied in making such requests and orders and*
12 *the frequency on which the agency relied on each*
13 *such authority.*

14 (5) *DEFINITIONS.*—*For purposes of this sub-*
15 *section:*

16 (A) *APPROPRIATE FEDERAL BANKING AGEN-*
17 *CY.*—*The term “appropriate Federal banking*
18 *agency” means—*

19 (i) *the appropriate Federal banking*
20 *agency, as defined under section 3 of the*
21 *Federal Deposit Insurance Act (12 U.S.C.*
22 *1813); and*

23 (ii) *the National Credit Union Admin-*
24 *istration, in the case of an insured credit*
25 *union.*

1 (B) *DEPOSITORY INSTITUTION*.—*The term*
2 “*depository institution*” means—

3 (i) *a depository institution, as defined*
4 *under section 3 of the Federal Deposit In-*
5 *surance Act (12 U.S.C. 1813); and*

6 (ii) *an insured credit union.*

7 (n) *DEFINITIONS*.—*In this section:*

8 (1) *BUSINESS OF INSURANCE*.—*The term “busi-*
9 *ness of insurance” has the meaning given such term*
10 *in section 1002 of the Dodd-Frank Wall Street Re-*
11 *form and Consumer Protection Act (12 U.S.C. 5481).*

12 (2) *CANNABIS*.—*The term “cannabis” has the*
13 *meaning given the term “marihuana” in section 102*
14 *of the Controlled Substances Act (21 U.S.C. 802).*

15 (3) *CANNABIS PRODUCT*.—*The term “cannabis*
16 *product” means any article which contains cannabis,*
17 *including an article which is a concentrate, an edible,*
18 *a tincture, a cannabis-infused product, or a topical.*

19 (4) *CANNABIS-RELATED LEGITIMATE BUSI-*
20 *NESS*.—*The term “cannabis-related legitimate busi-*
21 *ness” means a manufacturer, producer, or any person*
22 *or company that—*

23 (A) *engages in any activity described in*
24 *subparagraph (B) pursuant to a law established*
25 *by a State or a political subdivision of a State,*

1 *as determined by such State or political subdivi-*
2 *sion; and*

3 *(B) participates in any business or orga-*
4 *nized activity that involves handling cannabis or*
5 *cannabis products, including cultivating, pro-*
6 *ducing, manufacturing, selling, transporting,*
7 *displaying, dispensing, distributing, or pur-*
8 *chasing cannabis or cannabis products.*

9 (5) *DEPOSITORY INSTITUTION.*—*The term “de-*
10 *pository institution” means—*

11 *(A) a depository institution as defined in*
12 *section 3(c) of the Federal Deposit Insurance Act*
13 *(12 U.S.C. 1813(c));*

14 *(B) a Federal credit union as defined in*
15 *section 101 of the Federal Credit Union Act (12*
16 *U.S.C. 1752); or*

17 *(C) a State credit union as defined in sec-*
18 *tion 101 of the Federal Credit Union Act (12*
19 *U.S.C. 1752).*

20 (6) *FEDERAL BANKING REGULATOR.*—*The term*
21 *“Federal banking regulator” means each of the Board*
22 *of Governors of the Federal Reserve System, the Bu-*
23 *reau of Consumer Financial Protection, the Federal*
24 *Deposit Insurance Corporation, the Federal Housing*
25 *Finance Agency, the Financial Crimes Enforcement*

1 *Network, the Office of Foreign Asset Control, the Of-*
2 *fice of the Comptroller of the Currency, the National*
3 *Credit Union Administration, the Department of the*
4 *Treasury, or any Federal agency or department that*
5 *regulates banking or financial services, as determined*
6 *by the Secretary of the Treasury.*

7 (7) *FINANCIAL SERVICE.*—*The term “financial*
8 *service”*—

9 (A) *means a financial product or service, as*
10 *defined in section 1002 of the Dodd-Frank Wall*
11 *Street Reform and Consumer Protection Act (12*
12 *U.S.C. 5481);*

13 (B) *includes the business of insurance;*

14 (C) *includes, whether performed directly or*
15 *indirectly, the authorizing, processing, clearing,*
16 *settling, billing, transferring for deposit, trans-*
17 *mitting, delivering, instructing to be delivered,*
18 *reconciling, collecting, or otherwise effectuating*
19 *or facilitating of payments or funds, where such*
20 *payments or funds are made or transferred by*
21 *any means, including by the use of credit cards,*
22 *debit cards, other payment cards, or other access*
23 *devices, accounts, original or substitute checks, or*
24 *electronic funds transfers;*

1 (D) includes acting as a money transmit-
2 ting business which directly or indirectly makes
3 use of a depository institution in connection
4 with effectuating or facilitating a payment for a
5 cannabis-related legitimate business or service
6 provider in compliance with section 5330 of title
7 31, United States Code, and any applicable
8 State law; and

9 (E) includes acting as an armored car serv-
10 ice for processing and depositing with a deposi-
11 tory institution or a Federal reserve bank with
12 respect to any monetary instruments (as defined
13 under section 1956(c)(5) of title 18, United
14 States Code.

15 (8) INDIAN COUNTRY.—The term “Indian coun-
16 try” has the meaning given that term in section 1151
17 of title 18.

18 (9) INDIAN TRIBE.—The term “Indian Tribe”
19 has the meaning given that term in section 102 of the
20 Federally Recognized Indian Tribe List Act of 1994
21 (25 U.S.C. 479a).

22 (10) INSURER.—The term “insurer” has the
23 meaning given that term under section 313(r) of title
24 31, United States Code.

1 (11) *MANUFACTURER.*—*The term “manufac-*
2 *turer” means a person who manufactures, compounds,*
3 *converts, processes, prepares, or packages cannabis or*
4 *cannabis products.*

5 (12) *PRODUCER.*—*The term “producer” means a*
6 *person who plants, cultivates, harvests, or in any way*
7 *facilitates the natural growth of cannabis.*

8 (13) *SERVICE PROVIDER.*—*The term “service*
9 *provider”—*

10 (A) *means a business, organization, or other*
11 *person that—*

12 (i) *sells goods or services to a cannabis-*
13 *related legitimate business; or*

14 (ii) *provides any business services, in-*
15 *cluding the sale or lease of real or any other*
16 *property, legal or other licensed services, or*
17 *any other ancillary service, relating to can-*
18 *nabis; and*

19 (B) *does not include a business, organiza-*
20 *tion, or other person that participates in any*
21 *business or organized activity that involves han-*
22 *dling cannabis or cannabis products, including*
23 *cultivating, producing, manufacturing, selling,*
24 *transporting, displaying, dispensing, distrib-*

1 *uting, or purchasing cannabis or cannabis prod-*
2 *ucts.*

3 (14) *STATE.*—*The term “State” means each of*
4 *the several States, the District of Columbia, Puerto*
5 *Rico, and any territory or possession of the United*
6 *States.*

7 (o) *DISCRETIONARY SURPLUS FUNDS.*—*Section*
8 *7(a)(3)(A) of the Federal Reserve Act (12 U.S.C.*
9 *289(a)(3)(A)) is amended by striking “\$6,825,000,000” and*
10 *inserting “\$6,821,000,000”.*

11 **SEC. 607. SUPPORT FOR RESTAURANTS.**

12 (a) *SHORT TITLE.*—*This section may be cited as the*
13 *“Real Economic Support That Acknowledges Unique Res-*
14 *taurant Assistance Needed To Survive Act of 2020” or the*
15 *“RESTAURANTS Act of 2020”.*

16 (b) *DEFINITIONS.*—*In this section:*

17 (1) *COVERED PERIOD.*—*The term “covered pe-*
18 *riod” means the period beginning on February 15,*
19 *2020, and ending on June 30, 2021.*

20 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
21 *ty”—*

22 (A) *means a restaurant, food stand, food*
23 *truck, food cart, caterer, saloon, inn, tavern, bar,*
24 *lounge, brewpub, tasting room, taproom, licensed*
25 *facility, or premise of a beverage alcohol pro-*

1 *ducer where the public may taste, sample or pur-*
2 *chase products, or other similar place of busi-*
3 *ness—*

4 *(i) in which the public or patrons as-*
5 *semble for the primary purpose of being*
6 *served food or drink; and*

7 *(ii) that, as of March 13, 2020, is not*
8 *part of a chain or franchise with more than*
9 *20 locations doing business under the same*
10 *name, regardless of the type of ownership of*
11 *the locations;*

12 *(B) means an entity that is located in an*
13 *airport terminal and that, as of March 13, 2020,*
14 *sold any food and beverage, if, as of March 13,*
15 *2020, the entity is not part of a chain or fran-*
16 *chise with more than 20 locations doing business*
17 *under the same name, regardless of the type of*
18 *ownership of the locations; and*

19 *(C) does not include an entity described in*
20 *subparagraph (A) or (B) that is—*

21 *(i) publicly-traded, including a sub-*
22 *sidary or affiliate thereof; or*

23 *(ii) part of a State or local government*
24 *facility, not including an airport.*

1 (3) *FUND.*—*The term “Fund” means the Res-*
2 *taurant Revitalization Fund established under section*
3 *subsection (c).*

4 (4) *IMMEDIATE FAMILY MEMBER.*—*With respect*
5 *to an individual, the term “immediate family mem-*
6 *ber” means any parent or child of the individual.*

7 (5) *PAYROLL COSTS.*—*The term “payroll costs”*
8 *has the meaning given the term in section 7(a)(36)(A)*
9 *of the Small Business Act (15 U.S.C. 636(a)(36)(A)).*

10 (6) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of the Treasury.*

12 (c) *ESTABLISHMENT OF A RESTAURANT REVITALIZA-*
13 *TION FUND.*—

14 (1) *IN GENERAL.*—*There is established in the*
15 *Treasury of the United States a fund to be known as*
16 *the Restaurant Revitalization Fund.*

17 (2) *APPROPRIATIONS.*—

18 (A) *IN GENERAL.*—*There is appropriated to*
19 *the Fund, out of amounts in the Treasury not*
20 *otherwise appropriated, \$120,000,000,000, to re-*
21 *main available until June 30, 2021.*

22 (B) *REMAINDER TO TREASURY.*—*Any*
23 *amounts remaining in the Fund after June 30,*
24 *2021 shall be deposited in the general fund of the*
25 *Treasury.*

1 (3) *USE OF FUNDS.*—*The Secretary shall use*
2 *amounts in the Fund to make grants described in sec-*
3 *tion subsection (d).*

4 (d) *RESTAURANT REVITALIZATION GRANTS.*—

5 (1) *IN GENERAL.*—*The Secretary shall award*
6 *grants to eligible entities in the order in which the*
7 *application is received by the Secretary.*

8 (2) *REGISTRATION.*—*The Secretary shall register*
9 *each grant awarded under this subsection using the*
10 *employer identification number of the eligible entity.*

11 (3) *APPLICATION.*—

12 (A) *IN GENERAL.*—*An eligible entity desir-*
13 *ing a grant under this subsection shall submit to*
14 *the Secretary an application at such time, in*
15 *such manner, and containing such information*
16 *as the Secretary may require.*

17 (B) *CERTIFICATION.*—*An eligible entity ap-*
18 *plying for a grant under this subsection shall*
19 *make a good faith certification—*

20 (i) *that the uncertainty of current eco-*
21 *nomical conditions makes necessary the grant*
22 *request to support the ongoing operations of*
23 *the eligible entity;*

24 (ii) *acknowledging that funds will be*
25 *used to retain workers, for payroll costs,*

1 *and for other allowable expenses described*
2 *in paragraph (5) and not for any other*
3 *purposes;*

4 *(iii) that the eligible entity does not*
5 *have an application pending for a grant*
6 *under subsection (a)(36) or (b)(2) of section*
7 *7 of the Small Business Act (15 U.S.C. 636)*
8 *for the same purpose and that is duplicative*
9 *of amounts applied for or received under*
10 *this section; and*

11 *(iv) during the covered period, that the*
12 *eligible entity has not received amounts*
13 *under subsection (a)(36) or (b)(2) of section*
14 *7 of the Small Business Act (15 U.S.C. 636)*
15 *for the same purpose and that is duplicative*
16 *of amounts applied for or received under*
17 *this section.*

18 *(C) HOLD HARMLESS.—An eligible entity*
19 *applying for a grant under this subsection shall*
20 *not be ineligible for a grant if the eligible entity*
21 *is able to document—*

22 *(i) an inability to rehire individuals*
23 *who were employees of the eligible entity on*
24 *February 15, 2020; and*

1 (ii) an inability to hire similarly
2 qualified employees for unfilled positions on
3 or before June 30, 2021.

4 (4) *PRIORITY IN AWARDING GRANTS.*—During
5 the initial 14-day period in which the Secretary
6 awards grants under this subsection, the Secretary
7 shall—

8 (A) prioritize awarding grants to
9 marginalized and underrepresented communities,
10 with a focus on women- and minority-owned,
11 and women- and minority-operated eligible enti-
12 ties; and

13 (B) only award grants to eligible entities
14 with annual revenues of less than \$1,500,000.

15 (5) *GRANT AMOUNT.*—

16 (A) *DETERMINATION OF GRANT AMOUNT.*—

17 (i) *IN GENERAL.*—The amount of a
18 grant made to an eligible entity under this
19 subsection shall be equal to—

20 (I) the sum of the revenues or esti-
21 mated revenues of the eligible entity
22 during each calendar quarter in 2020
23 subtracted from the sum of such reve-
24 nues during the same calendar quarter

1 *in 2019, if such sum is greater than*
2 *zero; and*

3 *(II) if applicable, the additional*
4 *amount required to pay for sick leave*
5 *described under clause (ii).*

6 *(ii) SICK LEAVE.—An eligible entity*
7 *applying for a grant under this section—*

8 *(I) may request an additional*
9 *grant amount based on the amount re-*
10 *quired to provide 10 days of paid sick*
11 *leave to each employee of the entity*
12 *to—*

13 *(aa) care for themselves or*
14 *an immediate family member who*
15 *is ill; or*

16 *(bb) provide care for children*
17 *when schools or childcare pro-*
18 *viders are shut down due to*
19 *COVID–19; and*

20 *(II) shall, if provided a grant*
21 *under this section that includes an ad-*
22 *ditional amount for sick leave de-*
23 *scribed under subclause (I), provide*
24 *each employee of the entity with such*
25 *10 days of paid sick leave.*

1 (iii) *VERIFICATION.*—*An eligible entity*
2 *shall submit to the Secretary such revenue*
3 *verification documentation as the Secretary*
4 *may require to determine the amount of a*
5 *grant under clause (i).*

6 (iv) *REPAYMENT.*—*Any amount of a*
7 *grant made under this subsection to an eli-*
8 *gible entity based on estimated revenues in*
9 *a calendar quarter in 2020 that is greater*
10 *than the actual revenues of the eligible enti-*
11 *ty during that calendar quarter shall be*
12 *converted to a loan that has—*

13 (I) *an interest rate of 1 percent;*

14 *and*

15 (II) *a maturity date of 10 years*

16 *beginning on January 1, 2021.*

17 (B) *REDUCTION BASED ON PPP FORGIVE-*
18 *NESS OR EIDL EMERGENCY GRANT.*—*If an eligi-*
19 *ble entity has, at the time of application for a*
20 *grant under this subsection, received an advance*
21 *under section 1110(e) of the CARES Act (15*
22 *U.S.C. 9009(e)) or loan forgiveness under section*
23 *1106 of such Act (15 U.S.C. 9005) related to ex-*
24 *penses incurred during the covered period, the*
25 *maximum amount of a grant awarded to the eli-*

1 *gible entity under this subsection shall be re-*
2 *duced by the amount of funds expended by or*
3 *forgiven for the eligible entity for those expenses*
4 *using amounts received under such section*
5 *1110(e) or forgiven under such section 1106.*

6 (C) *LIMITATION.*—*An eligible entity may*
7 *not receive more than 1 grant under this sub-*
8 *section.*

9 (6) *USE OF FUNDS.*—

10 (A) *IN GENERAL.*—*During the covered pe-*
11 *riod, an eligible entity that receives a grant*
12 *under this subsection may use the grant funds*
13 *for—*

14 (i) *payroll costs;*

15 (ii) *payments of principal or interest*
16 *on any mortgage obligation;*

17 (iii) *rent payments, including rent*
18 *under a lease agreement;*

19 (iv) *utilities;*

20 (v) *maintenance, including construc-*
21 *tion to accommodate outdoor seating;*

22 (vi) *supplies, including protective*
23 *equipment and cleaning materials;*

24 (vii) *food, beverage, and operational*
25 *expenses that are within the scope of the*

1 normal business practice of the eligible enti-
2 ty before the covered period;

3 (viii) debt obligations to suppliers that
4 were incurred before the covered period;

5 (ix) costs associated with providing
6 employees with 10 days of sick leave, as de-
7 scribed under paragraph (5)(A)(ii); and

8 (x) any other expenses that the Sec-
9 retary determines to be essential to main-
10 taining the eligible entity.

11 (B) RETURNING FUNDS.—If an eligible en-
12 tity that receives a grant under this subsection
13 permanently ceases operations on or before June
14 30, 2021, the eligible entity shall return to the
15 Treasury any funds that the eligible entity did
16 not use for the allowable expenses under subpara-
17 graph (A).

18 (C) CONVERSION TO LOAN.—Any grant
19 amounts received by an eligible entity under this
20 subsection that are unused after June 30, 2021,
21 shall be immediately converted to a loan with—

22 (i) an interest rate of 1 percent; and

23 (ii) a maturity date of 10 years.

24 (7) REGULATIONS.—Not later than 15 days after
25 the date of enactment of this Act, the Secretary shall

1 *issue regulations to carry out this subsection without*
2 *regard to the notice and comment requirements under*
3 *section 553 of title 5, United States Code.*

4 (8) *APPROPRIATIONS FOR STAFFING AND ADMIN-*
5 *ISTRATIVE EXPENSES.—*

6 (A) *IN GENERAL.—Of the amounts provided*
7 *by paragraph (2)(A), \$300,000,000 shall be for*
8 *staffing and administrative expenses related to*
9 *administering grants awarded under this sub-*
10 *section.*

11 (B) *SET ASIDE.—Of amounts provided*
12 *under subparagraph (A), \$60,000,000 shall be al-*
13 *located for outreach to traditionally*
14 *marginalized and underrepresented communities,*
15 *with a focus on women, veteran, and minority-*
16 *owned and operated eligible entities, including*
17 *the creation of a resource center targeted toward*
18 *these communities.*

19 (e) *LIMITATION WITH RESPECT TO PRIVATE FUNDS.—*

20 (1) *IN GENERAL.—No amounts received under*
21 *this section may be directly or indirectly used to pay*
22 *distributions, dividends, consulting fees, advisory fees,*
23 *interest payments, or any other fees, expenses, or*
24 *charges to—*

1 (A) a person registered as an investment
2 adviser under the Investment Advisers Act of
3 1940 who advises a private fund;

4 (B) any affiliate of such adviser;

5 (C) any executive of such adviser or affil-
6 iate; or

7 (D) any employee, consultant, or other per-
8 son with a contractual relationship to provide
9 services for or on behalf of such adviser or affil-
10 iate.

11 (2) *ANTI-EVASION.*—No company in which a
12 private fund holds an ownership interest that has, di-
13 rectly or indirectly, received amounts under this title
14 may pay any distributions, dividends, consulting fees,
15 advisory fees, interest payments, or any other fees, ex-
16 penses, or charges in excess of 10 percent of such com-
17 pany's net operating profits for the calendar year
18 ending December 31, 2020 (and for each successive
19 year until the covered period has ended and all loans
20 created under this section have been repaid) to—

21 (A) a person registered as an investment
22 adviser under the Investment Advisers Act of
23 1940 who advises a private fund;

24 (B) any affiliate of such adviser;

1 (C) any executive of such adviser or affil-
2 iate; or

3 (D) any employee, consultant, or other per-
4 son with a contractual relationship to provide
5 services for or on behalf of such adviser or affil-
6 iate.

7 (3) *DEFINITIONS.*—*In this section:*

8 (A) *AFFILIATE.*—*The term “affiliate”*
9 *means, with respect to a person, any other per-*
10 *son directly or indirectly controlling, controlled*
11 *by, or under direct or indirect common control*
12 *with such person. A person shall be deemed to*
13 *control another person if such person possesses,*
14 *directly or indirectly, the power to direct or*
15 *cause the direction of the management and poli-*
16 *cies of such other person, whether through the*
17 *ownership of voting securities, by contract, or*
18 *otherwise.*

19 (B) *EXECUTIVE.*—*The term “executive”*
20 *means—*

21 (i) any individual who serves an exec-
22 utive or director of a person, including the
23 principal executive officer, principal finan-
24 cial officer, comptroller or principal ac-
25 counting officer; and

1 (ii) *an executive officer, as defined*
2 *under section 230.405 of title 17, Code of*
3 *Federal Regulations.*

4 (C) *PRIVATE FUND.—The term “private*
5 *fund” means an issuer that would be an invest-*
6 *ment company, as defined in the Investment*
7 *Company Act of 1940 (15 U.S.C. 80a-1 et seq.),*
8 *but for section 3(c)(1) or 3(c)(7) of that Act.*

9 (f) *DEMOGRAPHIC DATA AND TRANSPARENCY.—*

10 (1) *DEMOGRAPHIC DATA.—In establishing an*
11 *application process for carrying out this section, the*
12 *Secretary shall include a voluntary request for certain*
13 *demographic data with respect to the majority owner-*
14 *ship of eligible entities, including race, ethnicity, gen-*
15 *der, and veteran-status.*

16 (2) *MONTHLY REPORTS.—Not later than the end*
17 *of the first month in which initial grants are dis-*
18 *bursed under this section, and every month thereafter*
19 *until the date on which the last grant has been dis-*
20 *bursed under this section, the Secretary shall submit*
21 *to the Committee on Financial Services of the House*
22 *of Representatives and the Committee on Banking,*
23 *Housing, and Urban Affairs of the Senate a report*
24 *providing the number and dollar amount of grants*
25 *approved for or disbursed to all eligible entities, in-*

1 *cluding a list of eligible entities with the grant*
2 *amount they received, and a breakout of the number*
3 *and dollar of grants by State, congressional district,*
4 *demographics (including race, ethnicity, gender, and*
5 *veteran-status), and business type.*

6 *(3) QUARTERLY REPORTS.— Beginning on Jan-*
7 *uary 1, 2021, and every subsequent quarter until the*
8 *last grant that was converted to a loan under this sec-*
9 *tion is repaid, the Secretary shall submit to the Com-*
10 *mittee on Financial Services of the House of Rep-*
11 *resentatives and the Committee on Banking, Housing,*
12 *and Urban Affairs of the Senate a report on the num-*
13 *ber and dollar amount of grants approved for or dis-*
14 *bursed to all eligible entities, including a breakout of*
15 *grants by State, congressional district, demographics*
16 *(including race, ethnicity, gender, and veteran-sta-*
17 *tus), and business type, as well as the number and*
18 *dollar amount of grants that converted to loans under*
19 *this section, including a breakout of outstanding*
20 *loans by State, congressional district, demographics*
21 *(including race, ethnicity, gender, and veteran-sta-*
22 *tus), and business type.*

23 *(4) DATA TRANSPARENCY.—Not later than 30*
24 *days after the date of enactment of this Act, the Sec-*
25 *retary shall make available on a publicly available*

1 *website in a standardized and downloadable format,*
2 *and update on a monthly basis, any data contained*
3 *in a report submitted under this section.*

4 **SEC. 608. CODIFICATION OF THE MINORITY BUSINESS DE-**
5 **VELOPMENT ADMINISTRATION.**

6 *(a) DEFINITIONS.—In this section:*

7 *(1) ADMINISTRATION.—The term “Administra-*
8 *tion” means the Minority Business Development Ad-*
9 *ministration.*

10 *(2) ADMINISTRATOR.—The term “Adminis-*
11 *trator” means the Administrator of the Minority*
12 *Business Development Administration.*

13 *(3) COVERED ENTITY.—The term “covered enti-*
14 *ty” means a private nonprofit organization that—*

15 *(A) is described in section 501(c)(3) of the*
16 *Internal Revenue Code of 1986 and exempt from*
17 *tax under section 501(a) of such Code;*

18 *(B) can demonstrate to the Administration*
19 *that—*

20 *(i) the primary mission of the organi-*
21 *zation is to provide services to minority*
22 *business enterprises, whether through edu-*
23 *cation, making grants, or other similar ac-*
24 *tivities; and*

1 (ii) the organization is unable to pay
2 financial obligations incurred by the orga-
3 nization, including payroll obligations; and
4 (C) due to the effects of COVID–19, is un-
5 able to engage in the same level of fundraising
6 in the year in which this Act is enacted, as com-
7 pared with the year preceding the year in which
8 this Act is enacted, including through events or
9 the collection of fees.

10 (4) *MINORITY*.—The term “minority” has the
11 meaning given the term in section 308(b) of the *Fi-*
12 *nancial Institutions Reform, Recovery, and Enforce-*
13 *ment Act of 1989* and includes any indigenous person
14 in the United States or the territories of the United
15 States.

16 (5) *MINORITY BUSINESS DEVELOPMENT CEN-*
17 *TER*.—The term “minority business development cen-
18 ter” means a *Business Center of the Administration,*
19 including its *Specialty Center Program*.

20 (6) *MINORITY BUSINESS ENTERPRISE*.—The
21 term “minority business enterprise” means a *for-prof-*
22 *it business enterprise*—

23 (A) that is not less than 51 percent-owned
24 by 1 or more minority individuals; and

1 *(B) the management and daily business op-*
2 *erations of which are controlled by 1 or more mi-*
3 *nority individuals.*

4 *(b) MINORITY BUSINESS DEVELOPMENT ADMINISTRA-*
5 *TION.—*

6 *(1) ESTABLISHMENT.—*

7 *(A) IN GENERAL.—The Minority Business*
8 *Development Administration is hereby estab-*
9 *lished.*

10 *(B) TRANSFER OF FUNCTIONS.—All func-*
11 *tions that, immediately before the date of enact-*
12 *ment of this Act, were functions of the Minority*
13 *Business Development Agency of the Department*
14 *of Commerce shall be functions of the Adminis-*
15 *tration.*

16 *(C) TRANSFER OF ASSETS.—So much of the*
17 *personnel, property, records, and unexpended*
18 *balances of appropriations, allocations, and*
19 *other funds employed, used, held, available, or to*
20 *be made available in connection with a function*
21 *transferred under subparagraph (B) shall be*
22 *available to the Administration for use in con-*
23 *nection with the functions transferred.*

24 *(D) REFERENCES.—Any reference in any*
25 *other Federal law, Executive order, rule, regula-*

1 *tion, or delegation of authority, or any document*
2 *of or pertaining to the Minority Business Devel-*
3 *opment Agency of the Department of Commerce*
4 *is deemed to refer to the Administration.*

5 (2) *ADMINISTRATOR.—*

6 (A) *APPOINTMENT AND DUTIES.—The Ad-*
7 *ministration shall be headed by an Adminis-*
8 *trator, who shall be—*

9 (i) *appointed by the President, by and*
10 *with the advice and consent of the Senate;*
11 *and*

12 (ii) *except as otherwise expressly pro-*
13 *vided, responsible for the administration of*
14 *this Act.*

15 (B) *COMPENSATION.—The Administrator*
16 *shall be compensated at an annual rate of basic*
17 *pay prescribed for level IV of the Executive*
18 *Schedule under section 5315 of title 5, United*
19 *States Code.*

20 (C) *TRANSITION PERIOD.—The individual*
21 *-serving as the Director of the Minority Business*
22 *Development Agency on the day before the date*
23 *of enactment of this Act shall serve as the Ad-*
24 *ministrator of the Administration until such*

1 *time as the first Administrator is confirmed by*
2 *the Senate pursuant to subparagraph (A).*

3 (3) *REPORT TO CONGRESS.*—*Not later than 120*
4 *days after the date of enactment of this Act, the Ad-*
5 *ministrator shall submit to Congress a report that de-*
6 *scribes the organizational structure of the Adminis-*
7 *tration.*

8 (4) *ADMINISTRATIVE POWERS AND OTHER POW-*
9 *ERS OF THE ADMINISTRATION; MISCELLANEOUS PRO-*
10 *VISIONS.*—

11 (A) *IN GENERAL.*—*In carrying out the du-*
12 *ties and the responsibilities of the Administra-*
13 *tion, the Administrator may—*

14 (i) *hold hearings, sit and act, and take*
15 *testimony as the Administrator may deter-*
16 *mine to be necessary or appropriate;*

17 (ii) *acquire, in any lawful manner,*
18 *any property that the Administrator may*
19 *determine to be necessary or appropriate;*

20 (iii) *make advance payments under*
21 *grants, contracts, and cooperative agree-*
22 *ments awarded by the Administration;*

23 (iv) *enter into agreements with other*
24 *Federal agencies;*

1 (v) coordinate with the heads of the Of-
2 fices of Small and Disadvantaged Business
3 Utilization of Federal agencies;

4 (vi) require a coordinated review of all
5 training and technical assistance activities
6 that are proposed to be carried out by Fed-
7 eral agencies in direct support of the devel-
8 opment of minority business enterprises
9 to—

10 (I) assure consistency with the
11 purposes of this Act; and

12 (II) avoid duplication of existing
13 efforts; and

14 (vii) prescribe such rules, regulations,
15 and procedures as the Administration may
16 determine to be necessary or appropriate.

17 (B) *EMPLOYMENT OF CERTAIN EXPERTS*
18 *AND CONSULTANTS.*—

19 (i) *IN GENERAL.*—*The Administrator*
20 *may employ experts and consultants or or-*
21 *ganizations that are composed of experts or*
22 *consultants, as authorized under section*
23 *3109 of title 5, United States Code.*

24 (ii) *RENEWAL OF CONTRACTS.*—*The*
25 *Administrator may annually renew a con-*

1 *tract for employment of an individual em-*
2 *ployed under clause (i).*

3 (C) *DONATION OF PROPERTY.—*

4 (i) *IN GENERAL.—Subject to clause*
5 *(ii), the Administrator may, without cost*
6 *(except for costs of care and handling), do-*
7 *nate for use by any public sector entity, or*
8 *by any recipient nonprofit organization, for*
9 *the purpose of the development of minority*
10 *business enterprises, any real or tangible*
11 *personal property acquired by the Adminis-*
12 *tration.*

13 (ii) *TERMS, CONDITIONS, RESERVA-*
14 *TIONS, AND RESTRICTIONS.—The Adminis-*
15 *trator may impose reasonable terms, condi-*
16 *tions, reservations, and restrictions upon*
17 *the use of any property donated under*
18 *clause (i).*

19 (c) *EMERGENCY GRANTS TO NON-PROFITS THAT SUP-*
20 *PORT MINORITY BUSINESS ENTERPRISES.—*

21 (1) *ESTABLISHMENT.—Not later than 15 days*
22 *after the date of enactment of this Act, the Adminis-*
23 *tration shall establish a grant program for covered*
24 *entities—*

1 (A) *in order to help those covered entities*
2 *continue the necessary work of supporting mi-*
3 *nority business enterprises; and*

4 (B) *under which the Administration shall*
5 *make grants to covered entities as expeditiously*
6 *as possible.*

7 (2) *APPLICATION.—*

8 (A) *IN GENERAL.—A covered entity desiring*
9 *a grant under this subsection shall submit to the*
10 *Administration an application at such time, in*
11 *such manner, and containing such information*
12 *as the Administration may require.*

13 (B) *PRIORITY.—The Administration*
14 *shall—*

15 (i) *establish selection criteria to ensure*
16 *that, if the amounts made available to carry*
17 *out this subsection are not sufficient to*
18 *make a grant under this subsection to every*
19 *covered entity that submits an application*
20 *under subparagraph (A), the covered enti-*
21 *ties that are the most severely affected by*
22 *the effects of COVID–19 receive priority*
23 *with respect to those grants; and*

24 (ii) *give priority with respect to the*
25 *grants made under this subsection to a cov-*

1 *ered entity that proposes to use the grant*
2 *funds for—*

3 *(I) providing paid sick leave to*
4 *employees of the covered entity who are*
5 *unable to work due to the direct effects*
6 *of COVID–19;*

7 *(II) continuing to make payroll*
8 *payments in order to retain employees*
9 *of the covered entity during an eco-*
10 *nom ic disruption with respect to*
11 *COVID–19;*

12 *(III) making rent or mortgage*
13 *payments with respect to obligations of*
14 *the covered entity; or*

15 *(IV) repaying non-Federal obliga-*
16 *tions that the covered entity cannot*
17 *satisfy because of revenue losses that*
18 *are attributable to the effects of*
19 *COVID–19.*

20 *(3) AMOUNT OF GRANT.—*

21 *(A) IN GENERAL.—A grant made under this*
22 *subsection shall be in an amount that is not*
23 *more than \$500,000.*

1 (B) *SINGLE AWARD.*—No covered entity
2 may receive, or directly benefit from, more than
3 1 grant made under this subsection.

4 (4) *USE OF FUNDS.*—A covered entity that re-
5 ceives a grant under this subsection may use the
6 grant funds to address the effects of COVID–19 on the
7 covered entity, including by making payroll pay-
8 ments, making a transition to the provision of online
9 services, and addressing issues raised by an inability
10 to raise funds.

11 (5) *PROCEDURES.*—The Administration shall es-
12 tablish procedures to discourage and prevent waste,
13 fraud, and abuse by applicants for, and recipients of,
14 grants made under this subsection.

15 (6) *NON-DUPLICATION.*—The Administration
16 shall ensure that covered entities do not receive grants
17 under both this subsection and section 1108 of the
18 CARES Act.

19 (7) *GAO AUDIT.*—Not later than 180 days after
20 the date on which the Administration begins making
21 grants under this subsection, the Comptroller General
22 of the United States shall—

23 (A) conduct an audit of grants made under
24 this subsection, which shall seek to identify any

1 *discrepancies or irregularities with respect to the*
2 *grants; and*

3 *(B) submit to Congress a report regarding*
4 *the audit conducted under subparagraph (A).*

5 (8) *UPDATES TO CONGRESS.*—*Not later than 30*
6 *days after the date of enactment of this Act, and once*
7 *every 30 days thereafter until the date described in*
8 *paragraph (11), the Administrator shall submit to*
9 *Congress a report that contains—*

10 *(A) the number of grants made under this*
11 *subsection during the period covered by the re-*
12 *port; and*

13 *(B) with respect to the grants described in*
14 *subparagraph (A), the geographic distribution of*
15 *those grants by State and county.*

16 (9) *TERMINATION.*—*The authority to make*
17 *grants under this subsection shall terminate on Sep-*
18 *tember 30, 2021.*

19 (d) *OUTREACH TO BUSINESS CENTERS.*—

20 (1) *IN GENERAL.*—*Not later than 10 days after*
21 *the date of enactment of this Act, the Administration*
22 *shall conduct outreach to the business center network*
23 *of the Administration to provide guidance to those*
24 *centers regarding other Federal programs that are*
25 *available to provide support to minority business en-*

1 *terprises, including programs at the Department of*
2 *the Treasury, the Small Business Administration,*
3 *and the Economic Development Administration of the*
4 *Department of Commerce.*

5 (2) *OUTREACH TO NATIVE COMMUNITIES.—*

6 (A) *IN GENERAL.—In carrying out this sub-*
7 *section, the Administration shall ensure that out-*
8 *reach is conducted in American Indian, Alaska*
9 *Native, and Native Hawaiian communities.*

10 (B) *DIRECT OUTREACH TO CERTAIN MINOR-*
11 *ITY BUSINESS ENTERPRISES.—If the Adminis-*
12 *trator determines that a particular American*
13 *Indian, Alaska Native, or Native Hawaiian com-*
14 *munity does not receive sufficient grant amounts*
15 *under subsection (c) or section 1108 of the*
16 *CARES Act, the Administrator shall carry out*
17 *additional outreach directly to minority business*
18 *enterprises located in that community to provide*
19 *guidance regarding Federal programs that are*
20 *available to provide support to minority business*
21 *enterprises.*

22 (3) *USE OF APPROPRIATED FUNDS.—If, after*
23 *carrying out this subsection, there are remaining*
24 *funds made available to carry out this subsection*
25 *from the amount appropriated under subsection (e),*

1 *the Administration may use those remaining funds to*
2 *carry out other responsibilities of the Administration*
3 *under subsection (c).*

4 *(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to the Administration, in ad-*
6 *ditional to any other amounts so authorized, for the fiscal*
7 *year ending September 30, 2020, to remain available until*
8 *September 30, 2021, \$60,000,000, of which—*

9 *(1) \$10,000,000 are authorized for carrying out*
10 *subsection (c);*

11 *(2) \$5,000,000 are authorized for carrying out*
12 *subsection (d); and*

13 *(3) \$10,000,000 are authorized to be allocated to*
14 *the White House Initiative on Asian Americans and*
15 *Pacific Islanders.*

16 *(f) AUDITS.—*

17 *(1) RECORDKEEPING REQUIREMENT.—Each re-*
18 *ipient of assistance under this section shall keep such*
19 *records as the Administrator shall prescribe, includ-*
20 *ing records that fully disclose, with respect to the as-*
21 *sistance received by the recipient under this section—*

22 *(A) the amount and nature of that assist-*
23 *ance;*

24 *(B) the disposition by the recipient of the*
25 *proceeds of that assistance;*

1 (C) *the total cost of the undertaking for*
2 *which the assistance is given or used;*

3 (D) *the amount and nature of the portion*
4 *of the cost of the undertaking described in sub-*
5 *paragraph (C) that is supplied by a source other*
6 *than the Administration; and*

7 (E) *any other records that will facilitate an*
8 *effective audit of the assistance.*

9 (2) *ACCESS BY GOVERNMENT OFFICIALS.—The*
10 *Administrator and the Comptroller General of the*
11 *United States shall have access, for the purpose of*
12 *audit, investigation, and examination, to any book,*
13 *document, paper, record, or other material of a re-*
14 *cipient of assistance.*

15 (g) *REVIEW AND REPORT BY COMPTROLLER GEN-*
16 *ERAL.—Not later than 4 years after the date of enactment*
17 *of this Act, the Comptroller General of the United States*
18 *shall—*

19 (1) *conduct a thorough review of the programs*
20 *carried out under this section; and*

21 (2) *submit to Congress a detailed report of the*
22 *findings of the Comptroller General under the review*
23 *carried out under paragraph (1), which shall in-*
24 *clude—*

1 (A) an evaluation of the effectiveness of the
2 programs in achieving the purposes of this sec-
3 tion;

4 (B) a description of any failure by any re-
5 cipient of assistance under this section to comply
6 with the requirements under this section; and

7 (C) recommendations for any legislative or
8 administrative action that should be taken to
9 improve the achievement of the purposes of this
10 section.

11 (h) *ANNUAL REPORTS; RECOMMENDATIONS.*—

12 (1) *ANNUAL REPORT.*—Not later than 90 days
13 after the last day of each fiscal year, the Adminis-
14 trator shall submit to Congress, and publish on the
15 website of the Administration, a report of each activ-
16 ity of the Administration carried out under this sec-
17 tion during the fiscal year preceding the date on
18 which the report is submitted.

19 (2) *RECOMMENDATIONS.*—The Administrator
20 shall periodically submit to Congress and the Presi-
21 dent recommendations for legislation or other actions
22 that the Administrator determines to be necessary or
23 appropriate to promote the purposes of this section.

24 (i) *EXECUTIVE ORDER 11625.*—The powers and duties
25 of the Administration shall be determined—

1 (1) *in accordance with this section and the re-*
2 *quirements of this section; and*

3 (2) *without regard to Executive Order 11625 (36*
4 *Fed. Reg. 19967; relating to prescribing additional*
5 *arrangements for developing and coordinating a na-*
6 *tional program for minority business enterprise).*

7 (j) *AMENDMENT TO THE FEDERAL ACQUISITION*
8 *STREAMLINING ACT OF 1994.—Section 7104(c) of the Fed-*
9 *eral Acquisition Streamlining Act of 1994 (15 U.S.C.*
10 *644a(c)) is amended by striking paragraph (2) and insert-*
11 *ing the following:*

12 “(2) *The Administrator of the Minority Business*
13 *Development Administration.*”.

14 **SEC. 609. EMERGENCY GRANTS TO MINORITY BUSINESS EN-**
15 **TERPRISES.**

16 (a) *GRANTS DURING THE COVID–19 PANDEMIC.—*
17 *The Minority Business Development Agency shall provide*
18 *grants to address the needs of minority business enterprises*
19 *impacted by the COVID–19 pandemic.*

20 (b) *RECIPIENTS.—The Agency may make grants*
21 *through non-profit organizations or directly to minority*
22 *business enterprises.*

23 (c) *PRIORITY AREAS.—In providing grants pursuant*
24 *to subsection (a), the Agency shall prioritize providing as-*
25 *sistance to—*

1 (1) *minority business enterprises that have been*
2 *unable to obtain loans from the Small Business Ad-*
3 *ministration's Paycheck Protection Program and*
4 *other programs established under the CARES Act;*

5 (2) *minority business enterprises located in low-*
6 *income areas or areas that have been significantly*
7 *impacted by the COVID-19 pandemic; and*

8 (3) *minority business enterprises that do not*
9 *have access to capital and whose business is substan-*
10 *tially impaired because of the impact of stay-at-home*
11 *orders implemented by State and local governments*
12 *due to the COVID-19 pandemic.*

13 *(d) TERMS AND CONDITIONS.—*

14 (1) *IN GENERAL.—The Secretary of Commerce,*
15 *acting through the Minority Business Development*
16 *Agency, shall set such terms and conditions for the*
17 *grants made under this section as the Secretary deter-*
18 *mines appropriate.*

19 (2) *NOTIFICATION.—No later than 15 days prior*
20 *to making any grants under this section, the Sec-*
21 *retary, acting through the Agency, shall provide the*
22 *terms and conditions for grants made under this sec-*
23 *tion to the Committee on Financial Services of the*
24 *House of Representatives and the Committee on*
25 *Banking, Housing, and Urban Affairs of the Senate.*

1 (e) *GAO OVERSIGHT.*—Not later than six months after
2 the date of enactment of this Act, the Comptroller General
3 of the United States shall provide a report on the effective-
4 ness of the grants made under this section, including the
5 manner in which the Agency implemented the priorities de-
6 scribed in subsection (c).

7 (f) *DEFINITIONS.*—In this section:

8 (1) *MINORITY.*—The term “minority” has the
9 meaning given the term in section 308(b) of the Fi-
10 nancial Institutions Reform, Recovery, and Enforce-
11 ment Act of 1989 and includes any indigenous person
12 in the United States or the territories of the United
13 States.

14 (2) *MINORITY BUSINESS ENTERPRISE.*—The
15 term “minority business enterprise” means a for-prof-
16 it business enterprise—

17 (A) that is not less than 51 percent-owned
18 by 1 or more minority individuals; and

19 (B) the management and daily business op-
20 erations of which are controlled by 1 or more mi-
21 nority individuals.

22 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are
23 authorized to be appropriated \$3,000,000,000 to carry out
24 this section. Such funds are authorized to be appropriated
25 to remain available until expended.

1 **TITLE VII—PROMOTING AND AD-**
2 **VANCING COMMUNITIES OF**
3 **COLOR THROUGH INCLUSIVE**
4 **LENDING**

5 **SEC. 701. SHORT TITLE.**

6 *This title may be cited as the “Promoting and Advanc-*
7 *ing Communities of Color through Inclusive Lending Act”.*

8 **SEC. 702. FINDINGS; SENSE OF CONGRESS.**

9 *(a) FINDINGS.—The Congress finds the following:*

10 *(1) The Coronavirus 2019 (COVID–19) pan-*
11 *demic and the resulting recession have led to more*
12 *than 4.8 million cases and at least 157,000 deaths in*
13 *the United States as of August 6, 2020; a 7.6 percent*
14 *increase in the unemployment rate from February to*
15 *June, or approximately 12 million more persons who*
16 *have lost their job; and an estimated 36 percent of*
17 *renters and 4.1 million homeowners who are strug-*
18 *gling to pay their rent and mortgages.*

19 *(2) According to the Centers for Disease Control,*
20 *“long-standing systemic health and social inequities*
21 *have put some members of racial and ethnic minority*
22 *groups at increased risk of getting COVID–19 or ex-*
23 *periencing severe illness”.*

24 *(3) Minority-owned businesses are also facing*
25 *more difficult economic circumstances than others as*

1 *a result of the COVID–19 pandemic. In April 2020,*
2 *the Federal Reserve Bank of New York reported that*
3 *minority- and women-owned businesses were not only*
4 *more likely to show signs of limited financial health,*
5 *but also twice as likely to be classified as “at risk”*
6 *or “distressed” than their non-minority counterparts.*

7 *(4) During the Coronavirus 2019 (COVID–19)*
8 *pandemic, community development financial institu-*
9 *tions (CDFIs) and minority depository institutions*
10 *(MDIs) have delivered needed capital and relief to un-*
11 *derserved communities, many of which have borne a*
12 *disproportionate impact of the COVID–19 pandemic.*
13 *Through August 8, 2020, CDFIs and MDIs have pro-*
14 *vided more than \$16.4 billion in Paycheck Protection*
15 *Program (PPP) loans to small businesses with a*
16 *smaller median loan size of about \$74,000 compared*
17 *to the overall program median loan size of \$101,000.*

18 *(5) In addition to establishing relief funds and*
19 *services for local businesses and individuals experi-*
20 *encing loss of income, CDFIs and MDIs have pro-*
21 *vided mortgage forbearances, loan deferments, and*
22 *modifications to help address the needs of their bor-*
23 *rowers. CDFIs and MDIs are reaching underserved*
24 *communities and minority-owned businesses at a crit-*
25 *ical time.*

1 (6) *The Community Development Financial In-*
2 stitutions Fund (CDFI Fund) is an agency of the
3 U.S. Department of the Treasury and was established
4 by the Riegle Community Development and Regu-
5 latory Improvement Act of 1994. The mission of the
6 CDFI Fund is “to expand economic opportunity for
7 underserved people and communities by supporting
8 the growth and capacity of a national network of
9 community development lenders, investors, and finan-
10 cial service providers”. As of September 15, 2020,
11 there were 1,137 certified CDFIs in all 50 States,
12 District of Columbia, Guam, and Puerto Rico.

13 (7) *Following the 2008 financial crisis and the*
14 disproportionate impact the Great Recession had on
15 minority communities, the number of MDI banks fell
16 more than 30 percent over the following decade, to
17 143 as of the second quarter of 2020. Meanwhile, MDI
18 credit unions have seen similar declines, with more
19 than one-third of such institutions disappearing since
20 2013.

21 (b) *SENSE OF CONGRESS.—The following is the sense*
22 of the Congress:

23 (1) *The Department of the Treasury, Board of*
24 Governors of the Federal Reserve System, Small Busi-
25 ness Administration (SBA), Office of the Comptroller

1 *of the Currency, Federal Deposit Insurance Corpora-*
2 *tion, National Credit Union Administration, and*
3 *other Federal agencies should take steps to support,*
4 *engage with, and utilize minority depository institu-*
5 *tions and community development financial institu-*
6 *tions in the near term, especially as they carry out*
7 *programs to respond to the COVID–19 pandemic, and*
8 *the long term.*

9 *(2) The Board of Governors of the Federal Re-*
10 *serve System should, consistent with its mandates,*
11 *work to increase lending by minority depository insti-*
12 *tutions and community development financial insti-*
13 *tutions to underserved communities, and when appro-*
14 *priate, should work with the Department of the Treas-*
15 *ury to increase lending by minority depository insti-*
16 *tutions and community development financial insti-*
17 *tutions to underserved communities.*

18 *(3) The Department of the Treasury and pruden-*
19 *tial regulators should establish a strategic plan iden-*
20 *tifying concrete steps that they can take to support*
21 *existing minority depository institutions, as well as*
22 *the formation of new minority depository institutions*
23 *consistent with the goals established in the Financial*
24 *Institutions Reform, Recovery, and Enforcement Act*

1 of 1989 (*FIRREA*) to preserve and promote minority
2 depository institutions.

3 (4) Congress should increase funding and make
4 other enhancements, including those provided by this
5 legislation, to enhance the effectiveness of the *CDFI*
6 Fund, especially reforms to support minority-owned
7 and minority led *CDFIs* in times of crisis and be-
8 yond.

9 (5) Congress should conduct robust and ongoing
10 oversight of the Department of the Treasury, *CDFI*
11 Fund, Federal prudential regulators, *SBA*, and other
12 Federal agencies to ensure they fulfill their obligations
13 under the law as well as implement this title and
14 other laws in a manner that supports and fully uti-
15 lizes minority depository institutions and community
16 development financial intuitions, as appropriate.

17 (6) The investments made by the Secretary of the
18 Treasury under this title and the amendments made
19 by this title should be designed to maximize the ben-
20 efit to low- and moderate-income and minority com-
21 munities and contemplate losses to capital of the
22 Treasury.

23 **SEC. 703. PURPOSE.**

24 The purpose of this title is to—

1 *tutions that have a strong track record of serving mi-*
2 *nority small businesses;*

3 *(3) protecting and increasing jobs in the United*
4 *States;*

5 *(4) increasing the opportunity for small busi-*
6 *ness, affordable housing and community development*
7 *in geographic areas and demographic segments with*
8 *poverty and high unemployment rates that exceed the*
9 *average in the United States;*

10 *(5) ensuring that all low- and moderate-income*
11 *community financial institutions may apply to par-*
12 *ticipate in the programs established under this title*
13 *and the amendments made by this title, without dis-*
14 *crimination based on geography;*

15 *(6) providing transparency with respect to use of*
16 *funds provided under this title and the amendments*
17 *made by this title;*

18 *(7) promoting and engaging in financial edu-*
19 *cation to would-be borrowers; and*

20 *(8) providing funding to eligible institutions*
21 *that serve consumers, small businesses, and nonprofit*
22 *organizations to support affordable housing, commu-*
23 *nity-serving real estate, and other projects that pro-*
24 *vide direct benefits to low- and moderate-income com-*

1 “(B) a minority depository institution.

2 “(8) *MINORITY DEPOSITORY INSTITUTION*.—The
3 term ‘minority depository institution’—

4 “(A) has the meaning given that term under
5 section 308 of the *Financial Institutions Reform,*
6 *Recovery, and Enforcement Act of 1989* (12
7 *U.S.C. 1463 note*);

8 “(B) means an entity considered to be a mi-
9 nority depository institution by—

10 “(i) the appropriate Federal banking
11 agency (as such term is defined under sec-
12 tion 3 of the *Federal Deposit Insurance*
13 *Act*); or

14 “(ii) the *National Credit Union Ad-*
15 *ministration, in the case of an insured cred-*
16 *it union; and*

17 “(C) means an entity listed in the *Federal*
18 *Deposit Insurance Corporation’s Minority De-*
19 *pository Institutions List published for the Sec-*
20 *ond Quarter 2020.*”;

21 (2) in section 4003 (15 U.S.C. 9042), by adding
22 at the end the following:

23 “(i) *NEIGHBORHOOD CAPITAL INVESTMENT PRO-*
24 *GRAM*.—

25 “(1) *DEFINITIONS*.—In this subsection—

1 “(A) the term ‘community development fi-
2 nancial institution’ has the meaning given the
3 term in section 103 of the Riegle Community De-
4 velopment and Regulatory Improvement Act of
5 1994 (12 U.S.C. 4702);

6 “(B) the term ‘Fund’ means the Community
7 Development Financial Institutions Fund estab-
8 lished under section 104(a) of the Riegle Commu-
9 nity Development and Regulatory Improvement
10 Act of 1994 (12 U.S.C. 4703(a));

11 “(C) the term ‘minority’ means any Black
12 American, Native American, Hispanic Amer-
13 ican, or Asian American;

14 “(D) the term ‘Program’ means the Neigh-
15 borhood Capital Investment Program established
16 under paragraph (2); and

17 “(E) the ‘Secretary’ means the Secretary of
18 the Treasury.

19 “(2) *ESTABLISHMENT.*—The Secretary of the
20 Treasury shall establish a Neighborhood Capital In-
21 vestment Program (the ‘Program’) to support the ef-
22 forts of low- and moderate-income community finan-
23 cial institutions to, among other things, provide loans
24 and forbearance for small businesses, minority-owned
25 businesses, and consumers, especially in low-income

1 *and underserved communities, by providing direct*
2 *capital investments in low- and moderate-income*
3 *community financial institutions.*

4 “(3) *APPLICATION.—*

5 “(A) *ACCEPTANCE.—The Secretary shall*
6 *begin accepting applications for capital invest-*
7 *ments under the Program not later than the end*
8 *of the 30-day period beginning on the date of en-*
9 *actment of this subsection, with priority in dis-*
10 *tribution given to low- and moderate-income*
11 *community financial institutions that are mi-*
12 *nority lending institutions, as defined under sec-*
13 *tion 103 of the Community Development Bank-*
14 *ing and Financial Institutions Act of 1994 (12*
15 *U.S.C. 4702).*

16 “(B) *REQUIREMENT TO PROVIDE A NEIGH-*
17 *BORHOOD INVESTMENT LENDING PLAN.—*

18 “(i) *IN GENERAL.—At the time that an*
19 *applicant submits an application to the*
20 *Secretary for a capital investment under*
21 *the Program, the applicant shall provide the*
22 *Secretary, along with the appropriate Fed-*
23 *eral banking agency, an investment and*
24 *lending plan that—*

1 “(I) demonstrates that not less
2 than 30 percent of the lending of the
3 applicant over the past 2 fiscal years
4 was made directly to low- and mod-
5 erate income borrowers, to borrowers
6 that create direct benefits for low- and
7 moderate-income populations, to other
8 targeted populations as defined by the
9 Fund, or any combination thereof, as
10 measured by the total number and dol-
11 lar amount of loans;

12 “(II) describes how the business
13 strategy and operating goals of the ap-
14 plicant will address community devel-
15 opment needs, which includes the needs
16 of small businesses, consumers, non-
17 profit organizations, community devel-
18 opment, and other projects providing
19 direct benefits to low- and moderate-in-
20 come communities, low-income individ-
21 uals, and minorities within the minor-
22 ity, rural, and urban low-income and
23 underserved areas served by the appli-
24 cant;

1 “(III) includes a plan to provide
2 linguistically and culturally appro-
3 priate outreach, where appropriate;

4 “(IV) includes an attestation by
5 the applicant that the applicant does
6 not own, service, or offer any financial
7 products at an annual percentage rate
8 of more than 36 percent interest, as de-
9 fined in section 987(i)(4) of title 10,
10 United States Code, and is compliant
11 with State interest rate laws; and

12 “(V) includes details on how the
13 applicant plans to expand or maintain
14 significant lending or investment ac-
15 tivity in low- or moderate-income mi-
16 nority communities, to historically dis-
17 advantaged borrowers, and to minori-
18 ties that have significant unmet cap-
19 ital or financial services needs.

20 “(ii) *COMMUNITY DEVELOPMENT LOAN*
21 *FUNDS.*—An applicant that is not an in-
22 sured community development financial in-
23 stitution or otherwise regulated by a Fed-
24 eral financial regulator shall submit the

1 *plan described in clause (i) only to the Sec-*
2 *retary.*

3 “(iii) *DOCUMENTATION.—In the case*
4 *of an applicant that is certified as a com-*
5 *munity development financial institution as*
6 *of the date of enactment of this subsection,*
7 *for purposes of clause (i)(I), the Secretary*
8 *may rely on documentation submitted the*
9 *Fund as part of certification compliance re-*
10 *porting.*

11 “(4) *INCENTIVES TO INCREASE LENDING AND*
12 *PROVIDE AFFORDABLE CREDIT.—*

13 “(A) *REQUIREMENTS ON PREFERRED*
14 *STOCK AND OTHER FINANCIAL INSTRUMENT.—*
15 *Any financial instrument issued to Treasury by*
16 *a low- and moderate-income community finan-*
17 *cial institution under the Program shall provide*
18 *the following:*

19 “(i) *No dividends, interest or other*
20 *payments shall exceed 2 percent per annum.*

21 “(ii) *After the first 24 months from the*
22 *date of the capital investment under the*
23 *Program, annual payments may be re-*
24 *quired, as determined by the Secretary and*
25 *in accordance with this section, and ad-*

1 *justed downward based on the amount of af-*
2 *fordable credit provided by the low- and*
3 *moderate-income community financial in-*
4 *stitution to borrowers in minority, rural,*
5 *and urban low-income and underserved*
6 *communities.*

7 *“(iii) During any calendar quarter*
8 *after the initial 24-month period referred to*
9 *in clause (ii), the annual payment rate of*
10 *a low- and moderate-income community fi-*
11 *nancial institution shall be adjusted down-*
12 *ward to reflect the following schedule, based*
13 *on lending by the institution relative to the*
14 *baseline period:*

15 *“(I) If the institution in the most*
16 *recent annual period prior to the in-*
17 *vestment provides significant lending*
18 *or investment activity in low- or mod-*
19 *erate-income minority communities,*
20 *historically disadvantaged borrowers,*
21 *and to minorities that have significant*
22 *unmet capital or financial services, the*
23 *annual payment rate shall not exceed*
24 *0.5 percent per annum.*

1 “(II) *If the amount of lending*
2 *within minority, rural, and urban*
3 *low-income and underserved commu-*
4 *nities and to low- and moderate-in-*
5 *come borrowers has increased dollar for*
6 *dollar based on the amount of the cap-*
7 *ital investment, the annual payment*
8 *rate shall not exceed 1 percent per*
9 *annum.*

10 “(III) *If the amount of lending*
11 *within minority, rural, and urban*
12 *low-income and underserved commu-*
13 *nities and to low- and moderate-in-*
14 *come borrowers has increased by twice*
15 *the amount of the capital investment,*
16 *the annual payment rate shall not ex-*
17 *ceed 0.5 percent per annum.*

18 “(B) *CONTINGENCY OF PAYMENTS BASED ON*
19 *CERTAIN FINANCIAL CRITERIA.—*

20 “(i) *DEFERRAL.—Any annual pay-*
21 *ments under this subsection shall be deferred*
22 *in any quarter or payment period if any of*
23 *the following is true:*

24 “(I) *The low- and moderate-in-*
25 *come community institution fails to*

1 *meet the Tier 1 capital ratio or simi-*
2 *lar ratio as determined by the Sec-*
3 *retary.*

4 “(II) *The low- and moderate-in-*
5 *come community financial institution*
6 *fails to achieve positive net income for*
7 *the quarter or payment period.*

8 “(III) *The low- and moderate-in-*
9 *come community financial institution*
10 *determines that the payment would be*
11 *detrimental to the financial health of*
12 *the institution.*

13 “(i) *TESTING DURING NEXT PAYMENT*
14 *PERIOD.—Any deferred annual payment*
15 *under this subsection shall be tested against*
16 *the metrics described in clause (i) at the be-*
17 *ginning of the next payment period, and*
18 *such payments shall continue to be deferred*
19 *until the metrics described in that clause*
20 *are no longer applicable.*

21 “(5) *RESTRICTIONS.—*

22 “(A) *IN GENERAL.—Each low- and mod-*
23 *erate-income community financial institution*
24 *may only issue financial instruments or senior*

1 *preferred stock under this subsection with an ag-*
2 *gregate principal amount that is—*

3 “(i) *not more than 15 percent of risk-*
4 *weighted assets for an institution with as-*
5 *sets of more than \$2,000,000,000;*

6 “(ii) *not more than 25 percent of risk-*
7 *weighted assets for an institution with as-*
8 *sets of not less than \$500,000,000 and not*
9 *more than \$2,000,000,000; and*

10 “(iii) *not more than 30 percent of risk-*
11 *weighted assets for an institution with as-*
12 *sets of less than \$500,000,000.*

13 “(B) *HOLDING OF INSTRUMENTS.—Holding*
14 *any instrument of a low- and moderate-income*
15 *community financial institution described in*
16 *subparagraph (A) shall not give the Treasury or*
17 *any successor that owns the instrument any*
18 *rights over the management of the institution.*

19 “(C) *SALE OF INTEREST.—With respect to*
20 *a capital investment made into a low- and mod-*
21 *erate-income community financial institution*
22 *under this subsection, the Secretary—*

23 “(i) *except as provided in clause (iv),*
24 *during the 10-year period following the in-*
25 *vestment, may not sell the interest of the*

1 *Secretary in the capital investment to a*
2 *third party;*

3 “(ii) shall provide the low- and mod-
4 erate-income community financial institu-
5 tion a right of first refusal to buy back the
6 investment under terms that do not exceed
7 a value as determined by an independent
8 third party; and

9 “(iii) shall not sell more than a 5 per-
10 cent ownership interest in the capital in-
11 vestment to a single third party; and

12 “(iv) with the permission of the insti-
13 tution, may gift or sell the interest of the
14 Secretary in the capital investment for a de
15 minimus amount to a mission aligned non-
16 profit affiliate of an applicant that is an
17 insured community development financial
18 institution, as defined in section 103 of the
19 Riegle Community Development and Regu-
20 latory Improvement Act of 1994 (12 U.S.C.
21 4702).

