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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

# H. R.

Making emergency supplemental appropriations for the fiscal year ending  
September 30, 2021, and for other purposes.

## IN THE HOUSE OF REPRESENTATIVES

Mrs. LOWEY (for herself, Mr. SCOTT of Virginia, Mr. PALLONE, Ms. WATERS,  
Mr. GRIJALVA, Mrs. CAROLYN B. MALONEY of New York, Ms.  
VELÁZQUEZ, Mr. TAKANO, Mr. NEAL, Ms. LOFGREN, and Mr. DEFAZIO)  
introduced the following bill; which was referred to the Committee on

## A BILL

Making emergency supplemental appropriations for the fiscal  
year ending September 30, 2021, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Heroes Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 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’ Com-  
pensation 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

- Title I—Funding Provisions
- Title II—Modifications to the Paycheck Protection Program
- Title III—Tax Provisions
- Title IV—COVID–19 Economic Injury Disaster Loan Program Reform
- Title V—Micro-SBIC and Equity Investment Enhancement
- Title VI—Miscellaneous

DIVISION F—REVENUE PROVISIONS

- Title I—Economic Stimulus
- Title II—Provisions to Prevent Business Interruption
- Title III—Net Operating Losses

DIVISION G—RETIREMENT PROVISIONS

- Title I—Relief for Multiemployer Pension Plans
- Title II—Relief for Single Employer Pension Plans
- 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
- Title IV—Extension of Relief to States and Employers
- Title V—Corrective Action for Processing Backlogs
- Title VI—Additional Benefits for Mixed Earners
- Title VII—Technical Corrections

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
- Title V—Public Health Policies
- 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

1 be treated as referring only to the provisions of that divi-  
2 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,  
6 for the fiscal year ending September 30, 2021, and for  
7 other purposes, namely:

8 TITLE I

9 AGRICULTURE, RURAL DEVELOPMENT, FOOD  
10 AND DRUG ADMINISTRATION, AND RE-  
11 LATED 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, do-  
18 mestically or internationally: *Provided*, That the funding  
19 made available under this heading in this Act shall be used  
20 for conducting audits and investigations of projects and  
21 activities carried out with funds made available to the De-  
22 partment of Agriculture to prevent, prepare for, and re-  
23 spond to coronavirus, domestically or internationally: *Pro-*  
24 *vided further*, That such amounts shall be in addition to  
25 any other amounts available for such purposes: *Provided*

1 *further*, That such amount is designated by the Congress  
2 as being for an emergency requirement pursuant to sec-  
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
4 gency 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 re-  
10 spond to coronavirus, domestically or internationally, in-  
11 cluding administrative expenses: *Provided*, That such  
12 amounts shall be in addition to any other amounts avail-  
13 able for such purposes: *Provided further*, That such  
14 amount is designated by the Congress as being for an  
15 emergency requirement pursuant to section  
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

#### 18 RENTAL ASSISTANCE PROGRAM

19 For an additional amount for “Rental Assistance  
20 Program”, \$309,000,000, to prevent, prepare for, and re-  
21 spond to coronavirus, including for temporary adjustment  
22 of wage income losses for residents of housing financed  
23 or assisted under section 514, 515, or 516 of the Housing  
24 Act of 1949, without regard to any existing eligibility re-  
25 quirements based on income: *Provided*, 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  
3 Balanced Budget and Emergency Deficit Control Act of  
4 1985.

5                   DOMESTIC FOOD PROGRAMS

6                   FOOD AND NUTRITION SERVICE

7           SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

8                   WOMEN, INFANTS, AND CHILDREN (WIC)

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

15           SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

16           For an additional amount for “Supplemental Nutri-  
17 tion Assistance Program”, \$10,000,000,000, to prevent,  
18 prepare for, and respond to coronavirus: *Provided*, That  
19 such amounts shall be in addition to any other amounts  
20 available for such purposes: *Provided further*, That such  
21 amount is designated by the Congress as being for an  
22 emergency requirement pursuant to section  
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.



## 1 COMMODITY ASSISTANCE PROGRAM

2 For an additional amount for “Commodity Assistance  
3 Program”, \$450,000,000, for the emergency food assist-  
4 ance program as authorized by section 27(a) of the Food  
5 and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section  
6 204(a)(1) of the Emergency Food Assistance Act of 1983  
7 (7 U.S.C. 7508(a)(1)): *Provided*, That such amount is  
8 designated by the Congress as being for an emergency re-  
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
10 anced Budget and Emergency Deficit Control Act of 1985.

## 11 DEPARTMENT OF HEALTH AND HUMAN

## 12 SERVICES

## 13 FOOD AND DRUG ADMINISTRATION

## 14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-  
16 penses”, \$1,500,000, to remain available until expended,  
17 to prevent, prepare for, and respond to coronavirus, do-  
18 mestically or internationally, for the purposes of holding  
19 one or more advisory committee meetings to discuss re-  
20 quests for authorization or applications for approval of  
21 vaccines for coronavirus: *Provided*, That such amount is  
22 designated by the Congress as being for an emergency re-  
23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
24 anced Budget and Emergency Deficit Control Act of 1985.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 101. For an additional amount for grants to  
3 Rural Utilities Service borrowers, as authorized in section  
4 701 of division N of this Act, to prevent, prepare for, and  
5 respond to coronavirus, \$2,600,000,000, to remain avail-  
6 able until September 30, 2022: *Provided*, That such  
7 amount is designated by 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. 102. For an additional amount for the Common-  
12 wealth of the Northern Mariana Islands, \$14,000,000, for  
13 nutrition assistance to prevent, prepare for, and respond  
14 to coronavirus: *Provided*, That such amounts shall be in  
15 addition to any other amounts available for such purposes:  
16 *Provided further*, That such amount is designated 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.

20          SEC. 103. For an additional amount for the Common-  
21 wealth of Puerto Rico, \$1,236,000,000, for nutrition as-  
22 sistance to prevent, prepare for, and respond to  
23 coronavirus: *Provided*, That such amounts shall be in ad-  
24 dition to any other amounts available for such purposes:  
25 *Provided further*, That such amount is designated by the

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

4 SEC. 104. For an additional amount for American  
5 Samoa, \$9,117,000, for nutrition assistance to prevent,  
6 prepare for, and respond to coronavirus: *Provided*, That  
7 such amounts shall be in addition to any other amounts  
8 available for such purposes: *Provided further*, That such  
9 amount is designated by the Congress as being for an  
10 emergency requirement pursuant to section  
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
12 Deficit Control Act of 1985.

13 SEC. 105. The matter preceding the first proviso  
14 under the heading “Commodity Assistance Program” in  
15 title I of division B of the Coronavirus Aid, Relief, and  
16 Economic Security Act (Public Law 116–136), is amended  
17 by striking “to prevent, prepare for, and respond to  
18 coronavirus, domestically or internationally,”: *Provided*,  
19 That the amounts repurposed pursuant to the amendment  
20 made by this section that were previously designated by  
21 the Congress as an emergency requirement pursuant to  
22 the Balanced Budget and Emergency Deficit Control Act  
23 of 1985 are designated by the Congress as an emergency  
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3       SEC. 106. For an additional amount for the program  
4 established under section 7522 of the Food, Conservation,  
5 and Energy Act of 2008 (7 U.S.C. 5936), to prevent, pre-  
6 pare for, and respond to coronavirus, \$20,000,000: *Pro-*  
7 *vided*, That such amount is designated by the Congress  
8 as being for an emergency requirement pursuant to sec-  
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
10 gency Deficit Control Act of 1985.

11       SEC. 107. Section 11004 in title I of division B of  
12 the Coronavirus Aid, Relief, and Economic Security Act  
13 (Public Law 116–136) is amended by inserting after the  
14 fourth proviso the following: “*Provided further*, That the  
15 condition set forth in section 9003(f) of the Farm Security  
16 and Rural Investment Act of 2002 shall apply with respect  
17 to all construction, alteration, or repair work carried out,  
18 in whole or in part, with funds made available by this sec-  
19 tion.”: *Provided*, That amounts repurposed pursuant to  
20 the amendments made pursuant to this section are des-  
21 ignated by the Congress as being for an emergency re-  
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
23 anced Budget and Emergency Deficit Control Act of 1985.

24       SEC. 108. For necessary expenses for salary and re-  
25 lated costs associated with Agriculture Quarantine and In-

1 spection Services activities pursuant to 21 U.S.C. 136a(6),  
2 and in addition to any other funds made available for this  
3 purpose, there is appropriated, out of any money in the  
4 Treasury not otherwise appropriated, \$350,000,000, to re-  
5 main available until September 30, 2022, to offset the loss  
6 resulting from the coronavirus pandemic of quarantine  
7 and inspection fees collected pursuant to sections 2508  
8 and 2509 of the Food, Agriculture, Conservation, and  
9 Trade Act of 1990 (21 U.S.C. 136, 136a): *Provided*, That  
10 amounts made available in this section and under the  
11 heading “Animal and Plant Health Inspection Service—  
12 Salaries and Expenses” in the Coronavirus Aid, Relief,  
13 and Economic Security Act (Public Law 116–136) shall  
14 be treated as funds collected by fees authorized under sec-  
15 tions 2508 and 2509 of the Food, Agriculture, Conserva-  
16 tion, and Trade Act of 1990 (21 U.S.C. 136, 136a) for  
17 purposes of section 421(f) of the Homeland Security Act  
18 of 2002 (6 U.S.C. 231(f)): *Provided further*, That, the  
19 amounts repurposed in this section that were previously  
20 designated by the Congress as an emergency requirement  
21 pursuant to the Balanced Budget and Emergency Deficit  
22 Control Act of 1985 are designated by the Congress as  
23 an emergency requirement pursuant to section  
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
25 Deficit Control Act of 1985: *Provided further*, That such

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

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  
9 respond to coronavirus: *Provided*, That such amount is  
10 designated by the Congress as being for an emergency re-  
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
12 anced 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  
18 cost sharing requirements that may exist, for assisting mi-  
19 nority business enterprises to prevent, prepare for, and re-  
20 spond to coronavirus, including identifying and accessing  
21 local, State, and Federal government assistance related to  
22 such virus: *Provided*, That such amount is designated by  
23 the Congress as being for an emergency requirement pur-  
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
25 and 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  
6 be transferred to the Bureau of the Census Working Cap-  
7 ital Fund for necessary expenses incurred as a result of  
8 the coronavirus, including for payment of salaries and  
9 leave to Bureau of the Census staff resulting from the sus-  
10 pension of data collection for reimbursable surveys con-  
11 ducted for other Federal agencies: *Provided*, That such  
12 transfer authority is in addition to any other transfer au-  
13 thority provided by law: *Provided further*, That such  
14 amount is designated by the Congress as being for an  
15 emergency requirement pursuant to section  
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

18 PERIODIC CENSUSES AND PROGRAMS

19 For an additional amount for “Periodic Censuses and  
20 Programs”, \$400,000,000, to remain available until Sep-  
21 tember 30, 2022, 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 pur-  
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
25 and Emergency Deficit Control Act of 1985.



1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 SALARIES AND EXPENSES

3 For an additional amount for “United States Patent  
4 and Trademark Office, Salaries and Expenses”,  
5 \$95,000,000, to prevent, prepare for, and respond to  
6 coronavirus: *Provided*, That such amount is designated by  
7 the Congress as being for an emergency requirement pur-  
8 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985.

10 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
11 INDUSTRIAL TECHNOLOGY SERVICES

12 For an additional amount for “Industrial Technology  
13 Services”, \$70,000,000, of which \$50,000,000 shall be for  
14 the Hollings Manufacturing Extension Partnership to as-  
15 sist manufacturers to prevent, prepare for, and respond  
16 to coronavirus, and \$20,000,000 shall be for the National  
17 Network for Manufacturing Innovation (also known as  
18 “Manufacturing USA”) to prevent, prepare for, and re-  
19 spond to coronavirus, including to support development  
20 and manufacturing of medical countermeasures and bio-  
21 medical equipment and supplies: *Provided*, That none of  
22 the funds provided under this heading in this Act shall  
23 be subject to cost share requirements under section  
24 34(e)(7)(A) of the National Institute of Standards and  
25 Technology Act (15 U.S.C. 278s(e)(7)(A)): *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 NATIONAL OCEANIC AND ATMOSPHERIC  
6 ADMINISTRATION

7 PROCUREMENT, ACQUISITION AND CONSTRUCTION

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

16 FISHERIES PROMOTION FUND

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

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

7 FISHERIES DISASTER ASSISTANCE

8 For an additional amount for “Fisheries Disaster As-  
9 sistance”, \$250,000,000, for activities authorized under  
10 section 12005 of the Coronavirus Aid, Relief, and Eco-  
11 nomic Security Act of 2020 (Public Law 116–136), in-  
12 cluding for necessary expenses to provide assistance to  
13 Tribal, subsistence, commercial, and charter fishery par-  
14 ticipants affected by the novel coronavirus (COVID–19),  
15 which may include direct relief payments: *Provided*, That  
16 of the funds provided under this heading in this Act,  
17 \$25,000,000 shall be for Tribal fishery participants who  
18 belong to Federally recognized Tribes in any of the Na-  
19 tion’s States and territories: *Provided further*, That such  
20 amount is designated by the Congress as being for an  
21 emergency requirement pursuant to section  
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.

## 1 DEPARTMENTAL MANAGEMENT

## 2 OFFICE OF INSPECTOR GENERAL

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

## 15 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF

## 16 COMMERCE

17 SEC. 201. Notwithstanding any other provision of  
18 law, the Federal share for grants provided by the Eco-  
19 nomic Development Administration under Public Law  
20 116–93 and Public Law 116–136 shall be 100 percent:  
21 *Provided*, That the amounts repurposed in this section  
22 that were previously designated by the Congress as an  
23 emergency requirement pursuant to the Balanced Budget  
24 and Emergency Deficit Control Act of 1985 are des-  
25 ignated by the Congress as an emergency requirement

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

3 SEC. 202. The Secretary of Commerce may waive, in  
4 whole or in part, the matching requirements under section  
5 306 and 306A, and the cost sharing requirements under  
6 section 315, of the Coastal Zone Management Act of 1972  
7 (16 U.S.C. 1455, 1455a, and 1461 respectively) as nec-  
8 essary for fiscal years 2020, 2021, and 2022 upon written  
9 request by a coastal State.

10 SEC. 203. Amounts provided by this Act, or any other  
11 Act making appropriations for fiscal year 2021, for the  
12 Hollings Manufacturing Extension Partnership under the  
13 heading “National Institute of Standards and Tech-  
14 nology—Industrial Technology Services” shall not be sub-  
15 ject to cost share requirements under section 25(e)(2) of  
16 the National Institute of Standards and Technology Act  
17 (15 U.S.C. 278k(e)(2)): *Provided*, That the authority  
18 made available pursuant to this section shall be elective  
19 for any Manufacturing Extension Partnership Center that  
20 also receives funding from a State that is conditioned upon  
21 the application of a Federal cost sharing requirement.

## 1 DEPARTMENT OF JUSTICE

## 2 FEDERAL PRISON SYSTEM

## 3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-  
5 penses”, \$620,000,000, to prevent, prepare for, and re-  
6 spond to coronavirus, including the impact of coronavirus  
7 on the work of the Department of Justice, to include fund-  
8 ing for medical testing and services, personal protective  
9 equipment, hygiene supplies and services, and sanitation  
10 services: *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 OFFICE OF INSPECTOR GENERAL

15 For an additional amount for “Office of Inspector  
16 General”, \$3,000,000, to remain available until expended  
17 to prevent, prepare for, and respond to coronavirus, in-  
18 cluding the impact of coronavirus on the work of the De-  
19 partment of Justice and to carry out investigations and  
20 audits related to the funding made available for the De-  
21 partment of Justice in this Act and in title II of division  
22 B of Public Law 116–136: *Provided*, That such amount  
23 is designated by the Congress as being for an emergency  
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

4 OFFICE ON VIOLENCE AGAINST WOMEN

5 VIOLENCE AGAINST WOMEN PREVENTION AND

6 PROSECUTION PROGRAMS

7 For an additional amount for “Violence Against  
8 Women Prevention and Prosecution Programs”,  
9 \$375,000,000, to remain available until expended, of  
10 which—

11 (1) \$100,000,000 is for formula grants to  
12 States and territories to combat violence against  
13 women, as authorized by part T of title I of the Om-  
14 nibus Crime Control and Safe Streets Acts of 1968;

15 (2) \$40,000,000 is for transitional housing as-  
16 sistance grants for victims of domestic violence, dat-  
17 ing violence, stalking, or sexual assault, as author-  
18 ized by section 40299 of the Violent Crime Control  
19 and Law Enforcement Act of 1994 (Public Law  
20 103–322; “1994 Act”);

21 (3) \$100,000,000 is for formula grants to  
22 States and territories for sexual assault victims as-  
23 sistance, as authorized by section 41601 of the 1994  
24 Act;

1 (4) \$20,000,000 is for rural domestic violence  
2 and child abuse enforcement assistance grants, as  
3 authorized by section 40295 of the 1994 Act;

4 (5) \$15,000,000 is for grants to support fami-  
5 lies in the justice system, as authorized by section  
6 1301 of the Victims of Trafficking and Violence Pro-  
7 tection Act of 2000 (Public Law 106–386);

8 (6) \$50,000,000 is for grants to Tribal govern-  
9 ments, Tribal coalitions, Tribal non-profit organiza-  
10 tions and Tribal organizations that serve Native vic-  
11 tims for purposes authorized under 34 U.S.C.  
12 10441(d), 34 U.S.C. 12511(d), 34 U.S.C. 10452  
13 and 34 U.S.C. 12511(e);

14 (7) \$25,000,000 is for grants to enhance cul-  
15 turally specific services for victims of domestic vio-  
16 lence, dating violence, sexual assault, and stalking,  
17 as authorized under 34 U.S.C. 20124 (commonly re-  
18 ferred to as the “Culturally Specific Services Pro-  
19 gram”); and

20 (8) \$25,000,000 is for grants for outreach and  
21 services to underserved populations as authorized  
22 under 34 U.S.C. 20123 (commonly referred to as  
23 the “Underserved Program”);

24 *Provided*, That a recipient of such funds shall not be sub-  
25 ject, as a condition for receiving the funds, to any other-



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

7 OFFICE OF JUSTICE PROGRAMS

8 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

9 For an additional amount for “State and Local Law  
10 Enforcement Assistance”, \$250,000,000, to remain avail-  
11 able until expended, for offender reentry programs and re-  
12 search, as authorized by the Second Chance Act of 2007  
13 (Public Law 110–199) and by the Second Chance Reau-  
14 thorization Act of 2018 (Public Law 115–391), without  
15 regard to the time limitations specified at section 6(1) of  
16 such Act, to prevent, prepare for, and respond to  
17 coronavirus: *Provided*, That a recipient of funds made  
18 available under this heading in this Act shall not be sub-  
19 ject, as a condition for receiving the funds, to any other-  
20 wise-applicable requirement to provide or obtain other  
21 Federal or non-Federal funds: *Provided further*, That such  
22 amount is designated by the Congress as being for an  
23 emergency requirement pursuant to section  
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
25 Deficit Control Act of 1985.

1 For an additional amount for “State and Local Law  
2 Enforcement Assistance”, \$600,000,000, to remain avail-  
3 able until expended, for grants, contracts, cooperative  
4 agreements, and other assistance as authorized by the  
5 Pandemic Justice Response Act (title II of division T of  
6 this Act, referred to in this paragraph as “the Act”): *Pro-*  
7 *vided*, That \$500,000,000 is to establish and implement  
8 policies and procedures to prevent, detect, and stop the  
9 presence and spread of COVID–19 among arrestees, de-  
10 tainees, inmates, correctional facility staff, and visitors to  
11 the facilities; and for pretrial citation and release grants,  
12 as authorized by the Act: *Provided further*, That  
13 \$25,000,000 is for Rapid COVID–19 Testing, as author-  
14 ized by the Act: *Provided further*, That \$75,000,000 is for  
15 grants for Juvenile Specific Services, as authorized by the  
16 Act: *Provided further*, That a recipient of funds made  
17 available under this heading in this Act shall not be sub-  
18 ject, as a condition for receiving the funds, to any other-  
19 wise-applicable requirement to provide or obtain other  
20 Federal or non-Federal funds: *Provided further*, That such  
21 amount is designated by the Congress as being for an  
22 emergency requirement pursuant to section  
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.

## 1 JUVENILE JUSTICE PROGRAMS

2 For an additional amount for “Juvenile Justice Pro-  
3 grams”, \$100,000,000, to remain available until ex-  
4 pended, to prevent, prepare for, and respond to  
5 coronavirus, of which \$50,000,000 shall be for juvenile  
6 justice programs authorized by section 221 of the Juvenile  
7 Justice and Delinquency Prevention Act of 1974, and  
8 \$50,000,000 shall be for programs authorized by the Vic-  
9 tims of Child Abuse Act of 1990: *Provided*, That funds  
10 made available under this heading in this Act shall be  
11 made available without any otherwise applicable require-  
12 ment that a recipient of such funds provide any other Fed-  
13 eral funds, or any non-Federal funds, as a condition for  
14 receiving the funds made available under such heading:  
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 SCIENCE

## 20 NATIONAL SCIENCE FOUNDATION

## 21 RESEARCH AND RELATED ACTIVITIES

## 22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Research and Related  
24 Activities”, \$2,587,000,000, to remain available until Sep-  
25 tember 30, 2022, to prevent, prepare for, and respond to

1 coronavirus, including to fund research grants: *Provided*,  
2 That up to \$2,537,000,000 shall be for necessary ex-  
3 penses, including extensions of existing research grants,  
4 cooperative agreements, scholarships, fellowships, and ap-  
5 prenticeships: *Provided further*, That \$1,000,000 shall be  
6 for a study on the spread of COVID–19 related  
7 disinformation, as described in section 204 of this Act:  
8 *Provided further*, That, of the amount appropriated under  
9 this heading in this Act, up to 2 percent of funds may  
10 be transferred to the “Agency Operations and Award  
11 Management” account for management, administration,  
12 and oversight of funds provided under this heading in this  
13 Act: *Provided further*, That such transfer authority is in  
14 addition to any other transfer authority provided by law:  
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 EDUCATION AND HUMAN RESOURCES

20 For an additional amount for “Education and  
21 Human Resources”, \$300,000,000, to remain available  
22 until September 30, 2022, to prevent, prepare for, and re-  
23 spond to coronavirus, including extensions of existing re-  
24 search grants, cooperative agreements, scholarships, fel-  
25 lowships, and apprenticeships: *Provided*, That, of the

1 amount appropriated under this heading in this Act, up  
2 to 2 percent of funds may be transferred to the “Agency  
3 Operations and Award Management” account for manage-  
4 ment, administration, and oversight of funds provided  
5 under this heading in this Act: *Provided further*, That such  
6 transfer authority is in addition to any other transfer au-  
7 thority provided by law: *Provided further*, That such  
8 amount is designated by the Congress as being for an  
9 emergency requirement pursuant to section  
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
11 Deficit Control Act of 1985.

12 ADMINISTRATIVE PROVISION—SCIENCE

13 STUDY ON COVID–19 DISINFORMATION

14 SEC. 204. (a) STUDY.—No later than 30 days after  
15 the date of enactment of this Act, the Director of the Na-  
16 tional Science Foundation shall enter into an arrangement  
17 with the National Academies of Science, Engineering, and  
18 Medicine (National Academies) to conduct a study on the  
19 current understanding of the spread of COVID–19-related  
20 disinformation on the internet and social media platforms.  
21 The study shall address the following:

- 22 (1) the role disinformation and misinformation  
23 has played in the public response to COVID–19;
- 24 (2) the sources of COVID–19-related  
25 disinformation—both foreign and domestic—and the

1 mechanisms by which that disinformation influences  
2 the public debate;

3 (3) the role social media plays in the dissemina-  
4 tion and promotion of COVID–19 disinformation  
5 and misinformation content and the role social  
6 media platforms play in the organization of groups  
7 seeking to spread COVID–19 disinformation;

8 (4) the potential financial returns for creators  
9 or distributors of COVID–19 disinformation, and  
10 the role such financial incentives play in the propa-  
11 gation of COVID–19 disinformation;

12 (5) potential strategies to mitigate the dissemi-  
13 nation and negative impacts of COVID–19  
14 disinformation, including specifically, the dissemi-  
15 nation of disinformation on social media, including  
16 through improved disclosures; and

17 (6) an analysis of the limitations of these miti-  
18 gation strategies, and an analysis of how these strat-  
19 egies can be implemented without infringing on  
20 Americans’ Constitutional rights and civil liberties.

21 (b) REPORT.—In entering into an arrangement under  
22 this section, the Director shall request that the National  
23 Academies transmit to Congress a report on the results  
24 of the study not later than 12 months after the date of  
25 enactment of this Act.

1 (c) AUTHORIZATION.—There is authorized to be ap-  
2 propriated for the purposes of conducting the study in this  
3 section \$1,000,000.

#### 4 RELATED AGENCIES

##### 5 LEGAL SERVICES CORPORATION

###### 6 PAYMENT TO THE LEGAL SERVICES CORPORATION

7 For an additional amount for “Payment to the Legal  
8 Services Corporation”, \$100,000,000, for the same pur-  
9 poses and subject to the same conditions as the appropria-  
10 tions for fiscal year 2020 under this heading in title II  
11 of division B of the CARES Act (Public Law 116–136):  
12 *Provided*, That such amount is designated by the Congress  
13 as being for an emergency requirement pursuant to sec-  
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
15 gency Deficit Control Act of 1985.

1 TITLE III  
2 DEPARTMENT OF DEFENSE  
3 OPERATION AND MAINTENANCE  
4 OPERATION AND MAINTENANCE, ARMY

5 For an additional amount for “Operation and Main-  
6 tenance, Army”, \$100,000,000, to prevent, prepare for,  
7 and respond to coronavirus, domestically or internation-  
8 ally: *Provided*, 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 OPERATION AND MAINTENANCE, NAVY

13 For an additional amount for “Operation and Main-  
14 tenance, Navy”, \$100,000,000, to prevent, prepare for,  
15 and respond to coronavirus, domestically or internation-  
16 ally: *Provided*, That such amount is designated 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.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 For an additional amount for “Operation and Main-  
22 tenance, Marine Corps”, \$10,000,000, to prevent, prepare  
23 for, and respond to coronavirus, domestically or inter-  
24 nationally: *Provided*, That such amount is designated by  
25 the Congress as being for an emergency requirement pur-



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

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-  
5 tenance, Air Force”, \$100,000,000, to prevent, prepare  
6 for, and respond to coronavirus, domestically or inter-  
7 nationally: *Provided*, That such amount is designated by  
8 the Congress as being for an emergency requirement pur-  
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, DEFENSE-WIDE

12 For an additional amount for “Operation and Main-  
13 tenance, Defense-Wide”, \$10,000,000, to prevent, prepare  
14 for, and respond to coronavirus, domestically or inter-  
15 nationally: *Provided*, That such amount is designated by  
16 the Congress as being for an emergency requirement pur-  
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
18 and Emergency Deficit Control Act of 1985.

19 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  
23 operation and maintenance, and \$530,000,000 shall be for  
24 research, development, test and evaluation, to prevent,  
25 prepare for, and respond to coronavirus, domestically or

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

10           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  
14 internationally: *Provided*, That such amount shall be used  
15 for necessary expenses, including salaries, cleaning, utili-  
16 ties and personal protective equipment, for recreational  
17 entities, childcare development centers and other entities  
18 affected by the coronavirus that derive funding from non-  
19 appropriated accounts: *Provided*, That prior to the obliga-  
20 tion of such funds the Secretary of the Army shall submit  
21 to the Committees on Appropriations of the House of Rep-  
22 resentatives and the Senate a spend plan on the use of  
23 funds made available by this section: *Provided further*,  
24 That such amount is designated by the Congress as being  
25 for an emergency requirement pursuant to section

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

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

20 SEC. 303. For an additional amount for “Operation  
21 and Maintenance, Air Force”, \$500,000,000, to prevent,  
22 prepare for, and respond to coronavirus, domestically or  
23 internationally: *Provided*, That such amount shall be used  
24 for necessary expenses, including salaries, cleaning, utili-  
25 ties and personal protective equipment, for recreational

1 entities, childcare development centers and other entities  
2 affected by the coronavirus that derive funding from non-  
3 appropriated accounts: *Provided*, That prior to the obliga-  
4 tion of such funds the Secretary of the Air Force shall  
5 submit to the Committees on Appropriations of the House  
6 of Representatives and the Senate a spend plan on the  
7 use of funds made available by this section: *Provided fur-*  
8 *ther*, That such amount is designated by the Congress as  
9 being 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 SEC. 304. For an additional amount for “Operation  
13 and Maintenance, Marine Corps”, \$100,000,000, to pre-  
14 vent, prepare for, and respond to coronavirus, domestically  
15 or internationally: *Provided*, That such amount shall be  
16 used for necessary expenses, including salaries, cleaning,  
17 utilities and personal protective equipment, for rec-  
18 reational entities, childcare development centers and other  
19 entities affected by the coronavirus that derive funding  
20 from non-appropriated accounts: *Provided*, That prior to  
21 the obligation of such funds the Secretary of the Navy  
22 shall submit to the Committees on Appropriations of the  
23 House of Representatives and the Senate a spend plan on  
24 the use of funds made available by this section: *Provided*  
25 *further*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-  
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
3 gency Deficit Control Act of 1985.

4 TITLE IV

5 ENERGY AND WATER

6 DEPARTMENT OF THE INTERIOR

7 BUREAU OF RECLAMATION

8 WATER AND RELATED RESOURCES

9 For an additional amount for “Water and Related  
10 Resources”, \$7,000,000, to prevent, prepare for, and re-  
11 spond to coronavirus, domestically or internationally: *Pro-*  
12 *vided*, That such amount is designated by the Congress  
13 as being for an emergency requirement pursuant to sec-  
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
15 gency Deficit Control Act of 1985.

16 DEPARTMENT OF ENERGY

17 ENERGY PROGRAMS

18 SCIENCE

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

- 24 (1) Core Facility Revitalization,  
25 (2) Large Synoptic Survey Telescope Camera,

- 1           (3) Linac Coherent Light Source II,  
2           (4) Muon to Electron Conversion Experiment,  
3       and  
4           (5) Super Cryogenic Dark Matter Search:  
5 *Provided*, That such amount is designated by the Congress  
6 as being for an emergency requirement pursuant to sec-  
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
8 gency Deficit Control Act of 1985.

9                           DEPARTMENTAL ADMINISTRATION

10       For an additional amount for “Departmental Admin-  
11 istration”, \$1,300,000, to prevent, prepare for, and re-  
12 spond to coronavirus, domestically or internationally, in-  
13 cluding for necessary expenses related to personal protec-  
14 tive equipment: *Provided*, That such amount is designated  
15 by the Congress as being for an emergency requirement  
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
17 et and Emergency Deficit Control Act of 1985.

18                           GENERAL PROVISIONS—THIS TITLE

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

24       SEC. 402. (a) Requirements relating to non-Federal  
25 cost-share grants and cooperative agreements for the

1 Delta Regional Authority under section 382D of the Agri-  
2 cultural Act of 1961 and Consolidated Farm and Rural  
3 Development Act (7 U.S.C. 2009aa—3) are waived for  
4 grants awarded in fiscal year 2020 and in subsequent  
5 years in response to economic distress directly related to  
6 the impacts of the Coronavirus Disease (COVID-19).

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

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

20 (d) Amounts repurposed pursuant to this section that  
21 were previously designated by the Congress as an emer-  
22 gency requirement pursuant to the Balanced Budget and  
23 Emergency Deficit Control Act of 1985 are designated by  
24 the Congress as an emergency requirement pursuant to

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

3 TITLE V  
4 FINANCIAL SERVICES AND GENERAL  
5 GOVERNMENT  
6 DEPARTMENT OF THE TREASURY

7 DEPARTMENTAL OFFICES  
8 OFFICE OF INSPECTOR GENERAL  
9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-  
11 penses”, \$35,000,000, to remain available until expended,  
12 to conduct monitoring and oversight of the receipt, dis-  
13 bursement, and use of funds made available under the  
14 “Coronavirus State Fiscal Relief Fund” and the  
15 “Coronavirus Local Fiscal Relief Fund” (collectively,  
16 “Fiscal Relief Funds”): *Provided*, That, if the Inspector  
17 General of the Department of the Treasury determines  
18 that an entity receiving a payment from amounts provided  
19 by the Fiscal Relief Funds has failed to comply with the  
20 provisions governing the use of such funding, the Inspec-  
21 tor General shall transmit any relevant information re-  
22 lated to such determination to the Committees on Appro-  
23 priations of the House of Representatives and the Senate  
24 not later than 5 days after any such determination is  
25 made: *Provided further*, That such amount is designated



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

4 TREASURY INSPECTOR GENERAL FOR TAX

5 ADMINISTRATION

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-  
8 penses”, \$2,500,000, to remain available until expended,  
9 to prevent, prepare for, and respond to coronavirus, do-  
10 mestically or internationally: *Provided*, That such amount  
11 is designated by the Congress as being for an emergency  
12 requirement pursuant to section 251(b)(2)(A)(i) of the  
13 Balanced Budget and Emergency Deficit Control Act of  
14 1985.

15 HOMEOWNER ASSISTANCE FUND

16 For activities and assistance authorized in section  
17 202 of division O of this Act, \$21,000,000,000, to remain  
18 available until expended: *Provided*, 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 CORONAVIRUS STATE FISCAL RELIEF FUND

23 For making payments to States, territories, and Trib-  
24 al governments to mitigate the fiscal effects stemming  
25 from the public health emergency with respect to the

1 Coronavirus Disease (COVID–19), \$257,000,000,000 to  
2 remain available until expended, which shall be in addition  
3 to any other amounts available for making payments to  
4 States, territories, and Tribal governments for any pur-  
5 pose (including payments made under section 601 of the  
6 Social Security Act), of which:

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

21 (2) \$9,500,000,000 shall be for making  
22 payments to Tribal governments, of which—

23 (A) \$1,000,000,000 shall be allocated  
24 equally between each Tribal government;  
25 and

1 (B) \$8,500,000,000 shall be allocated  
2 as an additional amount to each Tribal  
3 government in an amount determined by  
4 the Secretary of the Treasury, in consulta-  
5 tion with the Secretary of the Interior and  
6 Tribal governments, that is based on in-  
7 creased aggregate expenditures of each  
8 such Tribal government (or a tribally-  
9 owned entity of such Tribal government) in  
10 fiscal year 2020 relative to aggregate ex-  
11 penditures in fiscal year 2019 by the Trib-  
12 al government (or tribally-owned entity)  
13 and determined in such manner as the  
14 Secretary determines appropriate to ensure  
15 that all amounts available pursuant to this  
16 subparagraph are distributed to Tribal  
17 governments:

18 *Provided*, That not later than 24 hours before  
19 any payments for Tribal governments are dis-  
20 tributed by the Secretary of the Treasury pur-  
21 suant to this paragraph, the Secretary of the  
22 Treasury shall publish on the website of the De-  
23 partment of the Treasury a detailed description  
24 of the funding allocation formulas used pursu-  
25 ant to this paragraph, and a detailed descrip-

1           tion of the procedure and methodology used to  
2           determine such funding allocation formula: *Pro-*  
3           *vided Further*, That not later than 7 days after  
4           any payments for Tribal governments are so  
5           distributed, the Secretary shall publish on the  
6           website of the Department of the Treasury the  
7           date and amount of all fund disbursements,  
8           broken down by individual Tribal government  
9           recipient; and

10           (3) \$238,000,000,000 shall be for making pay-  
11           ments to each of the 50 States and the District of  
12           Columbia, of which—

13                   (A) an amount equal to \$1,250,000,000  
14           less the amount allocated for the District of Co-  
15           lumbia pursuant to section 601(c)(6) of the So-  
16           cial Security Act, shall only be for payment to  
17           the District of Columbia, in addition to any  
18           other funding available for such purpose (in-  
19           cluding payments under subparagraph (B) of  
20           this paragraph): *Provided*, That the Secretary  
21           of the Treasury shall pay all amounts provided  
22           by this section directly to the District of Colum-  
23           bia not less than 5 days after the date of enact-  
24           ment of this Act; and

1 (B) the remainder shall be allocated be-  
2 tween each such entity in an amount which  
3 bears the same proportion to the total amount  
4 provided under this paragraph as the average  
5 estimated number of seasonally-adjusted unem-  
6 ployed individuals (as measured by the Bureau  
7 of Labor Statistics Local Area Unemployment  
8 Statistics program) in each such entity in Au-  
9 gust 2020 bears to the average estimated num-  
10 ber of seasonally-adjusted unemployed individ-  
11 uals in all such entities: *Provided*, That the Sec-  
12 retary of the Treasury shall adjust, on a pro  
13 rata basis, the amount allocated to each such  
14 entity pursuant to the matter preceding this  
15 proviso in this paragraph to the extent nec-  
16 essary to ensure a minimum payment of  
17 \$500,000,000 to each such entity:

18 *Provided*, That any entity receiving a payment from funds  
19 made available under this heading in this Act shall only  
20 use such amounts to respond to, mitigate, cover costs or  
21 replace foregone revenues not projected on January 31,  
22 2020 stemming from the public health emergency, or its  
23 negative economic impacts, with respect to the  
24 Coronavirus Disease (COVID-19): *Provided further*, That  
25 if the Inspector General of the Department of the Treas-

1 ury determines that an entity receiving a payment from  
2 amounts provided under this heading has failed to comply  
3 with the preceding proviso, the amount equal to the  
4 amount of funds used in violation of such proviso shall  
5 be booked as a debt of such entity owed to the Federal  
6 Government, and any amounts recovered shall be depos-  
7 ited into the general fund of the Treasury as discretionary  
8 offsetting receipts: *Provided further*, That for purposes of  
9 the preceding provisos under this heading in this Act, the  
10 population of each entity described in any such proviso  
11 shall be determined based on the most recent year for  
12 which data are available from the Bureau of the Census,  
13 or in the case of an Indian tribe, shall be determined based  
14 on data certified by the Tribal government: *Provided fur-*  
15 *ther*, That an entity receiving a payment from amounts  
16 provided under this heading may transfer funds to a pri-  
17 vate nonprofit organization (as that term is defined in  
18 paragraph (17) of section 401 of the McKinney-Vento  
19 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a  
20 special-purpose unit of local government or a multi-state  
21 entity involved in the transportation of passengers or  
22 cargo: *Provided further*, That as used under this heading  
23 in this Act, the term “Tribal government” has the same  
24 meaning as specified in section 601(g) of the Social Secu-  
25 rity Act (42 U.S.C. 601(g)), as added by section 5001 of

1 the CARES Act (Public Law 116–136) and amended by  
2 section 201 of division U of this Act, and the term “State”  
3 means one of the 50 States: *Provided further*, That the  
4 Secretary of Treasury shall make all payments prescribed  
5 under this heading in this Act not later than 30 days after  
6 the date of enactment of this Act: *Provided further*, That  
7 such amount is designated by the Congress as being for  
8 an emergency requirement pursuant to section  
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985.