22 “(v) *CALCULATION OF OWNERSHIP FOR*
23 *MINORITY DEPOSITORY INSTITUTIONS.—The*
24 *calculation and determination of ownership*
25 *thresholds for a depository institution to*

1 *qualify as a minority depository institution*
2 *described in section 4002(7)(B) shall ex-*
3 *clude any dilutive effect of equity invest-*
4 *ments by the Federal Government, includ-*
5 *ing under the Program or through the*
6 *Fund.*

7 “(6) *AVAILABLE AMOUNTS.*—*In carrying out the*
8 *Program, the Secretary shall use not more than*
9 *\$13,000,000,000, from amounts appropriated under*
10 *section 4027, and shall use not less than*
11 *\$7,000,000,000 of such amount for direct capital in-*
12 *vestments under the Program.*

13 “(7) *TREATMENT OF CAPITAL INVESTMENTS.*—*In*
14 *making any capital investment under the Program,*
15 *the Secretary shall ensure that the terms of the invest-*
16 *ment are designed to ensure the investment receives*
17 *Tier 1 capital treatment.*

18 “(8) *OUTREACH TO MINORITIES.*—*The Secretary*
19 *shall require low- and moderate-income community*
20 *financial institutions receiving capital investments*
21 *under the Program to provide linguistically and cul-*
22 *turally appropriate outreach and advertising describ-*
23 *ing the availability and application process of receiv-*
24 *ing loans made possible by the Program through orga-*
25 *nizations, trade associations, and individuals that*

1 *represent or work within or are members of minority*
2 *communities.*

3 “(9) *RESTRICTIONS.*—

4 “(A) *IN GENERAL.*—Not later than the end
5 *of the 30-day period beginning on the date of en-*
6 *actment of this subsection, the Secretary of the*
7 *Treasury shall issue rules setting restrictions on*
8 *executive compensation, share buybacks, and div-*
9 *idend payments for recipients of capital invest-*
10 *ments under the Program.*

11 “(B) *RULE OF CONSTRUCTION.*—The provi-
12 *sions of section 4019 apply to investments made*
13 *under the Program.*

14 “(10) *TERMINATION OF INVESTMENT AUTHOR-*
15 *ITY.*—The authority to make capital investments in
16 *low- and moderate-income community financial insti-*
17 *tutions, including commitments to purchase preferred*
18 *stock or other instruments, provided under the Pro-*
19 *gram shall terminate on the date that is 36 months*
20 *after the date of enactment of this subsection.*

21 “(11) *COLLECTION OF DATA.*—Notwithstanding
22 *the Equal Credit Opportunity Act (15 U.S.C. 1691 et*
23 *seq.)—*

24 “(A) *any low- and moderate-income com-*
25 *munity financial institution may collect data*

1 *described in section 701(a)(1) of that Act (15*
2 *U.S.C. 1691(a)(1)) from borrowers and appli-*
3 *cants for credit for the purpose of monitoring*
4 *compliance under the plan required under para-*
5 *graph (4)(B); and*

6 *“(B) a low- and moderate-income commu-*
7 *nity financial institution that collects the data*
8 *described in subparagraph (A) shall not be sub-*
9 *ject to adverse action related to that collection by*
10 *the Bureau of Consumer Financial Protection or*
11 *any other Federal agency.*

12 *“(12) DEPOSIT OF FUNDS.—All funds received*
13 *by the Secretary in connection with purchases made*
14 *pursuant this subsection, including interest payments,*
15 *dividend payments, and proceeds from the sale of any*
16 *financial instrument, shall be deposited into the Fund*
17 *and used to provide financial and technical assistance*
18 *pursuant to section 108 of the Riegle Community De-*
19 *velopment and Regulatory Improvement Act of 1994*
20 *(12 U.S.C. 4707), except that subsection (e) of that*
21 *section shall be waived.*

22 *“(13) EQUITY EQUIVALENT INVESTMENT OP-*
23 *TION.—*

24 *“(A) IN GENERAL.—The Secretary shall es-*
25 *tablish an Equity Equivalent Investment Op-*

1 *tion, under which, with respect to a specific in-*
2 *vestment in a low- and moderate-income commu-*
3 *nity financial institution—*

4 “(i) 80 percent of such investment is
5 *made by the Secretary under the Program;*
6 *and*

7 “(ii) 20 percent of such investment if
8 *made by a banking institution.*

9 “(B) *REQUIREMENT TO FOLLOW SIMILAR*
10 *TERMS AND CONDITIONS.—The terms and condi-*
11 *tions applicable to investments made by the Sec-*
12 *retary under the Program shall apply to any in-*
13 *vestment made by a banking institution under*
14 *this paragraph.*

15 “(C) *LIMITATIONS.—The amount of a spe-*
16 *cific investment described under subparagraph*
17 *(A) may not exceed \$10,000,000, but the receipt*
18 *of an investment under subparagraph (A) shall*
19 *not preclude the recipient from being eligible for*
20 *other assistance under the Program.*

21 “(D) *BANKING INSTITUTION DEFINED.—In*
22 *this paragraph, the term ‘banking institution’*
23 *means any entity with respect to which there is*
24 *an appropriate Federal banking agency under*
25 *section 3 of the Federal Deposit Insurance Act.*

1 “(j) *APPLICATION OF THE MILITARY LENDING ACT.*—

2 “(1) *IN GENERAL.*—No low- and moderate-in-
3 come community financial institution that receives
4 an equity investment under subsection (i) shall, for so
5 long as the investment or participation continues,
6 make any loan at an annualized percentage rate
7 above 36 percent, as determined in accordance with
8 section 987(b) of title 10, United States Code (com-
9 monly known as the ‘Military Lending Act’).

10 “(2) *NO EXEMPTIONS PERMITTED.*—The exemp-
11 tion authority of the Bureau under section 105(f) of
12 the Truth in Lending Act (15 U.S.C. 1604(f)) shall
13 not apply with respect to this subsection.”.

14 **SEC. 706. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**
15 **NITIES.**

16 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to the Community Develop-
18 ment Financial Institutions Fund \$2,000,000,000 for fiscal
19 year 2021, for providing financial assistance and technical
20 assistance under subparagraphs (A) and (B) of section
21 108(a)(1) of the Community Development Banking and Fi-
22 nancial Institutions Act of 1994 (12 U.S.C. 4707(a)(1)),
23 except that subsections (d) and (e) of such section 108 shall
24 not apply to the provision of such assistance, for the Bank
25 Enterprise Award program, and for financial assistance,

1 *technical assistance, training, and outreach programs de-*
2 *signed to benefit Native American, Native Hawaiian, and*
3 *Alaska Native communities and provided primarily*
4 *through qualified community development lender organiza-*
5 *tions with experience and expertise in community develop-*
6 *ment banking and lending in Indian country, Native Amer-*
7 *ican organizations, Tribes and Tribal organizations, and*
8 *other suitable providers.*

9 **(b) SET ASIDES.**—*Of the amounts appropriated pur-*
10 *suant to the authorization under subsection (a), the fol-*
11 *lowing amounts shall be set aside:*

12 **(1)** *Up to \$400,000,000, to remain available*
13 *until expended, to provide grants to community devel-*
14 *opment financial institutions—*

15 **(A)** *to expand lending or investment activ-*
16 *ity in low- or moderate-income minority commu-*
17 *nities and to minorities that have significant*
18 *unmet capital or financial services needs, of*
19 *which not less than \$10,000,000 may be for*
20 *grants to benefit Native American, Native Ha-*
21 *waiian, and Alaska Native communities; and*

22 **(B)** *using a formula that takes into account*
23 *criteria such as certification status, financial*
24 *and compliance performance, portfolio and bal-*
25 *ance sheet strength, a diversity of community de-*

1 *velopment financial institution business model*
2 *types, and program capacity, as well as experi-*
3 *ence making loans and investments to those*
4 *areas and populations identified in this para-*
5 *graph.*

6 (2) *Up to \$160,000,000, to remain available*
7 *until expended, for technical assistance, technology,*
8 *and training under sections 108(a)(1)(B) and 109,*
9 *respectively, of the Riegle Community Development*
10 *and Regulatory Improvement Act of 1994 (12 U.S.C.*
11 *4707(a)(1)(B), 4708), with a preference for minority*
12 *lending institutions.*

13 (3) *Up to \$800,000,000, to remain available*
14 *until expended, shall be for providing financial assist-*
15 *ance, technical assistance, awards, training, and out-*
16 *reach programs described under subsection (a) to re-*
17 *ipients that are minority lending institutions.*

18 (c) *ADMINISTRATIVE EXPENSES.—Funds appro-*
19 *priated pursuant to the authorization under subsection (a)*
20 *may be used for administrative expenses, including admin-*
21 *istration of Fund programs and the New Markets Tax Cred-*
22 *it Program under section 45D of the Internal Revenue Code.*

23 (d) *DEFINITIONS.—In this section:*

24 (1) *CDFI.—The term “CDFI” means a commu-*
25 *nity development financial institution, as defined in*

1 *section 103 of the Riegle Community Development*
2 *and Regulatory Improvement Act of 1994 (12 U.S.C.*
3 *4702).*

4 (2) *FUND.*—*The term “Fund” means the Com-*
5 *munity Development Financial Institutions Fund es-*
6 *tablished under section 104(a) of the Riegle Commu-*
7 *nity Development and Regulatory Improvement Act*
8 *of 1994 (12 U.S.C. 4703(a)).*

9 (3) *MINORITY; MINORITY LENDING INSTITU-*
10 *TION.*—*The terms “minority” and “minority lending*
11 *institution” have the meaning given those terms, re-*
12 *spectively, under section 103 of the Community Devel-*
13 *opment Banking and Financial Institutions Act of*
14 *1994 (12 U.S.C. 4702).*

15 **SEC. 707. ENSURING DIVERSITY IN COMMUNITY BANKING.**

16 (a) *SENSE OF CONGRESS ON FUNDING THE LOAN-LOSS*
17 *RESERVE FUND FOR SMALL DOLLAR LOANS.*—*The sense of*
18 *Congress is the following:*

19 (1) *The Community Development Financial In-*
20 *stitutions Fund (the “CDFI Fund”) is an agency of*
21 *the Department of the Treasury, and was established*
22 *by the Riegle Community Development and Regu-*
23 *latory Improvement Act of 1994. The mission of the*
24 *CDFI Fund is “to expand economic opportunity for*
25 *underserved people and communities by supporting*

1 *the growth and capacity of a national network of*
2 *community development lenders, investors, and finan-*
3 *cial service providers”. A community development fi-*
4 *nancial institution (a “CDFI”) is a specialized fi-*
5 *nancial institution serving low-income communities*
6 *and a Community Development Entity (a “CDE”) is*
7 *a domestic corporation or partnership that is an*
8 *intermediary vehicle for the provision of loans, invest-*
9 *ments, or financial counseling in low-income commu-*
10 *nities. The CDFI Fund certifies CDFIs and CDEs.*
11 *Becoming a certified CDFI or CDE allows organiza-*
12 *tions to participate in various CDFI Fund programs*
13 *as follows:*

14 *(A) The Bank Enterprise Award Program,*
15 *which provides FDIC-insured depository institu-*
16 *tions awards for a demonstrated increase in*
17 *lending and investments in distressed commu-*
18 *nities and CDFIs.*

19 *(B) The CDFI Program, which provides Fi-*
20 *nancial and Technical Assistance awards to*
21 *CDFIs to reinvest in the CDFI, and to build the*
22 *capacity of the CDFI, including financing prod-*
23 *uct development and loan loss reserves.*

24 *(C) The Native American CDFI Assistance*
25 *Program, which provides CDFIs and sponsoring*

1 *entities Financial and Technical Assistance*
2 *awards to increase lending and grow the number*
3 *of CDFIs owned by Native Americans to help*
4 *build capacity of such CDFIs.*

5 *(D) The New Market Tax Credit Program,*
6 *which provides tax credits for making equity in-*
7 *vestments in CDEs that stimulate capital invest-*
8 *ments in low-income communities.*

9 *(E) The Capital Magnet Fund, which pro-*
10 *vides awards to CDFIs and nonprofit affordable*
11 *housing organizations to finance affordable hous-*
12 *ing solutions and related economic development*
13 *activities.*

14 *(F) The Bond Guarantee Program, a source*
15 *of long-term, patient capital for CDFIs to ex-*
16 *pand lending and investment capacity for com-*
17 *munity and economic development purposes.*

18 *(2) The Department of the Treasury is author-*
19 *ized to create multi-year grant programs designed to*
20 *encourage low-to-moderate income individuals to es-*
21 *tablish accounts at federally insured banks, and to*
22 *improve low-to-moderate income individuals' access to*
23 *such accounts on reasonable terms.*

24 *(3) Under this authority, grants to participants*
25 *in CDFI Fund programs may be used for loan-loss*

1 *reserves and to establish small-dollar loan programs*
2 *by subsidizing related losses. These grants also allow*
3 *for the providing recipients with the financial coun-*
4 *seling and education necessary to conduct trans-*
5 *actions and manage their accounts. These loans pro-*
6 *vide low-cost alternatives to payday loans and other*
7 *nontraditional forms of financing that often impose*
8 *excessive interest rates and fees on borrowers, and*
9 *lead millions of Americans to fall into debt traps.*
10 *Small-dollar loans can only be made pursuant to*
11 *terms, conditions, and practices that are reasonable*
12 *for the individual consumer obtaining the loan.*

13 *(4) Program participation is restricted to eligi-*
14 *ble institutions, which are limited to organizations*
15 *listed in section 501(c)(3) of the Internal Revenue*
16 *Code and exempt from tax under 501(a) of such Code,*
17 *federally insured depository institutions, community*
18 *development financial institutions and State, local, or*
19 *Tribal government entities.*

20 *(5) Since its founding, the CDFI Fund has*
21 *awarded over \$3,300,000,000 to CDFIs and CDEs, al-*
22 *located \$54,000,000,000 in tax credits, and*
23 *\$1,510,000,000 in bond guarantees. According to the*
24 *CDFI Fund, some programs attract as much as \$10*
25 *in private capital for every \$1 invested by the CDFI*

1 *Fund. The Administration and the Congress should*
2 *prioritize appropriation of funds for the loan loss re-*
3 *serve fund and technical assistance programs admin-*
4 *istered by the Community Development Financial In-*
5 *stitution Fund.*

6 *(b) DEFINITIONS.—In this section:*

7 *(1) COMMUNITY DEVELOPMENT FINANCIAL INSTI-*
8 *TUTION.—The term “community development finan-*
9 *cial institution” has the meaning given under section*
10 *103 of the Riegle Community Development and Regu-*
11 *latory Improvement Act of 1994 (12 U.S.C. 4702).*

12 *(2) MINORITY DEPOSITORY INSTITUTION.—The*
13 *term “minority depository institution” has the mean-*
14 *ing given under section 308 of the Financial Institu-*
15 *tions Reform, Recovery, and Enforcement Act of 1989*
16 *(12 U.S.C. 1463 note).*

17 *(c) ESTABLISHMENT OF IMPACT BANK DESIGNA-*
18 *TION.—*

19 *(1) IN GENERAL.—Each Federal banking agency*
20 *shall establish a program under which a depository*
21 *institution with total consolidated assets of less than*
22 *\$10,000,000,000 may elect to be designated as an im-*
23 *pact bank if the total dollar value of the loans ex-*
24 *tended by such depository institution to low-income*

1 *borrowers is greater than or equal to 50 percent of the*
2 *assets of such bank.*

3 (2) *NOTIFICATION OF ELIGIBILITY.*—*Based on*
4 *data obtained through examinations of depository in-*
5 *stitutions, the appropriate Federal banking agency*
6 *shall notify a depository institution if the institution*
7 *is eligible to be designated as an impact bank.*

8 (3) *APPLICATION.*—*Regardless of whether or not*
9 *it has received a notice of eligibility under paragraph*
10 *(2), a depository institution may submit an applica-*
11 *tion to the appropriate Federal banking agency—*

12 (A) *requesting to be designated as an im-*
13 *pact bank; and*

14 (B) *demonstrating that the depository insti-*
15 *tution meets the applicable qualifications.*

16 (4) *LIMITATION ON ADDITIONAL DATA REQUIRE-*
17 *MENTS.*—*The Federal banking agencies may only im-*
18 *pose additional data collection requirements on a de-*
19 *pository institution under this subsection if such data*
20 *is—*

21 (A) *necessary to process an application sub-*
22 *mitted by the depository institution to be des-*
23 *ignated an impact bank; or*

24 (B) *with respect to a depository institution*
25 *that is designated as an impact bank, necessary*

1 to ensure the depository institution's ongoing
2 qualifications to maintain such designation.

3 (5) *REMOVAL OF DESIGNATION.*—If the appro-
4 priate Federal banking agency determines that a de-
5 pository institution designated as an impact bank no
6 longer meets the criteria for such designation, the ap-
7 propriate Federal banking agency shall rescind the
8 designation and notify the depository institution of
9 such rescission.

10 (6) *RECONSIDERATION OF DESIGNATION; AP-*
11 *PEALS.*—Under such procedures as the Federal bank-
12 ing agencies may establish, a depository institution
13 may—

14 (A) submit to the appropriate Federal bank-
15 ing agency a request to reconsider a determina-
16 tion that such depository institution no longer
17 meets the criteria for the designation; or

18 (B) file an appeal of such determination.

19 (7) *RULEMAKING.*—Not later than 1 year after
20 the date of the enactment of this Act, the Federal
21 banking agencies shall jointly issue rules to carry out
22 the requirements of this subsection, including by pro-
23 viding a definition of a low-income borrower.

24 (8) *REPORTS.*—Each Federal banking agency
25 shall submit an annual report to the Congress con-

1 *taining a description of actions taken to carry out*
2 *this subsection.*

3 (9) *FEDERAL DEPOSIT INSURANCE ACT DEFINI-*
4 *TIONS.—In this subsection, the terms “depository in-*
5 *stitution”, “appropriate Federal banking agency”,*
6 *and “Federal banking agency” have the meanings*
7 *given such terms, respectively, in section 3 of the Fed-*
8 *eral Deposit Insurance Act (12 U.S.C. 1813).*

9 (d) *MINORITY DEPOSITORIES ADVISORY COMMIT-*
10 *TEES.—*

11 (1) *ESTABLISHMENT.—Each covered regulator*
12 *shall establish an advisory committee to be called the*
13 *“Minority Depositories Advisory Committee”.*

14 (2) *DUTIES.—Each Minority Depositories Advi-*
15 *sory Committee shall provide advice to the respective*
16 *covered regulator on meeting the goals established by*
17 *section 308 of the Financial Institutions Reform, Re-*
18 *covery, and Enforcement Act of 1989 (12 U.S.C. 1463*
19 *note) to preserve the present number of covered minor-*
20 *ity institutions, preserve the minority character of*
21 *minority-owned institutions in cases involving merg-*
22 *ers or acquisitions, provide technical assistance, and*
23 *encourage the creation of new covered minority insti-*
24 *tutions. The scope of the work of each such Minority*
25 *Depositories Advisory Committee shall include an as-*

1 *assessment of the current condition of covered minority*
2 *institutions, what regulatory changes or other steps*
3 *the respective agencies may be able to take to fulfill*
4 *the requirements of such section 308, and other issues*
5 *of concern to covered minority institutions.*

6 (3) *MEMBERSHIP.*—

7 (A) *IN GENERAL.*—*Each Minority Deposi-*
8 *tories Advisory Committee shall consist of no*
9 *more than 10 members, who—*

10 (i) *shall serve for one two-year term;*

11 (ii) *shall serve as a representative of a*
12 *depository institution or an insured credit*
13 *union with respect to which the respective*
14 *covered regulator is the covered regulator of*
15 *such depository institution or insured credit*
16 *union; and*

17 (iii) *shall not receive pay by reason of*
18 *their service on the advisory committee, but*
19 *may receive travel or transportation ex-*
20 *penses in accordance with section 5703 of*
21 *title 5, United States Code.*

22 (B) *DIVERSITY.*—*To the extent practicable,*
23 *each covered regulator shall ensure that the mem-*
24 *bers of the Minority Depositories Advisory Com-*

1 *mittee of such agency reflect the diversity of cov-*
2 *ered minority institutions.*

3 (4) *MEETINGS.*—

4 (A) *IN GENERAL.*—*Each Minority Deposi-*
5 *tories Advisory Committee shall meet not less fre-*
6 *quently than twice each year.*

7 (B) *NOTICE AND INVITATIONS.*—*Each Mi-*
8 *nority Depositories Advisory Committee shall—*

9 (i) *notify the Committee on Financial*
10 *Services of the House of Representatives and*
11 *the Committee on Banking, Housing, and*
12 *Urban Affairs of the Senate in advance of*
13 *each meeting of the Minority Depositories*
14 *Advisory Committee; and*

15 (ii) *invite the attendance at each meet-*
16 *ing of the Minority Depositories Advisory*
17 *Committee of—*

18 (I) *one member of the majority*
19 *party and one member of the minority*
20 *party of the Committee on Financial*
21 *Services of the House of Representa-*
22 *tives and the Committee on Banking,*
23 *Housing, and Urban Affairs of the*
24 *Senate; and*

1 (II) one member of the majority
2 party and one member of the minority
3 party of any relevant subcommittees of
4 such committees.

5 (5) *NO TERMINATION OF ADVISORY COMMIT-*
6 *TEES.—The termination requirements under section*
7 *14 of the Federal Advisory Committee Act (5 U.S.C.*
8 *app.) shall not apply to a Minority Depositories Ad-*
9 *visory Committee established pursuant to this sub-*
10 *section.*

11 (6) *DEFINITIONS.—In this subsection:*

12 (A) *COVERED REGULATOR.—The term “cov-*
13 *ered regulator” means the Comptroller of the*
14 *Currency, the Board of Governors of the Federal*
15 *Reserve System, the Federal Deposit Insurance*
16 *Corporation, and the National Credit Union Ad-*
17 *ministration.*

18 (B) *COVERED MINORITY INSTITUTION.—The*
19 *term “covered minority institution” means a mi-*
20 *nority depository institution (as defined in sec-*
21 *tion 308(b) of the Financial Institutions Reform,*
22 *Recovery, and Enforcement Act of 1989 (12*
23 *U.S.C. 1463 note)).*

24 (C) *DEPOSITORY INSTITUTION.—The term*
25 *“depository institution” has the meaning given*

1 *under section 3 of the Federal Deposit Insurance*
2 *Act (12 U.S.C. 1813).*

3 (D) *INSURED CREDIT UNION.*—*The term*
4 *“insured credit union” has the meaning given in*
5 *section 101 of the Federal Credit Union Act (12*
6 *U.S.C. 1752).*

7 (7) *TECHNICAL AMENDMENT.*—*Section 308(b) of*
8 *the Financial Institutions Reform, Recovery, and En-*
9 *forcement Act of 1989 (12 U.S.C. 1463 note) is*
10 *amended by adding at the end the following new*
11 *paragraph:*

12 “(3) *DEPOSITORY INSTITUTION.*—*The term ‘de-*
13 *pository institution’ means an ‘insured depository in-*
14 *stitution’ (as defined in section 3 of the Federal De-*
15 *posit Insurance Act (12 U.S.C. 1813)) and an in-*
16 *insured credit union (as defined in section 101 of the*
17 *Federal Credit Union Act (12 U.S.C. 1752)).”.*

18 (e) *FEDERAL DEPOSITS IN MINORITY DEPOSITORY IN-*
19 *STITUTIONS.*—

20 (1) *IN GENERAL.*—*Section 308 of the Financial*
21 *Institutions Reform, Recovery, and Enforcement Act*
22 *of 1989 (12 U.S.C. 1463 note) is amended—*

23 (A) *by adding at the end the following new*
24 *subsection:*

1 “(d) *FEDERAL DEPOSITS.*—*The Secretary of the*
2 *Treasury shall ensure that deposits made by Federal agen-*
3 *cies in minority depository institutions and impact banks*
4 *are collateralized or insured, as determined by the Sec-*
5 *retary. Such deposits shall include reciprocal deposits as*
6 *defined in section 337.6(e)(2)(v) of title 12, Code of Federal*
7 *Regulations (as in effect on March 6, 2019).”; and*

8 *(B) in subsection (b), as amended by sub-*
9 *section (d)(7), by adding at the end the following*
10 *new paragraph:*

11 “(4) *IMPACT BANK.*—*The term ‘impact bank’*
12 *means a depository institution designated by the ap-*
13 *propriate Federal banking agency pursuant to section*
14 *707(c) of the Promoting and Advancing Communities*
15 *of Color through Inclusive Lending Act.”.*

16 (2) *TECHNICAL AMENDMENTS.*—*Section 308 of*
17 *the Financial Institutions Reform, Recovery, and En-*
18 *forcement Act of 1989 (12 U.S.C. 1463 note) is*
19 *amended—*

20 *(A) in the matter preceding paragraph (1),*
21 *by striking “section—” and inserting “section.”;*
22 *and*

23 *(B) in the paragraph heading for para-*
24 *graph (1), by striking “FINANCIAL” and insert-*
25 *ing “DEPOSITORY”.*

1 (f) *MINORITY BANK DEPOSIT PROGRAM.*—

2 (1) *IN GENERAL.*—*Section 1204 of the Financial*
3 *Institutions Reform, Recovery, and Enforcement Act*
4 *of 1989 (12 U.S.C. 1811 note) is amended to read as*
5 *follows:*

6 **“SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY**
7 **INSTITUTIONS.**

8 “(a) *MINORITY BANK DEPOSIT PROGRAM.*—

9 “(1) *ESTABLISHMENT.*—*There is established a*
10 *program to be known as the ‘Minority Bank Deposit*
11 *Program’ to expand the use of minority depository*
12 *institutions.*

13 “(2) *ADMINISTRATION.*—*The Secretary of the*
14 *Treasury, acting through the Fiscal Service, shall—*

15 “(A) *on application by a depository institu-*
16 *tion or credit union, certify whether such depository*
17 *institution or credit union is a minority de-*
18 *pository institution;*

19 “(B) *maintain and publish a list of all de-*
20 *pository institutions and credit unions that have*
21 *been certified pursuant to subparagraph (A);*
22 *and*

23 “(C) *periodically distribute the list de-*
24 *scribed in subparagraph (B) to—*

1 “(i) all Federal departments and agen-
2 cies;

3 “(ii) interested State and local govern-
4 ments; and

5 “(iii) interested private sector compa-
6 nies.

7 “(3) *INCLUSION OF CERTAIN ENTITIES ON*
8 *LIST.—A depository institution or credit union that,*
9 *on the date of the enactment of this section, has a cur-*
10 *rent certification from the Secretary of the Treasury*
11 *stating that such depository institution or credit*
12 *union is a minority depository institution shall be*
13 *included on the list described under paragraph*
14 *(2)(B).*

15 “(b) *EXPANDED USE AMONG FEDERAL DEPARTMENTS*
16 *AND AGENCIES.—*

17 “(1) *IN GENERAL.—Not later than 1 year after*
18 *the establishment of the program described in sub-*
19 *section (a), the head of each Federal department or*
20 *agency shall develop and implement standards and*
21 *procedures to prioritize, to the maximum extent pos-*
22 *sible as permitted by law and consistent with prin-*
23 *ciples of sound financial management, the use of mi-*
24 *nority depository institutions to hold the deposits of*
25 *each such department or agency.*

1 “(2) *REPORT TO CONGRESS.*—Not later than 2
2 *years after the establishment of the program described*
3 *in subsection (a), and annually thereafter, the head of*
4 *each Federal department or agency shall submit to*
5 *Congress a report on the actions taken to increase the*
6 *use of minority depository institutions to hold the de-*
7 *posits of each such department or agency.*

8 “(c) *DEFINITIONS.*—For purposes of this section:

9 “(1) *CREDIT UNION.*—The term ‘credit union’
10 *has the meaning given the term ‘insured credit union’*
11 *in section 101 of the Federal Credit Union Act (12*
12 *U.S.C. 1752).*

13 “(2) *DEPOSITORY INSTITUTION.*—The term ‘de-
14 *pository institution’ has the meaning given in section*
15 *3 of the Federal Deposit Insurance Act (12 U.S.C.*
16 *1813).*

17 “(3) *MINORITY DEPOSITORY INSTITUTION.*—The
18 *term ‘minority depository institution’ has the mean-*
19 *ing given that term under section 308 of this Act.”.*

20 “(2) *CONFORMING AMENDMENTS.*—The following
21 *provisions are amended by striking “1204(c)(3)” and*
22 *inserting “1204(c)”:*

23 (A) *Section 808(b)(3) of the Community Re-*
24 *investment Act of 1977 (12 U.S.C. 2907(b)(3)).*

1 (B) Section 40(g)(1)(B) of the Federal De-
2 posit Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

3 (C) Section 704B(h)(4) of the Equal Credit
4 Opportunity Act (15 U.S.C. 1691c-2(h)(4)).

5 (g) DIVERSITY REPORT AND BEST PRACTICES.—

6 (1) ANNUAL REPORT.—Each covered regulator
7 shall submit to Congress an annual report on diver-
8 sity including the following:

9 (A) Data, based on voluntary self-identifica-
10 tion, on the racial, ethnic, and gender composi-
11 tion of the examiners of each covered regulator,
12 disaggregated by length of time served as an ex-
13 aminer.

14 (B) The status of any examiners of covered
15 regulators, based on voluntary self-identification,
16 as a veteran.

17 (C) Whether any covered regulator, as of the
18 date on which the report required under this sec-
19 tion is submitted, has adopted a policy, plan, or
20 strategy to promote racial, ethnic, and gender di-
21 versity among examiners of the covered regu-
22 lator.

23 (D) Whether any special training is devel-
24 oped and provided for examiners related specifi-
25 cally to working with depository institutions and

1 *credit unions that serve communities that are*
2 *predominantly minorities, low income, or rural,*
3 *and the key focus of such training.*

4 (2) *BEST PRACTICES.—Each Office of Minority*
5 *and Women Inclusion of a covered regulator shall de-*
6 *velop, provide to the head of the covered regulator,*
7 *and make publicly available best practices—*

8 (A) *for increasing the diversity of can-*
9 *didates applying for examiner positions, includ-*
10 *ing through outreach efforts to recruit diverse*
11 *candidate to apply for entry-level examiner posi-*
12 *tions; and*

13 (B) *for retaining and providing fair consid-*
14 *eration for promotions within the examiner staff*
15 *for purposes of achieving diversity among exam-*
16 *iners.*

17 (3) *COVERED REGULATOR DEFINED.—In this*
18 *subsection, the term “covered regulator” means the*
19 *Comptroller of the Currency, the Board of Governors*
20 *of the Federal Reserve System, the Federal Deposit*
21 *Insurance Corporation, and the National Credit*
22 *Union Administration.*

23 (h) *INVESTMENTS IN MINORITY DEPOSITORY INSTITU-*
24 *TIONS AND IMPACT BANKS.—*

1 (1) *CONTROL FOR CERTAIN INSTITUTIONS.*—*Sec-*
2 *tion 7(j)(8)(B) of the Federal Deposit Insurance Act*
3 *(12 U.S.C. 1817(j)(8)(B)) is amended to read as fol-*
4 *lows:*

5 “(B) ‘control’ means the power, directly or indi-
6 rectly—

7 “(i) to direct the management or policies of
8 an insured depository institution; or

9 “(ii)(I) to vote 25 per centum or more of
10 any class of voting securities of an insured de-
11 pository institution; or

12 “(II) with respect to an insured depository
13 institution that is an impact bank (as des-
14 ignated pursuant to section 707(c) of the Pro-
15 moting and Advancing Communities of Color
16 through Inclusive Lending Act) or a minority
17 depository institution (as defined in section
18 308(b) of the Financial Institutions Reform, Re-
19 covery, and Enforcement Act of 1989), of an in-
20 dividual to vote 30 percent or more of any class
21 of voting securities of such an impact bank or a
22 minority depository institution.”.

23 (2) *RULEMAKING.*—*The Federal banking agen-*
24 *cies (as defined in section 3 of the Federal Deposit In-*
25 *surance Act (12 U.S.C. 1813)) shall jointly issue rules*

1 *for de novo minority depository institutions to allow*
2 *3 years to meet the capital requirements otherwise ap-*
3 *plicable to minority depository institutions.*

4 (3) *REPORT.—Not later than 1 year after the*
5 *date of the enactment of this Act, the Federal banking*
6 *agencies shall jointly submit to Congress a report*
7 *on—*

8 (A) *the principal causes for the low number*
9 *of de novo minority depository institutions dur-*
10 *ing the 10-year period preceding the date of the*
11 *report;*

12 (B) *the main challenges to the creation of de*
13 *novo minority depository institutions; and*

14 (C) *regulatory and legislative considerations*
15 *to promote the establishment of de novo minority*
16 *depository institutions.*

17 (i) *REPORT ON COVERED MENTOR-PROTEGE PRO-*
18 *GRAMS.—*

19 (1) *REPORT.—Not later than 6 months after the*
20 *date of the enactment of this Act and annually there-*
21 *after, the Secretary of the Treasury shall submit to*
22 *Congress a report on participants in a covered men-*
23 *tor-protege program, including—*

24 (A) *an analysis of outcomes of such pro-*
25 *gram;*

1 (B) *the number of minority depository in-*
2 *stitutions that are eligible to participate in such*
3 *program but do not have large financial institu-*
4 *tion mentors; and*

5 (C) *recommendations for how to match such*
6 *minority depository institutions with large fi-*
7 *nancial institution mentors.*

8 (2) *DEFINITIONS.—In this subsection:*

9 (A) *COVERED MENTOR-PROTEGE PRO-*
10 *GRAM.—The term “covered mentor-protege pro-*
11 *gram” means a mentor-protege program estab-*
12 *lished by the Secretary of the Treasury pursuant*
13 *to section 45 of the Small Business Act (15*
14 *U.S.C. 657r).*

15 (B) *LARGE FINANCIAL INSTITUTION.—The*
16 *term “large financial institution” means any en-*
17 *tity—*

18 (i) *regulated by the Comptroller of the*
19 *Currency, the Board of Governors of the*
20 *Federal Reserve System, the Federal Deposit*
21 *Insurance Corporation, or the National*
22 *Credit Union Administration; and*

23 (ii) *that has total consolidated assets*
24 *greater than or equal to \$50,000,000,000.*

1 (j) *CUSTODIAL DEPOSIT PROGRAM FOR COVERED MI-*
2 *NORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.*—

3 (1) *IN GENERAL.*—*Not later than one year after*
4 *the date of the enactment of this Act, the Secretary of*
5 *the Treasury shall issue rules establishing a custodial*
6 *deposit program under which a covered bank may re-*
7 *ceive deposits from a qualifying account.*

8 (2) *REQUIREMENTS.*—*In issuing rules under*
9 *paragraph (1), the Secretary of the Treasury shall—*

10 (A) *consult with the Federal banking agen-*
11 *cies;*

12 (B) *ensure each covered bank participating*
13 *in the program established under this sub-*
14 *section—*

15 (i) *has appropriate policies relating to*
16 *management of assets, including measures*
17 *to ensure the safety and soundness of each*
18 *such covered bank; and*

19 (ii) *is compliant with applicable law;*
20 *and*

21 (C) *ensure, to the extent practicable that the*
22 *rules do not conflict with goals described in sec-*
23 *tion 308(a) of the Financial Institutions Reform,*
24 *Recovery, and Enforcement Act of 1989 (12*
25 *U.S.C. 1463 note).*

1 (3) *LIMITATIONS.*—

2 (A) *DEPOSITS.*—*With respect to the funds*
3 *of an individual qualifying account, an entity*
4 *may not deposit an amount greater than the in-*
5 *sured amount in a single covered bank.*

6 (B) *TOTAL DEPOSITS.*—*The total amount of*
7 *funds deposited in a covered bank under the cus-*
8 *todial deposit program described under this sub-*
9 *section may not exceed the lesser of—*

10 (i) *10 percent of the average amount of*
11 *deposits held by such covered bank in the*
12 *previous quarter; or*

13 (ii) *\$100,000,000 (as adjusted for in-*
14 *flation).*

15 (4) *REPORT.*—*Each quarter, the Secretary of the*
16 *Treasury shall submit to Congress a report on the im-*
17 *plementation of the program established under this*
18 *subsection including information identifying partici-*
19 *parting covered banks and the total amount of deposits*
20 *received by covered banks under the program.*

21 (5) *DEFINITIONS.*—*In this subsection:*

22 (A) *COVERED BANK.*—*The term “covered*
23 *bank” means—*

1 (i) a minority depository institution
2 that is well capitalized, as defined by the
3 appropriate Federal banking agency; or

4 (ii) a depository institution designated
5 pursuant to subsection (c) that is well cap-
6 italized, as defined by the appropriate Fed-
7 eral banking agency.

8 (B) *INSURED AMOUNT.*—The term “insured
9 amount” means the amount that is the greater
10 of—

11 (i) the standard maximum deposit in-
12 surance amount (as defined in section
13 11(a)(1)(E) of the Federal Deposit Insur-
14 ance Act (12 U.S.C. 1821(a)(1)(E))); or

15 (ii) such higher amount negotiated be-
16 tween the Secretary of the Treasury and the
17 Federal Deposit Insurance Corporation
18 under which the Corporation will insure all
19 deposits of such higher amount.

20 (C) *FEDERAL BANKING AGENCIES.*—The
21 terms “appropriate Federal banking agency”
22 and “Federal banking agencies” have the mean-
23 ing given those terms, respectively, under section
24 3 of the Federal Deposit Insurance Act.

1 (D) *QUALIFYING ACCOUNT.*—*The term*
2 *“qualifying account” means any account estab-*
3 *lished in the Department of the Treasury that—*

4 (i) *is controlled by the Secretary; and*

5 (ii) *is expected to maintain a balance*
6 *greater than \$200,000,000 for the following*
7 *24-month period.*

8 (k) *STREAMLINED COMMUNITY DEVELOPMENT FINAN-*
9 *CIAL INSTITUTION APPLICATIONS AND REPORTING.*—

10 (1) *APPLICATION PROCESSES.*—*Not later than 12*
11 *months after the date of the enactment of this Act and*
12 *with respect to any person having assets under*
13 *\$3,000,000,000 that submits an application for de-*
14 *posit insurance with the Federal Deposit Insurance*
15 *Corporation that could also become a community de-*
16 *velopment financial institution, the Federal Deposit*
17 *Insurance Corporation, in consultation with the Ad-*
18 *ministrator of the Community Development Finan-*
19 *cial Institutions Fund, shall—*

20 (A) *develop systems and procedures to*
21 *record necessary information to allow the Ad-*
22 *ministrator to conduct preliminary analysis for*
23 *such person to also become a community develop-*
24 *ment financial institution; and*

1 (B) develop procedures to streamline the ap-
2 plication and annual certification processes and
3 to reduce costs for such person to become, and
4 maintain certification as, a community develop-
5 ment financial institution.

6 (2) *IMPLEMENTATION REPORT*.—Not later than
7 18 months after the date of the enactment of this Act,
8 the Federal Deposit Insurance Corporation shall sub-
9 mit to Congress a report describing the systems and
10 procedures required under paragraph (1).

11 (3) *ANNUAL REPORT*.—

12 (A) *IN GENERAL*.—Section 17(a)(1) of the
13 Federal Deposit Insurance Act (12 U.S.C.
14 1827(a)(1)) is amended—

15 (i) in subparagraph (E), by striking
16 “and” at the end;

17 (ii) by redesignating subparagraph (F)
18 as subparagraph (G);

19 (iii) by inserting after subparagraph
20 (E) the following new subparagraph:

21 “(F) applicants for deposit insurance that
22 could also become a community development fi-
23 nancial institution (as defined in section 103 of
24 the Riegle Community Development and Regu-
25 latory Improvement Act of 1994), a minority de-

1 *pository institution (as defined in section 308 of*
2 *the Financial Institutions Reform, Recovery,*
3 *and Enforcement Act of 1989), or an impact*
4 *bank (as designated pursuant to section 707(c) of*
5 *the Promoting and Advancing Communities of*
6 *Color through Inclusive Lending Act); and”.*

7 (B) *APPLICATION.—The amendment made*
8 *by this paragraph shall apply with respect to the*
9 *first report to be submitted after the date that is*
10 *2 years after the date of the enactment of this*
11 *Act.*

12 (l) *TASK FORCE ON LENDING TO SMALL BUSINESS*
13 *CONCERNS.—*

14 (1) *IN GENERAL.—Not later than 6 months after*
15 *the date of the enactment of this Act, the Adminis-*
16 *trator of the Small Business Administration shall es-*
17 *tablish a task force to examine methods for improving*
18 *relationships between the Small Business Administra-*
19 *tion and community development financial institu-*
20 *tions, minority depository institutions, and Impact*
21 *Banks to increase the volume of loans provided by*
22 *such institutions to small business concerns (as de-*
23 *finied under section 3 of the Small Business Act (15*
24 *U.S.C. 632)).*

1 “(B) *to improve capacity to provide services*
2 *to the customers of the small financial institu-*
3 *tion.*

4 “(2) *OUTREACH.—The Secretary shall hold out-*
5 *reach events to promote the participation of financial*
6 *agents, large financial institutions, and small finan-*
7 *cial institutions in the Program at least once a year.*

8 “(3) *FINANCIAL PARTNERSHIPS.—*

9 “(A) *IN GENERAL.—Any large financial in-*
10 *stitution participating in a program with the*
11 *Department of the Treasury, if not already re-*
12 *quired to include a small financial institution,*
13 *shall offer not more than 5 percent of every con-*
14 *tract under that program to a small financial*
15 *institution.*

16 “(B) *ACCEPTANCE OF RISK.—As a require-*
17 *ment of participation in a contract described*
18 *under subparagraph (A), a small financial insti-*
19 *tution shall accept the risk of the transaction*
20 *equivalent to the percentage of any fee the insti-*
21 *tution receives under the contract.*

22 “(C) *PARTNER.—A large financial institu-*
23 *tion partner may work with small financial in-*
24 *stitutions, if necessary, to train professionals to*

1 *understand any risks involved in a contract*
2 *under the Program.*

3 “(D) *INCREASED LIMIT FOR CERTAIN INSTI-*
4 *TUTIONS.—With respect to a program described*
5 *under subparagraph (A), if the Secretary of the*
6 *Treasury determines that it would be appro-*
7 *priate and would encourage capacity building,*
8 *the Secretary may alter the requirements under*
9 *subparagraph (A) to require both—*

10 “(i) *a higher percentage of the contract*
11 *be offered to a small financial institution;*
12 *and*

13 “(ii) *require the small financial insti-*
14 *tution to be a community development fi-*
15 *ancial institution or a minority deposi-*
16 *tory institution.*

17 “(4) *EXCLUSION.—The Secretary shall issue*
18 *guidance or regulations to establish a process under*
19 *which a financial agent, large financial institution,*
20 *or small financial institution may be excluded from*
21 *participation in the Program.*

22 “(5) *REPORT.—The Office of Minority and*
23 *Women Inclusion of the Department of the Treasury*
24 *shall include in the report submitted to Congress*
25 *under section 342(e) of the Dodd-Frank Wall Street*

1 *Reform and Consumer Protection Act information*
2 *pertaining to the Program, including—*

3 “(A) *the number of financial agents, large*
4 *financial institutions, and small financial insti-*
5 *tutions participating in such Program; and*

6 “(B) *the number of outreach events de-*
7 *scribed in paragraph (2) held during the year*
8 *covered by such report.*

9 “(6) *DEFINITIONS.—In this subsection:*

10 “(A) *COMMUNITY DEVELOPMENT FINANCIAL*
11 *INSTITUTION.—The term ‘community develop-*
12 *ment financial institution’ has the meaning*
13 *given that term under section 103 of the Riegle*
14 *Community Development and Regulatory Im-*
15 *provement Act of 1994 (12 U.S.C. 4702).*

16 “(B) *FINANCIAL AGENT.—The term ‘finan-*
17 *cial agent’ means any national banking associa-*
18 *tion designated by the Secretary of the Treasury*
19 *to be employed as a financial agent of the Gov-*
20 *ernment.*

21 “(C) *LARGE FINANCIAL INSTITUTION.—The*
22 *term ‘large financial institution’ means any en-*
23 *tity regulated by the Comptroller of the Cur-*
24 *rency, the Board of Governors of the Federal Re-*
25 *serve System, the Federal Deposit Insurance Cor-*

1 “(i) *MINORITY LENDING INSTITUTION SET-ASIDE IN*
 2 *PROVIDING ASSISTANCE.*—*Notwithstanding any other pro-*
 3 *vision of law, in providing any assistance, the Fund shall*
 4 *reserve 40 percent of such assistance for minority lending*
 5 *institutions.*”.

6 (2) *DEFINITIONS.*—

7 (A) *IN GENERAL.*—*Section 103 of the Com-*
 8 *munity Development Banking and Financial In-*
 9 *stitutions Act of 1994 (12 U.S.C. 4702) is*
 10 *amended by adding at the end the following:*

11 “(22) *MINORITY LENDING INSTITUTION DEFINI-*
 12 *TIONS.*—

13 “(A) *MINORITY.*—*The term ‘minority’*
 14 *means any Black American, Hispanic American,*
 15 *Asian American, Native American, Native Alas-*
 16 *kan, Native Hawaiian, or Pacific Islander.*

17 “(B) *MINORITY LENDING INSTITUTION.*—
 18 *The term ‘minority lending institution’ means a*
 19 *community development financial institution—*

20 “(i) *with respect to which a majority*
 21 *of the total number of loans and a majority*
 22 *of the value of investments of the commu-*
 23 *nity development financial institution are*
 24 *directed at minorities and other targeted*
 25 *populations;*

1 “(ii) that is a minority depository in-
2 stitution, as defined under section 308 of
3 the *Financial Institutions Reform, Recov-*
4 *ery, and Enforcement Act of 1989* (12
5 *U.S.C. 1463 note*), or otherwise considered
6 to be a minority depository institution by
7 the appropriate Federal banking agency; or

8 “(iii) that is 51 percent owned by one
9 or more socially and economically dis-
10 advantaged individuals.

11 “(C) *ADDITIONAL DEFINITIONS.*—*In this*
12 *paragraph, the terms ‘other targeted populations’*
13 *and ‘socially and economically disadvantaged*
14 *individual’ shall have the meaning given those*
15 *terms by the Administrator.’.*”

16 “(B) *TEMPORARY SAFE HARBOR FOR CER-*
17 *TAIN INSTITUTIONS.*—*A community development*
18 *financial institution that is a minority deposi-*
19 *tory institution listed in the Federal Deposit In-*
20 *surance Corporation’s Minority Depository In-*
21 *stitutions List published for the Second Quarter*
22 *2020 shall be deemed a “minority lending insti-*
23 *tution” under section 103(22) of the Community*
24 *Development Banking and Financial Institu-*
25 *tions Act of 1994 for purposes of—*

1 (i) any program carried out using ap-
2 propriations authorized for the Community
3 Development Financial Institutions Fund
4 under section 706; and

5 (ii) the Neighborhood Capital Invest-
6 ment Program established under section
7 4003(i) of the CARES Act.

8 (b) *OFFICE OF MINORITY LENDING INSTITUTIONS.*—
9 Section 104 of the Community Development Banking and
10 Financial Institutions Act of 1994 (12 U.S.C. 4703) is
11 amended by adding at the end the following:

12 “(l) *OFFICE OF MINORITY LENDING INSTITUTIONS.*—

13 “(1) *ESTABLISHMENT.*—There is established
14 within the Fund an Office of Minority Lending Insti-
15 tutions, which shall oversee assistance provided by the
16 Fund to minority lending institutions.

17 “(2) *DEPUTY DIRECTOR.*—The head of the Office
18 shall be the Deputy Director of Minority Lending In-
19 stitutions, who shall report directly to the Adminis-
20 trator of the Fund.”.

21 (c) *REPORTING ON MINORITY LENDING INSTITU-*
22 *TIONS.*—Section 117 of the Community Development Bank-
23 ing and Financial Institutions Act of 1994 (12 U.S.C.
24 4716) is amended by adding at the end the following:

1 “(g) *REPORTING ON MINORITY LENDING INSTITU-*
2 *TIONS.—Each report required under subsection (a) shall in-*
3 *clude a description of the extent to which assistance from*
4 *the Fund are provided to minority lending institutions.”.*

5 “(d) *SUBMISSION OF DATA RELATING TO DIVERSITY BY*
6 *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—*
7 *Section 104 of the Riegle Community Development and*
8 *Regulatory Improvement Act of 1994 (12 U.S.C. 4703) is*
9 *amended by adding at the end the following:*

10 “(l) *SUBMISSION OF DATA RELATING TO DIVER-*
11 *SITY.—*

12 “(1) *DEFINITIONS.—In this subsection—*

13 “(A) *the term ‘executive officer’ has the*
14 *meaning given the term in section 230.501(f) of*
15 *title 17, Code of Federal Regulations, as in effect*
16 *on the date of enactment of this subsection; and*

17 “(B) *the term ‘veteran’ has the meaning*
18 *given the term in section 101 of title 38, United*
19 *States Code.*

20 “(2) *SUBMISSION OF DISCLOSURE.—Each Fund*
21 *applicant and recipient shall provide the following:*

22 “(A) *Data, based on voluntary self-identi-*
23 *fication, on the racial, ethnic, and gender com-*
24 *position of—*

1 “(i) the board of directors of the insti-
2 tution;

3 “(ii) nominees for the board of direc-
4 tors of the institution; and

5 “(iii) the executive officers of the insti-
6 tution.

7 “(B) The status of any member of the board
8 of directors of the institution, any nominee for
9 the board of directors of the institution, or any
10 executive officer of the institution, based on vol-
11 untary self-identification, as a veteran.

12 “(C) Whether the board of directors of the
13 institution, or any committee of that board of di-
14 rectors, has, as of the date on which the institu-
15 tion makes a disclosure under this paragraph,
16 adopted any policy, plan, or strategy to promote
17 racial, ethnic, and gender diversity among—

18 “(i) the board of directors of the insti-
19 tution;

20 “(ii) nominees for the board of direc-
21 tors of the institution; or

22 “(iii) the executive officers of the insti-
23 tution.

24 “(3) ANNUAL REPORT.—Not later than 18
25 months after the date of enactment of this subsection,

1 *and annually thereafter, the Fund shall submit to the*
2 *Committee on Banking, Housing, and Urban Affairs*
3 *of the Senate and the Committee on Financial Serv-*
4 *ices of the House of Representatives, and make pub-*
5 *licly available on the website of the Fund, a report—*

6 *“(A) on the data and trends of the diversity*
7 *information made available pursuant to para-*
8 *graph (2); and*

9 *“(B) containing all administrative or legis-*
10 *lative recommendations of the Fund to enhance*
11 *the implementation of this title or to promote di-*
12 *versity and inclusion within community develop-*
13 *ment financial institutions.”.*

14 **SEC. 710. CDFI BOND GUARANTEE REFORM.**

15 *Effective October 1, 2020, section 114A(e)(2)(B) of the*
16 *Riegle Community Development and Regulatory Improve-*
17 *ment Act of 1994 (12 U.S.C. 4713a(e)(2)(B)) is amended*
18 *by striking “\$100,000,000” and inserting “\$50,000,000”.*

19 **SEC. 711. REPORTS.**

20 *(a) IN GENERAL.—The Secretary of the Treasury shall*
21 *provide to the appropriate committees of Congress—*

22 *(1) within 30 days of the end of each month*
23 *commencing with the first month in which trans-*
24 *actions are made under a program established under*
25 *this title or the amendments made by this title, a*

1 *written report describing all of the transactions made*
2 *during the reporting period pursuant to the authori-*
3 *ties granted under this title or the amendments made*
4 *by this title; and*

5 *(2) after the end of March and the end of Sep-*
6 *tember, commencing March 31, 2021, a written report*
7 *on all projected costs and liabilities, all operating ex-*
8 *penses, including compensation for financial agents,*
9 *and all transactions made by the Community Devel-*
10 *opment Financial Institutions Fund, including par-*
11 *ticipating institutions and amounts each institution*
12 *has received under each program described in para-*
13 *graph (1).*

14 *(b) BREAKDOWN OF FUNDS.—Each report required*
15 *under subsection (a) shall specify the amount of funds*
16 *under each program described under subsection (a)(1) that*
17 *went to—*

18 *(1) minority depository institutions that are de-*
19 *pository institutions;*

20 *(2) minority depository institutions that are*
21 *credit unions;*

22 *(3) minority lending institutions;*

23 *(4) community development financial institution*
24 *loan funds;*

1 (5) *community development financial institu-*
2 *tions that are depository institutions; and*

3 (6) *community development financial institu-*
4 *tions that are credit unions.*

5 (c) *DEFINITIONS.—In this section:*

6 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*
7 *The term “appropriate committees of Congress”*
8 *means the Committee on Financial Services of the*
9 *House of Representatives and the Committee on*
10 *Banking, Housing, and Urban Affairs of the Senate.*

11 (2) *COMMUNITY DEVELOPMENT FINANCIAL INSTI-*
12 *TUTION.—The term “community development finan-*
13 *cial institution” has the meaning given that term*
14 *under section 103 of the Riegle Community Develop-*
15 *ment and Regulatory Improvement Act of 1994.*

16 (3) *CREDIT UNION.—The term “credit union”*
17 *means a State credit union or a Federal credit union,*
18 *as such terms are defined, respectively, under section*
19 *101 of the Federal Credit Union Act.*

20 (4) *DEPOSITORY INSTITUTION.—The term “de-*
21 *pository institution” has the meaning given that term*
22 *under section 3 of the Federal Deposit Insurance Act.*

23 (5) *MINORITY DEPOSITORY INSTITUTION.—The*
24 *term “minority depository institution” has the mean-*
25 *ing given under section 308 of the Financial Institu-*

1 *tions Reform, Recovery, and Enforcement Act of 1989*
2 .

3 (6) *MINORITY LENDING INSTITUTION.*—*The term*
4 *“minority lending institution” has the meaning given*
5 *that term under section 103 of the Community Devel-*
6 *opment Banking and Financial Institutions Act of*
7 *1994.*

8 **SEC. 712. INSPECTOR GENERAL OVERSIGHT.**

9 (a) *IN GENERAL.*—*The Inspector General of the De-*
10 *partment of the Treasury shall conduct, supervise, and co-*
11 *ordinate audits and investigations of any program estab-*
12 *lished under this title or the amendments made by this title.*

13 (b) *REPORTING.*—*The Inspector General of the Depart-*
14 *ment of the Treasury shall issue a report not less frequently*
15 *than 2 times per year to Congress and the Secretary of the*
16 *Treasury relating to the oversight provided by the Office*
17 *of the Inspector General, including any recommendations*
18 *for improvements to the programs described in subsection*
19 (a).

20 **SEC. 713. STUDY AND REPORT WITH RESPECT TO IMPACT**
21 **OF PROGRAMS ON LOW- AND MODERATE-IN-**
22 **COME AND MINORITY COMMUNITIES.**

23 (a) *STUDY.*—*The Secretary of the Treasury shall con-*
24 *duct a study of the impact of the programs established*

1 *under this title or any amendment made by this title on*
2 *low- and moderate-income and minority communities.*

3 (b) *REPORT.*—*Not later than 18 months after the date*
4 *of enactment of this Act, the Secretary shall submit to Con-*
5 *gress a report on the results of the study conducted pursuant*
6 *to subsection (a), which shall include, to the extent possible,*
7 *the results of the study disaggregated by ethnic group.*

8 (c) *INFORMATION PROVIDED TO THE SECRETARY.*—
9 *Eligible institutions that participate in any of the pro-*
10 *grams described in subsection (a) shall provide the Sec-*
11 *retary of the Treasury with such information as the Sec-*
12 *retary may require to carry out the study required by this*
13 *section.*

14 **TITLE VIII—PROVIDING ASSIST-**
15 **ANCE FOR STATE, TERRI-**
16 **TORY, TRIBAL, AND LOCAL**
17 **GOVERNMENTS**

18 **SEC. 801. EMERGENCY RELIEF FOR STATE, TERRITORIAL,**
19 **TRIBAL, AND LOCAL GOVERNMENTS.**

20 (a) *PURCHASE OF COVID-19 RELATED MUNICIPAL*
21 *ISSUANCES.*—*Section 14(b) of the Federal Reserve Act (12*
22 *U.S.C. 355) is amended by adding at the end the following*
23 *new paragraph:*

24 “(3) *UNUSUAL AND EXIGENT CIRCUMSTANCES.*—
25 *Under unusual and exigent circumstances, to buy any*

1 *bills, notes, revenue bonds, and warrants issued by*
2 *any State, county, district, political subdivision, mu-*
3 *nicipality, or entity that is a combination of any of*
4 *the several States, the District of Columbia, or any of*
5 *the territories and possessions of the United States. In*
6 *this paragraph, the term ‘State’ means each of the*
7 *several States, the District of Columbia, each territory*
8 *and possession of the United States, and each feder-*
9 *ally recognized Indian Tribe.”.*

10 *(b) FEDERAL RESERVE AUTHORIZATION TO PUR-*
11 *CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—*

12 *Within 7 days after the date of the enactment of this sub-*
13 *section, the Board of Governors of the Federal Reserve Sys-*
14 *tem shall modify the Municipal Liquidity Facility (estab-*
15 *lished on April 9, 2020, pursuant to section 13(3) of the*
16 *Federal Reserve Act (12 U.S.C. 343(3))) to—*

17 *(1) ensure such facility is operational until Feb-*
18 *ruary 1, 2021;*

19 *(2) allow for the purchase of bills, notes, bonds,*
20 *and warrants with maximum maturity of 10 years*
21 *from the date of such purchase;*

22 *(3) ensure that any purchases made are at an*
23 *interest rate equal to the discount window primary*
24 *credit interest rate most recently published on the*
25 *Federal Reserve Statistical Release on selected interest*

1 rates (daily or weekly), commonly referred to as the
2 “H.15 release” or the “Federal funds rate”;

3 (4) ensure that an eligible issuer does not need
4 to attest to an inability to secure credit elsewhere;
5 and

6 (5) include in the list of eligible issuers for such
7 purchases—

8 (A) any of the territories and possessions of
9 the United States;

10 (B) a political subdivision of a State with
11 a population of more than 50,000 residents; and

12 (C) an entity that is a combination of any
13 of the several States, the District of Columbia, or
14 any of the territories and possessions of the
15 United States.

16 **SEC. 802. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

17 (a) *FUNDING AND ALLOCATIONS.*—

18 (1) *AUTHORIZATION OF APPROPRIATIONS.*—

19 There is authorized to be appropriated \$5,000,000,000
20 for assistance in accordance with this section under
21 the community development block grant program
22 under title I of the Housing and Community Develop-
23 ment Act of 1974 (42 U.S.C. 5301 et seq.), which
24 shall remain available until September 30, 2023.

1 (2) *ALLOCATION.*—Amounts made available pur-
2 suant to paragraph (1) shall be distributed pursuant
3 to section 106 of such Act (42 U.S.C. 5306) to grant-
4 ees and such allocations shall be made within 30 days
5 after the date of the enactment of this Act.

6 (b) *TIME LIMITATION ON EMERGENCY GRANT PAY-*
7 *MENTS.*—Paragraph (4) of section 570.207(b) of the Sec-
8 retary’s regulations (24 C.F.R. 570.207(b)(4)) shall be ap-
9 plied with respect to grants with amounts made available
10 pursuant to subsection (a), by substituting “12 consecutive
11 months” for “3 consecutive months”.

12 (c) *MATCHING OF AMOUNTS USED FOR ADMINISTRA-*
13 *TIVE COSTS.*—Any requirement for a State to match or sup-
14 plement amounts expended for program administration of
15 State grants under section 106(d) of the Housing and Com-
16 munity Development Act of 1974 (42 U.S.C. 5306(d)) shall
17 not apply with respect to amounts made available pursuant
18 to subsection (a).

19 (d) *CAPER INFORMATION.*—During the period that be-
20 gins on the date of enactment of this Act and ends on the
21 date of the termination by the Federal Emergency Manage-
22 ment Agency of the emergency declared on March 13, 2020,
23 by the President under the Robert T. Stafford Disaster Re-
24 lief and Emergency Assistance Act (42 U.S.C. 4121 et seq.)
25 relating to the Coronavirus Disease 2019 (COVID–19) pan-

1 *demic, the Secretary shall make all information included*
2 *in Consolidated Annual Performance and Evaluation Re-*
3 *ports relating to assistance made available pursuant to this*
4 *section publicly available on its website on a quarterly*
5 *basis.*

6 *(e) AUTHORITY; WAIVERS.—Any provisions of, and*
7 *waivers and alternative requirements issued by the Sec-*
8 *retary pursuant to, the heading “Department of Housing*
9 *and Urban Development—Community Planning and De-*
10 *velopment —Community Development Fund” in title XII*
11 *of division B of the CARES Act (Public Law 116–136)*
12 *shall apply with respect to amounts made available pursu-*
13 *ant to subsection (a) of this section.*

14 **TITLE IX—SUPPORT FOR A RO-**
15 **BUST GLOBAL RESPONSE TO**
16 **THE COVID–19 PANDEMIC**

17 **SEC. 901. UNITED STATES POLICIES.**

18 *(a) UNITED STATES POLICIES AT THE INTERNATIONAL*
19 *FINANCIAL INSTITUTIONS.—*

20 *(1) IN GENERAL.—The Secretary of the Treasury*
21 *shall instruct the United States Executive Director at*
22 *each international financial institution (as defined in*
23 *section 1701(c)(2) of the International Financial In-*
24 *stitutions Act (22 U.S.C. 262r(c)(2))) to use the voice*

1 *and vote of the United States at the respective institu-*
2 *tion—*

3 *(A) to seek to ensure adequate fiscal space*
4 *for world economies in response to the global*
5 *coronavirus disease 2019 (commonly referred to*
6 *as “COVID–19”) pandemic through—*

7 *(i) the suspension of all debt service*
8 *payments to the institution; and*

9 *(ii) the relaxation of fiscal targets for*
10 *any government operating a program sup-*
11 *ported by the institution, or seeking financ-*
12 *ing from the institution, in response to the*
13 *pandemic;*

14 *(B) to oppose the approval or endorsement*
15 *of any loan, grant, document, or strategy that*
16 *would lead to a decrease in health care spending*
17 *or in any other spending that would impede the*
18 *ability of any country to prevent or contain the*
19 *spread of, or treat persons who are or may be in-*
20 *fected with, the SARS–CoV–2 virus; and*

21 *(C) to require approval of all Special*
22 *Drawing Rights allocation transfers from*
23 *wealthier member countries to countries that are*
24 *emerging markets or developing countries, based*
25 *on confirmation of implementable transparency*

1 *mechanisms or protocols to ensure the allocations*
2 *are used for the public good and in response the*
3 *global pandemic.*

4 (2) *IMF ISSUANCE OF SPECIAL DRAWING*
5 *RIGHTS.—It is the policy of the United States to sup-*
6 *port the issuance of a special allocation of not less*
7 *than 2,000,000,000,000 Special Drawing Rights so*
8 *that governments are able to access additional re-*
9 *sources to finance their responses to the global*
10 *COVID–19 pandemic. The Secretary of the Treasury*
11 *shall use the voice and vote of the United States to*
12 *support the issuance, and shall instruct the United*
13 *States Executive Director at the International Mone-*
14 *tary Fund to support the same.*

15 (3) *ALLOCATION OF U.S. SPECIAL DRAWING*
16 *RIGHTS.—It is also the policy of the United States,*
17 *which has large reserves and little use for its Special*
18 *Drawing Rights, to contribute a significant portion of*
19 *its current stock, and any future allocation of, Spe-*
20 *cial Drawing Rights to the Poverty Reduction and*
21 *Growth Facility (PRGF) or a similar special purpose*
22 *vehicle at the International Monetary Fund to help*
23 *developing and low-income countries respond to the*
24 *health and economic impacts of the COVID–19 pan-*
25 *demic.*

1 (4) *IMPLEMENTATION.*—*The Secretary of the*
2 *Treasury shall instruct the United States Executive*
3 *Director at the International Monetary Fund to use*
4 *the voice and vote of the United States to actively*
5 *promote and take all appropriate actions with respect*
6 *to implementing the policy goals of the United States*
7 *set forth in paragraphs (2) and (3), and shall post the*
8 *instruction on the website of the Department of the*
9 *Treasury.*

10 (b) *UNITED STATES POLICY AT THE G20.*—*The Sec-*
11 *retary of the Treasury shall commence immediate efforts to*
12 *reach an agreement with the Group of Twenty to extend*
13 *through the end of 2021 the current moratorium on debt*
14 *service payments to official bilateral creditors by the world's*
15 *poorest countries.*

16 (c) *REPORT REQUIRED.*—*The Chairman of the Na-*
17 *tional Advisory Council on International Monetary and Fi-*
18 *nancial Policies shall include in the annual report required*
19 *by section 1701 of the International Financial Institutions*
20 *Act (22 U.S.C. 262r) a description of progress made toward*
21 *advancing the policies described in subsection (a) of this*
22 *section.*

23 (d) *TERMINATION.*—*Subsections (a) and (c) shall have*
24 *no force or effect after the earlier of—*

1 (1) *the date that is 1 year after the date of the*
2 *enactment of this Act; or*

3 (2) *the date that is 30 days after the date on*
4 *which the Secretary of the Treasury submits to the*
5 *Committee on Foreign Relations of the Senate and the*
6 *Committee on Financial Services of the House of Rep-*
7 *resentatives a report stating that the SARS-CoV-2*
8 *virus is no longer a serious threat to public health in*
9 *any part of the world.*

10 **TITLE X—PROVIDING OVER-**
11 **SIGHT AND PROTECTING TAX-**
12 **PAYERS**

13 **SEC. 1001. MANDATORY REPORTS TO CONGRESS.**

14 (a) *DISCLOSURE OF TRANSACTION REPORTS.*—Section
15 *4026(b)(1)(A)(iii) of the CARES Act (Public Law 116–136)*
16 *is amended—*

17 (1) *in subclause (IV)—*

18 (A) *by inserting “and the justification for*
19 *such exercise of authority” after “authority”;*
20 *and*

21 (B) *by striking “and” at the end;*

22 (2) *in subclause (V), by striking the period at the*
23 *end and inserting “; and”;* and

24 (3) *by adding at the end the following:*

1 “(VI) the identity of each recipi-
2 ent of a loan or loan guarantee de-
3 scribed in subclause (I);

4 “(VII) the date and amount of
5 each such loan or loan guarantee and
6 the form in which each such loan or
7 loan guarantee was provided;

8 “(VIII) the material terms of each
9 such loan or loan guarantee, includ-
10 ing—

11 “(aa) duration;

12 “(bb) collateral pledged and
13 the value thereof;

14 “(cc) all interest, fees, and
15 other revenue or items of value to
16 be received in exchange for such
17 loan or loan guarantee;

18 “(dd) any requirements im-
19 posed on the recipient with respect
20 to employee compensation, dis-
21 tribution of dividends, or any
22 other corporate decision in ex-
23 change for the assistance; and

24 “(ee) the expected costs to the
25 Federal Government with respect

1 to such loans or loan guaran-
2 tees.”.

3 (b) *REPORTS BY THE SECRETARY OF THE TREAS-*
4 *URY.—Section 4018 of the CARES Act (Public Law 116-*
5 *136) is amended by adding at the end the following:*

6 “(k) *REPORTS BY THE SECRETARY.—Not later than*
7 *7 days after the last day of each month, the Secretary shall*
8 *submit to the Special Inspector General, the Committee on*
9 *Financial Services of the House of Representatives, and the*
10 *Committee on Banking, Housing, and Urban Affairs of the*
11 *Senate a report that includes the information specified in*
12 *subparagraphs (A) through (E) of subsection (c)(1) with re-*
13 *spect to the making, purchase, management, and sale of*
14 *loans, loan guarantees, and other investments made by the*
15 *Secretary under any program established by the Secretary*
16 *under this Act.”.*

17 **SEC. 1002. DISCRETIONARY REPORTS TO CONGRESS.**

18 Section 4020(b) of the CARES Act (Public Law 116-
19 136) is amended by adding at the end the following:

20 “(3) *DISCRETIONARY REPORTS TO CONGRESS.—*
21 *In addition to the reports required under paragraph*
22 *(2), the Oversight Commission may submit other re-*
23 *ports to Congress at such time, in such manner, and*
24 *containing such information as the Oversight Com-*
25 *mission determines appropriate.”.*

1 **SEC. 1003. DEFINITION OF APPROPRIATE CONGRESSIONAL**
2 **COMMITTEES.**

3 (a) *PANDEMIC RESPONSE ACCOUNTABILITY COM-*
4 *MITTEE.*—Section 15010(a)(2) of the CARES Act (Public
5 Law 116–136) is amended—

6 (1) by redesignating subparagraphs (B) through
7 (D) as subparagraphs (D) through (F), respectively;
8 and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing:

11 “(B) the Committee on Banking, Housing,
12 and Urban Affairs of the Senate;

13 “(C) the Committee on Financial Services
14 of the House of Representatives;”.

15 (b) *OVERSIGHT AND AUDIT AUTHORITY.*—Section
16 19010(a)(1) of the CARES Act (Public Law 116–136) is
17 amended—

18 (1) by redesignating subparagraphs (B) through
19 (G) as subparagraphs (D) through (I), respectively;
20 and

21 (2) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) the Committee on Banking, Housing,
24 and Urban Affairs of the Senate;

25 “(C) the Committee on Financial Services
26 of the House of Representatives;”.

1 **SEC. 1004. ADDITIONAL REPORTING ON FUNDING FOR DI-**
2 **VERSE-OWNED BUSINESSES.**

3 *Section 15010(d)(2) of the CARES Act (Public Law*
4 *116–136) is amended—*

5 *(1) by redesignating subparagraph (C) as sub-*
6 *paragraph (D); and*

7 *(2) by inserting after subparagraph (B) the fol-*
8 *lowing:*

9 *“(C) The Committee shall submit to Congress,*
10 *including the appropriate congressional committees,*
11 *quarterly reports that include an analysis of Federal*
12 *funds provided during the pandemic that have been*
13 *used to support communities of color, including mi-*
14 *nority-owned businesses and minority depository in-*
15 *stitutions, broken down by race and ethnicity.”; and*

16 **SEC. 1005. REPORTING BY INSPECTORS GENERAL.**

17 *(a) DEFINITION OF COVERED AGENCY.—In this sec-*
18 *tion, the term “covered agency” means—*

19 *(1) the Department of the Treasury;*

20 *(2) the Federal Deposit Insurance Corporation;*

21 *(3) the Office of the Comptroller of the Currency;*

22 *(4) the Board of Governors of the Federal Re-*
23 *serve System;*

24 *(5) the National Credit Union Administration;*

25 *(6) the Bureau of Consumer Financial Protec-*
26 *tion;*

1 (7) *the Department of Housing and Urban De-*
2 *velopment;*

3 (8) *the Department of Agriculture, Rural Hous-*
4 *ing Service;*

5 (9) *the Securities and Exchange Commission;*
6 *and*

7 (10) *the Federal Housing Finance Agency.*

8 (b) *REPORT.—The Inspector General of each covered*
9 *agency shall include in each semiannual report submitted*
10 *by the Inspector General the findings of the Inspector Gen-*
11 *eral on the effectiveness of—*

12 (1) *rulemaking by the covered agency related to*
13 *COVID–19; and*

14 (2) *supervision and oversight by the covered*
15 *agency of institutions and entities that participate in*
16 *COVID–19-related relief, funding, lending, or other*
17 *programs of the covered agency.*

18 (c) *SUBMISSION.—The Inspector General of each cov-*
19 *ered agency shall submit the information required to be in-*
20 *cluded in each semiannual report under subsection (b) to—*

21 (1) *the Special Inspector General for Pandemic*
22 *Recovery appointed under section 4018 of division A*
23 *of the CARES Act (Public Law 116–136);*

1 (2) *the Pandemic Response Accountability Com-*
2 *mittee established under section 15010 of division B*
3 *of the CARES Act (Public Law 116–136); and*

4 (3) *the Congressional Oversight Commission es-*
5 *tablished under section 4020 of division A of the*
6 *CARES Act (Public Law 116–136).*

7 ***DIVISION P—ACCESS ACT***

8 ***SEC. 101. SHORT TITLE.***

9 *This Act may be cited as the “American Coronavirus/*
10 *COVID–19 Election Safety and Security Act” or the “AC-*
11 *CESS Act”.*

12 ***SEC. 102. REQUIREMENTS FOR FEDERAL ELECTION CON-*** 13 ***TINGENCY PLANS IN RESPONSE TO NATURAL*** 14 ***DISASTERS AND EMERGENCIES.***

15 (a) *IN GENERAL.*—

16 (1) *ESTABLISHMENT.*—*Not later than 90 days*
17 *after the date of the enactment of this Act, each State*
18 *and each jurisdiction in a State which is responsible*
19 *for administering elections for Federal office shall es-*
20 *tablish and make publicly available a contingency*
21 *plan to enable individuals to vote in elections for Fed-*
22 *eral office during a state of emergency, public health*
23 *emergency, or national emergency which has been de-*
24 *clared for reasons including—*

25 (A) *a natural disaster; or*

1 (B) *an infectious disease.*

2 (2) *UPDATING.—Each State and jurisdiction*
3 *shall update the contingency plan established under*
4 *this subsection not less frequently than every 5 years.*

5 (b) *REQUIREMENTS RELATING TO SAFETY.—The con-*
6 *tingency plan established under subsection (a) shall include*
7 *initiatives to provide equipment and resources needed to*
8 *protect the health and safety of poll workers and voters*
9 *when voting in person.*

10 (c) *REQUIREMENTS RELATING TO RECRUITMENT OF*
11 *POLL WORKERS.—The contingency plan established under*
12 *subsection (a) shall include initiatives by the chief State*
13 *election official and local election officials to recruit poll*
14 *workers from resilient or unaffected populations, which*
15 *may include—*

16 (1) *employees of other State and local govern-*
17 *ment offices; and*

18 (2) *in the case in which an infectious disease*
19 *poses significant increased health risks to elderly in-*
20 *dividuals, students of secondary schools and institu-*
21 *tions of higher education in the State.*

22 (d) *ENFORCEMENT.—*

23 (1) *ATTORNEY GENERAL.—The Attorney General*
24 *may bring a civil action against any State or juris-*
25 *diction in an appropriate United States District*

1 *Court for such declaratory and injunctive relief (in-*
2 *cluding a temporary restraining order, a permanent*
3 *or temporary injunction, or other order) as may be*
4 *necessary to carry out the requirements of this sec-*
5 *tion.*

6 (2) *PRIVATE RIGHT OF ACTION.—*

7 (A) *IN GENERAL.—In the case of a violation*
8 *of this section, any person who is aggrieved by*
9 *such violation may provide written notice of the*
10 *violation to the chief election official of the State*
11 *involved.*

12 (B) *RELIEF.—If the violation is not cor-*
13 *rected within 20 days after receipt of a notice*
14 *under subparagraph (A), or within 5 days after*
15 *receipt of the notice if the violation occurred*
16 *within 120 days before the date of an election for*
17 *Federal office, the aggrieved person may, in a*
18 *civil action, obtain declaratory or injunctive re-*
19 *lief with respect to the violation.*

20 (C) *SPECIAL RULE.—If the violation oc-*
21 *curred within 5 days before the date of an elec-*
22 *tion for Federal office, the aggrieved person need*
23 *not provide notice to the chief election official of*
24 *the State involved under subparagraph (A) be-*

1 *fore bringing a civil action under subparagraph*
2 *(B).*

3 *(e) DEFINITIONS.—*

4 *(1) ELECTION FOR FEDERAL OFFICE.—For pur-*
5 *poses of this section, the term “election for Federal of-*
6 *fice” means a general, special, primary, or runoff*
7 *election for the office of President or Vice President,*
8 *or of Senator or Representative in, or Delegate or*
9 *Resident Commissioner to, the Congress.*

10 *(2) STATE.—For purposes of this section, the*
11 *term “State” includes the District of Columbia, the*
12 *Commonwealth of Puerto Rico, Guam, American*
13 *Samoa, the United States Virgin Islands, and the*
14 *Commonwealth of the Northern Mariana Islands.*

15 *(f) EFFECTIVE DATE.—This section shall apply with*
16 *respect to the regularly scheduled general election for Fed-*
17 *eral office held in November 2020 and each succeeding elec-*
18 *tion for Federal office.*

19 **SEC. 103. EARLY VOTING AND VOTING BY MAIL.**

20 *(a) REQUIREMENTS.—Title III of the Help America*
21 *Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended by*
22 *adding at the end the following new subtitle:*

1 **“Subtitle C—Other Requirements**

2 **“SEC. 321. EARLY VOTING.**

3 “(a) *REQUIRING ALLOWING VOTING PRIOR TO DATE*
4 *OF ELECTION.—*

5 “(1) *IN GENERAL.—Each State shall allow indi-*
6 *viduals to vote in an election for Federal office during*
7 *an early voting period which occurs prior to the date*
8 *of the election, in the same manner as voting is al-*
9 *lowed on such date.*

10 “(2) *LENGTH OF PERIOD.—The early voting pe-*
11 *riod required under this subsection with respect to an*
12 *election shall consist of a period of consecutive days*
13 *(including weekends) which begins on the 15th day*
14 *before the date of the election (or, at the option of the*
15 *State, on a day prior to the 15th day before the date*
16 *of the election) and ends on the date of the election.*

17 “(b) *MINIMUM EARLY VOTING REQUIREMENTS.—Each*
18 *polling place which allows voting during an early voting*
19 *period under subsection (a) shall—*

20 “(1) *allow such voting for no less than 10 hours*
21 *on each day;*

22 “(2) *have uniform hours each day for which such*
23 *voting occurs; and*

1 “(3) *allow such voting to be held for some period*
2 *of time prior to 9:00 a.m (local time) and some pe-*
3 *riod of time after 5:00 p.m. (local time).*

4 “(c) *LOCATION OF POLLING PLACES.—*

5 “(1) *PROXIMITY TO PUBLIC TRANSPORTATION.—*
6 *To the greatest extent practicable, a State shall ensure*
7 *that each polling place which allows voting during an*
8 *early voting period under subsection (a) is located*
9 *within walking distance of a stop on a public trans-*
10 *portation route.*

11 “(2) *AVAILABILITY IN RURAL AREAS.—The State*
12 *shall ensure that polling places which allow voting*
13 *during an early voting period under subsection (a)*
14 *will be located in rural areas of the State, and shall*
15 *ensure that such polling places are located in commu-*
16 *nities which will provide the greatest opportunity for*
17 *residents of rural areas to vote during the early vot-*
18 *ing period.*

19 “(d) *STANDARDS.—*

20 “(1) *IN GENERAL.—The Commission shall issue*
21 *standards for the administration of voting prior to*
22 *the day scheduled for a Federal election. Such stand-*
23 *ards shall include the nondiscriminatory geographic*
24 *placement of polling places at which such voting oc-*
25 *curs.*

1 “(1) *IN GENERAL.*—*If an individual in a State*
2 *is eligible to cast a vote in an election for Federal of-*
3 *fice, the State may not impose any additional condi-*
4 *tions or requirements on the eligibility of the indi-*
5 *vidual to cast the vote in such election by absentee*
6 *ballot by mail.*

7 “(2) *ADMINISTRATION OF VOTING BY MAIL.*—

8 “(A) *PROHIBITING IDENTIFICATION RE-*
9 *QUIREMENT AS CONDITION OF OBTAINING BAL-*
10 *LOT.*—*A State may not require an individual to*
11 *provide any form of identification as a condition*
12 *of obtaining an absentee ballot, except that noth-*
13 *ing in this paragraph may be construed to pre-*
14 *vent a State from requiring a signature of the*
15 *individual or similar affirmation as a condition*
16 *of obtaining an absentee ballot.*

17 “(B) *PROHIBITING REQUIREMENT TO PRO-*
18 *VIDE NOTARIZATION OR WITNESS SIGNATURE AS*
19 *CONDITION OF OBTAINING OR CASTING BAL-*
20 *LOT.*—*A State may not require notarization or*
21 *witness signature or other formal authentication*
22 *(other than voter attestation) as a condition of*
23 *obtaining or casting an absentee ballot.*

24 “(C) *DEADLINE FOR RETURNING BALLOT.*—
25 *A State may impose a deadline for requesting*

1 *the absentee ballot and related voting materials*
2 *from the appropriate State or local election offi-*
3 *cial and for returning the ballot to the appro-*
4 *priate State or local election official.*

5 “(3) *APPLICATION FOR ALL FUTURE ELEC-*
6 *TIONS.—At the option of an individual, a State shall*
7 *treat the individual’s application to vote by absentee*
8 *ballot by mail in an election for Federal office as an*
9 *application to vote by absentee ballot by mail in all*
10 *subsequent Federal elections held in the State.*

11 “(b) *DUE PROCESS REQUIREMENTS FOR STATES RE-*
12 *QUIRING SIGNATURE VERIFICATION.—*

13 “(1) *REQUIREMENT.—*

14 “(A) *IN GENERAL.—A State may not im-*
15 *pose a signature verification requirement as a*
16 *condition of accepting and counting an absentee*
17 *ballot submitted by any individual with respect*
18 *to an election for Federal office unless the State*
19 *meets the due process requirements described in*
20 *paragraph (2).*

21 “(B) *SIGNATURE VERIFICATION REQUIRE-*
22 *MENT DESCRIBED.—In this subsection, a ‘signa-*
23 *ture verification requirement’ is a requirement*
24 *that an election official verify the identification*
25 *of an individual by comparing the individual’s*

1 *signature on the absentee ballot with the individ-*
2 *ual's signature on the official list of registered*
3 *voters in the State or another official record or*
4 *other document used by the State to verify the*
5 *signatures of voters.*

6 “(2) *DUE PROCESS REQUIREMENTS.*—

7 “(A) *NOTICE AND OPPORTUNITY TO CURE*
8 *DISCREPANCY.*—*If an individual submits an ab-*
9 *sentee ballot and the appropriate State or local*
10 *election official determines that a discrepancy*
11 *exists between the signature on such ballot and*
12 *the signature of such individual on the official*
13 *list of registered voters in the State or other offi-*
14 *cial record or document used by the State to*
15 *verify the signatures of voters, such election offi-*
16 *cial, prior to making a final determination as to*
17 *the validity of such ballot, shall—*

18 “(i) *make a good faith effort to imme-*
19 *diately notify the individual by mail, tele-*
20 *phone, and (if available) electronic mail*
21 *that—*

22 “(I) *a discrepancy exists between*
23 *the signature on such ballot and the*
24 *signature of the individual on the offi-*

1 *cial list of registered voters in the*
2 *State, and*

3 “(II) if such discrepancy is not
4 cured prior to the expiration of the 10-
5 day period which begins on the date
6 the official notifies the individual of
7 the discrepancy, such ballot will not be
8 counted; and

9 “(ii) cure such discrepancy and count
10 the ballot if, prior to the expiration of the
11 10-day period described in clause (i)(II),
12 the individual provides the official with in-
13 formation to cure such discrepancy, either
14 in person, by telephone, or by electronic
15 methods.

16 “(B) NOTICE AND OPPORTUNITY TO PRO-
17 VIDE MISSING SIGNATURE.—If an individual
18 submits an absentee ballot without a signature,
19 the appropriate State or local election official,
20 prior to making a final determination as to the
21 validity of the ballot, shall—

22 “(i) make a good faith effort to imme-
23 diately notify the individual by mail, tele-
24 phone, and (if available) electronic mail
25 that—

1 “(I) the ballot did not include a
2 signature, and

3 “(II) if the individual does not
4 provide the missing signature prior to
5 the expiration of the 10-day period
6 which begins on the date the official
7 notifies the individual that the ballot
8 did not include a signature, such ballot
9 will not be counted; and

10 “(i) count the ballot if, prior to the ex-
11 piration of the 10-day period described in
12 clause (i)(II), the individual provides the
13 official with the missing signature on a
14 form proscribed by the State.

15 “(C) OTHER REQUIREMENTS.—An election
16 official may not make a determination that a
17 discrepancy exists between the signature on an
18 absentee ballot and the signature of the indi-
19 vidual who submits the ballot on the official list
20 of registered voters in the State or other official
21 record or other document used by the State to
22 verify the signatures of voters unless—

23 “(i) at least 2 election officials make
24 the determination; and

1 “(ii) each official who makes the deter-
2 mination has received training in proce-
3 dures used to verify signatures.

4 “(3) *REPORT.*—

5 “(A) *IN GENERAL.*—Not later than 120
6 days after the end of a Federal election cycle,
7 each chief State election official shall submit to
8 Congress a report containing the following infor-
9 mation for the applicable Federal election cycle
10 in the State:

11 “(i) *The number of ballots invalidated*
12 *due to a discrepancy under this subsection.*

13 “(ii) *Description of attempts to contact*
14 *voters to provide notice as required by this*
15 *subsection.*

16 “(iii) *Description of the cure process*
17 *developed by such State pursuant to this*
18 *subsection, including the number of ballots*
19 *determined valid as a result of such process.*

20 “(B) *FEDERAL ELECTION CYCLE DE-*
21 *FINED.*—For purposes of this subsection, the
22 term ‘Federal election cycle’ means the period be-
23 ginning on January 1 of any odd numbered year
24 and ending on December 31 of the following
25 year.

1 “(c) *METHODS AND TIMING FOR TRANSMISSION OF*
2 *BALLOTS AND BALLOTING MATERIALS TO VOTERS.*—

3 “(1) *METHOD FOR REQUESTING BALLOT.*—*In*
4 *addition to such other methods as the State may es-*
5 *tablish for an individual to request an absentee ballot,*
6 *the State shall permit an individual to submit a re-*
7 *quest for an absentee ballot online. The State shall be*
8 *considered to meet the requirements of this paragraph*
9 *if the website of the appropriate State or local election*
10 *official allows an absentee ballot request application*
11 *to be completed and submitted online and if the*
12 *website permits the individual—*

13 “(A) *to print the application so that the in-*
14 *dividual may complete the application and re-*
15 *turn it to the official; or*

16 “(B) *request that a paper copy of the appli-*
17 *cation be transmitted to the individual by mail*
18 *or electronic mail so that the individual may*
19 *complete the application and return it to the of-*
20 *ficial.*

21 “(2) *ENSURING DELIVERY PRIOR TO ELEC-*
22 *TION.*—*If an individual requests to vote by absentee*
23 *ballot in an election for Federal office, the appro-*
24 *priate State or local election official shall ensure that*
25 *the ballot and relating voting materials are received*

1 *by the individual prior to the date of the election so*
2 *long as the individual's request is received by the offi-*
3 *cial not later than 5 days (excluding Saturdays, Sun-*
4 *days, and legal public holidays) before the date of the*
5 *election, except that nothing in this paragraph shall*
6 *preclude a State or local jurisdiction from allowing*
7 *for the acceptance and processing of ballot requests*
8 *submitted or received after such required period.*

9 “(d) *ACCESSIBILITY FOR INDIVIDUALS WITH DISABIL-*
10 *ITIES.—The State shall ensure that all absentee ballots and*
11 *related voting materials in elections for Federal office are*
12 *accessible to individuals with disabilities in a manner that*
13 *provides the same opportunity for access and participation*
14 *(including with privacy and independence) as for other vot-*
15 *ers.*

16 “(e) *UNIFORM DEADLINE FOR ACCEPTANCE OF*
17 *MAILED BALLOTS.—*

18 “(1) *IN GENERAL.—A State may not refuse to*
19 *accept or process a ballot submitted by an individual*
20 *by mail with respect to an election for Federal office*
21 *in the State on the grounds that the individual did*
22 *not meet a deadline for returning the ballot to the ap-*
23 *propriate State or local election official if—*

24 “(A) *the ballot is postmarked, signed, or*
25 *otherwise indicated by the United States Postal*

1 *Service to have been mailed on or before the date*
2 *of the election; and*

3 “(B) *the ballot is received by the appro-*
4 *propriate election official prior to the expiration of*
5 *the 10-day period which begins on the date of the*
6 *election.*

7 “(2) *RULE OF CONSTRUCTION.—Nothing in this*
8 *subsection shall be construed to prohibit a State from*
9 *having a law that allows for counting of ballots in an*
10 *election for Federal office that are received through*
11 *the mail after the date that is 10 days after the date*
12 *of the election.*

13 “(f) *ALTERNATIVE METHODS OF RETURNING BAL-*
14 *LOTS.—*

15 “(1) *IN GENERAL.—In addition to permitting an*
16 *individual to whom a ballot in an election was pro-*
17 *vided under this section to return the ballot to an*
18 *election official by mail, the State shall permit the in-*
19 *dividual to cast the ballot by delivering the ballot at*
20 *such times and to such locations as the State may es-*
21 *tablish, including—*

22 “(A) *permitting the individual to deliver*
23 *the ballot to a polling place on any date on*
24 *which voting in the election is held at the polling*
25 *place; and*

1 “(B) *permitting the individual to deliver*
2 *the ballot to a designated ballot drop-off location.*

3 “(2) *PERMITTING VOTERS TO DESIGNATE OTHER*
4 *PERSON TO RETURN BALLOT.—The State—*

5 “(A) *shall permit a voter to designate any*
6 *person to return a voted and sealed absentee bal-*
7 *lot to the post office, a ballot drop-off location,*
8 *tribally designated building, or election office so*
9 *long as the person designated to return the ballot*
10 *does not receive any form of compensation based*
11 *on the number of ballots that the person has re-*
12 *turned and no individual, group, or organiza-*
13 *tion provides compensation on this basis; and*

14 “(B) *may not put any limit on how many*
15 *voted and sealed absentee ballots any designated*
16 *person can return to the post office, a ballot drop*
17 *off location, tribally designated building, or elec-*
18 *tion office.*

19 “(g) *BALLOT PROCESSING AND SCANNING REQUIRE-*
20 *MENTS.—*

21 “(1) *IN GENERAL.—The State shall begin proc-*
22 *essing and scanning ballots cast by mail for tabula-*
23 *tion at least 14 days prior to the date of the election*
24 *involved.*

1 “(2) *LIMITATION.*—*Nothing in this subsection*
2 *shall be construed to permit a State to tabulate bal-*
3 *lots in an election before the closing of the polls on*
4 *the date of the election.*

5 “(h) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
6 *tion shall be construed to affect the authority of States to*
7 *conduct elections for Federal office through the use of polling*
8 *places at which individuals cast ballots.*

9 “(i) *NO EFFECT ON BALLOTS SUBMITTED BY ABSENT*
10 *MILITARY AND OVERSEAS VOTERS.*—*Nothing in this sec-*
11 *tion may be construed to affect the treatment of any ballot*
12 *submitted by an individual who is entitled to vote by absen-*
13 *tee ballot under the Uniformed and Overseas Citizens Ab-*
14 *sentee Voting Act (52 U.S.C. 20301 et seq.).*

15 “(j) *EFFECTIVE DATE.*—*This section shall apply with*
16 *respect to the regularly scheduled general election for Fed-*
17 *eral office held in November 2020 and each succeeding elec-*
18 *tion for Federal office.*

19 “**SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

20 “(a) *REQUIREMENT.*—*Each State shall carry out a*
21 *program to track and confirm the receipt of absentee ballots*
22 *in an election for Federal office under which the State or*
23 *local election official responsible for the receipt of voted ab-*
24 *sentee ballots in the election carries out procedures to track*
25 *and confirm the receipt of such ballots, and makes informa-*

1 *tion on the receipt of such ballots available to the individual*
2 *who cast the ballot, by means of online access using the*
3 *Internet site of the official's office.*

4 “(b) *INFORMATION ON WHETHER VOTE WAS COUNT-*
5 *ED.—The information referred to under subsection (a) with*
6 *respect to the receipt of an absentee ballot shall include in-*
7 *formation regarding whether the vote cast on the ballot was*
8 *counted, and, in the case of a vote which was not counted,*
9 *the reasons therefor.*

10 “(c) *USE OF TOLL-FREE TELEPHONE NUMBER BY OF-*
11 *FICIALS WITHOUT INTERNET SITE.—A program established*
12 *by a State or local election official whose office does not*
13 *have an Internet site may meet the requirements of sub-*
14 *section (a) if the official has established a toll-free telephone*
15 *number that may be used by an individual who cast an*
16 *absentee ballot to obtain the information on the receipt of*
17 *the voted absentee ballot as provided under such subsection.*

18 “(d) *EFFECTIVE DATE.—This section shall begin to*
19 *apply on that date that is 90 days after the date of the*
20 *enactment of this section.*

21 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

22 “(a) *STATEWIDE COUNTING OF PROVISIONAL BAL-*
23 *LOTS.—*

24 “(1) *IN GENERAL.—For purposes of section*
25 *302(a)(4), notwithstanding the precinct or polling*

1 *place at which a provisional ballot is cast within the*
2 *State, the appropriate election official shall count*
3 *each vote on such ballot for each election in which the*
4 *individual who cast such ballot is eligible to vote.*

5 “(2) *EFFECTIVE DATE.*—*This subsection shall*
6 *apply with respect to the regularly scheduled general*
7 *election for Federal office held in November 2020 and*
8 *each succeeding election for Federal office.*

9 “(b) *UNIFORM AND NONDISCRIMINATORY STAND-*
10 *ARDS.*—

11 “(1) *IN GENERAL.*—*Consistent with the require-*
12 *ments of section 302, each State shall establish uni-*
13 *form and nondiscriminatory standards for the*
14 *issuance, handling, and counting of provisional bal-*
15 *lots.*

16 “(2) *EFFECTIVE DATE.*—*This subsection shall*
17 *apply with respect to the regularly scheduled general*
18 *election for Federal office held in November 2020 and*
19 *each succeeding election for Federal office.*

20 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
21 **MARIANA ISLANDS.**

22 “*In this subtitle, the term ‘State’ includes the Com-*
23 *monwealth of the Northern Mariana Islands.*

1 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING ABIL-**
2 **ITY OF INDIVIDUALS TO VOTE.**

3 *“The requirements of this subtitle are minimum re-*
4 *quirements, and nothing in this subtitle may be construed*
5 *to prevent a State from establishing standards which pro-*
6 *mote the ability of individuals to vote in elections for Fed-*
7 *eral office, so long as such standards are not inconsistent*
8 *with the requirements of this subtitle or other Federal*
9 *laws.”.*

10 (b) *CONFORMING AMENDMENT RELATING TO*
11 *ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSIST-*
12 *ANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C.*
13 *21101(b)) is amended—*

14 (1) *by striking “and” at the end of paragraph*

15 (2);

16 (2) *by striking the period at the end of para-*
17 *graph (3) and inserting “; and”; and*

18 (3) *by adding at the end the following new para-*
19 *graph:*

20 *“(4) in the case of the recommendations with re-*
21 *spect to subtitle C, June 30, 2020.”.*

22 (c) *ENFORCEMENT.—*

23 (1) *COVERAGE UNDER EXISTING ENFORCEMENT*
24 *PROVISIONS.—Section 401 of such Act (52 U.S.C.*
25 *21111) is amended by striking “and 303” and insert-*
26 *ing “303, and subtitle C of title III”.*

1 (2) *AVAILABILITY OF PRIVATE RIGHT OF AC-*
2 *TION.—Title IV of such (52 U.S.C. 21111 et seq.) is*
3 *amended by adding at the end the following new sec-*
4 *tion:*

5 **“SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF**
6 **CERTAIN REQUIREMENTS.**

7 “(a) *IN GENERAL.—In the case of a violation of sub-*
8 *title C of title III, section 402 shall not apply and any*
9 *person who is aggrieved by such violation may provide*
10 *written notice of the violation to the chief election official*
11 *of the State involved.*

12 “(b) *RELIEF.—If the violation is not corrected within*
13 *20 days after receipt of a notice under subsection (a), or*
14 *within 5 days after receipt of the notice if the violation oc-*
15 *curred within 120 days before the date of an election for*
16 *Federal office, the aggrieved person may, in a civil action,*
17 *obtain declaratory or injunctive relief with respect to the*
18 *violation.*

19 “(c) *SPECIAL RULE.—If the violation occurred within*
20 *5 days before the date of an election for Federal office, the*
21 *aggrieved person need not provide notice to the chief election*
22 *official of the State involved under subsection (a) before*
23 *bringing a civil action under subsection (b).”.*

24 “(d) *CLERICAL AMENDMENT.—The table of contents of*
25 *such Act is amended—*

1 (1) *by adding at the end of the items relating to*
2 *title III the following:*

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.

“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;
and

3 (2) *by adding at the end of the items relating to*
4 *title IV the following new item:*

“Sec. 403. Private right of action for violations of certain requirements.”.

5 **SEC. 104. PERMITTING USE OF SWORN WRITTEN STATE-**
6 **MENT TO MEET IDENTIFICATION REQUIRE-**
7 **MENTS FOR VOTING.**

8 (a) *PERMITTING USE OF STATEMENT.—Subtitle C of*
9 *title III of the Help America Vote Act of 2002, as added*
10 *by section 160003(a), is amended—*

11 (1) *by redesignating sections 325 and 326 as sec-*
12 *tions 326 and 327; and*

13 (2) *by inserting after section 324 the following*
14 *new section:*

15 **“SEC. 325. PERMITTING USE OF SWORN WRITTEN STATE-**
16 **MENT TO MEET IDENTIFICATION REQUIRE-**
17 **MENTS.**

18 “(a) *USE OF STATEMENT.—*

19 “(1) *IN GENERAL.—Except as provided in sub-*
20 *section (c), if a State has in effect a requirement that*

1 *an individual present identification as a condition of*
2 *casting a ballot in an election for Federal office, the*
3 *State shall permit the individual to meet the require-*
4 *ment—*

5 *“(A) in the case of an individual who de-*
6 *sires to vote in person, by presenting the appro-*
7 *priate State or local election official with a*
8 *sworn written statement, signed by the indi-*
9 *vidual under penalty of perjury, attesting to the*
10 *individual’s identity and attesting that the indi-*
11 *vidual is eligible to vote in the election; or*

12 *“(B) in the case of an individual who de-*
13 *sires to vote by mail, by submitting with the bal-*
14 *lot the statement described in subparagraph (A).*

15 *“(2) DEVELOPMENT OF PRE-PRINTED VERSION*
16 *OF STATEMENT BY COMMISSION.—The Commission*
17 *shall develop a pre-printed version of the statement*
18 *described in paragraph (1)(A) which includes a blank*
19 *space for an individual to provide a name and signa-*
20 *ture for use by election officials in States which are*
21 *subject to paragraph (1).*

22 *“(3) PROVIDING PRE-PRINTED COPY OF STATE-*
23 *MENT.—A State which is subject to paragraph (1)*
24 *shall—*

1 “(A) make copies of the pre-printed version
2 of the statement described in paragraph (1)(A)
3 which is prepared by the Commission available
4 at polling places for election officials to dis-
5 tribute to individuals who desire to vote in per-
6 son; and

7 “(B) include a copy of such pre-printed
8 version of the statement with each blank absentee
9 or other ballot transmitted to an individual who
10 desires to vote by mail.

11 “(b) *REQUIRING USE OF BALLOT IN SAME MANNER*
12 *AS INDIVIDUALS PRESENTING IDENTIFICATION.*—An indi-
13 *vidual who presents or submits a sworn written statement*
14 *in accordance with subsection (a)(1) shall be permitted to*
15 *cast a ballot in the election in the same manner as an indi-*
16 *vidual who presents identification.*

17 “(c) *EXCEPTION FOR FIRST-TIME VOTERS REG-*
18 *ISTERING BY MAIL.*—Subsections (a) and (b) do not apply
19 *with respect to any individual described in paragraph (1)*
20 *of section 303(b) who is required to meet the requirements*
21 *of paragraph (2) of such section.”.*

22 “(b) *REQUIRING STATES TO INCLUDE INFORMATION ON*
23 *USE OF SWORN WRITTEN STATEMENT IN VOTING INFORMA-*
24 *TION MATERIAL POSTED AT POLLING PLACES.*—Section

1 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)), is amend-
2 ed—

3 (1) by striking “and” at the end of subpara-
4 graph (E);

5 (2) by striking the period at the end of subpara-
6 graph (F) and inserting “; and”; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(G) in the case of a State that has in effect
10 a requirement that an individual present identi-
11 fication as a condition of casting a ballot in an
12 election for Federal office, information on how
13 an individual may meet such requirement by
14 presenting a sworn written statement in accord-
15 ance with section 303A.”.

16 (c) CLERICAL AMENDMENT.—The table of contents of
17 such Act, as amended by section 160003, is amended—

18 (1) by redesignating the items relating to sec-
19 tions 325 and 326 as relating to sections 326 and
20 327; and

21 (2) by inserting after the item relating to section
22 324 the following new item:

“Sec. 325. Permitting use of sworn written statement to meet identification re-
quirements.”.

1 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall apply with respect to elections occurring on*
 3 *or after the date of the enactment of this Act.*

4 **SEC. 105. VOTING MATERIALS POSTAGE.**

5 (a) *PREPAYMENT OF POSTAGE ON RETURN ENVE-*
 6 *LOPES.*—

7 (1) *IN GENERAL.*—*Subtitle C of title III of the*
 8 *Help America Vote Act of 2002, as added by section*
 9 *160003(a) and as amended by section 160004(a), is*
 10 *further amended—*

11 (A) *by redesignating sections 326 and 327*
 12 *as sections 327 and 328; and*

13 (B) *by inserting after section 325 the fol-*
 14 *lowing new section:*

15 **“SEC. 326. PREPAYMENT OF POSTAGE ON RETURN ENVE-**
 16 **LOPES FOR VOTING MATERIALS.**

17 “(a) *PROVISION OF RETURN ENVELOPES.*—*The appro-*
 18 *priate State or local election official shall provide a self-*
 19 *sealing return envelope with—*

20 “(1) *any voter registration application form*
 21 *transmitted to a registrant by mail;*

22 “(2) *any application for an absentee ballot*
 23 *transmitted to an applicant by mail; and*

24 “(3) *any blank absentee ballot transmitted to a*
 25 *voter by mail.*

1 “(b) *PREPAYMENT OF POSTAGE.*—Consistent with reg-
2 *ulations of the United States Postal Service, the State or*
3 *the unit of local government responsible for the administra-*
4 *tion of the election involved shall prepay the postage on any*
5 *envelope provided under subsection (a).*

6 “(c) *NO EFFECT ON BALLOTS OR BALLOTING MATE-*
7 *RIALS TRANSMITTED TO ABSENT MILITARY AND OVERSEAS*
8 *VOTERS.*—Nothing in this section may be construed to af-
9 *fect the treatment of any ballot or balloting materials trans-*
10 *mitted to an individual who is entitled to vote by absentee*
11 *ballot under the Uniformed and Overseas Citizens Absentee*
12 *Voting Act (52 U.S.C. 20301 et seq.).*

13 “(d) *EFFECTIVE DATE.*—This section shall take effect
14 *on the date that is 90 days after the date of the enactment*
15 *of this section, except that—*

16 “(1) *State and local jurisdictions shall make ar-*
17 *rangements with the United States Postal Service to*
18 *pay for all postage costs that such jurisdictions would*
19 *be required to pay under this section if this section*
20 *took effect on the date of enactment; and*

21 “(2) *States shall take all reasonable efforts to*
22 *provide self-sealing return envelopes as provided in*
23 *this section.*”.

1 (2) *CLERICAL AMENDMENT.*—*The table of con-*
2 *tents of such Act, as amended by section 160004(c),*
3 *is amended—*

4 (A) *by redesignating the items relating to*
5 *sections 326 and 327 as relating to sections 327*
6 *and 328; and*

7 (B) *by inserting after the item relating to*
8 *section 325 the following new item:*

“Sec. 326. Prepayment of postage on return envelopes for voting materials”.

9 (b) *ROLE OF UNITED STATES POSTAL SERVICE.*—

10 (1) *IN GENERAL.*—*Chapter 34 of title 39, United*
11 *States Code, is amended by adding after section 3406*
12 *the following:*

13 **“§ 3407. Voting materials**

14 “(a) *Any voter registration application, absentee ballot*
15 *application, or absentee ballot with respect to any election*
16 *for Federal office shall be carried expeditiously, with post-*
17 *age on the return envelope prepaid by the State or unit*
18 *of local government responsible for the administration of*
19 *the election.*

20 “(b) *As used in this section—*

21 “(1) *the term ‘absentee ballot’ means any ballot*
22 *transmitted by a voter by mail in an election for Fed-*
23 *eral office, but does not include any ballot covered by*
24 *section 3406; and*

1 “(1) *STATE RESPONSIBILITIES.*—Subject to the
2 provisions of this section, each State shall transmit
3 blank absentee ballots electronically to qualified indi-
4 viduals who request such ballots in the same manner
5 and under the same terms and conditions under
6 which the State transmits such ballots electronically
7 to absent uniformed services voters and overseas voters
8 under the provisions of section 102(f), except that no
9 such marked ballots shall be returned electronically.

10 “(2) *REQUIREMENTS.*—Any blank absentee ballot
11 transmitted to a qualified individual under this sec-
12 tion—

13 “(A) must comply with the language re-
14 quirements under section 203 of the Voting
15 Rights Act of 1965 (52 U.S.C. 10503); and

16 “(B) must comply with the disability re-
17 quirements under section 508 of the Rehabilita-
18 tion Act of 1973 (29 U.S.C. 794d).

19 “(3) *AFFIRMATION.*—The State may not trans-
20 mit a ballot to a qualified individual under this sec-
21 tion unless the individual provides the State with a
22 signed affirmation in electronic form that—

23 “(A) the individual is a qualified indi-
24 vidual (as defined in subsection (b));

1 “(B) *the individual has not and will not*
2 *cast another ballot with respect to the election;*
3 *and*

4 “(C) *acknowledges that a material*
5 *misstatement of fact in completing the ballot*
6 *may constitute grounds for conviction of perjury.*

7 “(4) *CLARIFICATION REGARDING FREE POST-*
8 *AGE.—An absentee ballot obtained by a qualified in-*
9 *dividual under this section shall be considered bal-*
10 *lotting materials as defined in section 107 for pur-*
11 *poses of section 3406 of title 39, United States Code.*

12 “(5) *PROHIBITING REFUSAL TO ACCEPT BALLOT*
13 *FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A*
14 *State shall not refuse to accept and process any other-*
15 *wise valid blank absentee ballot which was trans-*
16 *mitted to a qualified individual under this section*
17 *and used by the individual to vote in the election sole-*
18 *ly on the basis of the following:*

19 “(A) *Notarization or witness signature re-*
20 *quirements.*

21 “(B) *Restrictions on paper type, including*
22 *weight and size.*

23 “(C) *Restrictions on envelope type, includ-*
24 *ing weight and size.*

25 “(b) *QUALIFIED INDIVIDUAL.—*

1 “(1) *IN GENERAL.*—*In this section, except as*
2 *provided in paragraph (2), the term ‘qualified indi-*
3 *vidual’ means any individual who is otherwise quali-*
4 *fied to vote in an election for Federal office and who*
5 *meets any of the following requirements:*

6 “(A) *The individual—*

7 “(i) *has previously requested an absen-*
8 *tee ballot from the State or jurisdiction in*
9 *which such individual is registered to vote;*
10 *and*

11 “(ii) *has not received such absentee*
12 *ballot at least 2 days before the date of the*
13 *election.*

14 “(B) *The individual—*

15 “(i) *resides in an area of a State with*
16 *respect to which an emergency or public*
17 *health emergency has been declared by the*
18 *chief executive of the State or of the area in-*
19 *volved within 5 days of the date of the elec-*
20 *tion under the laws of the State due to rea-*
21 *sons including a natural disaster, including*
22 *severe weather, or an infectious disease; and*

23 “(ii) *has not previously requested an*
24 *absentee ballot.*

1 “(C) *The individual expects to be absent*
2 *from such individual’s jurisdiction on the date of*
3 *the election due to professional or volunteer serv-*
4 *ice in response to a natural disaster or emer-*
5 *gency as described in subparagraph (B).*

6 “(D) *The individual is hospitalized or ex-*
7 *pects to be hospitalized on the date of the elec-*
8 *tion.*

9 “(E) *The individual is an individual with*
10 *a disability (as defined in section 3 of the Amer-*
11 *icans with Disabilities Act of 1990 (42 U.S.C.*
12 *12102)) and resides in a State which does not*
13 *offer voters the ability to use secure and acces-*
14 *sible remote ballot marking. For purposes of this*
15 *subparagraph, a State shall permit an indi-*
16 *vidual to self-certify that the individual is an in-*
17 *dividual with a disability.*

18 “(2) *EXCLUSION OF ABSENT UNIFORMED SERV-*
19 *ICES AND OVERSEAS VOTERS.—The term ‘qualified*
20 *individual’ shall not include an absent uniformed*
21 *services voter or an overseas voter.*

22 “(c) *STATE.—For purposes of this section, the term*
23 *‘State’ includes the District of Columbia, the Common-*
24 *wealth of Puerto Rico, Guam, American Samoa, the United*

1 *States Virgin Islands, and the Commonwealth of the North-*
2 *ern Mariana Islands.*

3 “(d) *EFFECTIVE DATE.*—*This section shall apply with*
4 *respect to the regularly scheduled general election for Fed-*
5 *eral office held in November 2020 and each succeeding elec-*
6 *tion for Federal office.*”.

7 (b) *CONFORMING AMENDMENT.*—*Section 102(a) of*
8 *such Act (52 U.S.C. 20302(a)) is amended—*

9 (1) *by striking “and” at the end of paragraph*
10 *(10);*

11 (2) *by striking the period at the end of para-*
12 *graph (11) and inserting “; and”; and*

13 (3) *by adding at the end the following new para-*
14 *graph:*

15 “(12) *meet the requirements of section 103C with*
16 *respect to the provision of blank absentee ballots for*
17 *the use of qualified individuals described in such sec-*
18 *tion.*”.

19 (c) *CLERICAL AMENDMENTS.*—*The table of contents of*
20 *such Act is amended by inserting the following after section*
21 *103:*

“*Sec. 103A. Procedures for collection and delivery of marked absentee ballots of*
absent overseas uniformed services voters.”

“*Sec. 103B. Federal voting assistance program improvements.*”

“*Sec. 103C. Transmission of blank absentee ballots to certain other voters.*”.

1 **SEC. 107. VOTER REGISTRATION.**

2 (a) *REQUIRING AVAILABILITY OF INTERNET FOR*
3 *VOTER REGISTRATION.*—

4 (1) *REQUIRING AVAILABILITY OF INTERNET FOR*
5 *REGISTRATION.*—*The National Voter Registration Act*
6 *of 1993 (52 U.S.C. 20501 et seq.) is amended by in-*
7 *serting after section 6 the following new section:*

8 **“SEC. 6A. INTERNET REGISTRATION.**

9 “(a) *REQUIRING AVAILABILITY OF INTERNET FOR ON-*
10 *LINE REGISTRATION.*—

11 “(1) *AVAILABILITY OF ONLINE REGISTRATION*
12 *AND CORRECTION OF EXISTING REGISTRATION INFOR-*
13 *MATION.*—*Each State, acting through the chief State*
14 *election official, shall ensure that the following serv-*
15 *ices are available to the public at any time on the of-*
16 *ficial public websites of the appropriate State and*
17 *local election officials in the State, in the same man-*
18 *ner and subject to the same terms and conditions as*
19 *the services provided by voter registration agencies*
20 *under section 7(a):*

21 “(A) *Online application for voter registra-*
22 *tion.*

23 “(B) *Online assistance to applicants in ap-*
24 *plying to register to vote.*

25 “(C) *Online completion and submission by*
26 *applicants of the mail voter registration applica-*

1 *tion form prescribed by the Election Assistance*
2 *Commission pursuant to section 9(a)(2), includ-*
3 *ing assistance with providing a signature as re-*
4 *quired under subsection (c).*

5 “(D) *Online receipt of completed voter reg-*
6 *istration applications.*

7 “(b) *ACCEPTANCE OF COMPLETED APPLICATIONS.—A*
8 *State shall accept an online voter registration application*
9 *provided by an individual under this section, and ensure*
10 *that the individual is registered to vote in the State, if—*

11 “(1) *the individual meets the same voter reg-*
12 *istration requirements applicable to individuals who*
13 *register to vote by mail in accordance with section*
14 *6(a)(1) using the mail voter registration application*
15 *form prescribed by the Election Assistance Commis-*
16 *sion pursuant to section 9(a)(2); and*

17 “(2) *the individual meets the requirements of*
18 *subsection (c) to provide a signature in electronic*
19 *form (but only in the case of applications submitted*
20 *during or after the second year in which this section*
21 *is in effect in the State).*

22 “(c) *SIGNATURE REQUIREMENTS.—*

23 “(1) *IN GENERAL.—For purposes of this section,*
24 *an individual meets the requirements of this sub-*
25 *section as follows:*

1 “(A) *In the case of an individual who has*
2 *a signature on file with a State agency, includ-*
3 *ing the State motor vehicle authority, that is re-*
4 *quired to provide voter registration services*
5 *under this Act or any other law, the individual*
6 *consents to the transfer of that electronic signa-*
7 *ture.*

8 “(B) *If subparagraph (A) does not apply,*
9 *the individual submits with the application an*
10 *electronic copy of the individual’s handwritten*
11 *signature through electronic means.*

12 “(C) *If subparagraph (A) and subpara-*
13 *graph (B) do not apply, the individual executes*
14 *a computerized mark in the signature field on*
15 *an online voter registration application, in ac-*
16 *cordance with reasonable security measures es-*
17 *tablished by the State, but only if the State ac-*
18 *cepts such mark from the individual.*

19 “(2) *TREATMENT OF INDIVIDUALS UNABLE TO*
20 *MEET REQUIREMENT.—If an individual is unable to*
21 *meet the requirements of paragraph (1), the State*
22 *shall—*

23 “(A) *permit the individual to complete all*
24 *other elements of the online voter registration ap-*
25 *plication;*

1 “(B) permit the individual to provide a sig-
2 nature at the time the individual requests a bal-
3 lot in an election (whether the individual re-
4 quests the ballot at a polling place or requests the
5 ballot by mail); and

6 “(C) if the individual carries out the steps
7 described in subparagraph (A) and subpara-
8 graph (B), ensure that the individual is reg-
9 istered to vote in the State.

10 “(3) NOTICE.—The State shall ensure that indi-
11 viduals applying to register to vote online are notified
12 of the requirements of paragraph (1) and of the treat-
13 ment of individuals unable to meet such requirements,
14 as described in paragraph (2).

15 “(d) CONFIRMATION AND DISPOSITION.—

16 “(1) CONFIRMATION OF RECEIPT.—Upon the on-
17 line submission of a completed voter registration ap-
18 plication by an individual under this section, the ap-
19 propriate State or local election official shall send the
20 individual a notice confirming the State’s receipt of
21 the application and providing instructions on how
22 the individual may check the status of the applica-
23 tion.

24 “(2) NOTICE OF DISPOSITION.—Not later than 7
25 days after the appropriate State or local election offi-

1 *cial has approved or rejected an application sub-*
2 *mitted by an individual under this section, the offi-*
3 *cial shall send the individual a notice of the disposi-*
4 *tion of the application.*

5 *“(3) METHOD OF NOTIFICATION.—The appro-*
6 *priate State or local election official shall send the no-*
7 *tices required under this subsection by regular mail*
8 *and—*

9 *“(A) in the case of an individual who has*
10 *provided the official with an electronic mail ad-*
11 *dress, by electronic mail; and*

12 *“(B) at the option of an individual, by text*
13 *message.*

14 *“(e) PROVISION OF SERVICES IN NONPARTISAN MAN-*
15 *NER.—The services made available under subsection (a)*
16 *shall be provided in a manner that ensures that, consistent*
17 *with section 7(a)(5)—*

18 *“(1) the online application does not seek to influ-*
19 *ence an applicant’s political preference or party reg-*
20 *istration; and*

21 *“(2) there is no display on the website promoting*
22 *any political preference or party allegiance, except*
23 *that nothing in this paragraph may be construed to*
24 *prohibit an applicant from registering to vote as a*
25 *member of a political party.*

1 “(f) *PROTECTION OF SECURITY OF INFORMATION.*—In
2 *meeting the requirements of this section, the State shall es-*
3 *tablish appropriate technological security measures to pre-*
4 *vent to the greatest extent practicable any unauthorized ac-*
5 *cess to information provided by individuals using the serv-*
6 *ices made available under subsection (a).*

7 “(g) *ACCESSIBILITY OF SERVICES.*—A state shall en-
8 *sure that the services made available under this section are*
9 *made available to individuals with disabilities to the same*
10 *extent as services are made available to all other individ-*
11 *uals.*

12 “(h) *USE OF ADDITIONAL TELEPHONE-BASED SYS-*
13 *TEM.*—A State shall make the services made available on-
14 *line under subsection (a) available through the use of an*
15 *automated telephone-based system, subject to the same terms*
16 *and conditions applicable under this section to the services*
17 *made available online, in addition to making the services*
18 *available online in accordance with the requirements of this*
19 *section.*

20 “(i) *NONDISCRIMINATION AMONG REGISTERED VOT-*
21 *ERS USING MAIL AND ONLINE REGISTRATION.*—In car-
22 *rying out this Act, the Help America Vote Act of 2002, or*
23 *any other Federal, State, or local law governing the treat-*
24 *ment of registered voters in the State or the administration*
25 *of elections for public office in the State, a State shall treat*

1 *a registered voter who registered to vote online in accord-*
2 *ance with this section in the same manner as the State*
3 *treats a registered voter who registered to vote by mail.”.*

4 (2) *SPECIAL REQUIREMENTS FOR INDIVIDUALS*
5 *USING ONLINE REGISTRATION.—*

6 (A) *TREATMENT AS INDIVIDUALS REG-*
7 *ISTERING TO VOTE BY MAIL FOR PURPOSES OF*
8 *FIRST-TIME VOTER IDENTIFICATION REQUIRE-*
9 *MENTS.—Section 303(b)(1)(A) of the Help Amer-*
10 *ica Vote Act of 2002 (52 U.S.C. 21083(b)(1)(A))*
11 *is amended by striking “by mail” and inserting*
12 *“by mail or online under section 6A of the Na-*
13 *tional Voter Registration Act of 1993”.*

14 (B) *REQUIRING SIGNATURE FOR FIRST-TIME*
15 *VOTERS IN JURISDICTION.—Section 303(b) of*
16 *such Act (52 U.S.C. 21083(b)) is amended—*

17 (i) *by redesignating paragraph (5) as*
18 *paragraph (6); and*

19 (ii) *by inserting after paragraph (4)*
20 *the following new paragraph:*

21 “(5) *SIGNATURE REQUIREMENTS FOR FIRST-*
22 *TIME VOTERS USING ONLINE REGISTRATION.—*

23 “(A) *IN GENERAL.—A State shall, in a uni-*
24 *form and nondiscriminatory manner, require an*

1 *individual to meet the requirements of subpara-*
2 *graph (B) if—*

3 “(i) *the individual registered to vote in*
4 *the State online under section 6A of the Na-*
5 *tional Voter Registration Act of 1993; and*

6 “(ii) *the individual has not previously*
7 *voted in an election for Federal office in the*
8 *State.*

9 “(B) *REQUIREMENTS.—An individual*
10 *meets the requirements of this subparagraph if—*

11 “(i) *in the case of an individual who*
12 *votes in person, the individual provides the*
13 *appropriate State or local election official*
14 *with a handwritten signature; or*

15 “(ii) *in the case of an individual who*
16 *votes by mail, the individual submits with*
17 *the ballot a handwritten signature.*

18 “(C) *INAPPLICABILITY.—Subparagraph (A)*
19 *does not apply in the case of an individual who*
20 *is—*

21 “(i) *entitled to vote by absentee ballot*
22 *under the Uniformed and Overseas Citizens*
23 *Absentee Voting Act (52 U.S.C. 20302 et*
24 *seq.);*

1 “(ii) provided the right to vote other-
2 wise than in person under section
3 3(b)(2)(B)(ii) of the Voting Accessibility for
4 the Elderly and Handicapped Act (52
5 U.S.C. 20102(b)(2)(B)(ii)); or

6 “(iii) entitled to vote otherwise than in
7 person under any other Federal law.”.

8 (C) CONFORMING AMENDMENT RELATING TO
9 EFFECTIVE DATE.—Section 303(d)(2)(A) of such
10 Act (52 U.S.C. 21083(d)(2)(A)) is amended by
11 striking “Each State” and inserting “Except as
12 provided in subsection (b)(5), each State”.