11 CORONAVIRUS LOCAL FISCAL RELIEF FUND

12 For making payments to metropolitan cities, coun-  
13 ties, and other units of general local government to miti-  
14 gate the fiscal effects stemming from the public health  
15 emergency with respect to the Coronavirus Disease  
16 (COVID–19), \$179,000,000,000, to remain available until  
17 expended, which shall be in addition to any other amounts  
18 available for making payments to metropolitan cities,  
19 counties, and other units of general local government (in-  
20 cluding payments made under section 601 of the Social  
21 Security Act), of which—

22 (1) \$89,500,000,000 shall be for making pay-  
23 ments to metropolitan cities and other units of gen-  
24 eral local government (as those terms are defined in

1 section 102 of the Housing and Community Devel-  
2 opment Act of 1974 (42 U.S.C. 5302)), of which—

3 (A) \$62,650,000,000 shall be allocated  
4 pursuant to the formula under section  
5 106(b)(1) of the Housing and Community De-  
6 velopment Act of 1974 (42 U.S.C. 5306(b)(1))  
7 to metropolitan cities (as defined in section  
8 102(a)(4) of such Act (42 U.S.C. 5302(a)(4)),  
9 including metropolitan cities that have relin-  
10 quished or deferred their status as a metropoli-  
11 tan city as of the date of enactment of this Act;  
12 and

13 (B) \$26,850,000,000 shall be distributed  
14 to each State (as that term is defined in section  
15 102 of the Housing and Community Develop-  
16 ment Act of 1974 (42 U.S.C. 5302)) for use by  
17 units of general local government, other than  
18 counties or parishes, in nonentitlement areas  
19 (as defined in such section 102) of such States  
20 in an amount which bears the same proportion  
21 to the total amount provided under this sub-  
22 paragraph as the total population of such units  
23 of general local government within the State  
24 bears to the total population of all such units  
25 of general local government in all such States:



1           *Provided*, That a State shall pass-through the  
2           amounts received under this subparagraph,  
3           within 30 days of receipt, to each such unit of  
4           general local government in an amount that  
5           bears the same proportion to the amount dis-  
6           tributed to each such State as the population of  
7           such unit of general local government bears to  
8           the total population of all such units of general  
9           local government within each such State: *Pro-*  
10          *vided further*, That if a State has not elected to  
11          distribute amounts allocated under this para-  
12          graph, the Secretary of the Treasury shall pay  
13          the applicable amounts under this subpara-  
14          graph to such units of general local government  
15          in the State not later than 30 days after the  
16          date on which the State would otherwise have  
17          received the amounts from the Secretary; and

18          (2) \$89,500,000,000 shall be paid directly to  
19          counties within the 50 States, the District of Colum-  
20          bia, the Commonwealth of Puerto Rico, the United  
21          States Virgin Islands, Guam, the Commonwealth of  
22          the Northern Mariana Islands, and American Samoa  
23          in an amount which bears the same proportion to  
24          the total amount provided under this paragraph as  
25          the relative population of each such county bears to

1 the total population of all such entities: *Provided*,  
2 That no county that is an “urban county” (as de-  
3 fined in section 102 of the Housing and Community  
4 Development Act of 1974 (42 U.S.C. 5302)) shall  
5 receive less than the amount the county would other-  
6 wise receive if the amount distributed under this  
7 paragraph were allocated to metropolitan cities and  
8 urban counties under section 106(b) of the Housing  
9 and Community Development Act of 1974 (42  
10 U.S.C. 5306(b)): *Provided further*, That in the case  
11 of an amount to be paid to a county that is not a  
12 unit of general local government, the amount shall  
13 instead be paid to the State in which such county is  
14 located, and such State shall distribute such amount  
15 to units of general local government within such  
16 county in an amounts that bear the same proportion  
17 as the population of such units of general local gov-  
18 ernment bear to the total population of such county:  
19 *Provided further*, That for purposes of this para-  
20 graph, the District of Columbia shall be considered  
21 to consist of a single county that is a unit of general  
22 local government:  
23 *Provided further*, That any entity receiving a payment  
24 from funds made available under this heading in this Act  
25 shall only use such amounts to respond to, mitigate, cover

1 costs or replace foregone revenues not projected on Janu-  
2 ary 31, 2020 stemming from the public health emergency,  
3 or its negative economic impacts, with respect to the  
4 Coronavirus Disease (COVID–19): *Provided further*, That  
5 if the Inspector General of the Department of the Treas-  
6 ury determines that an entity receiving a payment from  
7 amounts provided under this heading has failed to comply  
8 with the preceding proviso, the amount equal to the  
9 amount of funds used in violation of such proviso shall  
10 be booked as a debt of such entity owed to the Federal  
11 Government, and any amounts recovered shall be depos-  
12 ited into the general fund of the Treasury as discretionary  
13 offsetting receipts: *Provided further*, That for purposes of  
14 the preceding provisos under this heading in this Act, the  
15 population of each entity described in any such proviso  
16 shall be determined based on the most recent year for  
17 which data are available from the Bureau of the Census,  
18 or in the case of an Indian tribe, shall be determined based  
19 on data certified by the Tribal government: *Provided fur-*  
20 *ther*, That an entity receiving a payment from amounts  
21 provided under this heading may transfer funds to a pri-  
22 vate nonprofit organization (as that term is defined in  
23 paragraph (17) of section 401 of the McKinney-Vento  
24 Homeless Assistance Act (42 U.S.C. 11360(17)), or to a  
25 special-purpose unit of local government or a multi-state

1 entity involved in the transportation of passengers or  
2 cargo: *Provided further*, That nothing in paragraph (1) or  
3 (2) shall be construed as prohibiting a unit of general local  
4 government that has formed a consolidated government,  
5 or that is geographically contained (in full or in part)  
6 within the boundaries of another unit of general local gov-  
7 ernment from receiving a distribution under each of sub-  
8 paragraphs (A) and (B) under paragraph (1) or under  
9 paragraph (2), as applicable, based on the respective for-  
10 mulas specified contained therein: *Provided further*, That  
11 the amounts otherwise determined for distribution to units  
12 of local government under each of subparagraphs (A) and  
13 (B) under paragraph (1) and under paragraph (2) shall  
14 each be adjusted by the Secretary of the Treasury on a  
15 pro rata basis to the extent necessary to comply with the  
16 amount appropriated and the requirements specified in  
17 each paragraph and subparagraph, as applicable: *Provided*  
18 *further*, That as used under this heading in this Act, the  
19 term “county” means a county, parish, or other equivalent  
20 county division (as defined by the Bureau of the Census):  
21 *Provided further*, That for purposes of the preceding pro-  
22 visos under this heading in this Act, the population of an  
23 entity shall be determined based on the most recent year  
24 for which data are available from the Bureau of the Cen-  
25 sus: *Provided further*, That such amount is designated by

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

4 COVID-19 MULTI-STATE AGENCY FISCAL RELIEF FUND

5 For making payments to multi-State entities that are  
6 involved in the transportation of passengers or cargo and  
7 are suffering revenue losses due to the Coronavirus Dis-  
8 ease 2019 (COVID–19) pandemic, \$100,000,000, to re-  
9 main available until expended, which shall be in addition  
10 to any other amounts available for making payments to  
11 States, metropolitan cities, counties, and other units of  
12 state and general local government (including payments  
13 made under section 601 of the Social Security Act), and  
14 which shall be paid directly to multi-State entities (as that  
15 term is used in 15 U.S.C. 9041(10)(D)) for use by multi-  
16 State entities: *Provided*, That the funds provided under  
17 this paragraph shall be allocated to a multi-State entity  
18 that is an eligible issuer and multi-State entity under the  
19 terms set forth by the Federal Reserve on June 3, 2020  
20 for the Municipal Liquidity Facility established by the  
21 Board of Governors of the Federal Reserve System: *Pro-*  
22 *vided further*, That such amounts shall be allocated by the  
23 Secretary of the Treasury proportionally to each multi-  
24 State entity covered under this paragraph based on an  
25 amount equal to the product obtained by multiplying the

1 total amount appropriated to the Secretary under this  
2 paragraph and the quotient obtained by dividing—

3 (1) the total gross operating revenue of the  
4 multi-State entity receiving funds for fiscal year  
5 2018; by

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

9 *Provided further*, That neither a State nor local govern-  
10 ment may serve as a pass-through for any amounts re-  
11 ceived by a multi-State entity: *Provided further*, That such  
12 sums shall be distributed directly by the Secretary to each  
13 multi-State entity not later than December 31, 2020: *Pro-*  
14 *vided further*, That such amount is designated by the Con-  
15 gress as being for an emergency requirement pursuant to  
16 section 251(b)(2)(A)(i) of the Balanced Budget and  
17 Emergency Deficit Control Act of 1985.

18 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

19 FUND PROGRAM ACCOUNT

20 For an additional amount for the “Community Devel-  
21 opment Financial Institutions Fund Program Account”,  
22 \$1,000,000,000, to prevent, prepare for, and respond to  
23 coronavirus, domestically or internationally: *Provided*,  
24 That the Community Development Financial Institutions  
25 Fund (CDFI) shall provide grants using a formula that

1 takes into account criteria such as certification status, fi-  
2 nancial and compliance performance, portfolio and balance  
3 sheet strength, and program capacity: *Provided further*,  
4 That not less than \$25,000,000 shall be for financial as-  
5 sistance, technical assistance, and training and outreach  
6 programs designed to benefit Native American, Native  
7 Hawaiian, and Alaska Native communities: *Provided fur-*  
8 *ther*, That the CDFI Fund shall make funds provided  
9 under this heading in this Act available to grantees not  
10 later than 60 days after the date of enactment of this Act:  
11 *Provided further*, That funds made available under this  
12 heading may be used for administrative expenses, includ-  
13 ing administration of CDFI Fund programs and the New  
14 Markets Tax Credit Program: *Provided further*, That such  
15 amount is designated by the Congress as being for an  
16 emergency requirement pursuant to section  
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
18 Deficit Control Act of 1985.

19 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

20 SERVICE

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 501. For an additional amount for fiscal year  
23 2021, and in addition to the amounts otherwise available  
24 to the Internal Revenue Service for the purposes specified  
25 in this section, \$359,000,000, to prevent, prepare for, and

1 respond to coronavirus, including for costs associated with  
2 the extended filing season: *Provided*, That such funds may  
3 be transferred by the Commissioner to the “Taxpayer  
4 Services”, “Enforcement”, or “Operations Support” ac-  
5 counts of the Internal Revenue Service for an additional  
6 amount to be used solely to prevent, prepare for, and re-  
7 spond to coronavirus, domestically or internationally: *Pro-*  
8 *vided further*, That the Committees on Appropriations of  
9 the House of Representatives and the Senate shall be noti-  
10 fied in advance of any such transfer: *Provided further*,  
11 That such transfer authority is in addition to any other  
12 transfer authority provided by law: *Provided further*, That  
13 not later than 30 days after the date of enactment of this  
14 Act, the Commissioner shall submit to the Committees on  
15 Appropriations of the House of Representatives and the  
16 Senate a spending plan and subsequent quarterly reports  
17 detailing the actual and expected expenditures of such  
18 funds: *Provided further*, That such amount is designated  
19 by the Congress as being for an emergency requirement  
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
21 et and Emergency Deficit Control Act of 1985.



1 THE JUDICIARY  
2 COURT OF APPEALS, DISTRICT COURTS, AND OTHER  
3 JUDICIAL SERVICES  
4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-  
6 penses”, \$25,000,000, to prevent, prepare for, and re-  
7 spond to coronavirus, domestically or internationally: *Pro-*  
8 *vided*, That such amount is designated by the Congress  
9 as being for an emergency requirement pursuant to sec-  
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
11 gency Deficit Control Act of 1985.

12 INDEPENDENT AGENCIES  
13 ELECTION ASSISTANCE COMMISSION  
14 ELECTION RESILIENCE GRANTS  
15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for payments by the Elec-  
17 tion Assistance Commission to States for contingency  
18 planning, preparation, and resilience of elections for Fed-  
19 eral office, \$3,600,000,000: *Provided*, That of the amount  
20 provided under this heading, up to \$5,000,000 may be  
21 transferred to and merged with “Election Assistance Com-  
22 mission—Salaries and Expenses”: *Provided further*, That  
23 such transfer authority is in addition to any other transfer  
24 authority provided by law: *Provided further*, That under  
25 this heading the term “State” means each of the 50

1 States, the District of Columbia, the Commonwealth of  
2 Puerto Rico, Guam, American Samoa, the United States  
3 Virgin Islands, and the Commonwealth of the Northern  
4 Mariana Islands: *Provided further*, That the amount of the  
5 payments made to a State under this heading shall be con-  
6 sistent with sections 101(d) and 103 of the Help America  
7 Vote Act of 2002 (52 U.S.C. 20903): *Provided further*,  
8 That not later than 30 days after the date of enactment  
9 of this Act, the Election Assistance Commission shall obli-  
10 gate the funds to States under this heading in this Act:  
11 *Provided further*, That not less than 50 percent of the  
12 amount of the payment made to a State under this head-  
13 ing in this Act shall be allocated in cash or in kind to  
14 the units of local government which are responsible for  
15 the administration of elections for Federal office in the  
16 State: *Provided further*, That such amount is designated  
17 by the Congress as being for an emergency requirement  
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
19 et and Emergency Deficit Control Act of 1985.

20 ADMINISTRATIVE PROVISION—ELECTION ASSISTANCE

21 COMMISSION

22 SEC. 502. (a) The last proviso under the heading  
23 “Election Assistance Commission—Election Security  
24 Grants” in the Financial Services and General Govern-  
25 ment Appropriations Act, 2020 (division C of Public Law

1 116–93; 133 Stat. 2461) shall not apply with respect to  
2 any payment made to a State using funds appropriated  
3 or otherwise made available to the Election Assistance  
4 Commission under the Coronavirus Aid, Relief, and Eco-  
5 nomic Security Act (Public Law 116–136).

6 (b) The first proviso under the heading “Election As-  
7 sistance Commission—Election Security Grants” in the  
8 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
9 lic Law 116–136) is amended by striking “within 20 days  
10 of each election in the 2020 Federal election cycle in that  
11 State,” and inserting “not later than October 30, 2021,”.

12 (c) The fourth proviso under the heading “Election  
13 Assistance Commission—Election Security Grants” in the  
14 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
15 lic Law 116–136) is amended by striking “December 31,  
16 2020” and inserting “September 30, 2021”.

17 (d) A State may elect to reallocate funds allocated  
18 under the heading “Election Assistance Commission—  
19 Election Security Grants” in the Coronavirus Aid, Relief,  
20 and Economic Security Act (Public Law 116–136) or  
21 under this heading in this Act as funds allocated under  
22 the heading “Election Assistance Commission—Election  
23 Security Grants” in the Financial Services and General  
24 Government Appropriations Act, 2020 (division C of Pub-  
25 lic Law 116–93; 133 Stat. 2461) that were spent to pre-

1 vent, prepare for, and respond to coronavirus, domestically  
2 or internationally, for the 2020 Federal election cycle; or  
3 funds allocated under the heading “Election Assistance  
4 Commission—Election Reform Program” in the Financial  
5 Services and Government Appropriations Act, 2018 (divi-  
6 sion E of Public Law 115–141) that were spent to pre-  
7 vent, prepare for, and respond to coronavirus, domestically  
8 or internationally, for the 2020 Federal election cycle.

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

12 (f) The amounts repurposed pursuant to this section  
13 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 des-  
16 igned by the Congress as an emergency requirement  
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
18 et and Emergency Deficit Control Act of 1985.

## 19 FEDERAL COMMUNICATIONS COMMISSION

### 20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-  
22 penses”, \$24,000,000, for implementing title VIII of the  
23 Communications Act of 1934 (47 U.S.C. 641 et seq.), as  
24 added by the Broadband DATA Act (Public Law 116–  
25 130): *Provided*, That such amount is designated by the

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

4 For an additional amount for “Salaries and Ex-  
5 penses”, \$200,000,000, to remain available until ex-  
6 pended, to prevent, prepare for, and respond to  
7 coronavirus, domestically or internationally, including to  
8 support efforts of health care providers to address  
9 coronavirus by providing telecommunications services, in-  
10 formation services, and devices necessary to enable the  
11 provision of telehealth services during an emergency pe-  
12 riod, as defined in section 1135(g)(1) of the Social Secu-  
13 rity Act (42 U.S.C. 1320b-5(g)(1)): *Provided*, That the  
14 Federal Communications Commission may rely on the  
15 rules of the Commission under part 54 of title 47, Code  
16 of Federal Regulations, in administering the amount pro-  
17 vided under the heading in this Act if the Commission de-  
18 termines that such administration is in the public interest:  
19 *Provided further*, That up to \$4,000,000 shall be used by  
20 the Office of Inspector General to audit and conduct inves-  
21 tigations of funds made available in this Act or in the  
22 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
23 lic Law 116–136) to the Federal Communications Com-  
24 mission for the provision of telehealth services during an  
25 emergency period, and that the Office of Inspector Gen-

1 eral shall report to the Committees on Appropriations of  
2 the House of Representatives and the Senate, the Com-  
3 mittee on Energy and Commerce of the House of Rep-  
4 resentatives, and the Committee on Commerce, Science,  
5 and Transportation of the Senate each month, until all  
6 emergency telehealth funding has been obligated, on the  
7 status of approved applications, pending applications, and  
8 rejected applications for such funding, and on rec-  
9 ommendations to improve the transparency and fairness  
10 of distribution of such funding: *Provided further*, That  
11 such amount is designated by the Congress as being for  
12 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                   EMERGENCY CONNECTIVITY FUND

16       For an additional amount for the “Emergency  
17 Connectivity Fund”, \$12,000,000,000, to remain available  
18 until September 30, 2022, to prevent, prepare for, and re-  
19 spond to coronavirus, domestically or internationally,  
20 through the provision of funding for Wi-fi hotspots, other  
21 equipment, connected devices, and advanced telecommuni-  
22 cations and information services to schools and libraries  
23 as authorized in section 201 of division M of this Act: *Pro-*  
24 *vided*, That such amount is designated by the Congress  
25 as being for an emergency requirement pursuant to sec-

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

3 EMERGENCY BROADBAND CONNECTIVITY FUND

4 For an additional amount for the “Emergency  
5 Broadband Connectivity Fund”, \$3,000,000,000, to pre-  
6 vent, prepare for, and respond to coronavirus, domestically  
7 or internationally, through the provision of an emergency  
8 benefit for broadband service as authorized in section 301  
9 of division M of this Act: *Provided*, That such amount is  
10 designated by the Congress as being for an emergency re-  
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
12 anced Budget and Emergency Deficit Control Act of 1985.

13 GENERAL SERVICES ADMINISTRATION

14 TECHNOLOGY MODERNIZATION FUND

15 For an additional amount for the “Technology Mod-  
16 ernization Fund”, \$1,000,000,000, to remain available  
17 until September 30, 2022, for technology-related mod-  
18 ernization activities to prevent, prepare for, and respond  
19 to coronavirus, domestically or internationally: *Provided*,  
20 That such amount is designated by the Congress as being  
21 for an emergency requirement pursuant to section  
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.

1 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
2 RECORDS CENTER REVOLVING FUND

3 For an additional amount for the “Records Center  
4 Revolving Fund” for the Federal Record Centers Pro-  
5 gram, \$92,000,000, to prevent, prepare for, and respond  
6 to coronavirus, domestically or internationally, which shall  
7 be for offsetting the loss resulting from the coronavirus  
8 pandemic of the user charges collected by such Fund pur-  
9 suant to subsection (c) under the heading “Records Center  
10 Revolving Fund” in Public Law 106–58, as amended (44  
11 U.S.C. 2901 note): *Provided*, That the amount provided  
12 under this heading in this Act may be used to reimburse  
13 the Fund for obligations incurred for this purpose prior  
14 to the date of the enactment of this Act: *Provided further*,  
15 That such amount is provided without regard to the limi-  
16 tation in subsection (d) under the heading “Records Cen-  
17 ter Revolving Fund” in Public Law 106–58, as amended  
18 (44 U.S.C. 2901 note): *Provided further*, That such  
19 amount is designated by the Congress as being for an  
20 emergency requirement pursuant to section  
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
22 Deficit Control Act of 1985.



## 1 OFFICE OF PERSONNEL MANAGEMENT

## 2 OFFICE OF INSPECTOR GENERAL

## 3 SALARIES AND EXPENSES

4 For an additional amount for “Salaries and Ex-  
5 penses”, \$1,000,000, to remain available until expended  
6 to prevent, prepare for, and respond to coronavirus, do-  
7 mestically or internationally: *Provided*, That such amount  
8 is designated by the Congress as being for an emergency  
9 requirement pursuant to section 251(b)(2)(A)(i) of the  
10 Balanced Budget and Emergency Deficit Control Act of  
11 1985.

## 12 SMALL BUSINESS ADMINISTRATION

## 13 EMERGENCY EIDL GRANTS

14 For an additional amount for “Emergency EIDL  
15 Grants” for the cost of emergency EIDL grants author-  
16 ized by section 1110 of division A of the CARES Act  
17 (Public Law 116–136), \$50,000,000,000, to remain avail-  
18 able until expended, to prevent, prepare for, and respond  
19 to coronavirus, domestically or internationally: *Provided*,  
20 That of the amount provided under this heading in this  
21 Act, \$40,000,000,000 shall be for carrying out subsection  
22 (i) of such section 1110: *Provided further*, That such  
23 amount is designated by the Congress as being for an  
24 emergency requirement pursuant to section

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

3 ADMINISTRATIVE PROVISION—SMALL BUSINESS

4 ADMINISTRATION

5 SEC. 503. For fiscal year 2021, commitments for  
6 general business loans authorized under paragraphs (1)  
7 through (35) of section 7(a) of the Small Business Act  
8 (15 U.S.C. 636(a)) shall not exceed \$75,000,000,000 for  
9 a combination of amortizing term loans and the aggre-  
10 gated maximum line of credit provided by revolving loans.

11 UNITED STATES POSTAL SERVICE

12 PAYMENT TO POSTAL SERVICE FUND

13 For an additional payment to the “Postal Service  
14 Fund”, for revenue forgone due to coronavirus,  
15 \$15,000,000,000, to remain available until September 30,  
16 2022: *Provided*, That the Postal Service, during the  
17 coronavirus emergency, shall prioritize the purchase of,  
18 and make available to all Postal Service employees and  
19 facilities, personal protective equipment, including gloves,  
20 masks, and sanitizers, and shall conduct additional clean-  
21 ing and sanitizing of Postal Service facilities and delivery  
22 vehicles: *Provided further*, That such amount is designated  
23 by the Congress as being for an emergency requirement  
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
25 et and Emergency Deficit Control Act of 1985.

## 1 OFFICE OF INSPECTOR GENERAL

## 2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-  
4 penses”, \$15,000,000, to remain available until expended,  
5 to prevent, prepare for, and respond to coronavirus, do-  
6 mestically or internationally: *Provided*, That such amount  
7 is designated by the Congress as being for an emergency  
8 requirement pursuant to section 251(b)(2)(A)(i) of the  
9 Balanced Budget and Emergency Deficit Control Act of  
10 1985.

## 11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 504. (a) OVERSIGHT OF COVERED FUNDS.—  
13 The matter preceding the first proviso under the heading  
14 “Independent Agencies—Pandemic Response Account-  
15 ability Committee” in title V of division B of the CARES  
16 Act (Public Law 116–136) is amended by striking “funds  
17 provided in this Act to prevent, prepare for, and respond  
18 to coronavirus, domestically or internationally” and insert-  
19 ing “‘covered funds’, as that term is defined in section  
20 15010 of this Act”.

21 (b) DEFINITION OF COVERED FUNDS.—Section  
22 15010(a)(6) of division B of the Coronavirus, Aid, Relief,  
23 and Economic Security Act (Public Law 116–136) is  
24 amended—

1 (1) in subparagraph (A), by striking “this Act”  
2 and inserting “the Coronavirus Aid, Relief, and Eco-  
3 nomic Security Act (divisions A and B) (Public Law  
4 116–136)”;

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

6 “(D) the Paycheck Protection Program  
7 and Health Care Enhancement Act (Public Law  
8 116–139);

9 “(E) all divisions of this Act; or

10 “(F) The Heroes Act; and”.

11 (c) APPOINTMENT OF CHAIRPERSON.—Section  
12 15010(c) of division B of the Coronavirus Aid, Relief, and  
13 Economic Security Act (Public Law 116–136) is amend-  
14 ed—

15 (1) in paragraph (1), by striking “and (D)”  
16 and inserting “(D), and (E)”;

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

19 (d) RETROACTIVE REPORTING ON LARGE COVERED  
20 FUNDS.—

21 (1) DEFINITIONS.—In this subsection, the  
22 terms “agency” and “large covered funds” have the  
23 meanings given those terms in section 15011 of divi-  
24 sion B of the Coronavirus, Aid, Relief, and Eco-  
25 nomic Security Act (Public Law 116–136).

1 (2) GUIDANCE.—

2 (A) IN GENERAL.—Not later than 14 days  
3 after the date of enactment of this Act, the Di-  
4 rector of the Office of Management and Budget  
5 shall issue guidance for agencies to ensure the  
6 collection and timely reporting for the obliga-  
7 tion and expenditure of large covered funds  
8 under division A of the CARES Act (Public  
9 Law 116–136) on and after the date of enact-  
10 ment of that Act.

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

23 (C) RULE OF CONSTRUCTION.—Nothing in  
24 this subsection shall be construed to affect the  
25 deadlines for reporting under section 15011 of

1 division B of the CARES Act (Public Law 116–  
2 136) relating to large covered funds that have  
3 been expended or obligated under divisions A or  
4 B of such Act, on or after the date of enact-  
5 ment of this Act.

6 (c) DESIGNATION.—Amounts repurposed under this  
7 section that were previously designated by the Congress,  
8 respectively, as an emergency requirement or as being for  
9 disaster relief pursuant to the Balanced Budget and  
10 Emergency Deficit Control Act are designated by the Con-  
11 gress as being for an emergency requirement pursuant to  
12 section 251(b)(2)(A)(i) of the Balanced Budget and  
13 Emergency Deficit Control Act of 1985 or as being for  
14 disaster relief pursuant to section 251(b)(2)(D) of the  
15 Balanced Budget and Emergency Deficit Control Act of  
16 1985.

17 SEC. 505. Title V of division B of the CARES Act  
18 (Public Law 116–136) is amended by striking the fifth  
19 proviso under the heading “General Services Administra-  
20 tion—Real Property Activities—Federal Buildings  
21 Fund”: *Provided*, That the amounts repurposed pursuant  
22 to this section that were previously designated by the Con-  
23 gress as an emergency requirement pursuant to the Bal-  
24 anced Budget and Emergency Deficit Control Act of 1985  
25 are designated by the Congress as 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 VI

4 HOMELAND SECURITY

5 OFFICE OF INSPECTOR GENERAL

6 OPERATIONS AND SUPPORT

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

17 FEDERAL EMERGENCY MANAGEMENT AGENCY

18 FEDERAL ASSISTANCE

19 For an additional amount for “Federal Assistance”,  
20 \$1,300,000,000, to prevent, prepare for, and respond to  
21 coronavirus, of which \$500,000,000 shall be for Assist-  
22 ance to Firefighter Grants for the purchase of personal  
23 protective equipment and related supplies, mental health  
24 evaluations, training, and temporary infectious disease de-  
25 contamination or sanitizing facilities and equipment; of

1 which \$500,000,000 shall be for Staffing for Adequate  
2 Fire and Emergency Response Grants; of which  
3 \$100,000,000 shall be for Emergency Management Per-  
4 formance Grants; and of which \$200,000,000 shall be for  
5 the Emergency Food and Shelter Program: *Provided*,  
6 That such amount is designated by the Congress as being  
7 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 GENERAL PROVISIONS—THIS TITLE

11 SEC. 601. Notwithstanding any other provision of  
12 law, funds made available in this Act for “Federal Emer-  
13 gency Management Agency—Federal Assistance” in this  
14 Act shall only be used for the purposes specifically de-  
15 scribed under that heading.

16 SEC. 602. (a) Subsections (c)(2) and (k) of section  
17 33 of the Federal Fire Prevention and Control Act of 1974  
18 (15 U.S.C. 2229) shall not apply to amounts appropriated  
19 for “Federal Emergency Management Agency—Federal  
20 Assistance” for Assistance to Firefighter Grants in this  
21 Act.

22 (b) Subsection (k) of section 33 of the Federal Fire  
23 Prevention and Control Act of 1974 (15 U.S.C. 2229)  
24 shall not apply to amounts provided for “Federal Emer-  
25 gency Management Agency—Federal Assistance” for As-



1 sistance to Firefighter Grants in title III of division D  
2 of Public Law 116–93 and in title VI of division B of Pub-  
3 lic Law 116–136.

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

14 SEC. 603. Subsections (a)(1)(A), (a)(1)(B),  
15 (a)(1)(E), (c)(1), (c)(2), and (c)(4) of section 34 of the  
16 Federal Fire Prevention and Control Act of 1974 (15  
17 U.S.C. 2229a) shall not apply to amounts appropriated  
18 for “Federal Emergency Management Agency—Federal  
19 Assistance” for Staffing for Adequate Fire and Emer-  
20 gency Response Grants in this Act and in division D, title  
21 III of the Consolidated Appropriations Act, 2020 (Public  
22 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  
9 wildlife inspections, interdictions, and investigations and  
10 for domestic and international efforts to address wildlife  
11 trafficking; and of which \$30,000,000 shall be for the care  
12 of captive species listed under the Endangered Species  
13 Act, rescued and confiscated wildlife, and other Federally-  
14 owned animals in facilities experiencing lost revenues due  
15 to the coronavirus: *Provided*, That such amount is des-  
16 ignated by the Congress as being for an emergency re-  
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
18 anced Budget and 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  
23 by the 9/11 Memorial Act (Public Law 115–413), to pre-  
24 vent, prepare for, and respond to coronavirus. *Provided*,  
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 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 em-  
13 ployee salaries to maintain operations, and cleaning  
14 and sanitization of Tribally owned and operated fa-  
15 cilities; and

16 (3) \$20,000,000 shall be used to provide and  
17 deliver potable water:

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

1 mittees on Appropriations of the House of Representatives  
2 and the Senate quarterly on the obligations and expendi-  
3 tures of the funds provided by this Act: *Provided further*,  
4 That assistance received herein shall not be included in  
5 the calculation of funds received by those Tribal govern-  
6 ments who participate in the “Small and Needy” program:  
7 *Provided further*, That such amounts, if transferred to In-  
8 dian Tribes and Tribal organizations under the Indian  
9 Self-Determination and Education Assistance Act (1) will  
10 be transferred on a one-time basis, (2) are non-recurring  
11 funds that are not part of the amount required by 25  
12 U.S.C. 5325, and (3) may only be used for the purposes  
13 identified under this heading in this Act, notwithstanding  
14 any other provision of law: *Provided further*, That section  
15 1308 of this Act shall not apply to tribal contracts entered  
16 into by the Bureau of Indian Affairs with this appropria-  
17 tion: *Provided further*, That such amount is designated by  
18 the Congress as being for an emergency requirement pur-  
19 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
20 and Emergency 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 tories”, \$1,000,000,000, to remain available until ex-

1 pending, to prevent, prepare for, respond to, and recover  
2 from coronavirus, of which (1) \$993,000,000 is for Capital  
3 Improvement Project grants for hospitals and other crit-  
4 ical infrastructure; and (2) \$7,000,000 is for territorial  
5 assistance, including general technical assistance: *Pro-*  
6 *vided*, That any appropriation for disaster assistance  
7 under this heading in this Act or previous appropriations  
8 Acts may be used as non-Federal matching funds for the  
9 purpose of hazard mitigation grants provided pursuant to  
10 section 404 of the Robert T. Stafford Disaster Relief and  
11 Emergency Assistance Act (42 U.S.C. 5170c): *Provided*  
12 *further*, That amounts repurposed pursuant to this section  
13 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 des-  
16 igned by the Congress as an emergency requirement  
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
18 et and Emergency Deficit Control Act of 1985: *Provided*  
19 *further*, That such amount is designated by the Congress  
20 as being for an emergency requirement pursuant to sec-  
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985.

## 1 OFFICE OF INSPECTOR GENERAL

## 2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-  
4 penses”, \$5,000,000, to remain available until expended:  
5 *Provided*, That such amount is designated by the Congress  
6 as being for an emergency requirement pursuant to sec-  
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
8 gency Deficit Control Act of 1985.

## 9 ENVIRONMENTAL PROTECTION AGENCY

## 10 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

11 For an additional amount for “Environmental Pro-  
12 grams and Management”, \$50,000,000, for environmental  
13 justice grants as described in section 302 of division U  
14 of this Act: *Provided*, That such amounts shall be in addi-  
15 tion to any other amounts available for such purposes:  
16 *Provided further*, That such amount is designated 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.

## 20 DEPARTMENT OF HEALTH AND HUMAN

## 21 SERVICES

## 22 INDIAN HEALTH SERVICE

## 23 INDIAN HEALTH SERVICES

24 For an additional amount for “Indian Health Serv-  
25 ices”, \$1,734,000,000, to remain available until expended,

1 to prevent, prepare for, respond to, and provide health  
2 services related to coronavirus, of which—

3 (1) \$1,000,000,000 shall be used to supplement  
4 reduced third party revenue collections;

5 (2) \$500,000,000 shall be used for direct health  
6 and telehealth services, including to purchase sup-  
7 plies and personal protective equipment;

8 (3) \$140,000,000 shall be used to expand  
9 broadband infrastructure and information tech-  
10 nology for telehealth and electronic health record  
11 system purposes;

12 (4) \$20,000,000 shall be used to address the  
13 needs of domestic violence victims and homeless indi-  
14 viduals and families;

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

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

19 *Provided*, That such funds shall be allocated at the discre-  
20 tion of the Director of the Indian Health Service, and shall  
21 be in addition to any other amounts available for such pur-  
22 poses: *Provided further*, That such amounts, if transferred  
23 to Tribes and Tribal organizations under the Indian Self-  
24 Determination and Education Assistance Act, will be  
25 transferred on a one-time basis and that these non-recur-

1 ring funds are not part of the amount required by section  
2 106 of the Indian Self-Determination and Education As-  
3 sistance Act (25 U.S.C. 5325), and that such amounts  
4 may only be used for the purposes identified under this  
5 heading notwithstanding any other provision of law: *Pro-*  
6 *vided further*, That none of the funds appropriated under  
7 this heading in this Act for telehealth broadband activities  
8 shall be available for obligation until 3 days after the In-  
9 dian Health Service provides to the Committees on Appro-  
10 priations of the House of Representatives and the Senate,  
11 a detailed spend plan that includes the cost, location, and  
12 expected completion date of each activity: *Provided fur-*  
13 *ther*, That the Indian Health Service shall notify the Com-  
14 mittees on Appropriations of the House of Representatives  
15 and the Senate quarterly on the obligations and expendi-  
16 tures of the funds provided by this Act: *Provided further*,  
17 That section 1308 of this Act shall not apply to tribal con-  
18 tracts entered into by the Bureau of Indian Affairs with  
19 this appropriation: *Provided further*, That such amount is  
20 designated by the Congress as being for an emergency re-  
21 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
22 anced Budget and Emergency Deficit Control Act of 1985.

23 INDIAN HEALTH FACILITIES

24 For an additional amount for “Indian Health Facili-  
25 ties”, \$600,000,000, to prevent, prepare for, and respond



1 to coronavirus, to modify existing health facilities to pro-  
2 vide isolation or quarantine space, to purchase and install  
3 updated equipment necessary, and for maintenance and  
4 improvement projects necessary to the purposes specified  
5 in this Act: *Provided*, That such amounts may be used  
6 to supplement amounts otherwise available for such pur-  
7 poses under “Indian Health Facilities”: *Provided further*,  
8 That such amounts shall be in addition to any other  
9 amounts available for such purposes: *Provided further*,  
10 That such amounts, if transferred to Tribes and Tribal  
11 organizations under the Indian Self-Determination and  
12 Education Assistance Act, will be transferred on a one-  
13 time basis and that these non-recurring funds are not part  
14 of the amount required by section 106 of the Indian Self-  
15 Determination and Education Assistance Act (25 U.S.C.  
16 5325), and that such amounts may only be used for the  
17 purposes identified under this heading notwithstanding  
18 any other provision of law: *Provided further*, That the In-  
19 dian Health Service shall notify the Committees on Appro-  
20 priations of the House of Representatives and the Senate  
21 quarterly on the obligations and expenditures of the funds  
22 provided by this Act: *Provided further*, That section 1308  
23 of this Act shall not apply to tribal contracts entered into  
24 by the Bureau of Indian Affairs with this appropriation:  
25 *Provided further*, That such amount is designated by the

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES  
5 NATIONAL ENDOWMENT FOR THE ARTS  
6 GRANTS AND ADMINISTRATION

7 For an additional amount for “Grants and Adminis-  
8 tration”, \$135,000,000, for grants to respond to the im-  
9 pacts of coronavirus: *Provided*, That such funds are avail-  
10 able under the same terms and conditions as grant fund-  
11 ing appropriated to this heading in Public Law 116–94:  
12 *Provided further*, That 40 percent of the funds made avail-  
13 able under this heading in this Act shall be distributed  
14 to State arts agencies and regional arts organizations and  
15 60 percent of such funds shall be for direct grants: *Pro-*  
16 *vided further*, That notwithstanding any other provision  
17 of law, such funds may also be used by the recipients of  
18 such grants for purposes of the general operations of such  
19 recipients: *Provided further*, That the matching require-  
20 ments under subsections (e), (g)(4)(A), and (p)(3) of sec-  
21 tion 5 of the National Foundation on the Arts and Hu-  
22 manities Act of 1965 (20 U.S.C. 954) may be waived with  
23 respect to such grants: *Provided further*, That such  
24 amount is designated by the Congress as being for an  
25 emergency requirement pursuant to section

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

3 NATIONAL ENDOWMENT FOR THE HUMANITIES

4 GRANTS AND ADMINISTRATION

5 For an additional amount for “Grants and Adminis-  
6 tration”, \$135,000,000, for grants to respond to the im-  
7 pacts of coronavirus: *Provided*, That such funds are avail-  
8 able under the same terms and conditions as grant fund-  
9 ing appropriated to this heading in Public Law 116–94:  
10 *Provided further*, That 40 percent of the funds made avail-  
11 able under this heading in this Act shall be distributed  
12 to state humanities councils and 60 percent of such funds  
13 shall be for direct grants: *Provided further*, That notwith-  
14 standing any other provision of law, such funds may also  
15 be used by the recipients of such grants for purposes of  
16 the general operations of such recipients: *Provided further*,  
17 That the matching requirements under subsection  
18 (h)(2)(A) of section 7 of the National Foundation on the  
19 Arts and Humanities Act of 1965 may be waived with re-  
20 spect to such grants: *Provided further*, That such amount  
21 is designated by the Congress as being for an emergency  
22 requirement pursuant to section 251(b)(2)(A)(i) of the  
23 Balanced Budget and Emergency Deficit Control Act of  
24 1985.

1 TITLE VIII  
2 DEPARTMENTS OF LABOR, HEALTH AND  
3 HUMAN SERVICES, AND EDUCATION, AND  
4 RELATED 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,  
11 and respond to coronavirus, of which \$15,000,000 shall  
12 be transferred to “Program Administration” to carry out  
13 activities in this Act, Public Law 116–127 and Public Law  
14 116–136 for full-time equivalent employees, information  
15 technology upgrades needed to expedite payments and  
16 support implementation, including to expedite policy guid-  
17 ance and disbursement of funds, technical assistance and  
18 other assistance to States and territories to speed payment  
19 of Federal and State unemployment benefits, and of which  
20 the remaining amounts shall be used to carry out activities  
21 under the Workforce Innovation and Opportunity Act (re-  
22 ferred to in 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-

1 the-job training, individualized career services, sup-  
2 portive services, needs-related payments, and to fa-  
3 cilitate remote access to training services provided  
4 through a one-stop delivery system through the use  
5 of technology: *Provided*, That an adult shall not be  
6 required to meet the requirements of section  
7 134(c)(3)(B) of the WIOA: *Provided further*, That  
8 an adult who meets the requirements described in  
9 section 2102(a)(3)(A) of Public Law 116–136 may  
10 be eligible for participation: *Provided further*, That  
11 priority may be given to individuals who are ad-  
12 versely impacted by economic changes due to the  
13 coronavirus, including individuals seeking employ-  
14 ment, dislocated workers, individuals with barriers to  
15 employment, individuals who are unemployed, or in-  
16 dividuals who 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 eligi-  
24 ble for participation as an out-of-school youth if they  
25 meet the requirements of clauses (i) and (ii) of sec-

1       tion 129(a)(1)(B) or as in-school youth if they meet  
2       the requirements 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: *Pro-*  
6       *vided further*, That funds shall support employer  
7       partnerships for youth employment and subsidized  
8       employment, and partnerships with community-  
9       based organizations 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,  
15       and to facilitate remote access to training services  
16       provided through a one-stop delivery system through  
17       the use of technology: *Provided*, That a dislocated  
18       worker shall not be required to meet the require-  
19       ments of section 134(c)(3)(B) of the WIOA: *Pro-*  
20       *vided further*, That a dislocated worker who meets  
21       the requirements described in section 2102(a)(3)(A)  
22       of Public Law 116–136 may be eligible for participa-  
23       tion;

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

1           (5) \$25,000,000 for migrant and seasonal  
2 farmworker programs under section 167 of the  
3 WIOA, including emergency supportive services of  
4 which no less than \$500,000 shall be for the collec-  
5 tion and dissemination of electronic and printed ma-  
6 terials related to coronavirus to the migrant and sea-  
7 sonal farmworker population nationwide, including  
8 Puerto Rico, through a cooperative agreement, and  
9 of which \$1,000,000 shall be for migrant and sea-  
10 sonal farmworker housing:

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

15 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
16 SERVICE OPERATIONS

17 For an additional amount for “State Unemployment  
18 Insurance and Employment Service Operations”,  
19 \$538,500,000, to prevent, prepare for, and respond to  
20 coronavirus, which may be expended from the Employ-  
21 ment Security Administration Account in the Unemploy-  
22 ment Trust Fund (“The Trust Fund”), of which:

23           (1) \$38,500,000 from the Trust Fund is for na-  
24 tional activities necessary to support the administra-

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 sec-  
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
9 gency 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, par-  
19 ticularly low-wage workers, aware of their rights under di-  
20 vision C and division E of Public Law 116–127 and this  
21 Act: *Provided further*, That such amount is designated by  
22 the Congress as being for an emergency requirement pur-  
23 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
24 and Emergency Deficit Control Act of 1985.



1 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  
8 shall 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: *Pro-*  
15 *vided*, That activities to protect workers from coronavirus  
16 supported by funds provided under this heading includes  
17 additional enforcement of standards and directives ref-  
18 erenced in the preceding proviso at slaughterhouses, poul-  
19 try processing plants, and agricultural workplaces: *Pro-*  
20 *vided further*, That within 15 days of the date of enact-  
21 ment of this Act, the Secretary of Labor shall submit a  
22 spending and hiring plan for the funds made available  
23 under this heading, and a monthly staffing report until  
24 all funds are expended, to the Committees on Appropria-  
25 tions of the House of Representatives and the Senate: *Pro-*

1 *vided further*, That within 15 days of the date of enact-  
2 ment of this Act, the Secretary of Labor shall submit a  
3 plan for the additional enforcement activities described in  
4 the third proviso to the Committees on Appropriations of  
5 the House of Representatives and the Senate: *Provided*  
6 *further*, That such amount is designated by the Congress  
7 as being for an emergency requirement pursuant to sec-  
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
9 gency Deficit Control Act of 1985.

10 OFFICE OF INSPECTOR GENERAL

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

18 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF LABOR

19 SEC. 801. (a) There is hereby appropriated for an  
20 additional amount for fiscal year 2021 for “Department  
21 of Labor—Employment Training Administration—State  
22 Unemployment Insurance and Employment Service Oper-  
23 ations”, \$28,600,000, to be expended from the Employ-  
24 ment Security Administration Account in the Unemploy-  
25 ment Trust Fund (“the Trust Fund”) to carry out title

1 III of the Social Security Act: *Provided*, That such amount  
2 shall only become available for obligation if the Average  
3 Weekly Insured Unemployment (“AWIU”) for fiscal year  
4 2021 is projected, by the Department of Labor during fis-  
5 cal year 2021 to exceed 1,728,000: *Provided further*, That  
6 to the extent that the AWIU for fiscal year 2021 is pro-  
7 jected by the Department of Labor to exceed 1,728,000,  
8 an additional \$28,600,000 from the Trust Fund shall be  
9 made available for obligation during fiscal year 2021 for  
10 every 100,000 increase in the AWIU level (including a pro-  
11 rata amount for any increment less than 100,000): *Pro-*  
12 *vided further*, That, except as specified in this section,  
13 amounts provided herein shall be available under the same  
14 authority and conditions applicable to funds provided to  
15 carry out title III of the Social Security Act under the  
16 heading “Department of Labor—Employment Training  
17 Administration—State Unemployment Insurance and Em-  
18 ployment Service Operations” in division A of Public Law  
19 116–94: *Provided further*, That such amounts shall be in  
20 addition to any other funds made available in any fiscal  
21 year for such purposes: *Provided further*, That such  
22 amount is designated by the Congress as being for an  
23 emergency requirement pursuant to section  
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
25 Deficit Control Act of 1985.

1 (b)(1) Section 101(8) of the Continuing Appropria-  
2 tions Act, 2021 (division A of H.R. 8337 of the 116th  
3 Congress), is amended by inserting “except the first pro-  
4 viso following paragraph (6) under the heading ‘Depart-  
5 ment of Labor—State Unemployment Insurance and Em-  
6 ployment Service Operations’” before the period.

7 (2) Any obligations and expenditures made for  
8 projects or activities described in this section before  
9 the date of enactment of this Act pursuant to the  
10 first proviso following paragraph (6) under the head-  
11 ing “Department of Labor—State Unemployment  
12 Insurance and Employment Service Operations” as  
13 provided by section 101 of the Continuing Appropria-  
14 tions Act, 2021 shall be charged to the appro-  
15 priation provided by this section, consistent with sec-  
16 tion 107 of the Continuing Appropriations Act,  
17 2021.

18 SEC. 802. (a) Any funds made available under this  
19 Act to support or fund apprenticeship programs shall only  
20 be used for, or provided to, apprenticeship programs as  
21 defined in subsection (b) of this section, including any  
22 funds awarded for the purposes of grants, contracts, or  
23 cooperative agreements, or the development, implementa-  
24 tion, or administration, of an apprenticeship program.

1 (b) The term “apprenticeship” means an apprentice-  
2 ship program registered under the Act of August 16, 1937  
3 (commonly known as the “National Apprenticeship Act”)  
4 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) and  
5 that complies with the requirements of subpart A of part  
6 29, Code of Federal Regulations, and part 30 of such title  
7 (as in effect on September 30, 2020).

8 DEPARTMENT OF HEALTH AND HUMAN  
9 SERVICES

10 HEALTH RESOURCES AND SERVICES ADMINISTRATION

11 PRIMARY HEALTH CARE

12 For an additional amount for “Primary Health  
13 Care”, \$7,600,000,000, for necessary expenses to prevent,  
14 prepare for, and respond to coronavirus, for grants and  
15 cooperative agreements under the Health Centers Pro-  
16 gram, as defined by section 330 of the Public Health Serv-  
17 ice Act, and for grants to Federally qualified health cen-  
18 ters, as defined in section 1861(aa)(4)(B) of the Social  
19 Security Act, and for eligible entities under the Native Ha-  
20 waiian Health Care Improvement Act, including mainte-  
21 nance or expansion of health center and system capacity  
22 and staffing levels: *Provided*, That sections 330(r)(2)(B),  
23 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) shall not apply to  
24 funds provided under this heading in this Act: *Provided*  
25 *further*, That funds provided under this heading in this

1 Act may be used to (1) purchase equipment and supplies  
2 to conduct mobile testing for SARS-CoV-2 or COVID-  
3 19; (2) purchase and maintain mobile vehicles and equip-  
4 ment to conduct such testing; and (3) hire and train lab-  
5 oratory personnel and other staff to conduct such mobile  
6 testing: *Provided further*, That such amount is designated  
7 by the Congress as being for an emergency requirement  
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
9 et and Emergency Deficit Control Act of 1985.

#### 10 HEALTH WORKFORCE

11 For an additional amount for “Health Workforce”,  
12 \$1,000,000,000, to remain available until September 30,  
13 2022, to prevent, prepare for, and respond to coronavirus,  
14 of which \$800,000,000 shall be for carrying out title III  
15 of the Public Health Service Act with respect to the health  
16 workforce and \$200,000,000 shall be for carrying out sec-  
17 tion 846 of such Act: *Provided*, That of the amount made  
18 available under this heading in this Act for carrying out  
19 title III of the Public Health Service Act with respect to  
20 the health workforce, \$100,000,000 shall be made avail-  
21 able for purposes of providing public health services  
22 through a supplemental grant or grants to states currently  
23 participating in the NHSC State Loan Repayment Pro-  
24 gram notwithstanding section 338I(b) of the PHS Act, to  
25 make awards as authorized under section 338I(j) of the

1 Public Health Service (PHS) Act, and notwithstanding  
2 the health professional shortage area requirements under  
3 338I, the Secretary may develop rules needed to imple-  
4 ment this proviso: *Provided further*, That for purposes of  
5 the previous proviso, notwithstanding section 338I(d)(2)  
6 of the PHS Act, no more than 10 percent of funds made  
7 available in such supplemental grants may be used by the  
8 state for administration of the State Loan Repayment  
9 Program in that state: *Provided further*, That for the pur-  
10 poses of these funds, the term “primary health services”  
11 and “primary health care services” as referenced in sec-  
12 tion 338I of the PHS Act, includes public health services,  
13 as defined by the Secretary: *Provided further*, That such  
14 amount is designated by the Congress as being for an  
15 emergency requirement pursuant to section  
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

## 18 MATERNAL AND CHILD HEALTH

19 For an additional amount for “Maternal and Child  
20 Health”, \$500,000,000, to prevent, prepare for, and re-  
21 spond to coronavirus, for carrying out title V of the Social  
22 Security Act with respect to maternal and child health:  
23 *Provided*, That notwithstanding sections 502(a)(1) and  
24 502(b)(1) of the Social Security Act, such funds shall be  
25 available for awards to states and territories to carry out

1 special projects of regional and national significance pur-  
2 suant to section 501(a)(2) of such Act: *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 RYAN WHITE HIV/AIDS PROGRAM

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



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

5 CENTERS FOR DISEASE CONTROL AND PREVENTION

6 CDC–WIDE ACTIVITIES AND PROGRAM SUPPORT

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

1 ease detection and emergency response: *Provided further,*  
2 That of the amount provided under this heading in this  
3 Act, not less than \$200,000,000 shall be for public health  
4 data surveillance and analytics infrastructure moderniza-  
5 tion: *Provided further,* That of the amount made available  
6 under this heading in this Act, \$7,000,000,000 shall be  
7 for activities to plan, prepare for, promote, distribute, ad-  
8 minister, monitor, and track coronavirus vaccines, as de-  
9 scribed in section 703 of division K of this Act, to ensure  
10 broad-based distribution, access, and vaccine coverage:  
11 *Provided further,* That of the amount made available  
12 under this heading in this Act, \$1,000,000,000 shall be  
13 for necessary expenses for grants for an evidence-based  
14 public awareness campaign on the importance of vaccina-  
15 tions, as described in section 704 of division K of this Act:  
16 *Provided further,* That of the amount made available  
17 under this heading in this Act, \$2,000,000,000 shall be  
18 for necessary expenses for grants to State, local, Tribal,  
19 or territorial health departments to purchase or procure  
20 personal protective equipment and other workplace safety  
21 measures for use in containment and mitigation of  
22 COVID-19 transmission among essential workers, as well  
23 as provide funding to employers of essential workers for  
24 containment and mitigation of COVID-19 transmission  
25 among essential workers in their workplaces, as described

1 in section 651 of division K of this Act: *Provided further*,  
2 That of the amount made available under this heading in  
3 this Act, up to \$500,000,000 shall be for activities to plan,  
4 prepare for, promote, distribute, administer, monitor, and  
5 track seasonal influenza vaccines to ensure broad-based  
6 distribution, access, and vaccine coverage: *Provided fur-*  
7 *ther*, That funds made available under this heading in this  
8 Act may reimburse CDC obligations incurred for vaccine  
9 planning, preparation, promotion, and distribution prior  
10 to the enactment of this Act: *Provided further*, That the  
11 Director of CDC shall report to the Committees on Appro-  
12 priations of the House of Representatives and the Senate  
13 within 60 days of enactment of this Act on an enhanced  
14 seasonal influenza vaccination strategy to include nation-  
15 wide vaccination goals and specific actions that CDC will  
16 take to achieve such goals: *Provided further*, That funds  
17 appropriated under this heading in this Act for grants  
18 may be used for the rent, lease, purchase, acquisition, con-  
19 struction, alteration, or renovation of non-Federally owned  
20 facilities to improve preparedness and response capability  
21 at the State and local level: *Provided further*, That all con-  
22 struction, alteration, or renovation work, carried out, in  
23 whole or in part, with funds appropriated under this head-  
24 ing in this Act, or under this heading in the CARES Act  
25 (Public Law 116–136), shall be subject to the require-

1 ments of section 1621(b)(1)(I) of the Public Health Serv-  
2 ice Act (42 U.S.C. 300s–1(b)(1)(I)): *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 NATIONAL INSTITUTES OF HEALTH

8 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

9 DISEASES

10 For an additional amount for “National Institute of  
11 Allergy and Infectious Diseases”, \$500,000,000, to re-  
12 main available until September 30, 2024, to prevent, pre-  
13 pare for, and respond to coronavirus: *Provided*, That such  
14 amount is designated by the Congress as being for an  
15 emergency requirement pursuant to section  
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
17 Deficit Control Act of 1985.

18 NATIONAL INSTITUTE OF MENTAL HEALTH

19 For an additional amount for “National Institute of  
20 Mental Health”, \$200,000,000, to remain available until  
21 September 30, 2024, to prevent, prepare for, and respond  
22 to coronavirus: *Provided*, That such amount is designated  
23 by the Congress as being for an emergency requirement  
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
25 et and Emergency Deficit Control Act of 1985.

1 OFFICE OF THE DIRECTOR

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Office of the Direc-  
4 tor”, \$4,021,000,000, to remain available until September  
5 30, 2024, to prevent, prepare for, and respond to  
6 coronavirus, domestically or internationally: *Provided*,  
7 That not less than \$3,000,000,000 of the amount provided  
8 under this heading in this Act shall be for offsetting the  
9 costs related to reductions in lab productivity resulting  
10 from the coronavirus pandemic or public health measures  
11 related to the coronavirus pandemic: *Provided further*,  
12 That up to \$1,021,000,000 of the amount provided under  
13 this heading in this Act shall be to support additional sci-  
14 entific research or the programs and platforms that sup-  
15 port research: *Provided further*, That funds made available  
16 under this heading in this Act may be transferred to the  
17 accounts of the Institutes and Centers of the National In-  
18 stitutes of Health (“NIH”): *Provided further*, That this  
19 transfer authority is in addition to any other transfer au-  
20 thority available to the NIH: *Provided further*, That such  
21 amount is designated by the Congress as being for an  
22 emergency requirement pursuant to section  
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
24 Deficit Control Act of 1985.

## 1 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

## 2 ADMINISTRATION

## 3 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

4 For an additional amount for “Health Surveillance  
5 and Program Support”, \$8,500,000,000, to prevent, pre-  
6 pare for, and respond to coronavirus: *Provided*, That of  
7 the funds made available under this heading in this Act,  
8 \$3,500,000,000 shall be for grants for the substance  
9 abuse prevention and treatment block grant program  
10 under subpart II of part B of title XIX of the Public  
11 Health Service Act (“PHS Act”): *Provided further*, That  
12 of the funds made available under this heading in this Act,  
13 \$4,000,000,000 shall be for grants for the community  
14 mental health services block grant program under subpart  
15 I of part B of title XIX of the PHS Act: *Provided further*,  
16 That of the amount made available in the previous proviso,  
17 the Assistant Secretary is directed to provide no less than  
18 50 percent of funds directly to facilities defined in section  
19 1913(c) of the PHS Act: *Provided further*, That of the  
20 amount made available under this heading in this Act, not  
21 less than \$600,000,000 is available for Certified Commu-  
22 nity Behavioral Health Clinic Expansion Grant program:  
23 *Provided further*, That of the amount made available  
24 under this heading in this Act, not less than \$50,000,000  
25 shall be available for suicide prevention programs: *Pro-*

1 *vided further*, That of the funds made available under this  
2 heading in this Act, \$100,000,000 shall be for activities  
3 and services under Project AWARE: *Provided further*,  
4 That of the funds made available under this heading in  
5 this Act, \$10,000,000 shall be for the National Child  
6 Traumatic Stress Network: *Provided further*, That of the  
7 amount made available under this heading in this Act,  
8 \$240,000,000 is available for activities authorized under  
9 section 501(o) of the PHS Act: *Provided further*, That of  
10 the amount made available under this heading in this Act  
11 for specified programs, not less than \$150,000,000 shall  
12 be allocated to tribes, tribal organizations, urban Indian  
13 health organizations, or health or behavioral health service  
14 providers to tribes: *Provided further*, That with respect to  
15 the amount appropriated under this heading in this Act  
16 the Substance Abuse and Mental Health Services Admin-  
17 istration may waive requirements with respect to allowable  
18 activities, timelines, or reporting requirements for the  
19 Substance Abuse Prevention and Treatment Block Grant  
20 and the Community Mental Health Services Block Grant  
21 as deemed necessary to facilitate a grantee's response to  
22 coronavirus: *Provided further*, That such amount is des-  
23 igned by the Congress as being for an emergency re-  
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
25 anced Budget and Emergency Deficit Control Act of 1985.

## 1       CENTERS FOR MEDICARE &amp; MEDICAID SERVICES

## 2                                   PROGRAM MANAGEMENT

3       For an additional amount for “Program Manage-  
4 ment”, \$500,000,000, to prevent, prepare for, and re-  
5 spond to coronavirus, for State strike teams for resident  
6 and employee safety in skilled nursing facilities and nurs-  
7 ing facilities, including activities to support clinical care,  
8 infection control, and staffing pursuant to section 208 of  
9 division K of this Act: *Provided*, That such amount is des-  
10 ignated by the Congress as being for an emergency re-  
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
12 anced Budget and Emergency Deficit Control Act of 1985.

## 13       ADMINISTRATION FOR CHILDREN AND FAMILIES

## 14                                   LOW INCOME HOME ENERGY ASSISTANCE

15       For an additional amount for “Low Income Home  
16 Energy Assistance”, \$4,500,000,000, to prevent, prepare  
17 for, and respond to coronavirus, for making payments  
18 under subsection (b) of section 2602 of the Low-Income  
19 Home Energy Assistance Act of 1981 (42 U.S.C. 8621  
20 et seq.): *Provided*, That of the amount provided under this  
21 heading in this Act, \$2,250,000,000 shall be allocated as  
22 though the total appropriation for such payments for fiscal  
23 year 2021 was less than \$1,975,000,000: *Provided further*,  
24 That section 2607(b)(2)(B) of such Act (42 U.S.C.  
25 8626(b)(2)(B)) shall not apply to funds made available



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

6 PAYMENTS TO STATES FOR THE CHILD CARE AND  
7 DEVELOPMENT BLOCK GRANT

8 For an additional amount for “Payments to States  
9 for the Child Care and Development Block Grant”,  
10 \$7,000,000,000, to prevent, prepare for, and respond to  
11 coronavirus, including for Federal administrative ex-  
12 penses, which shall be used to supplement, not supplant  
13 State, Territory, and Tribal general revenue funds for  
14 child care assistance for low-income families within the  
15 United States (including territories) without regard to re-  
16 quirements in sections 658E(c)(3)(D)–(E) or section  
17 658G of the Child Care and Development Block Grant  
18 Act: *Provided*, That funds provided under this heading in  
19 this Act may be used for costs of providing relief from  
20 copayments and tuition payments for families and for pay-  
21 ing that portion of the child care provider’s cost ordinarily  
22 paid through family copayments, to provide continued pay-  
23 ments and assistance to child care providers in the case  
24 of decreased enrollment or closures related to coronavirus,  
25 and to ensure child care providers are able to remain open

1 or reopen as appropriate and applicable: *Provided further,*  
2 That States, Territories, and Tribes are encouraged to  
3 place conditions on payments to child care providers that  
4 ensure that child care providers use a portion of funds  
5 received to continue to pay the salaries and wages of staff:  
6 *Provided further,* That lead agencies shall, for the duration  
7 of the COVID–19 public health emergency, implement en-  
8 rollment and eligibility policies that support the fixed costs  
9 of providing child care services by delinking provider reim-  
10 bursement rates from an eligible child’s absence and a pro-  
11 vider’s closure due to the COVID–19 public health emer-  
12 gency: *Provided further,* That the Secretary shall remind  
13 States that CCDBG State plans do not need to be amend-  
14 ed prior to utilizing existing authorities in the Child Care  
15 and Development Block Grant Act for the purposes pro-  
16 vided herein: *Provided further,* That States, Territories,  
17 and Tribes are authorized to use funds appropriated under  
18 this heading in this Act to provide child care assistance  
19 to health care sector employees, emergency responders,  
20 sanitation workers, farmworkers, and other workers  
21 deemed essential during the response to coronavirus by  
22 public officials, without regard to the income eligibility re-  
23 quirements of section 658P(4) of such Act: *Provided fur-*  
24 *ther,* That funds appropriated under this heading in this  
25 Act shall be available to eligible child care providers under

1 section 658P(6) of the CCDBG Act, even if such providers  
2 were not receiving CCDBG assistance prior to the public  
3 health emergency as a result of the coronavirus, for the  
4 purposes of cleaning and sanitation, and other activities  
5 necessary to maintain or resume the operation of pro-  
6 grams: *Provided further*, That no later than 60 days after  
7 the date of enactment of this Act, each State, Territory,  
8 and Tribe that receives funding under this heading in this  
9 Act shall submit to the Secretary a report, in such manner  
10 as the Secretary may require, describing how the funds  
11 appropriated under this heading in this Act will be spent  
12 and that no later than 90 days after the date of enactment  
13 of this Act, the Secretary shall submit to the Committees  
14 on Appropriations of the House of Representatives and the  
15 Senate, the Committee on Education and Labor of the  
16 House of Representatives, and the Committee on Health,  
17 Education, Labor, and Pensions of the Senate a report  
18 summarizing such reports from the States, Territories,  
19 and Tribes: *Provided further*, That, no later than October  
20 31, 2021, each State, Territory, and Tribe that receives  
21 funding under this heading in this Act shall submit to the  
22 Secretary a report, in such manner as the Secretary may  
23 require, describing how the funds appropriated under this  
24 heading in this Act were spent and that no later than 60  
25 days after receiving such reports from the States, Terri-

1 tories, and Tribes, the Secretary shall submit to the Com-  
2 mittees on Appropriations of the House of Representatives  
3 and the Senate, the Committee on Education and Labor  
4 of the House of Representatives, and the Committee on  
5 Health, Education, Labor, and Pensions of the Senate a  
6 report summarizing such reports from the States, Terri-  
7 tories, and Tribes: *Provided further*, That payments made  
8 under this heading in this Act may be obligated in this  
9 fiscal year or the succeeding two fiscal years: *Provided fur-*  
10 *ther*, That funds appropriated under this heading in this  
11 Act may be made available to restore amounts, either di-  
12 rectly or through reimbursement, for obligations incurred  
13 to prevent, prepare for, and respond to coronavirus, prior  
14 to the date of enactment of this Act: *Provided further*,  
15 That such amount is designated by the Congress as being  
16 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.

19 For an additional amount for “Payments to States  
20 for the Child Care and Development Block Grant”,  
21 \$50,000,000,000, for necessary expenses to carry out the  
22 Child Care Stabilization Fund program, as authorized by  
23 section 803 of this Act: *Provided*, That such funds shall  
24 be available without regard to the requirements in sub-  
25 paragraphs (C) through (E) of section 658E(c)(3) or sec-

1 tion 658G of the Child Care and Development Block  
2 Grant Act: *Provided further*, That funds made available  
3 under this heading in this Act may be made available to  
4 restore amounts, either directly or through reimburse-  
5 ment, for obligations incurred prior to the date of enact-  
6 ment of this Act for the purposes provided herein: *Pro-*  
7 *vided further*, That such amount is designated by the Con-  
8 gress as being for an emergency requirement pursuant to  
9 section 251(b)(2)(A)(i) of the Balanced Budget and  
10 Emergency Deficit Control Act of 1985.

11 CHILD CARE STABILIZATION FUND

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

13 (1) CCDBG TERMS.—The terms “eligible child  
14 care provider”, “Indian tribe”, “lead agency”, “trib-  
15 al organization”, “Secretary”, and “State” have the  
16 meanings given the terms in section 658P of the  
17 Child Care and Development Block Grant Act of  
18 1990 (42 U.S.C. 9858n) except as otherwise pro-  
19 vided in this section.

20 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—  
21 The term “COVID–19 public health emergency”  
22 means the public health emergency declared by the  
23 Secretary of Health and Human Services under sec-  
24 tion 319 of the Public Health Service Act (42  
25 U.S.C. 247d) on January 31, 2020, with respect to

1 COVID–19, including any renewal of the declara-  
2 tion.

3 (b) GRANTS.—From the amounts appropriated to  
4 carry out this section and under the authority of section  
5 6580 of the Child Care and Development Block Grant Act  
6 of 1990 (42 U.S.C. 9858m) and this section, the Secretary  
7 shall award child care stabilization grants to the lead  
8 agency of each State (as defined in that section 6580),  
9 territory described in subsection (a)(1) of such section, In-  
10 dian tribe, and tribal organization from allotments and  
11 payments made under subsection (c)(2), not later than 30  
12 days after the date of enactment of this Act.

13 (c) SECRETARIAL RESERVATION AND ALLOT-  
14 MENTS.—

15 (1) RESERVATION.—The Secretary shall reserve  
16 not more than 1 percent of the funds appropriated  
17 to carry out this section for the Federal administra-  
18 tion of grants described in subsection (b). Amounts  
19 reserved by the Secretary for administrative ex-  
20 penses shall remain available until fiscal year 2024.

21 (2) ALLOTMENTS.—The Secretary shall use the  
22 remainder of the funds appropriated to carry out  
23 this section to award allotments to States, as defined  
24 in section 6580 of the Child Care Development  
25 Block Grant Act of 1990 (42 U.S.C. 9858m), and

1 payments to territories, Indian tribes, and tribal or-  
2 ganizations in accordance with paragraphs (1) and  
3 (2) of subsection (a), and subsection (b), of section  
4 6580 of the Child Care and Development Block  
5 Grant Act of 1990 (42 U.S.C. 9858m).

6 (d) STATE RESERVATIONS AND SUBGRANTS.—

7 (1) RESERVATION.—A lead agency for a State  
8 that receives a child care stabilization grant pursu-  
9 ant to subsection (b) shall reserve not more than 10  
10 percent of such grant funds—

11 (A) to administer subgrants made to quali-  
12 fied child care providers under paragraph (2),  
13 including to carry out data systems building  
14 and other activities that enable the disburse-  
15 ment of payments of such subgrants;

16 (B) to provide technical assistance and  
17 support in applying for and accessing the  
18 subgrant opportunity under paragraph (2), to  
19 eligible child care providers (including to family  
20 child care providers, group home child care pro-  
21 viders, and other non-center-based child care  
22 providers, providers in rural areas, and pro-  
23 viders with limited administrative capacity), ei-  
24 ther directly or through resource and referral  
25 agencies or staffed family child care networks;

1 (C) to publicize the availability of sub-  
2 grants under this section and conduct wide-  
3 spread outreach to eligible child care providers  
4 (including family child care providers, group  
5 home child care providers, and other non-cen-  
6 ter-based child care providers, providers in rural  
7 areas, and providers with limited administrative  
8 capacity), either directly or through resource  
9 and referral agencies or staffed family child  
10 care networks, to ensure eligible child care pro-  
11 viders are aware of the subgrants available  
12 under this section;

13 (D) to carry out the reporting require-  
14 ments described in subsection (f); and

15 (E) to carry out activities to improve the  
16 supply and quality of child care during and  
17 after the COVID–19 public health emergency,  
18 such as conducting community needs assess-  
19 ments, carrying out child care cost modeling,  
20 making improvements to child care facilities, in-  
21 creasing access to licensure or participation in  
22 the State’s tiered quality rating system, and  
23 carrying out other activities described in section  
24 658G(b) of the Child Care and Development  
25 Block Grant Act of 1990 (42 U.S.C. 9858e(b)),



1 to the extent that the lead agency can carry out  
2 activities described in this subparagraph with-  
3 out preventing the lead agency from fully con-  
4 ducting the activities described in subpara-  
5 graphs (A) through (D).

6 (2) SUBGRANTS TO QUALIFIED CHILD CARE  
7 PROVIDERS.—

8 (A) IN GENERAL.—The lead agency shall  
9 use the remainder of the grant funds awarded  
10 pursuant to subsection (b) to make subgrants  
11 to qualified child care providers described in  
12 subparagraph (B), to support the stability of  
13 the child care sector during and after the  
14 COVID–19 public health emergency and to en-  
15 sure the maintenance of a delivery system of  
16 child care services throughout the State that  
17 provides for child care in a variety of settings,  
18 including the settings of family child care pro-  
19 viders, and for a variety of ages, including care  
20 for infants and toddlers. The lead agency shall  
21 provide the subgrant funds in advance of pro-  
22 vider expenditures for costs described in sub-  
23 section (e), except as provided in subsection  
24 (e)(2).

1 (B) QUALIFIED CHILD CARE PROVIDER.—

2 To be qualified to receive a subgrant under this  
3 paragraph, a provider shall be an eligible child  
4 care provider that—

5 (i) was providing child care services  
6 on or before March 1, 2020; and

7 (ii) on the date of submission of an  
8 application for the subgrant, was either—

9 (I) open and available to provide  
10 child care services; or

11 (II) closed due to the COVID–19  
12 public health emergency.

13 (C) SUBGRANT AMOUNT.—The lead agency  
14 shall make subgrants, from amounts awarded  
15 pursuant to subsection (b), to qualified child  
16 care providers, and the amount of such a  
17 subgrant to such a provider shall—

18 (i) be based on the provider’s stated  
19 average operating expenses during the pe-  
20 riod (of not longer than 6 months) before  
21 March 1, 2020, or before the provider’s  
22 last day of operation for a provider that  
23 operates seasonally, and at minimum cover  
24 such operating expenses for the intended  
25 length of the subgrant;

1 (ii) account for increased costs of pro-  
2 viding or preparing to provide child care as  
3 a result of the COVID–19 public health  
4 emergency, such as provider and employee  
5 compensation and existing benefits (exist-  
6 ing as of March 1, 2020) and the imple-  
7 mentation of new practices related to sani-  
8 tization, group size limits, and social  
9 distancing;

10 (iii) be adjusted for payments or reim-  
11 bursements made to an eligible child care  
12 provider to carry out the Child Care and  
13 Development Block Grant Act of 1990 (42  
14 U.S.C. 9857 et seq.) or the Head Start  
15 Act (42 U.S.C. 9831 et seq.) if the period  
16 of such payments or reimbursements over-  
17 laps with the period of the subgrant award;  
18 and

19 (iv) be adjusted for payments or reim-  
20 bursements made to an eligible child care  
21 provider through the Paycheck Protection  
22 Program set forth in section 7(a)(36) of  
23 the Small Business Act (15 U.S.C.  
24 636(a)(36)), as added by section 1102 of  
25 the Coronavirus Aid, Relief, and Economic

1 Security Act (Public Law 116–136) if the  
2 period of such payments or reimburse-  
3 ments overlaps with the period of the  
4 subgrant award.