13 (3) CONFORMING AMENDMENTS.—

14 (A) TIMING OF REGISTRATION.—Section
15 8(a)(1) of the National Voter Registration Act of
16 1993 (52 U.S.C. 20507(a)(1)) is amended—

17 (i) by striking “and” at the end of sub-
18 paragraph (C);

19 (ii) by redesignating subparagraph (D)
20 as subparagraph (E); and

21 (iii) by inserting after subparagraph
22 (C) the following new subparagraph:

23 “(D) in the case of online registration
24 through the official public website of an election
25 official under section 6A, if the valid voter reg-

1 *istration application is submitted online not*
2 *later than the lesser of 28 days, or the period*
3 *provided by State law, before the date of the elec-*
4 *tion (as determined by treating the date on*
5 *which the application is sent electronically as the*
6 *date on which it is submitted); and”.*

7 *(B) INFORMING APPLICANTS OF ELIGIBILITY*
8 *REQUIREMENTS AND PENALTIES.—Section*
9 *8(a)(5) of such Act (52 U.S.C. 20507(a)(5)) is*
10 *amended by striking “and 7” and inserting “6A,*
11 *and 7”.*

12 *(4) EFFECTIVE DATE.—The amendments made*
13 *by this subsection shall take effect on the date that is*
14 *90 days after the date of the enactment of this sub-*
15 *section.*

16 *(b) USE OF INTERNET TO UPDATE REGISTRATION IN-*
17 *FORMATION.—*

18 *(1) UPDATES TO INFORMATION CONTAINED ON*
19 *COMPUTERIZED STATEWIDE VOTER REGISTRATION*
20 *LIST.—*

21 *(A) IN GENERAL.—Section 303(a) of the*
22 *Help America Vote Act of 2002 (52 U.S.C.*
23 *21083(a)) is amended by adding at the end the*
24 *following new paragraph:*

1 “(6) *USE OF INTERNET BY REGISTERED VOTERS*
2 *TO UPDATE INFORMATION.*—

3 “(A) *IN GENERAL.*—*The appropriate State*
4 *or local election official shall ensure that any*
5 *registered voter on the computerized list may at*
6 *any time update the voter’s registration informa-*
7 *tion, including the voter’s address and electronic*
8 *mail address, online through the official public*
9 *website of the election official responsible for the*
10 *maintenance of the list, so long as the voter at-*
11 *tests to the contents of the update by providing*
12 *a signature in electronic form in the same man-*
13 *ner required under section 6A(c) of the National*
14 *Voter Registration Act of 1993.*

15 “(B) *PROCESSING OF UPDATED INFORMA-*
16 *TION BY ELECTION OFFICIALS.*—*If a registered*
17 *voter updates registration information under*
18 *subparagraph (A), the appropriate State or local*
19 *election official shall—*

20 “(i) *revise any information on the*
21 *computerized list to reflect the update made*
22 *by the voter; and*

23 “(ii) *if the updated registration infor-*
24 *mation affects the voter’s eligibility to vote*
25 *in an election for Federal office, ensure that*

1 *the information is processed with respect to*
2 *the election if the voter updates the informa-*
3 *tion not later than the lesser of 7 days, or*
4 *the period provided by State law, before the*
5 *date of the election.*

6 “(C) CONFIRMATION AND DISPOSITION.—

7 “(i) CONFIRMATION OF RECEIPT.—

8 *Upon the online submission of updated reg-*
9 *istration information by an individual*
10 *under this paragraph, the appropriate State*
11 *or local election official shall send the indi-*
12 *vidual a notice confirming the State’s re-*
13 *ceipt of the updated information and pro-*
14 *viding instructions on how the individual*
15 *may check the status of the update.*

16 “(ii) NOTICE OF DISPOSITION.—Not

17 *later than 7 days after the appropriate*
18 *State or local election official has accepted*
19 *or rejected updated information submitted*
20 *by an individual under this paragraph, the*
21 *official shall send the individual a notice of*
22 *the disposition of the update.*

23 “(iii) METHOD OF NOTIFICATION.—

24 *The appropriate State or local election offi-*

1 *cial shall send the notices required under*
2 *this subparagraph by regular mail and—*

3 *“(I) in the case of an individual*
4 *who has requested that the State pro-*
5 *vide voter registration and voting in-*
6 *formation through electronic mail, by*
7 *electronic mail; and*

8 *“(II) at the option of an indi-*
9 *vidual, by text message.”.*

10 *(B) CONFORMING AMENDMENT RELATING TO*
11 *EFFECTIVE DATE.—Section 303(d)(1)(A) of such*
12 *Act (52 U.S.C. 21083(d)(1)(A)) is amended by*
13 *striking “subparagraph (B),” and inserting*
14 *“subparagraph (B) and subsection (a)(6),”.*

15 *(2) ABILITY OF REGISTRANT TO USE ONLINE UP-*
16 *DATE TO PROVIDE INFORMATION ON RESIDENCE.—*
17 *Section 8(d)(2)(A) of the National Voter Registration*
18 *Act of 1993 (52 U.S.C. 20507(d)(2)(A)) is amended—*

19 *(A) in the first sentence, by inserting after*
20 *“return the card” the following: “or update the*
21 *registrant’s information on the computerized*
22 *Statewide voter registration list using the online*
23 *method provided under section 303(a)(6) of the*
24 *Help America Vote Act of 2002”; and*

1 (B) *in the second sentence, by striking “re-*
2 *turned,” and inserting the following: “returned*
3 *or if the registrant does not update the reg-*
4 *istrant’s information on the computerized State-*
5 *wide voter registration list using such online*
6 *method.”.*

7 (c) *SAME DAY REGISTRATION.—*

8 (1) *IN GENERAL.—Subtitle C of title III of the*
9 *Help America Vote Act of 2002, as added by section*
10 *160003(a) and as amended by sections 160004(a) and*
11 *160005(a), is further amended—*

12 (A) *by redesignating sections 327 and 328*
13 *as sections 328 and 329; and*

14 (B) *by inserting after section 326 the fol-*
15 *lowing new section:*

16 **“SEC. 327. SAME DAY REGISTRATION.**

17 **“(a) IN GENERAL.—**

18 **“(1) REGISTRATION.—Each State shall permit**
19 **any eligible individual on the day of a Federal elec-**
20 **tion and on any day when voting, including early**
21 **voting, is permitted for a Federal election—**

22 **“(A) to register to vote in such election at**
23 **the polling place using a form that meets the re-**
24 **quirements under section 9(b) of the National**
25 **Voter Registration Act of 1993 (or, if the indi-**

1 *vidual is already registered to vote, to revise any*
2 *of the individual's voter registration informa-*
3 *tion); and*

4 “(B) *to cast a vote in such election.*”

5 “(2) *EXCEPTION.—The requirements under*
6 *paragraph (1) shall not apply to a State in which,*
7 *under a State law in effect continuously on and after*
8 *the date of the enactment of this section, there is no*
9 *voter registration requirement for individuals in the*
10 *State with respect to elections for Federal office.*”

11 “(b) *ELIGIBLE INDIVIDUAL.—For purposes of this sec-*
12 *tion, the term ‘eligible individual’ means, with respect to*
13 *any election for Federal office, an individual who is other-*
14 *wise qualified to vote in that election.*”

15 “(c) *EFFECTIVE DATE.—Each State shall be required*
16 *to comply with the requirements of subsection (a) for the*
17 *regularly scheduled general election for Federal office occur-*
18 *ring in November 2020 and for any subsequent election for*
19 *Federal office.*”.

20 “(2) *CLERICAL AMENDMENT.—The table of con-*
21 *tents of such Act, as added by section 160003 and as*
22 *amended by sections 160004 and 160005, is further*
23 *amended—*

1 (A) by redesignating the items relating to
2 sections 327 and 328 as relating to sections 328
3 and 329; and

4 (B) by inserting after the item relating to
5 section 326 the following new item:

“Sec. 327. Same day registration.”.

6 (d) *PROHIBITING STATE FROM REQUIRING APPLI-*
7 *CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SOCIAL*
8 *SECURITY NUMBER.—*

9 (1) *FORM INCLUDED WITH APPLICATION FOR*
10 *MOTOR VEHICLE DRIVER’S LICENSE.—Section*
11 *5(c)(2)(B)(ii) of the National Voter Registration Act*
12 *of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended by*
13 *striking the semicolon at the end and inserting the*
14 *following: “, and to the extent that the application re-*
15 *quires the applicant to provide a Social Security*
16 *number, may not require the applicant to provide*
17 *more than the last 4 digits of such number;”.*

18 (2) *NATIONAL MAIL VOTER REGISTRATION*
19 *FORM.—Section 9(b)(1) of such Act (52 U.S.C.*
20 *20508(b)(1)) is amended by striking the semicolon at*
21 *the end and inserting the following: “, and to the ex-*
22 *tent that the form requires the applicant to provide*
23 *a Social Security number, the form may not require*
24 *the applicant to provide more than the last 4 digits*
25 *of such number;”.*

1 (3) *EFFECTIVE DATE.*—*The amendments made*
2 *by this subsection shall apply with respect to the reg-*
3 *ularly scheduled general election for Federal office*
4 *held in November 2020 and each succeeding election*
5 *for Federal office.*

6 **SEC. 108. ACCOMMODATIONS FOR VOTERS RESIDING IN IN-**
7 **DIAN LANDS.**

8 (a) *ACCOMMODATIONS DESCRIBED.*—

9 (1) *DESIGNATION OF BALLOT PICKUP AND COL-*
10 *LECTION LOCATIONS.*—*Given the widespread lack of*
11 *residential mail delivery in Indian Country, an In-*
12 *Indian Tribe may designate buildings as ballot pickup*
13 *and collection locations with respect to an election for*
14 *Federal office at no cost to the Indian Tribe. An In-*
15 *Indian Tribe may designate one building per precinct*
16 *located within Indian lands. The applicable State or*
17 *political subdivision shall collect ballots from those lo-*
18 *cations. The applicable State or political subdivision*
19 *shall provide the Indian Tribe with accurate precinct*
20 *maps for all precincts located within Indian lands 60*
21 *days before the election.*

22 (2) *PROVISION OF MAIL-IN AND ABSENTEE BAL-*
23 *LOTS.*—*The State or political subdivision shall pro-*
24 *vide mail-in and absentee ballots with respect to an*
25 *election for Federal office to each individual who is*

1 registered to vote in the election who resides on In-
2 dian lands in the State or political subdivision in-
3 volved without requiring a residential address or a
4 mail-in or absentee ballot request.

5 (3) *USE OF DESIGNATED BUILDING AS RESIDEN-*
6 *TIAL AND MAILING ADDRESS.*—The address of a des-
7 ignated building that is a ballot pickup and collection
8 location with respect to an election for Federal office
9 may serve as the residential address and mailing ad-
10 dress for voters living on Indian lands if the tribally
11 designated building is in the same precinct as that
12 voter. If there is no tribally designated building with-
13 in a voter’s precinct, the voter may use another trib-
14 ally designated building within the Indian lands
15 where the voter is located. Voters using a tribally des-
16 ignated building outside of the voter’s precinct may
17 use the tribally designated building as a mailing ad-
18 dress and may separately designate the voter’s appro-
19 priate precinct through a description of the voter’s
20 address, as specified in section 9428.4(a)(2) of title
21 11, Code of Federal Regulations.

22 (4) *LANGUAGE ACCESSIBILITY.*—In the case of a
23 State or political subdivision that is a covered State
24 or political subdivision under section 203 of the Vot-
25 ing Rights Act of 1965 (52 U.S.C. 10503), that State

1 *or political subdivision shall provide absentee or*
2 *mail-in voting materials with respect to an election*
3 *for Federal office in the language of the applicable*
4 *minority group as well as in the English language,*
5 *bilingual election voting assistance, and written*
6 *translations of all voting materials in the language of*
7 *the applicable minority group, as required by section*
8 *203 of the Voting Rights Act of 1965 (52 U.S.C.*
9 *10503), as amended by subsection (b).*

10 (5) *CLARIFICATION.—Nothing in this section al-*
11 *ters the ability of an individual voter residing on In-*
12 *Indian lands to request a ballot in a manner available*
13 *to all other voters in the State.*

14 (6) *DEFINITIONS.—In this section:*

15 (A) *ELECTION FOR FEDERAL OFFICE.—The*
16 *term “election for Federal office” means a gen-*
17 *eral, special, primary or runoff election for the*
18 *office of President or Vice President, or of Sen-*
19 *ator or Representative in, or Delegate or Resi-*
20 *dent Commissioner to, the Congress.*

21 (B) *INDIAN.—The term “Indian” has the*
22 *meaning given the term in section 4 of the In-*
23 *Indian Self-Determination and Education Assist-*
24 *ance Act (25 U.S.C. 5304).*

1 (C) *INDIAN LANDS.*—*The term “Indian*
2 *lands” includes—*

3 (i) *any Indian country of an Indian*
4 *Tribe, as defined under section 1151 of title*
5 *18, United States Code;*

6 (ii) *any land in Alaska owned, pursu-*
7 *ant to the Alaska Native Claims Settlement*
8 *Act (43 U.S.C. 1601 et seq.), by an Indian*
9 *Tribe that is a Native village (as defined in*
10 *section 3 of that Act (43 U.S.C. 1602)) or*
11 *by a Village Corporation that is associated*
12 *with an Indian Tribe (as defined in section*
13 *3 of that Act (43 U.S.C. 1602));*

14 (iii) *any land on which the seat of the*
15 *Tribal Government is located; and*

16 (iv) *any land that is part or all of a*
17 *Tribal designated statistical area associated*
18 *with an Indian Tribe, or is part or all of*
19 *an Alaska Native village statistical area as-*
20 *sociated with an Indian Tribe, as defined*
21 *by the Census Bureau for the purposes of*
22 *the most recent decennial census.*

23 (D) *INDIAN TRIBE.*—*The term “Indian*
24 *Tribe” has the meaning given the term “Indian*
25 *tribe” in section 4 of the Indian Self-Determina-*

1 *tion and Education Assistance Act (25 U.S.C.*
2 *5304).*

3 *(E) TRIBAL GOVERNMENT.—The term*
4 *“Tribal Government” means the recognized gov-*
5 *erning body of an Indian Tribe.*

6 *(7) ENFORCEMENT.—*

7 *(A) ATTORNEY GENERAL.—The Attorney*
8 *General may bring a civil action in an appro-*
9 *priate district court for such declaratory or in-*
10 *junction relief as is necessary to carry out this*
11 *subsection.*

12 *(B) PRIVATE RIGHT OF ACTION.—*

13 *(i) A person or Tribal Government who*
14 *is aggrieved by a violation of this subsection*
15 *may provide written notice of the violation*
16 *to the chief election official of the State in-*
17 *volved.*

18 *(ii) An aggrieved person or Tribal*
19 *Government may bring a civil action in an*
20 *appropriate district court for declaratory or*
21 *injunctive relief with respect to a violation*
22 *of this subsection, if—*

23 *(I) that person or Tribal Govern-*
24 *ment provides the notice described in*
25 *clause (i); and*

1 (ii)(aa) *in the case of a violation*
2 *that occurs more than 120 days before*
3 *the date of an election for Federal of-*
4 *fice, the violation remains and 90 days*
5 *or more have passed since the date on*
6 *which the chief election official of the*
7 *State receives the notice under clause*
8 *(i); or*

9 (bb) *in the case of a violation that*
10 *occurs 120 days or less before the date*
11 *of an election for Federal office, the*
12 *violation remains and 20 days or more*
13 *have passed since the date on which the*
14 *chief election official of the State re-*
15 *ceives the notice under clause (i).*

16 (iii) *In the case of a violation of this*
17 *section that occurs 30 days or less before the*
18 *date of an election for Federal office, an ag-*
19 *grieved person or Tribal Government may*
20 *bring a civil action in an appropriate dis-*
21 *trict court for declaratory or injunctive re-*
22 *lief with respect to the violation without*
23 *providing notice to the chief election official*
24 *of the State under clause (i).*

1 **(b) BILINGUAL ELECTION REQUIREMENTS.**—Section
2 *203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)*
3 *is amended—*

4 (1) *in subsection (b)(3)(C), by striking “1990”*
5 *and inserting “2010”; and*

6 (2) *by striking subsection (c) and inserting the*
7 *following:*

8 **“(c) PROVISION OF VOTING MATERIALS IN THE LAN-**
9 **GUAGE OF A MINORITY GROUP.**—

10 **“(1) IN GENERAL.**—*Whenever any State or polit-*
11 *ical subdivision subject to the prohibition of sub-*
12 *section (b) of this section provides any registration or*
13 *voting notices, forms, instructions, assistance, or other*
14 *materials or information relating to the electoral*
15 *process, including ballots, it shall provide them in the*
16 *language of the applicable minority group as well as*
17 *in the English language.*

18 **“(2) EXCEPTIONS.**—

19 **“(A) In the case of a minority group that**
20 *is not American Indian or Alaska Native and*
21 *the language of that minority group is oral or*
22 *unwritten, the State or political subdivision*
23 *shall only be required to furnish, in the covered*
24 *language, oral instructions, assistance, trans-*

1 *lation of voting materials, or other information*
2 *relating to registration and voting.*

3 *“(B) In the case of a minority group that*
4 *is American Indian or Alaska Native, the State*
5 *or political subdivision shall only be required to*
6 *furnish in the covered language oral instructions,*
7 *assistance, or other information relating to reg-*
8 *istration and voting, including all voting mate-*
9 *rials, if the Tribal Government of that minority*
10 *group has certified that the language of the ap-*
11 *plicable American Indian or Alaska Native lan-*
12 *guage is presently unwritten or the Tribal Gov-*
13 *ernment does not want written translations in*
14 *the minority language.*

15 *“(3) WRITTEN TRANSLATIONS FOR ELECTION*
16 *WORKERS.—Notwithstanding paragraph (2), the*
17 *State or political division may be required to provide*
18 *written translations of voting materials, with the con-*
19 *sent of any applicable Indian Tribe, to election work-*
20 *ers to ensure that the translations from English to the*
21 *language of a minority group are complete, accurate,*
22 *and uniform.”.*

23 *(c) EFFECTIVE DATE.—This section and the amend-*
24 *ments made by this section shall apply with respect to the*
25 *regularly scheduled general election for Federal office held*

1 *in November 2020 and each succeeding election for Federal*
2 *office.*

3 **SEC. 109. PAYMENTS BY ELECTION ASSISTANCE COMMIS-**
4 **SION TO STATES TO ASSIST WITH COSTS OF**
5 **COMPLIANCE.**

6 *(a) AVAILABILITY OF GRANTS.—Subtitle D of title II*
7 *of the Help America Vote Act of 2002 (52 U.S.C. 21001*
8 *et seq.) is amended by adding at the end the following new*
9 *part:*

10 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**
11 **COMPLIANCE WITH ACCESS ACT**

12 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**
13 **ANCE WITH ACCESS ACT.**

14 *“(a) AVAILABILITY AND USE OF PAYMENTS.—*

15 *“(1) IN GENERAL.—The Commission shall make*
16 *a payment to each eligible State to assist the State*
17 *with the costs of complying with the American*
18 *Coronavirus/COVID–19 Election Safety and Security*
19 *Act and the amendments made by such Act, including*
20 *the provisions of such Act and such amendments*
21 *which require States to pre-pay the postage on absen-*
22 *tee ballots and balloting materials.*

23 *“(2) PUBLIC EDUCATION CAMPAIGNS.—For pur-*
24 *poses of this part, the costs incurred by a State in*
25 *carrying out a campaign to educate the public about*

1 *the requirements of the American Coronavirus/*
2 *COVID–19 Election Safety and Security Act and the*
3 *amendments made by such Act shall be included as*
4 *the costs of complying with such Act and such amend-*
5 *ments.*

6 “(b) *PRIMARY ELECTIONS.*—

7 “(1) *PAYMENTS TO STATES.*—*In addition to any*
8 *payments under subsection (a), the Commission shall*
9 *make a payment to each eligible State to assist the*
10 *State with the costs incurred in voluntarily electing*
11 *to comply with the American Coronavirus/COVID–19*
12 *Election Safety and Security Act and the amend-*
13 *ments made by such Act with respect to primary elec-*
14 *tions for Federal office held in the State in 2020.*

15 “(2) *STATE PARTY-RUN PRIMARIES.*—*In addi-*
16 *tion to any payments under paragraph (1), the Com-*
17 *mission shall make payments to each eligible political*
18 *party of the State for costs incurred by such parties*
19 *to send absentee ballots and return envelopes with*
20 *prepaid postage to eligible voters participating in*
21 *such primaries during 2020.*

22 “(c) *PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-*
23 *TIONS.*—

24 “(1) *IN GENERAL.*—*If a State receives a pay-*
25 *ment under this part for costs that include costs in-*

1 *curred by a local jurisdiction or Tribal government*
2 *within the State, the State shall pass through to such*
3 *local jurisdiction or Tribal government a portion of*
4 *such payment that is equal to the amount of the costs*
5 *incurred by such local jurisdiction or Tribal govern-*
6 *ment.*

7 “(2) *TRIBAL GOVERNMENT DEFINED.*—*In this*
8 *subsection, the term ‘Tribal Government’ means the*
9 *recognized governing body of an Indian tribe (as de-*
10 *finied in section 4 of the Indian Self-Determination*
11 *and Education Assistance Act (25 U.S.C. 5304).*

12 “(d) *SCHEDULE OF PAYMENTS.*—*As soon as prac-*
13 *ticable after the date of the enactment of this part and not*
14 *less frequently than once each calendar year thereafter, the*
15 *Commission shall make payments under this part.*

16 “(e) *COVERAGE OF COMMONWEALTH OF NORTHERN*
17 *MARIANA ISLANDS.*—*In this part, the term ‘State’ includes*
18 *the Commonwealth of the Northern Mariana Islands.*

19 “(f) *LIMITATION.*—*No funds may be provided to a*
20 *State under this part for costs attributable to the electronic*
21 *return of marked ballots by any voter.*

22 **“SEC. 297A. AMOUNT OF PAYMENT.**

23 “(a) *IN GENERAL.*—*The amount of a payment made*
24 *to an eligible State for a year under this part shall be deter-*
25 *mined by the Commission.*

1 “(b) *CONTINUING AVAILABILITY OF FUNDS AFTER AP-*
2 *PROPRIATION.*—A payment made to an eligible State or eli-
3 gible unit of local government under this part shall be avail-
4 able without fiscal year limitation.

5 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

6 “(a) *APPLICATION.*—Each State that desires to receive
7 a payment under this part for a fiscal year, and each polit-
8 ical party of a State that desires to receive a payment under
9 section 297(b)(2), shall submit an application for the pay-
10 ment to the Commission at such time and in such manner
11 and containing such information as the Commission shall
12 require.

13 “(b) *CONTENTS OF APPLICATION.*—Each application
14 submitted under subsection (a) shall—

15 “(1) describe the activities for which assistance
16 under this part is sought; and

17 “(2) provide such additional information and
18 certifications as the Commission determines to be es-
19 sential to ensure compliance with the requirements of
20 this part.

21 **“SEC. 297C. AUTHORIZATION OF APPROPRIATIONS.**

22 “*There are authorized to be appropriated for payments*
23 *under this part such sums as may be necessary for fiscal*
24 *year 2021.*

1 **“SEC. 297D. REPORTS.**

2 “(a) *REPORTS BY RECIPIENTS.*—Not later than 6
3 months after the end of each fiscal year for which an eligible
4 State received a payment under this part, the State shall
5 submit a report to the Commission on the activities con-
6 ducted with the funds provided during the year.

7 “(b) *REPORTS BY COMMISSION TO COMMITTEES.*—
8 With respect to each fiscal year for which the Commission
9 makes payments under this part, the Commission shall sub-
10 mit a report on the activities carried out under this part
11 to the Committee on House Administration of the House
12 of Representatives and the Committee on Rules and Admin-
13 istration of the Senate.”.

14 (b) *CLERICAL AMENDMENT.*—The table of contents of
15 such Act is amended by adding at the end of the items relat-
16 ing to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH ACCESS
ACT

“Sec. 297. *Payments to assist with costs of compliance with Access Act.*

“Sec. 297A. *Amount of payment.*

“Sec. 297B. *Requirements for eligibility.*

“Sec. 297C. *Authorization of appropriations.*

“Sec. 297D. *Reports.*”.

17 **SEC. 110. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
18 **ITING AUDITS OF RESULTS OF ELECTIONS.**

19 (a) *AVAILABILITY OF GRANTS.*—Subtitle D of title II
20 of the *Help America Vote Act of 2002* (52 U.S.C. 21001
21 *et seq.*), as amended by section 160009(a), is further amend-
22 ed by adding at the end the following new part:

1 **“PART 8—GRANTS FOR CONDUCTING RISK-**
2 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
3 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
4 **DITS OF RESULTS OF ELECTIONS.**

5 “(a) *AVAILABILITY OF GRANTS.*—*The Commission*
6 *shall make a grant to each eligible State to conduct risk-*
7 *limiting audits as described in subsection (b) with respect*
8 *to the regularly scheduled general elections for Federal office*
9 *held in November 2020 and each succeeding election for*
10 *Federal office.*

11 “(b) *RISK-LIMITING AUDITS DESCRIBED.*—*In this*
12 *part, a ‘risk-limiting audit’ is a post-election process—*

13 “(1) *which is conducted in accordance with rules*
14 *and procedures established by the chief State election*
15 *official of the State which meet the requirements of*
16 *subsection (c); and*

17 “(2) *under which, if the reported outcome of the*
18 *election is incorrect, there is at least a predetermined*
19 *percentage chance that the audit will replace the in-*
20 *correct outcome with the correct outcome as deter-*
21 *mined by a full, hand-to-eye tabulation of all votes*
22 *validly cast in that election that ascertains voter in-*
23 *tent manually and directly from voter-verifiable*
24 *paper records.*

1 “(c) *REQUIREMENTS FOR RULES AND PROCEDURES.*—

2 *The rules and procedures established for conducting a risk-*
3 *limiting audit shall include the following elements:*

4 “(1) *Rules for ensuring the security of ballots*
5 *and documenting that prescribed procedures were fol-*
6 *lowed.*

7 “(2) *Rules and procedures for ensuring the accu-*
8 *racy of ballot manifests produced by election agencies.*

9 “(3) *Rules and procedures for governing the for-*
10 *mat of ballot manifests, cast vote records, and other*
11 *data involved in the audit.*

12 “(4) *Methods to ensure that any cast vote records*
13 *used in the audit are those used by the voting system*
14 *to tally the election results sent to the chief State elec-*
15 *tion official and made public.*

16 “(5) *Procedures for the random selection of bal-*
17 *lots to be inspected manually during each audit.*

18 “(6) *Rules for the calculations and other methods*
19 *to be used in the audit and to determine whether and*
20 *when the audit of an election is complete.*

21 “(7) *Procedures and requirements for testing any*
22 *software used to conduct risk-limiting audits.*

23 “(d) *DEFINITIONS.*—*In this part, the following defini-*
24 *tions apply:*

1 “(1) *The term ‘ballot manifest’ means a record*
2 *maintained by each election agency that meets each*
3 *of the following requirements:*

4 “(A) *The record is created without reliance*
5 *on any part of the voting system used to tabulate*
6 *votes.*

7 “(B) *The record functions as a sampling*
8 *frame for conducting a risk-limiting audit.*

9 “(C) *The record contains the following in-*
10 *formation with respect to the ballots cast and*
11 *counted in the election:*

12 “(i) *The total number of ballots cast*
13 *and counted by the agency (including*
14 *undervotes, overvotes, and other invalid*
15 *votes).*

16 “(ii) *The total number of ballots cast*
17 *in each election administered by the agency*
18 *(including undervotes, overvotes, and other*
19 *invalid votes).*

20 “(iii) *A precise description of the man-*
21 *ner in which the ballots are physically*
22 *stored, including the total number of phys-*
23 *ical groups of ballots, the numbering system*
24 *for each group, a unique label for each*

1 *group, and the number of ballots in each*
2 *such group.*

3 “(2) *The term ‘incorrect outcome’ means an out-*
4 *come that differs from the outcome that would be de-*
5 *termined by a full tabulation of all votes validly cast*
6 *in the election, determining voter intent manually,*
7 *directly from voter-verifiable paper records.*

8 “(3) *The term ‘outcome’ means the winner of an*
9 *election, whether a candidate or a position.*

10 “(4) *The term ‘reported outcome’ means the out-*
11 *come of an election which is determined according to*
12 *the canvass and which will become the official, cer-*
13 *tified outcome unless it is revised by an audit, re-*
14 *count, or other legal process.*

15 **“SEC. 298A. ELIGIBILITY OF STATES.**

16 *“A State is eligible to receive a grant under this part*
17 *if the State submits to the Commission, at such time and*
18 *in such form as the Commission may require, an applica-*
19 *tion containing—*

20 “(1) *a certification that, not later than 5 years*
21 *after receiving the grant, the State will conduct risk-*
22 *limiting audits of the results of elections for Federal*
23 *office held in the State as described in section 298;*

24 “(2) *a certification that, not later than one year*
25 *after the date of the enactment of this section, the*

1 *chief State election official of the State has established*
2 *or will establish the rules and procedures for con-*
3 *ducting the audits which meet the requirements of sec-*
4 *tion 298(c);*

5 *“(3) a certification that the audit shall be com-*
6 *pleted not later than the date on which the State cer-*
7 *tifies the results of the election;*

8 *“(4) a certification that, after completing the*
9 *audit, the State shall publish a report on the results*
10 *of the audit, together with such information as nec-*
11 *essary to confirm that the audit was conducted prop-*
12 *erly;*

13 *“(5) a certification that, if a risk-limiting audit*
14 *conducted under this part leads to a full manual tally*
15 *of an election, State law requires that the State or*
16 *election agency shall use the results of the full manual*
17 *tally as the official results of the election; and*

18 *“(6) such other information and assurances as*
19 *the Commission may require.*

20 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There are authorized to be appropriated for grants*
22 *under this part \$20,000,000 for fiscal year 2021, to remain*
23 *available until expended.”.*

24 *(b) CLERICAL AMENDMENT.—The table of contents of*
25 *such Act, as amended by section 160009(b), is further*

1 *amended by adding at the end of the items relating to sub-*
 2 *title D of title II the following:*

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF
 ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elections.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

3 (c) *GAO ANALYSIS OF EFFECTS OF AUDITS.*—

4 (1) *ANALYSIS.*—*Not later than 6 months after*
 5 *the first election for Federal office is held after grants*
 6 *are first awarded to States for conducting risk-lim-*
 7 *iting audits under part 8 of subtitle D of title II of*
 8 *the Help America Vote Act of 2002 (as added by sub-*
 9 *section (a)) for conducting risk-limiting audits of*
 10 *elections for Federal office, the Comptroller General of*
 11 *the United States shall conduct an analysis of the ex-*
 12 *tent to which such audits have improved the adminis-*
 13 *tration of such elections and the security of election*
 14 *infrastructure in the States receiving such grants.*

15 (2) *REPORT.*—*The Comptroller General of the*
 16 *United States shall submit a report on the analysis*
 17 *conducted under subsection (a) to the appropriate*
 18 *congressional committees.*

19 **SEC. 111. ADDITIONAL APPROPRIATIONS FOR THE ELEC-**
 20 **TION ASSISTANCE COMMISSION.**

21 (a) *IN GENERAL.*—*In addition to any funds otherwise*
 22 *appropriated to the Election Assistance Commission for fis-*

1 *cal year 2021, there is authorized to be appropriated*
2 *\$3,000,000 for fiscal year 2021 in order for the Commission*
3 *to provide additional assistance and resources to States for*
4 *improving the administration of elections.*

5 *(b) AVAILABILITY OF FUNDS.—Amounts appropriated*
6 *pursuant to the authorization under this subsection shall*
7 *remain available without fiscal year limitation.*

8 **SEC. 112. DEFINITION.**

9 *(a) DEFINITION OF ELECTION FOR FEDERAL OFFICE*
10 *.—Title IX of the Help America Vote Act of 2002 (52 U.S.C.*
11 *21141 et seq.) is amended by adding at the end the following*
12 *new section:*

13 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

14 *“For purposes of titles I through III, the term ‘election*
15 *for Federal office’ means a general, special, primary, or*
16 *runoff election for the office of President or Vice President,*
17 *or of Senator or Representative in, or Delegate or Resident*
18 *Commissioner to, the Congress.”.*

19 *(b) CLERICAL AMENDMENT.—The table of contents of*
20 *such Act is amended by adding at the end of the items relat-*
21 *ing to title IX the following new item:*

“Sec. 907. Election for Federal office defined.”.

1 ***DIVISION Q—TRANSPORTATION***
2 ***AND INFRASTRUCTURE***
3 ***TITLE I—AVIATION***

4 ***SECTION 101. SHORT TITLE.***

5 *This title may be cited as the “Payroll Support Pro-*
6 *gram Extension Act”.*

7 ***SEC. 102. DEFINITIONS.***

8 *Unless otherwise specified, the definitions in section*
9 *40102(a) of title 49, United States Code, shall apply to this*
10 *title, except that—*

11 *(1) the term “airline catering employee” means*
12 *an employee who performs airline catering services;*

13 *(2) the term “airline catering services” means*
14 *preparation, assembly, or both, of food, beverages, pro-*
15 *visions and related supplies for delivery, and the de-*
16 *livery of such items, directly to aircraft or to a loca-*
17 *tion on or near airport property for subsequent deliv-*
18 *ery to aircraft;*

19 *(3) the term “contractor” means—*

20 *(A) a person that performs, under contract*
21 *with a passenger air carrier conducting oper-*
22 *ations under part 121 of title 14, Code of Fed-*
23 *eral Regulations—*

24 *(i) catering functions; or*

1 (ii) *functions on the property of an*
2 *airport that are directly related to the air*
3 *transportation of persons, property, or*
4 *mail, including but not limited to the load-*
5 *ing and unloading of property on aircraft;*
6 *assistance to passengers under part 382 of*
7 *title 14, Code of Federal Regulations; secu-*
8 *rity; airport ticketing and check-in func-*
9 *tions; ground-handling of aircraft; or air-*
10 *craft cleaning and sanitization functions*
11 *and waste removal; or*

12 (B) *a subcontractor that performs such*
13 *functions;*

14 (4) *the term “employee” means an individual,*
15 *other than a corporate officer, who is employed by an*
16 *air carrier or a contractor; and*

17 (5) *the term “Secretary” means the Secretary of*
18 *the Treasury.*

19 **SEC. 103. PANDEMIC RELIEF FOR AVIATION WORKERS.**

20 (a) *FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,*
21 *SALARIES, AND BENEFITS.—Notwithstanding any other*
22 *provision of law, to preserve aviation jobs and compensate*
23 *air carrier industry workers, the Secretary shall provide fi-*
24 *nancial assistance that shall exclusively be used for the con-*

1 *tinuation of payment of employee wages, salaries, and bene-*
2 *fits to—*

3 (1) *passenger air carriers, in an aggregate*
4 *amount up to \$25,000,000,000;*

5 (2) *cargo air carriers, in an aggregate amount*
6 *up to \$300,000,000; and*

7 (3) *contractors, in an aggregate amount up to*
8 *\$3,000,000,000.*

9 (b) *ADMINISTRATIVE EXPENSES.—Notwithstanding*
10 *any other provision of law, the Secretary may use funds*
11 *made available under section 4112(b) of the CARES Act*
12 *(15 U.S.C. 9072(b)) for costs and administrative expenses*
13 *associated with providing financial assistance under this*
14 *title.*

15 **SEC. 104. PROCEDURES FOR PROVIDING PAYROLL SUP-**
16 **PORT.**

17 (a) *AWARDABLE AMOUNTS.—The Secretary shall pro-*
18 *vide financial assistance under this title—*

19 (1) *to an air carrier required to file reports pur-*
20 *suant to part 241 of title 14, Code of Federal Regula-*
21 *tions, as of March 27, 2020, in an amount equal to—*

22 (A) *the amount such air carrier received*
23 *under section 4113 of the CARES Act (15 U.S.C.*
24 *9073); or*

1 (B) at the request of such air carrier, or in
2 the event such an air carrier did not receive as-
3 sistance under section 4113 of the CARES Act
4 (15 U.S.C. 9073), the amount of the salaries and
5 benefits reported by the air carrier to the De-
6 partment of Transportation pursuant to such
7 part 241, for the period from October 1, 2019,
8 through March 31, 2020;

9 (2) to an air carrier that did not transmit re-
10 ports under such part 241, as of March 27, 2020, in
11 an amount equal to—

12 (A) the amount such air carrier received
13 under section 4113 of the CARES Act (15 U.S.C.
14 9073), plus an additional 15 percent of such
15 amount; or

16 (B) at the request of such air carrier, or in
17 the event such an air carrier did not receive as-
18 sistance under section 4113 of the CARES Act
19 (15 U.S.C. 9073), an amount that such an air
20 carrier certifies, using sworn financial state-
21 ments or other appropriate data, as the amount
22 of total salaries and related fringe benefits that
23 such air carrier incurred and would be required
24 to be reported to the Department of Transpor-
25 tation pursuant to such part 241, if the air car-

1 *rier were required to transmit such information*
2 *during the period from October 1, 2019, through*
3 *March 31, 2020; and*

4 *(3) to a contractor in an amount equal to—*

5 *(A) the amount such contractor received*
6 *under section 4113 of the CARES Act (15 U.S.C.*
7 *9073); or*

8 *(B) or in the event such contractor did not*
9 *receive assistance under section 4113 of the*
10 *CARES Act (15 U.S.C. 9073), an amount that*
11 *the contractor certifies, using sworn financial*
12 *statements or other appropriate data, as the*
13 *amount of wages, salaries, benefits, and other*
14 *compensation that such contractor paid the em-*
15 *ployees of such contractor during the period from*
16 *October 1, 2019, through March 31, 2020.*

17 *(b) DEADLINES AND PROCEDURES.—*

18 *(1) IN GENERAL.—*

19 *(A) FORMS; TERMS AND CONDITIONS.—Fi-*
20 *nancial assistance provided to an air carrier or*
21 *contractor under this title shall—*

22 *(i) be in such form, on such terms and*
23 *conditions (including requirements for au-*
24 *dits and the clawback of any financial as-*
25 *sistance provided upon failure by a pas-*

1 *senger air carrier, cargo air carrier, or con-*
2 *tractor to honor the assurances specified in*
3 *section 105 of this division), as agreed to by*
4 *the Secretary and the recipient for assist-*
5 *ance received under section 4113 of the*
6 *CARES Act (15 U.S.C. 9073), except where*
7 *inconsistent with this title; or*

8 *(ii) in the event such an air carrier or*
9 *contractor did not receive assistance under*
10 *section 4113 of the CARES Act (15 U.S.C.*
11 *9073), be in such form, on such terms and*
12 *conditions (including requirements for au-*
13 *ditions and the clawback of any financial as-*
14 *sistance provided upon failure by a pas-*
15 *senger air carrier, cargo air carrier, or con-*
16 *tractor to honor the assurances specified in*
17 *section 105 of this division), as the Sec-*
18 *retary determines appropriate.*

19 *(B) PROCEDURES.—The Secretary shall*
20 *publish streamlined and expedited procedures*
21 *not later than 5 days after the date of enactment*
22 *of this title for air carriers and contractors to*
23 *submit requests for financial assistance under*
24 *this title.*

1 (2) *DEADLINE FOR IMMEDIATE PAYROLL ASSIST-*
2 *ANCE.—Not later than 10 days after the date of enact-*
3 *ment of this title, the Secretary shall make initial*
4 *payments to air carriers and contractors that submit*
5 *requests for financial assistance approved by to the*
6 *Secretary.*

7 (d) *PRO RATA REDUCTIONS.—The amounts under*
8 *subsections (a)(1)(B) and (a)(2)(B) shall, to the maximum*
9 *extent practicable, be subject to the same pro rata reduction*
10 *applied by the Secretary to air carriers or contractors, as*
11 *applicable, that received assistance under section 4113 of*
12 *the CARES Act (15 U.S.C. 9073).*

13 (e) *AUDITS.—The Inspector General of the Department*
14 *of the Treasury shall audit certifications made under sub-*
15 *section (a).*

16 **SEC. 105. REQUIRED ASSURANCES.**

17 (a) *IN GENERAL.—To be eligible for financial assist-*
18 *ance under this title, an air carrier or contractor shall enter*
19 *into an agreement with the Secretary, or otherwise certify*
20 *in such form and manner as the Secretary shall prescribe,*
21 *that the air carrier or contractor shall—*

22 (1) *refrain from conducting involuntary fur-*
23 *loughs or reducing pay rates and benefits until—*

24 (A) *with respect to air carriers, March 31,*
25 *2021; or*

1 (B) with respect to contractors, March 31,
2 2021, or the date on which the contractor ex-
3 hausts such financial assistance, whichever is
4 later;

5 (2) ensure that neither the air carrier or con-
6 tractor nor any affiliate of the air carrier or con-
7 tractor may, in any transaction, purchase an equity
8 security of the air carrier or contractor or the parent
9 company of the air carrier or contractor that is listed
10 on a national securities exchange through—

11 (A) with respect to air carriers, March 31,
12 2022; or

13 (B) with respect to contractors, March 31,
14 2022, or the date on which the contractor ex-
15 hausts such financial assistance, whichever is
16 later;

17 (3) ensure that the air carrier or contractor shall
18 not pay dividends, or make other capital distribu-
19 tions, with respect to common stock (or equivalent in-
20 terest) of the air carrier or contractor through—

21 (A) with respect to air carriers, March 31,
22 2022; or

23 (B) with respect to contractors, March 31,
24 2022, or the date on which the contractor ex-

1 *hausts such financial assistance, whichever is*
2 *later;*

3 *(4) meet the requirements of sections 106 and*
4 *107 of this division; and*

5 *(5) affirm that the air carrier or contractor has*
6 *not conducted involuntary furloughs or reduced pay*
7 *rates and benefits between—*

8 *(A) the date the air carrier or contractor*
9 *entered into an agreement with the Secretary for*
10 *loans, loan guarantees, other investments, or fi-*
11 *nancial assistance under title IV of the CARES*
12 *Act (Public Law 116–136) and the date the air*
13 *carrier or contractor enters into an agreement*
14 *with the Secretary for financial assistance under*
15 *this title; or*

16 *(B) in the case of an air carrier or con-*
17 *tractor that did not receive loans, loan guaran-*
18 *tees, other investments, or financial assistance*
19 *under title IV of the CARES Act, the date of en-*
20 *actment of this title and the date the air carrier*
21 *or contractor enters into an agreement with the*
22 *Secretary for funding under this title.*

1 **SEC. 106. PROTECTION OF COLLECTIVE BARGAINING**
2 **AGREEMENTS.**

3 (a) *IN GENERAL.*—Neither the Secretary, nor any
4 other actor, department, or agency of the Federal Govern-
5 ment, shall condition the issuance of financial assistance
6 under this title on an air carrier’s or contractor’s imple-
7 mentation of measures to enter into negotiations with the
8 certified bargaining representative of a craft or class of em-
9 ployees of the air carrier or contractor under the Railway
10 Labor Act (45 U.S.C. 151 et seq.) or the National Labor
11 Relations Act (29 U.S.C. 151 et seq.), regarding pay or
12 other terms and conditions of employment.

13 (b) *AIR CARRIER PERIOD OF EFFECT.*—With respect
14 to any air carrier to which financial assistance is provided
15 under this title, this section shall be in effect with respect
16 to the air carrier beginning on the date on which the air
17 carrier is first issued such financial assistance and ending
18 on March 31, 2021.

19 (c) *CONTRACTOR PERIOD OF EFFECT.*—With respect
20 to any contractor to which financial assistance is provided
21 under this title, this section shall be in effect with respect
22 to contractor beginning on the date on which the contractor
23 is first issued such financial assistance and ending on
24 March 31, 2021, or until the date on which all funds are
25 expended, whichever is later.

1 **SEC. 107. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
2 **TION.**

3 (a) *IN GENERAL.*—*The Secretary may only provide fi-*
4 *nancial assistance under this title to an air carrier or con-*
5 *tractor after such carrier or contractor enters into an agree-*
6 *ment with the Secretary which provides that, during the*
7 *2-year period beginning October 1, 2020, and ending Octo-*
8 *ber 1, 2022, no officer or employee of the air carrier or*
9 *contractor whose total compensation exceeded \$425,000 in*
10 *calendar year 2019 (other than an employee whose com-*
11 *ensation is determined through an existing collective bar-*
12 *gaining agreement entered into prior to enactment of this*
13 *title)—*

14 (1) *will receive from the air carrier or contractor*
15 *total compensation which exceeds, during any 12 con-*
16 *secutive months of such 2-year period, the total com-*
17 *ensation received by the officer or employee from the*
18 *air carrier or contractor in calendar year 2019;*

19 (2) *will receive from the air carrier or contractor*
20 *severance pay or other benefits upon termination of*
21 *employment with the air carrier or contractor which*
22 *exceeds twice the maximum total compensation re-*
23 *ceived by the officer or employee from the air carrier*
24 *or contractor in calendar year 2019; and*

25 (3) *no officer or employee of the air carrier or*
26 *contractor whose total compensation exceeded*

1 \$3,000,000 in calendar year 2019 may receive during
2 any 12 consecutive months of such period total com-
3 pensation in excess of the sum of—

4 (A) \$3,000,000; and

5 (B) 50 percent of the excess over \$3,000,000
6 of the total compensation received by the officer
7 or employee from the air carrier or contractor in
8 calendar year 2019.

9 (b) *TOTAL COMPENSATION DEFINED.*—In this section,
10 the term “total compensation” includes salary, bonuses,
11 awards of stock, and other financial benefits provided by
12 an air carrier or contractor to an officer or employee of
13 the air carrier or contractor.

14 **SEC. 108. MINIMUM AIR SERVICE GUARANTEES.**

15 (a) *IN GENERAL.*—The Secretary of Transportation is
16 authorized to require, to the extent reasonable and prac-
17 ticable, an air carrier provided financial assistance under
18 this title to maintain scheduled air transportation, as the
19 Secretary of Transportation determines necessary, to ensure
20 services to any point served by that air carrier before March
21 1, 2020, continues to receive a basic level of air service.

22 (b) *REQUIRED CONSIDERATIONS.*—When considering
23 whether to exercise the authority provided by this section,
24 the Secretary of Transportation shall take into consider-
25 ation the air transportation needs of small and remote com-

1 *munities, the need to maintain well-functioning health care*
2 *supply chains, including medical devices and supplies, and*
3 *pharmaceutical supply chains, and such other matters as*
4 *the public interest requires.*

5 *(c) SUNSET.—The authority provided under this sec-*
6 *tion shall terminate on September 1, 2022, and any re-*
7 *quirements issued by the Secretary of Transportation under*
8 *this section shall cease to apply after that date.*

9 **SEC. 109. TAX PAYER PROTECTION.**

10 *(a) CARES ACT ASSISTANCE RECIPIENTS.—With re-*
11 *spect to a recipient of assistance under section 4113 of the*
12 *CARES Act (15 U.S.C. 9073) that receives assistance under*
13 *this title, the Secretary may receive warrants, options, pre-*
14 *ferred stock, debt securities, notes, or other financial instru-*
15 *ments issued by such recipient in the same form and*
16 *amount, and under the same terms and conditions, as*
17 *agreed to by the Secretary and the recipient for assistance*
18 *received under such section 4113 to provide appropriate*
19 *compensation to the Federal Government for the provision*
20 *of the financial assistance under this title.*

21 *(b) OTHER APPLICANTS.—With respect to an appli-*
22 *cant that did not receive assistance under such section 4113,*
23 *the Secretary may receive warrants, options, preferred*
24 *stock, debt securities, notes, or other financial instruments*
25 *issued by an applicant that receives assistance under this*

1 *title in a form and amount that are, to the maximum extent*
2 *practicable, the same as the terms and conditions as agreed*
3 *to by the Secretary and similarly situated recipients of as-*
4 *sistance under such section 4113 to provide appropriate*
5 *compensation to the Federal Government for the provision*
6 *of the financial assistance under this title.*

7 **SEC. 110. REPORTS.**

8 (a) *REPORT.*—*Not later than May 1, 2021, the Sec-*
9 *retary shall update and submit to the Committee on Trans-*
10 *portation and Infrastructure and the Committee on Finan-*
11 *cial Services of the House of Representatives and the Com-*
12 *mittee on Commerce, Science, and Transportation and the*
13 *Committee on Banking, Housing, and Urban Affairs of the*
14 *Senate a report on the financial assistance provided to air*
15 *carriers and contractors under this title, which includes—*

16 (1) *a description of any financial assistance pro-*
17 *vided to air carrier and contractors under this title;*

18 (2) *any audits of air carriers or contractors re-*
19 *ceiving financial assistance under this title;*

20 (3) *any reports filed by air carriers or contrac-*
21 *tors receiving financial assistance under this title;*

22 (4) *any non-compliances by air carriers or con-*
23 *tractors receiving financial assistance under this title*
24 *with the terms and conditions of this title or agree-*

1 *ments entered into with the Secretary to receive such*
2 *financial assistance; and*

3 *(5) information relating to any clawback of any*
4 *financial assistance provided to air carriers or con-*
5 *tractors under this title.*

6 *(b) INTERNET UPDATES.—The Secretary shall update*
7 *the website of the Department of the Treasury on a daily*
8 *basis as necessary to reflect new or revised distributions of*
9 *financial assistance under this title with respect to each air*
10 *carrier or contractor that receives such assistance, the iden-*
11 *tification of any applicant that applied for financial assist-*
12 *ance under this title, and the date of application.*

13 *(c) SUPPLEMENTAL UPDATE.—Not later than the last*
14 *day of the 1-year period following the date of enactment*
15 *of this title, the Secretary shall update and submit to the*
16 *Committee on Transportation and Infrastructure and the*
17 *Committee on Financial Services of the House of Represent-*
18 *atives and the Committee on Commerce, Science, and*
19 *Transportation and the Committee on Banking, Housing,*
20 *and Urban Affairs of the Senate, the report submitted under*
21 *subsection (a).*

22 **SEC. 111. COORDINATION.**

23 *In implementing this title, the Secretary shall coordi-*
24 *nate with the Secretary of Transportation.*

1 **SEC. 112. DIRECT APPROPRIATION.**

2 *Notwithstanding any other provision of law, there is*
3 *appropriated, out of amounts in the Treasury not otherwise*
4 *appropriated, \$28,300,000,000 to carry out this title.*

5 **SEC. 113. TECHNICAL CORRECTIONS AND CLARIFICATION.**

6 *(a) Section 4003(c)(1)(B) of the CARES Act (15*
7 *U.S.C. 9042(c)(1)(B)) is amended—*

8 *(1) by striking “As soon” and inserting the fol-*
9 *lowing:*

10 *“(i) IN GENERAL.—Subject to clause*
11 *(ii), as soon”;* and

12 *(2) by adding at the end the following:*

13 *“(ii) REQUIREMENT.—The procedures*
14 *and any related guidance issued under*
15 *clause (i) shall not prohibit any air carrier*
16 *from applying for or receiving a loan or*
17 *loan guarantee under paragraph (1), (2), or*
18 *(3) of subsection (b) based on the amount of*
19 *the loan or loan guarantee requested.”;* and

20 *(b) Section 4113(c) of the CARES Act (15 U.S.C.*
21 *9073(c)) is amended by striking “section 4112” and insert-*
22 *ing “subsection (a)”.*

23 *(c) Section 4114 of the CARES Act (15 U.S.C. 9074)*
24 *is amended by adding at the end the following new sub-*
25 *sections:*

26 *“(c) CONTINUED APPLICATION.—*

1 “(1) *IN GENERAL.*—*If, after September 30, 2020,*
2 *a contractor expends funds made available pursuant*
3 *to section 4112 and distributed pursuant to section*
4 *4113, the assurances under this section shall continue*
5 *to apply until all funds are expended, notwith-*
6 *standing the time limits included in paragraphs (1)*
7 *through (3) of subsection (a), or section 4115 or 4116.*

8 “(2) *SPECIAL RULE.*—*Not later than January 5,*
9 *2021, each contractor that has received funds pursu-*
10 *ant to such section 4112 shall report to the Secretary*
11 *on the amount of such funds that the contractor has*
12 *expended through December 31, 2020. If the con-*
13 *tractor has expended an amount that is less than 50*
14 *percent of the total amount of funds the contractor re-*
15 *ceived under such section, the Secretary shall initiate*
16 *an action to recover any funds that remain unex-*
17 *pended as of January 31, 2021.*

18 “(d) *CLAWBACK OF ASSISTANCE.*—*Any contractor that*
19 *conducted involuntary furloughs or reduced pay rates and*
20 *benefits, between March 27, 2020, and the date on which*
21 *the contractor entered into an agreement with the Secretary*
22 *related to financial assistance under this subtitle, shall at-*
23 *tempt in good faith to rehire employees who were involun-*
24 *tary furloughed, or the Secretary shall claw back such fi-*
25 *nancial assistance, as necessary.”.*

1 **SEC. 114. NATIONAL AVIATION PREPAREDNESS PLAN.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this section, the Secretary of Transpor-
4 tation, in coordination with the Secretary of Health and
5 Human Services, the Secretary of Homeland Security, and
6 the heads of such other Federal departments or agencies as
7 the Secretary considers appropriate, shall develop and regu-
8 larly update a national aviation preparedness plan to en-
9 sure the aviation system is prepared to respond to
10 epidemics and pandemics of infectious diseases.

11 (b) *CONTENTS OF PLAN.*—A plan developed under sub-
12 section (a) shall, at a minimum—

13 (1) provide airports and air carriers with an
14 adaptable and scalable framework with which to align
15 the individual plans of such airports and air carriers
16 and provide appropriate guidance as to each indi-
17 vidual plan;

18 (2) improve coordination among airports, air
19 carriers, U.S. Customs and Border Protection, the
20 Centers for Disease Control and Prevention, other ap-
21 propriate Federal entities, and State and local gov-
22 ernments or health agencies on developing policies
23 that increase the effectiveness of screening, quaran-
24 tining, and contact-tracing with respect to inbound
25 international passengers;

1 (3) ensure that at-risk employees are equipped
2 with appropriate personal protective equipment to re-
3 duce the likelihood of exposure to pathogens in the
4 event of a pandemic;

5 (4) ensure aircraft and enclosed facilities owned,
6 operated, or used by an air carrier or airport are
7 cleaned, disinfected, and sanitized frequently in ac-
8 cordance with Centers for Disease Control and Pre-
9 vention guidance; and

10 (5) incorporate all elements referenced in the rec-
11 ommendation of the Comptroller General of the
12 United States to the Secretary of Transportation con-
13 tained in the report titled “Air Travel and Commu-
14 nicable Diseases: Comprehensive Federal Plan Needed
15 for U.S. Aviation System’s Preparedness” issued in
16 December 2015 (GAO–16–127).

17 (c) CONSULTATION.—When developing a plan under
18 subsection (a), the Secretary of Transportation shall consult
19 with aviation industry and labor stakeholders, including
20 representatives of—

21 (1) air carriers;

22 (2) small, medium, and large hub airports;

23 (3) labor organizations that represent airline pi-
24 lots, flight attendants, air carrier airport customer

1 *service representatives, and air carrier maintenance,*
2 *repair, and overhaul workers;*

3 *(4) the labor organization certified under section*
4 *7111 of title 5, United States Code, as the exclusive*
5 *bargaining representative of air traffic controllers of*
6 *the Federal Aviation Administration;*

7 *(5) the labor organization certified under such*
8 *section as the exclusive bargaining representative of*
9 *airway transportation systems specialists and avia-*
10 *tion safety inspectors of the Federal Aviation Admin-*
11 *istration; and*

12 *(6) such other stakeholders as the Secretary con-*
13 *siders appropriate.*

14 *(d) REPORT.—Not later than 30 days after the plan*
15 *is developed under subsection (a), the Secretary shall submit*
16 *to the appropriate committees of Congress such plan.*

17 *(e) DEFINITION OF AT-RISK EMPLOYEES.—In this sec-*
18 *tion, the term “at-risk employees” means—*

19 *(1) individuals whose job duties require inter-*
20 *action with air carrier passengers on a regular and*
21 *continuing basis that are employees of—*

22 *(A) air carriers;*

23 *(B) air carrier contractors;*

24 *(C) airports; and*

25 *(D) Federal departments or agencies; and*

1 (2) *air traffic controllers and systems safety spe-*
2 *cialists of the Federal Aviation Administration.*

3 ***TITLE II—FEDERAL EMERGENCY***
4 ***MANAGEMENT AGENCY***

5 ***SEC. 201. COST SHARE.***

6 (a) *TEMPORARY FEDERAL SHARE.—Notwithstanding*
7 *sections 403(b), 403(c)(4), 404(a), 406(b), 408(d),*
8 *408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Staf-*
9 *ford Disaster Relief and Emergency Assistance Act (42*
10 *U.S.C. 5121 et seq.), for any emergency or major disaster*
11 *declared by the President under such Act during the period*
12 *beginning on January 1, 2020 and ending on December 31,*
13 *2020, the Federal share of assistance provided under such*
14 *sections shall be not less than 90 percent of the eligible cost*
15 *of such assistance.*

16 (b) *COST SHARE UNDER COVID EMERGENCY DEC-*
17 *LARATION.—Notwithstanding subsection (a), assistance*
18 *provided under the emergency declaration issued by the*
19 *President on March 13, 2020, pursuant to section 501(b)*
20 *of the Robert T. Stafford Disaster Relief and Emergency*
21 *Assistance Act (42 U.S.C. 5191(b)), and under any subse-*
22 *quent major disaster declaration under section 401 of such*
23 *Act (42 U.S.C. 5170) that supersedes such emergency dec-*
24 *laration, shall be at a 100 percent Federal cost share.*

1 **SEC. 202. CLARIFICATION OF ASSISTANCE.**

2 (a) *IN GENERAL.*—*For the emergency declared on*
3 *March 13, 2020 by the President under section 501 of the*
4 *Robert T. Stafford Disaster Relief and Emergency Assist-*
5 *ance Act (42 U.S.C. 5191), the President may provide as-*
6 *sistance for activities, costs, and purchases of States, Indian*
7 *tribal governments, or local governments, including—*

8 (1) *activities eligible for assistance under sec-*
9 *tions 301, 415, 416, and 426 of the Robert T. Stafford*
10 *Disaster Relief and Emergency Assistance Act (42*
11 *U.S.C. 5141, 5182, 5183, 5189d);*

12 (2) *backfill costs for first responders and other*
13 *essential employees who are ill or quarantined;*

14 (3) *increased operating costs for essential govern-*
15 *ment services due to such emergency, including costs*
16 *for implementing continuity plans, and sheltering or*
17 *housing for first responders, emergency managers,*
18 *health providers and other essential employees;*

19 (4) *costs of providing guidance and information*
20 *to the public and for call centers to disseminate such*
21 *guidance and information, including private non-*
22 *profit organizations;*

23 (5) *costs associated with establishing and oper-*
24 *ating virtual services;*

1 (6) costs for establishing and operating remote
2 test sites, including comprehensive community based
3 testing;

4 (7) training provided specifically in anticipation
5 of or in response to the event on which such emer-
6 gency declaration is predicated;

7 (8) personal protective equipment and other crit-
8 ical supplies and services for first responders and
9 other essential employees, including individuals work-
10 ing in public schools, courthouses, and public transit
11 systems;

12 (9) medical equipment, regardless of whether
13 such equipment is used for emergency or inpatient
14 care;

15 (10) public health costs, including provision and
16 distribution of medicine and medical supplies;

17 (11) costs associated with maintaining alternate
18 care facilities or related facilities currently inactive
19 but related to future needs tied to the ongoing pan-
20 demic event;

21 (12) costs of establishing and operating shelters
22 and providing services, including transportation, that
23 help alleviate the need of individuals for shelter; and

24 (13) costs, including costs incurred by private
25 nonprofit organizations, of procuring and distrib-

1 *uting food to individuals affected by the pandemic*
2 *through networks established by State, local, or Tribal*
3 *governments, or other organizations, including res-*
4 *taurants and farms, and for the purchase of food di-*
5 *rectly from food producers and farmers.*

6 *(b) APPLICATION TO SUBSEQUENT MAJOR DIS-*
7 *ASTER.—The activities described in subsection (a) may also*
8 *be eligible for assistance under any major disaster declared*
9 *by the President under section 401 of such Act (42 U.S.C.*
10 *5170) that supersedes the emergency declaration described*
11 *in such subsection.*

12 *(c) FINANCIAL ASSISTANCE FOR FUNERAL EX-*
13 *PENSES.—For any emergency or major disaster described*
14 *in subsection (a) or (b), the President shall provide finan-*
15 *cial assistance to an individual or household to meet dis-*
16 *aster-related funeral expenses under section 408(e)(1) of*
17 *such Act (42 U.S.C. 5174(e)).*

18 *(d) ADVANCED ASSISTANCE.—*

19 *(1) IN GENERAL.—In order to facilitate activities*
20 *under this section, the President, acting through the Admin-*
21 *istrator of the Federal Emergency Management Agency,*
22 *may provide assistance in advance to an eligible applicant*
23 *if a failure to do so would prevent the applicant from car-*
24 *rying out such activities.*

1 (2) *ANNUAL REPORT.*—*The Administrator shall sub-*
2 *mit to the Committee on Transportation and Infrastructure*
3 *of the House of Representatives and the Committee on*
4 *Homeland Security and Governmental Affairs of the Senate*
5 *a report on assistance provided in advance pursuant to*
6 *paragraph (1).*

7 (e) *RULE OF CONSTRUCTION.*—*Nothing in this section*
8 *shall be construed to make ineligible any assistance that*
9 *would otherwise be eligible under section 403, 408, or 502*
10 *of such Act (42 U.S.C. 5170b, 5192).*

11 (f) *STATE; INDIAN TRIBAL GOVERNMENT; LOCAL GOV-*
12 *ERNMENT DEFINED.*—*In this section, the terms “State”,*
13 *“Indian tribal government”, and “local government” have*
14 *the meanings given such terms in section 102 of the Robert*
15 *T. Stafford Disaster Relief and Emergency Assistance Act*
16 *(42 U.S.C. 5122).*

17 **SEC. 203. HAZARD MITIGATION APPROVAL.**

18 *For all States or Indian tribal governments, as such*
19 *terms are defined in section 102 of the Robert T. Stafford*
20 *Disaster Relief and Emergency Assistance Act (42 U.S.C.*
21 *5122), receiving an emergency declaration on March 13,*
22 *2020 by the President under section 501 of the Robert T.*
23 *Stafford Disaster Relief and Emergency Assistance Act (42*
24 *U.S.C. 5191), and a major disaster declared by the Presi-*
25 *dent under section 401 of such Act (42 U.S.C. 5170) that*

1 *supersedes such emergency declaration, the President shall*
 2 *approve the availability of hazard mitigation assistance*
 3 *pursuant to section 404 of the Robert T. Stafford Disaster*
 4 *Relief and Emergency Assistance Act (42 U.S.C. 5170c) as*
 5 *part of such major disaster declarations, if requested, and*
 6 *the President may contribute up to 100 percent of hazard*
 7 *mitigation measures authorized under section 404(a) of*
 8 *such Act.*

9 **TITLE III—OTHER MATTERS**

10 **SEC. 301. REQUIREMENTS FOR OWNERS AND OPERATORS** 11 **OF EQUIPMENT OR FACILITIES USED BY PAS-** 12 **SENGER OR FREIGHT TRANSPORTATION EM-** 13 **PLOYERS.**

14 *(a) DEFINITIONS.—In this section:*

15 *(1) AT-RISK EMPLOYEE.—The term “at-risk em-*
 16 *ployee” means an employee (including a Federal em-*
 17 *ployee) or contractor of a passenger or freight trans-*
 18 *portation employer—*

19 *(A) whose job responsibilities involve inter-*
 20 *action with—*

21 *(i) passengers;*

22 *(ii) the public; or*

23 *(iii) coworkers who interact with the*
 24 *public;*

1 (B) who handles items which are handled or
2 will be handled by the public; or

3 (C) who works in locations where social
4 distancing and other preventative measures with
5 respect to the Coronavirus Disease 2019
6 (COVID–19) are not possible.