5 (D) APPLICATION.—

6 (i) ELIGIBILITY.—To be eligible to re-  
7 ceive a subgrant under this paragraph, a  
8 child care provider shall submit an applica-  
9 tion to a lead agency at such time and in  
10 such manner as the lead agency may re-  
11 quire. Such application shall include—

12 (I) a good-faith certification that  
13 the ongoing operations of the child  
14 care provider have been impacted as a  
15 result of the COVID–19 public health  
16 emergency;

17 (II) for a provider described in  
18 subparagraph (B)(ii)(I), an assurance  
19 that, for the duration of the  
20 subgrant—

21 (aa) the provider will give  
22 priority for available slots (in-  
23 cluding slots that are only tempo-  
24 rarily available) to—

1 (AA) children of essen-  
2 tial workers (such as health  
3 care sector employees, emer-  
4 gency responders, sanitation  
5 workers, farmworkers, child  
6 care employees, and other  
7 workers determined to be es-  
8 sential during the response  
9 to coronavirus by public offi-  
10 cials), children of workers  
11 whose places of employment  
12 require their attendance,  
13 children experiencing home-  
14 lessness, children with dis-  
15 abilities, children at risk of  
16 child abuse or neglect, and  
17 children in foster care, in  
18 States, tribal communities,  
19 or localities where stay-at-  
20 home or related orders are  
21 in effect; or

22 (BB) children of work-  
23 ers whose places of employ-  
24 ment require their attend-  
25 ance, children experiencing

1                   homelessness, children with  
2                   disabilities, children at risk  
3                   of child abuse or neglect,  
4                   children in foster care, and  
5                   children whose parents are  
6                   in school or a training pro-  
7                   gram, in States, tribal com-  
8                   munities, or localities where  
9                   stay-at-home or related or-  
10                  ders are not in effect;

11                  (bb) the provider will imple-  
12                  ment policies in line with guid-  
13                  ance from the Centers for Dis-  
14                  ease Control and Prevention and  
15                  the corresponding State, tribal,  
16                  and local authorities, and in ac-  
17                  cordance with State, tribal, and  
18                  local orders, for child care pro-  
19                  viders that remain open, includ-  
20                  ing guidance on sanitization  
21                  practices, group size limits, and  
22                  social distancing;

23                  (cc) for each employee, the  
24                  provider will pay the full com-  
25                  pensation described in subsection

1 (e)(1)(C), including any benefits,  
2 that was provided to the em-  
3 ployee as of March 1, 2020 (re-  
4 ferred to in this clause as “full  
5 compensation”), and will not take  
6 any action that reduces the week-  
7 ly amount of the employee’s com-  
8 pensation below the weekly  
9 amount of full compensation, or  
10 that reduces the employee’s rate  
11 of compensation below the rate of  
12 full compensation; and

13 (dd) the provider will pro-  
14 vide relief from copayments and  
15 tuition payments for the families  
16 enrolled in the provider’s pro-  
17 gram and prioritize such relief  
18 for families struggling to make  
19 either type of payments;

20 (III) for a provider described in  
21 subparagraph (B)(ii)(II), an assur-  
22 ance that—

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

1 agency, for each employee, the  
2 provider will pay full compensa-  
3 tion, and will not take any action  
4 that reduces the weekly amount  
5 of the employee's compensation  
6 below the weekly amount of full  
7 compensation, or that reduces  
8 the employee's rate of compensa-  
9 tion below the rate of full com-  
10 pensation;

11 (bb) children enrolled as of  
12 March 1, 2020, will maintain  
13 their slots, unless their families  
14 choose to disenroll the children;

15 (cc) for the duration of the  
16 provider's closure due to the  
17 COVID-19 public health emer-  
18 gency, the provider will provide  
19 relief from copayments and tui-  
20 tion payments for the families  
21 enrolled in the provider's pro-  
22 gram and prioritize such relief  
23 for families struggling to make  
24 either type of payments; and



1 (dd) the provider will re-  
2 sume operations when the pro-  
3 vider is able to safely implement  
4 policies in line with guidance  
5 from the Centers for Disease  
6 Control and Prevention and the  
7 corresponding State, tribal, and  
8 local authorities, and in accord-  
9 ance with State, tribal, and local  
10 orders;

11 (IV) information about the child  
12 care provider's—

13 (aa) program characteristics  
14 sufficient to allow the lead agen-  
15 cy to establish the child care pro-  
16 vider's priority status, as de-  
17 scribed in subparagraph (F);

18 (bb) program operational  
19 status on the date of submission  
20 of the application;

21 (cc) type of program, includ-  
22 ing whether the program is a  
23 center-based child care, family  
24 child care, group home child care,

1 or other non-center-based child  
2 care type program;

3 (dd) total enrollment on the  
4 date of submission of the applica-  
5 tion and total capacity as allowed  
6 by the State and tribal authori-  
7 ties; and

8 (ee) receipt of assistance,  
9 and amount of assistance,  
10 through a payment or reimburse-  
11 ment described in subparagraph  
12 (C)(iv), and the time period for  
13 which the assistance was made;

14 (V) information necessary to de-  
15 termine the amount of the subgrant,  
16 such as information about the pro-  
17 vider's stated average operating ex-  
18 penses over the appropriate period,  
19 described in subparagraph (C)(i); and

20 (VI) such other limited informa-  
21 tion as the lead agency shall deter-  
22 mine to be necessary to make sub-  
23 grants to qualified child care pro-  
24 viders.

1 (ii) FREQUENCY.—The lead agency  
2 shall accept and process applications sub-  
3 mitted under this subparagraph on a roll-  
4 ing basis.

5 (iii) UPDATES.—The lead agency  
6 shall—

7 (I) at least once a month, verify  
8 by obtaining a self-attestation from  
9 each qualified child care provider that  
10 received such a subgrant from the  
11 agency, whether the provider is open  
12 and available to provide child care  
13 services or is closed due to the  
14 COVID–19 public health emergency;

15 (II) allow the qualified child care  
16 provider to update the information  
17 provided in a prior application; and

18 (III) adjust the qualified child  
19 care provider’s subgrant award as  
20 necessary, based on changes to the  
21 application information, including  
22 changes to the provider’s operational  
23 status.

24 (iv) EXISTING APPLICATIONS.—If a  
25 lead agency has established and imple-

1           mented a grant program for child care pro-  
2           viders that is in effect on the date of en-  
3           actment of this Act, and an eligible child  
4           care provider has already submitted an ap-  
5           plication for such a grant to the lead agen-  
6           cy containing the information specified in  
7           clause (i), the lead agency shall treat that  
8           application as an application submitted  
9           under this subparagraph. If an eligible  
10          child care provider has already submitted  
11          such an application containing part of the  
12          information specified in clause (i), the pro-  
13          vider may submit to the lead agency an ab-  
14          breviated application that contains the re-  
15          maining information, and the lead agency  
16          shall treat the 2 applications as an applica-  
17          tion submitted under this subparagraph.

18          (E) MATERIALS.—

19               (i) IN GENERAL.—The lead agency  
20               shall provide the materials and other re-  
21               sources related to such subgrants, includ-  
22               ing a notification of subgrant opportunities  
23               and application materials, to qualified child  
24               care providers in the most commonly spo-  
25               ken languages in the State.

1                   (ii) APPLICATION.—The application  
2                   shall be accessible on the website of the  
3                   lead agency within 30 days after the lead  
4                   agency receives grant funds awarded pur-  
5                   suant to subsection (b) and shall be acces-  
6                   sible to all eligible child care providers, in-  
7                   cluding family child care providers, group  
8                   home child care providers, and other non-  
9                   center-based child care providers, providers  
10                  in rural areas, and providers with limited  
11                  administrative capacity.

12                 (F) PRIORITY.—In making subgrants  
13                 under this section, the lead agency shall give  
14                 priority to qualified child care providers that,  
15                 prior to or on March 1, 2020—

16                         (i) provided child care during non-  
17                         traditional hours;

18                         (ii) served dual language learners,  
19                         children with disabilities, children experi-  
20                         encing homelessness, children in foster  
21                         care, children from low-income families, or  
22                         infants and toddlers;

23                         (iii) served a high proportion of chil-  
24                         dren whose families received subsidies  
25                         under the Child Care and Development

1 Block Grant Act of 1990 (42 U.S.C. 9857  
2 et seq.) for the child care; or

3 (iv) operated in communities, includ-  
4 ing rural communities, with a low supply  
5 of child care.

6 (G) PROVIDERS RECEIVING OTHER ASSIST-  
7 ANCE.—The lead agency, in determining wheth-  
8 er a provider is a qualified child care provider,  
9 shall not take into consideration receipt of a  
10 payment or reimbursement described in sub-  
11 paragraph (C)(iii) or subparagraph (C)(iv).

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

21 (I) OBLIGATION.—The lead agency shall  
22 obligate at least 50 percent of funds available  
23 to carry out this section for subgrants described  
24 in this paragraph, within 6 months of the date  
25 of the enactment of this Act.

1 (e) USES OF FUNDS.—

2 (1) IN GENERAL.—A qualified child care pro-  
3 vider that receives funds through such a subgrant  
4 may use the funds for the costs of—

5 (A) payroll;

6 (B) employee benefits, including group  
7 health plan benefits during periods of paid sick,  
8 medical, or family leave, and insurance pre-  
9 miums;

10 (C) employee salaries or similar compensa-  
11 tion, including any income or other compensa-  
12 tion to a sole proprietor or independent con-  
13 tractor that is a wage, commission, income, net  
14 earnings from self-employment, or similar com-  
15 pensation;

16 (D) employee recruitment and retention;

17 (E) payment on any mortgage obligation;

18 (F) rent (including rent under a lease  
19 agreement);

20 (G) utilities and facility maintenance;

21 (H) insurance;

22 (I) providing premium pay for child care  
23 providers and other employees who provide  
24 services during the COVID–19 public health  
25 emergency;

1 (J) sanitization and other costs associated  
2 with cleaning;

3 (K) personal protective equipment and  
4 other equipment necessary to carry out the  
5 functions of the child care provider;

6 (L) training and professional development  
7 related to health and safety practices, including  
8 the proper implementation of policies in line  
9 with guidance from the Centers for Disease  
10 Control and Prevention and the corresponding  
11 State, tribal, and local authorities, and in ac-  
12 cordance with State, tribal, and local orders;

13 (M) purchasing or updating equipment and  
14 supplies to serve children during nontraditional  
15 hours

16 (N) modifications to child care services as  
17 a result of the COVID-19 public health emer-  
18 gency, such as limiting group sizes, adjusting  
19 staff-to-child ratios, and implementing other  
20 heightened health and safety measures;

21 (O) mental health supports for children  
22 and employees; and

23 (P) other goods and services necessary to  
24 maintain or resume operation of the child care  
25 program, or to maintain the viability of the



1 child care provider as a going concern during  
2 and after the COVID–19 public health emer-  
3 gency.

4 (2) REIMBURSEMENT.—The qualified child care  
5 provider may use the subgrant funds to reimburse  
6 the provider for sums obligated or expended before  
7 the date of enactment of this Act for the cost of a  
8 good or service described in paragraph (1) to re-  
9 spond to the COVID–19 public health emergency.

10 (f) REPORTING.—

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

16 (A) data on qualified child care providers  
17 that applied for subgrants and qualified child  
18 care providers that received such subgrants, in-  
19 cluding—

20 (i) the number of such applicants and  
21 the number of such recipients;

22 (ii) the number and proportion of  
23 such applicants and recipients that re-  
24 ceived priority and the characteristic or

1 characteristics of such applicants and re-  
2 cipients associated with the priority;

3 (iii) the number and proportion of  
4 such applicants and recipients that are—

5 (I) center-based child care pro-  
6 viders;

7 (II) family child care providers;

8 (III) group home child care pro-  
9 viders; or

10 (IV) other non-center-based child  
11 care providers; and

12 (iv) within each of the groups listed in  
13 clause (iii), the number of such applicants  
14 and recipients that are, on the date of sub-  
15 mission of the application—

16 (I) open and available to provide  
17 child care services; or

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

20 (B) the total capacity of child care pro-  
21 viders that are licensed, regulated, or registered  
22 in the State on the date of the submission of  
23 the report;

24 (C) a description of—

1 (i) the efforts of the lead agency to  
2 publicize the availability of subgrants  
3 under this section and conduct widespread  
4 outreach to eligible child care providers  
5 about such subgrants, including efforts to  
6 make materials available in languages  
7 other than English;

8 (ii) the lead agency's methodology for  
9 determining amounts of subgrants under  
10 subsection (d)(2);

11 (iii) the lead agency's timeline for dis-  
12 bursing the subgrant funds; and

13 (iv) the lead agency's plan for ensur-  
14 ing that qualified child care providers that  
15 receive funding through such a subgrant  
16 comply with assurances described in sub-  
17 section (d)(2)(D) and use funds in compli-  
18 ance with subsection (e); and

19 (D) such other limited information as the  
20 Secretary may require.

21 (2) QUARTERLY REPORT.—The lead agency  
22 shall, following the submission of such initial report,  
23 submit to the Secretary a report that contains the  
24 information described in subparagraphs (A), (B),  
25 and (D) of paragraph (1) once a quarter until all

1 funds allotted for activities authorized under this  
2 section are expended.

3 (3) FINAL REPORT.—Not later than 60 days  
4 after a lead agency receiving a grant under this sec-  
5 tion has obligated all of the grant funds (including  
6 funds received under subsection (h)), the lead agen-  
7 cy shall submit a report to the Secretary, in such  
8 manner as the Secretary may require, that in-  
9 cludes—

10 (A) the total number of eligible child care  
11 providers who were providing child care services  
12 on or before March 1, 2020, in the State and  
13 the number of such providers that submitted an  
14 application under subsection (d)(2)(D);

15 (B) the number of qualified child care pro-  
16 viders in the State that received funds through  
17 the grant;

18 (C) the lead agency's methodology for de-  
19 termining amounts of subgrants under sub-  
20 section (d)(2);

21 (D) the average and range of the subgrant  
22 amounts by provider type (center-based child  
23 care, family child care, group home child care,  
24 or other non-center-based child care provider);

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

4 (i) provided child care during non-  
5 traditional hours;

6 (ii) served dual language learners,  
7 children with disabilities, children experi-  
8 encing homelessness, children in foster  
9 care, children from low-income families, or  
10 infants and toddlers;

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

16 (iv) operated in communities, includ-  
17 ing rural communities, with a low supply  
18 of child care;

19 (F) the number of children served by the  
20 child care providers that received such a  
21 subgrant, for the duration of the subgrant;

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

24 (i) center-based child care providers;

25 (ii) family child care providers;

1 (iii) group home child care providers;

2 or

3 (iv) other non-center-based child care  
4 providers;

5 (H) the percentages, of the child care pro-  
6 viders listed in subparagraph (G) that are, on  
7 the date of submission of the application—

8 (i) open and available to provide child  
9 care services; or

10 (ii) closed due to the COVID–19 pub-  
11 lic health emergency;

12 (I) information about how child care pro-  
13 viders used the funds received under such a  
14 subgrant;

15 (J) information about how the lead agency  
16 used funds reserved under subsection (d)(1);  
17 and

18 (K) information about how the subgrants  
19 helped to stabilize the child care sector.

20 (4) REPORTS TO CONGRESS.—

21 (A) FINDINGS FROM INITIAL REPORTS.—

22 Not later than 60 days after receiving all re-  
23 ports required to be submitted under paragraph  
24 (1), the Secretary shall provide a report to the  
25 Committee on Education and Labor of the

1 House of Representatives, to the Committee on  
2 Health, Education, Labor and Pensions of the  
3 Senate, and to the Committees on Appropria-  
4 tions of the House of Representatives and the  
5 Senate, summarizing the findings from the re-  
6 ports received under paragraph (1).

7 (B) FINDINGS FROM FINAL REPORTS.—  
8 Not later than 36 months after the date of en-  
9 actment of this Act, the Secretary shall provide  
10 a report to the Committee on Education and  
11 Labor of the House of Representatives, to the  
12 Committee on Health, Education, Labor and  
13 Pensions of the Senate, and to the Committees  
14 on Appropriations of the House of Representa-  
15 tives and the Senate, summarizing the findings  
16 from the reports received under paragraph (3).

17 (g) SUPPLEMENT NOT SUPPLANT.—Amounts made  
18 available to carry out this section shall be used to supple-  
19 ment and not supplant other Federal, State, and local  
20 public funds expended to provide child care services for  
21 eligible individuals, including funds provided under the  
22 Child Care and Development Block Grant Act of 1990 (42  
23 U.S.C. 9857 et seq.) and State child care programs.

24 (h) REALLOTMENT OF UNOBLIGATED FUNDS.—

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

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

21          (3) COVERED STATE, INDIAN TRIBE, OR TRIBAL  
22          ORGANIZATION.—For purposes of paragraph (2), a  
23          covered State, Indian tribe, or tribal organization is  
24          a State, Indian tribe, or tribal organization that re-  
25          ceived an allotment or payment under this section



1 and was not required to return grant funds under  
2 paragraph (1).

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

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

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  
15 fiscal 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 Preven-  
22 tion and Services grants as authorized by section  
23 303(a) and 303(b) of the Family Violence Preven-  
24 tion and Services Act with such funds available to  
25 grantees without regard to matching requirements

1 under section 306(c)(4) of such Act, of which  
2 \$2,000,000 shall be for the National Domestic Vio-  
3 lence Hotline: *Provided*, That the Secretary of  
4 Health and Human Services may make such funds  
5 available for providing temporary housing and as-  
6 sistance to victims of family, domestic, and dating  
7 violence;

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

16 (4) \$225,000,000 for necessary expenses for  
17 community-based grants for the prevention of child  
18 abuse and neglect under section 209 of the Child  
19 Abuse Prevention and Treatment Act, which the  
20 Secretary shall make without regard to sections  
21 203(b)(1) and 204(4) of such Act;

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

1 (6) \$1,500,000,000 for necessary expenses for  
2 grants to carry out the Low-Income Household  
3 Drinking Water and Wastewater Assistance pro-  
4 gram, as described in section 303 of division U of  
5 this Act:

6 *Provided*, That funds made available under this heading  
7 in this Act may be used for the purposes provided herein  
8 to reimburse costs incurred between January 20, 2020,  
9 and the date of award: *Provided further*, That such  
10 amount is designated by the Congress as being for an  
11 emergency requirement pursuant to section  
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
13 Deficit Control Act of 1985.

14 ADMINISTRATION FOR COMMUNITY LIVING

15 AGING AND DISABILITY SERVICES PROGRAMS

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

1 for family caregivers under part E of title III;  
2 \$44,000,000 for evidence-based health promotion and dis-  
3 ease prevention services under part D of title III;  
4 \$6,000,000 for aging network support activities to develop  
5 targeted outreach strategies to reach particularly at-risk  
6 populations, including populations targeted under section  
7 306(a)(4)(A)(i)(l) of such Act; \$20,000,000 for elder  
8 rights protection activities, including the long-term om-  
9 budsman program under title VII; and \$5,000,000 shall  
10 be for grants to States to support the network of statewide  
11 senior legal services, including existing senior legal hot-  
12 lines, efforts to expand such hotlines to all interested  
13 States, and legal assistance to providers, in order to en-  
14 sure seniors have access to legal assistance, with such fund  
15 allotted to States consistent with paragraphs (1) through  
16 (3) of section 304(a) of the OAA: *Provided further*, That  
17 State matching requirements under sections 304(d)(1)(D)  
18 and 373(g)(2) of the OAA shall not apply to funds made  
19 available under this heading: *Provided further*, That of the  
20 amount made available under this heading in this Act,  
21 \$50,000,000 shall be for activities authorized in the Devel-  
22 opmental Disabilities Assistance and Bill of Rights Act of  
23 2000: *Provided further*, That of the amount made avail-  
24 able under this heading in this Act, \$25,000,000 shall be  
25 for activities authorized in the Assistive Technology Act

1 of 2004: *Provided further*, That of the amount made avail-  
2 able in the preceding proviso, \$5,000,000 shall be for the  
3 purchase of equipment to allow interpreters to provide ap-  
4 propriate and essential services to the hearing-impaired  
5 community: *Provided further*, That for the purposes of the  
6 funding provided in the preceding proviso, during the  
7 emergency period described in section 1135(g)(1)(B) of  
8 the Social Security Act, for purposes of section 4(e)(2)(A)  
9 of the Assistive Technology Act of 2004, the term “tar-  
10 geted individuals and entities” (as that term is defined  
11 in section 3(16) of the Assistive Technology Act of 2004)  
12 shall be deemed to include American Sign Language cer-  
13 tified interpreters who are providing interpretation serv-  
14 ices remotely for individuals with disabilities: *Provided fur-*  
15 *ther*, That during such emergency period, for the purposes  
16 of the previous two provisos, to facilitate the ability of in-  
17 dividuals with disabilities to remain in their homes and  
18 practice social distancing, the Secretary shall waive the  
19 prohibitions on the use of grant funds for direct payment  
20 for an assistive technology device for an individual with  
21 a disability under sections 4(e)(2)(A) and 4(e)(5) of such  
22 Act: *Provided further*, That such amount is designated by  
23 the Congress as being for an emergency requirement pur-  
24 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
25 and Emergency Deficit Control Act of 1985.

1 For an additional amount for “Aging and Disability  
2 Services Programs”, \$175,000,000, to prevent, prepare  
3 for, and respond to the coronavirus, which shall be used  
4 as follows:

5 (1) \$5,000,000 for elder abuse, neglect, and ex-  
6 ploitation forensic centers, as authorized by section  
7 2031(f) of the Social Security Act (42 U.S.C.  
8 1397l(f));

9 (2) \$14,000,000 for grants for long-term care  
10 staffing and technology, as authorized by section  
11 2041(d) of the Social Security Act (42 U.S.C.  
12 1397m(d));

13 (3) \$123,000,000 for adult protective services  
14 functions and grants, as authorized by sections  
15 2042(a)(2), 2042(b)(5), and 2042(c)(6) of the Social  
16 Security Act (42 U.S.C. 1397m—1);

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

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

1 (6) \$1,000,000 for assessment reports, as au-  
2 thorized by section 207 of division J of this Act:

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

7 OFFICE OF THE SECRETARY

8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

9 FUND

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



1 *further*, That the Secretary of Health and Human Services  
2 shall purchase vaccines developed using funds made avail-  
3 able under this paragraph in this Act to respond to an  
4 outbreak or pandemic related to coronavirus in quantities  
5 determined by the Secretary to be adequate to address the  
6 public health need: *Provided further*, That products pur-  
7 chased by the Federal government with funds made avail-  
8 able under this paragraph in this Act, including vaccines,  
9 therapeutics, and diagnostics, shall be purchased in ac-  
10 cordance with Federal Acquisition Regulation guidance on  
11 fair and reasonable pricing: *Provided further*, That the  
12 Secretary may take such measures authorized under cur-  
13 rent law to ensure that vaccines, therapeutics, and  
14 diagnostics developed from funds provided in this Act will  
15 be affordable in the commercial market: *Provided further*,  
16 That in carrying out the previous proviso, the Secretary  
17 shall not take actions that delay the development of such  
18 products: *Provided further*, That products purchased with  
19 funds appropriated under this paragraph in this Act may,  
20 at the discretion of the Secretary of Health and Human  
21 Services, be deposited in the Strategic National Stockpile  
22 under section 319F–2 of the Public Health Service Act:  
23 *Provided further*, That funds appropriated under this  
24 paragraph in this Act may be transferred to, and merged  
25 with, the fund authorized by section 319F–4, the Covered

1 Countermeasure Process Fund, of the Public Health Serv-  
2 ice Act: *Provided further*, That of the amount made avail-  
3 able under this paragraph in this Act, \$20,000,000,000  
4 shall be available to the Biomedical Advanced Research  
5 and Development Authority for necessary expenses of ad-  
6 vanced research, development, manufacturing, production,  
7 and purchase of vaccines, therapeutics, and ancillary med-  
8 ical products to prevent the spread of SARS-CoV-2 and  
9 COVID-19, as described in section 702 of division K of  
10 this Act: *Provided further*, That of the amount made avail-  
11 able under this paragraph in this Act, \$500,000,000 shall  
12 be available to the Biomedical Advanced Research and De-  
13 velopment Authority for the construction, renovation, or  
14 equipping of U.S.-based next generation manufacturing  
15 facilities, other than facilities owned by the United States  
16 Government: *Provided further*, That of the amount made  
17 available under this paragraph in this Act, \$500,000,000  
18 shall be available to the Biomedical Advanced Research  
19 and Development Authority to promote innovation in anti-  
20 bacterial research and development: *Provided further*,  
21 That funds made available under this paragraph in this  
22 Act may be used for grants for the rent, lease, purchase,  
23 acquisition, construction, alteration, or renovation of non-  
24 Federally owned facilities to improve preparedness and re-  
25 sponse capability at the State and local level: *Provided fur-*

1 *ther*, That funds appropriated under this paragraph in this  
2 Act may be used for the construction, alteration, renova-  
3 tion or equipping of non-Federally owned facilities for the  
4 production of vaccines, therapeutics, diagnostics, and  
5 medicines and other items purchased under section 319F-  
6 2(a) of the Public Health Service Act where the Secretary  
7 determines that such a contract is necessary to assure suf-  
8 ficient domestic production of such supplies: *Provided fur-*  
9 *ther*, That all construction, alteration, or renovation work,  
10 carried out, in whole or in part, with fund appropriated  
11 under this heading in this Act, the CARES Act (P.L. 116-  
12 136), or the Paycheck Protection Program and Health  
13 Care Enhancement Act (P.L. 116-139), shall be subject  
14 to the requirements of 42 U.S.C. 300s-1(b)(1)(I): *Pro-*  
15 *vided further*, That not later than seven days after the date  
16 of enactment of this Act, and weekly thereafter until the  
17 public health emergency related to coronavirus is no longer  
18 in effect, the Secretary shall report to the Committees on  
19 Appropriations of the House of Representatives and the  
20 Senate on the current inventory of ventilators and per-  
21 sonal protective equipment in the Strategic National  
22 Stockpile, including the numbers of face shields, gloves,  
23 goggles and glasses, gowns, head covers, masks, and res-  
24 pirators, as well as deployment of ventilators and personal  
25 protective equipment during the previous week, reported

1 by state and other jurisdiction: *Provided further*, That not  
2 later than the first Monday in February of fiscal year  
3 2021 and each fiscal year thereafter, the Secretary shall  
4 include in the annual budget submission for the Depart-  
5 ment, and submit to the Congress, the Secretary's request  
6 with respect to expenditures necessary to maintain the  
7 minimum level of relevant supplies in the Strategic Na-  
8 tional Stockpile, including in case of a significant pan-  
9 demic, in consultation with the working group under sec-  
10 tion 319F(a) of the Public Health Service Act and the  
11 Public Health Emergency Medical Countermeasures En-  
12 terprise established under section 2811-1 of such Act:  
13 *Provided further*, That such amount is designated by the  
14 Congress as being for an emergency requirement pursuant  
15 to section 251(b)(2)(A)(i) of the Balanced Budget and  
16 Emergency Deficit Control Act of 1985.

17 For an additional amount for "Public Health and So-  
18 cial Services Emergency Fund", \$50,000,000,000, to re-  
19 main available until expended, to prevent, prepare for, and  
20 respond to coronavirus, for necessary expenses to make  
21 payments under the Health Care Provider Relief Fund as  
22 described in section 611 of division K of this Act: *Pro-*  
23 *vided*, That such amount is designated by the Congress  
24 as being for an emergency requirement pursuant to sec-

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

3 For an additional amount for “Public Health and So-  
4 cial Services Emergency Fund”, \$75,000,000,000, to re-  
5 main available until expended, to prevent, prepare for, and  
6 respond to coronavirus, for necessary expenses to carry  
7 out the COVID–19 National Testing and Contact Tracing  
8 Initiative, as described in subtitle D of title V of division  
9 K of this Act: *Provided*, That such amount is designated  
10 by the Congress as being for an emergency requirement  
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
12 et and Emergency Deficit Control Act of 1985.

13 DEPARTMENT OF EDUCATION

14 STATE FISCAL STABILIZATION FUND

15 For an additional amount for “State Fiscal Stabiliza-  
16 tion Fund”, \$208,058,000,000, to prevent, prepare for,  
17 and respond to coronavirus: *Provided*, That the Secretary  
18 of Education (referred to under this heading as “Sec-  
19 retary”) shall make grants to the Governor of each State  
20 for support of elementary, secondary, and postsecondary  
21 education and, as applicable, early childhood education  
22 programs and services: *Provided further*, That of the  
23 amount made available, the Secretary shall first allocate  
24 up to one-half of 1 percent to the outlying areas and one-  
25 half of 1 percent to the Bureau of Indian Education

1 (“BIE”) for BIE-funded schools and Tribal Colleges or  
2 Universities for activities consistent with this heading  
3 under such terms and conditions as the Secretary may de-  
4 termine and in consultation with the Secretary of the Inte-  
5 rior: *Provided further*, That the Secretary may reserve up  
6 to \$30,000,000 for administration and oversight of the ac-  
7 tivities under this heading: *Provided further*, That the Sec-  
8 retary shall allocate 61 percent of the remaining funds  
9 made available to carry out this heading to the States on  
10 the basis of their relative population of individuals aged  
11 5 through 24 and allocate 39 percent on the basis of their  
12 relative number of children counted under section 1124(c)  
13 of the Elementary and Secondary Education Act of 1965  
14 (referred to under this heading as “ESEA”) as State  
15 grants: *Provided further*, That State grants shall support  
16 statewide elementary, secondary, and postsecondary activi-  
17 ties; subgrants to local educational agencies; and, sub-  
18 grants to public institutions of higher education: *Provided*  
19 *further*, That States shall allocate 85 percent of the funds  
20 received under the fourth proviso as subgrants to local  
21 educational agencies in proportion to the amount of funds  
22 such local educational agencies received under part A of  
23 title I of the ESEA in the most recent fiscal year: *Provided*  
24 *further*, That subgrants provided under the preceding pro-  
25 viso shall be administered by State educational agencies:

1 *Provided further*, That States shall allocate 13 percent of  
2 the funds received under the fourth proviso as subgrants  
3 to public institutions of higher education, of which 75 per-  
4 cent shall be apportioned according to the relative share  
5 in the State of students who received Pell Grants who are  
6 not exclusively enrolled in distance education courses prior  
7 to the coronavirus emergency at the institution in the pre-  
8 vious award year and 25 percent shall be apportioned ac-  
9 cording to the relative share in the State of the total en-  
10 rollment of students at the institution who are not exclu-  
11 sively enrolled in distance education courses prior to the  
12 coronavirus emergency at the institution in the previous  
13 award year: *Provided further*, That the Governor may use  
14 any funds received under the fourth proviso that are not  
15 specifically reserved under this heading for additional sup-  
16 port to elementary, secondary, and postsecondary edu-  
17 cation, including supports for under-resourced institu-  
18 tions, institutions with high burden due to the  
19 coronavirus, and institutions who did not possess distance  
20 education capabilities prior to the coronavirus emergency:  
21 *Provided further*, That the Governor shall return to the  
22 Secretary any funds received that the Governor does not  
23 award to local educational agencies and public institutions  
24 of higher education or otherwise commit within two years  
25 of receiving such funds, and the Secretary shall reallocate

1 such funds to the remaining States in accordance with the  
2 fourth proviso: *Provided further*, That Governors shall use  
3 State grants and subgrants to maintain or restore State  
4 and local fiscal support for elementary, secondary and  
5 postsecondary education: *Provided further*, That funds for  
6 local educational agencies may be used for any activity au-  
7 thorized by the ESEA, including the Native Hawaiian  
8 Education Act and the Alaska Native Educational Equity,  
9 Support, and Assistance Act, the Individuals with Disabil-  
10 ities Education Act (“IDEA”), subtitle B of title VII of  
11 the McKinney-Vento Homeless Assistance Act, the Adult  
12 Education and Family Literacy Act or the Carl D. Perkins  
13 Career and Technical Education Act of 2006 (“the Per-  
14 kins Act”): *Provided further*, That a State or local edu-  
15 cational agency receiving funds under this heading may  
16 use the funds for activities coordinated with State, local,  
17 tribal, and territorial public health departments to detect,  
18 prevent, or mitigate the spread of infectious disease or  
19 otherwise respond to coronavirus; support online learning  
20 by purchasing educational technology and internet access  
21 for students, which may include assistive technology or  
22 adaptive equipment, that aids in regular and substantive  
23 educational interactions between students and their class-  
24 room instructor; provide ongoing professional development  
25 to staff in how to effectively provide quality online aca-



1 demic instruction; provide assistance for children and fam-  
2 ilies to promote equitable participation in quality online  
3 learning; plan and implement activities related to supple-  
4 mental afterschool programs and summer learning, includ-  
5 ing providing classroom instruction or quality online learn-  
6 ing during the summer months; plan for and coordinate  
7 during long-term closures, provide technology for quality  
8 online learning to all students, and how to support the  
9 needs of low-income students, racial and ethnic minorities,  
10 students with disabilities, English learners (including  
11 through such activities as are authorized under Title III  
12 of the ESEA, such as ensuring the access of English  
13 learners to online learning, supporting professional devel-  
14 opment on digital instruction for English learners, engage-  
15 ment with the parents of English learners, expanded sum-  
16 mer and after-school programs, and mental health sup-  
17 ports), students experiencing homelessness, and children  
18 in foster care, including how to address learning gaps that  
19 are created or exacerbated due to long-term closures; sup-  
20 port the continuity of student engagement through social  
21 and emotional learning; and other activities that are nec-  
22 essary to maintain the operation of and continuity of serv-  
23 ices in local educational agencies, including maintaining  
24 employment of existing personnel, and reimbursement for  
25 eligible costs incurred during the national emergency: *Pro-*

1 *vided further*, That a public institution of higher education  
2 that receives funds under this heading shall use funds for  
3 education and general expenditures (including defraying  
4 expenses due to lost revenue, reimbursement for expenses  
5 already incurred, and payroll) and grants to students for  
6 expenses directly related to coronavirus and the disruption  
7 of campus operations (which may include emergency fi-  
8 nancial aid to students for tuition, food, housing, tech-  
9 nology, health care, and child care costs that shall not be  
10 required to be repaid by such students) or for the acquisi-  
11 tion of technology and services directly related to the need  
12 for distance education and the training of faculty and staff  
13 to use such technology and services (which shall not in-  
14 clude payment to contractors for the provision of pre-en-  
15 rollment recruitment activities): *Provided further*, That an  
16 institution of higher education may not use funds received  
17 under this heading to increase its endowment or provide  
18 funding for capital outlays associated with facilities re-  
19 lated to athletics, sectarian instruction, or religious wor-  
20 ship: *Provided further*, That funds may be used to support  
21 hourly workers, such as education support professionals,  
22 classified school employees, and adjunct and contingent  
23 faculty: *Provided further*, That a Governor of a State de-  
24 siring to receive an allocation under this heading shall sub-  
25 mit an application at such time, in such manner, and con-

1 taining such information as the Secretary may reasonably  
2 require: *Provided further*, That the Secretary shall issue  
3 a notice inviting applications not later than 15 days after  
4 the date of enactment of this Act: *Provided further*, That  
5 any State receiving funding under this heading shall main-  
6 tain its percent of total spending on elementary, sec-  
7 ondary, and postsecondary education in fiscal year 2019  
8 for fiscal years 2020, 2021, and 2022: *Provided further*,  
9 That a State's application shall include assurances that  
10 the State will maintain support for elementary and sec-  
11 ondary education in fiscal year 2020, fiscal year 2021, and  
12 fiscal year 2022 at least at the level of such support that  
13 is the average of such State's support for elementary and  
14 secondary education in the 3 fiscal years preceding the fis-  
15 cal year for which State support for elementary and sec-  
16 ondary education is provided: *Provided further*, That any  
17 State receiving funding under this heading shall maintain  
18 or exceed its per pupil spending on elementary and sec-  
19 ondary education in fiscal year 2019 or the proportion of  
20 such State's spending on elementary and secondary edu-  
21 cation in fiscal year 2019 for fiscal years 2020, 2021, and  
22 2022: *Provided further*, That a State educational agency  
23 shall only be eligible to receive funds under this Act if  
24 the State in which such agency is located, in either of fis-  
25 cal years 2021 and 2022, does not reduce State funding

1 for a high-need local educational agency (defined as a local  
2 educational agency that has a higher percentage of eco-  
3 nomically disadvantaged students than the median local  
4 educational agency in the state) such that the per-pupil  
5 reduction in State funds in each such high-need local edu-  
6 cational agency is more than the overall per-pupil reduc-  
7 tion in State funds, as calculated by the total reduction  
8 in State funds provided to all local educational agencies  
9 in the State divided by the total student enrollment across  
10 all local educational agencies in the State: *Provided fur-*  
11 *ther*, That a State's application shall include assurances  
12 that the State will maintain State support for higher edu-  
13 cation (not including support for capital projects or for  
14 research and development or tuition and fees paid by stu-  
15 dents) in fiscal year 2020, fiscal year 2021, and fiscal year  
16 2022 at least at the level of such support that is the aver-  
17 age of such State's support for higher education (which  
18 shall include State and local government funding to insti-  
19 tutions of higher education and state financial aid) in the  
20 3 fiscal years preceding the fiscal year for which State  
21 support for higher education is provided, and that any  
22 such State's support for higher education funding, as cal-  
23 culated as spending for public higher education per full-  
24 time equivalent student, shall be at least the same in fiscal  
25 year 2022 as it was in fiscal year 2019: *Provided further*,

1 That in such application, the Governor shall provide base-  
2 line data that demonstrates the State's current status in  
3 each of the areas described in such assurances in the pre-  
4 ceding provisos: *Provided further*, That a State's applica-  
5 tion shall include assurances that the State will not con-  
6 stitute any provisions under this heading as displacing any  
7 otherwise applicable provision of any collective-bargaining  
8 agreement between an eligible entity and a labor organiza-  
9 tion as defined by section 2(5) of the National Labor Rela-  
10 tions Act (29 U.S.C. 152(5)) or analogous State law: *Pro-*  
11 *vided further*, That a State's application shall include as-  
12 surances that the State shall maintain the wages, benefits,  
13 and other terms and conditions of employment set forth  
14 in any collective-bargaining agreement between the eligible  
15 entity and a labor organization, as defined in the pre-  
16 ceding proviso: *Provided further*, That a State's applica-  
17 tion shall include assurances that all students with disabil-  
18 ities (as defined by section 602 of IDEA) are afforded  
19 their full rights under IDEA, including all rights and serv-  
20 ices outlined in individualized education programs  
21 ("IEPs") (as defined in section 614(d) of IDEA), individ-  
22 ualized family services plans (as defined by section 636  
23 of IDEA), and in section 504 of the Rehabilitation Act  
24 of 1973: *Provided further*, That a State receiving funds  
25 under this heading shall submit a report to the Secretary,

1 at such time and in such manner as the Secretary may  
2 require, that describes the use of funds provided under  
3 this heading: *Provided further*, That no recipient of funds  
4 under this heading shall use funds to provide financial as-  
5 sistance to students to attend private elementary or sec-  
6 ondary schools, unless such funds are used to provide spe-  
7 cial education and related services to children with disabil-  
8 ities whose IEPs require such placement, and where the  
9 school district maintains responsibility for providing such  
10 children a free appropriate public education, as authorized  
11 by IDEA: *Provided further*, That a local educational agen-  
12 cy, State, institution of higher education, or other entity  
13 that receives funds under “State Fiscal Stabilization  
14 Fund”, shall to the greatest extent practicable, continue  
15 to pay its employees and contractors during the period of  
16 any disruptions or closures related to coronavirus: *Pro-*  
17 *vided further*, That the terms “elementary education” and  
18 “secondary education” have the meaning given such terms  
19 under State law: *Provided further*, That the term “institu-  
20 tion of higher education” has the meaning given such term  
21 in section 101 of the Higher Education Act of 1965: *Pro-*  
22 *vided further*, That the term “fiscal year” shall have the  
23 meaning given such term under State law: *Provided fur-*  
24 *ther*, That the term “State” means each of the 50 States,  
25 the District of Columbia, and the Commonwealth of Puer-

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

5 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY  
6 FACILITIES AID

7 For an additional amount for “Elementary and Sec-  
8 ondary School Emergency Facilities Aid”, \$5,000,000,000  
9 to prevent, prepare for, and respond to coronavirus: *Pro-*  
10 *vided*, That such amount is designated by the Congress  
11 as being for an emergency requirement pursuant to sec-  
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
13 gency Deficit Control Act of 1985.

14 ADMINISTRATIVE PROVISION—ELEMENTARY AND  
15 SECONDARY SCHOOL EMERGENCY FACILITIES AID

16 SEC. 804. (a)(1) GRANTS.—From the amount made  
17 available under this heading in this Act, the Secretary  
18 shall make elementary and secondary school emergency fa-  
19 cilities grants to each State educational agency with an  
20 approved application. The Secretary shall issue a notice  
21 inviting applications not later than 30 days of enactment  
22 of this Act and approve or deny applications not later than  
23 30 days after receipt.

24 (2) For purposes of this section, a State des-  
25 igned agency shall mean the State educational

1 agency, unless the Governor of a State designates a  
2 State agency other than the educational agency as  
3 responsible for school facilities improvement under  
4 this section and informs the Secretary of such des-  
5 ignation and the term “State” means each of the 50  
6 States, the District of Columbia, and the Common-  
7 wealth of Puerto Rico .

8 (b)(1) ALLOCATIONS TO STATES.—The amount of  
9 each grant under subsection (a) shall be allocated by the  
10 Secretary to each State in the same proportion as each  
11 State received under part A of title I of the ESEA of 1965  
12 in the most recent fiscal year.

13 (2) STATE RESERVATION.—A State may reserve  
14 not more than  $\frac{1}{2}$  of 1 percent for administration  
15 costs.

16 (3) RESERVATION FOR OUTLYING AREAS AND  
17 BUREAU OF INDIAN EDUCATION-FUNDED  
18 SCHOOLS.—The Secretary shall reserve from the  
19 amount made available under this heading in this  
20 Act—

21 (A) one-half of 1 percent, to provide assist-  
22 ance to the outlying areas; and

23 (B) one-half of 1 percent, for payments to  
24 the Secretary of the Interior to provide assist-



1           ance to Bureau of Indian Education-funded  
2           schools.

3           (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-  
4 CIES.—Within 60 days of the State’s approved application  
5 under paragraph (a), each State shall allocate the remain-  
6 ing grant funds awarded to the State under this section  
7 as subgrants to local educational agencies in the State,  
8 with the grant funds allocated to the local educational  
9 agencies with the highest percentages of students eligible  
10 for a free or reduced price lunch under the Richard B.  
11 Russell National School Lunch Act (42. U.S.C. 1751 et.  
12 seq.) with the public school facilities with the highest  
13 needs related to the coronavirus as determined by the  
14 State.

15           (1) PUBLIC NOTICE.—The State educational  
16 agency shall make subgrant information available to  
17 the public on the State educational agency website,  
18 including the local educational agencies that received  
19 subgrant awards and the amounts provided to each  
20 local educational agency.

21           (2) SUBGRANT APPLICATIONS.—To be consid-  
22 ered for a subgrant under this section, a qualified  
23 local educational agency shall submit an application  
24 to the State educational agency that shall include at  
25 minimum—

1 (A) a description of the coronavirus-related  
2 school facility needs within the local educational  
3 agency; and

4 (B) an estimate of how much addressing  
5 the coronavirus-related facility needs will cost.

6 (d) USES OF FUNDS.—A local educational agency  
7 that receives funds under this section may use the funds  
8 for any of the following:

9 (1) School facility repairs and improvements to  
10 enable operation of schools to reduce risk of virus  
11 transmission and exposure to environmental health  
12 hazards, and to support student health needs.

13 (2) Inspection, testing, maintenance, repair, re-  
14 placement, and upgrade projects to improve the in-  
15 door air quality in school facilities, including me-  
16 chanical and non-mechanical heating, ventilation,  
17 and air conditioning systems, filtering, purification  
18 and other air cleaning, fans, control systems, and  
19 window and door repair and replacement.

20 (3) School facility repairs and improvements to  
21 support improved personal hygiene, such as repair,  
22 replacement, and installation of sinks for hand  
23 washing and touchless water dispensers for drinking,  
24 and health isolation areas.

1           (4) Inspection, testing, maintenance, repair,  
2           and replacement of school facility potable water sys-  
3           tems to provide safe drinking water after prolonged  
4           shutoffs.

5           (5) Improvements to finishes, such as painting  
6           and other surface repair, needed to enable effective  
7           sanitizing.

8           (6) Improvements to school grounds needed to  
9           enable outdoor instruction and other physically  
10          distanced school activities.

11          (7) Training of school facility staff in associa-  
12          tion with the above uses of funds.

13          (8) Planning, assessment, management, design,  
14          renovation, repair and construction activities in asso-  
15          ciation with the above uses of funds.

16          (9) Inspection, testing, maintenance, repair, re-  
17          placement, and upgrade projects to electrical sys-  
18          tems to allow or improve information technology to  
19          provide virtual education.

20          (e) PRIORITY.—A local educational agency that re-  
21          ceives funds under this section shall prioritize funds for  
22          its school facilities that have the most significant facility  
23          improvement needs with respect to responding to covid-  
24          19, including those identified by the Centers for Disease  
25          Control and Prevention.

1 (f) REPORTING.—(1) The local educational agency  
2 shall include the following information in a report to the  
3 State educational agency within 60 days of receipt of  
4 grant funds—

5 (A) which schools benefitted from the funds in  
6 this section;

7 (B) how much funding each selected school re-  
8 ceived; and

9 (C) a description of how the grant funds were  
10 used.

11 (2) The State educational agency shall include the  
12 following information in a report to the Secretary within  
13 6 months of receipt of grant funds—

14 (A) which local educational agencies received  
15 funding;

16 (B) how much funding was awarded to each re-  
17 ceiving local educational agency; and

18 (C) a summary on the uses of funds for  
19 projects receiving funds under this section, including  
20 the amount of local or state funds, if any, applied  
21 to projects.

22 (3) The Secretary shall prepare and submit a report  
23 to the Committees on Appropriations of the House of Rep-  
24 resentatives and the Senate, the Committee on Education  
25 and Labor of the House of Representatives, and the Com-

1 mittee on Health, Education, Labor and Pensions of the  
2 Senate within 10 months of the date of enactment of this  
3 Act, that includes a summary of the types of projects that  
4 were funded with the grants.

5 HIGHER EDUCATION

6 For an additional amount for “Higher Education”,  
7 \$11,942,000,000 to prevent, prepare for, and respond to  
8 coronavirus, of which \$11,000,000 shall be transferred to  
9 “National Technical Institute for the Deaf” to help defray  
10 expenses (which may include lost revenue, reimbursement  
11 for expenses already incurred, technology costs associated  
12 with a transition to distance education, sign language and  
13 captioning costs associated with a transition to distance  
14 education, faculty and staff trainings, and payroll) directly  
15 caused by coronavirus and to enable emergency financial  
16 aid to students for expenses directly related to coronavirus  
17 and the disruption of university operations (which may in-  
18 clude food, housing, transportation, technology, health  
19 care, and child care), of which \$20,000,000 shall be trans-  
20 ferred to “Howard University” to help defray expenses  
21 (which may include lost revenue, reimbursement for ex-  
22 penses already incurred, technology costs associated with  
23 a transition to distance education, technology costs associ-  
24 ated with a transition to distance education, faculty and  
25 staff trainings, and payroll) directly related to coronavirus

1 and to enable grants to students for expenses directly re-  
2 lated to coronavirus and the disruption of university oper-  
3 ations (which may include food, housing, transportation,  
4 technology, health care, and child care), of which  
5 \$11,000,000 shall be transferred to “Gallaudet Univer-  
6 sity” to help defray expenses (which may include lost rev-  
7 enue, reimbursement for expenses already incurred, tech-  
8 nology costs associated with a transition to distance edu-  
9 cation, sign language and captioning costs associated with  
10 a transition to distance education, faculty and staff  
11 trainings, and payroll) directly related to coronavirus and  
12 to enable grants to students for expenses directly related  
13 to coronavirus and the disruption of university operations  
14 (which may include food, housing, transportation, tech-  
15 nology, health care, and child care), and of which the re-  
16 maining amounts shall be used to carry out parts A and  
17 B of title III, parts A and B of title V, subpart 4 of part  
18 A of title VII, and part B of title VII of the Higher Edu-  
19 cation Act of 1965 (“HEA”) as follows:

20 (1) \$3,500,000,000 for parts A and B of title  
21 III, parts A and B of title V, and subpart 4 of part  
22 A of title VII of the HEA to address needs directly  
23 related to coronavirus: *Provided*, That such amount  
24 shall be allocated by the Secretary proportionally to  
25 such programs covered under this paragraph and

1 based on the relative share of funding appropriated  
2 to such programs in the Further Consolidated Ap-  
3 propriations Act, 2020 (Public Law 116–94) and  
4 distributed to institutions of higher education as fol-  
5 lows:

6 (A) Except as otherwise provided in sub-  
7 paragraph (B), for eligible institutions under  
8 part B of title III and subpart 4 of part A of  
9 title VII of the Higher Education Act, the Sec-  
10 retary shall allot to each eligible institution an  
11 amount using the following formula:

12 (i) 70 percent according to a ratio  
13 equivalent to the number of Pell Grant re-  
14 cipients in attendance at such institution  
15 at the end of the school year preceding the  
16 beginning of that fiscal year and the total  
17 number of Pell Grant recipients at all such  
18 institutions;

19 (ii) 20 percent according to a ratio  
20 equivalent to the total number of students  
21 enrolled at such institution at the end of  
22 the school year preceding the beginning of  
23 that fiscal year and the number of stu-  
24 dents enrolled at all such institutions; and

1 (iii) 10 percent according to a ratio  
2 equivalent to the total endowment size at  
3 all eligible institutions at the end of the  
4 school year preceding the beginning of that  
5 fiscal year and the total endowment size at  
6 such institutions;

7 (B) For eligible institutions under section  
8 326 of the Higher Education Act, the Secretary  
9 shall allot to each eligible institution an amount  
10 in proportion to the award received from fund-  
11 ing for such institutions in the Further Consoli-  
12 dated Appropriations Act, 2020 (Public Law  
13 116–94);

14 (C) For eligible institutions under section  
15 316 of the Higher Education Act, the Secretary  
16 shall allot funding according to the formula in  
17 section 316(d)(3) of the Higher Education Act;

18 (D) Notwithstanding section 318(f) of the  
19 Higher Education Act, for eligible institutions  
20 under section 318 of the Higher Education Act,  
21 the Secretary shall allot funding according to  
22 the formula in section 318(e) of the Higher  
23 Education Act;

24 (E) Except as provided in subparagraphs  
25 (C) and (D), for eligible institutions under part



1 A of title III of the Higher Education Act and  
2 parts A and B of title V, the Secretary shall  
3 issue an application for eligible institutions to  
4 demonstrate unmet need, and the Secretary  
5 shall allow eligible institutions to apply for  
6 funds under one of the programs for which they  
7 are eligible.

8 (2) \$8,400,000,000 for part B of title VII of  
9 the HEA for institutions of higher education (as de-  
10 fined in section 101 or 102(c) of the HEA) to ad-  
11 dress needs directly related to coronavirus as follows:

12 (A) \$7,000,000,000 shall be provided to  
13 private, nonprofit institutions of higher edu-  
14 cation, by apportioning—

15 (i) 75 percent according to the rel-  
16 ative share of enrollment of Federal Pell  
17 Grant recipients who are not exclusively  
18 enrolled in distance education courses prior  
19 to the coronavirus emergency; and

20 (ii) 25 percent according to the rel-  
21 ative share of the total enrollment of stu-  
22 dents who were not Federal Pell Grant re-  
23 cipients who are not exclusively enrolled in  
24 distance education courses prior to the  
25 coronavirus emergency.

1 (B) \$1,400,000,000 shall be for institu-  
2 tions of higher education with unmet need re-  
3 lated to the coronavirus, including institutions  
4 of higher education that offer their courses and  
5 programs exclusively through distance edu-  
6 cation:

7 *Provided*, That funds shall be used to make payments to  
8 such institutions to provide emergency grants to students  
9 who attended such institutions at any point during the  
10 coronavirus emergency and for any component of the stu-  
11 dent's cost of attendance (as defined under section 472  
12 of the HEA), including tuition, food, housing, course ma-  
13 terials, technology, health care, and child care): *Provided*  
14 *further*, That institutions of higher education may use  
15 such funds to defray expenses (including lost revenue, re-  
16 imbursement for expenses already incurred, technology  
17 costs associated with a transition to distance education,  
18 faculty and staff trainings, and payroll) incurred by insti-  
19 tutions of higher education: *Provided further*, That such  
20 payments shall not be used to increase endowments, to  
21 pay contractors for the provision of pre-enrollment recruit-  
22 ment activities, or provide funding for capital outlays asso-  
23 ciated with facilities related to athletics, sectarian instruc-  
24 tion, or religious worship: *Provided further*, That any pri-  
25 vate, nonprofit institution of higher education that is not

1 otherwise eligible for a grant of at least \$1,000,000 under  
2 paragraph (2)(A)(ii) of this heading and has a total enroll-  
3 ment of at least 500 students shall be eligible to receive,  
4 from amounts reserved under paragraph (2)(A)(i), an  
5 amount equal to whichever is the lesser of the total loss  
6 of revenue and increased costs associated with the  
7 coronavirus or \$1,000,000: *Provided further*, That of the  
8 funds provided under paragraph 2(B), the Secretary shall  
9 make an application available for institutions of higher  
10 education to demonstrate unmet need, which shall include  
11 for this purpose a dramatic decline in revenue as a result  
12 of campus closure, exceptional costs or challenges imple-  
13 menting distance education platforms due to lack of a  
14 technological infrastructure, serving a large percentage of  
15 students who lack access to adequate technology to move  
16 to distance education, serving a region or community that  
17 has been especially impacted by increased unemployment  
18 and displaced workers, serving communities or regions  
19 where the number of coronavirus cases has imposed excep-  
20 tional costs on the institution, and other criteria that the  
21 Secretary shall identify after consultation with institutions  
22 of higher education or their representatives: *Provided fur-*  
23 *ther*, That no institution may receive an award under the  
24 preceding proviso unless it has submitted an application  
25 that describes the impact of the coronavirus on the institu-

1 tion and the ways that the institution will use the funds  
2 to ameliorate such impact: *Provided further*, That the Sec-  
3 retary shall reallocate any funds received from an institu-  
4 tion to remaining institutions in accordance with para-  
5 graph 2(A): *Provided further*, That the Secretary shall  
6 brief the Committees on Appropriations fifteen days in ad-  
7 vance of making any application available for funds under  
8 paragraph (2)(B): *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 INSTITUTE OF EDUCATION SCIENCES

13 For an additional amount for “Institute of Education  
14 Sciences”, \$32,000,000 to prevent, prepare for, and re-  
15 spond to coronavirus for carrying out the National Assess-  
16 ment of Educational Progress Authorization Act (title III  
17 of Public Law 107–279): *Provided*, That such amount is  
18 designated by the Congress as being for an emergency re-  
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
20 anced Budget and 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”, \$7,000,000, to remain available until expended,  
25 to prevent, prepare for, and respond to coronavirus, in-

1 cluding for salaries and expenses necessary for oversight,  
2 investigations and audits of programs, grants, and  
3 projects funded in this Act to respond to coronavirus: *Pro-*  
4 *vided*, That such amount is designated by the Congress  
5 as being for an emergency requirement pursuant to sec-  
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
7 gency Deficit Control Act of 1985.

8 GENERAL PROVISIONS—DEPARTMENT OF EDUCATION

9 SEC. 805. The remaining unobligated balances of  
10 funds made available to “Department of Education—Of-  
11 fice of Inspector General” in title VIII of division B of  
12 the CARES Act (Public Law 116–136) are hereby re-  
13 scinded, and an amount of additional new budget author-  
14 ity equivalent to the amount rescinded is hereby appro-  
15 priated, for an additional amount for fiscal year 2021, to  
16 remain available until expended, for the same purposes  
17 and under the same authorities as they were originally ap-  
18 propriated, and shall be in addition to any other funds  
19 available for such purposes: *Provided*, That the amounts  
20 appropriated by this section may also be used for inves-  
21 tigation and are available until expended: *Provided fur-*  
22 *ther*, That amounts rescinded pursuant to this section that  
23 were previously designated by the Congress as an emer-  
24 gency requirement pursuant to the Balanced Budget and  
25 Emergency Deficit Control Act of 1985 are designated by

1 the Congress as being for an emergency requirement pur-  
2 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
3 and Emergency Deficit Control Act of 1985: *Provided fur-*  
4 *ther*, That such amount is designated by the Congress as  
5 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 SEC. 806. Section 18004(c) of the Coronavirus Aid,  
9 Relief, and Economic Security Act (P.L. 116–136) is  
10 amended by striking “to cover any costs associated with  
11 significant changes to the delivery of instruction due to  
12 the coronavirus” and inserting “to defray expenses (in-  
13 cluding lost revenue, reimbursement for expenses already  
14 incurred, technology costs associated with a transition to  
15 distance education, faculty and staff trainings, payroll) in-  
16 curred by institutions of higher education.”: *Provided*,  
17 That amounts repurposed pursuant to the amendment  
18 made by this section that were previously designated by  
19 the Congress as an emergency requirement pursuant to  
20 the Balanced Budget and Emergency Deficit Control Act  
21 of 1985 are designated by the Congress as an emergency  
22 requirement pursuant to section 251(b)(2)(A)(i) of the  
23 Balanced Budget and Emergency Deficit Control Act of  
24 1985.

1       SEC. 807. With respect to the allocation and award  
2 of funds under this title, the Secretary of Education is  
3 prohibited from—

4       (a) establishing a priority or preference not specified  
5 in this title; and

6       (b) imposing limits on the use of such funds not spec-  
7 ified in this title.

8       SEC. 808. (a) LOCAL ACTIVITIES AND IN-PERSON  
9 CARE.—Notwithstanding each provision in part B of title  
10 IV of the Elementary and Secondary Education Act of  
11 1965 (20 U.S.C. 7171 et seq.) that requires activities  
12 under such part to be carried out during nonschool hours  
13 or periods when school is not in session, for school year  
14 2020–2021, an eligible entity that is awarded a subgrant  
15 under section 4204 of such Act (20 U.S.C. 7174) for com-  
16 munity learning centers may use such subgrant funds—

17           (1) to carry out activities described in section  
18 4205 of such Act (20 U.S.C. 7175), regardless of  
19 whether such activities are conducted in-person or  
20 virtually, or during school hours or when school is  
21 in session; and

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

23               (A) the regular school day for students eli-  
24 gible to receive services under part B of title IV  
25 of such Act (20 U.S.C. 7171 et seq.); and

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

4 (b) REQUIREMENTS.—An eligible entity may carry  
5 out the activities described in subsection (a)(1) and the  
6 in-person care described in subsection (a)(2) if—

7 (1) such activities and in-person care supple-  
8 ment but do not supplant regular school day require-  
9 ments;

10 (2) such eligible entity complies with section  
11 4204(b)(2)(D) of the Elementary and Secondary  
12 Education Act of 1965 (20 U.S.C. 7174(b)(2)(D))  
13 with respect to the activities carried out pursuant to  
14 this Act; and

15 (3) such eligible entity specifies in an applica-  
16 tion for a subgrant under section 4204(b) of such  
17 Act (20 U.S.C. 7174(b)) with respect to such school  
18 year (or in an addendum to such application) how  
19 the subgrant funds will be used to carry out such ac-  
20 tivities or to provide such in-person care, or both.

21 (c) EMERGENCY DESIGNATION.—The amounts pro-  
22 vided by this section are 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 SEC. 809. The Secretary of Education may allow  
2 funds appropriated for grants under part B of title I and  
3 title VI of the Rehabilitation Act of 1973 (29 U.S.C. 701  
4 et seq.) for fiscal year 2020 to be available for obligation  
5 and expenditure during fiscal years 2020 and 2021: *Pro-*  
6 *vided*, That the amounts provided by this section are des-  
7 ignated by the Congress as being for an emergency re-  
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
9 anced Budget and Emergency Deficit Control Act of 1985.

#### 10 RELATED AGENCIES

##### 11 CORPORATION FOR NATIONAL AND COMMUNITY

##### 12 SERVICE

13 For an additional amount for the “Corporation for  
14 National and Community Service” (referred to under this  
15 heading as “CNCS”), \$336,000,000, to prevent, prepare  
16 for, and respond to coronavirus, including to carry out the  
17 Domestic Volunteer Service Act of 1973 (“1973 Act”) and  
18 the National and Community Service Act of 1990 (“1990  
19 Act”): *Provided*, That \$228,000,000 of the funds made  
20 available in this paragraph may be used to make new and  
21 additional awards to new and existing AmeriCorps grant-  
22 ees and may be used to provide adjustments to awards  
23 under subtitle C of title I of the 1990 Act for which the  
24 Chief Executive Officer of CNCS determines that a waiver  
25 of the Federal share limitation is warranted under section

1 2521.70 of title 45 of the Code of Federal Regulations:  
2 *Provided further*, That of the amount provided in this  
3 paragraph, \$26,000,000 shall be for programs under title  
4 I, part A of the 1973 Act: *Provided further*, That of the  
5 amount provided in this paragraph, \$35,000,000 shall be  
6 for programs under title II of the 1973 Act, and not less  
7 than \$23,000,000 of these funds shall be available for the  
8 program under title II, part C of the 1973 Act: *Provided*  
9 *further*, That of the amounts provided under this para-  
10 graph: (1) up to 1 percent of the funds in this paragraph  
11 may be used to defray the costs of conducting grant appli-  
12 cation reviews, including the use of outside peer reviewers  
13 and electronic management of the grants cycle; (2)  
14 \$9,000,000 shall be available to provide assistance to  
15 State commissions on national and community service,  
16 under section 126(a) of the 1990 Act; (3) \$5,000,000  
17 shall be available to carry out subtitle E of the 1990 Act;  
18 and (4) \$12,000,000 shall be available for expenses au-  
19 thorized under section 501(a)(4)(F) of the 1990 Act,  
20 which shall be awarded by CNCS on a competitive basis:  
21 *Provided further*, That for the purposes of carrying out  
22 the 1990 Act, satisfying the requirements in section  
23 122(c)(1)(D) of such Act may include a determination of  
24 need by the local community: *Provided further*, That up  
25 to \$21,000,000 may be transferred for necessary expenses

1 of administration as provided under section 501(a)(5) of  
2 the 1990 Act and under section 504(a) of the 1973 Act:  
3 *Provided further*, That such amount is designated by the  
4 Congress as being for an emergency requirement pursuant  
5 to section 251(b)(2)(A)(i) of the Balanced Budget and  
6 Emergency Deficit Control Act of 1985.

7 PAYMENT TO THE NATIONAL SERVICE TRUST

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “National Service  
10 Trust”, \$14,000,000, to remain available until expended:  
11 *Provided*, That CNCS may transfer additional funds from  
12 the amount provided under the heading “Corporation for  
13 National and Community Service” in this Act for grants  
14 made under subtitle C of title I of the 1990 Act to this  
15 appropriation upon determination that such transfer is  
16 necessary to support the activities of national service par-  
17 ticipants and after notice is transmitted to the Committees  
18 on Appropriations of the House of Representatives and the  
19 Senate: *Provided further*, That the amount appropriated  
20 for or transferred to the National Service Trust may be  
21 invested under section 145(b) of the 1990 Act without re-  
22 gard to the requirement to apportion funds under 31  
23 U.S.C. 1513(b): *Provided further*, That such amount is  
24 designated by the Congress as being for an emergency re-

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

3 CORPORATION FOR PUBLIC BROADCASTING

4 For an additional amount for fiscal year 2021 for  
5 “Corporation for Public Broadcasting,” \$175,000,000 to  
6 prevent, prepare for, and respond to coronavirus, includ-  
7 ing for fiscal stabilization grants to public telecommuni-  
8 cations entities, as defined by 47 U.S.C. 397(12), with no  
9 deduction for administrative or other costs of the Corpora-  
10 tion, to maintain programming and services and preserve  
11 small and rural stations threatened by declines in non-  
12 Federal revenues: *Provided*, That such amount is des-  
13 igned by the Congress as being for an emergency re-  
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
15 anced Budget and Emergency Deficit Control Act of 1985.

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

18 AND ADMINISTRATION

19 For an additional amount for “Institute of Museum  
20 and Library Services”, \$135,000,000 to prevent, prepare  
21 for, and respond to coronavirus, including grants to  
22 States, territories, tribes, museums, and libraries, to ex-  
23 pand digital network access, purchase internet accessible  
24 devices, provide technical support services, and for oper-  
25 ational expenses: *Provided*, That any matching funds re-

1 requirements for States, tribes, libraries, and museums are  
2 waived for grants provided with funds made available  
3 under this heading in this Act: *Provided further*, That such  
4 amount is designated by the Congress as being for an  
5 emergency requirement pursuant to section  
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
7 Deficit Control Act of 1985.

8 RAILROAD RETIREMENT BOARD

9 LIMITATION ON ADMINISTRATION

10 For an additional amount for “Limitation on Admin-  
11 istration”, \$4,500,000 to prevent, prepare for, and re-  
12 spond to coronavirus, including the expeditious dispensa-  
13 tion of railroad unemployment insurance benefits, and to  
14 support full-time equivalents and overtime hours as need-  
15 ed to administer the Railroad Unemployment Insurance  
16 Act, and of which \$8,300 shall be for administrative costs  
17 related to implementing rebate payments: *Provided*, That  
18 such amount is designated by the Congress as being for  
19 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 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of the Inspector  
24 General”, \$500,000, to remain available until expended,  
25 to prevent, prepare for, and respond to coronavirus, in-

1 cluding salaries and expenses necessary for oversight, in-  
2 vestigations and audits of the Railroad Retirement Board  
3 and railroad unemployment insurance benefits funded in  
4 this Act and Public Law 116–136: *Provided*, That such  
5 amount is designated by the Congress as being for an  
6 emergency requirement pursuant to section  
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
8 Deficit Control Act of 1985.

9 SOCIAL SECURITY ADMINISTRATION

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 For an additional amount for “Limitation on Admin-  
12 istrative Expenses”, \$40,500,000, to prevent, prepare for,  
13 and respond to coronavirus, domestically or internation-  
14 ally, for necessary expenses to carry out additional recov-  
15 ery rebates to individuals, as described in section 101 of  
16 division F of this Act: *Provided*, That of the amount made  
17 available under this heading in this Act, \$2,500,000, to  
18 remain available until September 30, 2025, shall be trans-  
19 ferred to “Social Security Administration—Office of In-  
20 spector General” for necessary expenses in carrying out  
21 the provisions of the Inspector General Act of 1978: *Pro-*  
22 *vided further*, That such amount is designated by the Con-  
23 gress as being for an emergency requirement pursuant to  
24 section 251(b)(2)(A)(i) of the Balanced Budget and  
25 Emergency Deficit Control Act of 1985.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 810. Notwithstanding any other provision of  
3 law, funds made available under each heading in this title  
4 shall only be used for the purposes specifically described  
5 under that heading.

6           SEC. 811. Funds appropriated by this title may be  
7 used by the Secretary of the Department of Health and  
8 Human Services to appoint, without regard to the provi-  
9 sions of sections 3309 through 3319 of title 5 of the  
10 United States Code, candidates needed for positions to  
11 perform critical work relating to coronavirus for which—

12                   (1) public notice has been given; and

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

15           SEC. 812. Funds made available by this title may be  
16 used to enter into contracts with individuals for the provi-  
17 sion of personal services (as described in section 104 of  
18 part 37 of title 48, Code of Federal Regulations (48 CFR  
19 37.104)) to support the prevention of, preparation for, or  
20 response to coronavirus, domestically and internationally,  
21 subject to prior notification to the Committees on Appro-  
22 priations of the House of Representatives and the Senate:  
23 *Provided*, That such individuals may not be deemed em-  
24 ployees of the United States for the purpose of any law  
25 administered by the Office of Personnel Management: *Pro-*

1 *vided further*, That the authority made available pursuant  
2 to this section shall expire on September 30, 2024.

3 SEC. 813. Not later than 30 days after the date of  
4 enactment of this Act, the Secretary of Health and  
5 Human Services shall provide a detailed spend plan of an-  
6 ticipated uses of funds made available to the Department  
7 of Health and Human Services in this Act, including esti-  
8 mated personnel and administrative costs, to the Commit-  
9 tees on Appropriations of the House of Representatives  
10 and the Senate: *Provided*, That such plans shall be up-  
11 dated and submitted to such Committees every 60 days  
12 until September 30, 2024: *Provided further*, That the  
13 spend plans shall be accompanied by a listing of each con-  
14 tract obligation incurred that exceeds \$5,000,000 which  
15 has not previously been reported, including the amount of  
16 each such obligation.

17 SEC. 814. Of the funds appropriated by this title  
18 under the heading “Public Health and Social Services  
19 Emergency Fund”, \$25,000,000 shall be transferred to,  
20 and merged with, funds made available under the heading  
21 “Office of the Secretary, Office of Inspector General”, and  
22 shall remain available until expended, for oversight of ac-  
23 tivities supported with funds appropriated to the Depart-  
24 ment of Health and Human Services in this Act: *Provided*,  
25 That the Inspector General of the Department of Health



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

1 TITLE IX  
2 LEGISLATIVE BRANCH  
3 SENATE  
4 CONTINGENT EXPENSES OF THE SENATE  
5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE  
6 For an additional amount for “Sergeant at Arms and  
7 Doorkeeper of the Senate”, \$6,345,000, to remain avail-  
8 able until expended, to prevent, prepare for, and respond  
9 to coronavirus, which shall be allocated in accordance with  
10 a spend plan submitted to the Committee on Appropria-  
11 tions of the Senate: *Provided*, That such amount is des-  
12 ignated by the Congress as being for an emergency re-  
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
14 anced Budget and Emergency Deficit Control Act of 1985.

15 HOUSE OF REPRESENTATIVES  
16 ALLOWANCES AND EXPENSES  
17 For an additional amount for “Allowances and Ex-  
18 penses”, \$37,000,000, to remain available until expended,  
19 for necessary expenses for Business Continuity and Dis-  
20 aster Recovery, to prevent, prepare for, and respond to  
21 coronavirus, to be allocated in accordance with a spend  
22 plan submitted to the Committee on Appropriations of the  
23 House of Representatives by the Chief Administrative Of-  
24 ficer and approved by such Committee: *Provided*, That  
25 such amount is designated by the Congress as being for

1 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 JOINT ITEMS

##### 5 OFFICE OF THE ATTENDING PHYSICIAN

6 For an additional amount for “Office of the Attend-  
7 ing Physician”, \$600,000, to remain available until ex-  
8 pended, to prevent, prepare for, and respond to  
9 coronavirus: *Provided*, That such amount is designated by  
10 the Congress as being for an emergency requirement pur-  
11 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
12 and Emergency Deficit Control Act of 1985.

#### 13 CAPITOL POLICE

##### 14 SALARIES

##### 15 (INCLUDING TRANSFER OF FUNDS)

16 For an additional amount for “Salaries”,  
17 \$12,000,000, to prevent, prepare for, and respond to  
18 coronavirus: *Provided*, That amounts provided under this  
19 heading in this Act may be transferred between Capitol  
20 Police “Salaries” and “General Expenses” for the pur-  
21 poses provided herein without the approval requirement of  
22 section 1001 of the Legislative Branch Appropriations  
23 Act, 2014 (2 U.S.C. 1907a); *Provided further*, That such  
24 amount is designated by the Congress as being for an  
25 emergency requirement pursuant to section

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

3 CONGRESSIONAL BUDGET OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-  
6 penses”, \$1,200,000, 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  
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
10 et and Emergency Deficit Control Act of 1985.

11 ARCHITECT OF THE CAPITOL

12 CAPITAL CONSTRUCTION AND OPERATIONS

13 For an additional amount for “Capital Construction  
14 and Operations”, \$150,000,000, to remain available until  
15 expended, to supplement the funding made available to the  
16 Architect for the purposes described in title IX of division  
17 B of the CARES Act (Public Law 116–136): *Provided*,  
18 That this additional amount also may be used for the pur-  
19 chase and distribution of supplies to respond to  
20 coronavirus including, but not limited to, cleaning and  
21 sanitation supplies, masks and/or face coverings to Con-  
22 gressional offices, committees, and visitors, including pro-  
23 visions for travel and other necessary work carried out by  
24 staff in their Congressional Districts and State Offices,  
25 wherever located: *Provided further*, That such amount is

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

4 LIBRARY OF CONGRESS

5 SALARIES AND EXPENSES

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Salaries and Ex-  
8 penses”, \$12,000,000, to prevent, prepare for, and re-  
9 spond to coronavirus, including to offset losses resulting  
10 from the coronavirus pandemic of amounts collected pur-  
11 suant to the Act of June 28, 1902 (chapter 1301; 32 Stat.  
12 480; 2 U.S.C. 150), for revolving fund activities pursuant  
13 to sections 182 and 182a through 182e of title 2, United  
14 States Code, sections 708(d) and 1316 of title 17, United  
15 States Code, and sections 111(d)(2), 119(b)(3), 803(e),  
16 and 1005 of such title, and for reimbursement of the Little  
17 Scholars Child Development Center for salaries for em-  
18 ployees, as authorized by this title: *Provided*, That the Li-  
19 brary of Congress may transfer amounts appropriated  
20 under this heading in this Act to other applicable appro-  
21 priations of the Library of Congress to prevent, prepare  
22 for, and respond to coronavirus: *Provided further*, That  
23 such amount is designated by the Congress as being for  
24 an emergency requirement pursuant to section

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

3           GOVERNMENT PUBLISHING OFFICE  
4           GOVERNMENT PUBLISHING OFFICE BUSINESS  
5           OPERATIONS REVOLVING FUND

6           For an additional amount for “Government Pub-  
7 lishing Office Business Operations Revolving Fund”,  
8 \$7,000,000, to prevent, prepare for, and respond to  
9 coronavirus, which shall be for offsetting losses resulting  
10 from the coronavirus pandemic of amounts collected pur-  
11 suant to section 309 of title 44, United States Code: *Pro-*  
12 *vided*, That funds appropriated under this heading in this  
13 Act may be made available to restore amounts, either di-  
14 rectly or through reimbursement, for obligations incurred  
15 to prevent, prepare for, and respond to coronavirus, do-  
16 mestically or internationally, prior to the date of enact-  
17 ment of this Act: *Provided further*, That such amount is  
18 designated by the Congress as being for an emergency re-  
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
20 anced Budget and Emergency Deficit Control Act of 1985.

21           GOVERNMENT ACCOUNTABILITY OFFICE  
22           SALARIES AND EXPENSES

23           For an additional amount for “Salaries and Ex-  
24 penses”, \$88,500,000, to remain available until expended,  
25 to prevent, prepare for, and respond to coronavirus, which

1 shall be for audits and investigations and for reimburse-  
2 ment of the Tiny Findings Child Development Center for  
3 salaries for employees, as authorized by this title: *Pro-*  
4 *vided*, That not later than 90 days after the date of enact-  
5 ment of this Act, the Government Accountability Office  
6 shall submit to the Committees on Appropriations of the  
7 House of Representatives and the Senate a spend plan  
8 specifying funding estimates and a timeline for such au-  
9 dits and investigations: *Provided further*, That such  
10 amount is designated by the Congress as being for an  
11 emergency requirement pursuant to section  
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
13 Deficit Control Act of 1985.

14 GENERAL PROVISIONS—THIS TITLE

15 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES  
16 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE  
17 CENTER

18 SEC. 901. The Secretary of the Senate shall reim-  
19 burse the Senate Employee Child Care Center for per-  
20 sonnel costs incurred until September 30, 2021, for em-  
21 ployees of such Center who have been ordered to cease  
22 working due to measures taken in the Capitol complex to  
23 combat coronavirus, from amounts in the appropriations  
24 account “Miscellaneous Items” within the contingent fund  
25 of the Senate.

1       SEC. 902. Funds appropriated to the Architect of the  
2 Capitol in this Act also may be used to restore amounts,  
3 either directly or through reimbursement, for obligations  
4 incurred by the Architect to prevent, prepare for, and re-  
5 spond to Coronavirus Disease 2019 (COVID–19) prior to  
6 the date of enactment of this Act. Funds used to restore  
7 amounts to other Architect of the Capitol accounts shall  
8 assume the original period of availability of such accounts.

9       AUTHORITY OF ARCHITECT OF THE CAPITOL TO MAKE  
10       EXPENDITURES IN RESPONSE TO EMERGENCIES

11       SEC. 903. (a) COVERAGE OF COMMUTING EX-  
12 PENSES.—Section 1305(a)(2) of the Legislative Branch  
13 Appropriations Act, 2010 (2 U.S.C. 1827(a)(2)) is amend-  
14 ed by inserting after “refreshments”, the following:  
15 “transportation and other related expenses incurred by  
16 employees in commuting between their residence and their  
17 place of employment”.