7 (2) *PASSENGER OR FREIGHT TRANSPORTATION*
8 *EMPLOYER.*—The term “passenger or freight transpor-
9 tation employer” includes—

10 (A) the owner, charterer, managing oper-
11 ator, master, or other individual in charge of a
12 passenger vessel (as defined in section 2101 of
13 title 46, United States Code);

14 (B) an air carrier (as defined in section
15 40102 of title 49, United States Code);

16 (C) a commuter authority (as defined in
17 section 24102 of title 49, United State Code);

18 (D) an entity that provides intercity rail
19 passenger transportation (as defined in section
20 24102 of title 49, United States Code);

21 (E) a rail carrier (as defined in section
22 10102 of title 49, United States Code);

23 (F) a regional transportation authority (as
24 defined in section 24102 of title 49, United
25 States Code);

1 (G) a provider of public transportation (as
2 defined in section 5302 of title 49, United States
3 Code);

4 (H) a provider of motorcoach services (as
5 defined in section 32702 of the Motorcoach En-
6 hanced Safety Act of 2012 (49 U.S.C. 31136
7 note; Public Law 112–141));

8 (I) a motor carrier that owns or operates
9 more than 100 motor vehicles (as those terms are
10 defined in section 390.5 of title 49, Code of Fed-
11 eral Regulations (or successor regulations));

12 (J) a sponsor, owner, or operator of a pub-
13 lic-use airport (as defined in section 47102 of
14 title 49, United States Code);

15 (K) a marine terminal operator (as defined
16 in section 40102 of title 46, United States Code)
17 and the relevant authority or operator of a port
18 or harbor;

19 (L) the Transportation Security Adminis-
20 tration, exclusively with respect to Transpor-
21 tation Security Officers; and

22 (M) a marine terminal operator (as defined
23 in section 40102 of title 46, United States Code)
24 and the relevant authority or operator of a port
25 or harbor, or any other employer of individuals

1 *covered under section 2(3) of the Longshore and*
2 *Harbor Workers' Compensation Act (33 U.S.C.*
3 *902(3)).*

4 **(b) REQUIREMENTS.**—*For the purposes of responding*
5 *to, or for purposes relating to operations during the na-*
6 *tional emergency declared by the President under the Na-*
7 *tional Emergencies Act (50 U.S.C. 1601 et seq.) related to*
8 *the pandemic of SARS–4CoV–2 or coronavirus disease 2019*
9 *(COVID–19), the Secretary shall require—*

10 **(1)** *the owners or operators of equipment, sta-*
11 *tions, or facilities used by passenger or freight trans-*
12 *portation employers, as applicable—*

13 **(A)** *to clean, disinfect, and sanitize, in ac-*
14 *cordance with guidance issued by the Centers for*
15 *Disease Control and Prevention or the safety*
16 *alert for operators issued by the Federal Aviation*
17 *Administration on May 11, 2020, numbered*
18 *SAFO 20009 (including any similar successor*
19 *safety alert or applicable guidance), the equip-*
20 *ment and facilities, including, as applicable—*

- 21 **(i)** *buses and transit vehicles;*
22 **(ii)** *commercial motor vehicles;*
23 **(iii)** *freight and passenger rail loco-*
24 *motives;*
25 **(iv)** *freight and passenger rail cars;*

- 1 (v) vessels;
- 2 (vi) airports;
- 3 (vii) fleet vehicles used for the trans-
- 4 portation of workers to job sites;
- 5 (viii) aircraft, including the cockpit
- 6 and the cabin; and
- 7 (ix) other equipment and facilities;
- 8 (B) to ensure that stations and facilities,
- 9 including enclosed facilities, owned, operated,
- 10 and used by passenger or freight transportation
- 11 employers, including facilities used for employee
- 12 training or the performance of indoor or outdoor
- 13 maintenance, repair, or overhaul work, are dis-
- 14 infected and sanitized frequently in accordance
- 15 with guidance issued by the Centers for Disease
- 16 Control and Prevention or the safety alert for op-
- 17 erators issued by the Federal Aviation Adminis-
- 18 tration on May 11, 2020, numbered SAFO
- 19 20009 (including any similar successor safety
- 20 alert or applicable guidance);
- 21 (C) to provide to at-risk employees—
- 22 (i) masks or protective face coverings;
- 23 (ii) gloves;
- 24 (iii) hand sanitizer;

1 (iv) sanitizing wipes with sufficient al-
2 cohol content; and

3 (v) training on the proper use of per-
4 sonal protective equipment and sanitizing
5 equipment;

6 (D) to ensure that employees whose job re-
7 sponsibilities include the cleaning, disinfecting,
8 or sanitizing described in subparagraph (A) or
9 (B) are provided—

10 (i) masks or protective face coverings;

11 (ii) gloves;

12 (iii) hand sanitizer; and

13 (iv) sanitizing wipes with sufficient al-
14 cohol content;

15 (E) to establish guidelines, or adhere to any
16 existing applicable guidelines, including the safe-
17 ty alert for operators issued by the Federal Avia-
18 tion Administration on May 11, 2020, numbered
19 SAFO 20009 (including any similar successor
20 safety alert or applicable guidance), for notifying
21 an employee of the owner or operator of a con-
22 firmed diagnosis of the Coronavirus Disease
23 2019 (COVID–19) with respect to any other em-
24 ployee of the owner or operator with whom the
25 notified employee had physical contact or a

1 *physical interaction during the 48-hour period*
2 *preceding the time at which the diagnosed em-*
3 *ployee developed symptoms;*

4 *(F) to require the wearing of masks or pro-*
5 *TECTIVE face coverings, subject to the requirements*
6 *of the Americans with Disabilities Act of 1990*
7 *(42 U.S.C. 12101 et seq.), section 41705 of title*
8 *49, United States Code, (commonly known as the*
9 *“Air Carrier Access Act of 1986”), and section*
10 *501 of the Rehabilitation Act of 1973 (29 U.S.C.*
11 *791), as applicable, by—*

12 *(i) passengers traveling on transpor-*
13 *tation provided by a passenger or freight*
14 *transportation employer; and*

15 *(ii) employees of passenger or freight*
16 *transportation employers when—*

17 *(I) interacting with passengers,*
18 *the public, or coworkers who interact*
19 *with the public; or*

20 *(II) working in locations where*
21 *social distancing and other preventa-*
22 *tive measures with respect to the*
23 *Coronavirus Disease 2019 (COVID–19)*
24 *are not possible;*

1 (G) to require each flight crew member to
2 wear a mask or protective face covering while on
3 board an aircraft and outside the flight deck;
4 and

5 (H) ensure that each contractor of an owner
6 or operator identified under this paragraph pro-
7 vides masks or protective face coverings, gloves,
8 hand sanitizer, and sanitizing wipes with suffi-
9 cient alcohol content, to employees of such con-
10 tractor whose job responsibilities include the
11 cleaning, disinfecting, or sanitizing described in
12 subparagraph (A) or (B); and

13 (2) an air carrier to submit to the Administrator
14 of the Federal Aviation Administration a proposal to
15 permit flight crew members to wear masks or protec-
16 tive face coverings in the flight deck, including a safe-
17 ty risk assessment with respect to that proposal.

18 (c) *MARKET UNAVAILABILITY OF NECESSARY*
19 *ITEMS.—*

20 (1) *NOTICE OF MARKET UNAVAILABILITY.—*

21 (A) *IN GENERAL.—*If an owner or operator
22 described in paragraph (1) of subsection (b) is
23 unable to acquire 1 or more items necessary to
24 comply with the requirements prescribed under

1 that paragraph due to market unavailability of
2 the items, the owner or operator shall—

3 (i) not later than 7 days after the date
4 on which the owner or operator is unable to
5 acquire each applicable item, submit to the
6 Secretary a written notice explaining the ef-
7 forts made and obstacles faced by the owner
8 or operator to acquire that item; and

9 (ii) continue making efforts to acquire
10 that item until the item is acquired.

11 (B) *UPDATED NOTICE WITH RESPECT TO*
12 *THE SAME ITEM.*—If an owner or operator is
13 unable to acquire an item described in a notice
14 submitted under subparagraph (A) by the date
15 described in paragraph (4)(B)(i) with respect to
16 the notice, the owner or operator may submit an
17 updated notice with respect to that item.

18 (2) *REASONABLE EFFORT DETERMINATION.*—
19 With respect to each notice submitted under para-
20 graph (1), the Secretary shall determine whether the
21 owner or operator submitting the notice has made
22 reasonable efforts to acquire the item described in the
23 notice.

24 (3) *NOTICE OF COMPLIANCE.*—Not later than 7
25 days after the date on which an owner or operator ac-

1 quires an item described in a notice submitted by that
2 owner or operator under paragraph (1) in a quantity
3 sufficient to comply with the requirements prescribed
4 under subsection (b)(1), the owner or operator shall
5 submit to the Secretary a written notice of compli-
6 ance with those requirements.

7 (4) *LISTS OF OWNERS AND OPERATORS MAKING*
8 *REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE*
9 *ITEMS.—*

10 (A) *IN GENERAL.—*The Secretary shall pub-
11 lish on a public website of the Department of
12 Transportation a list that, with respect to each
13 notice submitted to the Secretary under para-
14 graph (1) for which the Secretary has made a
15 positive determination under paragraph (2)—

16 (i) identifies the owner or operator
17 that submitted the notice;

18 (ii) identifies the item that the owner
19 or operator was unable to acquire; and

20 (iii) describes the reasonable efforts
21 made by the owner or operator to acquire
22 that item.

23 (B) *REMOVAL FROM LIST.—*The Secretary
24 shall remove each entry on the list described in
25 subparagraph (A) on the earlier of—

1 (i) the date on which the applicable
2 owner or operator submits to the Secretary
3 a notice of compliance under paragraph (3)
4 with respect to the item that is the subject
5 of the entry; and

6 (ii) the date that is 90 days after the
7 date on which the entry was added to the
8 list.

9 (d) *PROTECTION OF CERTAIN FEDERAL AVIATION AD-*
10 *MINISTRATION EMPLOYEES.—*

11 (1) *IN GENERAL.—*For the purposes of respond-
12 ing to, or for purposes relating to operations during
13 the national emergency declared by the President
14 under the National Emergencies Act (50 U.S.C. 1601
15 et seq.) related to the pandemic of SARS-4CoV-2 or
16 coronavirus disease 2019 (COVID-19), in order to
17 maintain the safe and efficient operation of the air
18 traffic control system, the Administrator of the Fed-
19 eral Aviation Administration shall—

20 (A) provide any air traffic controller and
21 airway transportation systems specialist of the
22 Federal Aviation Administration with masks or
23 protective face coverings, gloves, and hand sani-
24 tizer and wipes of sufficient alcohol content, and

1 *provide training on the proper use of personal*
2 *protective equipment and sanitizing equipment;*

3 *(B) ensure that each air traffic control fa-*
4 *ility is cleaned, disinfected, and sanitized fre-*
5 *quently in accordance with Centers for Disease*
6 *Control and Prevention guidance; and*

7 *(C) provide any employee of the Federal*
8 *Aviation Administration whose job responsibil-*
9 *ities involve cleaning, disinfecting, and sani-*
10 *tizing a facility described in subparagraph (B)*
11 *with masks or protective face coverings and*
12 *gloves, and ensure that each contractor of the*
13 *Federal Aviation Administration provides any*
14 *employee of the contractor with those materials.*

15 (2) *SOURCE OF EQUIPMENT.*—*The items de-*
16 *scribed in paragraph (1)(A) may be procured or pro-*
17 *vided under that paragraph through any source*
18 *available to the Administrator of the Federal Aviation*
19 *Administration.*

20 **SEC. 302. PROPERTY DISPOSITION FOR AFFORDABLE HOUS-**
21 **ING.**

22 *Section 5334(h)(1) of title 49, United States Code, is*
23 *amended to read as follows:*

24 “(1) *IN GENERAL.*—*If a recipient of assistance*
25 *under this chapter decides an asset acquired under*

1 *this chapter at least in part with that assistance is*
2 *no longer needed for the purpose for which such asset*
3 *was acquired, the Secretary may authorize the recipi-*
4 *ent to transfer such asset to—*

5 *“(A) a local governmental authority to be*
6 *used for a public purpose with no further obliga-*
7 *tion to the Government if the Secretary de-*
8 *cides—*

9 *“(i) the asset will remain in public use*
10 *for at least 5 years after the date the asset*
11 *is transferred;*

12 *“(ii) there is no purpose eligible for as-*
13 *sistance under this chapter for which the*
14 *asset should be used;*

15 *“(iii) the overall benefit of allowing the*
16 *transfer is greater than the interest of the*
17 *Government in liquidation and return of*
18 *the financial interest of the Government in*
19 *the asset, after considering fair market*
20 *value and other factors; and*

21 *“(iv) through an appropriate screening*
22 *or survey process, that there is no interest*
23 *in acquiring the asset for Government use if*
24 *the asset is a facility or land; or*

1 “(B) a local governmental authority, non-
2 profit organization, or other third party entity
3 to be used for the purpose of transit-oriented de-
4 velopment with no further obligation to the Gov-
5 ernment if the Secretary decides—

6 “(i) the asset is a necessary component
7 of a proposed transit-oriented development
8 project;

9 “(ii) the transit-oriented development
10 project will increase transit ridership;

11 “(iii) at least 40 percent of the housing
12 units offered in the transit-oriented develop-
13 ment , including housing units owned by
14 nongovernmental entities, are legally bind-
15 ing affordability restricted to tenants with
16 incomes at or below 60 percent of the area
17 median income and/or owners with incomes
18 at or below 60 percent the area median in-
19 come;

20 “(iv) the asset will remain in use as
21 described in this section for at least 30
22 years after the date the asset is transferred;
23 and

24 “(v) with respect to a transfer to a
25 third party entity—

1 “(I) a local government authority
2 or nonprofit organization is unable to
3 receive the property;

4 “(II) the overall benefit of allow-
5 ing the transfer is greater than the in-
6 terest of the Government in liquidation
7 and return of the financial interest of
8 the Government in the asset, after con-
9 sidering fair market value and other
10 factors; and

11 “(III) the third party has dem-
12 onstrated a satisfactory history of con-
13 struction or operating an affordable
14 housing development.”.

15 **SEC. 303. TREATMENT OF PAYMENTS FROM THE RAILROAD**

16 **UNEMPLOYMENT INSURANCE ACCOUNT.**

17 (a) *IN GENERAL.*—Section 256(i)(1) of the *Balanced*
18 *Budget and Emergency Deficit Control Act of 1985* (2
19 *U.S.C. 906(i)(1)*) is amended—

20 (1) in subparagraph (B), by striking “and” at
21 the end;

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

24 (3) by inserting after subparagraph (C) the fol-
25 lowing new subparagraph:

1 “(D) any payment made from the Railroad Un-
2 employment Insurance Account (established by section
3 10 of the Railroad Unemployment Insurance Act) for
4 the purpose of carrying out the Railroad Unemploy-
5 ment Insurance Act, and funds appropriated or
6 transferred to or otherwise deposited in such Ac-
7 count,”.

8 (b) *EFFECTIVE DATE.*—The treatment of payments
9 made from the Railroad Unemployment Insurance Account
10 pursuant to the amendment made by subsection (a) shall
11 take effect 7 days after the date of enactment of this Act
12 and shall apply only to obligations incurred on or after
13 such effective date for such payments.

14 **SEC. 304. CLARIFICATION OF OVERSIGHT AND IMPLEMEN-**
15 **TATION OF RELIEF FOR WORKERS AFFECTED**
16 **BY CORONAVIRUS ACT.**

17 (a) *AUDITS, INVESTIGATIONS, AND OVERSIGHT.*—Not-
18 withstanding section 2115 of the Relief for Workers Affected
19 by Coronavirus Act (subtitle A of title II of division A of
20 Public Law 116–136), the authority of the Inspector Gen-
21 eral of the Department of Labor to carry out audits, inves-
22 tigations, and other oversight activities that are related to
23 the provisions of such Act shall not extend to any activities
24 related to sections 2112, 2113, or 2114 of such Act. Such

1 *authority with respect to such sections shall belong to the*
2 *Inspector General of the Railroad Retirement Board.*

3 **(b) OPERATING INSTRUCTIONS OR OTHER GUID-**
4 *ANCE.—Notwithstanding section 2116(b) of the Relief for*
5 *Workers Affected by Coronavirus Act (subtitle A of title II*
6 *of division A of Public Law 116–136), the authority of the*
7 *Secretary of Labor to issue any operating instructions or*
8 *other guidance necessary to carry out the provisions of such*
9 *Act shall not extend to any activities related to sections*
10 *2112, 2113, or 2114 of such Act. Such authority with re-*
11 *spect to such sections shall belong to the Railroad Retire-*
12 *ment Board.*

13 **SEC. 305. EXTENSION OF WAIVER OF THE 7-DAY WAITING**
14 **PERIOD FOR BENEFITS UNDER THE RAIL-**
15 **ROAD UNEMPLOYMENT INSURANCE ACT.**

16 **(a) IN GENERAL.—***Section 2112(a) of the CARES Act*
17 *(15 U.S.C. 9030) is amended by striking “December 31,*
18 *2020” and inserting “January 31, 2021”.*

19 **(b) OPERATING INSTRUCTIONS AND REGULATIONS.—**
20 *The Railroad Retirement Board may prescribe any oper-*
21 *ating instructions or regulations necessary to carry out this*
22 *section.*

23 **(c) CLARIFICATION ON AUTHORITY TO USE FUNDS.—**
24 *Funds appropriated under section 2112(c) of the CARES*
25 *Act shall be available to cover the cost of additional benefits*

1 payable due to section 2112(a) of the CARES Act by reason
2 of the amendments made by subsection (a) as well as to
3 cover the cost of such benefits payable due to section 2112(a)
4 of the CARES Act as in effect on the day before the date
5 of enactment of this Act.

6 **SEC. 306. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
7 **THE RAILROAD UNEMPLOYMENT INSURANCE**
8 **ACT.**

9 (a) *IN GENERAL.*—Section 2(c)(2)(D)(iii) of the Rail-
10 road Unemployment Insurance Act (45 U.S.C.
11 352(c)(2)(D)(iii) is amended—

12 (1) by striking “June 30, 2020” and inserting
13 “June 30, 2021”; and

14 (2) by striking “no extended benefit period under
15 this paragraph shall begin after December 31, 2020”
16 and inserting “the provisions of clauses (i) and (ii)
17 shall not apply to any employee with respect to any
18 registration period beginning on or after February 1,
19 2021”.

20 (b) *CLARIFICATION ON AUTHORITY TO USE FUND.*—
21 Funds appropriated under either the first or second sen-
22 tence of clause (iv) of section 2(c)(2)(D) of the Railroad Un-
23 employment Insurance Act shall be available to cover the
24 cost of additional extended unemployment benefits provided
25 under such section 2(c)(2)(D) by reason of the amendments

1 *made by subsection (a) as well as to cover the cost of such*
2 *benefits provided under such section 2(c)(2)(D) as in effect*
3 *on the day before the date of enactment of this Act.*

4 **SEC. 307. ADDITIONAL ENHANCED BENEFITS UNDER THE**
5 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

6 (a) *IN GENERAL.*—Section 2(a)(5)(A) of the Railroad
7 *Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is*
8 *amended—*

9 (1) *by inserting “for registration periods begin-*
10 *ning on or after September 6, 2020, but on or before*
11 *January 31, 2021, and for any registration periods*
12 *during a period of continuing unemployment which*
13 *began on or before January 31, 2021,” after “July 31,*
14 *2020,”;*

15 (2) *by striking “July 1, 2019” and inserting*
16 *“July 1, 2019, or July 1, 2020”; and*

17 (3) *by adding at the end “No recovery benefit*
18 *under this section shall be payable for any registra-*
19 *tion period beginning on or after April 1, 2021. For*
20 *registration periods beginning on or after February 1,*
21 *2021, a recovery benefit under this section shall only*
22 *be payable to a qualified employee with respect to any*
23 *registration period in which the employee received*
24 *normal unemployment benefits as defined in para-*
25 *graph (c)(1), but shall not be payable to a qualified*

1 *employee who did not receive unemployment benefits*
2 *or who received extended benefits as defined in para-*
3 *graph (c)(2) for such registration period.”*

4 (b) *ADDITIONAL APPROPRIATIONS.—Section*
5 *2(a)(5)(B) of the Railroad Unemployment Insurance Act*
6 *(45 U.S.C. 352(a)(5)(B) is amended by adding at the end*
7 *the following:*

8 *“In addition to the amount appropriated by the pre-*
9 *ceding sentence, out of any funds in the Treasury not other-*
10 *wise appropriated, there are appropriated \$300,000,000 to*
11 *cover the cost of recovery benefits provided under subpara-*
12 *graph (A), to remain available until expended.”.*

13 (c) *DISREGARD OF RECOVERY BENEFITS FOR PUR-*
14 *POSES OF ALL FEDERAL AND FEDERALLY ASSISTED PRO-*
15 *GRAMS.—Section 2(a)(5) of the Railroad Unemployment*
16 *Insurance Act (45 U.S.C. 352(a)(5)) is amended by adding*
17 *at the end the following:*

18 *“(C) A recovery benefit payable under subparagraph*
19 *(A) shall not be regarded as income and shall not be re-*
20 *garded as a resource for the month of receipt and the fol-*
21 *lowing 9 months, for purposes of determining the eligibility*
22 *of the recipient (or the recipient’s spouse or family) for ben-*
23 *efits or assistance, or the amount or extent of benefits or*
24 *assistance, under any Federal program or under any State*

1 *or local program financed in whole or in part with Federal*
2 *funds.”.*

3 (d) *CLARIFICATION ON AUTHORITY TO USE FUNDS.—*
4 *Funds appropriated under either the first or second sen-*
5 *tence of subparagraph (B) of section 2(a)(5) of the Railroad*
6 *Unemployment Insurance Act shall be available to cover the*
7 *cost of recovery benefits provided under such section 2(a)(5)*
8 *by reason of the amendments made by subsection (a) as well*
9 *as to cover the cost of such benefits provided under such*
10 *section 2(a)(5) as in effect on the day before the date of*
11 *enactment of this Act.*

12 **SEC. 308. OFFICE OF DISASTER RECOVERY.**

13 (a) *IN GENERAL.—Title V of the Public Works and*
14 *Economic Development Act of 1965 (42 U.S.C. 3191 et seq.)*
15 *is amended by adding at the end the following:*

16 **“SEC. 508. OFFICE OF DISASTER RECOVERY.**

17 *“(a) IN GENERAL.—The Secretary shall create an Of-*
18 *fice of Disaster Recovery to direct and implement the Agen-*
19 *cy’s post-disaster economic recovery responsibilities pursu-*
20 *ant to sections 209(c)(2) and 703.*

21 *“(b) AUTHORIZATION.—The Secretary is authorized to*
22 *appoint and fix the compensation of such temporary per-*
23 *sonnel as may be necessary to implement disaster recovery*
24 *measures, without regard to the provisions of title 5, United*
25 *States Code, governing appointments in the competitive*

1 *service. The Secretary is authorized to appoint such tem-*
2 *porary personnel, after serving continuously for 2 years, to*
3 *positions in the Economic Development Administration in*
4 *the same manner that competitive service employees with*
5 *competitive status are considered for transfer, reassignment,*
6 *or promotion to such positions. An individual appointed*
7 *under the preceding sentence shall become a career-condi-*
8 *tional employee, unless the employee has already completed*
9 *the service requirements for career tenure.”.*

10 *(b) CLERICAL AMENDMENT.—The table of contents for*
11 *the Public Works and Economic Development Act of 1965*
12 *is amended by inserting after the item relating to section*
13 *507 the following new item:*

“508. Office of Disaster Recovery.”.

14 **SEC. 309. GRADUATION REQUIREMENTS FOR THE UNITED**
15 **STATES MERCHANT MARINE ACADEMY AND**
16 **STATE MARITIME ACADEMIES.**

17 *(a) UNITED STATES MERCHANT MARINE ACADEMY.—*
18 *(1) Notwithstanding section 51309(a)(1)(B) of*
19 *title 46, United States Code, and subject to such terms*
20 *and conditions as set forth in this subsection and*
21 *other conditions as the Secretary may determine, the*
22 *Superintendent of the United States Merchant Marine*
23 *Academy may confer degrees on individuals scheduled*
24 *to receive such degrees from the United States Mer-*
25 *chant Marine Academy in calendar year 2020.*

1 (2) *With respect to an individual described in*
2 *paragraph (1), the Secretary of Transportation*
3 *may—*

4 (A) *defer until not later than December 31,*
5 *2021, the requirements of section 51306(a)(2) of*
6 *title 46, United States Code, and relevant regula-*
7 *tions;*

8 (B) *defer until not later than December 31,*
9 *2021, and modify as necessary, requirements*
10 *under paragraphs (3) through (5) of section*
11 *51306(a) of title 46, United States Code, and rel-*
12 *evant regulations; and*

13 (C) *conditionally waive requirements under*
14 *paragraphs (2) through (5) of section 51306(a)*
15 *of title 46, United States Code, and relevant reg-*
16 *ulations, for an individual who—*

17 (i) *within 3 months of receiving a de-*
18 *gree has accepted a commission as an offi-*
19 *cer on active duty in an armed force of the*
20 *United States or a commission as an officer*
21 *of the National Oceanic and Atmospheric*
22 *Administration or the Public Health Serv-*
23 *ice, pursuant to section 51306(e) of title 46,*
24 *United States Code; and*

1 (ii) serves for the 5-year period fol-
2 lowing commissioning as an officer on ac-
3 tive duty as described in clause (i).

4 (3) An individual upon whom the United States
5 Merchant Marine Academy confers a degree pursuant
6 to paragraph (1) shall—

7 (A) fulfill the requirements under section
8 51306(a)(2) of title 46, United States Code, and
9 relevant regulations, by the date set by the Sec-
10 retary, which shall be not later than December
11 31, 2021; or

12 (B) for the 5-year period following gradua-
13 tion from the Academy as described in para-
14 graph (2)(C)(i), serve as a commissioned officer
15 on active duty in an armed force of the United
16 States or as a commissioned officer of the Na-
17 tional Oceanic and Atmospheric Administration
18 or the Public Health Service, pursuant to section
19 51306(e) of title 46, United States Code.

20 (4) If the United States Merchant Marine Acad-
21 emy confers a degree upon an individual pursuant to
22 paragraph (1) and the individual fails to comply
23 with the requirements established by the Secretary,
24 the Secretary may—

1 (A) revoke the degree conferred on the indi-
2 vidual by the United States Merchant Marine
3 Academy; and

4 (B) exercise the remedies under section
5 51306 of title 46, United States Code.

6 (b) STATE MARITIME ACADEMY.—

7 (1) Notwithstanding section 51506(a)(3) of title
8 46, United States Code, and subject to such terms and
9 conditions as set forth in this subsection and other
10 conditions as the Secretary may determine, a State
11 maritime academy may confer degrees upon individ-
12 uals scheduled to graduate from a State maritime
13 academy in calendar year 2020. With respect to an
14 individual who has received student incentive pay-
15 ments under section 51509 of title 46, United States
16 Code, and fails to comply with such terms and condi-
17 tions, the Secretary may exercise the authorities set
18 forth in paragraphs (3) of this subsection.

19 (2) For an individual to be eligible to be con-
20 ferred a degree pursuant to paragraph (1), the State
21 maritime academy shall require such individual to
22 pass the examination required for the issuance of a li-
23 cense under section 7101 of title 46, United States
24 Code, by December 31, 2021, and such State mari-
25 time academy shall advise all such individuals who

1 *have not passed the examination prerequisite to*
2 *issuance of a license that any degree so awarded is*
3 *subject to revocation and such State maritime acad-*
4 *emy shall advise any individuals who have not*
5 *passed.*

6 *(3) The Secretary of Transportation may—*

7 *(A) require a State maritime academy, as*
8 *a condition of receiving an annual payment*
9 *under section 51506(a) of title 46, United States*
10 *Code, to report to the Secretary, in a manner de-*
11 *termined by the Secretary, on the compliance*
12 *with paragraph (2);*

13 *(B) withhold payments under section*
14 *51506(a) of title 46, United States Code, in an*
15 *amount not greater than the fractional amount*
16 *of the direct payment that is proportional to the*
17 *number of graduates who fail to comply with re-*
18 *quirements under paragraph (2) and whose de-*
19 *grees have not been revoked by the State mari-*
20 *time academy and the total number of individ-*
21 *uals graduating from such State maritime acad-*
22 *emy in calendar year 2020; and*

23 *(C) reduce the amount of direct payments*
24 *withheld under subparagraph (B) below the max-*
25 *imum amount authorized.*

1 (4) *For an individual graduating from a State*
2 *maritime academy in calendar year 2020 who has re-*
3 *ceived student incentive payments under section*
4 *51509 of title 46, United States Code, the Secretary*
5 *of Transportation may—*

6 (A) *defer until not later than December 31,*
7 *2021, the requirements under sections*
8 *51509(d)(2) of title 46, United States Code, and*
9 *relevant regulations;*

10 (B) *defer until not later than December 31,*
11 *2021, and modify as necessary as determined by*
12 *the Secretary, the requirements under para-*
13 *graphs (3) through (5) of section 51509(d) of*
14 *title 46, United States Code, and relevant regula-*
15 *tions; and*

16 (C) *conditionally waive requirements under*
17 *paragraphs (2) through (5) of section 51509(d)*
18 *of title 46, United States Code, and relevant reg-*
19 *ulations, for an individual who—*

20 (i) *within 3 months of graduation is*
21 *commissioned as an officer on active duty*
22 *in an armed force of the United States or*
23 *as a commissioned officer of the National*
24 *Oceanic and Atmospheric Administration*
25 *or the Public Health Service, pursuant to*

1 *section 51509(h) of title 46, United States*
2 *Code; and*

3 *(ii) serves for the 5-year period fol-*
4 *lowing commissioning as an officer on ac-*
5 *tive duty as provided for in clause (i).*

6 (5) *An individual conferred a degree from a*
7 *State maritime academy pursuant to paragraph (1)*
8 *who has received student incentive payments as pro-*
9 *vided for in section 51509 of title 46, United States*
10 *Code, shall—*

11 (A) *fulfill the requirements under section*
12 *51509(d)(2) of title 46, United States Code, and*
13 *relevant regulations not later than December 31,*
14 *2021; or*

15 (B) *for the 5-year period following gradua-*
16 *tion from an academy described in paragraph*
17 *(4)(C)(ii), serve as a commissioned officer on ac-*
18 *tive duty in an armed force of the United States*
19 *or as a commissioned officer of the National Oce-*
20 *anic and Atmospheric Administration or the*
21 *Public Health Service, pursuant to section*
22 *51509(h) of title 46, United States Code.*

23 (6) *If an individual conferred a degree from a*
24 *State maritime academy pursuant to paragraph (1)*
25 *fails to comply with the requirements established by*

1 (1) by inserting “, is placed on paid or unpaid
2 non-duty status,” after “office”;

3 (2) by inserting “, change in status,” after “any
4 such removal”; and

5 (3) by inserting “, change in status,” after “be-
6 fore the removal”.

7 (c) *EFFECTIVE DATE.*—The amendments made by this
8 section shall take effect 30 days after the date of the enact-
9 ment of this Act.

10 **SEC. 102. PRESIDENTIAL EXPLANATION OF FAILURE TO**
11 **NOMINATE AN INSPECTOR GENERAL.**

12 (a) *IN GENERAL.*—Subchapter III of chapter 33 of
13 title 5, United States Code, is amended by inserting after
14 section 3349d the following new section:

15 **“§ 3349e. Presidential explanation of failure to nomi-**
16 **nate an Inspector General**

17 “If the President fails to make a formal nomination
18 for a vacant Inspector General position that requires a for-
19 mal nomination by the President to be filled within the pe-
20 riod beginning on the date on which the vacancy occurred
21 and ending on the day that is 210 days after that date,
22 the President shall communicate, within 30 days after the
23 end of such period, to Congress in writing—

24 “(1) the reasons why the President has not yet
25 made a formal nomination; and

1 “(2) a target date for making a formal nomina-
2 tion.”.

3 (b) *CLERICAL AMENDMENT.*—The table of sections for
4 chapter 33 of title 5, United States Code, is amended by
5 inserting after the item relating to 3349d the following new
6 item:

 “3349e. Presidential explanation of failure to nominate an Inspector General.”.

7 (c) *EFFECTIVE DATE.*—The amendment made by sub-
8 section (a) shall take effect on the date of the enactment
9 of this Act and shall apply to any vacancy first occurring
10 on or after that date.

11 **SEC. 103. INSPECTOR GENERAL INDEPENDENCE.**

12 (a) *SHORT TITLE.*—This section may be cited as the
13 “Inspector General Independence Act”.

14 (b) *AMENDMENT.*—The Inspector General Act of 1978
15 (5 U.S.C. App.) is amended—

16 (1) in section 3(b)—

17 (A) by striking “An Inspector General” and
18 inserting “(1) An Inspector General”;

19 (B) by inserting after “by the President”
20 the following: “in accordance with paragraph
21 (2)”; and

22 (C) by inserting at the end the following
23 new paragraph:

24 “(2) The President may remove an Inspector
25 General only for any of the following grounds:

1 “(A) *Permanent incapacity.*

2 “(B) *Inefficiency.*

3 “(C) *Neglect of duty.*

4 “(D) *Malfeasance.*

5 “(E) *Conviction of a felony or conduct in-*
6 *volving moral turpitude.*

7 “(F) *Knowing violation of a law, rule, or*
8 *regulation.*

9 “(G) *Gross mismanagement.*

10 “(H) *Gross waste of funds.*

11 “(I) *Abuse of authority.*”; and

12 (2) *in section 8G(e)(2), by adding at the end the*
13 *following new sentence: "An Inspector General may be*
14 *removed only for any of the following grounds:*

15 “(A) *Permanent incapacity.*

16 “(B) *Inefficiency.*

17 “(C) *Neglect of duty.*

18 “(D) *Malfeasance.*

19 “(E) *Conviction of a felony or conduct in-*
20 *volving moral turpitude.*

21 “(F) *Knowing violation of a law, rule, or*
22 *regulation.*

23 “(G) *Gross mismanagement.*

24 “(H) *Gross waste of funds.*

25 “(I) *Abuse of authority.*”.

1 **SEC. 104. USPS INSPECTOR GENERAL OVERSIGHT RESPON-**
2 **SIBILITIES.**

3 *The Inspector General of the United States Postal*
4 *Service shall—*

5 *(1) conduct oversight, audits, and investigations*
6 *of projects and activities carried out with funds pro-*
7 *vided in division A of this Act to the United States*
8 *Postal Service; and*

9 *(2) not less than 90 days after the Postal Service*
10 *commences use of funding provided by division A of*
11 *this Act, and annually thereafter, initiate an audit of*
12 *the Postal Service's use of appropriations and bor-*
13 *rowing authority provided by any division of this*
14 *Act, including the use of funds to cover lost revenues,*
15 *costs due to COVID–19, and expenditures, and submit*
16 *a copy of such audit to the Committee on Homeland*
17 *Security and Governmental Affairs of the Senate, the*
18 *Committee on Oversight and Reform of the House of*
19 *Representatives, and the Committees on Appropria-*
20 *tions of the House of Representatives and the Senate.*

21 **TITLE II—CENSUS MATTERS**

22 **SEC. 201. MODIFICATION OF 2020 CENSUS DEADLINES AND**
23 **TABULATION OF POPULATION.**

24 *(a) CENSUS DEADLINE MODIFICATION.—Notwith-*
25 *standing the timetables provided in subsections (b) and (c)*
26 *of section 141 of title 13, United States Code, and section*

1 22(a) of the Act entitled “An Act to provide for the fifteenth
2 and subsequent decennial censuses and to provide for appor-
3 tionment of Representatives in Congress”, approved June
4 18, 1929 (2 U.S.C. 2a(a)), for the 2020 decennial census
5 of population—

6 (1) the tabulation of total population by States
7 required by subsection (a) of such section 141 for the
8 apportionment of Representatives in Congress among
9 the several States shall be—

10 (A) completed and reported by the Secretary
11 of Commerce (referred to in this section as the
12 “Secretary”) to the President no earlier than one
13 year after the decennial census date of April 1,
14 2020, and not later than April 30, 2021; and

15 (B) made public by the Secretary not later
16 than the date on which the tabulation is reported
17 to the President under subparagraph (A);

18 (2) the President shall transmit to Congress a
19 statement showing the whole number of persons in
20 each State, and the number of Representatives to
21 which each State would be entitled under an appor-
22 tionment of the then existing number of Representa-
23 tives, as required by such section 22(a), and deter-
24 mined solely as described therein, immediately upon

1 *receipt of the tabulation reported by the Secretary;*
2 *and*

3 *(3) the tabulations of populations required by*
4 *subsection (c) of such section 141 shall be completed*
5 *by the Secretary as expeditiously as possible after the*
6 *census date of April 1, 2020, taking into account the*
7 *deadlines of each State for legislative apportionment*
8 *or districting, and reported to the Governor of the*
9 *State involved and to the officers or public bodies*
10 *having responsibility for legislative apportionment or*
11 *districting of that State, except that the tabulations*
12 *of population of each State requesting a tabulation*
13 *plan, and basic tabulations of population of each*
14 *other State, shall be completed, reported, and trans-*
15 *mitted to each respective State not later than July 30,*
16 *2021.*

17 *(b) NRFU OPERATION.—For the 2020 decennial cen-*
18 *sus of population, the Bureau of the Census shall conclude*
19 *the Nonresponse Followup operation and the self-response*
20 *operation no earlier than October 31, 2020.*

21 **SEC. 202. REPORTING REQUIREMENTS FOR 2020 CENSUS.**

22 *On the first day of each month during the period be-*
23 *tween the date of enactment of this Act and July 1, 2021,*
24 *the Director of the Bureau of the Census shall submit, to*
25 *the Committee on Oversight and Reform of the House of*

1 *Representatives, the Committee on Homeland Security and*
2 *Governmental Affairs of the Senate, and the Committees on*
3 *Appropriations of the House and the Senate, a report re-*
4 *garding the 2020 decennial census of population containing*
5 *the following information:*

6 (1) *The total number of field staff, sorted by cat-*
7 *egory, hired by the Bureau compared to the number*
8 *of field staff the Bureau estimated was necessary to*
9 *carry out such census.*

10 (2) *Retention rates of such hired field staff.*

11 (3) *Average wait time for call center calls and*
12 *average wait time for each language provided.*

13 (4) *Anticipated schedule of such census oper-*
14 *ations.*

15 (5) *Total tabulated responses, categorized by race*
16 *and Hispanic origin.*

17 (6) *Total appropriations available for obligation*
18 *for such census and a categorized list of total dis-*
19 *bursements.*

20 (7) *Non-Response Follow-Up completion rates by*
21 *geographic location.*

22 (8) *Update/Enumerate and Update/Leave com-*
23 *pletion rates by geographic location.*

1 (9) *Total spending to date on media, advertise-*
2 *ments, and partnership specialists, including a geo-*
3 *graphic breakdown of such spending.*

4 (10) *Post-enumeration schedule and subsequent*
5 *data aggregation and delivery progress.*

6 **SEC. 203. LIMITATION ON TABULATION OF CERTAIN DATA.**

7 (a) *LIMITATION.*—*The Bureau of the Census may not*
8 *compile or produce any data product or tabulation as part*
9 *of, in combination with, or in connection with, the 2020*
10 *decennial census of population or any such census data pro-*
11 *duced pursuant to section 141(c) of title 13, United States*
12 *Code, that is based in whole or in part on data that is*
13 *not collected in such census.*

14 (b) *EXCEPTION.*—*The limitation in subsection (a)*
15 *shall not apply to any data product or tabulation that is*
16 *required by sections 141(b) or (c) of such title, that uses*
17 *the same or substantially similar methodology and data*
18 *sources as a decennial census data product produced by the*
19 *Bureau of the Census before January 1, 2019, or that uses*
20 *a methodology and data sources that the Bureau of the Cen-*
21 *sus finalized and made public prior to January 1, 2018.*

1 **TITLE III—FEDERAL**
2 **WORKFORCE**

3 **SEC. 301. COVID-19 TELEWORKING REQUIREMENTS FOR**
4 **FEDERAL EMPLOYEES.**

5 (a) *MANDATED TELEWORK.*—

6 (1) *IN GENERAL.*—*Effective immediately upon*
7 *the date of enactment of this Act, the head of any*
8 *Federal agency shall require any employee of such*
9 *agency who is authorized to telework under chapter*
10 *65 of title 5, United States Code, or any other provi-*
11 *sion of law to telework during the period beginning*
12 *on the date of enactment of this Act and ending on*
13 *December 31, 2020.*

14 (2) *DEFINITIONS.*—*In this subsection—*

15 (A) *the term “employee” means—*

16 (i) *an employee of the Library of Con-*
17 *gress;*

18 (ii) *an employee of the Government Ac-*
19 *countability Office;*

20 (iii) *a covered employee as defined in*
21 *section 101 of the Congressional Account-*
22 *ability Act of 1995 (2 U.S.C. 1301), other*
23 *than an applicant for employment;*

24 (iv) *a covered employee as defined in*
25 *section 411(c) of title 3, United States Code;*

1 (v) a Federal officer or employee cov-
2 ered under subchapter V of chapter 63 of
3 title 5, United States Code; or

4 (vi) any other individual occupying a
5 position in the civil service (as that term is
6 defined in section 2101(1) of title 5, United
7 States Code); and

8 (B) the term “telework” has the meaning
9 given that term in section 6501(3) of such title.

10 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65 of
11 title 5, United States Code, is amended as follows:

12 (1) In section 6502—

13 (A) in subsection (b)—

14 (i) in paragraph (4), by striking
15 “and” at the end;

16 (ii) in paragraph (5), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(6) include annual goals for increasing the per-
22 cent of employees of the executive agency partici-
23 pating in teleworking—

24 “(A) three or more days per pay period;

25 “(B) one or 2 days per pay period;

1 “(C) once per month; and

2 “(D) on an occasional, episodic, or short-
3 term basis; and

4 “(7) include methods for collecting data on, set-
5 ting goals for, and reporting costs savings to the execu-
6 tive agency achieved through teleworking, consistent
7 with the guidance developed under section 301(c) of
8 division R of The Heroes Act.”; and

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

10 “(d) NOTIFICATION FOR REDUCTION IN TELEWORKING
11 PARTICIPATION.—Not later than 30 days before the date
12 that an executive agency implements or modifies a tele-
13 working plan that would reduce the percentage of employees
14 at the agency who telework, the head of the executive agency
15 shall provide written notification, including a justification
16 for the reduction in telework participation and a descrip-
17 tion of how the agency will pay for any increased costs re-
18 sulting from that reduction, to—

19 “(1) the Director of the Office of Personnel Man-
20 agement;

21 “(2) the Committee on Oversight and Reform of
22 the House of Representatives; and

23 “(3) the Committee on Homeland Security and
24 Governmental Affairs of the Senate.

1 “(e) *PROHIBITION ON AGENCY-WIDE LIMITS ON TELE-*
2 *WORKING.*—*An agency may not prohibit any delineated pe-*
3 *riod of teleworking participation for all employees of the*
4 *agency, including the periods described in subparagraphs*
5 *(A) through (D) of subsection (b)(6). The agency shall make*
6 *any teleworking determination with respect to an employee*
7 *or group of employees at the agency on a case-by-case*
8 *basis.*”.

9 (2) *In section 6506(b)(2)—*

10 (A) *in subparagraph (F)(vi), by striking*
11 *“and” at the end;*

12 (B) *in subparagraph (G), by striking the*
13 *period at the end and inserting a semicolon; and*

14 (C) *by adding at the end the following:*

15 “(H) *agency cost savings achieved through*
16 *teleworking, consistent with the guidance devel-*
17 *oped under section 2(c) of the Telework Metrics*
18 *and Cost Savings Act; and*

19 “(I) *a detailed explanation of a plan to in-*
20 *crease the Government-wide teleworking partici-*
21 *pation rate above such rate applicable to fiscal*
22 *year 2016, including agency-level plans to main-*
23 *tain or improve such rate for each of the tele-*
24 *working frequency categories listed under sub-*
25 *paragraph (A)(iii).*”.

1 (c) *GUIDANCE.*—Not later than 90 days after the date
2 of the enactment of this Act, the Director of the Office of
3 Personnel Management, in collaboration with the Chief
4 Human Capital Officer Council, shall establish uniform
5 guidance for agencies on how to collect data on, set goals
6 for, and report cost savings achieved through, teleworking.
7 Such guidance shall account for cost savings related to trav-
8 el, energy use, and real estate.

9 (d) *TECHNICAL CORRECTION.*—Section 6506(b)(1) of
10 title 5, United States Code, is amended by striking “with
11 Chief” and inserting “with the Chief”.

12 **SEC. 302. RETIREMENT FOR CERTAIN EMPLOYEES.**

13 (a) *CSRS.*—Section 8336(c) of title 5, United States
14 Code, is amended by adding at the end the following:

15 “(3)(A) In this paragraph—

16 “(i) the term ‘affected individual’
17 means an individual covered under this
18 subchapter who—

19 “(I) is performing service in a
20 covered position;

21 “(II) is diagnosed with COVID-
22 19 before the date on which the indi-
23 vidual becomes entitled to an annuity
24 under paragraph (1) of this subsection

1 or subsection (e), (m), or (n), as appli-
2 cable;

3 “(III) because of the illness de-
4 scribed in subclause (II), is perma-
5 nently unable to render useful and effi-
6 cient service in the employee’s covered
7 position, as determined by the agency
8 in which the individual was serving
9 when such individual incurred the ill-
10 ness; and

11 “(IV) is appointed to a position
12 in the civil service that—

13 “(aa) is not a covered posi-
14 tion; and

15 “(bb) is within an agency
16 that regularly appoints individ-
17 uals to supervisory or administra-
18 tive positions related to the activi-
19 ties of the former covered position
20 of the individual;

21 “(ii) the term ‘covered position’ means
22 a position as a law enforcement officer, cus-
23 toms and border protection officer, fire-
24 fighter, air traffic controller, nuclear mate-
25 rials courier, member of the Capitol Police,

1 *or member of the Supreme Court Police;*
2 *and*

3 *“(iii) the term ‘COVID–19’ means the*
4 *2019 Novel Coronavirus or 2019-nCoV.*

5 *“(B) Unless an affected individual files an*
6 *election described in subparagraph (E), cred-*
7 *itable service by the affected individual in a po-*
8 *sition described in subparagraph (A)(i)(IV) shall*
9 *be treated as creditable service in a covered posi-*
10 *tion for purposes of this chapter and deter-*
11 *mining the amount to be deducted and withheld*
12 *from the pay of the affected individual under sec-*
13 *tion 8334.*

14 *“(C) Subparagraph (B) shall only apply if*
15 *the affected employee transitions to a position*
16 *described in subparagraph (A)(i)(IV) without a*
17 *break in service exceeding 3 days.*

18 *“(D) The service of an affected individual*
19 *shall no longer be eligible for treatment under*
20 *subparagraph (B) if such service occurs after the*
21 *individual—*

22 *“(i) is transferred to a supervisory or*
23 *administrative position related to the ac-*
24 *tivities of the former covered position of the*
25 *individual; or*

1 “(ii) meets the age and service require-
2 ments that would subject the individual to
3 mandatory separation under section 8335 if
4 such individual had remained in the former
5 covered position.

6 “(E) In accordance with procedures estab-
7 lished by the Director of the Office of Personnel
8 Management, an affected individual may file an
9 election to have any creditable service performed
10 by the affected individual treated in accordance
11 with this chapter without regard to subpara-
12 graph (B).

13 “(F) Nothing in this paragraph shall be
14 construed to apply to such affected individual
15 any other pay-related laws or regulations appli-
16 cable to a covered position.”.

17 (b) *FERS*.—

18 (1) *IN GENERAL*.—Section 8412(d) of title 5,
19 United States Code, is amended—

20 (A) by redesignating paragraphs (1) and
21 (2) as subparagraphs (A) and (B), respectively;

22 (B) by inserting “(1)” before “An em-
23 ployee”; and

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

25 “(2)(A) In this paragraph—

1 “(i) the term ‘affected individual’
2 means an individual covered under this
3 chapter who—

4 “(I) is performing service in a
5 covered position;

6 “(II) is diagnosed with COVID-
7 19 before the date on which the indi-
8 vidual becomes entitled to an annuity
9 under paragraph (1) of this subsection
10 or subsection (e), as applicable;

11 “(III) because of the illness de-
12 scribed in subclause (II), is perma-
13 nently unable to render useful and effi-
14 cient service in the employee’s covered
15 position, as determined by the agency
16 in which the individual was serving
17 when such individual incurred the ill-
18 ness; and

19 “(IV) is appointed to a position
20 in the civil service that—

21 “(aa) is not a covered posi-
22 tion; and

23 “(bb) is within an agency
24 that regularly appoints individ-
25 uals to supervisory or administra-

1 *tive positions related to the activi-*
2 *ties of the former covered position*
3 *of the individual;*

4 “(ii) the term ‘covered position’ means
5 *a position as a law enforcement officer, cus-*
6 *tom and border protection officer, fire-*
7 *fighter, air traffic controller, nuclear mate-*
8 *rials courier, member of the Capitol Police,*
9 *or member of the Supreme Court Police;*
10 *and*

11 “(iii) the term ‘COVID–19’ means the
12 *2019 Novel Coronavirus or 2019-nCoV.*

13 “(B) Unless an affected individual files an
14 *election described in subparagraph (E), cred-*
15 *itable service by the affected individual in a po-*
16 *sition described in subparagraph (A)(i)(IV) shall*
17 *be treated as creditable service in a covered posi-*
18 *tion for purposes of this chapter and deter-*
19 *mining the amount to be deducted and withheld*
20 *from the pay of the affected individual under sec-*
21 *tion 8422.*

22 “(C) Subparagraph (B) shall only apply if
23 *the affected employee transitions to a position*
24 *described in subparagraph (A)(i)(IV) without a*
25 *break in service exceeding 3 days.*

1 “(D) *The service of an affected individual*
2 *shall no longer be eligible for treatment under*
3 *subparagraph (B) if such service occurs after the*
4 *individual—*

5 “(i) *is transferred to a supervisory or*
6 *administrative position related to the ac-*
7 *tivities of the former covered position of the*
8 *individual; or*

9 “(ii) *meets the age and service require-*
10 *ments that would subject the individual to*
11 *mandatory separation under section 8425 if*
12 *such individual had remained in the former*
13 *covered position.*

14 “(E) *In accordance with procedures estab-*
15 *lished by the Director of the Office of Personnel*
16 *Management, an affected individual may file an*
17 *election to have any creditable service performed*
18 *by the affected individual treated in accordance*
19 *with this chapter without regard to subpara-*
20 *graph (B).*

21 “(F) *Nothing in this paragraph shall be*
22 *construed to apply to such affected individual*
23 *any other pay-related laws or regulations appli-*
24 *cable to a covered position.”.*

1 (2) *TECHNICAL AND CONFORMING AMEND-*
2 *MENTS.—*

3 (A) *Chapter 84 of title 5, United States*
4 *Code, is amended—*

5 (i) *in section 8414(b)(3), by inserting*
6 *“(1)” after “subsection (d)”;*

7 (ii) *in section 8415—*

8 (I) *in subsection (e), in the matter*
9 *preceding paragraph (1), by inserting*
10 *“(1)” after “subsection (d)”;* and

11 (II) *in subsection (h)(2)(A), by*
12 *striking “(d)(2)” and inserting*
13 *“(d)(1)(B)”;*

14 (iii) *in section 8421(a)(1), by inserting*
15 *“(1)” after “(d)”;*

16 (iv) *in section 8421a(b)(4)(B)(ii), by*
17 *inserting “(1)” after “section 8412(d)”;*

18 (v) *in section 8425, by inserting “(1)”*
19 *after “section 8412(d)” each place it ap-*
20 *pears; and*

21 (vi) *in section 8462(c)(3)(B)(ii), by in-*
22 *serting “(1)” after “subsection (d)”.*

23 (B) *Title VIII of the Foreign Service Act of*
24 *1980 (22 U.S.C. 4041 et seq.) is amended—*

1 (i) in section 805(d)(5) (22 U.S.C.
2 4045(d)(5)), by inserting “(1)” after “or
3 8412(d)”; and

4 (ii) in section 812(a)(2)(B) (22 U.S.C.
5 4052(a)(2)(B)), by inserting “(1)” after “or
6 8412(d)”.

7 (c) *CIA EMPLOYEES.*—Section 302 of the Central In-
8 telligence Agency Retirement Act (50 U.S.C. 2152) is
9 amended by adding at the end the following:

10 “(d) *EMPLOYEES DISABLED ON DUTY.*—

11 “(1) *DEFINITIONS.*—In this subsection—

12 “(A) the term ‘affected employee’ means an
13 employee of the Agency covered under subchapter
14 II of chapter 84 of title 5, United States Code,
15 who—

16 “(i) is performing service in a position
17 designated under subsection (a);

18 “(ii) is diagnosed with COVID–19 be-
19 fore the date on which the employee becomes
20 entitled to an annuity under section 233 of
21 this Act or section 8412(d)(1) of title 5,
22 United States Code;

23 “(iii) because of the illness described in
24 clause (ii), is permanently unable to render
25 useful and efficient service in the employee’s

1 covered position, as determined by the Di-
2 rector; and

3 “(iv) is appointed to a position in the
4 civil service that is not a covered position
5 but is within the Agency;

6 “(B) the term ‘covered position’ means a
7 position as—

8 “(i) a law enforcement officer described
9 in section 8331(20) or 8401(17) of title 5,
10 United States Code;

11 “(ii) a customs and border protection
12 officer described in section 8331(31) or
13 8401(36) of title 5, United States Code;

14 “(iii) a firefighter described in section
15 8331(21) or 8401(14) of title 5, United
16 States Code;

17 “(iv) an air traffic controller described
18 in section 8331(30) or 8401(35) of title 5,
19 United States Code;

20 “(v) a nuclear materials courier de-
21 scribed in section 8331(27) or 8401(33) of
22 title 5, United States Code;

23 “(vi) a member of the United States
24 Capitol Police;

1 “(vii) a member of the Supreme Court
2 Police;

3 “(viii) an affected employee; or

4 “(ix) a special agent described in sec-
5 tion 804(15) of the Foreign Service Act of
6 1980 (22 U.S.C. 4044(15)); and

7 “(C) the term ‘COVID–19’ means the 2019
8 Novel Coronavirus or 2019-nCoV.

9 “(2) *TREATMENT OF SERVICE AFTER DIS-*
10 *ABILITY.—Unless an affected employee files an elec-*
11 *tion described in paragraph (3), creditable service by*
12 *the affected employee in a position described in para-*
13 *graph (1)(A)(iv) shall be treated as creditable service*
14 *in a covered position for purposes of this Act and*
15 *chapter 84 of title 5, United States Code, including*
16 *eligibility for an annuity under section 233 of this*
17 *Act or 8412(d)(1) of title 5, United States Code, and*
18 *determining the amount to be deducted and withheld*
19 *from the pay of the affected employee under section*
20 *8422 of title 5, United States Code.*

21 “(3) *BREAK IN SERVICE.—Paragraph (2) shall*
22 *only apply if the affected employee transitions to a*
23 *position described in paragraph (1)(A)(iv) without a*
24 *break in service exceeding 3 days.*

1 “(4) *LIMITATION ON TREATMENT OF SERVICE.*—
2 *The service of an affected employee shall no longer be*
3 *eligible for treatment under paragraph (2) if such*
4 *service occurs after the employee is transferred to a*
5 *supervisory or administrative position related to the*
6 *activities of the former covered position of the em-*
7 *ployee.*

8 “(5) *OPT OUT.*—*An affected employee may file*
9 *an election to have any creditable service performed*
10 *by the affected employee treated in accordance with*
11 *chapter 84 of title 5, United States Code, without re-*
12 *gard to paragraph (2).”.*

13 (d) *FOREIGN SERVICE RETIREMENT AND DISABILITY*
14 *SYSTEM.*—*Section 806(a)(6) of the Foreign Service Act of*
15 *1980 (22 U.S.C. 4046(a)(6)) is amended by adding at the*
16 *end the following:*

17 “(D)(i) *In this subparagraph—*

18 “(I) *the term ‘affected special*
19 *agent’ means an individual covered*
20 *under this subchapter who—*

21 “(aa) *is performing service*
22 *as a special agent;*

23 “(bb) *is diagnosed with*
24 *COVID–19 before the date on*
25 *which the individual becomes en-*

1 *titled to an annuity under section*
2 *811;*

3 *“(cc) because of the illness*
4 *described in item (bb), is perma-*
5 *nently unable to render useful and*
6 *efficient service in the employee’s*
7 *covered position, as determined by*
8 *the Secretary; and*

9 *“(dd) is appointed to a posi-*
10 *tion in the Foreign Service that is*
11 *not a covered position;*

12 *“(II) the term ‘covered position’*
13 *means a position as—*

14 *“(aa) a law enforcement offi-*
15 *cer described in section 8331(20)*
16 *or 8401(17) of title 5, United*
17 *States Code;*

18 *“(bb) a customs and border*
19 *protection officer described in sec-*
20 *tion 8331(31) or 8401(36) of title*
21 *5, United States Code;*

22 *“(cc) a firefighter described*
23 *in section 8331(21) or 8401(14) of*
24 *title 5, United States Code;*

1 “(dd) an air traffic controller
2 described in section 8331(30) or
3 8401(35) of title 5, United States
4 Code;

5 “(ee) a nuclear materials
6 courier described in section
7 8331(27) or 8401(33) of title 5,
8 United States Code;

9 “(ff) a member of the United
10 States Capitol Police;

11 “(gg) a member of the Su-
12 preme Court Police;

13 “(hh) an employee of the
14 Agency designated under section
15 302(a) of the Central Intelligence
16 Agency Retirement Act (50 U.S.C.
17 2152(a)); or

18 “(ii) a special agent; and

19 “(III) the term ‘COVID-19’
20 means the 2019 Novel Coronavirus or
21 2019-nCoV.