18       (b) AUTHORITY TO PROVIDE SUPPLIES AND  
19 SERVICES THROUGHOUT FACILITIES AND  
20 GROUNDS UNDER THE ARCHITECT OF THE CAP-  
21 ITOL’S CARE.—Section 1305 of the Legislative Branch  
22 Appropriations Act, 2010 (2 U.S.C. 1827) is further  
23 amended by inserting after subsection (a)(2), the fol-  
24 lowing: “(3) May accept contributions of, and incur obliga-  
25 tions and make expenditures for, supplies, products, serv-  
26 ices, and operational costs necessary to respond to the



1 emergency, which may be provided throughout all facilities  
2 and grounds under the care of the Architect of the Capitol  
3 wherever located, on a reimbursable or non-reimbursable  
4 basis subject to the availability of funds.”.

5 (c) EFFECTIVE DATE.—The amendment made by  
6 subsections (a) and (b) shall apply with respect to fiscal  
7 year 2020 and each succeeding fiscal year.

8 SEC. 904. Notwithstanding the provisions of section  
9 6304(c) of title 5, United States Code, any annual leave  
10 accumulated by an employee of the Government Pub-  
11 lishing Office in excess of the limits prescribed in section  
12 6304(a) of title 5, United States Code, remains to the  
13 credit of the employee until December 31, 2021.

14 TITLE X

15 MILITARY CONSTRUCTION, VETERANS AFFAIRS,

16 AND RELATED AGENCIES

17 DEPARTMENT OF VETERANS AFFAIRS

18 VETERANS BENEFITS ADMINISTRATION

19 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

20 ADMINISTRATION

21 For an additional amount for “General Operating  
22 Expenses, Veterans Benefits Administration”,  
23 \$338,000,000, to prevent, prepare for, and respond to  
24 coronavirus, including the elimination of backlogs that  
25 may have occurred: *Provided*, That amounts provided

1 under this heading in this Act made available for the elimi-  
2 nation of backlogs may not be used to increase the number  
3 of permanent positions: *Provided further*, That of the  
4 amounts provided under this heading, up to \$198,000,000  
5 shall be to improve the Veteran Benefits Administration’s  
6 education systems, including implementation of changes to  
7 chapters 30 through 36 of part III of title 38, United  
8 States Code in the Harry W. Colmery Veterans Edu-  
9 cational Assistance Act of 2017 (Public Law 115–48), in  
10 a bill to authorize the Secretary of Veterans Affairs to  
11 treat certain programs of education converted to distance  
12 learning by reason of emergencies and health-related situ-  
13 ations in the same manner as programs of education pur-  
14 sued at educational institutions, and for other purposes  
15 (Public Law 116–128), and in the Student Veteran  
16 Coronavirus Response Act of 2020 (Public Law 116–140):  
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 VETERANS HEALTH ADMINISTRATION

22 MEDICAL COMMUNITY CARE

23 For an additional amount for “Medical Community  
24 Care”, \$100,000,000, for a one-time emergency payment  
25 to existing State Extended Care Facilities for Veterans,

1 to prevent, prepare for, and respond to coronavirus: *Pro-*  
2 *vided*, That such payments shall be in proportion to each  
3 State’s share of the total resident capacity in such facili-  
4 ties as of January 4, 2020 where such capacity includes  
5 only veterans on whose behalf the Department pays a per  
6 diem amount pursuant to 38 United States Code 1741  
7 or 1745: *Provided further*, That amounts made available  
8 to “Veterans Health Administration—Medical Services”  
9 in division B of Public Law 116–136, may be transferred  
10 to and merged with the Medical Community Care account  
11 to be used for the purposes provided under this heading  
12 in this Act, and shall be in addition to any other  
13 amounts available for such purposes: *Provided further*,  
14 That amounts transferred pursuant to the preceding pro-  
15 viso that were previously designated by the Congress as  
16 an emergency requirement pursuant to the Balanced  
17 Budget and Emergency Deficit Control Act of 1985 are  
18 designated by the Congress as an emergency requirement  
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
20 et and Emergency Deficit Control Act of 1985: *Provided*  
21 *further*, That such amount is designated by the Congress  
22 as being for an emergency requirement pursuant to sec-  
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
24 gency Deficit Control Act of 1985.

## 1 NATIONAL CEMETERY ADMINISTRATION

2 For an additional amount for “National Cemetery  
3 Administration”, \$26,000,000, to prevent, prepare for,  
4 and respond to coronavirus: *Provided*, 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  
7 Balanced Budget and Emergency Deficit Control Act of  
8 1985.

## 9 DEPARTMENTAL ADMINISTRATION

## 10 BOARD OF VETERANS APPEALS

11 For an additional amount for “Board of Veterans Ap-  
12 peals”, \$4,000,000, to prevent, prepare for, and respond  
13 to coronavirus: *Provided*, That such amount is designated  
14 by the Congress as being for an emergency requirement  
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
16 et and Emergency Deficit Control Act of 1985.

## 17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for “Information Tech-  
19 nology Systems”, \$45,000,000, to remain available until  
20 September 30, 2021, to prevent, prepare for, and respond  
21 to coronavirus: *Provided*, That amounts provided under  
22 this heading shall be to improve the Veteran Benefits Ad-  
23 ministration’s education systems, including implementa-  
24 tion of changes to chapters 30 through 36 of part III of  
25 title 38, United States Code in the Harry W. Colmery Vet-

1 erans Educational Assistance Act of 2017 (Public Law  
2 115–48), in a bill to authorize the Secretary of Veterans  
3 Affairs to treat certain programs of education converted  
4 to distance learning by reason of emergencies and health-  
5 related situations in the same manner as programs of edu-  
6 cation pursued at educational institutions, and for other  
7 purposes (Public Law 116–128), and in the Student Vet-  
8 eran Coronavirus Response Act of 2020 (Public Law 116–  
9 140): *Provided further*, That such amount is designated  
10 by the Congress as being for an emergency requirement  
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
12 et and Emergency Deficit Control Act of 1985.

13 RELATED AGENCIES

14 DEPARTMENT OF DEFENSE—CIVIL

15 CEMETERIAL EXPENSES, ARMY

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-  
18 penses”, \$2,000,000, 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  
21 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
22 et and Emergency Deficit Control Act of 1985.

## 1 AMERICAN BATTLE MONUMENTS COMMISSION

## 2 SALARIES AND EXPENSES

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

## 9 GENERAL PROVISIONS—THIS TITLE

## 10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 1001. Title X of division B of the Coronavirus  
12 Aid, Relief, and Economic Security Act (Public Law 116–  
13 136) is amended under the heading “Department of Vet-  
14 erans Affairs—Departmental Administration—Grants for  
15 Construction of State Extended Care Facilities” by strik-  
16 ing “including to modify or alter existing hospital, nursing  
17 home, and domiciliary facilities in State homes: *Provided*,”  
18 and inserting in lieu thereof the following: “which shall  
19 be for modifying or altering existing hospital, nursing  
20 home, and domiciliary facilities in State homes: *Provided*,  
21 That the Secretary shall conduct a new competition or  
22 competitions to award grants to States using funds pro-  
23 vided under this heading in this Act: *Provided further*,  
24 That such grants may be made to reimburse States for  
25 the costs of modifications or alterations that have been

1 initiated or completed before an application for a grant  
2 under this section is approved by the Secretary: *Provided*  
3 *further*, That the use of funds provided under this heading  
4 in this Act shall not be subject to state matching fund  
5 requirement, application requirements, cost thresholds,  
6 the priority list, deadlines, award dates under sections  
7 8134 and 8135 of title 38, United States Code, and part  
8 59 of chapter I of title 38, Code of Federal Regulations,  
9 and shall not be subject to requirements of section 501(d)  
10 of title 38, United States Code: *Provided further*, That the  
11 Secretary may establish and adjust rolling deadlines for  
12 applications for such grants and may issue multiple  
13 rounds of application periods for the award of such grants  
14 under this section: *Provided further*,”: *Provided*, That  
15 amounts repurposed pursuant to this section that were  
16 previously designated by the Congress as an emergency  
17 requirement pursuant to the Balanced Budget and Emer-  
18 gency Deficit Control Act of 1985 are designated by the  
19 Congress as an emergency requirement pursuant to sec-  
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
21 gency Deficit Control Act of 1985.

22 SEC. 1002. Of the unobligated balances available to  
23 the Department of Veterans Affairs from title X of divi-  
24 sion B of the Coronavirus Aid, Relief, and Economic Secu-  
25 rity Act (Public Law 116–136) for “Veterans Health Ad-

1 ministration, Medical Services”, up to \$100,000,000 may  
2 be transferred to “Departmental Administration, Informa-  
3 tion Technology Systems” to prevent, prepare for, and re-  
4 spond to coronavirus, domestically or internationally, for  
5 improvements to supply chain systems including the De-  
6 fense Medical Logistics Standard Support system: *Pro-*  
7 *vided*, That not more than \$50,000,000 may be trans-  
8 ferred to development subaccount for the Supply Chain  
9 Management project: *Provided further*, That the trans-  
10 ferred funds shall be in addition to any other funds made  
11 available for this purpose: *Provided further*, That the  
12 amounts transferred in 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  
16 an emergency requirement pursuant to section  
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
18 Deficit Control Act of 1985.



1 TITLE XI  
2 DEPARTMENT OF STATE, FOREIGN  
3 OPERATIONS, AND RELATED PROGRAMS  
4 DEPARTMENT OF STATE  
5 ADMINISTRATION OF FOREIGN AFFAIRS  
6 DIPLOMATIC PROGRAMS

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

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for “Office of Inspector  
25 General”, \$4,400,000, for oversight of activities conducted

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

7 UNITED STATES AGENCY FOR INTERNATIONAL  
8 DEVELOPMENT

9 FUNDS APPROPRIATED TO THE PRESIDENT

10 OPERATING EXPENSES

11 For an additional amount for “Operating Expenses”,  
12 \$50,000,000, to prevent, prepare for, and respond to  
13 coronavirus and for other operations and maintenance re-  
14 quirements related to the consequences of coronavirus:  
15 *Provided*, That such amount is designated by the Congress  
16 as being for an emergency requirement pursuant to sec-  
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
18 gency Deficit Control Act of 1985.

19 OFFICE OF INSPECTOR GENERAL

20 For an additional amount for “Office of Inspector  
21 General”, \$3,500,000, for oversight of activities conducted  
22 by the United States Agency for International Develop-  
23 ment and made available to prevent, prepare for, and re-  
24 spond to coronavirus by this title and by prior acts: *Pro-*  
25 *vided*, That such amount is designated by the Congress

1 as being for an emergency requirement pursuant to sec-  
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
3 gency Deficit Control Act of 1985

4 BILATERAL ECONOMIC ASSISTANCE  
5 FUNDS APPROPRIATED TO THE PRESIDENT  
6 GLOBAL HEALTH PROGRAMS

7 For an additional amount for “Global Health Pro-  
8 grams”, \$3,690,925,000, for necessary expenses to pre-  
9 vent, prepare for, and respond to coronavirus: *Provided*,  
10 That such funds shall be administered by the Adminis-  
11 trator of the United States Agency for International De-  
12 velopment: *Provided further*, That of the funds appro-  
13 priated under this heading in this title, not less than  
14 \$150,000,000 shall be transferred to, and merged with,  
15 funds made available for the Emergency Reserve Fund es-  
16 tablished pursuant to section 7058(c)(1) of the Depart-  
17 ment of State, Foreign Operations, and Related Programs  
18 Appropriations Act, 2017 (division J of Public Law 115–  
19 31): *Provided further*, That funds made available pursuant  
20 to the preceding proviso shall be made available under the  
21 terms and conditions of such section, as amended: *Pro-*  
22 *vided further*, That funds appropriated by this paragraph  
23 in this title shall be made available for a contribution to  
24 a multilateral vaccine development partnership to support  
25 epidemic preparedness: *Provided further*, That of the

1 funds appropriated by this paragraph in this title, not less  
2 than \$3,500,000,000 shall be made available for a United  
3 States Contribution to The GAVI Alliance: *Provided fur-*  
4 *ther*, That funds appropriated by this paragraph in this  
5 title shall be allocated and allotted within 60 days of the  
6 date of enactment of this Act: *Provided further*, That such  
7 amount is designated by the Congress as being for an  
8 emergency requirement pursuant to section  
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985.

11 For an additional amount for “Global Health Pro-  
12 grams”, \$4,535,925,000, for necessary expenses to pre-  
13 vent, prepare for, and respond to coronavirus: *Provided*,  
14 That such funds shall be administered by the United  
15 States Global AIDS Coordinator: *Provided further*, That  
16 not less than \$3,500,000,000 shall be made available as  
17 a United States contribution to the Global Fund to Fight  
18 AIDS, Tuberculosis and Malaria (Global Fund): *Provided*  
19 *further*, That funds made available to the Global Fund  
20 pursuant to the previous proviso shall be made available  
21 notwithstanding section 202(d)(4)(A)(i) of the United  
22 States Leadership Against HIV/AIDS, Tuberculosis, and  
23 Malaria Act of 2003 (22 U.S.C. 7622(d)(4)(A)(i)): *Pro-*  
24 *vided further*, That funds appropriated under this heading  
25 for fiscal years 2020 and 2021 which are designated 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 and made available as a  
4 United States contribution to the Global Fund shall not  
5 be considered a contribution for the purpose of applying  
6 section 202(d)(4)(A)(i): *Provided further*, That funds ap-  
7 propriated by this paragraph in this title shall be allocated  
8 and allotted within 60 days of the date of enactment of  
9 this Act: *Provided further*, That such amount is designated  
10 by the Congress as being for an emergency requirement  
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
12 et and Emergency Deficit Control Act of 1985.

13 DEVELOPMENT ASSISTANCE

14 For an additional amount for “Development Assist-  
15 ance”, \$250,000,000, for necessary expenses to prevent,  
16 prepare for, and respond to coronavirus, including to ad-  
17 dress related economic, and stabilization requirements, of  
18 which not less than \$150,000,000 shall be made available  
19 to maintain access to basic education and not less than  
20 \$45,000,000 shall be to maintain access to not-for-profit  
21 institutions of higher education for costs related to the  
22 consequences of coronavirus: *Provided*, That such institu-  
23 tions of higher education shall meet standards equivalent  
24 to those required for United States institutional accredita-  
25 tion by a regional accreditation agency recognized by the

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

9 INDEPENDENT AGENCIES

10 INTER-AMERICAN FOUNDATION

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

22 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

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

## 9 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 pre-  
15 vent, prepare for, and respond to coronavirus and to sup-  
16 port the United Nations Global Humanitarian Response  
17 Plan COVID–19, of which not less than \$750,000,000  
18 shall be 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*  
23 *further*, That such amount is designated by the Congress  
24 as being for an emergency requirement pursuant to sec-

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

3 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 Sup-  
7 plemental Appropriations Act (division A of Public Law  
8 116–123) shall apply to funds appropriated by this title  
9 as follows:

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  
17 the headings “Diplomatic Programs”, “Operating Ex-  
18 penses”, “Global Health Programs”, and “Development  
19 Assistance” may be used to reimburse such accounts ad-  
20 ministered by the Department of State and the United  
21 States Agency for International Development, for obliga-  
22 tions incurred to prevent, prepare for, and respond to  
23 coronavirus prior to the date of enactment of this Act.

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



1 Supplemental Appropriations Act, 2020 (division A of  
2 Public Law 116–123) shall apply to funds appropriated  
3 by this 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 sec-  
10 tions 609(i) and 609(j) of the Millennium Challenge Act  
11 of 2003 (2211 U.S.C. 7708(j), 7715), the Millennium  
12 Challenge Corporation may, subject to the availability of  
13 funds, extend any compact in effect as of January 29,  
14 2020, for up to one additional year, to account for delays  
15 related to coronavirus: *Provided*, That the Corporation  
16 shall notify the Committees on Appropriations and For-  
17 eign Relations of the Senate and the Committees on Ap-  
18 propriations and Foreign Affairs of the House of Rep-  
19 resentatives prior to 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  
23 to the foreign area limitations referenced therein, to make  
24 payments for education allowances to employees who are  
25 in the United States on ordered or authorized departure,

1 or for whom travel to a post in a foreign area has been  
2 delayed, to prevent, prepare for, or respond to coronavirus:  
3 *Provided*, That the authority under this section shall ex-  
4 pire on December 31, 2024.

5 SEC. 1107. The Secretary of State and the heads of  
6 other Federal agencies whose employees are authorized to  
7 receive payments of monetary amounts and other allow-  
8 ances under section 5523 of title 5, United States Code,  
9 may rely upon the authority of that section, without re-  
10 gard to the time limitations referenced therein, to continue  
11 such payments in connection with authorized or ordered  
12 departures from foreign areas, to prevent, prepare for, and  
13 respond to coronavirus: *Provided*, That the authority  
14 under this section shall be available to continue such pay-  
15 ments for the period beginning on July 21, 2020, through  
16 September 30, 2022, when such authority shall expire.

1 TITLE XII  
2 TRANSPORTATION, HOUSING AND URBAN  
3 DEVELOPMENT, AND RELATED AGENCIES  
4 DEPARTMENT OF TRANSPORTATION  
5 OFFICE OF THE SECRETARY  
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-  
8 penses”, \$20,000,000, to remain available until expended,  
9 to prevent, prepare for, and respond to coronavirus, in-  
10 cluding necessary expenses for operating costs and capital  
11 outlays: *Provided*, That such amounts are in addition to  
12 any other amounts made available for this purpose: *Pro-*  
13 *vided further*, That obligations of amounts under this  
14 heading in this Act shall not be subject to the limitation  
15 on obligations under the heading “Office of the Sec-  
16 retary—Working Capital Fund” in division H of the Fur-  
17 ther Consolidated Appropriations Act, 2020 (Public Law  
18 116–94): *Provided further*, That such amount is des-  
19 ignated 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 ESSENTIAL AIR SERVICE

23 In addition to funds provided to the “Payments to  
24 Air Carriers” program in Public Law 116–94 to carry out  
25 the essential air service program under section 41731

1 through 41742 of title 49, United States Code,  
2 \$75,000,000, to be derived from the general fund of the  
3 Treasury, and to be made available to the Essential Air  
4 Service and Rural Improvement Fund, to prevent, prepare  
5 for, and respond to coronavirus: *Provided*, That such  
6 amount is designated by the Congress as being for an  
7 emergency requirement pursuant to section  
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 For an additional amount for “Operations”,  
13 \$50,000,000, to be derived from the general fund, for nec-  
14 essary expenses to provide Federal Aviation Administra-  
15 tion (FAA) employees with masks or protective face cov-  
16 erings, gloves, and sanitizer and wipes with sufficient alco-  
17 hol content and to ensure FAA facilities are cleaned, dis-  
18 infected, and sanitized in accordance with Centers for Dis-  
19 ease Control and Prevention guidance: *Provided further*,  
20 That such amount is designated by the Congress as being  
21 for an emergency requirement pursuant to section  
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.

## 1 GRANTS-IN-AID FOR AIRPORTS

2 For an additional amount for “Grants-In-Aid for Air-  
3 ports”, \$13,500,000,000, to prevent, prepare for, and re-  
4 spond to coronavirus, to remain available until September  
5 30, 2026: *Provided*, That amounts made available under  
6 this heading in this Act shall be derived from the general  
7 fund of the Treasury: *Provided further*, That funds pro-  
8 vided under this heading in this Act shall only be available  
9 to sponsors of airports in categories defined in section  
10 47102 of title 49, United States Code: *Provided further*,  
11 That the requirements of chapter 471 of such title, except  
12 for project eligibility, shall apply to funds provided for any  
13 contract awarded (after the date of enactment of this Act)  
14 for airport development and funded under this heading:  
15 *Provided further*, That funds provided under this heading  
16 in this Act may not be used for any purpose not directly  
17 related to the airport: *Provided further*, That of the  
18 amounts appropriated under this heading in this Act—

19 (1) Not less than \$500,000,000 shall be to pay  
20 the local share of eligible costs for which a grant is  
21 made under this heading under the Department of  
22 Transportation Appropriations Act, 2021: *Provided*,  
23 That any remaining funds after the apportionment  
24 under this paragraph (1) shall be distributed as de-

1 scribed in paragraph (2) under this heading in this  
2 Act:

3 (2) Not less than \$12,500,000,000 shall be  
4 available for any purpose for which airport revenues  
5 may lawfully be used: *Provided*, That such funds  
6 shall be allocated among eligible primary airports  
7 (as defined in section 47102(16) of title 49 United  
8 States Code) based on each airport's calendar year  
9 2019 enplanements as a percentage of total 2019  
10 enplanements for all eligible primary service air-  
11 ports: *Provided further*, That sponsors provide relief  
12 equaling at least 25 percent of the amount allocated  
13 to an airport under this paragraph to on-airport car  
14 rental, on-airport parking, and in-terminal airport  
15 concessions (as defined in part 23 of title 49, Code  
16 of Federal Regulations) in the form of waiving rent,  
17 minimum annual guarantees, lease obligations, fees,  
18 or penalties, or, at the request of the owner of an  
19 in-terminal concession, to provide for a buyout of  
20 such concession: *Provided further*, That the sponsor  
21 shall give the highest priority to an owner who quali-  
22 fies as an small businesses with maximum gross re-  
23 ceipts less than \$56 million: *Provided further*, That  
24 the Federal share payable of the costs for which a

1 grant is made under this paragraph shall be 100  
2 percent; and

3 (3) Up to \$200,000,000 shall be available for  
4 general aviation airports and commercial service air-  
5 ports that are not primary airports for any purpose  
6 for which airport revenues may lawfully be used,  
7 and, which the Secretary shall apportion directly to  
8 each eligible airport, as defined in paragraphs (7),  
9 (8), and (16) of section 47102 of title 49, United  
10 States Code, based on the categories published in  
11 the most current National Plan of Integrated Air-  
12 port Systems, reflecting the percentage of the aggre-  
13 gate published eligible development costs for each  
14 such category, and then dividing the allocated funds  
15 evenly among the eligible airports in each category,  
16 rounding up to the nearest thousand dollars: *Pro-*  
17 *vided*, That the Federal share payable of the costs  
18 for which a grant is made under this paragraph  
19 shall be 100 percent: *Provided further*, That any re-  
20 maining funds after the apportionment under this  
21 paragraph (3) shall be distributed as described in  
22 paragraph (2) under this heading in this Act:  
23 *Provided further*, That the matter preceding the first pro-  
24 viso under this heading in title XII of division B of the  
25 CARES Act (Public Law 116-136) is amended by striking

1 “to remain available until expended” and inserting “to re-  
2 main available until September 30, 2025”: *Provided fur-*  
3 *ther*, That amounts made available under this heading in  
4 title XII of division B of the CARES Act (Public Law  
5 116-136) shall not be subject to the limitation on obliga-  
6 tions in any act making appropriations: *Provided further*,  
7 That any funds under the previous proviso designated as  
8 airport grants that are unobligated, recovered by or re-  
9 turned to the Federal Aviation Administration (FAA)  
10 within 5 years from the date of enactment of the CARES  
11 Act (Public Law 116-36) shall be pooled and redistributed  
12 as described in paragraph (2) under this heading in this  
13 Act: *Provided further*, That the FAA may redistribute  
14 funds under the previous proviso on more than one occa-  
15 sion: *Provided further*, That any airport that had been al-  
16 located more than four times annual operating expenses  
17 under this heading in title XII of division B of the CARES  
18 Act (Public Law 116-136) shall not be eligible for funds  
19 allocated or redistributed under this Act: *Provided further*,  
20 That the Administrator of the FAA may retain up to 0.1  
21 percent of the funds provided under this heading in this  
22 Act to fund the award and oversight by the Administrator  
23 of grants made under this heading in this Act: *Provided*  
24 *further*, That obligations of funds under this heading in  
25 this Act shall not be subject to any limitations on obliga-



1 tions provided in any Act making appropriations: *Provided*  
2 *further*, That all airport sponsors receiving funds under  
3 this heading in this Act shall continue to employ, through  
4 September 30, 2021, at least 90 percent of the number  
5 of individuals employed (after making adjustments for re-  
6 tirements or voluntary employee separations) by each air-  
7 port as of March 27, 2020: *Provided further*, That the Sec-  
8 retary may waive the workforce retention requirement in  
9 the previous proviso, if the Secretary determines the air-  
10 port is experiencing economic hardship as a direct result  
11 of the requirement, or the requirement reduces aviation  
12 safety or security: *Provided further*, That the workforce  
13 retention requirement shall not apply to nonhub airports  
14 or nonprimary airports receiving funds under this heading  
15 in this Act: *Provided further*, That amounts repurposed  
16 by the provisions under this heading in this Act that were  
17 previously designated by the Congress as an emergency  
18 requirement pursuant to the Balanced Budget and Emer-  
19 gency Deficit Control Act of 1985 are designated by the  
20 Congress as an emergency requirement pursuant to sec-  
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
22 gency Deficit Control Act of 1985: *Provided further*, That  
23 such amount is designated by the Congress as being for  
24 an emergency requirement pursuant to section

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

3 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

4 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

5 Of prior year unobligated contract authority and liq-  
6 uidating cash provided for Motor Carrier Safety in the  
7 Transportation Equity Act for the 21st Century (Public  
8 Law 105–178), SAFETEA–LU (Public Law 109–59), or  
9 other appropriations or authorization acts, in addition to  
10 amounts already appropriated in fiscal year 2020 for  
11 “Motor Carrier Safety Operations and Programs”,  
12 \$238,500 in additional obligation limitation is provided  
13 and repurposed for obligations incurred to support activi-  
14 ties to prevent, prepare for, and respond to coronavirus:  
15 *Provided*, That such amount is designated by the Congress  
16 as being for an emergency requirement pursuant to sec-  
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
18 gency Deficit Control Act of 1985.

19 FEDERAL RAILROAD ADMINISTRATION

20 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

21 RAILROAD PASSENGER CORPORATION

22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Northeast Corridor  
24 Grants to the National Railroad Passenger Corporation”,  
25 \$1,392,085,000, to remain available until expended, to

1 prevent, prepare for, and respond to coronavirus, includ-  
2 ing to enable the Secretary of Transportation to make or  
3 amend existing grants to the National Railroad Passenger  
4 Corporation for activities associated with the Northeast  
5 Corridor, as authorized by section 11101(a) of the Fixing  
6 America’s Surface Transportation Act (division A of Pub-  
7 lic Law 114–94): *Provided*, That not less than  
8 \$219,610,000 of the amounts made available under this  
9 heading in this Act and the “National Network Grants  
10 to the National Railroad Passenger Corporation” heading  
11 in this Act shall be made available for use by the National  
12 Railroad Passenger Corporation in lieu of capital pay-  
13 ments from States and commuter rail passenger transpor-  
14 tation providers subject to the cost allocation policy devel-  
15 oped pursuant to section 24905(c) of title 49, United  
16 States Code: *Provided further*, That, notwithstanding sec-  
17 tions 24319(g) and 24905(c)(1)(A)(i) of title 49, United  
18 States Code, such use of funds does not constitute cross-  
19 subsidization of commuter rail passenger transportation:  
20 *Provided further*, That not more than \$91,800,000 of the  
21 amounts made available under this heading in this Act  
22 shall be made available for use by the National Railroad  
23 Passenger Corporation to repay or prepay debt incurred  
24 by the National Railroad Passenger Corporation under fi-  
25 nancing arrangements entered into prior to the enactment

1 of this Act and to pay required reserves, costs, and fees  
2 related to such debt, including for loans from the Depart-  
3 ment of Transportation and loans that would otherwise  
4 have been paid from National Railroad Passenger Cor-  
5 poration revenues: *Provided further*, That the Secretary  
6 may retain up to \$4,890,000 of the amounts made avail-  
7 able under both this heading in this Act and the “National  
8 Network Grants to the National Railroad Passenger Cor-  
9 poration” heading in this Act to fund the costs of project  
10 management and oversight of activities authorized by sec-  
11 tion 11101(c) of the Fixing America’s Surface Transpor-  
12 tation Act (division A of Public Law 114–94): *Provided*  
13 *further*, That \$1,000,000 of the amounts made available  
14 under both this heading in this Act and the “National  
15 Network Grants to the National Railroad Passenger Cor-  
16 poration” heading in this Act shall be transferred to “Na-  
17 tional Railroad Passenger Corporation—Office of Inspec-  
18 tor General—Salaries and Expenses” for conducting au-  
19 dits and investigations of projects and activities carried  
20 out with amounts made available in this Act and in title  
21 XII of division B of the Coronavirus Aid, Relief, and Eco-  
22 nomic Security Act (Public Law 116–136) under the head-  
23 ings “Northeast Corridor Grants to the National Railroad  
24 Passenger Corporation” and “National Network Grants to  
25 the National Railroad Passenger Corporation”: *Provided*

1 *further*, That amounts made available under this heading  
2 in this Act may be transferred to and merged with “Na-  
3 tional Network Grants to the National Railroad Passenger  
4 Corporation” 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 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 NATIONAL NETWORK GRANTS TO THE NATIONAL  
10 RAILROAD PASSENGER CORPORATION  
11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “National Network  
13 Grants to the National Railroad Passenger Corporation”,  
14 \$1,007,915,000, to remain available until expended, to  
15 prevent, prepare for, and respond to coronavirus, includ-  
16 ing to enable the Secretary of Transportation to make or  
17 amend existing grants to the National Railroad Passenger  
18 Corporation for activities associated with the National  
19 Network as authorized by section 11101(b) of the Fixing  
20 America’s Surface Transportation Act (division A of Pub-  
21 lic Law 114–94): *Provided*, That not less than  
22 \$349,700,000 of the amounts made available under this  
23 heading in this Act shall be made available for use by the  
24 National Railroad Passenger Corporation to be appor-  
25 tioned toward State payments required by the cost meth-

1 odology policy adopted pursuant to section 209 of the Pas-  
2 senger Rail Investment and Improvement Act of 2008  
3 (Public Law 110–432): *Provided further*, That a State-  
4 supported route’s share of such funding under the pre-  
5 ceding proviso shall consist of (1) 7 percent of the costs  
6 allocated to the route in fiscal year 2019 under the cost  
7 methodology policy adopted pursuant to section 209 of the  
8 Passenger Rail Investment and Improvement Act of 2008  
9 (Public Law 110–432), and (2) any remaining amounts  
10 under the preceding proviso shall be apportioned to a  
11 route in proportion to its passenger revenue and other rev-  
12 enue allocated to a State-supported route in fiscal year  
13 2019 divided by the total passenger revenue and other rev-  
14 enue allocated to all State-supported routes in fiscal year  
15 2019: *Provided further*, That State-supported routes which  
16 terminated service on or before February 1, 2020, shall  
17 not be included in the cost and revenue calculations made  
18 pursuant to the preceding proviso: *Provided further*, That  
19 amounts made available under this heading in this Act  
20 may be transferred to and merged with “Northeast Cor-  
21 ridor Grants to the National Railroad Passenger Corpora-  
22 tion” to prevent, prepare for, and respond to coronavirus:  
23 *Provided further*, That such amount is designated by the  
24 Congress as being for an emergency requirement pursuant

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

3 FEDERAL TRANSIT ADMINISTRATION

4 TRANSIT INFRASTRUCTURE GRANTS

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

10 (1) \$18,500,000,000 shall be for grants to re-  
11 cipients eligible under chapter 53 of title 49, United  
12 States Code, and administered as if such funds were  
13 provided under section 5307 of title 49, United  
14 States Code (apportioned in accordance with section  
15 5336 of such title (other than subsections (h)(1) and  
16 (h)(4))), and section 5337 of title 49, United States  
17 Code (apportioned in accordance with such section),  
18 except that funds apportioned under section 5337  
19 shall be added to funds apportioned under 5307 for  
20 administration under 5307: *Provided*, That the Sec-  
21 retary shall allocate the amounts provided in the  
22 preceding proviso under sections 5307 and 5337 of  
23 title 49, United States Code, in the same ratio as  
24 funds were provided under Public Law 116–94 and  
25 shall allocate such amounts not later than 14 days

1 after enactment of this Act: *Provided further*, That  
2 the amounts allocated to any urbanized area from  
3 amounts made available under this heading in this  
4 Act when combined with the amounts allocated to  
5 each such urbanized area from funds appropriated  
6 under this heading in title XIII of division B of the  
7 CARES Act (Public Law 116–136) may not exceed  
8 more than 100 percent of any recipient’s 2018 oper-  
9 ating costs based on data contained in the National  
10 Transit Database: *Provided further*, That for any ur-  
11 banized area for which the calculation in the pre-  
12 vious proviso exceeds 100 percent of the urbanized  
13 area’s 2018 operating costs, the Secretary shall dis-  
14 tribute funds in excess of such percent to urbanized  
15 areas for which the calculation in the previous pro-  
16 viso does not exceed 100 percent in the same propor-  
17 tion as amounts allocated under the first proviso of  
18 this paragraph;

19 (2) \$2,500,000,000 shall be for grants under  
20 section 5309 of title 49, United States Code: *Pro-*  
21 *vided*, That of the amounts provided under this  
22 paragraph—

23 (A) \$1,950,000,000 shall be for grants to  
24 recipients that received an allocation under sec-  
25 tion 5309 of title 49, United States Code, for



1 fiscal year 2019 or fiscal year 2020 as of the  
2 date of enactment of this Act: *Provided*, That  
3 the Secretary shall calculate each recipient's  
4 non-Capital Investment Grant financial commit-  
5 ment for fiscal years 2019 and 2020 as a per-  
6 centage of the non-Capital Investment Grant fi-  
7 nancial commitments of all projects for such  
8 fiscal years and shall proportionally allocate  
9 such funds within 14 days of enactment of this  
10 Act: *Provided further*, That any recipient with a  
11 project open for revenue service for which they  
12 received a construction grant agreement are not  
13 eligible for funds provided under this para-  
14 graph; and

15 (B) \$400,000,000 shall be for grants to re-  
16 cipients that receive an allocation of fiscal year  
17 2019 or fiscal year 2020 funds after the date  
18 of enactment of this Act under section 5309 of  
19 title 49, United States Code: *Provided*, That  
20 such grants shall be allocated to such recipients  
21 in proportion to the allocation of fiscal year  
22 2019 or fiscal 2020 funds provided to all  
23 projects allocated funding after the date of en-  
24 actment of this Act; and

1 (C) no more than \$150,000,000 for any  
2 recipient of a grant under section 5309(h) of  
3 title 49, United States Code, that may need ad-  
4 ditional assistance in completing a project that  
5 has received a grant agreement and shall issue  
6 a Notice of Funding Opportunity for amounts  
7 made available for projects eligible under sec-  
8 tion 5309(h) of title 49, United States Code,  
9 not later than 120 days after the date of enact-  
10 ment of this Act:

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

23 (3) \$250,000,000 shall be for grants to recipi-  
24 ents or subrecipients eligible under section 5310 of  
25 title 49, United States Code, and the Secretary of

1 Transportation shall apportion such funds in accord-  
2 ance with such section: *Provided*, That the Secretary  
3 shall allocate such funds in the same ratio as funds  
4 were provided in Public Law 116–94 and shall allo-  
5 cate such funds not later than 14 days after the  
6 date of enactment of this Act;

7 (4) \$750,000,000 shall be for grants to recipi-  
8 ents or subrecipients eligible under section 5311 of  
9 title 49, United States Code (other than subsection  
10 (b)(3) and (c)(1)(A)), and the Secretary of Trans-  
11 portation shall apportion such funds in accordance  
12 with such section: *Provided*, That the Secretary shall  
13 allocate these amounts in the same ratio as funds  
14 were provided in Public Law 116–94 and shall allo-  
15 cate funds within 14 days of enactment of this Act;  
16 and

17 (5) \$10,000,000,000 shall be for grants to eligi-  
18 ble recipients or subrecipients of funds under chap-  
19 ter 53 of title 49, United States Code, that, as a re-  
20 sult of coronavirus, require additional assistance to  
21 maintain operations: *Provided*, That such funds shall  
22 be administered as if they were provided under sec-  
23 tion 5324 of title 49, United States Code: *Provided*  
24 *further*, That any recipient or subrecipient of funds  
25 under chapter 53 of title 49, United States Code, or

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

1 180 days after the date of enactment of this Act:  
2 *Provided further*, That the Secretary shall make  
3 awards not later than 60 days after the application  
4 deadline: *Provided further*, That the Secretary shall  
5 require grantees to provide estimates of financial  
6 need, data on reduced ridership, and a spending  
7 plan for funds: *Provided further*, That when evalu-  
8 ating applications for assistance to transit agencies,  
9 the Secretary shall give priority to agencies in ur-  
10 banized areas that received less than 100 percent of  
11 their 2018 operating expenses from the funds appro-  
12 priated in paragraph (1) combined with the funds  
13 appropriated under this heading in title XII of divi-  
14 sion B of the CARES Act (Public Law 116–136),  
15 and transit agencies with the largest revenue loss as  
16 a percentage of the agency’s 2018 operating ex-  
17 penses: *Provided further*, That States may apply on  
18 behalf of a recipient, a subrecipient, or a group of  
19 recipients or subrecipients: *Provided further*, That if  
20 applications for assistance do not exceed available  
21 funds, the Secretary shall reserve the remaining  
22 amounts for grantees to prevent, prepare for, and  
23 respond to coronavirus and shall accept applications  
24 on a rolling basis: *Provided further*, That if amounts  
25 made available under this paragraph remain unobli-

1 gated on December 31, 2021, such amounts shall be  
2 available for any purpose eligible under section 5324  
3 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  
6 Code, for funds appropriated under this heading in this  
7 Act or for funds previously made available under section  
8 5307 of title 49, United States Code, or sections 5310,  
9 5311, 5337, or 5340 of such title as a result of the  
10 coronavirus: *Provided further*, That the provision of funds  
11 under this heading in this Act shall not affect the ability  
12 of any other agency of the Government, including the Fed-  
13 eral Emergency Management Agency, a State agency, or  
14 a local governmental entity, organization, or person, to  
15 provide any other funds otherwise authorized by law: *Pro-*  
16 *vided further*, That notwithstanding subsection (a)(1) or  
17 (b) of section 5307 of title 49, United States Code, sub-  
18 section (a)(1) of section 5324 of such title, or any provi-  
19 sion of chapter 53 of title 49, funds provided under this  
20 heading in this Act are available for the operating ex-  
21 penses of transit agencies related to the response to a  
22 coronavirus public health emergency, including, beginning  
23 on January 20, 2020, reimbursement for operating costs  
24 to maintain service and lost revenue due to the  
25 coronavirus public health emergency, including the pur-

1 chase of personal protective equipment, and paying the ad-  
2 ministrative leave of operations or contractor personnel  
3 due to reductions in service: *Provided further*, That to the  
4 maximum extent possible, funds made available under this  
5 heading in this Act and in title XII of division B of the  
6 CARES Act (Public Law 116–136) shall be directed to  
7 payroll and public transit, unless the recipient certifies to  
8 the Secretary that the recipient has not furloughed any  
9 employees: *Provided further*, That such operating expenses  
10 are not required to be included in a transportation im-  
11 provement program, long-range transportation plan, state-  
12 wide transportation plan, or a statewide transportation  
13 improvement program: *Provided further*, That grants  
14 made under this heading in this Act and in title XII of  
15 division B of the CARES Act (Public Law 116–136) to  
16 recipients or subrecipients may be used to make payments  
17 to contractors providing transit operations service or  
18 maintenance of rolling stock, right of way and/or stations  
19 at pre-COVID-19 service billing levels in such amounts as  
20 existed on February 3, 2020, even if such service was re-  
21 duced due to the COVID-19 public health emergency: *Pro-*  
22 *vided further*, That the preceding proviso may only apply  
23 if a contractor continuously retains its full and part-time  
24 workforce at their previous full or part-time status, and/  
25 or, where applicable, beginning on the date that employees

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



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

5           SAINT LAWRENCE SEAWAY DEVELOPMENT  
6                           CORPORATION  
7                           OPERATIONS AND MAINTENANCE  
8                           (HARBOR MAINTENANCE TRUST FUND)

9           For necessary expenses to conduct the operations,  
10 maintenance, and capital infrastructure activities of the  
11 Seaway International Bridge, \$1,500,000, to be derived  
12 from the Harbor Maintenance Trust Fund pursuant to  
13 section 210 of the Water Resources Development Act of  
14 1986 (33 U.S.C. 2238), to prevent, prepare for, and re-  
15 spond to coronavirus: *Provided*, That such amount is des-  
16 ignated by the Congress as being for an emergency re-  
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
18 anced Budget and Emergency Deficit Control Act of 1985.

19                           OFFICE OF INSPECTOR GENERAL  
20                           SALARIES AND EXPENSES

21           For an additional amount for “Office of Inspector  
22 General”, \$5,000,000, to remain available until expended,  
23 to prevent, prepare for, and respond to coronavirus: *Pro-*  
24 *vided*, That the funding made available under this heading  
25 in this Act shall be used for conducting audits and inves-

1 tigungen of projects and activities carried out by the De-  
2 partment of Transportation to prevent, prepare for, and  
3 respond to coronavirus: *Provided further*, That such  
4 amount is designated by the Congress as being for an  
5 emergency requirement pursuant to section  
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
7 Deficit Control Act of 1985.

8 DEPARTMENT OF HOUSING AND URBAN

9 DEVELOPMENT

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for “Tenant-Based Rental  
14 Assistance”, \$4,000,000,000, to remain available until ex-  
15 pended, and to be used under the same authority and con-  
16 ditions as the additional appropriations for fiscal year  
17 2020 under this heading in title XII of division B of the  
18 CARES Act (Public Law 116–136), except that any  
19 amounts provided for administrative expenses and other  
20 expenses of public housing agencies for their section 8 pro-  
21 grams, including Mainstream vouchers, under this heading  
22 in the CARES Act (Public Law 116–136) and under this  
23 heading in this Act shall also be available for Housing As-  
24 sistance Payments under section 8(o) of the United States  
25 Housing Act of 1937 (42 U.S.C. 1437f(o)): *Provided*,

1 That amounts made available under this heading in this  
2 Act and under the same heading in title XII of division  
3 B of the CARES Act may be used to cover or reimburse  
4 allowable costs incurred to prevent, prepare for, and re-  
5 spond to coronavirus regardless of the date on which such  
6 costs were incurred: *Provided further*, That of the amounts  
7 made available under this heading in this Act,  
8 \$500,000,000 shall be available for administrative ex-  
9 penses and other expenses of public housing agencies for  
10 their section 8 programs, including Mainstream vouchers:  
11 *Provided further*, That of the amounts made available  
12 under this heading in this Act, \$2,500,000,000 shall be  
13 available for adjustments in the calendar year 2020 or  
14 2021 section 8 renewal funding allocations, including  
15 Mainstream vouchers, for public housing agencies that ex-  
16 perience a significant increase in voucher per-unit costs  
17 due to extraordinary circumstances or that, despite taking  
18 reasonable cost savings measures, as determined by the  
19 Secretary, would otherwise be required to terminate rental  
20 assistance for families as a result of insufficient funding:  
21 *Provided further*, That of the amounts made available  
22 under this heading in this Act, \$1,000,000,000 shall be  
23 used for incremental rental voucher assistance under sec-  
24 tion 8(o) of the United States Housing Act of 1937 for  
25 use by individuals and families who are—homeless, as de-

1 fined under section 103(a) of the McKinney-Vento Home-  
2 less Assistance Act (42 U.S.C. 11302(a)); at risk of home-  
3 lessness, as defined under section 401(1) of the McKin-  
4 ney-Vento Homeless Assistance Act (42 U.S.C. 11360(1));  
5 or fleeing, or attempting to flee, domestic violence, dating  
6 violence, sexual assault, or stalking: *Provided further*, That  
7 the Secretary shall allocate amounts made available in the  
8 preceding proviso to public housing agencies not later than  
9 60 days after the date of enactment of this Act, according  
10 to a formula that considers the ability of the public hous-  
11 ing agency to use vouchers promptly and the need of geo-  
12 graphical areas based on factors to be determined by the  
13 Secretary, such as risk of transmission of coronavirus,  
14 high numbers or rates of sheltered and unsheltered home-  
15 lessness, and economic and housing market conditions:  
16 *Provided further*, That if a public housing authority elects  
17 not to administer or does not promptly issue all of its au-  
18 thorized vouchers within a reasonable period of time, the  
19 Secretary shall reallocate any unissued vouchers and asso-  
20 ciated funds to other public housing agencies according  
21 to the criteria in the preceding proviso: *Provided further*,  
22 That a public housing agency shall not reissue any vouch-  
23 ers under this heading in this Act for incremental rental  
24 voucher assistance when assistance for the family initially  
25 assisted is terminated: *Provided further*, That upon termi-

1 nation of incremental rental voucher assistance under this  
2 heading in this Act for one or more families assisted by  
3 a public housing agency, the Secretary shall reallocate  
4 amounts that are no longer needed by such public housing  
5 agency for assistance under this heading in this Act to  
6 another public housing agency for the renewal of vouchers  
7 previously authorized under this heading in this Act: *Pro-*  
8 *vided further*, That amounts made available in this para-  
9 graph are in addition to any other amounts made available  
10 for such purposes: *Provided further*, That up to 0.5 per-  
11 cent of the amounts made available under this heading  
12 in this Act may be transferred, in aggregate, to “Depart-  
13 ment of Housing and Urban Development, Program Of-  
14 fices—Public and Indian Housing” to supplement existing  
15 resources for the necessary costs of administering and  
16 overseeing the obligation and expenditure of these  
17 amounts, to remain available until September 30, 2024:  
18 *Provided further*, That such amount is designated by the  
19 Congress as being for an emergency requirement pursuant  
20 to section 251(b)(2)(A)(i) of the Balanced Budget and  
21 Emergency Deficit Control Act of 1985.

22 PUBLIC HOUSING OPERATING FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For an additional amount for “Public Housing Oper-  
25 ating Fund”, as authorized by section 9(e) of the United

1 States Housing Act of 1937 (42 U.S.C. 1437g(e)),  
2 \$2,000,000,000, to be used under the same authority and  
3 conditions as the additional appropriations for fiscal year  
4 2020 under this heading in title XII of division B of the  
5 CARES Act (Public Law 116–136): *Provided*, That  
6 amounts made available under this heading in this Act and  
7 under the same heading in title XII of division B of the  
8 CARES Act may be used to cover or reimburse allowable  
9 costs incurred to prevent, prepare for, and respond to  
10 coronavirus regardless of the date on which such costs  
11 were incurred: *Provided further*, That up to 0.5 percent  
12 of the amounts made available under this heading in this  
13 Act may be transferred, in aggregate, to “Department of  
14 Housing and Urban Development, Program Offices—Pub-  
15 lic and Indian Housing” to supplement existing resources  
16 for the necessary costs of administering and overseeing the  
17 obligation and expenditure of these amounts, to remain  
18 available until September 30, 2024: *Provided further*, That  
19 such amount is designated by the Congress as being for  
20 an emergency requirement pursuant to section  
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
22 Deficit Control Act of 1985.

1                                   NATIVE AMERICAN PROGRAMS  
2                                   (INCLUDING TRANSFER OF FUNDS)

3           For an additional amount for “Native American Pro-  
4 grams”, \$400,000,000, to remain available until Sep-  
5 tember 30, 2024, and to be used under the same authority  
6 and conditions as the additional appropriations for fiscal  
7 year 2020 under this heading in title XII of division B  
8 of the Coronavirus Aid, Relief, and Economic Security Act  
9 (Public Law 116–136): *Provided*, That the amounts made  
10 available under this heading in this Act are as follows:

11                   (1) Up to \$150,000,000 shall be available for  
12 the Native American Housing Block Grants pro-  
13 gram, as authorized under title I of the Native  
14 American Housing Assistance and Self-Determina-  
15 tion Act of 1996 (25 U.S.C. 4111 et seq.); and

16                   (2) Not less than \$250,000,000 shall be avail-  
17 able for grants to Indian tribes under the Indian  
18 Community Development Block Grant program  
19 under title I of the Housing and Community Devel-  
20 opment Act of 1974 (42 U.S.C. 5306(a)(1)), not-  
21 withstanding section 106(a)(1) of such Act, for  
22 emergencies that constitute imminent threats to  
23 health and safety:

24 *Provided further*, That amounts made available under  
25 paragraph (1) under this heading in title XII of division

1 B of the Coronavirus Aid, Relief, and Economic Security  
2 Act (Public Law 116–136) which are allocated to Indian  
3 tribes or tribally designated housing entities, and which  
4 are not accepted, are voluntarily returned, or otherwise re-  
5 captured for any reason, may be used by the Secretary  
6 to make awards under paragraph (2) under this heading  
7 in title XII of division B of the Coronavirus Aid, Relief,  
8 and Economic Security Act (Public Law 116–136), in ad-  
9 dition to amounts otherwise available for such purposes:  
10 *Provided further*, That up to one-half of 1 percent of the  
11 amounts made available under this heading in this Act  
12 may be transferred, in aggregate, to “Department of  
13 Housing and Urban Development, Program Offices—Pub-  
14 lic and Indian Housing” for necessary costs of admin-  
15 istering and overseeing the obligation and expenditure of  
16 such amounts and of amounts made available under this  
17 heading in title XII of division B of the Coronavirus Aid,  
18 Relief, and Economic Security Act (Public Law 116–136),  
19 to remain available until September 30, 2029, in addition  
20 to any other amounts made available for such purposes:  
21 *Provided further*, That such amount is designated by the  
22 Congress as being for an emergency requirement pursuant  
23 to section 251(b)(2)(A)(i) of the Balanced Budget and  
24 Emergency Deficit Control Act of 1985.



## 1 COMMUNITY PLANNING AND DEVELOPMENT

## 2 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Housing Opportuni-  
5 ties for Persons with AIDS”, \$65,000,000, to be used  
6 under the same authority and conditions as the additional  
7 appropriations for fiscal year 2020 under this heading in  
8 title XII of division B of the CARES Act (Public Law  
9 116–136): *Provided*, That amounts provided under this  
10 heading in this Act that are allocated pursuant to section  
11 854(c)(5) of the AIDS Housing Opportunity Act (42  
12 U.S.C. 12901 et seq.) shall remain available until Sep-  
13 tember 30, 2022: *Provided further*, That not less than  
14 \$15,000,000 of the amount provided under this heading  
15 in this Act shall be allocated pursuant to the formula in  
16 section 854 of such Act using the same data elements as  
17 utilized pursuant to that same formula in fiscal year 2020:  
18 *Provided further*, That up to 0.5 percent of the amounts  
19 made available under this heading in this Act may be  
20 transferred to “Department of Housing and Urban Devel-  
21 opment—Program Offices—Community Planning and  
22 Development” for necessary costs of administering and  
23 overseeing the obligation and expenditure of amounts  
24 under this heading in this Act, to remain available until  
25 September 30, 2030: *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  
3 Balanced Budget and Emergency Deficit Control Act of  
4 1985.

5 COMMUNITY DEVELOPMENT FUND  
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Community Develop-  
8 ment Fund”, \$5,000,000,000, to remain available until  
9 September 30, 2023, and to be used under the same au-  
10 thority and conditions as the additional appropriations for  
11 fiscal year 2020 under this heading in title XII of division  
12 B of the CARES Act (Public Law 116–136): *Provided*,  
13 That such amount made available under this heading in  
14 this Act shall be distributed pursuant to section 106 of  
15 the Housing and Community Development Act of 1974  
16 (42 U.S.C. 5306) to grantees that received allocations  
17 pursuant to such formula in fiscal year 2020, and that  
18 such allocations shall be made within 30 days of enact-  
19 ment of this Act: *Provided further*, That in administering  
20 funds under this heading, an urban county shall consider  
21 needs throughout the entire urban county configuration  
22 to prevent, prepare for, and respond to coronavirus: *Pro-*  
23 *vided further*, That up to \$100,000,000 of amounts made  
24 available under this heading in this Act may be used to  
25 make new awards or increase prior awards to existing

1 technical assistance providers: *Provided further*, That of  
2 the amounts made available under this heading in this  
3 Act, up to \$25,000,000 may be transferred to “Depart-  
4 ment of Housing and Urban Development, Program Of-  
5 fices—Community Planning and Development” for nec-  
6 essary costs of administering and overseeing the obligation  
7 and expenditure of amounts under this heading in this  
8 Act, to remain available until September 30, 2028: *Pro-*  
9 *vided further*, That such amount is designated by the Con-  
10 gress as being for an emergency requirement pursuant to  
11 section 251(b)(2)(A)(i) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985.

13 HOMELESS ASSISTANCE GRANTS

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Homeless Assistance  
16 Grants”, \$5,000,000,000, to remain available until Sep-  
17 tember 30, 2025, for the Emergency Solutions Grants pro-  
18 gram as authorized under subtitle B of title IV of the  
19 McKinney-Vento Homeless Assistance Act (42 U.S.C.  
20 11371 et seq.), as amended, and to be used under the  
21 same authority and conditions as the additional appropria-  
22 tions for fiscal year 2020 under this heading in title XII  
23 of division B of the CARES Act (Public Law 116–136):  
24 *Provided*, That \$3,000,000,000 of the amount made avail-  
25 able under this heading in this Act shall be distributed

1 pursuant to 24 CFR 576.3 to grantees that received allo-  
2 cations pursuant to that same formula in fiscal year 2020,  
3 and that such allocations shall be made within 30 days  
4 of enactment of this Act: *Provided further*, That, in addi-  
5 tion to amounts allocated in the preceding proviso, remain-  
6 ing amounts shall be allocated directly to a State or unit  
7 of general local government by the formula specified in  
8 the third proviso under this heading in title XII of division  
9 B of the CARES Act (Public Law 116–136): *Provided fur-*  
10 *ther*, That not later than 90 days after the date of enact-  
11 ment of this Act and every 60 days thereafter, the Sec-  
12 retary shall allocate a minimum of an additional  
13 \$500,000,000, pursuant to the formula referred to in the  
14 preceding proviso, based on the best available data: *Pro-*  
15 *vided further*, That up to 0.5 percent of the amounts made  
16 available under this heading in this Act may be trans-  
17 ferred to “Department of Housing and Urban Develop-  
18 ment—Program Offices—Community Planning and De-  
19 velopment” for necessary costs of administering and over-  
20 seeing the obligation and expenditure of amounts under  
21 this heading in this Act, to remain available until Sep-  
22 tember 30, 2030: *Provided further*, That funds made avail-  
23 able under this heading in this Act and under this heading  
24 in title XII of division B of the CARES Act (Public Law  
25 116–136) may be used for eligible activities the Secretary

1 determines to be critical in order to assist survivors of do-  
2 mestic violence, sexual assault, dating violence, and stalk-  
3 ing or to assist homeless youth, age 24 and under: *Pro-*  
4 *vided further*, That a grantee, when contracting with serv-  
5 ice providers engaged directly in the provision of services  
6 to homeless persons served by the program, shall, to the  
7 extent practicable, enter into contracts in amounts that  
8 cover the actual total program costs and administrative  
9 overhead to provide the services contracted: *Provided fur-*  
10 *ther*, That amounts repurposed by this paragraph that  
11 were previously designated by the Congress as an emer-  
12 gency requirement pursuant to the Balanced Budget and  
13 Emergency Deficit Control Act of 1985 are designated by  
14 the Congress as an emergency requirement pursuant to  
15 section 251(b)(2)(A)(i) of the Balanced Budget and  
16 Emergency Deficit Control Act of 1985: *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 EMERGENCY RENTAL ASSISTANCE

22 For activities and assistance authorized in section  
23 201 of division O of this Act (the “COVID–19 HERO  
24 ACT”), \$50,000,000,000, to remain available until ex-  
25 pended: *Provided*, That such amount is designated by the

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

4 HOUSING PROGRAMS

5 PROJECT-BASED RENTAL ASSISTANCE

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Project-Based Rental  
8 Assistance”, \$750,000,000, to remain available until ex-  
9 pended, and to be used under the same authority and con-  
10 ditions as the additional appropriations for fiscal year  
11 2020 under this heading in title XII of division B of the  
12 CARES Act (Public Law 116–136): *Provided*, That up to  
13 0.5 percent of the amounts made available under this  
14 heading in this Act may be transferred to “Department  
15 of Housing and Urban Development—Program Offices—  
16 Office of Housing” for necessary costs of administering  
17 and overseeing the obligation and expenditure of amounts  
18 under this heading in this Act, to remain available until  
19 September 30, 2030: *Provided further*, That such amount  
20 is designated by the Congress as being for an emergency  
21 requirement pursuant to section 251(b)(2)(A)(i) of the  
22 Balanced Budget and Emergency Deficit Control Act of  
23 1985.

1 HOUSING FOR THE ELDERLY  
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Housing for the El-  
4 derly”, \$500,000,000, to remain available until September  
5 30, 2023, and to be used under the same authority and  
6 conditions as the additional appropriations for fiscal year  
7 2020 under this heading in title XII of division B of the  
8 CARES Act (Public Law 116–136): *Provided*, That not-  
9 withstanding the first proviso under this heading in the  
10 CARES Act, \$300,000,000 of the amount made available  
11 under this heading in this Act shall be for one-time grants  
12 for service coordinators, as authorized under section 676  
13 of the Housing and Community Development Act of 1992  
14 (42 U.S.C. 13632), and the continuation of existing con-  
15 gregate service grants for residents of assisted housing  
16 projects: *Provided further*, That up to 0.5 percent of the  
17 amounts made available under this heading in this Act  
18 may be transferred to “Department of Housing and  
19 Urban Development—Program Offices—Office of Hous-  
20 ing” for necessary costs of administering and overseeing  
21 the obligation and expenditure of amounts under this  
22 heading in this Act, to remain available until September  
23 30, 2030: *Provided further*, That such amount is des-  
24 ignated by the Congress as being for an emergency re-

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

3 HOUSING FOR PERSONS WITH DISABILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for “Housing for Persons  
6 with Disabilities”, \$45,000,000, to remain available until  
7 September 30, 2023, and to be used under the same au-  
8 thority and conditions as the additional appropriations for  
9 fiscal year 2020 under this heading in title XII of division  
10 B of the CARES Act (Public Law 116–136): *Provided*,  
11 That up to 0.5 percent of the amounts made available  
12 under this heading in this Act may be transferred to “De-  
13 partment of Housing and Urban Development—Program  
14 Offices—Office of Housing” for necessary costs of admin-  
15 istering and overseeing the obligation and expenditure of  
16 amounts under this heading in this Act, to remain avail-  
17 able until September 30, 2030: *Provided further*, That  
18 such amount is designated by the Congress as being for  
19 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 FAIR HOUSING AND EQUAL OPPORTUNITY

## 2 FAIR HOUSING ACTIVITIES

## 3 (INCLUDING TRANSFER OF FUNDS)

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

1 grants in the preceding proviso shall be divided evenly be-  
2 tween the national media campaign and education and  
3 outreach activities: *Provided further*, That up to 0.5 per-  
4 cent of the amounts made available under this heading  
5 in this Act may be transferred to “Department of Housing  
6 and Urban Development—Program Offices—Fair Hous-  
7 ing and Equal Opportunity” for necessary costs of admin-  
8 istering and overseeing the obligation and expenditure of  
9 amounts under this heading in this Act, to remain avail-  
10 able until September 30, 2030: *Provided further*, That  
11 such amount is designated by the Congress as being for  
12 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 OFFICE OF INSPECTOR GENERAL

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

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

3 RELATED AGENCY

4 NEIGHBORHOOD REINVESTMENT CORPORATION

5 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

6 CORPORATION

7 For an additional amount for “Payment to the  
8 Neighborhood Reinvestment Corporation”, \$100,000,000,  
9 to remain available until expended, to the Neighborhood  
10 Reinvestment Corporation (“NRC”) for housing coun-  
11 seling for households threatened with housing instability  
12 due to the economic circumstances caused by the COVID-  
13 19 pandemic, under the following terms and conditions:

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

1       serve the most vulnerable communities, based on an  
2       analysis by the NRC of which areas are most im-  
3       pacted by the economic circumstances caused by the  
4       COVID-19 pandemic.

5           (2) Housing Counseling Assistance shall be  
6       made available to consumers facing housing insta-  
7       bility (“Housing Counseling Clients”). Housing  
8       Counseling Clients will be provided such assistance  
9       that shall consist of activities that are likely to pre-  
10      vent evictions or foreclosures, and result in the long-  
11      term affordability of the housing unit retained pur-  
12      suant to such activity or another positive outcome  
13      for the Housing Counseling Client. No funds made  
14      available under this heading may be provided di-  
15      rectly to lenders, to landlords, or to Housing Coun-  
16      seling Clients to discharge outstanding rent or mort-  
17      gage balances or for any other direct debt reduction  
18      payments.

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

1 concentrations of minority and low-income home-  
2 owners, renters, individuals experiencing homeless-  
3 ness, and 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, mort-  
10 gage 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 (includ-  
23 ing foreclosure counseling, rental counseling, home-  
24 lessness, and/or financial counseling) and outreach.

1 NRC may use other criteria to demonstrate capacity,  
2 particularly 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  
6 made available to support non-grant costs associated  
7 with the Housing Counseling Assistance grants pro-  
8 gram, including training, administrative costs, grant  
9 compliance, 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  
15 that participate in NRC training shall pay market  
16 rates for such training.

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

22 (10) The NRC shall report annually to the  
23 Committees on Appropriations of the House of Rep-  
24 resentatives and the Senate as well as the Senate  
25 Banking Committee and House Financial Services

1 Committee on its efforts to mitigate housing insta-  
2 bility caused by the COVID-19 pandemic.

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

#### 7 GENERAL PROVISIONS—THIS TITLE

8 SEC. 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 nomic 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 Con-  
15 gress as an emergency requirement pursuant to the Bal-  
16 anced Budget and Emergency Deficit Control Act of 1985  
17 are designated by the Congress as an emergency require-  
18 ment pursuant to section 251(b)(2)(A)(i) of the Balanced  
19 Budget and 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  
24 116–136) and under such headings in this title of this Act  
25 may be used, notwithstanding any other provision of law,

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

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



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

13 SEC. 1204. For fiscal year 2021, in addition to pay-  
14 ments made pursuant to 53106 of title 46, United States  
15 Code, the Secretary of Transportation shall pay to the  
16 contractor for an operating agreement entered into pursu-  
17 ant to chapter 531 of title 46, United States Code, for  
18 each vessel that is covered by such operating agreement  
19 as of the date of enactment of this Act, an amount equal  
20 to \$500,000: *Provided*, That payments authorized by this  
21 section shall be paid not later than 60 days after the date  
22 of enactment of this Act: *Provided further*, That any unob-  
23 ligated balances remaining from the amounts made avail-  
24 able for payments under the heading “Maritime Adminis-

1 tration—Maritime Security Program” in any prior Act  
2 may be used for such payments.

3       SEC. 1205. During the duration of the national emer-  
4 gency declared by the President concerning the novel  
5 coronavirus disease (COVID–19), the Secretary may ex-  
6 tend the time period referenced in 23 U.S.C. 120(e)(1)  
7 to account for delays in access, construction, repair or  
8 other similar issues.

## 1 TITLE XIII

## 2 GENERAL PROVISIONS—THIS DIVISION

3 SEC. 1301. Not later than 30 days after the date of  
4 enactment of this Act, the head of each executive agency  
5 that receives funding in any division of this Act, or that  
6 received funding in the Coronavirus Preparedness and Re-  
7 sponse Supplemental Appropriations Act, 2020 (division  
8 A of Public Law 116–123), the Second Coronavirus Pre-  
9 paredness and Response Supplemental Appropriations  
10 Act, 2020 (division A of Public Law 116–127), the  
11 CARES Act (Public Law 116–136), or the Paycheck Pro-  
12 tection Program and Health Care Enhancement Act (Pub-  
13 lic Law 116–139) shall provide a report detailing the an-  
14 ticipated uses of all such funding to the Committees on  
15 Appropriations of the House of Representatives and the  
16 Senate: *Provided*, That each report shall include estimated  
17 personnel and administrative costs, as well as the total  
18 amount of funding apportioned, allotted, obligated, and  
19 expended, to date: *Provided further*, That each such report  
20 shall be updated and submitted to such Committees every  
21 60 days until all funds are expended or expire: *Provided*  
22 *further*, That reports submitted pursuant to this section  
23 shall satisfy the requirements of section 1701 of division  
24 A of Public Law 116–127.

1       SEC. 1302. Each amount appropriated or made avail-  
2 able by this Act is in addition to amounts otherwise appro-  
3 priated for the fiscal year involved.

4       SEC. 1303. No part of any appropriation contained  
5 in this Act shall remain available for obligation beyond  
6 the current fiscal year unless expressly so provided herein.

7       SEC. 1304. Unless otherwise provided for by this Act,  
8 the additional amounts appropriated by this Act to appro-  
9 priations accounts shall be available under the authorities  
10 and conditions applicable to such appropriations accounts  
11 for fiscal year 2021.

12       SEC. 1305. Each amount designated in this Act by  
13 the Congress as being for an emergency requirement pur-  
14 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
15 and Emergency Deficit Control Act of 1985 shall be avail-  
16 able (or rescinded or transferred, if applicable) only if the  
17 President subsequently so designates all such amounts  
18 and transmits such designations to the Congress.

19       SEC. 1306. (a) STATUTORY PAYGO EMERGENCY  
20 DESIGNATION.—The amounts provided under division B  
21 and each succeeding division are designated as an emer-  
22 gency requirement pursuant to section 4(g) of the Statu-  
23 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)), and  
24 the budgetary effects shall not be entered on either

1 PAYGO scorecard maintained pursuant to section 4(d) of  
2 such Act.

3 (b) SENATE PAYGO EMERGENCY DESIGNATION.—

4 In the Senate, division B and each succeeding division are  
5 designated as an emergency requirement pursuant to sec-  
6 tion 4112(a) of H. Con. Res. 71 (115th Congress), the  
7 concurrent resolution on the budget for fiscal year 2018.

8 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—

9 Notwithstanding Rule 3 of the Budget Scorekeeping  
10 Guidelines set forth in the joint explanatory statement of  
11 the committee of conference accompanying Conference Re-  
12 port 105–217 and section 250(c)(8) of the Balanced  
13 Budget and Emergency Deficit Control Act of 1985, the  
14 budgetary effects of division B and each succeeding divi-  
15 sion—

16 (1) shall not be estimated for purposes of sec-  
17 tion 251 of such Act;

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

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

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

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

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

12       (b) In this section—

13           (1) the term “agency” has the meaning given  
14 the term in section 551 of title 5, United States  
15 Code; 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, assist-  
20 ance, or funding related to the outbreak of  
21 COVID-19 that is enacted before, on, or after  
22 the date of enactment 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  
6 116–136), or an amendment made by that  
7 Act;

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

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

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

1 section, the Secretary of Labor shall have the authority  
2 and functions set forth in Reorganization Plan Numbered  
3 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section  
4 3145 of title 40, United States Code.

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

9 This division may be cited as the “Coronavirus Re-  
10 covery Supplemental Appropriations Act, 2021”.



1 **DIVISION B—PROVIDING RELIEF**  
2 **TO STUDENTS, INSTITUTIONS**  
3 **OF HIGHER EDUCATION,**  
4 **LOCAL EDUCATIONAL AGEN-**  
5 **CIES, AND STATE VOCA-**  
6 **TIONAL REHABILITATION**  
7 **AGENCIES**

8 **SEC. 100. SHORT TITLE.**

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

11 **TITLE I—HIGHER EDUCATION**  
12 **PROVISIONS**

13 **SEC. 101. DEFINITIONS.**

14 In this title:

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

18 (2) **AUTHORIZING COMMITTEES.**—The term  
19 “authorizing committees” has the meaning given the  
20 term in section 103 of the Higher Education Act of  
21 1965 (20 U.S.C. 1003).

22 (3) **FAFSA.**—The term “FAFSA” means an  
23 application under section 483 of the Higher Edu-  
24 cation Act of 1965 (20 U.S.C. 1090) for Federal  
25 student financial aid.

1 (4) INSTITUTION OF HIGHER EDUCATION.—The  
2 term “institution of higher education” has the  
3 meaning given the term in section 102 of the Higher  
4 Education Act of 1965 (20 U.S.C. 1002).

5 (5) QUALIFYING EMERGENCY.—The term  
6 “qualifying emergency” has the meaning given the  
7 term in section 3502 of the CARES Act (Public  
8 Law 116–136), as amended by this Act.

9 (6) QUALIFYING EMERGENCY PERIOD.—The  
10 term “qualifying emergency period” means the pe-  
11 riod—

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

14 (B) ending on the later of the date on  
15 which the qualifying emergency expires or June  
16 30, 2021.

17 (7) SECRETARY.—The term “Secretary” means  
18 the Secretary of Education.

## 19 **Subtitle A—Cares Act Amendments**

### 20 **SEC. 111. APPLICATION OF CAMPUS-BASED AID WAIVERS.**

21 (a) APPLICATION.—Section 3503 of the CARES Act  
22 is amended—

23 (1) in subsection (a)—

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

4 (B) by inserting “and a nonprofit organi-  
5 zation providing employment under section  
6 443(b)(5) of such Act” after “waive the re-  
7 quirement that a participating institution of  
8 higher education”; and

9 (2) in subsection (b), by striking “during a pe-  
10 riod of a qualifying emergency” and inserting “dur-  
11 ing any award year that includes any portion of a  
12 qualifying emergency period”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 subsection (a) shall take effect as if included in the enact-  
15 ment of the CARES Act (Public Law 116–136).

16 **SEC. 112. SUPPLEMENTAL EDUCATIONAL OPPORTUNITY**  
17 **GRANTS FOR EMERGENCY AID.**

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

20 (1) in subsection (a), by inserting “that in-  
21 cludes any portion of a qualifying emergency period”  
22 after “for a fiscal year”; and

23 (2) by striking subsection (c).

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect as if included in the enact-  
3 ment of the CARES Act (Public Law 116–136).

4 **SEC. 113. EXTENSION OF FEDERAL WORK-STUDY DURING A**  
5 **QUALIFYING EMERGENCY.**

6 (a) FEDERAL WORK-STUDY DURING A QUALIFYING  
7 EMERGENCY.—Section 3505 of the CARES Act (Public  
8 Law 116–136) is amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by striking “In the event of a  
13 qualifying emergency” and inserting “Dur-  
14 ing a qualifying emergency period”; and

15 (ii) by striking “(not to” and all that  
16 follows through the semicolon and insert-  
17 ing “in which affected students are unable  
18 to fulfill the students’ work-study obliga-  
19 tion due to such qualifying emergency, as  
20 follows.”;

21 (B) in paragraph (1), by striking “as a one  
22 time grant” and inserting “as a one-time grant  
23 in each payment period the student is awarded  
24 work-study”; and

1 (C) in paragraph (2), by striking “or was  
2 not completing the work obligation necessary to  
3 receive work study funds under such part prior  
4 to the occurrence of the qualifying emergency”;  
5 and

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “for the academic year  
9 during which a qualifying emergency oc-  
10 curred;” and inserting “for an academic  
11 year that includes any portion of a quali-  
12 fying emergency period; and”; and

13 (B) by striking paragraph (2) and redesign-  
14 ating paragraph (3) as paragraph (2).”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall take effect as if included in the enact-  
17 ment of the CARES Act (Public Law 116–136).

18 **SEC. 114. SERVICE OBLIGATIONS FOR TEACHERS AND**  
19 **OTHER PROFESSIONALS.**

20 (a) AMENDMENT.—Section 3519 of the CARES Act  
21 (Public Law 116–136) is amended—

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

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

1       “(c) FEDERAL PERKINS LOANS.—Notwithstanding  
2 section 465 of the Higher Education Act of 1965 (20  
3 U.S.C. 1087ee), the Secretary shall waive the require-  
4 ments of such section in regard to full-time service and  
5 shall consider an incomplete year of service of a borrower  
6 as fulfilling the requirement for a complete year of service  
7 under such section, if the service was interrupted due to  
8 a qualifying emergency.”.

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

12 **SEC. 115. CONTINUING EDUCATION AT AFFECTED FOREIGN**  
13 **INSTITUTIONS.**

14       (a) IN GENERAL.—Section 3510 of the CARES Act  
15 (20 U.S.C. 1001 note) is amended—

16           (1) in subsection (a), by striking “for the dura-  
17 tion of such emergency” and all that follows through  
18 the period at the end and inserting “for purposes of  
19 title IV of the Higher Education Act of 1965 (20  
20 U.S.C. 1070 et seq.) until the end of the covered pe-  
21 riod applicable to the institution.”;

22           (2) in subsection (b), by striking “for the dura-  
23 tion of the qualifying emergency and the following  
24 payment period for purposes of title IV of the High-  
25 er Education Act of 1965 (20 U.S.C. 1070 et seq.).”

1 and inserting “until the end of the covered period  
2 applicable to the institution.”;

3 (3) in subsection (c), by striking “for the dura-  
4 tion of the qualifying emergency and the following  
5 payment period,” and inserting “until all covered pe-  
6 riods for foreign institutions carrying out a distance  
7 education program authorized under this section  
8 have ended,”;

9 (4) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) by striking “for the duration of a  
12 qualifying emergency and the following  
13 payment period,” and inserting “until the  
14 end of the covered period applicable to a  
15 foreign institution,”; and

16 (ii) by striking “allow a foreign insti-  
17 tution” and inserting “allow the foreign in-  
18 stitution”;

19 (B) in each of subparagraphs (A) and (B)  
20 of paragraph (2), by striking “subsection (a)”  
21 and inserting “paragraph (1)”;

22 (C) in paragraph (3)(B), by striking “30  
23 days” and inserting “10 days”; and

24 (D) in paragraph (4)—

1 (i) by striking “for the duration of the  
2 qualifying emergency and the following  
3 payment period,” and inserting “until all  
4 covered periods for foreign institutions that  
5 entered into written arrangements under  
6 paragraph (1) have ended,”; and

7 (ii) by striking “identifies each foreign  
8 institution that entered into a written ar-  
9 rangement under subsection (a).” and in-  
10 sserting the following: “identifies, for each  
11 such foreign institution—

12 “(A) the name of the foreign institution;

13 “(B) the name of the institution of higher  
14 education located in the United States that has  
15 entered into a written arrangement with such  
16 foreign institution; and

17 “(C) information regarding the nature of  
18 such written arrangement, including which  
19 coursework or program requirements are ac-  
20 complished at each respective institution.”; and

21 (5) by adding at the end the following:

22 “(e) DEFINITION OF COVERED PERIOD.—

23 “(1) IN GENERAL.—In this section, the term  
24 ‘covered period’, when used with respect to a foreign  
25 institution of higher education, means the period—



1           “(A) beginning on the first day of—  
2                   “(i) a qualifying emergency; or  
3                   “(ii) a public health emergency, major  
4           disaster or emergency, or national emer-  
5           gency declared by the applicable govern-  
6           ment authorities in the country in which  
7           the foreign institution is located; and  
8           “(B) ending on the later of—  
9                   “(i) subject to paragraph (2), the last  
10           day of the payment period, for purposes of  
11           title IV of the Higher Education Act of  
12           1965 (20 U.S.C. 1070 et seq.), following  
13           the end of any qualifying emergency or any  
14           emergency or disaster described in sub-  
15           paragraph (A)(ii) applicable to the foreign  
16           institution; or  
17                   “(ii) June 30, 2022.  
18           “(2) SPECIAL RULE FOR CERTAIN PAYMENT  
19           PERIODS.—For purposes of subparagraph (B)(i), if  
20           the following payment period for an award year ends  
21           before June 30 of such award year, the covered pe-  
22           riod shall be extended until June 30 of such award  
23           year.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall take effect as if included in the enact-  
3 ment of the CARES Act (Public Law 116–136).