22 “(ii) Unless an affected special agent files
23 an election described in clause (iv), creditable
24 service by the affected special agent in a position
25 described in clause (i)(I)(dd) shall be treated as

1 *creditable service as a special agent for purposes*
2 *of this subchapter, including determining the*
3 *amount to be deducted and withheld from the*
4 *pay of the individual under section 805.*

5 “(iii) *Clause (ii) shall only apply if the spe-*
6 *cial agent transitions to a position described in*
7 *clause (i)(I)(dd) without a break in service ex-*
8 *ceeding 3 days.*

9 “(iv) *The service of an affected employee*
10 *shall no longer be eligible for treatment under*
11 *clause (ii) if such service occurs after the em-*
12 *ployee is transferred to a supervisory or admin-*
13 *istrative position related to the activities of the*
14 *former covered position of the employee.*

15 “(v) *In accordance with procedures estab-*
16 *lished by the Secretary, an affected special agent*
17 *may file an election to have any creditable serv-*
18 *ice performed by the affected special agent treat-*
19 *ed in accordance with this subchapter, without*
20 *regard to clause (ii).”.*

21 (e) *IMPLEMENTATION.—*

22 (1) *OFFICE OF PERSONNEL MANAGEMENT.—The*
23 *Director of the Office of Personnel Management shall*
24 *promulgate regulations to carry out the amendments*
25 *made by subsections (a) and (b).*

1 (2) *CIA EMPLOYEES.*—*The Director of the Cen-*
2 *tral Intelligence Agency shall promulgate regulations*
3 *to carry out the amendment made by subsection (c).*

4 (3) *FOREIGN SERVICE RETIREMENT AND DIS-*
5 *ABILITY SYSTEM.*—*The Secretary of State shall pro-*
6 *mulgate regulations to carry out the amendment*
7 *made by subsection (d).*

8 (4) *AGENCY REAPPOINTMENT.*—*The regulations*
9 *promulgated to carry out the amendments made by*
10 *this section shall ensure that, to the greatest extent*
11 *possible, the head of each agency appoints affected*
12 *employees or special agents to supervisory or admin-*
13 *istrative positions related to the activities of the*
14 *former covered position of the employee or special*
15 *agent.*

16 (5) *TREATMENT OF SERVICE.*—*The regulations*
17 *promulgated to carry out the amendments made by*
18 *this section shall ensure that the creditable service of*
19 *an affected employee or special agent (as the case may*
20 *be) that is not in a covered position pursuant to an*
21 *election made under such amendments shall be treated*
22 *as the same type of service as the covered position in*
23 *which the employee or agent suffered the qualifying*
24 *illness.*

1 (f) *EFFECTIVE DATE; APPLICABILITY.*—*The amend-*
2 *ments made by this section—*

3 (1) *shall take effect on the date of enactment of*
4 *this section; and*

5 (2) *shall apply to an individual who suffers an*
6 *illness described in section 8336(c)(3)(A)(i)(II) or sec-*
7 *tion 8412(d)(2)(A)(i)(II) of title 5, United States*
8 *Code (as amended by this section), section*
9 *302(d)(1)(A)(ii) of the Central Intelligence Agency*
10 *Retirement Act (as amended by this section), or sec-*
11 *tion 806(a)(6)(D)(i)(I)(bb) of the Foreign Service Act*
12 *of 1980 (as amended by this section), on or after the*
13 *date that is 2 years after the date of enactment of this*
14 *section.*

15 **TITLE IV—FEDERAL**
16 **CONTRACTING PROVISIONS**

17 **SEC. 401. MANDATORY TELEWORK.**

18 (a) *IN GENERAL.*—*During the emergency period, the*
19 *Director of the Office of Management and Budget shall di-*
20 *rect agencies to allow telework for all contractor personnel*
21 *to the maximum extent practicable. Additionally, the Direc-*
22 *tor shall direct contracting officers to document any deci-*
23 *sion to not allow telework during the emergency period in*
24 *the contract file.*

1 (b) *EMERGENCY PERIOD DEFINED.*—*In this section,*
2 *the term “emergency period” means the period that—*

3 (1) *begins on the date that is not later than 15*
4 *days after the date of the enactment of this Act; and*

5 (2) *ends on the date that the public health emer-*
6 *gency declared pursuant to section 319 of the Public*
7 *Health Service Act (42 U.S.C. 247d) as result of*
8 *COVID–19, including any renewal thereof, expires.*

9 **SEC. 402. GUIDANCE ON THE IMPLEMENTATION OF SEC-**
10 **TION 3610 OF THE CARES ACT.**

11 *Not later than 15 days after the date of the enactment*
12 *of this Act, the Director of the Office of Management and*
13 *Budget shall issue guidance to ensure uniform implementa-*
14 *tion across agencies of section 3610 of the CARES Act (Pub-*
15 *lic Law 116–136). Any such guidance shall—*

16 (1) *limit the basic requirements for reimburse-*
17 *ment to those included in such Act and the effective*
18 *date for such reimbursement shall be January 31,*
19 *2020; and*

20 (2) *clarify that the term “minimum applicable*
21 *contract billing rates” as used in such section in-*
22 *cludes the financial impact incurred as a consequence*
23 *of keeping the employees or subcontractors of the con-*
24 *tractor in a ready state (such as the base hourly wage*

1 *rate of an employee, plus indirect costs, fees, and gen-*
2 *eral and administrative expenses).*

3 **SEC. 403. PAST PERFORMANCE RATINGS.**

4 *Section 1126 of title 41, United States Code, is amend-*
5 *ed by adding at the end the following new subsection:*

6 *“(c) EXCEPTION FOR FAILURE TO DELIVER GOODS OR*
7 *COMPLETE WORK DUE TO COVID-19.—If the head of an*
8 *executive agency determines that a contractor failed to de-*
9 *liver goods or complete work as a result of measures taken*
10 *as a result of COVID-19 under a contract with the agency*
11 *by the date or within the time period imposed by the con-*
12 *tract, any information relating to such failure may not*
13 *be—*

14 *“(1) included in any past performance database*
15 *used by executive agencies for making source selection*
16 *decisions; or*

17 *“(2) evaluated unfavorably as a factor of past*
18 *contract performance.”.*

19 **SEC. 404. ACCELERATED PAYMENTS.**

20 *Not later than 10 days after the date of the enactment*
21 *of this Act and ending on the expiration of the public health*
22 *emergency declared pursuant to section 319 of the Public*
23 *Health Service Act (42 U.S.C. 247d) as a result of COVID-*
24 *19, including any renewal thereof, the Director of the Office*
25 *of Management and Budget shall direct contracting officers*

1 *to establish an accelerated payment date for any prime con-*
2 *tract (as defined in section 8701 of title 41, United States*
3 *Code) with payments due 15 days after the receipt of a*
4 *proper invoice.*

5 **TITLE V—DISTRICT OF**
6 **COLUMBIA**

7 **SEC. 501. SPECIAL BORROWING BY THE DISTRICT OF CO-**
8 **LUMBIA.**

9 *(a) AUTHORIZING BORROWING UNDER MUNICIPAL LI-*
10 *QUIDITY FACILITY OF FEDERAL RESERVE BOARD AND*
11 *SIMILAR FACILITIES OR PROGRAMS.—The Council of the*
12 *District of Columbia (hereafter in this section referred to*
13 *as the “Council”) may by act authorize the issuance of*
14 *bonds, notes, and other obligations, in amounts determined*
15 *by the Chief Financial Officer of the District of Columbia*
16 *to meet cash-flow needs of the District of Columbia govern-*
17 *ment, for purchase by the Board of Governors of the Federal*
18 *Reserve under the Municipal Liquidity Facility of the Fed-*
19 *eral Reserve or any other facility or program of the Federal*
20 *Reserve or another entity of the Federal government which*
21 *is established in response to the COVID–19 Pandemic.*

22 *(b) REQUIRING ISSUANCE TO BE COMPETITIVE WITH*
23 *OTHER FORMS OF BORROWING.—The Council may author-*
24 *ize the issuance of bonds, notes, or other obligations under*
25 *subsection (a) only if the issuance of such bonds, notes, and*

1 *other obligations is competitive with other forms of bor-*
2 *rowing in the financial market.*

3 (c) *TREATMENT AS GENERAL OBLIGATION.*—*Any*
4 *bond, note, or other obligation issued under subsection (a)*
5 *shall, if provided in the act of the Council, be a general*
6 *obligation of the District.*

7 (d) *PAYMENTS NOT SUBJECT TO APPROPRIATION.*—
8 *No appropriation is required to pay—*

9 (1) *any amount (including the amount of any*
10 *accrued interest or premium) obligated or expended*
11 *from or pursuant to subsection (a) for or from the*
12 *sale of any bonds, notes, or other obligation under*
13 *such subsection;*

14 (2) *any amount obligated or expended for the*
15 *payment of principal of, interest on, or any premium*
16 *for any bonds, notes, or other obligations issued under*
17 *subsection (a);*

18 (3) *any amount obligated or expended pursuant*
19 *to provisions made to secure any bonds, notes, or*
20 *other obligations issued under subsection (a); or*

21 (4) *any amount obligated or expended pursuant*
22 *to commitments, including lines of credit or costs of*
23 *issuance, made or entered in connection with the*
24 *issuance of any bonds, notes, or other obligations for*

1 *operating or capital costs financed under subsection*
2 *(a).*

3 *(e) RENEWAL.—Any bond, note, or other obligation*
4 *issued under subsection (a) may be renewed if authorized*
5 *by an act of the Council.*

6 *(f) PAYMENT.—Any bonds, notes, or other obligations*
7 *issued under subsection (a), including any renewal of such*
8 *bonds, notes, or other obligations, shall be due and payable*
9 *on such terms and conditions as are consistent with the*
10 *terms and conditions of the Municipal Liquidity Facility*
11 *or other facility or program referred to in subsection (a).*

12 *(g) INCLUSION OF PAYMENTS IN ANNUAL BUDGET.—*
13 *The Council shall provide in each annual budget for the*
14 *District of Columbia government sufficient funds to pay the*
15 *principal of and interest on all bonds, notes, or other obliga-*
16 *tions issued under subsection (a) of this section becoming*
17 *due and payable during such fiscal year.*

18 *(h) OBLIGATION TO PAY.—The Mayor of the District*
19 *of Columbia shall ensure that the principal of and interest*
20 *on all bonds, notes, or other obligations issued under sub-*
21 *section (a) are paid when due, including by paying such*
22 *principal and interest from funds not otherwise legally*
23 *committed.*

24 *(i) SECURITY INTEREST IN DISTRICT REVENUES.—*
25 *The Council may by act provide for a security interest in*

1 *any District of Columbia revenues as additional security*
2 *for the payment of any bond, note, or other obligation issued*
3 *under subsection (a).*

4 **TITLE VI—OTHER MATTERS**

5 **SEC. 601. ESTIMATES OF AGGREGATE ECONOMIC GROWTH** 6 **ACROSS INCOME GROUPS.**

7 (a) *SHORT TITLE.*—*This section may be cited as the*
8 *“Measuring Real Income Growth Act of 2020”.*

9 (b) *DEFINITIONS.*—*In this section:*

10 (1) *BUREAU.*—*The term “Bureau” means the*
11 *Bureau of Economic Analysis of the Department of*
12 *Commerce.*

13 (2) *GROSS DOMESTIC PRODUCT ANALYSIS.*—*The*
14 *term “gross domestic product analysis”—*

15 (A) *means a quarterly or annual analysis*
16 *conducted by the Bureau with respect to the*
17 *gross domestic product of the United States; and*

18 (B) *includes a revision prepared by the Bu-*
19 *reau of an analysis described in subparagraph*
20 *(A).*

21 (3) *RECENT ESTIMATE.*—*The term “recent esti-*
22 *mate” means the most recent estimate described in*
23 *subsection (c) that is available on the date on which*
24 *the gross domestic product analysis with which the es-*
25 *timate is to be included is conducted.*

1 (c) *INCLUSION IN REPORTS.*—Beginning in 2020, in
2 each gross domestic product analysis conducted by the Bu-
3 reau, the Bureau shall include a recent estimate of, with
4 respect to specific percentile groups of income, the total
5 amount that was added to the economy of the United States
6 during the period to which the recent estimate pertains, in-
7 cluding in—

8 (1) each of the 10 deciles of income; and

9 (2) the highest 1 percent of income.

10 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
11 authorized to be appropriated to the Secretary of Commerce
12 such sums as are necessary to carry out this section.

13 **SEC. 602. WAIVER OF FEDERAL FUND LIMITATION FOR THE**
14 **DRUG-FREE COMMUNITIES SUPPORT PRO-**
15 **GRAM.**

16 (a) *IN GENERAL.*—Subject to subsection (b), if the Ad-
17 ministrator of the Drug-Free Communities Support Pro-
18 gram determines that, as a result of the public health emer-
19 gency declared pursuant to section 319 of the Public Health
20 Service Act (42 U.S.C. 247d) as a result of COVID–19, an
21 eligible coalition is unable to raise the amount of non-Fed-
22 eral funds, including in-kind contributions, agreed to be
23 raised by the coalition for a fiscal year under an agreement
24 entered into with the Administrator pursuant to paragraph
25 (1)(A) or (3)(D) of section 1032(b) of the Anti-Drug Abuse

1 *Act of 1988 (21 U.S.C. 1532(b)), the Administrator may,*
2 *notwithstanding such paragraphs, provide to the eligible co-*
3 *alition the grant or renewal grant, as applicable, for that*
4 *fiscal year in an amount—*

5 (1) *with respect to an initial grant or renewal*
6 *grant described under paragraph (1)(A) of such sec-*
7 *tion, that exceeds the amount of non-Federal funds*
8 *raised by the eligible coalition, including in-kind con-*
9 *tributions, for that fiscal year;*

10 (2) *with respect to a renewal grant described*
11 *under paragraph (3)(D)(i) of such section, that ex-*
12 *ceeds 125 percent of the amount of non-Federal funds*
13 *raised by the eligible coalition, including in-kind con-*
14 *tributions, for that fiscal year; and*

15 (3) *with respect to a renewal grant described*
16 *under paragraph (3)(D)(ii) of such section, that ex-*
17 *ceeds 150 percent of the amount of non-Federal funds*
18 *raised by the eligible coalition, including in-kind con-*
19 *tributions, for that fiscal year.*

20 **SEC. 603. UNITED STATES POSTAL SERVICE BORROWING**
21 **AUTHORITY.**

22 *Subsection (b)(2) of section 6001 of the Coronavirus*
23 *Aid, Relief, and Economic Security Act (Public Law 116–*
24 *136) is amended to read as follows:*

1 “(2) the Secretary of the Treasury shall lend up
2 to the amount described in paragraph (1) at the re-
3 quest of the Postal Service subject to the terms and
4 conditions of the note purchase agreement between the
5 Postal Service and the Federal Financing Bank in ef-
6 fect on September 29, 2018.”.

7 ***DIVISION S—FOREIGN AFFAIRS***
8 ***PROVISIONS***

9 ***TITLE I—MATTERS RELATING TO***
10 ***THE DEPARTMENT OF STATE***

11 ***SEC. 101. EFFORTS TO ASSIST FEDERAL VOTERS OVERSEAS***

12 ***IMPACTED BY COVID-19.***

13 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
14 that the Secretary of State, in consultation with the Sec-
15 retary of Defense and the Postmaster General, should under-
16 take efforts to mitigate the effects of limited or curtailed
17 diplomatic pouch capacities or other operations constraints
18 at United States diplomatic and consular posts, due to
19 coronavirus, on overseas voters (as such term is defined in
20 section 107(5) of the Uniformed and Overseas Citizens Ab-
21 sentee Voting Act (52 U.S.C. 20310(5))) seeking to return
22 absentee ballots and other balloting materials under such
23 Act with respect to elections for Federal office held in 2020.
24 Such efforts should include steps to—

1 (1) *restore or augment diplomatic pouch capacities;*
2

3 (2) *facilitate using the Army Post Office, Fleet*
4 *Post Office, Diplomatic Post Office, the United States*
5 *mails, or private couriers, if available;*

6 (3) *mitigate other operations constraints affect-*
7 *ing eligible overseas voters;*

8 (4) *develop specific outreach plans to educate eli-*
9 *gible overseas voters about accessing all available*
10 *forms of voter assistance prior to the date of the regu-*
11 *larly scheduled general election for Federal office; and*

12 (5) *ensure any employees at Department of State*
13 *overseas posts interacting with Federal overseas voters*
14 *seeking to return their ballots are informed of and ex-*
15 *ercise necessary protocols to avoid the spoilage or in-*
16 *validating of ballots for which the Department of*
17 *State is helping to facilitate return.*

18 (b) *REPORT ON EFFORTS TO ASSIST AND INFORM*
19 *FEDERAL VOTERS OVERSEAS.—Not later than 15 days be-*
20 *fore the date of the regularly scheduled general election for*
21 *Federal office held in November 2020, the Secretary of*
22 *State, in consultation with the Secretary of Defense, shall*
23 *report to the appropriate congressional committees on the*
24 *efforts described in subsection (a).*

1 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
2 *FINED.*—*In this section, the term “appropriate congres-*
3 *sional committees” means—*

4 (1) *the Committee on Foreign Affairs and the*
5 *Committee on Armed Services of the House of Rep-*
6 *resentatives; and*

7 (2) *the Committee on Foreign Relations and the*
8 *Committee on Armed Services of the Senate.*

9 **SEC. 102. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**
10 **PATRIATION TASK FORCE.**

11 *Not later than 90 days after the date of the enactment*
12 *of this division, the Secretary of State shall submit to the*
13 *Committee on Foreign Affairs of the House of Representa-*
14 *tives and the Committee on Foreign Relations of the Senate*
15 *a report evaluating the efforts of the Coronavirus Repatri-*
16 *ation Task Force of the Department of State to repatriate*
17 *United States citizens and legal permanent residents in re-*
18 *sponse to the 2020 coronavirus outbreak. The report shall*
19 *identify—*

20 (1) *the most significant impediments to repa-*
21 *triating such persons;*

22 (2) *the lessons learned from such repatriations;*
23 *and*

1 (3) any changes planned to future repatriation
2 efforts of the Department of State to incorporate such
3 lessons learned.

4 **TITLE II—GLOBAL HEALTH**
5 **SECURITY ACT OF 2020**

6 **SEC. 201. SHORT TITLE.**

7 *This title may be cited as the “Global Health Security*
8 *Act of 2020”.*

9 **SEC. 202. FINDINGS.**

10 *Congress finds the following:*

11 (1) *In December 2009, President Obama released*
12 *the National Strategy for Countering Biological*
13 *Threats, which listed as one of seven objectives “Pro-*
14 *mote global health security: Increase the availability*
15 *of and access to knowledge and products of the life*
16 *sciences that can help reduce the impact from out-*
17 *breaks of infectious disease whether of natural, acci-*
18 *dental, or deliberate origin”.*

19 (2) *In February 2014, the United States and*
20 *nearly 30 other nations launched the Global Health*
21 *Security Agenda (GHSA) to address several high-pri-*
22 *ority, global infectious disease threats. The GHSA is*
23 *a multi-faceted, multi-country initiative intended to*
24 *accelerate partner countries’ measurable capabilities*
25 *to achieve specific targets to prevent, detect, and re-*

1 *spond to infectious disease threats, whether naturally*
2 *occurring, deliberate, or accidental.*

3 *(3) In 2015, the United Nations adopted the*
4 *Sustainable Development Goals (SDGs), which in-*
5 *clude specific reference to the importance of global*
6 *health security as part of SDG 3 “ensure healthy lives*
7 *and promote well-being for all at all ages” as follows:*
8 *“strengthen the capacity of all countries, in par-*
9 *ticular developing countries, for early warning, risk*
10 *reduction and management of national and global*
11 *health risks”.*

12 *(4) On November 4, 2016, President Obama*
13 *signed Executive Order 13747, “Advancing the Global*
14 *Health Security Agenda to Achieve a World Safe and*
15 *Secure from Infectious Disease Threats”.*

16 *(5) In October 2017 at the GHSA Ministerial*
17 *Meeting in Uganda, the United States and more than*
18 *40 GHSA member countries supported the “Kampala*
19 *Declaration” to extend the GHSA for an additional*
20 *5 years to 2024.*

21 *(6) In December 2017, President Trump released*
22 *the National Security Strategy, which includes the*
23 *priority action: “Detect and contain biothreats at*
24 *their source: We will work with other countries to de-*
25 *tect and mitigate outbreaks early to prevent the*

1 *spread of disease. We will encourage other countries*
2 *to invest in basic health care systems and to strength-*
3 *en global health security across the intersection of*
4 *human and animal health to prevent infectious dis-*
5 *ease outbreaks”.*

6 *(7) In September 2018, President Trump re-*
7 *leased the National Biodefense Strategy, which in-*
8 *cludes objectives to “strengthen global health security*
9 *capacities to prevent local bioincidents from becoming*
10 *epidemics”, and “strengthen international prepared-*
11 *ness to support international response and recovery*
12 *capabilities”.*

13 **SEC. 203. STATEMENT OF POLICY.**

14 *It is the policy of the United States to—*

15 *(1) promote global health security as a core na-*
16 *tional security interest;*

17 *(2) advance the aims of the Global Health Secu-*
18 *rity Agenda;*

19 *(3) collaborate with other countries to detect and*
20 *mitigate outbreaks early to prevent the spread of dis-*
21 *ease;*

22 *(4) encourage other countries to invest in basic*
23 *resilient and sustainable health care systems; and*

24 *(5) strengthen global health security across the*
25 *intersection of human and animal health to prevent*

1 *infectious disease outbreaks and combat the growing*
2 *threat of antimicrobial resistance.*

3 **SEC. 204. GLOBAL HEALTH SECURITY AGENDA INTER-**
4 **AGENCY REVIEW COUNCIL.**

5 *(a) ESTABLISHMENT.—The President shall establish a*
6 *Global Health Security Agenda Interagency Review Council*
7 *(in this section referred to as the “Council”) to perform the*
8 *general responsibilities described in subsection (c) and the*
9 *specific roles and responsibilities described in subsection (e).*

10 *(b) MEETINGS.—The Council shall meet not less than*
11 *four times per year to advance its mission and fulfill its*
12 *responsibilities.*

13 *(c) GENERAL RESPONSIBILITIES.—The Council shall*
14 *be responsible for the following activities:*

15 *(1) Provide policy-level recommendations to par-*
16 *ticipating agencies on Global Health Security Agenda*
17 *(GHSA) goals, objectives, and implementation.*

18 *(2) Facilitate interagency, multi-sectoral engage-*
19 *ment to carry out GHSA implementation.*

20 *(3) Provide a forum for raising and working to*
21 *resolve interagency disagreements concerning the*
22 *GHSA.*

23 *(4)(A) Review the progress toward and work to*
24 *resolve challenges in achieving United States commit-*

1 *ments under the GHSA, including commitments to*
2 *assist other countries in achieving the GHSA targets.*

3 *(B) The Council shall consider, among other*
4 *issues, the following:*

5 *(i) The status of United States financial*
6 *commitments to the GHSA in the context of com-*
7 *mitments by other donors, and the contributions*
8 *of partner countries to achieve the GHSA tar-*
9 *gets.*

10 *(ii) The progress toward the milestones out-*
11 *lined in GHSA national plans for those coun-*
12 *tries where the United States Government has*
13 *committed to assist in implementing the GHSA*
14 *and in annual work-plans outlining agency pri-*
15 *orities for implementing the GHSA.*

16 *(iii) The external evaluations of United*
17 *States and partner country capabilities to ad-*
18 *dress infectious disease threats, including the*
19 *ability to achieve the targets outlined within the*
20 *WHO Joint External Evaluation (JEE) tool, as*
21 *well as gaps identified by such external evalua-*
22 *tions.*

23 *(d) PARTICIPATION.—The Council shall consist of rep-*
24 *resentatives, serving at the Assistant Secretary level or high-*
25 *er, from the following agencies:*

- 1 (1) *The Department of State.*
- 2 (2) *The Department of Defense.*
- 3 (3) *The Department of Justice.*
- 4 (4) *The Department of Agriculture.*
- 5 (5) *The Department of Health and Human Serv-*
- 6 *ices.*
- 7 (6) *The Department of Labor.*
- 8 (7) *The Department of Homeland Security.*
- 9 (8) *The Office of Management and Budget.*
- 10 (9) *The United States Agency for International*
- 11 *Development.*
- 12 (10) *The Environmental Protection Agency.*
- 13 (11) *The Centers for Disease Control and Pre-*
- 14 *vention.*
- 15 (12) *The Office of Science and Technology Pol-*
- 16 *icy.*
- 17 (13) *The National Institutes of Health.*
- 18 (14) *The National Institute of Allergy and Infec-*
- 19 *tious Diseases.*
- 20 (15) *Such other agencies as the Council deter-*
- 21 *mines to be appropriate.*
- 22 (e) *SPECIFIC ROLES AND RESPONSIBILITIES.—*
- 23 (1) *IN GENERAL.—The heads of agencies de-*
- 24 *scribed in subsection (d) shall—*

1 (A) make the GHSA and its implementa-
2 tion a high priority within their respective agen-
3 cies, and include GHSA-related activities within
4 their respective agencies' strategic planning and
5 budget processes;

6 (B) designate a senior-level official to be re-
7 sponsible for the implementation of this division;

8 (C) designate, in accordance with subsection
9 (d), an appropriate representative at the Assist-
10 ant Secretary level or higher to participate on
11 the Council;

12 (D) keep the Council apprised of GHSA-re-
13 lated activities undertaken within their respec-
14 tive agencies;

15 (E) maintain responsibility for agency-re-
16 lated programmatic functions in coordination
17 with host governments, country teams, and
18 GHSA in-country teams, and in conjunction
19 with other relevant agencies;

20 (F) coordinate with other agencies that are
21 identified in this section to satisfy programmatic
22 goals, and further facilitate coordination of
23 country teams, implementers, and donors in host
24 countries; and

1 *section shall provide to the appropriate congressional com-*
2 *mittees a briefing on the responsibilities and activities of*
3 *the individual under this section.*

4 **SEC. 206. SENSE OF CONGRESS.**

5 *It is the sense of the Congress that, given the complex*
6 *and multisectoral nature of global health threats to the*
7 *United States, the President—*

8 *(1) should consider appointing an individual*
9 *with significant background and expertise in public*
10 *health or emergency response management to the posi-*
11 *tion of United States Coordinator for Global Health*
12 *Security, as required by section 205(a), who is an*
13 *employee of the National Security Council at the level*
14 *of Deputy Assistant to the President or higher; and*

15 *(2) in providing assistance to implement the*
16 *strategy required under section 207(a), should—*

17 *(A) coordinate, through a whole-of-govern-*
18 *ment approach, the efforts of relevant Federal de-*
19 *partments and agencies to implement the strat-*
20 *egy;*

21 *(B) seek to fully utilize the unique capabili-*
22 *ties of each relevant Federal department and*
23 *agency while collaborating with and leveraging*
24 *the contributions of other key stakeholders; and*

1 (C) *utilize open and streamlined solicita-*
2 *tions to allow for the participation of a wide*
3 *range of implementing partners through the most*
4 *appropriate procurement mechanisms, which*
5 *may include grants, contracts, cooperative agree-*
6 *ments, and other instruments as necessary and*
7 *appropriate.*

8 **SEC. 207. STRATEGY AND REPORTS.**

9 (a) *STRATEGY.*—*The United States Coordinator for*
10 *Global Health Security (appointed under section 205(a))*
11 *shall coordinate the development and implementation of a*
12 *strategy to implement the policy aims described in section*
13 *203, which shall—*

14 (1) *set specific and measurable goals, bench-*
15 *marks, timetables, performance metrics, and moni-*
16 *toring and evaluation plans that reflect international*
17 *best practices relating to transparency, account-*
18 *ability, and global health security;*

19 (2) *support and be aligned with country-owned*
20 *global health security policy and investment plans de-*
21 *veloped with input from key stakeholders, as appro-*
22 *priate;*

23 (3) *facilitate communication and collaboration,*
24 *as appropriate, among local stakeholders in support*
25 *of a multi-sectoral approach to global health security;*

1 (4) *support the long-term success of programs by*
2 *building the capacity of local organizations and insti-*
3 *tutions in target countries and communities;*

4 (5) *develop community resilience to infectious*
5 *disease threats and emergencies;*

6 (6) *leverage resources and expertise through part-*
7 *nerships with the private sector, health organizations,*
8 *civil society, nongovernmental organizations, and*
9 *health research and academic institutions; and*

10 (7) *support collaboration, as appropriate, be-*
11 *tween United States universities, and public and pri-*
12 *vate institutions in target countries and communities*
13 *to promote health security and innovation.*

14 (b) *COORDINATION.*—*The President, acting through the*
15 *United States Coordinator for Global Health Security, shall*
16 *coordinate, through a whole-of-government approach, the ef-*
17 *forts of relevant Federal departments and agencies in the*
18 *implementation of the strategy required under subsection*

19 (i) *by—*

20 (1) *establishing monitoring and evaluation sys-*
21 *tems, coherence, and coordination across relevant Fed-*
22 *eral departments and agencies; and*

23 (2) *establishing platforms for regular consulta-*
24 *tion and collaboration with key stakeholders and the*
25 *appropriate congressional committees.*

1 (c) *STRATEGY SUBMISSION.*—

2 (1) *IN GENERAL.*—Not later than 180 days after
3 the date of the enactment of this division, the Presi-
4 dent, in consultation with the head of each relevant
5 Federal department and agency, shall submit to the
6 appropriate congressional committees the strategy re-
7 quired under subsection (a) that provides a detailed
8 description of how the United States intends to ad-
9 vance the policy set forth in section 203 and the agen-
10 cy-specific plans described in paragraph (2).

11 (2) *AGENCY-SPECIFIC PLANS.*—The strategy re-
12 quired under subsection (a) shall include specific im-
13 plementation plans from each relevant Federal de-
14 partment and agency that describes—

15 (A) the anticipated contributions of the de-
16 partment or agency, including technical, finan-
17 cial, and in-kind contributions, to implement the
18 strategy; and

19 (B) the efforts of the department or agency
20 to ensure that the activities and programs car-
21 ried out pursuant to the strategy are designed to
22 achieve maximum impact and long-term sus-
23 tainability.

24 (d) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than 1 year after
2 the date on which the strategy required under sub-
3 section (a) is submitted to the appropriate congress-
4 sional committees under subsection (c), and not later
5 than October 1 of each year thereafter, the President
6 shall submit to the appropriate congressional commit-
7 tees a report that describes the status of the imple-
8 mentation of the strategy.

9 (2) *CONTENTS.*—The report required under
10 paragraph (1) shall—

11 (A) identify any substantial changes made
12 in the strategy during the preceding calendar
13 year;

14 (B) describe the progress made in imple-
15 menting the strategy;

16 (C) identify the indicators used to establish
17 benchmarks and measure results over time, as
18 well as the mechanisms for reporting such results
19 in an open and transparent manner;

20 (D) contain a transparent, open, and de-
21 tailed accounting of expenditures by relevant
22 Federal departments and agencies to implement
23 the strategy, including, to the extent practicable,
24 for each Federal department and agency, the
25 statutory source of expenditures, amounts ex-

1 *pended, partners, targeted populations, and*
2 *types of activities supported;*

3 *(E) describe how the strategy leverages other*
4 *United States global health and development as-*
5 *sistance programs;*

6 *(F) assess efforts to coordinate United*
7 *States global health security programs, activities,*
8 *and initiatives with key stakeholders;*

9 *(G) incorporate a plan for regularly review-*
10 *ing and updating strategies, partnerships, and*
11 *programs and sharing lessons learned with a*
12 *wide range of stakeholders, including key stake-*
13 *holders, in an open, transparent manner; and*

14 *(H) describe the progress achieved and chal-*
15 *lenges concerning the United States Govern-*
16 *ment's ability to advance the Global Health Se-*
17 *curity Agenda across priority countries, includ-*
18 *ing data disaggregated by priority country using*
19 *indicators that are consistent on a year-to-year*
20 *basis and recommendations to resolve, mitigate,*
21 *or otherwise address the challenges identified*
22 *therein.*

23 *(e) FORM.—The strategy required under subsection (a)*
24 *and the report required under subsection (d) shall be sub-*

1 *mitted in unclassified form but may contain a classified*
2 *annex.*

3 **SEC. 208. COMPLIANCE WITH THE FOREIGN AID TRANS-**
4 **PARENCY AND ACCOUNTABILITY ACT OF 2016.**

5 *Section 2(3) of the Foreign Aid Transparency and Ac-*
6 *countability Act of 2016 (Public Law 114–191; 22 U.S.C.*
7 *2394c note) is amended—*

8 *(1) in subparagraph (C), by striking “and” at*
9 *the end;*

10 *(2) in subparagraph (D), by striking the period*
11 *at the end and inserting “; and”; and*

12 *(3) by adding at the end the following:*

13 *“(E) the Global Health Security Act of*
14 *2020.”.*

15 **SEC. 209. DEFINITIONS.**

16 *In this title:*

17 *(1) APPROPRIATE CONGRESSIONAL COMMIT-*
18 *TEES.—The term “appropriate congressional commit-*
19 *tees” means—*

20 *(A) the Committee on Foreign Affairs and*
21 *the Committee on Appropriations of the House of*
22 *Representatives; and*

23 *(B) the Committee on Foreign Relations*
24 *and the Committee on Appropriations of the*
25 *Senate.*

1 (2) *GLOBAL HEALTH SECURITY.*—*The term*
2 *“global health security” means activities supporting*
3 *epidemic and pandemic preparedness and capabilities*
4 *at the country and global levels in order to minimize*
5 *vulnerability to acute public health events that can*
6 *endanger the health of populations across geo-*
7 *graphical regions and international boundaries.*

8 **SEC. 210. SUNSET.**

9 *This title (other than section 205), and the amend-*
10 *ments made by this title, shall cease to be effective on De-*
11 *cember 31, 2024.*

12 **TITLE III—SECURING AMERICA**
13 **FROM EPIDEMICS ACT**

14 **SEC. 301. FINDINGS.**

15 *Congress finds the following:*

16 (1) *Due to increasing population and population*
17 *density, human mobility, and ecological change,*
18 *emerging infectious diseases pose a real and growing*
19 *threat to global health security.*

20 (2) *While vaccines can be the most effective tools*
21 *to protect against infectious disease, the absence of*
22 *vaccines for a new or emerging infectious disease with*
23 *epidemic potential is a major health security threat*
24 *globally, posing catastrophic potential human and*
25 *economic costs.*

1 (3) *The 1918 influenza pandemic infected*
2 *500,000,000 people, or about one-third of the world's*
3 *population at the time, and killed 50,000,000 peo-*
4 *ple—more than died in the First World War.*

5 (4) *The economic cost of an outbreak can be dev-*
6 *astating. The estimated global cost today, should an*
7 *outbreak of the scale of the 1918 influenza pandemic*
8 *strike, is 5 percent of global gross domestic product.*

9 (5) *Even regional outbreaks can have enormous*
10 *human costs and substantially disrupt the global*
11 *economy and cripple regional economies. The 2014*
12 *Ebola outbreak in West Africa killed more than*
13 *11,000 and cost \$2,800,000,000 in losses in the af-*
14 *ected countries alone.*

15 (6) *The ongoing novel coronavirus outbreak re-*
16 *flects the pressing need for quick and effective vaccine*
17 *and countermeasure development.*

18 (7) *While the need for vaccines to address emerg-*
19 *ing epidemic threats is acute, markets to drive the*
20 *necessary development of vaccines to address them—*
21 *a complex and expensive undertaking—are very often*
22 *critically absent. Also absent are mechanisms to en-*
23 *sure access to those vaccines by those who need them*
24 *when they need them.*

1 (8) *To address this global vulnerability and the*
2 *deficit of political commitment, institutional capac-*
3 *ity, and funding, in 2017, several countries and pri-*
4 *ivate partners launched the Coalition for Epidemic*
5 *Preparedness Innovations (CEPI). CEPI's mission is*
6 *to stimulate, finance, and coordinate development of*
7 *vaccines for high-priority, epidemic-potential threats*
8 *in cases where traditional markets do not exist or*
9 *cannot create sufficient demand.*

10 (9) *Through funding of partnerships, CEPI seeks*
11 *to bring priority vaccine candidates through the end*
12 *of phase II clinical trials, as well as support vaccine*
13 *platforms that can be rapidly deployed against*
14 *emerging pathogens.*

15 (10) *CEPI has funded multiple partners to de-*
16 *velop vaccine candidates against the novel*
17 *coronavirus, responding to this urgent, global require-*
18 *ment.*

19 (11) *Support for and participation in CEPI is*
20 *an important part of the United States own health se-*
21 *curity and biodefense and is in the national interest,*
22 *complementing the work of many Federal agencies*
23 *and providing significant value through global part-*
24 *nership and burden-sharing.*

1 **SEC. 302. AUTHORIZATION FOR UNITED STATES PARTICIPA-**
2 **TION.**

3 (a) *IN GENERAL.*—*The United States is hereby author-*
4 *ized to participate in the Coalition for Epidemic Prepared-*
5 *ness Innovations.*

6 (b) *BOARD OF DIRECTORS.*—*The Administrator of the*
7 *United States Agency for International Development is au-*
8 *thorized to designate an employee of such Agency to serve*
9 *on the Investors Council of the Coalition for Epidemic Pre-*
10 *paredness Innovations as a representative of the United*
11 *States.*

12 (c) *REPORTS TO CONGRESS.*—*Not later than 180 days*
13 *after the date of the enactment of this division, the President*
14 *shall submit to the appropriate congressional committees a*
15 *report that includes the following:*

16 (1) *The United States planned contributions to*
17 *the Coalition for Epidemic Preparedness Innovations*
18 *and the mechanisms for United States participation*
19 *in such Coalition.*

20 (2) *The manner and extent to which the United*
21 *States shall participate in the governance of the Coa-*
22 *lition.*

23 (3) *How participation in the Coalition supports*
24 *relevant United States Government strategies and*
25 *programs in health security and biodefense, to in-*
26 *clude—*

1 (A) *the Global Health Security Strategy re-*
2 *quired by section 7058(c)(3) of division K of the*
3 *Consolidated Appropriations Act, 2018 (Public*
4 *Law 115–141);*

5 (B) *the applicable revision of the National*
6 *Biodefense Strategy required by section 1086 of*
7 *the National Defense Authorization Act for Fis-*
8 *cal Year 2017 (6 U.S.C. 104); and*

9 (C) *any other relevant decision-making*
10 *process for policy, planning, and spending in*
11 *global health security, biodefense, or vaccine and*
12 *medical countermeasures research and develop-*
13 *ment.*

14 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*
15 *this section, the term “appropriate congressional commit-*
16 *tees” means—*

17 (1) *the Committee on Foreign Affairs and the*
18 *Committee on Appropriations of the House of Rep-*
19 *resentatives; and*

20 (2) *the Committee on Foreign Relations and the*
21 *Committee on Appropriations of the Senate.*

1 ***DIVISION T—JUDICIARY***
2 ***MATTERS***
3 ***TITLE I—IMMIGRATION***
4 ***MATTERS***

5 ***SEC. 101. EXTENSION OF FILING AND OTHER DEADLINES.***

6 *(a) NEW DEADLINES FOR EXTENSION OR CHANGE OF*
7 *STATUS OR OTHER BENEFITS.—*

8 *(1) FILING DELAYS.—In the case of an alien who*
9 *was lawfully present in the United States on January*
10 *26, 2020, the alien’s application for an extension or*
11 *change of nonimmigrant status, application for re-*
12 *newal of employment authorization, or any other ap-*
13 *plication for extension or renewal of a period of au-*
14 *thorized stay, shall be considered timely filed if the*
15 *due date of the application is within the period de-*
16 *scribed in subsection (d) and the application is filed*
17 *not later than 60 days after it otherwise would have*
18 *been due.*

19 *(2) DEPARTURE DELAYS.—In the case of an*
20 *alien who was lawfully present in the United States*
21 *on January 26, 2020, the alien shall not be consid-*
22 *ered to be unlawfully present in the United States*
23 *during the period described in subsection (d).*

24 *(3) SPECIFIC AUTHORITY.—*

1 (A) *IN GENERAL.*—*With respect to any*
2 *alien whose immigration status, employment au-*
3 *thorization, or other authorized period of stay*
4 *has expired or will expire during the period de-*
5 *scribed in subsection (d), during the one-year pe-*
6 *riod beginning on the date of the enactment of*
7 *this title, or during both such periods, the Sec-*
8 *retary of Homeland Security shall automatically*
9 *extend such status, authorization, or period of*
10 *stay until the date that is 90 days after the last*
11 *day of whichever of such periods ends later.*

12 (B) *EXCEPTION.*—*If the status, authoriza-*
13 *tion, or period of stay referred to in subpara-*
14 *graph (A) is based on a grant of deferred action,*
15 *or a grant of temporary protected status under*
16 *section 244 of the Immigration and Nationality*
17 *Act (8 U.S.C. 1254a), the extension under such*
18 *subparagraph shall be for a period not less than*
19 *the period for which deferred action or tem-*
20 *porary protected status originally was granted*
21 *by the Secretary of Homeland Security.*

22 (b) *IMMIGRANT VISAS.*—

23 (1) *EXTENSION OF VISA EXPIRATION.*—*Notwith-*
24 *standing the limitations under section 221(c) of the*
25 *Immigration and Nationality Act (8 U.S.C. 1201(c)),*

1 *in the case of any immigrant visa issued to an alien*
2 *that expires or expired during the period described in*
3 *subsection (d), the period of validity of the visa is ex-*
4 *tended until the date that is 90 days after the end of*
5 *such period.*

6 (2) *ROLLOVER OF UNUSED VISAS.—*

7 (A) *IN GENERAL.—For fiscal years 2021*
8 *and 2022, the worldwide level of family-spon-*
9 *sored immigrants under subsection (c) of section*
10 *201 of the Immigration and Nationality Act (8*
11 *U.S.C. 1151), the worldwide level of employment-*
12 *based immigrants under subsection (d) of such*
13 *section, and the worldwide level of diversity im-*
14 *migrants under subsection (e) of such section*
15 *shall each be increased by the number computed*
16 *under subparagraph (B) with respect to each of*
17 *such worldwide levels.*

18 (B) *COMPUTATION OF INCREASE.—For each*
19 *of the worldwide levels described in subpara-*
20 *graph (A), the number computed under this sub-*
21 *paragraph is the difference (if any) between the*
22 *worldwide level established for the previous fiscal*
23 *year under the applicable subsection of section*
24 *201 of the Immigration and Nationality Act (8*
25 *U.S.C. 1151) and the number of visas that were,*

1 *during the previous fiscal year, issued and used*
2 *as the basis for an application for admission*
3 *into the United States as an immigrant de-*
4 *scribed in the applicable subsection.*

5 (C) *CLARIFICATIONS.—*

6 (i) *ALLOCATION AMONG PREFERENCE*
7 *CATEGORIES.—The additional visas made*
8 *available for fiscal years 2021 and 2022 as*
9 *a result of the computations made under*
10 *subparagraphs (A) and (B) shall be propor-*
11 *tionally allocated as set forth in subsections*
12 *(a), (b), and (c) of section 203 of the Immi-*
13 *gration and Nationality Act (8 U.S.C.*
14 *1153).*

15 (ii) *ELIMINATION OF FALL ACROSS.—*
16 *For fiscal years 2021 and 2022, the number*
17 *computed under subsection (c)(3)(C) of sec-*
18 *tion 201 of the Immigration and Nation-*
19 *ality Act (8 U.S.C. 1151), and the number*
20 *computed under subsection (d)(2)(C) of such*
21 *section, are deemed to equal zero.*

22 (iii) *DIVERSITY VISAS.—The addi-*
23 *tional visas made available for fiscal year*
24 *2021 for the worldwide level of diversity im-*
25 *migrants under subsection (e) of section 201*

1 *of the Immigration and Nationality Act (8*
2 *U.S.C. 1151) as a result of the computa-*
3 *tions made under subparagraphs (A) and*
4 *(B) shall be first made available to diversity*
5 *immigrants selected in the lottery for fiscal*
6 *year 2020.*

7 *(c) VOLUNTARY DEPARTURE.—Notwithstanding sec-*
8 *tion 240B of the Immigration and Nationality Act (8*
9 *U.S.C. 1229c), if a period for voluntary departure under*
10 *such section expires or expired during the period described*
11 *in subsection (d), such voluntary departure period is ex-*
12 *tended until the date that is 90 days after the end of such*
13 *period.*

14 *(d) PERIOD DESCRIBED.—The period described in this*
15 *subsection—*

16 *(1) begins on the first day of the public health*
17 *emergency declared by the Secretary of Health and*
18 *Human Services under section 319 of the Public*
19 *Health Service Act (42 U.S.C. 247d) with respect to*
20 *COVID–19; and*

21 *(2) ends 90 days after the date on which such*
22 *public health emergency terminates.*

1 **SEC. 102. TEMPORARY ACCOMMODATIONS FOR NATU-**
2 **RALIZATION OATH CEREMONIES DUE TO PUB-**
3 **LIC HEALTH EMERGENCY.**

4 (a) *REMOTE OATH CEREMONIES.*—Not later than 30
5 days after the date of the enactment of this title, the Sec-
6 retary of Homeland Security shall establish procedures for
7 the administration of the oath of renunciation and alle-
8 giance under section 337 of the Immigration and Nation-
9 ality Act (8 U.S.C. 1448) using remote videoconferencing,
10 or other remote means for individuals who cannot reason-
11 ably access remote videoconferencing, as an alternative to
12 an in-person oath ceremony.

13 (b) *ELIGIBLE INDIVIDUALS.*—Notwithstanding section
14 310(b) of the Immigration and Nationality Act (8 U.S.C.
15 1421(b)), an individual may complete the naturalization
16 process by participating in a remote oath ceremony con-
17 ducted pursuant to subsection (a) if such individual—

18 (1) has an approved application for naturaliza-
19 tion;

20 (2) is unable otherwise to complete the natu-
21 ralization process due to the cancellation or suspen-
22 sion of in-person oath ceremonies during the public
23 health emergency declared by the Secretary of Health
24 and Human Services under section 319 of the Public
25 Health Service Act (42 U.S.C. 247d) with respect to
26 COVID-19; and

1 (3) elects to participate in a remote oath cere-
2 mony in lieu of waiting for in-person ceremonies to
3 resume.

4 (c) *ADDITIONAL REQUIREMENTS.*—Upon establishing
5 the procedures described in subsection (a), the Secretary of
6 Homeland Security shall—

7 (1) without undue delay, provide written notice
8 to individuals described in subsection (b)(1) of the op-
9 tion of participating in a remote oath ceremony in
10 lieu of a participating in an in-person ceremony;

11 (2) to the greatest extent practicable, ensure that
12 remote oath ceremonies are administered to individ-
13 uals who elect to participate in such a ceremony not
14 later than 30 days after the individual so notifies the
15 Secretary; and

16 (3) administer oath ceremonies to all other eligi-
17 ble individuals as expeditiously as possible after the
18 end of the public health emergency referred to in sub-
19 section (b)(2).

20 (d) *AVAILABILITY OF REMOTE OPTION.*—The Sec-
21 retary of Homeland Security shall begin administering re-
22 mote oath ceremonies on the date that is 60 days after the
23 date of the enactment of this title and shall continue admin-
24 istering such ceremonies until a date that is not earlier than

1 90 days after the end of the public health emergency referred
2 to in subsection (b)(2).

3 (e) *CLARIFICATION.*—*Failure to appear for a remote*
4 *oath ceremony shall not create a presumption that the indi-*
5 *vidual has abandoned his or her intent to be naturalized.*

6 (f) *REPORT TO CONGRESS.*—*Not later than 180 days*
7 *after the end of the public health emergency referred to in*
8 *subsection (b)(2), the Secretary of Homeland Security shall*
9 *submit a report to Congress that identifies, for each State*
10 *and political subdivision of a State, the number of—*

11 (1) *individuals who were scheduled for an in-*
12 *person oath ceremony that was cancelled due to such*
13 *public health emergency;*

14 (2) *individuals who were provided written notice*
15 *pursuant to subsection (c)(1) of the option of partici-*
16 *parting in a remote oath ceremony;*

17 (3) *individuals who elected to participate in a*
18 *remote oath ceremony in lieu of an in-person public*
19 *ceremony;*

20 (4) *individuals who completed the naturalization*
21 *process by participating in a remote oath ceremony;*
22 *and*

23 (5) *remote oath ceremonies that were conducted*
24 *within the period described in subsection (d).*

1 **SEC. 103. TEMPORARY PROTECTIONS FOR ESSENTIAL CRIT-**
2 **ICAL INFRASTRUCTURE WORKERS.**

3 (a) *PROTECTIONS FOR ESSENTIAL CRITICAL INFRA-*
4 *STRUCTURE WORKERS.*—*During the period described in*
5 *subsection (e), an alien described in subsection (d) shall be*
6 *deemed to be in a period of deferred action and authorized*
7 *for employment for purposes of section 274A of the Immi-*
8 *gration and Nationality Act (8 U.S.C. 1324a).*

9 (b) *EMPLOYER PROTECTIONS.*—*During the period de-*
10 *scribed in subsection (e), the hiring, employment, or contin-*
11 *ued employment of an alien described in subsection (d) is*
12 *not a violation of section 274A(a) of the Immigration and*
13 *Nationality Act (8 U.S.C. 1324a(a)).*

14 (c) *CLARIFICATION.*—*Nothing in this section shall be*
15 *deemed to require an alien described in subsection (d), or*
16 *such alien's employer—*

17 (1) *to submit an application for employment au-*
18 *thorization or deferred action, or register with, or pay*
19 *a fee to, the Secretary of Homeland Security or the*
20 *head of any other Federal agency; or*

21 (2) *to appear before an agent of the Department*
22 *of Homeland Security or any other Federal agency*
23 *for an interview, examination, or any other purpose.*

24 (d) *ALIENS DESCRIBED.*—*An alien is described in this*
25 *subsection if the alien—*

26 (1) *on the date of the enactment of this title—*

1 (A) is physically present in the United
2 States; and

3 (B) is inadmissible to, or deportable from,
4 the United States; and

5 (2) engaged in essential critical infrastructure
6 labor or services in the United States prior to the pe-
7 riod described in subsection (e) and continues to en-
8 gage in such labor or services during such period.

9 (e) *PERIOD DESCRIBED.*—The period described in this
10 subsection—

11 (1) begins on the first day of the public health
12 emergency declared by the Secretary of Health and
13 Human Services under section 319 of the Public
14 Health Service Act (42 U.S.C. 247d) with respect to
15 COVID-19; and

16 (2) ends 90 days after the date on which such
17 public health emergency terminates.

18 (f) *ESSENTIAL CRITICAL INFRASTRUCTURE LABOR OR*
19 *SERVICES.*—For purposes of this section, the term “essen-
20 tial critical infrastructure labor or services” means labor
21 or services performed in an essential critical infrastructure
22 sector, as described in the “Advisory Memorandum on Iden-
23 tification of Essential Critical Infrastructure Workers Dur-
24 ing COVID-19 Response”, revised by the Department of
25 Homeland Security on April 17, 2020.

1 **SEC. 104. SUPPLEMENTING THE COVID RESPONSE WORK-**
2 **FORCE.**

3 (a) *EXPEDITED GREEN CARDS FOR CERTAIN PHYSI-*
4 *CIAN IN THE UNITED STATES.—*

5 (1) *IN GENERAL.—During the period described*
6 *in paragraph (3), an alien described in paragraph*
7 *(2) may apply to acquire the status of an alien law-*
8 *fully admitted to the United States for permanent*
9 *residence consistent with section 201(b)(1) of the Im-*
10 *migration and Nationality Act (8 U.S.C. 1151(b)(1)).*

11 (2) *ALIEN DESCRIBED.—An alien described in*
12 *this paragraph is an alien physician (and the spouse*
13 *and children of such alien) who—*

14 (A) *has an approved immigrant visa peti-*
15 *tion under section 203(b)(2)(B)(ii) of the Immi-*
16 *gration and Nationality Act (8 U.S.C.*
17 *1153(b)(2)(B)(ii)) and has completed the service*
18 *requirements for a waiver under such section on*
19 *or before the date of the enactment of this title;*
20 *and*

21 (B) *provides a statement to the Secretary of*
22 *Homeland Security attesting that the alien is*
23 *engaged in or will engage in the practice of med-*
24 *icine or medical research involving the diagnosis,*
25 *treatment, or prevention of COVID–19.*

1 (3) *PERIOD DESCRIBED.*—*The period described*
2 *in this paragraph is the period beginning on the date*
3 *of the enactment of this title and ending 180 days*
4 *after the termination of the public health emergency*
5 *declared by the Secretary of Health and Human*
6 *Services under section 319 of the Public Health Serv-*
7 *ice Act (42 U.S.C. 247d), with respect to COVID–19.*

8 (b) *EXPEDITED PROCESSING OF NONIMMIGRANT PETI-*
9 *TIONS AND APPLICATIONS.*—

10 (1) *IN GENERAL.*—*In accordance with the proce-*
11 *dures described in paragraph (2), the Secretary of*
12 *Homeland Security shall expedite the processing of*
13 *applications and petitions seeking employment or*
14 *classification of an alien as a nonimmigrant to prac-*
15 *tice medicine, provide healthcare, engage in medical*
16 *research, or participate in a graduate medical edu-*
17 *cation or training program involving the diagnosis,*
18 *treatment, or prevention of COVID–19.*

19 (2) *APPLICATIONS OR PETITIONS FOR NEW EM-*
20 *PLOYMENT OR CHANGE OF STATUS.*—

21 (A) *INITIAL REVIEW.*—*Not later than 15*
22 *days after the Secretary of Homeland Security*
23 *receives an application or petition for new em-*
24 *ployment or change of status described in para-*
25 *graph (1), the Secretary shall conduct an initial*

1 *review of such application or petition and, if ad-*
2 *ditional evidence is required, shall issue a re-*
3 *quest for evidence.*

4 (B) *DECISION.*—

5 (i) *IN GENERAL.*—*The Secretary of*
6 *Homeland Security shall issue a final deci-*
7 *sion on an application or petition described*
8 *in paragraph (1) not later than 30 days*
9 *after receipt of such application or petition,*
10 *or, if a request for evidence is issued, not*
11 *later than 15 days after the Secretary re-*
12 *ceives the applicant or petitioner’s response*
13 *to such request.*

14 (ii) *E-MAIL.*—*In addition to delivery*
15 *through regular mail services, decisions de-*
16 *scribed in clause (i) shall be transmitted to*
17 *the applicant or petitioner via electronic*
18 *mail, if the applicant or petitioner provides*
19 *the Secretary of Homeland Security with*
20 *an electronic mail address.*

21 (3) *TERMINATION.*—*This subsection shall take ef-*
22 *fect on the date of the enactment of this title and shall*
23 *cease to be effective on the date that is 180 days after*
24 *the termination of the public health emergency de-*
25 *clared by the Secretary of Health and Human Serv-*

1 *ices under section 319 of the Public Health Service*
2 *Act (42 U.S.C. 247d), with respect to COVID–19.*

3 *(c) EMERGENCY VISA PROCESSING.—*

4 *(1) VISA PROCESSING.—*

5 *(A) IN GENERAL.—The Secretary of State*
6 *shall prioritize the processing of applications*
7 *submitted by aliens who are seeking a visa based*
8 *on an approved nonimmigrant petition to prac-*
9 *tice medicine, provide healthcare, engage in med-*
10 *ical research, or participate in a graduate med-*
11 *ical education or training program involving the*
12 *diagnosis, treatment, or prevention of COVID–*
13 *19.*

14 *(B) INTERVIEW.—*

15 *(i) IN GENERAL.—The Secretary of*
16 *State shall ensure that visa appointments*
17 *are scheduled for aliens described in sub-*
18 *paragraph (A) not later than 7 business*
19 *days after the alien requests such an ap-*
20 *pointment.*

21 *(ii) SUSPENSION OF ROUTINE VISA*
22 *SERVICES.—If routine visa services are un-*
23 *available in the alien’s home country—*

24 *(I) the U.S. embassy or consulate*
25 *in the alien’s home country shall—*

1 (aa) conduct the visa inter-
2 view with the alien via video-tele-
3 conferencing technology; or

4 (bb) grant an emergency visa
5 appointment to the alien not later
6 than 10 business days after the
7 alien requests such an appoint-
8 ment; or

9 (II) the alien may seek a visa ap-
10 pointment at any other U.S. embassy
11 or consulate where routine visa services
12 are available, and such embassy or
13 consulate shall make every reasonable
14 effort to provide the alien with an ap-
15 pointment within 10 business days
16 after the alien requests such an ap-
17 pointment.

18 (2) INTERVIEW WAIVERS.—*Except as provided in*
19 *section 222(h)(2) of the Immigration and Nationality*
20 *Act (8 U.S.C. 1202(h)(2)), the Secretary of State shall*
21 *wave the interview of any alien seeking a non-*
22 *immigrant visa based on an approved petition de-*
23 *scribed in paragraph (1)(A), if—*

24 (A) such alien is applying for a visa—

1 (i) not more than 3 years after the
2 date on which such alien's prior visa ex-
3 pired;

4 (ii) in the visa classification for which
5 such prior visa was issued; and

6 (iii) at a consular post located in the
7 alien's country of residence or, if otherwise
8 required by regulation, country of nation-
9 ality; and

10 (B) the consular officer has no indication
11 that such alien has failed to comply with the im-
12 migration laws and regulations of the United
13 States.

14 (3) *TERMINATION.*—This subsection shall take ef-
15 fect on the date of the enactment of this title and shall
16 cease to be effective on the date that is 180 days after
17 the termination of the public health emergency de-
18 clared by the Secretary of Health and Human Serv-
19 ices under section 319 of the Public Health Service
20 Act (42 U.S.C. 274d), with respect to COVID–19.

21 (d) *IMPROVING MOBILITY OF NONIMMIGRANT COVID–*
22 *19 WORKERS.*—

23 (1) *LICENSURE.*—Notwithstanding section
24 212(j)(2) of the Immigration and Nationality Act (8
25 U.S.C. 1182(j)(2)), for the period described in para-

1 *graph (6), the Secretary of Homeland Security may*
2 *approve a petition for classification as a non-*
3 *immigrant described under section*
4 *101(a)(15)(H)(i)(b) of such Act, filed on behalf of a*
5 *physician for purposes of performing direct patient*
6 *care if such physician possesses a license or other au-*
7 *thorization required by the State of intended employ-*
8 *ment to practice medicine, or is eligible for a waiver*
9 *of such requirement pursuant to an executive order,*
10 *emergency rule, or other action taken by the State to*
11 *modify or suspend regular licensing requirements in*
12 *response to the COVID–19 public health emergency.*

13 (2) *TEMPORARY LIMITATIONS ON AMENDED H–1B*
14 *PETITIONS.—*

15 (A) *IN GENERAL.—Notwithstanding any*
16 *other provision of law, the Secretary of Home-*
17 *land Security shall not require an employer of a*
18 *nonimmigrant alien described in section*
19 *101(a)(15)(H)(i)(b) of the Immigration and Na-*
20 *tionality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) to*
21 *file an amended or new petition under section*
22 *214(a) of such Act (8 U.S.C. 1184(a)) if upon*
23 *transferring such alien to a new area of employ-*
24 *ment, the alien will practice medicine, provide*
25 *healthcare, or engage in medical research involv-*

1 *ing the diagnosis, treatment, or prevention of*
2 *COVID–19.*

3 (B) *CLARIFICATION ON TELEMEDICINE.—*

4 *Nothing in the Immigration and Nationality Act*
5 *or any other provision of law shall be construed*
6 *to require an employer of a nonimmigrant alien*
7 *described in section 101(a)(15)(H)(i)(b) of the*
8 *Immigration and Nationality Act (8 U.S.C.*
9 *1101(a)(15)(H)(i)(b)) to file an amended or new*
10 *petition under section 214(a) of such Act (8*
11 *U.S.C. 1184(a)) if the alien is a physician or*
12 *other healthcare worker who will provide remote*
13 *patient care through the use of real-time audio-*
14 *video communication tools to consult with pa-*
15 *tients and other technologies to collect, analyze,*
16 *and transmit medical data and images.*

17 (3) *PERMISSIBLE WORK ACTIVITIES FOR J–1*
18 *PHYSICIANS.—*

19 (A) *IN GENERAL.—Notwithstanding any*
20 *other provision of law, the diagnosis, treatment,*
21 *or prevention of COVID–19 shall be considered*
22 *an integral part of a graduate medical education*
23 *or training program and a nonimmigrant de-*
24 *scribed in section 101(a)(15)(J) of the Immigra-*
25 *tion and Nationality Act (8 U.S.C.*

1 1101(a)(15)(J)) who is participating in such a
2 program—

3 (i) may be redeployed to a new rota-
4 tion within the host training institution as
5 needed to engage in COVID–19 work; and

6 (ii) may receive compensation for such
7 work.

8 (B) *OTHER PERMISSIBLE EMPLOYMENT AC-*
9 *TIVITIES.*—A nonimmigrant described in section
10 101(a)(15)(J) of the Immigration and Nation-
11 ality Act (8 U.S.C. 1101(a)(15)(J)) who is par-
12 ticipating in a graduate medical education or
13 training program may engage in work outside
14 the scope of the approved program, if—

15 (i) the work involves the diagnosis,
16 treatment, or prevention of COVID–19;

17 (ii) the alien has maintained lawful
18 nonimmigrant status and has otherwise
19 complied with the terms of the education or
20 training program; and

21 (iii) the program sponsor approves the
22 additional work by annotating the non-
23 immigrant’s Certificate of Eligibility for
24 Exchange Visitor (J–1) Status (Form DS–
25 2019) and notifying the Immigration and

1 *Customs Enforcement Student and Ex-*
2 *change Visitor Program of the approval of*
3 *such work.*

4 (C) *CLARIFICATION ON TELEMEDICINE.—*
5 *Section 214(l)(1)(D) of the Immigration and Na-*
6 *tionality Act (8 U.S.C. 1184(l)(1)(D)) may be*
7 *satisfied through the provision of care to patients*
8 *located in areas designated by the Secretary of*
9 *Health and Human Services as having a short-*
10 *age of health care professionals, through the phy-*
11 *sician's use of real-time audio-video communica-*
12 *tion tools to consult with patients and other tech-*
13 *nologies to collect, analyze, and transmit medical*
14 *data and images.*

15 (4) *PORTABILITY OF O-1 NONIMMIGRANTS.—A*
16 *nonimmigrant who was previously issued a visa or*
17 *otherwise provided nonimmigrant status under sec-*
18 *tion 101(a)(15)(O)(i) of the Immigration and Nation-*
19 *ality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is seeking*
20 *an extension of such status, is authorized to accept*
21 *new employment under the terms and conditions de-*
22 *scribed in section 214(n) of such Act (8 U.S.C.*
23 *1184(n)).*

24 (5) *INCREASING THE ABILITY OF PHYSICIANS TO*
25 *CHANGE NONIMMIGRANT STATUS.—*

1 (A) *CHANGE OF NONIMMIGRANT CLASSI-*
2 *FICATION.—Section 248(a) of the Immigration*
3 *and Nationality Act (8 U.S.C. 1184(l)), is*
4 *amended—*

5 (i) *in paragraph (1), by inserting*
6 *“and” after the comma at the end;*

7 (ii) *by striking paragraphs (2) and*
8 *(3); and*

9 (iii) *by redesignating paragraph (4) as*
10 *paragraph (2).*

11 (B) *ADMISSION OF NONIMMIGRANTS.—Sec-*
12 *tion 214(l)(2)(A) of the Immigration and Na-*
13 *tionality Act (8 U.S.C. 1184(l)(2)(A)) is amend-*
14 *ed by striking “Notwithstanding section*
15 *248(a)(2), the” and inserting “The”.*

16 (6) *TERMINATION.—This subsection shall take ef-*
17 *fect on the date of the enactment of this title and ex-*
18 *cept as provided in paragraphs (2)(B), (3)(C), (4),*
19 *and (5), shall cease to be effective on that date that*
20 *is 180 days after the termination of the public health*
21 *emergency declared by the Secretary of Health and*
22 *Human Services under section 319 of the Public*
23 *Health Service Act (42 U.S.C. 247d), with respect to*
24 *COVID–19.*

25 (e) *CONRAD 30 PROGRAM.—*

1 (1) *PERMANENT AUTHORIZATION.*—Section
2 220(c) of the *Immigration and Nationality Technical*
3 *Corrections Act of 1994 (Public Law 103–416; 8*
4 *U.S.C. 1182 note)* is amended by striking “and before
5 *September 30, 2015*”.

6 (2) *ADMISSION OF NONIMMIGRANTS.*—Section
7 214(l) of the *Immigration and Nationality Act (8*
8 *U.S.C. 1184(l))*, is amended—

9 (A) in paragraph (1)(B)—

10 (i) by striking “30” and inserting
11 “35”; and

12 (ii) by inserting “, except as provided
13 in paragraph (4)” before the semicolon at
14 the end; and

15 (B) by adding at the end the following:

16 “(4) *ADJUSTMENT IN WAIVER NUMBERS.*—

17 “(A) *INCREASES.*—

18 “(i) *IN GENERAL.*—*Except as provided*
19 *in clause (ii), if in any fiscal year, not less*
20 *than 90 percent of the waivers provided*
21 *under paragraph (1)(B) are utilized by*
22 *States receiving at least 5 such waivers, the*
23 *number of such waivers allotted to each*
24 *State shall increase by 5 for each subsequent*
25 *fiscal year.*

1 “(i) *EXCEPTION.*—If 45 or more waiv-
2 ers are allotted to States in any fiscal year,
3 an increase of 5 waivers in subsequent fiscal
4 years shall be provided only in the case that
5 not less than 95 percent of such waivers are
6 utilized by States receiving at least 1 waiv-
7 er.

8 “(B) *DECREASES.*—If in any fiscal year in
9 which there was an increase in waivers, the total
10 number of waivers utilized is 5 percent lower
11 than in the previous fiscal year, the number of
12 such waivers allotted to each State shall decrease
13 by 5 for each subsequent fiscal year, except that
14 in no case shall the number of waivers allotted
15 to each State drop below 35.”.

16 (f) *TEMPORARY PORTABILITY FOR PHYSICIANS AND*
17 *CRITICAL HEALTHCARE WORKERS IN RESPONSE TO*
18 *COVID-19 PUBLIC HEALTH EMERGENCY.*—

19 (1) *IN GENERAL.*—Not later than 30 days after
20 the date of the enactment of this title, the Secretary
21 of Homeland Security, in consultation with the Sec-
22 retary of Labor and the Secretary of Health and
23 Human Services, shall establish emergency procedures
24 to provide employment authorization to aliens de-
25 scribed in paragraph (2), for purposes of facilitating

1 *the temporary deployment of such aliens to practice*
2 *medicine, provide healthcare, or engage in medical re-*
3 *search involving the diagnosis, treatment, or preven-*
4 *tion of COVID–19.*

5 (2) *ALIENS DESCRIBED.—An alien described in*
6 *this paragraph is an alien who is—*

7 (A) *physically present in the United States;*

8 (B) *maintaining lawful nonimmigrant sta-*
9 *tus that authorizes employment with a specific*
10 *employer incident to such status; and*

11 (C) *working in the United States in a*
12 *healthcare occupation essential to COVID–19 re-*
13 *sponse, as determined by the Secretary of Health*
14 *and Human Services.*

15 (3) *EMPLOYMENT AUTHORIZATION.—*

16 (A) *APPLICATION.—*

17 (i) *IN GENERAL.—The Secretary of*
18 *Homeland Security may grant employment*
19 *authorization to an alien described in para-*
20 *graph (2) if such alien submits an Applica-*
21 *tion for Employment Authorization (Form*
22 *I–765 or any successor form), which shall*
23 *include—*

24 (I) *evidence of the alien’s current*
25 *nonimmigrant status;*

1 (ii) copies of the alien's academic
2 degrees and any licenses, credentials,
3 or other documentation confirming au-
4 thorization to practice in the alien's
5 occupation; and

6 (iii) any other evidence deter-
7 mined necessary by the Secretary of
8 Homeland Security to establish by a
9 preponderance of the evidence that the
10 alien meets the requirements of para-
11 graph (2).

12 (ii) *CONVERSION OF PENDING APPLICA-*
13 *TIONS.—The Secretary of Homeland Secu-*
14 *rity shall establish procedures for the adju-*
15 *dication of any employment authorization*
16 *applications for aliens described in para-*
17 *graph (2) that are pending on the date of*
18 *the enactment of this title, and the issuance*
19 *of employment authorization documents in*
20 *connection with such applications in ac-*
21 *cordance with the terms and conditions of*
22 *this subsection, upon request by the appli-*
23 *cant.*

24 (B) *FEEES.—The Secretary of Homeland Se-*
25 *curity shall collect a fee for the processing of ap-*

1 *plications for employment authorization as pro-*
2 *vided under this paragraph.*

3 (C) *REQUEST FOR EVIDENCE.*—*If all re-*
4 *quired initial evidence has been submitted under*
5 *this subsection but such evidence does not estab-*
6 *lish eligibility, the Secretary of Homeland Secu-*
7 *rity shall issue a request for evidence not later*
8 *than 15 days after receipt of the application for*
9 *employment authorization.*

10 (D) *DECISION.*—*The Secretary of Home-*
11 *land Security shall issue a final decision on an*
12 *application for employment authorization under*
13 *this subsection not later than 30 days after re-*
14 *ceipt of such application, or, if a request for evi-*
15 *dence is issued, not later than 15 days after the*
16 *Secretary receives the alien’s response to such re-*
17 *quest.*

18 (E) *EMPLOYMENT AUTHORIZATION CARD.*—
19 *An employment authorization document issued*
20 *under this subsection shall—*

21 (i) *be valid for a period of not less*
22 *than 1 year;*

23 (ii) *include the annotation “COVID-*
24 *19”; and*

1 (iii) notwithstanding any other provi-
2 sion of law, allow the bearer of such docu-
3 ment to engage in employment during its
4 validity period, with any United States em-
5 ployer to perform services described in
6 paragraph (1).

7 (F) RENEWAL.—Subject to paragraph (5),
8 the Secretary of Homeland Security may renew
9 an employment authorization document issued
10 under this subsection in accordance with proce-
11 dures established by the Secretary.

12 (G) CLARIFICATIONS.—

13 (i) MAINTENANCE OF STATUS.—Not-
14 withstanding a reduction in hours or ces-
15 sation of work with the employer that peti-
16 tioned for the alien's underlying non-
17 immigrant status, an alien granted employ-
18 ment authorization under this subsection,
19 and the spouse and children of such alien
20 shall, for the period of such authorization,
21 be deemed—

22 (I) to be lawfully present in the
23 United States; and

24 (II) to have continuously main-
25 tained the alien's underlying non-

1 *immigrant status for purposes of an*
2 *extension of such status, a change of*
3 *nonimmigrant status under section*
4 *248 of the Immigration and Nation-*
5 *ality Act (8 U.S.C. 1258), or adjust-*
6 *ment of status under section 245 of*
7 *such Act (8 U.S.C. 1255).*

8 (ii) *LIMITATIONS.—An employment*
9 *authorization document described in sub-*
10 *paragraph (E) may not be—*

11 (i) *utilized by the alien to engage*
12 *in any employment other than that*
13 *which is described in paragraph (1); or*

14 (ii) *accepted by an employer as*
15 *evidence of authorization under section*
16 *274A(b)(1)(C) of the Immigration and*
17 *Nationality Act (8 U.S.C.*
18 *1324a(b)(1)(C)), to engage in employ-*
19 *ment other than that which is de-*
20 *scribed in paragraph (1).*

21 (4) *TREATMENT OF TIME SPENT ENGAGING IN*
22 *COVID-19-RELATED WORK.—Notwithstanding any*
23 *other provision of law, time spent by an alien physi-*
24 *cian engaged in direct patient care involving the di-*

1 agnosis, treatment, or prevention of COVID–19 shall
2 count towards—

3 (A) the 5 years that an alien is required to
4 work as a full-time physician for purposes of a
5 national interest waiver under section
6 203(b)(2)(B)(ii) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

8 (B) the 3 years that an alien is required to
9 work as a full-time physician for purposes of a
10 waiver of the 2-year foreign residence require-
11 ment under section 212(e) of the Immigration
12 and Nationality Act (8 U.S.C. 1182(e)), as pro-
13 vided in section 214(l) of such Act (8 U.S.C.
14 1184(l)).

15 (5) *EXTENSION OR TERMINATION.*—The proce-
16 dures described in paragraph (1) shall take effect on
17 the date that is 30 days after the date of the enact-
18 ment of this title and shall remain in effect until 180
19 days after the termination of the public health emer-
20 gency declared by the Secretary of Health and
21 Human Services under section 319 of the Public
22 Health Service Act (42 U.S.C. 247d), with respect to
23 COVID–19.

24 (g) *SPECIAL IMMIGRANT STATUS FOR NONIMMIGRANT*
25 *COVID–19 WORKERS AND THEIR FAMILIES.*—

1 (1) *IN GENERAL.*—*The Secretary of Homeland*
2 *Security may grant a petition for special immigrant*
3 *classification to an alien described in paragraph (2)*
4 *(and the spouse and children of such alien) if the*
5 *alien files a petition for special immigrant status*
6 *under section 204 of the Immigration and Nation-*
7 *ality Act (8 U.S.C. 1154) for classification under sec-*
8 *tion 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).*

9 (2) *ALIENS DESCRIBED.*—*An alien is described*
10 *in this paragraph if, during the period beginning on*
11 *the date that the COVID–19 public health emergency*
12 *was declared by the Secretary of Health and Human*
13 *Services under section 319 of the Public Health Serv-*
14 *ice Act (42 U.S.C. 247d) and ending 180 days after*
15 *the termination of such emergency, the alien was—*

16 (A) *authorized for employment in the*
17 *United States and maintaining a nonimmigrant*
18 *status; and*

19 (B) *engaged in the practice of medicine,*
20 *provision of healthcare services, or medical re-*
21 *search involving the diagnosis, treatment, or pre-*
22 *vention of COVID–19 disease.*

23 (3) *PRIORITY DATE.*—*Subject to paragraph (5),*
24 *immigrant visas under paragraph (1) shall be made*
25 *available to aliens in the order in which a petition*

1 *on behalf of each such alien is filed with the Secretary*
2 *of Homeland Security, except that an alien shall*
3 *maintain any priority date that was assigned with*
4 *respect to an immigrant visa petition or application*
5 *for labor certification that was previously filed on be-*
6 *half of such alien.*

7 (4) *PROTECTIONS FOR SURVIVING SPOUSES AND*
8 *CHILDREN.—*

9 (A) *SURVIVING SPOUSES AND CHILDREN.—*

10 *Notwithstanding the death of an alien described*
11 *in paragraph (2), the Secretary of State may*
12 *approve an application for an immigrant visa,*
13 *and the Secretary of Homeland Security may*
14 *approve an application for adjustment of status*
15 *to lawful permanent resident, filed by or on be-*
16 *half of a spouse or child of such alien.*

17 (B) *AGE-OUT PROTECTION.—For purposes*
18 *of an application for an immigrant visa or ad-*
19 *justment of status filed by or on behalf of a child*
20 *of an alien described in paragraph (2), the deter-*
21 *mination of whether the child satisfies the age re-*
22 *quirement under section 101(b)(1) of the Immi-*
23 *gration and Nationality Act (8 U.S.C.*
24 *1101(b)(1)) shall be made using the age of the*

1 *child on the date the immigrant visa petition*
2 *under paragraph (1) was approved.*

3 (C) *CONTINUATION OF NONIMMIGRANT STA-*
4 *TUS.—A spouse or child of an alien described in*
5 *paragraph (2) shall be considered to have main-*
6 *tained lawful nonimmigrant status until the ear-*
7 *lier of the date—*

8 (i) *on which the Secretary of Home-*
9 *land Security accepts for filing, an applica-*
10 *tion for adjustment of status based on a pe-*
11 *tition described in paragraph (1); or*

12 (ii) *that is 2 years after the date of the*
13 *principal nonimmigrant's death.*

14 (5) *NUMERICAL LIMITATIONS.—*

15 (A) *IN GENERAL.—The total number of*
16 *principal aliens who may be provided special*
17 *immigrant status under this subsection may not*
18 *exceed 4,000 per year for each of the 3 fiscal*
19 *years beginning after the date of the enactment*
20 *of this title.*

21 (B) *EXCLUSION FROM NUMERICAL LIMITA-*
22 *TIONS.—Aliens provided special immigrant sta-*
23 *tus under this subsection shall not be counted*
24 *against any numerical limitations under section*
25 *201(d), 202(a), or 203(b)(4) of the Immigration*

1 *and Nationality Act (8 U.S.C. 1151(d), 1152(a),*
2 *or 1153(b)(4)).*

3 (C) *CARRY FORWARD.*—*If the numerical*
4 *limitation specified in subparagraph (A) is not*
5 *reached during a given fiscal year referred to in*
6 *such subparagraph, the numerical limitation*
7 *specified in such subparagraph for the following*
8 *fiscal year shall be increased by a number equal*
9 *to the difference between—*

10 (i) *the numerical limitation specified*
11 *in subparagraph (A) for the given fiscal*
12 *year; and*

13 (ii) *the number of principal aliens*
14 *provided special immigrant status under*
15 *this subsection during the given fiscal year.*

16 **SEC. 105. ICE DETENTION.**

17 (a) *REVIEWING ICE DETENTION.*—*During the public*
18 *health emergency declared by the Secretary of Health and*
19 *Human Services under section 319 of the Public Health*
20 *Service Act (42 U.S.C. 247d) with respect to COVID–19,*
21 *the Secretary of Homeland Security shall review the immi-*
22 *gration files of all individuals in the custody of U.S. Immi-*
23 *gration and Customs Enforcement to assess the need for*
24 *continued detention. The Secretary of Homeland Security*
25 *shall prioritize for release on recognizance or alternatives*

1 *to detention individuals who are not subject to mandatory*
2 *detention laws, unless the individual is a threat to public*
3 *safety or national security.*

4 *(b) ACCESS TO ELECTRONIC COMMUNICATIONS AND*
5 *HYGIENE PRODUCTS.—During the period described in sub-*
6 *section (c), the Secretary of Homeland Security shall ensure*
7 *that—*

8 *(1) all individuals in the custody of U.S. Immigra-*
9 *tion and Customs Enforcement—*

10 *(A) have access to telephonic or video com-*
11 *munication at no cost to the detained individual;*

12 *(B) have access to free, unmonitored tele-*
13 *phone calls, at any time, to contact attorneys or*
14 *legal service providers in a sufficiently private*
15 *space to protect confidentiality;*

16 *(C) are permitted to receive legal cor-*
17 *respondence by fax or email rather than postal*
18 *mail; and*

19 *(D) are provided sufficient soap, hand sani-*
20 *tizer, and other hygiene products; and*

21 *(2) nonprofit organizations providing legal ori-*
22 *entation programming or know-your-rights program-*
23 *ming to individuals in the custody of U.S. Immigra-*
24 *tion and Customs Enforcement are permitted broad*
25 *and flexible access to such individuals—*

1 (A) to provide group presentations using re-
2 mote videoconferencing; and

3 (B) to schedule and provide individual ori-
4 entations using free telephone calls or remote
5 videoconferencing.

6 (c) *PERIOD DESCRIBED.*—The period described in this
7 subsection—

8 (1) begins on the first day of the public health
9 emergency declared by the Secretary of Health and
10 Human Services under section 319 of the Public
11 Health Service Act (42 U.S.C. 247d) with respect to
12 COVID–19; and

13 (2) ends 90 days after the date on which such
14 public health emergency terminates.

15 **SEC. 106. CONDITION ON FURLOUGH.**

16 U.S. Citizenship and Immigration Services may not
17 furlough any employee in any pay period in fiscal year
18 2021 if the agency has sufficient available balances for com-
19 pensation for such employee during such pay period.

20 **SEC. 107. LIMITATION ON USE OF FUNDS BY OTHER AGEN-**
21 **CIES.**

22 Notwithstanding any other provision of law, none of
23 the funds deposited into the Immigration Examinations Fee
24 Account pursuant to subsection (m) or (u) of section 286
25 of the Immigration and Nationality Act (8 U.S.C. 1356),

1 *may be made available to any other Federal agency for such*
2 *other agency's purpose, unless such funds were made avail-*
3 *able to such agency for such purpose in fiscal year 2019.*

4 **SEC. 108. CHIEF FINANCIAL OFFICER.**

5 (a) *REPORT TO DIRECTOR.*—*The Chief Financial Offi-*
6 *cer of U.S. Citizenship and Immigration Services shall re-*
7 *port to the Director of U.S. Citizenship and Immigration*
8 *Services.*

9 (b) *REQUIRED CONSULTATION.*—*Prior to imple-*
10 *menting any substantive change to a policy, program, or*
11 *process, the Director of U.S. Citizenship and Immigration*
12 *Services shall consider the impact of such change on the*
13 *agency's revenue, expenditures, and reserve funding in con-*
14 *sultation with the agency's Chief Financial Officer.*

15 **SEC. 109. INDEPENDENT VERIFICATION AND VALIDATION**
16 **REVIEW.**

17 *Not later than 180 days after the date of enactment*
18 *of this Act, the Director of U.S. Citizenship and Immigra-*
19 *tion Services shall submit to the Committees on the Judici-*
20 *ary of the House of Representatives and the Senate, and*
21 *the Committees on Appropriations of the House of Rep-*
22 *resentatives and the Senate, the results and recommenda-*
23 *tions of an Independent Verification and Validation review*
24 *of each model used by the agency to inform adjustments*

1 *of fees charged for the adjudication of immigration and citi-*
2 *zenship benefit requests.*

3 **SEC. 110. REPORTING REQUIREMENT.**

4 *(a) IN GENERAL.—In addition to the requirements of*
5 *section 286(o) of the Immigration and Nationality Act (8*
6 *U.S.C. 1356(o)), the Secretary of Homeland Security shall*
7 *prepare a report on the fiscal status of U.S. Citizenship*
8 *and Immigration Services that includes the following,*
9 *disaggregated by funding source—*

10 *(1) the annual operating plan broken out by di-*
11 *rectorate and program office within such agency,*
12 *which shall include obligations and current year ex-*
13 *penditures for the preceding quarter, along with pro-*
14 *jected obligations and expenditures for the current*
15 *quarter and the subsequent quarters;*

16 *(2) fee receipts for each form type for the pre-*
17 *ceding quarter and estimates of such receipts for the*
18 *current and subsequent quarter;*

19 *(3) other agency expenses, including payments or*
20 *transfers to other Federal agencies and general oper-*
21 *ating expenses;*

22 *(4) the percentage of revenue generated from pre-*
23 *mium processing receipts used for the adjudication of*
24 *non-premium benefit applications;*

1 (5) *carryover or reserve funding projections, obligations, and expenditures;*

2
3 (6) *productivity measurement data, by form*
4 *type, directorate, and program office, measured*
5 *against baseline capacity and workload volumes;*

6 (7) *the impact on such measurement data from*
7 *changes in personnel, technology usage, or processes;*

8 (8) *processing times by program office and direc-*
9 *torate, disaggregated by form type; and*

10 (9) *backlogs by form type, including petitions for*
11 *family- and employment-based immigration benefits*
12 *and for asylum and other humanitarian protections.*

13 (b) *REVIEW.*—*The report required in subsection (a)*
14 *shall be—*

15 (1) *validated and reviewed by the Chief Finan-*
16 *cial Officer of the Department of Homeland Security;*
17 *and*

18 (2) *submitted to the Committees on the Judici-*
19 *ary of the Senate and the House of Representatives*
20 *and the Committees on Appropriations of the Senate*
21 *and the House of Representatives not later than 90*
22 *days after the date of enactment of this Act and every*
23 *180 days thereafter.*

24 (c) *PUBLIC AVAILABILITY.*—*The information described*
25 *in paragraphs (6) through (9) of subsection (a) shall also*

1 *be made available not later than 15 days after the end of*
2 *each fiscal quarter on a publicly available website.*

3 (d) *REVENUE EARNINGS REPORT.*—Not later than 60
4 *days after the date of enactment of this Act and updated*
5 *monthly thereafter, the Director of U.S. Citizenship and*
6 *Immigration Services shall publish on a publicly available*
7 *website in a downloadable, searchable, and sortable format*
8 *a revenue earnings report that includes data beginning Oc-*
9 *tober 1, 2009, which shall be disaggregated by month and*
10 *revenue source.*

11 (e) *INDEPENDENT REVIEW.*—The Comptroller General
12 *of the United States shall conduct an independent review*
13 *of the first report submitted pursuant to subsection (b) and*
14 *shall examine the circumstances that led to fiscal situation*
15 *for U.S. Citizenship and Immigration Services for the fiscal*
16 *years 2017 through 2020.*

17 **TITLE II—PRISONS AND JAILS**

18 **SEC. 201. SHORT TITLE.**

19 *This title may be cited as the “Pandemic Justice Re-*
20 *sponse Act”.*

21 **SEC. 202. EMERGENCY COMMUNITY SUPERVISION ACT.**

22 (a) *FINDINGS.*—Congress finds the following:

23 (1) *As of the date of introduction of this Act, the*
24 *novel coronavirus has spread to all 50 States, the Dis-*
25 *trict of Columbia, and at least 4 territories.*

1 (2) *As of September 27, 2020, more than*
2 *7,119,400 people in the United States had been in-*
3 *fectured with the coronavirus and at least 204,400 had*
4 *died.*

5 (3) *Although the United States has less than 5*
6 *percent of the world's population, the United States*
7 *holds approximately 21 percent of the world's pris-*
8 *oners and leads the world in the number of individ-*
9 *uals incarcerated, with nearly 2,200,000 people incar-*
10 *cerated in State and Federal prisons and local jails.*

11 (4) *Studies have shown that individuals age out*
12 *of crime starting around 25 years of age, and released*
13 *individuals over the age of 50 have a very low recidi-*
14 *vism rate.*

15 (5) *According to public health experts, incarcer-*
16 *ated individuals are particularly vulnerable to being*
17 *gravely impacted by the novel corona virus pandemic*
18 *because—*

19 (A) *they have higher rates of underlying*
20 *health issues than members of the general public,*
21 *including higher rates of respiratory disease,*
22 *heart disease, diabetes, obesity, HIV/AIDS, sub-*
23 *stance abuse, hepatitis, and other conditions that*
24 *suppress immune response; and*

1 (B) the close conditions and lack of access
2 to hygiene products in prisons make these insti-
3 tutions unusually susceptible to viral pandemics.

4 (6) The spread of communicable disease in the
5 United States generally constitutes a serious, height-
6 ened threat to the safety of incarcerated individuals,
7 and there is a serious threat to the general public that
8 prisons may become incubators of community spread
9 of communicable viral disease.

10 (b) DEFINITIONS.—In this section:

11 (1) COVERED HEALTH CONDITION.—The term
12 “covered health condition” with respect to an indi-
13 vidual, means the individual—

14 (A) is pregnant;

15 (B) has chronic lung disease or asthma;

16 (C) has congestive heart failure or coronary
17 artery disease;

18 (D) has diabetes;

19 (E) has a neurological condition that weak-
20 ens the ability to cough or breathe;

21 (F) has HIV;

22 (G) has sickle cell anemia;

23 (H) has cancer; or

24 (I) has a weakened immune system.

1 (2) *COVERED INDIVIDUAL.*—*The term “covered*
2 *individual”*—

3 (A) *means an individual who*—

4 (i) *is a juvenile (as defined in section*
5 *5031 of title 18, United States Code);*

6 (ii) *is 50 years of age or older;*

7 (iii) *has a covered health condition; or*

8 (iv) *is within 12 months of release*
9 *from incarceration; and*

10 (B) *includes an individual described in sub-*
11 *paragraph (A) who is serving a term of impris-*
12 *onment for an offense committed before November*
13 *1, 1987, or who is serving a term of imprison-*
14 *ment in the custody of the Bureau of Prisons for*
15 *a sentence imposed pursuant to a conviction for*
16 *a criminal offense under the laws of the District*
17 *of Columbia.*

18 (3) *NATIONAL EMERGENCY RELATING TO A COM-*
19 *MUNICABLE DISEASE.*—*The term “national emergency*
20 *relating to a communicable disease” means*—

21 (A) *an emergency involving Federal pri-*
22 *mary responsibility determined to exist by the*
23 *President under the section 501(b) of the Robert*
24 *T. Stafford Disaster Relief and Emergency As-*

1 *sistance Act (42 U.S.C. 5191(b)) with respect to*
2 *a communicable disease; or*

3 *(B) a national emergency declared by the*
4 *President under the National Emergencies Act*
5 *(50 U.S.C. 1601 et seq.) with respect to a com-*
6 *municable disease.*

7 *(c) PLACEMENT OF CERTAIN INDIVIDUALS IN COMMU-*
8 *NITY SUPERVISION.—*

9 *(1) AUTHORITY.—Except as provided in para-*
10 *graph (2), beginning on the date on which a national*
11 *emergency relating to a communicable disease is de-*
12 *clared and ending on the date that is 60 days after*
13 *such national emergency expires or is terminated—*

14 *(A) notwithstanding any other provision of*
15 *law, the Director of the Bureau of Prisons shall*
16 *place in community supervision all covered indi-*
17 *viduals who are in the custody of the Bureau of*
18 *Prisons; and*

19 *(B) the district court of the United States*
20 *for each judicial district shall place in commu-*
21 *nity supervision all covered individuals who are*
22 *in the custody and care of the United States*
23 *Marshals Service.*

24 *(2) EXCEPTIONS.—*

1 (A) *BUREAU OF PRISONS.*—*In carrying out*
2 *paragraph (1)(A), the Director—*

3 (i) *may not place in community super-*
4 *vision any individual determined, by clear*
5 *and convincing evidence, taking into ac-*
6 *count the individual's offense of conviction,*
7 *to be likely to pose a specific and substan-*
8 *tial risk of causing bodily injury to or*
9 *using violent force against the person of an-*
10 *other;*

11 (ii) *shall place in the file of each indi-*
12 *vidual described in clause (i) documenta-*
13 *tion of such determination, including the*
14 *evidence used to make the determination;*
15 *and*

16 (iii) *not later than 180 days after the*
17 *date on which the national emergency relat-*
18 *ing to a communicable disease expires, shall*
19 *provide a report to Congress documenting—*

20 (I) *the demographic data (includ-*
21 *ing race, gender, age, offense of convic-*
22 *tion, and criminal history level) of the*
23 *individuals denied placement in com-*
24 *munity supervision under clause (i);*
25 *and*

1 (ii) the justification for the deni-
2 als described in subclause (I).

3 (B) *DISTRICT COURTS.*—In carrying out
4 paragraph (1)(B), each district court of the
5 United States—

6 (i) shall conduct an immediate and ex-
7 pedited review of the detention orders of all
8 covered individuals in the custody and care
9 of the United States Marshals Service,
10 which may be conducted *sua sponte* and *ex*
11 *parte*, without—

12 (I) appearance by the defendant
13 or any party; or

14 (II) requiring a petition, motion,
15 or other similar document to be filed;

16 (ii) may not place in community su-
17 pervision any individual if the court deter-
18 mines, after a hearing and the attorney for
19 the Government shows by clear and con-
20 vincing evidence based on individualized
21 facts, that detention is necessary because the
22 individual's release will pose a specific and
23 substantial risk that the individual will
24 cause bodily injury or use violent force
25 against the person of another and that no

1 *conditions of release will reasonably miti-*
2 *gate that risk;*

3 *(iii) in carrying out clauses (i) and*
4 *(ii), may—*

5 *(I) rely on evidence presented in*
6 *prior court proceedings; and*

7 *(II) if the court determines it nec-*
8 *essary, request additional information*
9 *from the parties to make the deter-*
10 *mination.*

11 (3) *LIMITATION ON COMMUNITY SUPERVISION*
12 *PLACEMENT.—In placing covered individuals into*
13 *community supervision under this section, the Direc-*
14 *tor of the Bureau of Prisons and the district court of*
15 *the United States for each judicial district shall take*
16 *into account and prioritize placements that enable*
17 *adequate social distancing, which include home con-*
18 *finement or other forms of low in-person-contact su-*
19 *pervised release.*

20 (d) *LIMITATION ON PRE-TRIAL DETENTION.—*

21 (1) *NO BOND CONDITIONS ON RELEASE.—Not-*
22 *withstanding section 3142 of title 18, United States*
23 *Code, beginning on the date on which a national*
24 *emergency relating to a communicable disease is de-*
25 *clared and ending on the date that is 60 days after*

1 *such national emergency expires or is terminated, in*
2 *imposing conditions of release, the judicial officer*
3 *may not require payment of cash bail, proof of ability*
4 *to pay an unsecured bond, execution of a bail bond,*
5 *a solvent surety to co-sign a secured or unsecured*
6 *bond, or posting of real property.*

7 (2) *LIMITATION.—*

8 (A) *IN GENERAL.—Beginning on the date*
9 *on which a national emergency relating to a*
10 *communicable disease is declared and ending on*
11 *the date that is 60 days after such national*
12 *emergency expires or is terminated, at any ini-*
13 *tial appearance hearing, detention hearing, hear-*
14 *ing on a motion for pretrial release, or any other*
15 *hearing where the attorney for the Government is*
16 *seeking the detention or continued detention of*
17 *any individual, the judicial officer shall order*
18 *the pretrial release of the individual on personal*
19 *recognizance or on a condition or combination of*
20 *conditions under section 3142(c) of title 18,*
21 *United States Code, unless the attorney for the*
22 *Government shows by clear and convincing evi-*
23 *dence based on individualized facts that deten-*
24 *tion is necessary because the individual's release*
25 *will pose a specific and substantial risk that the*

1 *individual will cause bodily injury or use violent*
2 *force against the person of another and that no*
3 *conditions of release will reasonably mitigate*
4 *that risk.*

5 *(B) REQUIRED CONSIDERATION OF CERTAIN*
6 *FACTORS.—If the judicial officer finds that the*
7 *attorney for the Government has made the req-*
8 *uisite showing under subparagraph (A), the judi-*
9 *cial officer shall take into consideration, in de-*
10 *termining whether detention is necessary—*

11 *(i) whether the individual’s age or*
12 *medical condition renders them especially*
13 *vulnerable; and*

14 *(ii) whether detention will compromise*
15 *the individual’s access to adequate medical*
16 *treatment, access to medications, or ability*
17 *to privately consult with counsel and mean-*
18 *ingfully prepare a defense.*

19 *(C) JUVENILES.—*

20 *(i) IN GENERAL.—Beginning on the*
21 *date on which a national emergency relat-*
22 *ing to a communicable disease is declared*
23 *and ending on the date that is 60 days after*
24 *such national emergency expires or is ter-*
25 *minated, notwithstanding sections 5031*

1 through 5035 of title 18, United States
2 Code, and except as provided under clause
3 (ii), in the case of a juvenile alleged to have
4 committed an act of juvenile delinquency,
5 the judicial officer shall release the juvenile
6 to their parent, guardian, custodian, or
7 other responsible party (including the direc-
8 tor of a shelter-care facility) upon their
9 promise to bring such juvenile before the ap-
10 propriate court when requested by the judi-
11 cial officer.

12 (ii) *EXCEPTION.*—A juvenile alleged to
13 have committed an act of juvenile delin-
14 quency may be detained pending trial only
15 if, at a hearing at which the juvenile is rep-
16 resented by counsel, the attorney for the
17 Government shows by clear and convincing
18 evidence based on individualized facts that
19 detention is necessary because the juvenile’s
20 release will pose a specific and substantial
21 risk that the juvenile will use violent force
22 against a reasonably identifiable person
23 and that no conditions of release will rea-
24 sonably mitigate that risk, except that in no
25 case may a judicial officer order the deten-

1 *tion of a juvenile if it will compromise the*
2 *juvenile's access to adequate medical treat-*
3 *ment, access to medications, or ability to*
4 *privately consult with counsel and mean-*
5 *ingfully prepare a defense.*

6 *(iii) LEAST RESTRICTIVE DETEN-*
7 *TION.—In the case that the judicial officer*
8 *orders the detention of a juvenile under*
9 *clause (ii), the judicial officer shall order*
10 *the detention of the juvenile in the least re-*
11 *strictive and safest environment possible,*
12 *taking the national emergency relating to a*
13 *communicable disease into consideration.*

14 *(iv) CONTENTS OF DETENTION*
15 *ORDER.—In the case that the judicial officer*
16 *orders the detention of a juvenile under*
17 *clause (ii), the judicial officer shall issue a*
18 *written detention order that includes—*

19 *(I) findings of fact;*

20 *(II) the reasons for the detention;*

21 *(III) a description of the risk*
22 *identified under clause (ii);*

23 *(IV) an explanation of why no*
24 *conditions will reasonably mitigate the*
25 *risk identified under clause (ii);*

1 (V) a statement that detention
2 will not compromise the juvenile's ac-
3 cess to adequate medical treatment, ac-
4 cess to medications, or ability to pri-
5 vately consult with counsel and mean-
6 ingfully prepare a defense; and

7 (VI) a statement establishing that
8 the detention environment is the least
9 restrictive and safest possible in ac-
10 cordance with the requirement under
11 clause (iii).

12 (e) *LIMITATION ON SUPERVISED RELEASE.*—Begin-
13 ning on the date on which a national emergency relating
14 to a communicable disease is declared and ending on the
15 date that is 60 days after such national emergency expires,
16 the Office of Probation and Pretrial Services of the Admin-
17 istrative Office of the United States Courts shall take meas-
18 ures to prevent the spread of the communicable disease
19 among individuals under supervision by—

20 (1) suspending the requirement that individuals
21 determined to be a lower risk of reoffending, or any
22 other individuals determined to be appropriate by the
23 supervising probation officer, report in person to their
24 probation or parole officer;

1 (2) *identifying individuals who have successfully*
2 *completed not less than 18 months of supervision and*
3 *transferring such individuals to administrative super-*
4 *vision or petitioning the court to terminate super-*
5 *vision, as appropriate; and*

6 (3) *suspending the request for detention and im-*
7 *prisonment as a sanction for violations of probation,*
8 *supervised release, or parole.*

9 (f) *PROHIBITION.—No individual who is granted*
10 *placement in community supervision, termination of super-*
11 *vision, placement on administrative supervision, or pre-*
12 *trial release shall be re-incarcerated, placed on supervision*
13 *or active supervision, or ordered detained pre-trial only as*
14 *a result of the expiration of the national emergency relating*
15 *to a communicable disease.*

16 (g) *PROHIBITION ON TECHNICAL VIOLATIONS AND*
17 *CERTAIN MANDATORY REVOCATIONS OF PROBATION OR SU-*
18 *PERVISED RELEASE.—*

19 (1) *RESENTENCING IN CASES OF PROBATION AND*
20 *SUPERVISED RELEASE.—*

21 (A) *IN GENERAL.—Beginning on the date*
22 *on which a national emergency relating to a*
23 *communicable disease is declared and ending on*
24 *the date that is 60 days after such national*
25 *emergency expires, and notwithstanding section*

1 3582(b) of title 18, United States Code, a court
2 shall order the resentencing of a defendant who
3 is serving a term of imprisonment resulting from
4 a revocation of probation, or supervised release
5 for a Grade C violation for conduct under sec-
6 tion 7B1.1(c)(3)(B) of the United States Sen-
7 tencing Guidelines, upon motion of the defend-
8 ant.

9 (B) RESENTENCING.—The court shall order
10 the resentencing of a defendant described in sub-
11 paragraph (A) as follows:

12 (i) In the case of a revoked sentence of
13 probation, the court shall resentence the de-
14 fendant to probation, the duration of which
15 shall be equal to the period of time remain-
16 ing on the term of probation originally im-
17 posed at the time the defendant was most
18 recently placed in custody, unless the court
19 determines that decreasing the length of the
20 term of probation is in the interest of jus-
21 tice.

22 (ii) In the case of a revoked term of su-
23 pervised release, the court shall continue the
24 defendant on supervised release, the dura-
25 tion of which shall be equal to the period of

1 *time the defendant had remaining on super-*
2 *vised release when the defendant was most*
3 *recently placed in custody, unless the court*
4 *determines that decreasing the term of su-*
5 *pervised release is in the interest of justice.*

6 (2) *RESENTENCING IN CASES OF PAROLE.—*

7 (A) *IN GENERAL.—Beginning on the date*
8 *on which a national emergency relating to a*
9 *communicable disease is declared and ending on*
10 *the date that is 60 days after such national*
11 *emergency expires, the court shall order the re-*
12 *sentencing of a defendant who is serving a term*
13 *of imprisonment resulting from a technical vio-*
14 *lation of the defendant’s parole.*

15 (B) *RESENTENCING.—The court shall resen-*
16 *tence the defendant to parole, the duration of*
17 *which shall be equal to the period of time re-*
18 *maining on the defendant’s term of parole at the*
19 *time the defendant was most recently placed in*
20 *custody, unless the court determines that decreas-*
21 *ing the length of the term of parole is in the in-*
22 *terest of justice.*

23 (3) *HEARING.—The court may grant, but not*
24 *deny, a motion without a hearing under this section.*

25 (4) *NO MANDATORY REVOCATION.—*

1 (A) *IN GENERAL.*—Beginning on the date
2 on which a national emergency relating to a
3 communicable disease is declared and ending on
4 the date that is 60 days after such national
5 emergency expires, a court is not required to re-
6 voke a defendant’s probation or supervised re-
7 lease under sections 3565(b) and 3583(g) of title
8 18, United States Code, based on a finding that
9 the defendant refused to comply with drug treat-
10 ment.

11 (B) *DISSEMINATION OF POLICY CHANGE.*—
12 Not later than 10 days after the date of enact-
13 ment of this title, the Judicial Conference of the
14 United States shall issue and disseminate to all
15 district courts of the United States a temporary
16 policy change suspending mandatory revocation
17 of probation or supervised release for refusal to
18 comply with drug testing.

19 (5) *PROMPT DETERMINATION.*—Any motion
20 under this subsection shall be determined promptly.

21 (6) *COUNSEL.*—To effectuate the purposes of this
22 subsection, counsel shall be appointed as early as pos-
23 sible to represent any indigent defendant.

24 (7) *DEFINITIONS.*—In this subsection, the term
25 “defendant” includes individuals adjudicated delin-

1 *sentences under section 3582 of title 18, United States*
2 *Code, during the covered emergency period.*

3 (4) *SPECIAL RULE.—During the covered emer-*
4 *gency period, a covered individual who is serving a*
5 *term of imprisonment for an offense committed before*
6 *November 1, 1987, who would not otherwise be eligible*
7 *to file a motion under section 3582(c)(1)(A) of title*
8 *18, United States Code, is eligible to file such a mo-*
9 *tion and for relief under such section. Any motion for*
10 *relief filed in accordance with this paragraph before*
11 *the expiration or termination of the covered emer-*
12 *gency period shall not disqualify such motion based*
13 *solely on such expiration or termination.*

14 (b) *COURT AUTHORITY TO AUTHORIZE TEMPORARY*
15 *RELEASE OF PERSONS AWAITING DESIGNATION OR TRANS-*
16 *PORTATION TO A BUREAU OF PRISONS FACILITY.—Not-*
17 *withstanding sections 3582 and 3621 of title 18, United*
18 *States Code, during the covered emergency period, the court,*
19 *upon motion of an individual (including individuals adju-*
20 *dicated delinquent under the Federal Juvenile Delinquency*
21 *Act) awaiting designation or transportation to a Bureau*
22 *of Prisons or other facility for service of sentence or official*
23 *detention, or on the court’s own motion, may, taking into*
24 *account the individual’s offense of conviction or adjudica-*
25 *tion, order the temporary release of the individual, for a*

1 *limited period ending not later than the expiration or ter-*
2 *mination of the COVID–19 emergency, if such release is for*
3 *the purpose of avoiding or mitigating the risks associated*
4 *with imprisonment during the covered emergency period,*
5 *either generally with respect to the individual’s place of im-*
6 *prisonment or specifically with respect to the individual.*

7 (c) *HEARING REQUIREMENT.*—*The court may grant,*
8 *but not deny, a motion without a hearing under this sec-*
9 *tion. Any motion under this section shall be determined*
10 *promptly.*

11 (d) *EFFECTIVE REPRESENTATION DURING NATIONAL*
12 *EMERGENCY.*—

13 (1) *ACCESS TO COURT.*—*During the covered*
14 *emergency period, any procedural requirement under*
15 *section 3582(c)(1)(A) of title 18, United States Code,*
16 *that would delay a defendant from directly peti-*
17 *tioning the court shall not apply, and the defendant*
18 *may petition the court directly for relief.*

19 (2) *APPOINTMENT OF COUNSEL.*—*The court shall*
20 *appoint counsel for indigent defendants or prisoners,*
21 *at no cost to the defendant or prisoner, as early as*
22 *possible to effectuate the purposes of this section and*
23 *the purposes of section 3582(c)(1)(A) of title 18,*
24 *United States Code.*

25 (3) *ACCESS TO MEDICAL RECORDS.*—

1 (A) *IN GENERAL.*—*In order to expedite pro-*
2 *ceedings under this section and proceedings*
3 *under 3582(c)(1)(A) of title 18, United States*
4 *Code, during the covered emergency period, the*
5 *Director of the Bureau of Prisons shall promptly*
6 *release all medical records in the possession of*
7 *the Bureau of Prisons to a prisoner who requests*
8 *them on their own behalf, or to the counsel of*
9 *record for a prisoner upon submission to the*
10 *court of an affidavit, signed by such counsel*
11 *under penalty of perjury, that such counsel has*
12 *reason to believe that the prisoner has a covered*
13 *health condition (as such term is defined in sec-*
14 *tion 202(b)) or a condition that would entitle*
15 *them to relief under section 3582(c)(1)(A) of title*
16 *18, United States Code.*

17 (B) *INDIVIDUALS IN THE CUSTODY OF THE*
18 *U.S. MARSHALS SERVICE.*—*In order to expedite*
19 *proceedings under this section, in the case of an*
20 *individual who is in the custody or care of the*
21 *U.S. Marshals Service, the Director of the U.S.*
22 *Marshals Service shall facilitate the provision of*
23 *any medical records of the individual to the in-*
24 *dividual or the counsel of record of the indi-*
25 *vidual, upon request of the individual or counsel.*

1 **SEC. 204. EXEMPTION FROM EXHAUSTING ADMINISTRATIVE**
2 **REMEDIES DURING COVERED EMERGENCY**
3 **PERIOD.**

4 *Section 7 of the Civil Rights of Institutionalized Per-*
5 *sons Act (42 U.S.C. 1997e) is amended by adding at the*
6 *end the following:*

7 “(i) *COVERED EMERGENCY PERIOD.*—

8 “(1) *RELIEF WITHOUT EXHAUSTING ADMINIS-*
9 *TRATIVE REMEDIES.*—*Notwithstanding the other pro-*
10 *visions of this section, during the covered emergency*
11 *period, a prisoner may commence, without exhausting*
12 *all administrative remedies, an action relating to*
13 *conditions of imprisonment under which the prisoner*
14 *is at significant risk of harm or under which the pris-*
15 *oner’s access to counsel has been impaired. If the*
16 *court determines the prisoner is reasonably likely to*
17 *prevail, the court may order such appropriate relief,*
18 *limited in time and scope, as may be necessary to*
19 *prevent or remedy the significant risk of harm or pro-*
20 *vide access to counsel.*

21 “(2) *RETALIATION PROHIBITED.*—*Section 6 shall*
22 *apply in the case of retaliation against a prisoner*
23 *who files an administrative claim or lawsuit during*
24 *the covered emergency period or attempts to so file.*

25 “(3) *DEFINITIONS.*—*For purposes of this sub-*
26 *section, the term ‘covered emergency period’ has the*

1 (3) is otherwise described in such section
2 231(g)(5)(A).

3 **SEC. 206. EFFECTIVE ASSISTANCE OF COUNSEL IN THE DIG-**
4 **ITAL ERA ACT.**

5 (a) *PROHIBITION ON MONITORING.*—Not later than
6 180 days after the date of the enactment of this title, the
7 Attorney General shall create a program or system, or mod-
8 ify any program or system that exists on the date of enact-
9 ment of this title, through which an incarcerated person
10 sends or receives an electronic communication, to exclude
11 from monitoring the contents of any privileged electronic
12 communication. In the case that the Attorney General cre-
13 ates a program or system in accordance with this sub-
14 section, the Attorney General shall, upon implementing
15 such system, discontinue using any program or system that
16 exists on the date of enactment of this title through which
17 an incarcerated person sends or receives a privileged elec-
18 tronic communication, except that any program or system
19 that exists on such date may continue to be used for any
20 other electronic communication.

21 (b) *RETENTION OF CONTENTS.*—A program or system
22 or a modification to a program or system under subsection
23 (a) may allow for retention by the Bureau of Prisons of,
24 and access by an incarcerated person to, the contents of elec-
25 tronic communications, including the contents of privileged

1 *electronic communications, of the person until the date on*
2 *which the person is released from prison.*

3 (c) *ATTORNEY-CLIENT PRIVILEGE.*—*Attorney-client*
4 *privilege, and the protections and limitations associated*
5 *with such privilege (including the crime fraud exception),*
6 *applies to electronic communications sent or received*
7 *through the program or system established or modified*
8 *under subsection (a).*

9 (d) *ACCESSING RETAINED CONTENTS.*—*Contents re-*
10 *tained under subsection (b) may only be accessed by a per-*
11 *son other than the incarcerated person for whom such con-*
12 *tents are retained under the following circumstances:*

13 (1) *ATTORNEY GENERAL.*—*The Attorney General*
14 *may only access retained contents if necessary for the*
15 *purpose of creating and maintaining the program or*
16 *system, or any modification to the program or sys-*
17 *tem, through which an incarcerated person sends or*
18 *receives electronic communications. The Attorney*
19 *General may not review retained contents that are*
20 *accessed pursuant to this paragraph.*

21 (2) *INVESTIGATIVE AND LAW ENFORCEMENT OF-*
22 *FICERS.*—

23 (A) *WARRANT.*—

24 (i) *IN GENERAL.*—*Retained contents*
25 *may only be accessed by an investigative or*

1 *law enforcement officer pursuant to a war-*
2 *rant issued by a court pursuant to the pro-*
3 *cedures described in the Federal Rules of*
4 *Criminal Procedure.*

5 *(ii) APPROVAL.—No application for a*
6 *warrant may be made to a court without*
7 *the express approval of a United States At-*
8 *torney or an Assistant Attorney General.*

9 *(B) PRIVILEGED INFORMATION.—*

10 *(i) REVIEW.—Before retained contents*
11 *may be accessed pursuant to a warrant ob-*
12 *tained under subparagraph (A), such con-*
13 *tents shall be reviewed by a United States*
14 *Attorney to ensure that privileged electronic*
15 *communications are not accessible.*

16 *(ii) BARRING PARTICIPATION.—A*
17 *United States Attorney who reviews re-*
18 *tained contents pursuant to clause (i) shall*
19 *be barred from—*

20 *(I) participating in a legal pro-*
21 *ceeding in which an individual who*
22 *sent or received an electronic commu-*
23 *nication from which such contents are*
24 *retained under subsection (b) is a de-*
25 *fendant; or*

1 (II) *sharing the retained contents*
2 *with an attorney who is participating*
3 *in such a legal proceeding.*

4 (3) *MOTION TO SUPPRESS.—In a case in which*
5 *retained contents have been accessed in violation of*
6 *this subsection, a court may suppress evidence ob-*
7 *tained or derived from access to such contents upon*
8 *motion of the defendant.*

9 (e) *DEFINITIONS.—In this section—*

10 (1) *the term “agent of an attorney or legal rep-*
11 *resentative” means any person employed by or con-*
12 *tracting with an attorney or legal representative, in-*
13 *cluding law clerks, interns, investigators, paraprofes-*
14 *sionals, and administrative staff;*

15 (2) *the term “contents” has the meaning given*
16 *such term in 2510 of title 18, United States Code;*

17 (3) *the term “electronic communication” has the*
18 *meaning given such term in section 2510 of title 18,*
19 *United States Code, and includes the Trust Fund*
20 *Limited Inmate Computer System;*

21 (4) *the term “monitoring” means accessing the*
22 *contents of an electronic communication at any time*
23 *after such communication is sent;*

24 (5) *the term “incarcerated person” means any*
25 *individual in the custody of the Bureau of Prisons or*

1 *the United States Marshals Service who has been*
 2 *charged with or convicted of an offense against the*
 3 *United States, including such an individual who is*
 4 *imprisoned in a State institution; and*

5 (6) *the term “privileged electronic communica-*
 6 *tion” means—*

7 (A) *any electronic communication between*
 8 *an incarcerated person and a potential, current,*
 9 *or former attorney or legal representative of such*
 10 *a person; and*

11 (B) *any electronic communication between*
 12 *an incarcerated person and the agent of an at-*
 13 *torney or legal representative described in sub-*
 14 *paragraph (A).*

15 **SEC. 207. COVID-19 CORRECTIONAL FACILITY EMERGENCY**

16 **RESPONSE ACT OF 2020.**

17 *Title I of the Omnibus Crime Control and Safe Streets*
 18 *Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding*
 19 *at the end the following:*

20 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**
 21 **EMERGENCY RESPONSE**

22 **“SEC. 3061. FINDINGS; PURPOSES.**

23 *“(a) IMMEDIATE RELEASE OF VULNERABLE AND LOW-*
 24 *RISK INDIVIDUALS.—The purpose of the grant program*
 25 *under section 3062 is to provide for the testing, initiation*

1 *and transfer to treatment in the community, and provision*
2 *of services in the community, by States and units of local*
3 *government as they relate to preventing, detecting, and*
4 *stopping the spread of COVID–19 in correctional facilities.*

5 “(b) *PRETRIAL CITATION AND RELEASE.*—

6 “(1) *FINDINGS.*—*Congress finds as follows:*

7 “(A) *With the dramatic growth in pretrial*
8 *detention resulting in county and city correc-*
9 *tional facilities regularly exceeding capacity,*
10 *such correctional facilities may serve to rapidly*
11 *increase the spread of COVID–19, as facilities*
12 *that hold large numbers of individuals in*
13 *congregant living situations may promote the*
14 *spread of COVID–19.*

15 “(B) *While individuals arrested and proc-*
16 *essed at local correctional facilities may only be*
17 *held for hours or days, exposure to large number*
18 *of individuals in holding cells and courtrooms*
19 *promotes the spread of COVID–19.*

20 “(C) *Pretrial detainees and individuals in*
21 *correctional facilities are then later released into*
22 *the community having being exposed to COVID–*
23 *19.*

24 “(2) *PURPOSE.*—*The purpose of the grant pro-*
25 *gram under section 3065 is to substantially increase*

1 *the use of risk-based citation release for all individ-*
2 *uals who do not present a public safety risk.*

3 **“SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND**
4 **LOW-RISK INDIVIDUALS.**

5 “(a) *AUTHORIZATION.*—*The Attorney General shall*
6 *carry out a grant program to make grants to States and*
7 *units of local government that operate correctional facili-*
8 *ties, to establish and implement policies and procedures to*
9 *prevent, detect, and stop the presence and spread of*
10 *COVID–19 among arrestees, detainees, inmates, correc-*
11 *tional facility staff, and visitors to the facilities.*

12 “(b) *PROGRAM ELIGIBILITY.*—

13 “(1) *IN GENERAL.*—*Eligible applicants under*
14 *this section are States and units of local government*
15 *that release or have a plan to release the persons de-*
16 *scribed in paragraph (2) from custody in order to en-*
17 *sure that, not later than 90 days after enactment of*
18 *this section, the total population of arrestees, detain-*
19 *ees, and inmates at a correctional facility does not ex-*
20 *ceed the number established under subsection (c).*

21 “(2) *PERSONS DESCRIBED.*—*A person described*
22 *in this paragraph is a person who, taking into ac-*
23 *count the person’s offense of conviction—*

1 “(A) does not pose a risk of serious, immi-
2 nent injury to a reasonably identifiable person;

3 or

4 “(B) is—

5 “(i) 50 years of age or older;

6 “(ii) a juvenile;

7 “(iii) an individual with serious
8 chronic medical conditions, including heart
9 disease, cancer, diabetes, HIV, sickle cell
10 anemia, a neurological disease that inter-
11 feres with the ability to cough or breathe,
12 chronic lung disease, asthma, or respiratory
13 illness;

14 “(iv) a pregnant woman;

15 “(v) an individual who is
16 immunocompromised or has a weakened
17 immune system; or

18 “(vi) an individual who has a health
19 condition or disability that makes them vul-
20 nerable to COVID-19.

21 “(c) *TARGET CORRECTIONAL POPULATION.*—

22 “(1) *TARGET POPULATION.*—An eligible appli-
23 cant shall establish individualized, facility-specific
24 target capacities at each correction facility that will
25 receive funds under this section that reflect the max-

1 *imum number of individuals who may be incarcer-*
2 *ated safely in accordance with the Centers for Disease*
3 *Control and Prevention guidelines for correctional fa-*
4 *cilities pertaining to COVID–19, with consideration*
5 *given to Centers for Disease Control and Prevention*
6 *guidelines pertaining to community-based physical*
7 *distancing, hygiene, and sanitation. A correctional*
8 *facility receiving funds under this section may not*
9 *use isolation in a punitive or non-medical manner as*
10 *a way of achieving specific target capacities estab-*
11 *lished under this paragraph.*

12 *“(2) CERTIFICATION.—An eligible applicant*
13 *shall include in its application for a grant under this*
14 *section a certification by a public health professional*
15 *who is certified in epidemiology or infectious diseases*
16 *that each correctional facility that will receive funds*
17 *under this section in its jurisdiction meets the appro-*
18 *priate target capacity standard established under*
19 *paragraph (1).*

20 *“(d) AUTHORIZED USES.—Funds awarded pursuant*
21 *to this section shall be used by grantees (including acting*
22 *through nonprofit entities) to—*

23 *“(1) test all arrestees, detainees, and inmates,*
24 *and initiate treatment for COVID–19, and transfer*

1 *such an individual for an appropriate treatment at*
2 *external medical facility, as needed;*

3 *“(2) test for COVID–19—*

4 *“(A) correctional facility staff;*

5 *“(B) volunteers;*

6 *“(C) visitors, including family members*
7 *and attorneys;*

8 *“(D) court personnel that have regular con-*
9 *tact with arrestees, detainees, and inmates;*

10 *“(E) law enforcement officers who transport*
11 *arrestees, detainees, and inmates; and*

12 *“(F) personnel outside the correctional facil-*
13 *ity who provide medical treatment to arrestees,*
14 *detainees, and inmates;*

15 *“(3) curtail booking and in-facility processing*
16 *for individuals who have committed technical parole*
17 *or probation violations; and*

18 *“(4) provide transition and reentry support serv-*
19 *ices to individuals released pursuant to this section,*
20 *including programs that—*

21 *“(A) increase access to and participation in*
22 *reentry services;*

23 *“(B) promote a reduction in recidivism*
24 *rates;*

1 “(C) *facilitate engagement in educational*
2 *programs, job training, or employment;*

3 “(D) *place reentering individuals in safe*
4 *and sanitary temporary transitional housing;*

5 “(E) *facilitate the enrollment of reentering*
6 *individuals with a history of substance use dis-*
7 *order in medication-assisted treatment and a re-*
8 *ferral to overdose prevention services, mental*
9 *health services, or other medical services; and*

10 “(F) *facilitate family reunification or sup-*
11 *port services, as needed.*

12 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
13 *authorized to be appropriated \$500,000,000 to carry out*
14 *this section and section 3065 for each of fiscal years 2020*
15 *and 2021.*

16 **“SEC. 3063. JUVENILE SPECIFIC SERVICES.**

17 “(a) *IN GENERAL.—The Attorney General, acting*
18 *through the Administrator of the Office Juvenile Justice*
19 *and Delinquency Prevention, consistent with section 261 of*
20 *the Juvenile Justice and Delinquency Prevention Act of*
21 *1974 (34 U.S.C. 11171), is authorized to make grants to*
22 *States and units of local government or combinations there-*
23 *of to assist them in planning, establishing, operating, co-*
24 *ordinating, and evaluating projects directly, or through*
25 *grants and contracts with public and private agencies and*

1 *nonprofit entities (as such term is defined under section*
2 *408(5)(A) of the Juvenile Justice and Delinquency Preven-*
3 *tion Act of 1974 (34 U.S.C. 11296(5)(A))), for the develop-*
4 *ment of more effective education, training, research, preven-*
5 *tion, diversion, treatment, and rehabilitation programs in*
6 *the area of juvenile delinquency and programs to improve*
7 *the juvenile justice system, consistent with subsection (b).*

8 “(b) *USE OF GRANT FUNDS.—Grants under this sec-*
9 *tion shall be used for the exclusive purpose of providing ju-*
10 *venile specific services that—*

11 “(1) *provide rapid mass testing for COVID–19*
12 *in juvenile facilities, notification of the results of such*
13 *tests to juveniles and authorized family members or*
14 *legal guardians, and include policies and procedures*
15 *for non-punitive quarantine that does not involve sol-*
16 *itary confinement, and provide for examination by a*
17 *doctor for any juvenile who tests positive for COVID–*
18 *19;*

19 “(2) *examine all pre- and post-adjudication re-*
20 *lease processes and mechanisms applicable to juveniles*
21 *and begin employing these as quickly as possible;*

22 “(3) *provide juveniles in out of home placements*
23 *with continued access to appropriate education;*

24 “(4) *provide juveniles with access to legal counsel*
25 *through confidential visits or teleconferencing;*

1 “(5) provide staff and juveniles with appropriate
2 personal protective equipment, hand washing facili-
3 ties, toiletries, and medical care to reduce the spread
4 of the virus;

5 “(6) provide juveniles with frequent and no cost
6 calls home to parents, legal guardians, and other fam-
7 ily members;

8 “(7) advance policies and procedures for juvenile
9 delinquency program proceedings (including court
10 proceedings) and probation conditions so that in-per-
11 son reporting requirements for juveniles are replaced
12 with virtual or telephonic appearances without pen-
13 alty;

14 “(8) expand opportunities for juveniles to par-
15 ticipate in community based services and social serv-
16 ices through videoconferencing or teleconferencing; or

17 “(9) place a moratorium on all requirements for
18 juveniles to attend and pay for court and probation-
19 ordered programs, community service, and labor, that
20 violate any applicable social distancing or stay at
21 home order.

22 Each element described in paragraph (1) through (9) shall
23 be trauma-informed, reflect the science of adolescent devel-
24 opment, and be designed to meet the needs of at-risk juve-

1 *niles and juveniles who come into contact with the justice*
2 *system.*

3 “(c) *DEFINITIONS.*—*Terms used in this section have*
4 *the meanings given such terms in the Juvenile Justice and*
5 *Delinquency Prevention Act of 1974. The term ‘juvenile’ has*
6 *the meaning given such term in section 1809 of this Act.*

7 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
8 *authorized to be appropriated to carry out this section*
9 *\$75,000,000 for each of fiscal years 2020 and 2021.*

10 **“SEC. 3064. RAPID COVID-19 TESTING.**

11 “(a) *IN GENERAL.*—*The Attorney General shall make*
12 *grants to grantees under section 3062 for the exclusive pur-*
13 *pose of providing for rapid COVID-19 testing of arrestees,*
14 *detainees, and inmates who are exiting the custody of a cor-*
15 *rectional facility prior to returning to the community.*

16 “(b) *USE OF FUNDS.*—*Grants provided under this sec-*
17 *tion may be used for any of the following:*

18 “(1) *Purchasing or leasing medical devices au-*
19 *thorized by the U.S. Food and Drug Administration*
20 *to detect COVID-19 that produce results in less than*
21 *one hour.*

22 “(2) *Purchasing or securing COVID-19 testing*
23 *supplies and personal protective equipment used by*
24 *the correctional facility to perform such tests.*

1 “(3) *Contracting with medical providers to ad-*
2 *minister such tests.*

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated to carry out this section*
5 *\$25,000,000 for each of fiscal years 2020 and 2021.*

6 **“SEC. 3065. PRETRIAL CITATION AND RELEASE.**

7 “(a) *AUTHORIZATION.—The Attorney General shall*
8 *make grants under this section to eligible applicants for the*
9 *purposes set forth in section 3061(b)(2).*

10 “(b) *PROGRAM ELIGIBILITY.—Eligible applicants*
11 *under this section are States and units of local government*
12 *that implement or continue operation of a program de-*
13 *scribed in subsection (c)(1) and not fewer than 2 of the other*
14 *programs enumerated in such subsection.*

15 “(c) *USE OF GRANT FUNDS.—A grantee shall use*
16 *amounts provided as a grant under this section for pro-*
17 *grams that provide for the following:*

18 “(1) *Adopting and operating a cite-and-release*
19 *process for individuals who are suspected of commit-*
20 *ting misdemeanor and felony offenses and who do not*
21 *pose a risk of serious, imminent injury to a reason-*
22 *ably identifiable person.*

23 “(2) *Curtailing booking and in-facility proc-*
24 *essing for individuals who have committed technical*
25 *parole or probation violations.*

1 “(3) *Ensuring that defense counsel is appointed*
2 *at the earliest hearing that could result in pretrial de-*
3 *tention so that low-risk defendants are not unneces-*
4 *sarily further exposed to COVID–19.*

5 “(4) *Establishing early review of charges by an*
6 *experienced prosecutor, so only arrestees and detainees*
7 *who will be charged are detained.*

8 “(5) *Providing appropriate victims’ services sup-*
9 *ports and safety-focused residential accommodations*
10 *for victims and community members who have ques-*
11 *tions or concerns about releases described in this sub-*
12 *section.*

13 **“SEC. 3066. REPORT.**

14 “(a) *IN GENERAL.—Not later than 6 months after the*
15 *date on which grants are initially made under this part,*
16 *and biannually thereafter during the grant period, the At-*
17 *torney General shall submit to Congress a report on the pro-*
18 *gram, which shall include—*

19 “(1) *the number of grants made, the number of*
20 *grantees, and the amount of funding distributed to*
21 *each grantee pursuant to this part;*

22 “(2) *the location of each correctional facility*
23 *where activities are carried out using grant amounts;*

24 “(3) *the number of persons in the custody of cor-*
25 *rectional facilities where activities are carried out*

1 *using grant amounts, including incarcerated persons*
2 *released on parole, community supervision, good time*
3 *or early release, clemency or commutation, as a result*
4 *of the national emergency under the National Emer-*
5 *gencies Act (50 U.S.C. 1601 et seq.) declared by the*
6 *President with respect to the Coronavirus Disease*
7 *2019 (‘COVID–19’), disaggregated by type of offense,*
8 *age, race, sex, and ethnicity; and*

9 *“(4) for each facility receiving funds under sec-*
10 *tion 3062—*

11 *“(A) the total number of tests for COVID–*
12 *19 performed;*

13 *“(B) the results of such COVID–19 tests*
14 *(confirmed positive or negative);*

15 *“(C) the total number of probable COVID–*
16 *19 infections;*

17 *“(D) the total number of COVID–19-related*
18 *hospitalizations, the total number of intensive*
19 *care unit admissions, and the duration of each*
20 *such hospitalization;*

21 *“(E) recoveries from COVID–19; and*

22 *“(F) COVID–19 deaths,*
23 *disaggregated by race, ethnicity, age, disability, sex,*
24 *pregnancy status, and whether the individual is a*
25 *staff member of or incarcerated at the facility.*

1 “(b) *PRIVACY.*—Data reported under this section shall
2 be reported in accordance with applicable privacy laws and
3 regulations.

4 **“SEC. 3067. NO MATCHING REQUIRED.**

5 *“The Attorney General shall not require grantees to
6 provide any matching funds with respect to the use of funds
7 under this part.*

8 **“SEC. 3068. DEFINITION.**

9 *“For purposes of this part:*

10 “(1) *CORRECTIONAL FACILITY.*—The term ‘cor-
11 rectional facility’ includes a juvenile facility.

12 “(2) *COVERED EMERGENCY PERIOD.*—The term
13 ‘covered emergency period’ has the meaning given the
14 term in section 12003 of the CARES Act (Public Law
15 116–136).

16 “(3) *COVID–19.*—The term ‘COVID–19’ means a
17 disease caused by severe acute respiratory syndrome
18 coronavirus 2 (SARS–CoV–2).

19 “(4) *DETAINEE; ARRESTEE; INMATE.*—The terms
20 ‘detainee’, ‘arrestee’, and ‘inmate’ each include juve-
21 niles.”.

22 **SEC. 208. MORATORIUM ON FEES AND FINES.**

23 (a) *IN GENERAL.*—During the covered emergency pe-
24 riod, and for fiscal years 2020, 2021, and 2022, the Attor-
25 ney General is authorized make grants to State and local

1 *courts that comply with the requirement under subsection*
2 *(b) to ensure that such recipients are able to continue oper-*
3 *ations.*

4 *(b) REQUIREMENT TO IMPOSE MORATORIUM ON IMPO-*
5 *SITION AND COLLECTION OF FEES AND FINES.—To be eligi-*
6 *ble for a grant under this section, a court shall implement*
7 *a moratorium on the imposition and collection (including*
8 *by a unit of local government or a State) of fees and fines*
9 *imposed by that court—*

10 *(1) not later than 120 day after the date of the*
11 *enactment of this section;*

12 *(2) retroactive to a period beginning 30 days*
13 *prior the covered emergency period; and*

14 *(3) continuing for an additional 90 days after*
15 *the date the covered emergency period terminates.*

16 *(c) GRANT AMOUNT.—In making grants under this*
17 *section, the Attorney General shall—*

18 *(1) give preference to applicants that implement*
19 *a moratorium on the imposition and collection of*
20 *fees and fines related to juvenile delinquency pro-*
21 *ceedings for each of fiscal years 2020 through 2022;*
22 *and*

23 *(2) make such grants in amounts that are pro-*
24 *portionate to the number of individuals in the juris-*
25 *isdiction of the court.*

1 (d) *USE OF FUNDS.*—*Funds made available under this*
2 *section may be used to ensure that the recipient is able to*
3 *continue court operations during the covered emergency pe-*
4 *riod.*

5 (e) *NO MATCHING REQUIREMENT.*—*There is no*
6 *matching requirement for grants under this section.*

7 (f) *DEFINITIONS.*—*In this section:*

8 (1) *The term “fees”—*

9 (A) *means monetary fees that are imposed*
10 *for the costs of fine surcharges or court adminis-*
11 *trative fees; and*

12 (B) *includes additional late fees, payment-*
13 *plan fees, interest added if an individual is un-*
14 *able to pay a fine in its entirety, collection fees,*
15 *and any additional amounts that do not include*
16 *the fine.*

17 (2) *The term “fines” means monetary fines im-*
18 *posed as punishment.*

19 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
20 *authorized to be appropriated to carry out this section*
21 *\$150,000,000 for each of fiscal years 2020 through 2022.*

22 **SEC. 209. DEFINITION.**

23 *In this title, the term “covered emergency period” has*
24 *the meaning given the term in section 12003 of the CARES*
25 *Act (Public Law 116–136).*

1 **SEC. 210. SEVERABILITY.**

2 *If any provision of this title or any amendment made*
 3 *by this title, or the application of a provision or amend-*
 4 *ment to any person or circumstance, is held to be invalid,*
 5 *the remainder of this title and the amendments made by*
 6 *this title, and the application of the provisions and amend-*
 7 *ments to any other person not similarly situated or to other*
 8 *circumstances, shall not be affected by the holding.*

9 **TITLE III—VICTIMS OF CRIME**
 10 **ACT AMENDMENTS**

11 **SEC. 301. SHORT TITLE.**

12 *This title may be cited as the “Victims of Crime Act*
 13 *Fix Act of 2020”.*

14 **SEC. 302. DEPOSITS OF FUNDING INTO THE CRIME VICTIMS**
 15 **FUND.**

16 *Section 1402(b) of the Victims of Crime Act of 1984*
 17 *(34 U.S.C. 20101(b)) is amended—*

18 *(1) in paragraph (4), by striking “and” at the*
 19 *end;*

20 *(2) in paragraph (5), by striking the period at*
 21 *the end and inserting “; and”; and*

22 *(3) by adding at the end the following:*

23 *“(6) any funds that would otherwise be deposited*
 24 *in the general fund of the Treasury collected as pursu-*
 25 *ant to—*

26 *“(A) a deferred prosecution agreement; or*

1 “(B) a non-prosecution agreement.”.

2 **SEC. 303. WAIVER OF MATCHING REQUIREMENT.**

3 (a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of VOCA, during the COVID–19 emergency period and
5 for the period ending one year after the date on which such
6 period expires or is terminated, the Attorney General, act-
7 ing through the Director of the Office for Victims of Crime,
8 may not impose any matching requirement as a condition
9 of receipt of funds under any program to provide assistance
10 to victims of crimes authorized under the Victims of Crime
11 Act of 1984 (34 U.S.C. 20101 et seq.).

12 (b) *DEFINITION.*—In this section, the term “COVID–
13 19 emergency period” means the period beginning on the
14 date on which the President declared a national emergency
15 under the National Emergencies Act (50 U.S.C. 1601 et
16 seq.) with respect to the Coronavirus Disease 2019 (COVID–
17 19) and ending on the date that is 30 days after the date
18 on which the national emergency declaration is terminated.

19 (c) *APPLICATION.*—This section shall apply with re-
20 spect to—

21 (1) applications submitted during the period de-
22 scribed under subsection (a), including applications
23 for which funds will be distributed after such period;
24 and

1 (2) *distributions of funds made during the pe-*
2 *riod described under subsection (a), including dis-*
3 *tributions made pursuant to applications submitted*
4 *before such period.*

5 **TITLE IV—JABARA-HEYER NO**
6 **HATE ACT**

7 **SEC. 401. SHORT TITLE.**

8 *This title may be cited as the “Jabara-Heyer National*
9 *Opposition to Hate, Assault, and Threats to Equality Act*
10 *of 2020” or the “Jabara-Heyer NO HATE Act”.*

11 **SEC. 402. FINDINGS.**

12 *Congress finds the following:*

13 (1) *The incidence of violence known as hate*
14 *crimes or crimes motivated by bias poses a serious*
15 *national problem.*

16 (2) *According to data obtained by the Federal*
17 *Bureau of Investigation, the incidence of such violence*
18 *increased in 2017, the most recent year for which*
19 *data is available.*

20 (3) *In 1990, Congress enacted the Hate Crime*
21 *Statistics Act (Public Law 101–275; 28 U.S.C. 534*
22 *note) to provide the Federal Government, law enforce-*
23 *ment agencies, and the public with data regarding the*
24 *incidence of hate crime. The Hate Crimes Statistics*
25 *Act and the Matthew Shepard and James Byrd, Jr.*

1 *Hate Crimes Prevention Act (division E of Public*
2 *Law 111–84; 123 Stat. 2835) have enabled Federal*
3 *authorities to understand and, where appropriate, in-*
4 *vestigate and prosecute hate crimes.*

5 *(4) A more complete understanding of the na-*
6 *tional problem posed by hate crime is in the public*
7 *interest and supports the Federal interest in eradi-*
8 *cating bias-motivated violence referenced in section*
9 *249(b)(1)(C) of title 18, United States Code.*

10 *(5) However, a complete understanding of the*
11 *national problem posed by hate crimes is hindered by*
12 *incomplete data from Federal, State, and local juris-*
13 *dictions through the Uniform Crime Reports program*
14 *authorized under section 534 of title 28, United*
15 *States Code, and administered by the Federal Bureau*
16 *of Investigation.*

17 *(6) Multiple factors contribute to the provision of*
18 *inaccurate and incomplete data regarding the inci-*
19 *dence of hate crime through the Uniform Crime Re-*
20 *ports program. A significant contributing factor is*
21 *the quality and quantity of training that State and*
22 *local law enforcement agencies receive on the identi-*
23 *fication and reporting of suspected bias-motivated*
24 *crimes.*

1 (7) *The problem of crimes motivated by bias is*
2 *sufficiently serious, widespread, and interstate in na-*
3 *ture as to warrant Federal financial assistance to*
4 *States and local jurisdictions.*

5 (8) *Federal financial assistance with regard to*
6 *certain violent crimes motivated by bias enables Fed-*
7 *eral, State, and local authorities to work together as*
8 *partners in the investigation and prosecution of such*
9 *crimes.*

10 **SEC. 403. DEFINITIONS.**

11 *In this title:*

12 (1) *HATE CRIME.*—*The term “hate crime” means*
13 *an act described in section 245, 247, or 249 of title*
14 *18, United States Code, or in section 901 of the Civil*
15 *Rights Act of 1968 (42 U.S.C. 3631).*

16 (2) *PRIORITY AGENCY.*—*The term “priority*
17 *agency” means—*

18 (A) *a law enforcement agency of a unit of*
19 *local government that serves a population of not*
20 *less than 100,000, as computed by the Federal*
21 *Bureau of Investigation; or*

22 (B) *a law enforcement agency of a unit of*
23 *local government that—*

1 (i) serves a population of not less than
2 50,000 and less than 100,000, as computed
3 by the Federal Bureau of Investigation; and

4 (ii) has reported no hate crimes
5 through the Uniform Crime Reports pro-
6 gram in each of the 3 most recent calendar
7 years for which such data is available.

8 (3) STATE.—The term “State” has the meaning
9 given the term in section 901 of title I of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (34
11 U.S.C. 10251).

12 (4) UNIFORM CRIME REPORTS.—The term “Uni-
13 form Crime Reports” means the reports authorized
14 under section 534 of title 28, United States Code, and
15 administered by the Federal Bureau of Investigation
16 that compile nationwide criminal statistics for use—

17 (A) in law enforcement administration, op-
18 eration, and management; and

19 (B) to assess the nature and type of crime
20 in the United States.

21 (5) UNIT OF LOCAL GOVERNMENT.—The term
22 “unit of local government” has the meaning given the
23 term in section 901 of title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 (34 U.S.C.
25 10251).

1 **SEC. 404. REPORTING OF HATE CRIMES.**

2 (a) *IMPLEMENTATION GRANTS.*—

3 (1) *IN GENERAL.*—*The Attorney General may*
4 *make grants to States and units of local government*
5 *to assist the State or unit of local government in im-*
6 *plementing the National Incident-Based Reporting*
7 *System, including to train employees in identifying*
8 *and classifying hate crimes in the National Incident-*
9 *Based Reporting System.*

10 (2) *PRIORITY.*—*In making grants under para-*
11 *graph (1), the Attorney General shall give priority to*
12 *States and units of local government with larger pop-*
13 *ulations.*

14 (b) *REPORTING.*—

15 (1) *COMPLIANCE.*—

16 (A) *IN GENERAL.*—*Except as provided in*
17 *subparagraph (B), in each fiscal year beginning*
18 *after the date that is 3 years after the date on*
19 *which a State or unit of local government first*
20 *receives a grant under subsection (a), the State*
21 *or unit of local government shall provide to the*
22 *Attorney General, through the Uniform Crime*
23 *Reporting system, information pertaining to*
24 *hate crimes committed in that jurisdiction dur-*
25 *ing the preceding fiscal year.*

1 (B) *EXTENSIONS; WAIVER.*—*The Attorney*
2 *General*—

3 (i) *may provide a 120-day extension to*
4 *a State or unit of local government that is*
5 *making good faith efforts to comply with*
6 *subparagraph (A); and*

7 (ii) *shall waive the requirements of*
8 *subparagraph (A) if compliance with that*
9 *subparagraph by a State or unit of local*
10 *government would be unconstitutional*
11 *under the constitution of the State or of the*
12 *State in which the unit of local government*
13 *is located, respectively.*

14 (2) *FAILURE TO COMPLY.*—*If a State or unit of*
15 *local government that receives a grant under sub-*
16 *section (a) fails to substantially comply with para-*
17 *graph (1) of this subsection, the State or unit of local*
18 *government shall repay the grant in full, plus reason-*
19 *able interest and penalty charges allowable by law or*
20 *established by the Attorney General.*

21 **SEC. 405. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

22 (a) *GRANTS AUTHORIZED.*—

23 (1) *IN GENERAL.*—*The Attorney General shall*
24 *make grants to States to create State-run hate crime*
25 *reporting hotlines.*

1 (2) *GRANT PERIOD.*—A grant made under para-
2 graph (1) shall be for a period of not more than 5
3 years.

4 (b) *HOTLINE REQUIREMENTS.*—A State shall ensure,
5 with respect to a hotline funded by a grant under subsection
6 (a), that—

7 (1) the hotline directs individuals to—

8 (A) law enforcement if appropriate; and

9 (B) local support services;

10 (2) any personally identifiable information that
11 an individual provides to an agency of the State
12 through the hotline is not directly or indirectly dis-
13 closed, without the consent of the individual, to—

14 (A) any other agency of that State;

15 (B) any other State;

16 (C) the Federal Government; or

17 (D) any other person or entity;

18 (3) the staff members who operate the hotline are
19 trained to be knowledgeable about—

20 (A) applicable Federal, State, and local
21 hate crime laws; and

22 (B) local law enforcement resources and ap-
23 plicable local support services; and

24 (4) the hotline is accessible to—

1 (A) *individuals with limited English pro-*
2 *ficiency, where appropriate; and*

3 (B) *individuals with disabilities.*

4 (c) *BEST PRACTICES.—The Attorney General shall*
5 *issue guidance to States on best practices for implementing*
6 *the requirements of subsection (b).*

7 **SEC. 406. INFORMATION COLLECTION BY STATES AND**
8 **UNITS OF LOCAL GOVERNMENT.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *APPLICABLE AGENCY.—The term “applicable*
11 *agency”, with respect to an eligible entity that is—*

12 (A) *a State, means—*

13 (i) *a law enforcement agency of the*
14 *State; and*

15 (ii) *a law enforcement agency of a unit*
16 *of local government within the State that—*

17 (I) *is a priority agency; and*

18 (II) *receives a subgrant from the*
19 *State under this section; and*

20 (B) *a unit of local government, means a*
21 *law enforcement agency of the unit of local gov-*
22 *ernment that is a priority agency.*

23 (2) *COVERED AGENCY.—The term “covered agen-*
24 *cy” means—*

25 (A) *a State law enforcement agency; or*

1 (B) a priority agency.

2 (3) *ELIGIBLE ENTITY*.—The term “eligible enti-
3 ty” means—

4 (A) a State; or

5 (B) a unit of local government that has a
6 priority agency.

7 (b) *GRANTS*.—

8 (1) *IN GENERAL*.—The Attorney General may
9 make grants to eligible entities to assist covered agen-
10 cies within the jurisdiction of the eligible entity in
11 conducting law enforcement activities or crime reduc-
12 tion programs to prevent, address, or otherwise re-
13 spond to hate crime, particularly as those activities
14 or programs relate to reporting hate crimes through
15 the Uniform Crime Reports program, including—

16 (A) adopting a policy on identifying, inves-
17 tigating, and reporting hate crimes;

18 (B) developing a standardized system of col-
19 lecting, analyzing, and reporting the incidence of
20 hate crime;

21 (C) establishing a unit specialized in identi-
22 fying, investigating, and reporting hate crimes;

23 (D) engaging in community relations func-
24 tions related to hate crime prevention and edu-
25 cation such as—

1 (i) *establishing a liaison with formal*
2 *community-based organizations or leaders;*
3 *and*

4 (ii) *conducting public meetings or edu-*
5 *cational forums on the impact of hate*
6 *crimes, services available to hate crime vic-*
7 *tims, and the relevant Federal, State, and*
8 *local laws pertaining to hate crimes; and*

9 (E) *providing hate crime trainings for*
10 *agency personnel.*

11 (2) *SUBGRANTS.—A State that receives a grant*
12 *under paragraph (1) may award a subgrant to a pri-*
13 *ority agency of a unit of local government within the*
14 *State for the purposes under that paragraph.*

15 (c) *INFORMATION REQUIRED OF STATES AND UNITS*
16 *OF LOCAL GOVERNMENT.—*

17 (1) *IN GENERAL.—For each fiscal year in which*
18 *an eligible entity receives a grant under subsection*
19 *(b), the eligible entity shall—*

20 (A) *collect information from each applicable*
21 *agency summarizing the law enforcement activi-*
22 *ties or crime reduction programs conducted by*
23 *the agency to prevent, address, or otherwise re-*
24 *spond to hate crime, particularly as those activi-*
25 *ties or programs relate to reporting hate crimes*

1 *through the Uniform Crime Reports program;*
2 *and*

3 *(B) submit to the Attorney General a report*
4 *containing the information collected under sub-*
5 *paragraph (A).*

6 (2) *SEMIANNUAL LAW ENFORCEMENT AGENCY*
7 *REPORT.—*

8 *(A) IN GENERAL.—In collecting the infor-*
9 *mation required under paragraph (1)(A), an eli-*
10 *gible entity shall require each applicable agency*
11 *to submit a semiannual report to the eligible en-*
12 *tity that includes a summary of the law enforce-*
13 *ment activities or crime reduction programs con-*
14 *ducted by the agency during the reporting period*
15 *to prevent, address, or otherwise respond to hate*
16 *crime, particularly as those activities or pro-*
17 *grams relate to reporting hate crimes through the*
18 *Uniform Crime Reports program.*

19 *(B) CONTENTS.—In a report submitted*
20 *under subparagraph (A), a law enforcement*
21 *agency shall, at a minimum, disclose—*

22 *(i) whether the agency has adopted a*
23 *policy on identifying, investigating, and re-*
24 *porting hate crimes;*

1 (ii) whether the agency has developed a
2 standardized system of collecting, analyzing,
3 and reporting the incidence of hate crime;

4 (iii) whether the agency has established
5 a unit specialized in identifying, inves-
6 tigating, and reporting hate crimes;

7 (iv) whether the agency engages in
8 community relations functions related to
9 hate crime, such as—

10 (I) establishing a liaison with for-
11 mal community-based organizations or
12 leaders; and

13 (II) conducting public meetings or
14 educational forums on the impact of
15 hate crime, services available to hate
16 crime victims, and the relevant Fed-
17 eral, State, and local laws pertaining
18 to hate crime; and

19 (v) the number of hate crime trainings
20 for agency personnel, including the dura-
21 tion of the trainings, conducted by the agen-
22 cy during the reporting period.

23 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), beginning not later than 1 year after the

1 *date of enactment of this title, an eligible entity re-*
2 *ceiving a grant under subsection (b) shall comply*
3 *with subsection (c).*

4 (2) *EXTENSIONS; WAIVER.—The Attorney Gen-*
5 *eral—*

6 (A) *may provide a 120-day extension to an*
7 *eligible entity that is making good faith efforts*
8 *to collect the information required under sub-*
9 *section (c); and*

10 (B) *shall waive the requirements of sub-*
11 *section (c) for a State or unit of local govern-*
12 *ment if compliance with that subsection by the*
13 *State or unit of local government would be un-*
14 *constitutional under the constitution of the State*
15 *or of the State in which the unit of local govern-*
16 *ment is located, respectively.*

17 **SEC. 407. REQUIREMENTS OF THE ATTORNEY GENERAL.**

18 (a) *INFORMATION COLLECTION AND ANALYSIS; RE-*
19 *PORT.—In order to improve the accuracy of data regarding*
20 *the incidence of hate crime provided through the Uniform*
21 *Crime Reports program, and promote a more complete un-*
22 *derstanding of the national problem posed by hate crime,*
23 *the Attorney General shall—*

24 (1) *collect and analyze the information provided*
25 *by States and units of local government under section*

1 406 for the purpose of developing policies related to
2 the provision of accurate data obtained under the
3 Hate Crime Statistics Act (Public Law 101–275; 28
4 U.S.C. 534 note) by the Federal Bureau of Investiga-
5 tion; and

6 (2) for each calendar year beginning after the
7 date of enactment of this title, publish and submit to
8 Congress a report based on the information collected
9 and analyzed under paragraph (1).

10 (b) *CONTENTS OF REPORT.*—A report submitted under
11 subsection (a) shall include—

12 (1) a qualitative analysis of the relationship be-
13 tween—

14 (A) the number of hate crimes reported by
15 State law enforcement agencies or priority agen-
16 cies through the Uniform Crime Reports pro-
17 gram; and

18 (B) the nature and extent of law enforce-
19 ment activities or crime reduction programs con-
20 ducted by those agencies to prevent, address, or
21 otherwise respond to hate crime; and

22 (2) a quantitative analysis of the number of
23 State law enforcement agencies and priority agencies
24 that have—

1 (A) adopted a policy on identifying, inves-
2 tigating, and reporting hate crimes;

3 (B) developed a standardized system of col-
4 lecting, analyzing, and reporting the incidence of
5 hate crime;

6 (C) established a unit specialized in identi-
7 fying, investigating, and reporting hate crimes;

8 (D) engaged in community relations func-
9 tions related to hate crime, such as—

10 (i) establishing a liaison with formal
11 community-based organizations or leaders;
12 and

13 (ii) conducting public meetings or edu-
14 cational forums on the impact of hate
15 crime, services available to hate crime vic-
16 tims, and the relevant Federal, State, and
17 local laws pertaining to hate crime; and

18 (E) conducted hate crime trainings for
19 agency personnel during the reporting period,
20 including—

21 (i) the total number of trainings con-
22 ducted by each agency; and

23 (ii) the duration of the trainings de-
24 scribed in clause (i).

1 **SEC. 408. ALTERNATIVE SENTENCING.**

2 *Section 249 of title 18, United States Code, is amended*
 3 *by adding at the end the following:*

4 *“(e) SUPERVISED RELEASE.—If a court includes, as*
 5 *a part of a sentence of imprisonment imposed for a viola-*
 6 *tion of subsection (a), a requirement that the defendant be*
 7 *placed on a term of supervised release after imprisonment*
 8 *under section 3583, the court may order, as an explicit con-*
 9 *dition of supervised release, that the defendant undertake*
 10 *educational classes or community service directly related to*
 11 *the community harmed by the defendant’s offense.”.*

12 **TITLE V—BANKRUPTCY**
 13 **PROTECTIONS**

14 **SEC. 501. BANKRUPTCY PROTECTIONS.**

15 *(a) BANKRUPTCY PROTECTIONS FOR FEDERAL*
 16 *CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of title*
 17 *11, United States Code, is amended—*

18 *(1) in paragraph (9), in the matter following*
 19 *subparagraph (B), by striking “or”;*

20 *(2) in paragraph (10)(C), by striking the period*
 21 *at the end and inserting “; or”; and*

22 *(3) by inserting after paragraph (10) the fol-*
 23 *lowing:*

24 *“(11) payments made under Federal law relat-*
 25 *ing to the national emergency declared by the Presi-*
 26 *dent under the National Emergencies Act (50 U.S.C.*

1 1601 et seq.) with respect to the coronavirus disease
2 2019 (COVID-19).”.

3 (b) *PROTECTION AGAINST DISCRIMINATORY TREAT-*
4 *MENT OF HOMEOWNERS IN BANKRUPTCY.*—Section 525 of
5 title 11, United States Code, is amended by adding at the
6 end the following:

7 “(d) A person may not be denied any forbearance, as-
8 sistance, or loan modification relief made available to bor-
9 rowers by a mortgage creditor or servicer because the person
10 is or has been a debtor, or has received a discharge, in a
11 case under this title.”.

12 (c) *INCREASING THE HOMESTEAD EXEMPTION.*—Sec-
13 tion 522 of title 11, United States Code, is amended—

14 (1) in subsection (d)(1), by striking “\$15,000”
15 and inserting “\$100,000”; and

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

17 “(r) Notwithstanding any other provision of applicable
18 nonbankruptcy law, a debtor in any State may exempt
19 from property of the estate the property described in sub-
20 section (d)(1) not to exceed the value in subsection (d)(1)
21 if the exemption for such property permitted by applicable
22 nonbankruptcy law is lower than that amount.”.

23 (d) *EFFECT OF MISSED MORTGAGE PAYMENTS ON*
24 *DISCHARGE.*—Section 1328 of title 11, United States Code,
25 is amended by adding at the end the following:

1 “(i) A debtor shall not be denied a discharge under
2 this section because, as of the date of discharge, the debtor
3 did not make 6 or fewer payments directly to the holder
4 of a debt secured by real property.

5 “(j) Notwithstanding subsections (a) and (b), upon the
6 debtor’s request, the court shall grant a discharge of all debts
7 provided for in the plan that are dischargeable under sub-
8 section (a) if the debtor—

9 “(1) has made payments under a confirmed plan
10 for at least 1 year; and

11 “(2) is experiencing or has experienced a mate-
12 rial financial hardship due, directly or indirectly, to
13 the coronavirus disease 2019 (COVID–19) pan-
14 demic.”.

15 (e) *EXPANDED ELIGIBILITY FOR CHAPTER 13.*—Sec-
16 tion 109(e) of title 11, United States Code, is amended—

17 (1) by striking “\$250,000” each place the term
18 appears and inserting “\$850,000”; and

19 (2) by striking “\$750,000” each place the term
20 appears and inserting “\$2,600,000”.

21 (f) *EXTENDED CURE PERIOD FOR HOMEOWNERS*
22 *HARMED BY COVID–19 PANDEMIC.*—

23 (1) *IN GENERAL.*—Chapter 13 of title 11, United
24 States Code, is amended by adding at the end thereof
25 the following:

1 **“§ 1331. Special provisions related to COVID–19 pan-**
2 **demic**

3 *“(a) Notwithstanding subsections (b)(2) and (d) of sec-*
4 *tion 1322, if the debtor is experiencing or has experienced*
5 *a material financial hardship due, directly or indirectly,*
6 *to the coronavirus disease 2019 (COVID–19) pandemic, a*
7 *plan may provide for the curing of any default within a*
8 *reasonable time, not to exceed 7 years after the time that*
9 *the first payment under the original confirmed plan was*
10 *due, and maintenance of payments while the case is pend-*
11 *ing on any unsecured claim or secured claim on which the*
12 *last payment is due after the expiration of such time. Any*
13 *such plan provision shall not affect the applicable commit-*
14 *ment period under section 1325(b).*

15 *“(b) For purposes of sections 1328(a) and 1328(b), any*
16 *cure or maintenance payments under subsection (a) that*
17 *are made after the end of the period during which the plan*
18 *provides for payments (other than payments under sub-*
19 *section (a)) shall not be treated as payments under the plan.*

20 *“(c) Notwithstanding section 1329(c), a plan modified*
21 *under section 1329 at the debtor’s request may provide for*
22 *cure or maintenance payments under subsection (a) over*
23 *a period that is not longer than 7 years after the time that*
24 *the first payment under the original confirmed plan was*
25 *due.*

1 “(d) Notwithstanding section 362(c)(2), during the pe-
2 riod after the debtor receives a discharge and the period
3 during which the plan provides for the cure of any default
4 and maintenance of payments under the plan, section
5 362(a) shall apply to the holder of a claim for which a de-
6 fault is cured and payments are maintained under sub-
7 section (a) and to any property securing such claim.

8 “(e) Notwithstanding section 1301(a)(2), the stay of
9 section 1301(a) terminates upon the granting of a discharge
10 under section 1328 with respect to all creditors other than
11 the holder of a claim for which a default is cured and pay-
12 ments are maintained under subsection (a).”.

13 (2) *TABLE OF CONTENTS.*—The table of sections
14 of chapter 13, title 11, United States Code, is amend-
15 ed by adding at the end thereof the following:

“Sec. 1331. *Special provisions related to COVID–19 Pandemic.*”.

16 (3) *APPLICATION.*—The amendments made by
17 this paragraph shall apply only to any case under
18 title 11, United States Code, commenced before 3
19 years after the date of enactment of this Act and
20 pending on or commenced after such date of enact-
21 ment, in which a plan under chapter 13 of title 11,
22 United States Code, was not confirmed before March
23 27, 2020.

1 ***DIVISION U—OTHER MATTERS***
2 ***TITLE I—PRESUMPTION OF***
3 ***SERVICE CONNECTION FOR***
4 ***CORONAVIRUS DISEASE 2019***

5 ***SEC. 101. PRESUMPTIONS OF SERVICE-CONNECTION FOR***
6 ***MEMBERS OF ARMED FORCES WHO CON-***
7 ***TRACT CORONAVIRUS DISEASE 2019 UNDER***
8 ***CERTAIN CIRCUMSTANCES.***

9 *(a) IN GENERAL.—Subchapter VI of chapter 11 of title*
10 *38, United States Code, is amended by adding at the end*
11 *the following new section:*

12 ***“§ 1164. Presumptions of service-connection for***
13 ***Coronavirus Disease 2019***

14 *“(a) PRESUMPTIONS GENERALLY.—(1) For purposes*
15 *of laws administered by the Secretary and subject to section*
16 *1113 of this title, if symptoms of Coronavirus Disease 2019*
17 *(in this section referred to as ‘COVID–19’) described in sub-*
18 *section (d) manifest within one of the manifestation periods*
19 *described in paragraph (2) in an individual who served in*
20 *a qualifying period of duty described in subsection (b)—*

21 *“(A) infection with severe acute respiratory syn-*
22 *drome coronavirus 2 (in this section referred to as*
23 *‘SARS–CoV–2’) shall be presumed to have occurred*
24 *during the qualifying period of duty;*

1 “(B) COVID–19 shall be presumed to have been
2 incurred during the qualifying period of duty; and

3 “(C) if the individual becomes disabled or dies as
4 a result of COVID–19, it shall be presumed that the
5 individual became disabled or died during the quali-
6 fying period of duty for purposes of establishing that
7 the individual served in the active military, naval, or
8 air service.

9 “(2)(A) The manifestation periods described in this
10 paragraph are the following:

11 “(i) During a qualifying period of duty de-
12 scribed in subsection (b), if that period of duty was
13 more than 48 continuous hours in duration.

14 “(ii) Within 14 days after the individual’s com-
15 pletion of a qualifying period of duty described in
16 subsection (b).

17 “(iii) An additional period prescribed under sub-
18 paragraph (B).

19 “(B)(i) If the Secretary determines that a manifesta-
20 tion period of more than 14 days after completion of a
21 qualifying period of service is appropriate for the presump-
22 tions under paragraph (1), the Secretary may prescribe
23 that additional period by regulation.

1 “(ii) A determination under clause (i) shall be made
2 in consultation with the Director of the Centers for Disease
3 Control and Prevention.

4 “(b) *QUALIFYING PERIOD OF DUTY DESCRIBED.*—A
5 qualifying period of duty described in this subsection is a
6 period of—

7 “(1) active duty; or

8 “(2) the following duty or training not covered
9 by paragraph (1) performed under orders issued on or
10 after March 13, 2020, during the national emergency
11 declared by the President under the National Emer-
12 gencies Act (50 U.S.C. 1601 et seq.):

13 “(A) Training duty under title 10.

14 “(B) Full-time National Guard duty (as de-
15 fined in section 101 of title 10).

16 “(c) *APPLICATION OF PRESUMPTIONS FOR TRAINING*
17 *DUTY.*—When, pursuant to subsection (a), COVID–19 is
18 presumed to have been incurred during a qualifying period
19 of duty described in subsection (b)(2)—

20 “(1) COVID–19 shall be deemed to have been in-
21 curred in the line of duty during a period of active
22 military, naval, or air service; and

23 “(2) where entitlement to benefits under this title
24 is predicated on the individual who was disabled or
25 died being a veteran, benefits for disability or death

1 *resulting from COVID–19 as described in subsection*
2 *(a) shall be paid or furnished as if the individual was*
3 *a veteran, without regard to whether the period of*
4 *duty would constitute active military, naval, or air*
5 *service under section 101 of this title.*

6 “(d) *SYMPTOMS OF COVID–19.—For purposes of sub-*
7 *section (a), symptoms of COVID–19 are those symptoms*
8 *that competent medical evidence demonstrates are experi-*
9 *enced by an individual affected and directly related to*
10 *COVID–19.*

11 “(e) *MEDICAL EXAMINATIONS AND OPINIONS.—If there*
12 *is a question of whether the symptoms experienced by an*
13 *individual described in paragraph (1) of subsection (a) dur-*
14 *ing a manifestation period described in paragraph (2) of*
15 *such subsection are attributable to COVID–19 resulting*
16 *from infection with SARS–CoV–2 during the qualifying pe-*
17 *riod of duty, in determining whether a medical examina-*
18 *tion or medical opinion is necessary to make a decision*
19 *on the claim within the meaning of section 5103A(d) of this*
20 *title, a qualifying period of duty described in subsection (b)*
21 *of this section shall be treated as if it were active military,*
22 *naval, or air service for purposes of section 5103A(d)(2)(B)*
23 *of this title.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such subchapter is amended by adding at*
3 *the end the following new item:*

“1164. Presumptions of service-connection for Coronavirus Disease 2019.”.

4 ***TITLE II—CORONAVIRUS RELIEF***
5 ***FUND AMENDMENTS***

6 ***SEC. 201. CONGRESSIONAL INTENT RELATING TO TRIBAL***
7 ***GOVERNMENTS ELIGIBLE FOR CORONAVIRUS***
8 ***RELIEF FUND PAYMENTS.***

9 (a) *PURPOSE.*—*The purpose of this section and the*
10 *amendments made by subsection (b) is to clarify the intent*
11 *of Congress that only Federally recognized Tribal govern-*
12 *ments are eligible for payments from the Coronavirus Relief*
13 *Fund established in section 601 of the Social Security Act,*
14 *as added by section 5001(a) of the Coronavirus Aid, Relief,*
15 *and Economic Security Act (Public Law 116–136).*

16 (b) *ELIGIBLE TRIBAL GOVERNMENTS.*—*Effective as if*
17 *included in the enactment of the Coronavirus Aid, Relief,*
18 *and Economic Security Act (Public Law 116–136), section*
19 *601 of the Social Security Act, as added by section 5001(a)*
20 *of the Coronavirus Aid, Relief, and Economic Security Act,*
21 *is amended—*

22 (1) *in subsection (c)(7), by striking “Indian*
23 *Tribes” and inserting “Tribal governments”; and*

24 (2) *in subsection (g)—*

25 (A) *by striking paragraph (1);*

1 (B) by redesignating paragraphs (2)
2 through (5) as paragraphs (1) through (4), re-
3 spectively; and

4 (C) by striking paragraph (4) (as redesign-
5 ated by subparagraph (B)) and inserting the
6 following:

7 “(4) *TRIBAL GOVERNMENT.*—The term ‘Tribal
8 government’ means the recognized governing body of
9 any Indian or Alaska Native tribe, band, nation,
10 pueblo, village, community, component band, or com-
11 ponent reservation, individually identified (including
12 parenthetically) in the list published most recently as
13 of the date of enactment of this Act pursuant to sec-
14 tion 104 of the *Federally Recognized Indian Tribe*
15 *List Act of 1994 (25 U.S.C. 5131).*”.

16 (c) *RULES RELATING TO PAYMENTS MADE BEFORE*
17 *THE DATE OF ENACTMENT OF THIS ACT.*—

18 (1) *PAYMENTS MADE TO INELIGIBLE ENTITIES.*—
19 The Secretary of the Treasury shall require any enti-
20 ty that was not eligible to receive a payment from the
21 amount set aside for fiscal year 2020 under subsection
22 (a)(2)(B) of section 601 of the Social Security Act, as
23 added by section 5001(a) of the Coronavirus Aid, Re-
24 lief, and Economic Security Act (Public Law 116–
25 136) and after the application of the amendments

1 *made by subsection (a) clarifying congressional intent*
2 *relating to eligibility for such a payment, to return*
3 *the full payment to the Department.*

4 (2) *DISTRIBUTION OF PAYMENTS RETURNED BY*
5 *INELIGIBLE ENTITIES.—The Secretary of the Treas-*
6 *ury shall distribute payments returned under para-*
7 *graph (1), without further appropriation or fiscal*
8 *year limitation and not later than 7 days after re-*
9 *ceiving any returned funds as required under para-*
10 *graph (1) to Tribal governments eligible for payments*
11 *under such section 601 of the Social Security Act, as*
12 *amended by subsection (a), in accordance with sub-*
13 *section (c)(7) of such Act.*

14 (3) *LIMITATION ON SECRETARIAL AUTHORITY.—*
15 *The Secretary of the Treasury is prohibited from re-*
16 *quiring an entity that is eligible for a payment from*
17 *the amount set aside for fiscal year 2020 under sub-*
18 *section (a)(2)(B) of section 601 of the Social Security*
19 *Act, as amended by subsection(a), and that received*
20 *a payment before the date of enactment of this Act,*
21 *from requiring the entity to return all or part of the*
22 *payment except to the extent authorized under section*
23 *601(f) of such Act in the case of a determination by*
24 *the Inspector General of the Department of the Treas-*
25 *ury that the Tribal government failed to comply with*

1 *spector General of the Department of the*
2 *Treasury under subsection (f), without fur-*
3 *ther appropriation, using a procedure and*
4 *methodology determined by the Secretary in*
5 *consultation with Tribal governments, to*
6 *Tribal Governments that apply for pay-*
7 *ments from such amounts.*

8 “(ii) *REPAYMENT.*—*In carrying out*
9 *the recoupment activities by the Inspector*
10 *General of the Department of the Treasury*
11 *under subsection (f), the Secretary of the*
12 *Treasury shall not impose any additional*
13 *fees, penalties, or interest payments on*
14 *Tribal governments associated with any*
15 *amounts that are recovered.*

16 “(C) *DISCLOSURE AND REPORTING RE-*
17 *QUIREMENTS.*—

18 “(i) *DISCLOSURE OF FUNDING FOR-*
19 *MULA AND METHODOLOGY.*—*Not later than*
20 *24 hours before any payments for Tribal*
21 *governments are distributed by the Sec-*
22 *retary of the Treasury pursuant to the re-*
23 *quirements under subparagraph (A) and*
24 *subparagraph (B), the Secretary shall pub-*

1 *lish on the website of the Department of the*
2 *Treasury—*

3 *“(I) a detailed description of the*
4 *funding allocation formula; and*

5 *“(II) a detailed description of the*
6 *procedure and methodology used to de-*
7 *termine the funding allocation for-*
8 *mula.*

9 *“(ii) REPORT ON FUND DISTRIBUTION.—No later than 7 days after payments*
10 *for Tribal governments are distributed by*
11 *the Secretary of the Treasury pursuant to*
12 *the requirements under subparagraph (A)*
13 *or subparagraph (B), the Secretary shall*
14 *publish on the website of the Department of*
15 *the Treasury the date and amount of all*
16 *fund disbursements, broken down by indi-*
17 *vidual Tribal government recipient.”.*

19 **SEC. 203. USE OF RELIEF FUNDS.**

20 *Effective as if included in the Coronavirus, Aid, Relief,*
21 *and Economic Security Act (Public Law 116–136), section*
22 *601 of the Social Security Act, as added by section 5001(a)*
23 *of such Act, is amended by striking subsection (d) and in-*
24 *serting the following:*

1 “(d) *USE OF FUNDS.—A State, Tribal government,*
2 *and unit of local government shall use the funds provided*
3 *under a payment made under this section to*

4 “(1) *cover only those costs of the State, Tribal*
5 *government, or unit of local government that—*

6 “(A) *Are necessary expenditures incurred*
7 *due to the public health emergency with respect*
8 *to the coronavirus disease 2019 (COVID–19);*

9 “(B) *were not accounted for in the budget*
10 *most recently approved as of the date of enact-*
11 *ment of this section for the State or government;*
12 *and*

13 “(C) *were incurred during the period that*
14 *begins on January 31, 2020, and ends on De-*
15 *cember 31, 2021; or*

16 “(2) *Replace lost, delayed, or decreased revenues,*
17 *stemming from the public health emergency with re-*
18 *spect to the coronavirus disease (COVID–19).”.*

19 ***TITLE III—ENERGY AND***
20 ***ENVIRONMENT PROVISIONS***

21 ***SEC. 301. HOME ENERGY AND WATER SERVICE CONTINUITY.***

22 *Any entity receiving financial assistance pursuant to*
23 *any division of this Act shall, to the maximum extent prac-*
24 *ticable, establish or maintain in effect policies to ensure*
25 *that no home energy service or public water system service*

1 *to a residential customer, which is provided or regulated*
2 *by such entity, is or remains disconnected or interrupted*
3 *during the emergency period described in section*
4 *1135(g)(1)(B) of the Social Security Act because of non-*
5 *payment, and all reconnections of such public water system*
6 *service are conducted in a manner that minimizes risk to*
7 *the health of individuals receiving such service. For pur-*
8 *poses of this section, the term “home energy service” means*
9 *a service to provide home energy, as such term is defined*
10 *in section 2603 of the Low-Income Home Energy Assistance*
11 *Act of 1981, or service provided by an electric utility, as*
12 *such term is defined in section 3 of the Public Utility Regu-*
13 *latory Policies Act of 1978, and the term “public water sys-*
14 *tem” has the meaning given that term in section 1401 of*
15 *the Safe Drinking Water Act. Nothing in this section shall*
16 *be construed to require forgiveness of any debt incurred or*
17 *owed to an entity or to absolve an individual of any obliga-*
18 *tion to an entity for service, nor to preempt any State or*
19 *local law or regulation governing entities that provide such*
20 *services to residential customers.*

21 **SEC. 302. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

22 (a) *ENVIRONMENTAL JUSTICE GRANTS.*—*The Admin-*
23 *istrator of the Environmental Protection Agency shall con-*
24 *tinue to carry out—*

1 (1) *the Environmental Justice Small Grants*
2 *Program and the Environmental Justice Collabo-*
3 *rative Problem-Solving Cooperative Agreement Pro-*
4 *gram, as those programs are in existence on the date*
5 *of enactment of this Act; and*

6 (2) *the Community Action for a Renewed Envi-*
7 *ronment grant programs I and II, as in existence on*
8 *January 1, 2012.*

9 (b) *USE OF FUNDS FOR GRANTS IN RESPONSE TO*
10 *COVID–19 PANDEMIC.—With respect to amounts appro-*
11 *priated by division A of this Act that are available to carry*
12 *out the programs described in subsection (a), the Adminis-*
13 *trator of the Environmental Protection Agency may only*
14 *award grants under such programs for projects that will*
15 *investigate or address the disproportionate impacts of the*
16 *COVID–19 pandemic in environmental justice commu-*
17 *nities.*

18 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to carry out the programs*
20 *described in subsection (a) \$50,000,000 for fiscal year 2021,*
21 *and such sums as may be necessary for each fiscal year*
22 *thereafter.*

23 (d) *DISTRIBUTION.—Not later than 30 days after*
24 *amounts are made available pursuant to subsection (c), the*
25 *Administrator of the Environmental Protection Agency*

1 *shall make awards of grants under each of the programs*
2 *described in subsection (a).*

3 **SEC. 303. LOW-INCOME HOUSEHOLD DRINKING WATER AND**
4 **WASTEWATER ASSISTANCE.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated \$1,500,000,000 to the Sec-*
7 *retary to carry out this section.*

8 (b) *LOW-INCOME HOUSEHOLD DRINKING WATER AND*
9 *WASTEWATER ASSISTANCE.—The Secretary shall make*
10 *grants to States and Indian Tribes to assist low-income*
11 *households, particularly those with the lowest incomes, that*
12 *pay a high proportion of household income for drinking*
13 *water and wastewater services, by providing funds to own-*
14 *ers or operators of public water systems or treatment works*
15 *to reduce rates charged to such households for such services.*

16 (c) *NONDUPLICATION OF EFFORT.—In carrying out*
17 *this section, the Secretary, States, and Indian Tribes, as*
18 *applicable, shall, as appropriate and to the extent prac-*
19 *ticable, use existing processes, procedures, policies, and sys-*
20 *tems in place to provide assistance to low-income house-*
21 *holds, including by using existing application and approval*
22 *processes.*

23 (d) *ALLOTMENT.—*

24 (1) *IN GENERAL.—Except as provided in para-*
25 *graph (2), the Secretary shall allot amounts appro-*

1 *appropriated pursuant to this section to a State or Indian*
2 *Tribe based on the following:*

3 *(A) The percentage of households in the*
4 *State, or under the jurisdiction of the Indian*
5 *Tribe, with income equal to or less than 150 per-*
6 *cent of the Federal poverty line.*

7 *(B) The percentage of such households in the*
8 *State, or under the jurisdiction of the Indian*
9 *Tribe, that spend more than 30 percent of*
10 *monthly income on housing.*

11 *(C) The extent to which the State or Indian*
12 *Tribe has been affected by the public health emer-*
13 *gency, including the rate of transmission of*
14 *COVID–19 in the State or area over which the*
15 *Indian Tribe has jurisdiction, the number of*
16 *COVID–19 cases compared to the national aver-*
17 *age, and economic disruptions resulting from the*
18 *public health emergency.*

19 *(2) RESERVED FUNDS.—The Secretary shall re-*
20 *serve not more than 10 percent of the amounts appro-*
21 *priated pursuant to this section for allotment to*
22 *States and Indian Tribes based on the economic dis-*
23 *ruptions to the States and Indian Tribes resulting*
24 *from the emergency described in the emergency dec-*
25 *laration issued by the President on March 13, 2020,*

1 *pursuant to section 501(b) of the Robert T. Stafford*
2 *Disaster Relief and Emergency Assistance Act (42*
3 *U.S.C. 5191(b)), during the period covered by such*
4 *emergency declaration and any subsequent major dis-*
5 *aster declaration under section 401 of such Act (42*
6 *U.S.C. 5170) that supersedes such emergency declara-*
7 *tion.*

8 *(e) DETERMINATION OF LOW-INCOME HOUSEHOLDS.—*

9 *(1) MINIMUM DEFINITION OF LOW-INCOME.—In*
10 *determining whether a household is considered low-in-*
11 *come for the purposes of this section, a State or In-*
12 *dian Tribe—*

13 *(A) shall ensure that, at a minimum—*

14 *(i) all households with income equal to*
15 *or less than 150 percent of the Federal pov-*
16 *erty line are included as low-income house-*
17 *holds; and*

18 *(ii) all households with income equal to*
19 *or less than 60 percent of the State median*
20 *income are included as low-income house-*
21 *holds;*

22 *(B) may include households that have been*
23 *adversely economically affected by job loss or se-*
24 *vere income loss related to the public health*
25 *emergency; and*

1 (C) may include other households, including
2 households in which 1 or more individuals are
3 receiving—

4 (i) assistance under the State program
5 funded under part A of title IV of the Social
6 Security Act (42 U.S.C. 601 et seq.);

7 (ii) supplemental security income pay-
8 ments under title XVI of the Social Security
9 Act (42 U.S.C. 1381 et seq.);

10 (iii) supplemental nutrition assistance
11 program benefits under the Food and Nutri-
12 tion Act of 2008 (7 U.S.C. 2011 et seq.); or

13 (iv) payments under section 1315,
14 1521, 1541, or 1542 of title 38, United
15 States Code, or under section 306 of the Vet-
16 erans' and Survivors' Pension Improvement
17 Act of 1978.

18 (2) *HOUSEHOLD DOCUMENTATION REQUIRE-*
19 *MENTS.—States and Indian Tribes shall—*

20 (A) to the maximum extent practicable, seek
21 to limit the income history documentation re-
22 quirements for determining whether a household
23 is considered low-income for the purposes of this
24 section; and

1 (B) for the purposes of income eligibility,
2 accept proof of job loss or severe income loss
3 dated after February 29, 2020, such as a layoff
4 or furlough notice or verification of application
5 of unemployment benefits, as sufficient to dem-
6 onstrate lack of income for an individual or
7 household.

8 (f) *APPLICATIONS.*—Each State or Indian Tribe desir-
9 ing to receive a grant under this section shall submit an
10 application to the Secretary, in such form as the Secretary
11 shall require.

12 (g) *UTILITY RESPONSIBILITIES.*—Owners or operators
13 of public water systems or treatment works receiving funds
14 pursuant to this section for the purposes of reducing rates
15 charged to low-income households for service shall—

16 (1) conduct outreach activities designed to ensure
17 that such households are made aware of the rate as-
18 sistance available pursuant to this section;

19 (2) charge such households, in the normal billing
20 process, not more than the difference between the ac-
21 tual cost of the service provided and the amount of the
22 payment made by the State or Indian Tribe pursuant
23 to this section; and

1 (3) *within 45 days of providing assistance to a*
2 *household pursuant to this section, notify in writing*
3 *such household of the amount of such assistance.*

4 (h) *STATE AGREEMENTS WITH DRINKING WATER AND*
5 *WASTEWATER PROVIDERS.—To the maximum extent prac-*
6 *ticable, a State that receives a grant under this section shall*
7 *enter into agreements with owners and operators of public*
8 *water systems, owners and operators of treatment works,*
9 *municipalities, nonprofit organizations associated with*
10 *providing drinking water, wastewater, and other social*
11 *services to rural and small communities, and Indian*
12 *Tribes, to assist in identifying low-income households and*
13 *to carry out this section.*

14 (i) *ADMINISTRATIVE COSTS.—A State or Indian Tribe*
15 *that receives a grant under this section may use up to 8*
16 *percent of the granted amounts for administrative costs.*

17 (j) *FEDERAL AGENCY COORDINATION.—In carrying*
18 *out this section, the Secretary shall coordinate with the Ad-*
19 *ministrator of the Environmental Protection Agency and*
20 *consult with other Federal agencies with authority over the*
21 *provision of drinking water and wastewater services.*

22 (k) *AUDITS.—The Secretary shall require each State*
23 *and Indian Tribe receiving a grant under this section to*
24 *undertake periodic audits and evaluations of expenditures*

1 *made by such State or Indian Tribe pursuant to this sec-*
2 *tion.*

3 (l) *REPORTS TO CONGRESS.*—*The Secretary shall sub-*
4 *mit to Congress a report on the results of activities carried*
5 *out pursuant to this section—*

6 (1) *not later than 1 year after the date of enact-*
7 *ment of this section; and*

8 (2) *upon disbursement of all funds appropriated*
9 *pursuant to this section.*

10 (m) *DEFINITIONS.*—*In this section:*

11 (1) *INDIAN TRIBE.*—*The term “Indian Tribe”*
12 *means any Indian Tribe, band, group, or community*
13 *recognized by the Secretary of the Interior and exer-*
14 *cising governmental authority over a Federal Indian*
15 *reservation.*

16 (2) *MUNICIPALITY.*—*The term “municipality”*
17 *has the meaning given such term in section 502 of the*
18 *Federal Water Pollution Control Act (33 U.S.C.*
19 *1362).*

20 (3) *PUBLIC HEALTH EMERGENCY.*—*The term*
21 *“public health emergency” means the public health*
22 *emergency described in section 1135(g)(1)(B) of the*
23 *Social Security Act (42 U.S.C. 1320b–5).*

24 (4) *PUBLIC WATER SYSTEM.*—*The term “public*
25 *water system” has the meaning given such term in*

1 *section 1401 of the Safe Drinking Water Act (42*
2 *U.S.C. 300f).*

3 (5) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Health and Human Services.*

5 (6) *STATE.*—*The term “State” means a State,*
6 *the District of Columbia, the Commonwealth of Puer-*
7 *to Rico, the Virgin Islands of the United States,*
8 *Guam, American Samoa, and the Commonwealth of*
9 *the Northern Mariana Islands.*

10 (7) *TREATMENT WORKS.*—*The term “treatment*
11 *works” has the meaning given that term in section*
12 *212 of the Federal Water Pollution Control Act (33*
13 *U.S.C. 1292).*

14 **SEC. 304. HOME WATER SERVICE CONTINUITY.**

15 (a) *CONTINUITY OF SERVICE.*—*Any entity receiving*
16 *financial assistance under division A of this Act shall, to*
17 *the maximum extent practicable, establish or maintain in*
18 *effect policies to ensure that, with respect to any service pro-*
19 *vided by a public water system or treatment works to an*
20 *occupied residence, which service is provided or regulated*
21 *by such entity—*

22 (1) *no such service is or remains disconnected or*
23 *interrupted during the emergency period because of*
24 *nonpayment;*

1 (2) *all reconnections of such service are con-*
2 *ducted in a manner that minimizes risk to the health*
3 *of individuals receiving such service; and*

4 (3) *no fees for late payment of bills for such serv-*
5 *ice are charged or accrue during the emergency pe-*
6 *riod.*

7 (b) *EFFECT.*—*Nothing in this section shall be con-*
8 *strued to require forgiveness of outstanding debt owed to*
9 *an entity or to absolve an individual of any obligation to*
10 *an entity for service.*

11 (c) *DEFINITIONS.*—*In this section:*

12 (1) *EMERGENCY PERIOD.*—*The term “emergency*
13 *period” means the emergency period described in sec-*
14 *tion 1135(g)(1)(B) of the Social Security Act (42*
15 *U.S.C. 1320b–5).*

16 (2) *PUBLIC WATER SYSTEM.*—*The term “public*
17 *water system” has the meaning given such term in*
18 *section 1401 of the Safe Drinking Water Act (42*
19 *U.S.C. 300f).*

20 (3) *TREATMENT WORKS.*—*The term “treatment*
21 *works” has the meaning given that term in section*
22 *212 of the Federal Water Pollution Control Act (33*
23 *U.S.C. 1292).*

1 **TITLE IV—MISCELLANEOUS**
2 **MATTERS**

3 **SEC. 401. TECHNICAL CORRECTIONS AND CLARIFICATION.**

4 (a) Section 4002 of the CARES Act (Public Law 116–
5 136; 15 U.S.C. 9041) is amended by adding at the end the
6 following new paragraph:

7 “(13) *BUSINESSES CRITICAL TO MAINTAINING*
8 *NATIONAL SECURITY.*—The term ‘businesses critical to
9 *maintaining national security*’ includes businesses
10 *that manufacture and produce aerospace-related prod-*
11 *ucts, civil or defense, including those that design, in-*
12 *tegrate, assemble, supply, maintain and repair such*
13 *products, and other businesses as further defined by*
14 *the Secretary, in consultation with the Secretary of*
15 *Defense and the Secretary of Transportation. For*
16 *purposes of the preceding sentence, aerospace-related*
17 *products include, but are not limited to, components,*
18 *parts, or systems of aircraft, aircraft engines, or ap-*
19 *pliances for inclusion in an aircraft, aircraft engine,*
20 *or appliance.”.*

21 **SEC. 402. TRADE OF INJURIOUS SPECIES AND SPECIES**
22 **THAT POSE A RISK TO HUMAN HEALTH.**

23 Section 42 of title 18, United States Code, is amend-
24 ed—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by inserting “or any interstate
3 transport between States within the conti-
4 nental United States,” after “shipment be-
5 tween the continental United States, the
6 District of Columbia, Hawaii, the Common-
7 wealth of Puerto Rico, or any possession of
8 the United States,”; and

9 (ii) by striking “to be injurious to
10 human beings, to the interests of agri-
11 culture” and inserting “to be injurious to or
12 to transmit a pathogen that can cause dis-
13 ease in humans, to be injurious to the inter-
14 ests of agriculture”; and

15 (B) by adding at the end the following:

16 “(6) In the case of an emergency posing a sig-
17 nificant risk to the health of humans, the Secretary
18 of the Interior may designate a species by interim
19 final rule. At the time of publication of the regulation
20 in the Federal Register, the Secretary shall publish
21 therein detailed reasons why such regulation is nec-
22 essary, and in the case that such regulation applies
23 to a native species, the Secretary shall give actual no-
24 tice of such regulation to the State agency in each
25 State in which such species is believed to occur. Any

1 *regulation promulgated under the authority of this*
2 *paragraph shall cease to have force and effect at the*
3 *close of the 365-day period following the date of publi-*
4 *cation unless, during such 365-day period, the rule-*
5 *making procedures which would apply to such regula-*
6 *tion without regard to this paragraph are complied*
7 *with. If at any time after issuing an emergency regu-*
8 *lation the Secretary determines, on the basis of the*
9 *best appropriate data available to the Secretary, that*
10 *substantial evidence does not exist to warrant such*
11 *regulation, the Secretary shall withdraw it.*

12 *“(7) Not more than 90 days after receiving a pe-*
13 *tion of an interested person under section 553(e) of*
14 *title 5, United States Code, to determine that a spe-*
15 *cies is injurious under this section, the Secretary of*
16 *the Interior shall determine whether such petition has*
17 *scientific merit. If the Secretary determines a petition*
18 *has scientific merit, such Secretary shall make a de-*
19 *termination regarding such petition not more than 12*
20 *months after the date such Secretary received such pe-*
21 *tion.”; and*

22 *(2) by amending subsection (b) to read as fol-*
23 *lows:*

24 *“(b) Any person who knowingly imports, ships, or*
25 *transports any species in violation of subsection (a) of this*

1 *section and who reasonably should have known that the spe-*
2 *cies at issue in such violation is a species listed in sub-*
3 *section (a) of this section, or in any regulation issued pur-*
4 *suant thereto, shall be fined under this title or imprisoned*
5 *not more than six months, or both.”.*

6 **SEC. 403. RESCISSION OF FUNDS.**

7 *Of the unobligated balances available under section*
8 *4027 of division A of the CARES Act (Public Law 116–*
9 *136), \$146,000,000,000 is hereby permanently rescinded.*

Attest:

Clerk.

116TH CONGRESS
2^D SESSION

H.R. 925

**HOUSE AMENDMENT TO
SENATE AMENDMENT**