4 **SEC. 116. FUNDING FOR HBCU CAPITAL FINANCING; EN-**  
5 **DOWMENT CHALLENGE GRANTS.**

6 (a) FUNDING FOR HBCU CAPITAL FINANCING.—

7 (1) AMENDMENTS.—Section 3512 of division A  
8 of the Coronavirus Aid, Relief, and Economic Secu-  
9 rity Act (20 U.S.C. 1001 note) is amended—

10 (A) in subsection (a)—

11 (i) in paragraph (1), by striking  
12 “may” and inserting “shall”; and

13 (ii) in paragraph (2)—

14 (I) in subparagraph (A), by strik-  
15 ing “or interest” and inserting “or in-  
16 terest, or any applicable fees or re-  
17 quired funds,”; and

18 (II) in subparagraph (B)—

19 (aa) by striking “payments”  
20 and inserting “payments, and  
21 any payments of applicable fees  
22 and required funds,”; and

23 (bb) by striking the period  
24 and inserting “; and”; and

1 (III) by adding at the end the  
2 following:

3 “(C) the institution may pay, without pen-  
4 alty, any periodic installment of principal or in-  
5 terest required under the loan agreement for  
6 such loan.”; and

7 (B) in subsection (d), by striking  
8 “\$62,000,000” and inserting “such sums as  
9 may be necessary”.

10 (2) EFFECTIVE DATE.—The amendments made  
11 by this subsection shall take effect as if enacted as  
12 part of the Coronavirus Aid, Relief, and Economic  
13 Security Act (Public Law 116–136).

14 (b) ENDOWMENT CHALLENGE GRANTS.—For the du-  
15 ration of a qualifying emergency (as defined in section  
16 3502 of the Coronavirus Aid, Relief, and Economic Secu-  
17 rity Act (20 U.S.C. 1001 note)), notwithstanding the pro-  
18 visions of subsections (b)(3), (c)(3)(B), and (d) of section  
19 331 of the Higher Education Act of 1965 (20 U.S.C.  
20 1065) applicable during the grant period for an endow-  
21 ment challenge grant awarded to an institution under such  
22 section 331 (20 U.S.C. 1065), the institution may use the  
23 endowment fund corpus plus any endowment fund in-  
24 come—

25 (1) for any educational purpose; or

1           (2) to defray any expenses necessary to the op-  
2           eration of the institution, including expenses of oper-  
3           ations and maintenance, administration, academic  
4           and support personnel, construction and renovation,  
5           community and student services programs, and tech-  
6           nical assistance.

7   **SEC. 117. WAIVER AUTHORITY FOR INSTITUTIONAL AID.**

8           (a) IN GENERAL.—Section 3517(a)(1)(D) of the  
9   CARES Act (Public Law 116–136) is amended by striking  
10 “(b), (c), and (g)” and inserting “(b) and (c)”.

11          (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall take effect as if included in the enact-  
13 ment of the CARES Act (Public Law 116–136).

14   **SEC. 118. SCOPE OF MODIFICATIONS TO REQUIRED AND**  
15                                   **ALLOWABLE USES.**

16          (a) AMENDMENT TO INCLUDE MINORITY SCIENCE  
17 AND ENGINEERING IMPROVEMENT PROGRAM.—Sub-  
18 section (a) of section 3518 of the CARES Act (Public Law  
19 116–136) is amended—

20           (1) by striking “part A or B of title III,” and  
21           inserting “part A, part B, or subpart 1 of part E  
22           of title III,”; and

23           (2) by inserting “1067 et seq.,” after “1060 et  
24           seq.;”.

1 (b) AMENDMENT TO MATCHING REQUIREMENT  
2 MODIFICATIONS.—Subsection (b) of section 3518 of the  
3 CARES Act (Public Law 116–136) is amended—

4 (1) by striking “Notwithstanding” and insert-  
5 ing the following:

6 “(1) IN GENERAL.—Notwithstanding”;

7 (2) in paragraph (1), as so designated by this  
8 subsection—

9 (A) by striking “is authorized to” and in-  
10 sserting “shall”; and

11 (B) by striking “share” and inserting  
12 “share, non-Federal share,”; and

13 (3) by adding at the end the following new  
14 paragraph:

15 “(2) WAIVER OF GEAR UP MATCHING REQUIRE-  
16 MENT.—

17 “(A) IN GENERAL.—Notwithstanding sec-  
18 tion 404C(b) of the Higher Education Act of  
19 1965 (20 U.S.C. 1070a–23(b)), the Secretary  
20 shall waive, for the duration of the period de-  
21 scribed in subparagraph (B), any requirement  
22 for an eligible entity (as defined in section  
23 404A(c) (20 U.S.C. 1070a–21(c))) to provide a  
24 percentage of the cost of the program author-  
25 ized under chapter 2 of subpart 2 of part A of

1 title IV of the Higher Education Act of 1965  
2 (20 U.S.C. 1070a–21 et seq.) from State, local,  
3 institutional, or private funds.

4 “(B) DESCRIPTION OF PERIOD.—The pe-  
5 riod described in this subparagraph is the pe-  
6 riod beginning on the first day of a qualifying  
7 emergency and ending on September 30 of the  
8 fiscal year following the end of the qualifying  
9 emergency.”.

10 (c) AMENDMENT TO CLARIFY SCOPE OF AUTHOR-  
11 ITY.—Section 3518 of the CARES Act (Public Law 116–  
12 136) is further amended by adding at the end the fol-  
13 lowing new subsection:

14 “(d) SCOPE OF AUTHORITY.—Notwithstanding sub-  
15 section (a), the Secretary may not modify the required or  
16 allowable uses of funds for grants awarded under chapter  
17 I or II of subpart 2 of part A of title IV of the Higher  
18 Education Act of 1965 (20 U.S.C. 1070a–11 et seq.;  
19 1070a–21 et seq.), in a manner that deviates from the  
20 overall purpose of the grant program, as provided in the  
21 general authorization, findings, or purpose of the grant  
22 program under the applicable statutory provision cited in  
23 such chapter.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the enact-  
3 ment of 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  
9 provision of the Higher Education Act of 1965 (20 U.S.C.  
10 1001 et seq.), emergency financial aid grants—

11 (1) shall not be included as income or assets  
12 (including untaxed income and benefits under sec-  
13 tion 480(b) of the Higher Education Act of 1965  
14 (20 U.S.C. 1807vv(b))) in the computation of ex-  
15 pected family contribution for any program funded  
16 in whole or in part under the Higher Education Act  
17 of 1965 (20 U.S.C. 1001 et seq.); and

18 (2) shall not be treated as estimated financial  
19 assistance 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 “emer-  
23 gency 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  
6 made available under section 18004 of the CARES  
7 Act (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 schol-  
11 arship-granting organization (including a tribal or-  
12 ganization, as defined in section 4 of the Indian  
13 Self-Determination and Education Assistance Act  
14 (25 U.S.C. 5304)) for the purpose of providing fi-  
15 nancial relief to students enrolled at institutions of  
16 higher education in response to a qualifying emer-  
17 gency.

18 **SEC. 122. FACILITATING ACCESS TO FINANCIAL AID FOR**

19 **RECENTLY UNEMPLOYED STUDENTS.**

20 (a) TREATMENT AS DISLOCATED WORKER.—

21 (1) IN GENERAL.—Notwithstanding section  
22 479(d)(1) of the Higher Education Act of 1965 (20  
23 U.S.C. 1087ss(d)(1)), any individual who has ap-  
24 plied for, or who is receiving, unemployment benefits  
25 at the time of the submission of a FAFSA for a cov-



1       ered award year shall be treated as a dislocated  
2       worker for purposes of the need analysis under part  
3       F of title IV such Act (20 U.S.C. 1087kk et seq.)  
4       applicable to such award year.

5               (2) INFORMATION TO APPLICANTS AND INSTI-  
6       TUTIONS.—The Secretary—

7               (A) for each covered award year, shall en-  
8       sure that—

9                       (i) any question on the FAFSA used  
10                      to determine whether an applicant (or, as  
11                      applicable, a spouse or parent of an appli-  
12                      cant) is a dislocated worker includes an ex-  
13                      press reference to individuals who have  
14                      been laid off;

15                     (ii) any help text associated with a  
16                     question described in clause (i) includes a  
17                     description of an applicant's treatment as  
18                     a dislocated worker under paragraph (1);  
19                     and

20                     (iii) the FAFSA includes a prominent  
21                     notification, appearing immediately before  
22                     questions related to tax returns or income  
23                     that, if the applicant (or, as applicable, a  
24                     spouse or parent of an applicant) has lost  
25                     significant income earned from work due

1 to a qualifying emergency, the applicant  
2 should contact the financial aid adminis-  
3 trator at the institution where the appli-  
4 cant plans to enroll to provide current in-  
5 come information;

6 (B) in consultation with institutions of  
7 higher education, shall carry out activities to in-  
8 form applicants for Federal student financial  
9 aid under the Higher Education Act of 1965  
10 (20 U.S.C. 1001 et seq.)—

11 (i) of the treatment of individuals who  
12 have applied for, or who are receiving, un-  
13 employment benefits as dislocated workers  
14 under paragraph (1);

15 (ii) of the availability of means-tested  
16 Federal benefits for which such applicants  
17 may be eligible; and

18 (iii) of the ability of a financial aid  
19 administrator of an institution of higher  
20 education to use professional judgment as  
21 authorized under section 479A of the  
22 Higher Education Act of 1965 (20 U.S.C.  
23 1087tt) and in accordance with subsection  
24 (b), to determine, where appropriate, that  
25 income earned from work is zero and con-

1           sider unemployment benefits to be zero, if  
2           the applicant (or, as applicable, a spouse  
3           or parent of an applicant) has applied for  
4           or is receiving unemployment benefits;

5           (C) shall carry out activities to inform in-  
6           stitutions of higher education of the authority  
7           of such institutions, with explicit written con-  
8           sent of an applicant for Federal student finan-  
9           cial aid under the Higher Education Act of  
10          1965 (20 U.S.C. 1001 et seq.), to provide infor-  
11          mation collected from such applicant's FAFSA  
12          to an organization assisting the applicant in ap-  
13          plying for and receiving Federal, State, local, or  
14          tribal assistance in accordance with section 312  
15          of the Department of Defense and Labor,  
16          Health and Human Services, and Education  
17          Appropriations Act, 2019 and Continuing Ap-  
18          propriations Act, 2019 (Public Law 115– 245);  
19          and

20          (D) in consultation with the Secretary of  
21          Labor, shall carry out activities to inform appli-  
22          cants for, and recipients of, unemployment ben-  
23          efits of the availability of Federal student finan-  
24          cial aid under the Higher Education Act of  
25          1965 (20 U.S.C. 1001 et seq.) and the treat-

1           ment of such applicants and recipients as dis-  
2           located workers under paragraph (1).

3           (3) IMPLEMENTATION.—The Secretary shall  
4           implement this subsection not later than 30 days  
5           after the date of enactment of this Act.

6           (4) APPLICABILITY.—Paragraph (1) shall apply  
7           with respect to a FAFSA submitted on or after the  
8           earlier of—

9                   (A) the date on which the Secretary imple-  
10                  ments this subsection under paragraph (3); or

11                   (B) the date that is 30 days after the date  
12                  of enactment of this Act.

13           (b) PROFESSIONAL JUDGMENT OF FINANCIAL AID  
14           ADMINISTRATORS.—For the purposes of making a profes-  
15           sional judgment as authorized under section 479A of the  
16           Higher Education Act of 1965 (20 U.S.C. 1087tt), a fi-  
17           nancial aid administrator may, during a covered award  
18           year—

19                   (1) determine that the income earned from  
20                  work for a student, or a parent or spouse of a stu-  
21                  dent, as applicable, is zero, if the student, parent, or  
22                  spouse provides paper or electronic documentation of  
23                  receipt of unemployment benefits or confirmation  
24                  that an application for unemployment benefits was  
25                  submitted;

1           (2) consider the value of unemployment benefits  
2           for such student, parent, or spouse to be zero; and

3           (3) make appropriate adjustments to the data  
4           items on the FAFSA for a student, parent, or  
5           spouse, as applicable, based on the totality of the  
6           family's situation.

7           (c) UNEMPLOYMENT DOCUMENTATION.—For the  
8           purposes of documenting unemployment benefits or appli-  
9           cation for such benefits under subsection (b), such docu-  
10          mentation shall be accepted if such documentation is sub-  
11          mitted not more than 90 days from the date on which such  
12          documentation was issued, unless a financial aid adminis-  
13          trator knows that the student, parent, or spouse, as appli-  
14          cable, has already obtained other employment.

15          (d) ADJUSTMENTS TO PROGRAM REVIEW MODEL.—  
16          The Secretary shall make adjustments to the model used  
17          to select institutions of higher education participating in  
18          title IV of the Higher Education Act of 1965 (20 U.S.C.  
19          1070 et seq.) for program reviews, in order to—

20                 (1) account for any rise in the use of profes-  
21                 sional judgment as authorized under section 479A of  
22                 such Act (20 U.S.C. 1087tt) during the 2020–2021  
23                 and 2021–2022 award years; and

1           (2) ensure that institutions are not penalized  
2           for an increase in the use of professional judgment  
3           during such award years.

4           (e) DEFINITIONS.—In this section:

5           (1) COVERED AWARD YEAR.—The term “cov-  
6           ered award year” means—

7           (A) an award year during which there is a  
8           qualifying emergency; and

9           (B) the first award year beginning after  
10          the end of such qualifying emergency.

11          (2) MEANS-TESTED FEDERAL BENEFIT.—The  
12          term “means-tested Federal benefit” includes the  
13          following:

14          (A) The supplemental security income pro-  
15          gram under title XVI of the Social Security Act  
16          (42 U.S.C. 1381 et seq.).

17          (B) The supplemental nutrition assistance  
18          program under the Food and Nutrition Act of  
19          2008 (7 U.S.C. 2011 et seq.).

20          (C) The free and reduced price school  
21          lunch program established under the Richard  
22          B. Russell National School Lunch Act (42  
23          U.S.C. 1751 et seq.).

24          (D) The program of block grants for  
25          States for temporary assistance for needy fami-

1 lies established under part A of title IV of the  
2 Social Security Act (42 U.S.C. 601 et seq.).

3 (E) The special supplemental nutrition  
4 program for women, infants, and children es-  
5 tablished by section 17 of the Child Nutrition  
6 Act of 1966 (42 U.S.C. 1786).

7 (F) The Medicaid program under title XIX  
8 of the Social Security Act (42 U.S.C. 1396 et  
9 seq.).

10 (G) The tax credits provided under the fol-  
11 lowing sections of the Internal Revenue Code of  
12 1986 (title 26, United States Code):

13 (i) Section 25A (relating to American  
14 Opportunity and Lifetime Learning cred-  
15 its).

16 (ii) Section 32 (relating to earned in-  
17 come).

18 (iii) Section 36B (relating to refund-  
19 able credit for coverage under a qualified  
20 health plan).

21 (iv) Section 6428 (relating to 2020 re-  
22 covery rebates for individuals).

23 (H) Federal housing assistance programs,  
24 including tenant-based assistance under section  
25 8(o) of the United States Housing Act of 1937

1 (42 U.S.C. 1437f(o)), and public housing, as  
2 defined in section 3(b)(1) of such Act (42  
3 U.S.C. 1437a(b)(1)).

4 (I) Such other Federal means-tested bene-  
5 fits as may be identified by the Secretary.

6 **SEC. 123. STUDENT ELIGIBILITY FOR HIGHER EDUCATION**  
7 **EMERGENCY RELIEF FUND AND OTHER**  
8 **HIGHER EDUCATION FUNDS.**

9 (a) IN GENERAL.—With respect to student eligibility  
10 for receipt of funds provided under section 18004 of the  
11 CARES Act (Public Law 116–136) and under title VIII  
12 of division A of this Act—

13 (1) the Secretary is prohibited from imposing  
14 any restriction on, or defining, the populations of  
15 students who may receive such funds other than a  
16 restriction based solely on the student’s enrollment  
17 at the institution of higher education; and

18 (2) section 401(a) the Personal Responsibility  
19 and Work Opportunity Reconciliation Act of 1996 (8  
20 U.S.C. 1611(a)) shall not apply.

21 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
22 fect as if included in the enactment of the CARES Act  
23 (Public Law 116–136), and an institution of higher edu-  
24 cation that provided funds to a student before the date  
25 of enactment of this Act shall not be penalized if such



1 provision is consistent with such subsection and section  
2 18004 of the CARES Act (Public Law 116–136).

3 **SEC. 124. DISTANCE EDUCATION.**

4 (a) DEFINITION OF DISTANCE EDUCATION.—

5 (1) IN GENERAL.—Notwithstanding section  
6 103(7) of the Higher Education Act of 1965 (20  
7 U.S.C. 1003(7)) and except as otherwise specified in  
8 section 486 of the Higher Education Act of 1965  
9 (20 U.S.C. 1093), the term “distance education” as  
10 used in title IV of the Higher Education Act of 1965  
11 (20 U.S.C. 1070 et seq.) shall have the meaning  
12 given that term in section 600.2 of title 34, Code of  
13 Federal Regulations, as amended by the final regula-  
14 tions entitled “Distance Education and Innovation”  
15 published by the Department of Education in the  
16 Federal Register on September 2, 2020 (85 Fed.  
17 Reg. 54809), or any succeeding regulations.

18 (2) INFORMATION TO ACCREDITING AGENCY.—

19 Not later than 90 days after the date of enactment  
20 of this Act, each institution of higher education that  
21 participates in a program under title IV of the High-  
22 er Education Act of 1965 (20 U.S.C. 1070 et seq.)  
23 and that provides one or more educational programs  
24 through distance education shall submit to the insti-  
25 tution’s accrediting agency or association, a descrip-

1           tion of how the institution plans to meet the require-  
2           ments of this subsection.

3           (3) EFFECTIVE DATE.—This subsection shall  
4           take effect with respect to any semester (or the  
5           equivalent) that begins on or after December 1,  
6           2020.

7           (b) APPROVAL FOR EXPANDED DISTANCE EDU-  
8           CATION.—

9           (1) IN GENERAL.—

10           (A) IN GENERAL.—Notwithstanding sec-  
11           tion 481(b)(3) of the Higher Education Act of  
12           1965 (20 U.S.C. 1088(b)(3)), an institution of  
13           higher education described in subparagraph (B)  
14           may deliver distance education by offering pro-  
15           grams in whole or in part through telecommuni-  
16           cations and be eligible to participate in a pro-  
17           gram under title IV if such institution meets  
18           the requirements of paragraphs (2) through  
19           (4).

20           (B) INSTITUTION OF HIGHER EDU-  
21           CATION.—An institution of higher education de-  
22           scribed in this subparagraph is an institution of  
23           higher education that uses or expands distance  
24           education—

1 (i) in accordance with the flexibilities  
2 and waivers provided under the guidance  
3 of the Secretary on distance education; and

4 (ii) without following—

5 (I) the standard approval process  
6 for distance education (as in effect be-  
7 fore March 5, 2020) of the Secretary;  
8 or

9 (II) the evaluation process of in-  
10 stitution's accrediting agency or asso-  
11 ciation described in paragraph (2)(A).

12 (2) COMMENCEMENT OF EVALUATION PROCESS  
13 WITH THE INSTITUTION'S ACCREDITING AGENCY.—

14 (A) IN GENERAL.—Not later than Decem-  
15 ber 31, 2020, each institution described in  
16 paragraph (1)(B) shall demonstrate to the Sec-  
17 retary that such institution has commenced the  
18 evaluation process with its accrediting agency  
19 or association for the purpose of evaluating dis-  
20 tance education to determine whether such in-  
21 stitution has the capability to—

22 (i) effectively deliver distance edu-  
23 cation programs; and

24 (ii) meet the applicable policies and  
25 procedures of the accrediting agency or as-

1           society (as such policies and procedures  
2           were in effect before March 5, 2020).

3           (B) ACCREDITING AGENCY OR ASSOCIA-  
4           TION.—In a case in which an accrediting agen-  
5           cy or association does not have distance edu-  
6           cation in the scope of its recognition at the time  
7           an institution commences the evaluation process  
8           described in this paragraph, and such agency  
9           expands its scope of accreditation to include  
10          distance education, not later than 30 days after  
11          such change in scope, such agency shall notify  
12          the Secretary, in writing, of the change in scope  
13          to include distance education, in accordance  
14          with section 496(a)(4)(B)(i)(II) of the Higher  
15          Education Act of 1965 (20 U.S.C.  
16          1099b(a)(4)(B)(i)(II)).

17          (3) COMMENCEMENT OF APPROVAL PROCESS  
18          WITH THE SECRETARY.—Not later than December  
19          31, 2020, each institution described in paragraph  
20          (1)(B) shall commence, with the Secretary, the  
21          standard approval process for distance education of  
22          the Secretary referred to in paragraph (1)(B)(ii)(I).

23          (4) COMPLETION OF EVALUATION AND AP-  
24          PROVAL PROCESS.—

1 (A) IN GENERAL.—Not later than July 1,  
2 2021, an institution of higher education de-  
3 scribed in paragraph (1)(B) shall demonstrate  
4 to the Secretary that—

5 (i) the institution has completed the  
6 evaluation process and standard approval  
7 process for distance education under para-  
8 graphs (2) and (3), respectively, for each  
9 of its applicable programs; and

10 (ii) each such program meets the ap-  
11 plicable policies and procedures to offer  
12 distance education that are required by the  
13 Secretary and the institution’s accrediting  
14 agency or association under such para-  
15 graphs.

16 (B) LOSS OF ELIGIBILITY.—An institution  
17 of higher education that does not meet the re-  
18 quirements of subparagraph (A) shall cease of-  
19 fering distance education programs until such  
20 time that such institution demonstrates to the  
21 Secretary that the institution and each of its  
22 applicable programs meet the requirements of  
23 subparagraph (A).

24 (c) REQUIREMENTS FOR CERTAIN COVERED AR-  
25 RANGEMENTS.—

1           (1) ACCREDITOR REVIEW FOR COVERED AR-  
2           RANGEMENTS WITH FOREIGN INSTITUTIONS.—An  
3           institution of higher education with a covered ar-  
4           rangement with a foreign institution shall dem-  
5           onstrate to the Secretary that the institution has  
6           commenced the evaluation process with the institu-  
7           tion’s accrediting agency or association to determine,  
8           in a case in which the accrediting agency or associa-  
9           tion has standards for the provision of educational  
10          services to another institution, whether such covered  
11          arrangement meets the standards.

12          (2) REPORTING TO THE SECRETARY.—Begin-  
13          ning not later than 30 days after the date of enact-  
14          ment of this Act, the Secretary shall require the fol-  
15          lowing:

16                (A) INSTITUTIONS WITH COVERED AR-  
17                RANGEMENTS WITH NON-TITLE-IV INSTITU-  
18                TIONS OR ORGANIZATIONS.—An institution of  
19                higher education with a covered arrangement  
20                with a non-title-IV institution or organization  
21                shall report to the Secretary not later than 10  
22                days after the institution of higher education  
23                establishes or modifies such covered arrange-  
24                ment—

1 (i) the name of the institution or or-  
2 ganization that is not eligible to participate  
3 in a program under title IV;

4 (ii) a summary of such arrangement,  
5 including the percentages and components  
6 of the educational program to be offered  
7 by the institution of higher education and  
8 such institution or organization; and

9 (iii) an attestation that the institution  
10 of higher education and such institution or  
11 organization meet the requirements of sec-  
12 tion 668.5(c) of title 34, Code of Federal  
13 Regulations (as such section is in effect on  
14 the date of enactment of this Act), includ-  
15 ing the specific determination from the in-  
16 stitution of higher education's accrediting  
17 agency or association that the institution's  
18 arrangement meets the agency or associa-  
19 tion's standards for the contracting out of  
20 educational services.

21 (B) INSTITUTIONS WITH COVERED AR-  
22 RANGEMENTS WITH FOREIGN INSTITUTIONS.—  
23 An institution of higher education with a cov-  
24 ered arrangement with a foreign institution  
25 shall report to the Secretary—

1 (i) not later than 10 days after such  
2 institution establishes such covered ar-  
3 rangement—

4 (I) the name of the foreign insti-  
5 tution; and

6 (II) a summary of such arrange-  
7 ment, including the percentages and  
8 components of the educational pro-  
9 gram to be offered by the institution  
10 of higher education and the foreign  
11 institution; and

12 (ii) if applicable, not later than 10  
13 days after the date on which the institu-  
14 tion's accrediting agency or association  
15 provides its determination to the institu-  
16 tion in accordance with paragraph (1), the  
17 determination made by the institution's ac-  
18 crediting agency or association.

19 (3) INFORMATION MADE AVAILABLE TO STU-  
20 DENTS.—

21 (A) INSTITUTIONS WITH COVERED AR-  
22 RANGEMENTS WITH NON-TITLE-IV INSTITU-  
23 TIONS OR ORGANIZATIONS.—An institution of  
24 higher education with a covered arrangement  
25 with a non-title-IV institution or organization



1 shall provide directly to enrolled and prospective  
2 students, and make available on a publicly ac-  
3 cessible website of the institution, a description  
4 of each covered arrangement with a non-title-IV  
5 institution or organization, including informa-  
6 tion on—

7 (i) the portion of the educational pro-  
8 gram that the institution of higher edu-  
9 cation is not providing;

10 (ii) the name and location of the non-  
11 title-IV institution or organization that is  
12 providing such portion of the educational  
13 program;

14 (iii) the method of delivery of such  
15 portion of the educational program; and

16 (iv) the estimated additional costs stu-  
17 dents may incur as the result of enrolling  
18 in an educational program that is provided  
19 under the covered arrangement.

20 (B) INSTITUTIONS WITH COVERED AR-  
21 RANGEMENTS WITH FOREIGN INSTITUTIONS.—

22 In the case of an institution of higher education  
23 with a covered arrangement with a foreign in-  
24 stitution, the foreign institution in such ar-  
25 rangement shall provide the information de-

1           scribed in subparagraph (A) regarding the cov-  
2           ered arrangement in the same manner as ap-  
3           plies to an institution of higher education with  
4           a covered arrangement with a non-title-IV insti-  
5           tution or organization subject to such subpara-  
6           graph.

7           (4) ENFORCEMENT.—The Secretary shall take  
8           such enforcement actions under section 487(c) of the  
9           Higher Education Act of 1965 (20 U.S.C. 1094(c))  
10          as necessary until such time as an institution of  
11          higher education with a covered arrangement subject  
12          to this subsection can demonstrate that the institu-  
13          tion meets—

14                 (A) the standards of the institution’s ac-  
15                 crediting agency or association for the con-  
16                 tracting out of educational services; and

17                 (B) in the case of an institution with a  
18                 covered arrangement with a foreign institution,  
19                 the standards, if applicable, of the accrediting  
20                 agency or association for the provision of edu-  
21                 cational services to another institution.

22          (d) REQUIRED REPORTS.—

23                 (1) REPORTS BY ACCREDITING AGENCY OR AS-  
24                 SOCIATION.—

1 (A) IN GENERAL.—Not later than 15 busi-  
2 ness days after an accrediting agency or asso-  
3 ciation completes the review of an institution of  
4 higher education subject to the requirements of  
5 subsection (b) or (c), the accrediting agency or  
6 association shall publish a report regarding the  
7 review.

8 (B) REQUIREMENTS.—The report under  
9 subparagraph (A) shall—

10 (i) be published on the website of the  
11 accrediting agency or association; and

12 (ii) include a summary of the conclu-  
13 sion and the relevant findings that such  
14 agency or association provided such insti-  
15 tution of higher education in granting, as  
16 applicable—

17 (I) the approval or denial for an  
18 institution of higher education to de-  
19 liver distance education under sub-  
20 section (b); or

21 (II) the approval or denial of an  
22 institution of higher education to  
23 enter into or modify a written ar-  
24 rangement in accordance with sub-  
25 section (c).

1           (2) REPORTS BY SECRETARY.—By March 31,  
2           2021, and quarterly thereafter, the Secretary shall  
3           provide the Committee on Health, Education, Labor,  
4           and Pensions of the Senate and the Committee on  
5           Education and Labor of the House of Representa-  
6           tives, and publish on a publicly available website, a  
7           report of the information collected under paragraph  
8           (1) and subsection (c)(2).

9           (e) OTHER DEFINITIONS.—In this section:

10           (1) ACCREDITING AGENCY OR ASSOCIATION.—

11           The term “accrediting agency or association”  
12           means—

13                   (A) an accrediting agency or association  
14                   that is recognized by the Secretary under sub-  
15                   part 2 of part H of title IV of the Higher Edu-  
16                   cation Act of 1965 (20 U.S.C. 1099b); or

17                   (B) in the case of a public postsecondary  
18                   vocational institution whose eligibility for Fed-  
19                   eral student assistance programs is being deter-  
20                   mined by a State agency listed under section  
21                   487(c)(4) of the Higher Education Act of 1965  
22                   (20 U.S.C. 1094(c)(4)), such a State agency.

23           (2) COVERED ARRANGEMENT WITH A FOREIGN  
24           INSTITUTION.—The term “covered arrangement with  
25           a foreign institution” means a written arrangement

1 entered into between an institution of higher edu-  
2 cation and a foreign institution, on or after March  
3 13, 2020, to provide an educational program.

4 (3) COVERED ARRANGEMENT WITH A NON-  
5 TITLE-IV INSTITUTION OR ORGANIZATION.—The  
6 term “covered arrangement with a non-title-IV insti-  
7 tution or organization” means a written arrange-  
8 ment—

9 (A) to provide an educational program that  
10 satisfies the requirements of section 668.8 of  
11 title 34, Code of Federal Regulations (as such  
12 section is in effect on the date of enactment of  
13 this Act) between an institution of higher edu-  
14 cation and an institution or organization that is  
15 not eligible to participate in a program under  
16 title IV;

17 (B) entered into, or modified, on or after  
18 March 13, 2020; and

19 (C) through which the institution or orga-  
20 nization that is not eligible to participate in a  
21 program under title IV will provide more than  
22 25 percent, but less than 50 percent of the edu-  
23 cational program subject to the arrangement.

24 (4) FOREIGN INSTITUTION.—The term “foreign  
25 institution” means an institution located outside the

1 United States that is described in paragraphs (1)(C)  
2 and (2) of section 102(a) of the Higher Education  
3 Act of 1965 (20 U.S.C. 1002(a)).

4 (5) GUIDANCE OF THE SECRETARY ON DIS-  
5 TANCE EDUCATION.—The term “guidance of the  
6 Secretary on distance education” means the guid-  
7 ance of the Secretary entitled “UPDATED Guid-  
8 ance for interruptions of study related to  
9 Coronavirus (COVID–19)” dated June 16, 2020 (or  
10 prior or succeeding guidance).

11 (6) INSTITUTION OF HIGHER EDUCATION.—The  
12 term “institution of higher education” has the  
13 meaning given that term in section 102 of the High-  
14 er Education Act of 1965 (20 U.S.C. 1002).

15 (7) PROGRAM UNDER TITLE IV.—The term  
16 “program under title IV” means the following pro-  
17 grams under title IV of the Higher Education Act  
18 of 1965 (20 U.S.C. 1070 et seq.):

19 (A) The Federal Pell Grant program under  
20 section 401 of such Act (20 U.S.C. 1070a).

21 (B) The Federal Supplemental Edu-  
22 cational Opportunity Grant program under sub-  
23 part 3 of part A of such title IV (20 U.S.C.  
24 1070b).

1 (C) The Federal work-study program  
2 under part C of such title IV (20 U.S.C. 1087–  
3 51 et seq.).

4 (D) The Federal Direct Loan program  
5 under part D of such title IV (20 U.S.C. 1087a  
6 et seq.).

7 **SEC. 125. REQUIREMENTS FOR TEACH-OUT PLANS AND**  
8 **TEACH-OUT AGREEMENTS.**

9 (a) REQUIREMENTS.—

10 (1) IN GENERAL.—Notwithstanding section  
11 487(f)(2) of the Higher Education Act of 1965 (20  
12 U.S.C. 1094(f)(2)), in the event an institution of  
13 higher education, during the period described in sub-  
14 section (d), is required to submit to its accrediting  
15 agency or association a teach-out plan (in accord-  
16 ance with section 487(f) and section 496(c)(3) of  
17 such Act (20 U.S.C. 1094(f); 1099b(c)(3))), or to  
18 submit a teach-out agreement among institutions (in  
19 accordance with section 496(c)(6) of such Act (20  
20 U.S.C. 1099b(c)(6))), the following shall apply to  
21 such plans and agreements:

22 (A) The definitions and requirements de-  
23 scribed in this subsection.

24 (B) Any other applicable standards of the  
25 institution’s accrediting agency or association.

1 (C) Any other provisions the Secretary of  
2 Education determines are necessary to protect  
3 the interests of the United States and to pro-  
4 mote the purposes of this section.

5 (2) CLOSING INSTITUTION DEFINED.—The  
6 term “closing institution” means an institution of  
7 higher education—

8 (A) that ceases to operate or plans to cease  
9 operations before all enrolled students have  
10 completed their program of study; or

11 (B) that has an institutional location  
12 that—

13 (i) provides 100 percent of at least 1  
14 program offered by the institution of high-  
15 er education; and

16 (ii) ceases to operate or plans to cease  
17 operations before all enrolled students have  
18 completed their program of study.

19 (3) TEACH-OUT PLANS.—

20 (A) TEACH-OUT PLAN DEFINED.—The  
21 term “teach-out plan” means a written plan de-  
22 veloped by a closing institution that provides for  
23 the equitable treatment of students.



1 (B) CONTENTS OF TEACH-OUT PLANS.—A  
2 teach-out plan shall include a record-retention  
3 plan that includes—

4 (i) a plan for the custody (including  
5 by any applicable State authorizing agen-  
6 cies), and the disposition, of teach-out  
7 records that meets the requirements of  
8 paragraph (5)(B)(iii);

9 (ii) an assurance that in the event of  
10 the closure of the institution or an institu-  
11 tional location of the institution, such in-  
12 stitution—

13 (I) will meet the requirements of  
14 paragraph (5)(B)(iv); and

15 (II) will refund students the  
16 amount of any unearned tuition, ac-  
17 count balances, and student fees, and  
18 refunds due; and

19 (iii) an estimate of the costs necessary  
20 to carry out such record-retention plan.

21 (4) TEACH-OUT AGREEMENT DEFINED.—The  
22 term “teach-out agreement” means a written agree-  
23 ment between a closing institution and one or more  
24 other institutions of higher education (in this section  
25 referred to as a “teach-out institution)” that—

1 (A) provides for the equitable treatment of  
2 students and a reasonable opportunity for stu-  
3 dents to complete their program of study; and

4 (B) meets the requirements in section  
5 496(c)(6) of the Higher Education Act of 1965  
6 (20 U.S.C. 1099b(c)(6)).

7 (5) APPROVAL OF TEACH-OUT AGREEMENTS.—

8 In approving a teach-out agreement, the accrediting  
9 agency or association shall determine a timeline for  
10 an interim teach-out agreement and a final teach-out  
11 agreement that provides for the equitable treatment  
12 of students and ensures—

13 (A) that the teach-out institution—

14 (i) to the extent practicable, is an in-  
15 stitution of higher education that meets  
16 the requirements of section 101 or section  
17 102(c) of the Higher Education Act of  
18 1965 (20 U.S.C. 1001; 1002(c));

19 (ii) has the necessary experience, re-  
20 sources, and support services to provide an  
21 educational program that is of acceptable  
22 quality and reasonably similar in content,  
23 delivery modality, and scheduling to that  
24 provided by the closing institution with

1 which the teach-out institution has entered  
2 into the teach-out agreement;

3 (iii) has not been subject to a sanction  
4 of probation or equivalent or show cause  
5 by its accrediting agency or association or  
6 any applicable State authorizing or licens-  
7 ing agency in the past 5 years; and

8 (iv) shows no evidence of significant  
9 problems (including financial stability or  
10 administrative capability) that affect the  
11 institution's capacity to carry out its mis-  
12 sion and meet all obligations to enrolled  
13 students, which shall include a showing  
14 that there is no evidence of the conditions  
15 described in section 602.24(c)(8) of title  
16 34, Code of Federal Regulations, as in ef-  
17 fect on the date of enactment of this Act;  
18 and

19 (B) that the closing institution—

20 (i) provides the accrediting agency or  
21 association and the Secretary a complete  
22 list of all students who are enrolled in each  
23 program at the institution or who have  
24 withdrawn from the institution within the  
25 last 180 days, including each student's

1 name, contact information, program of  
2 study, the program requirements each stu-  
3 dent has completed, and the estimated  
4 date of completion in the absence of the  
5 closure of such institution or institutional  
6 location;

7 (ii) provides to the accrediting agency  
8 or association and the Secretary, for each  
9 program of study at the closing institution,  
10 records of any agreements pertaining to  
11 the acceptance of students, transfer of  
12 credits, articulation agreements, or waiver  
13 of program requirements between the clos-  
14 ing institution and any other institutions  
15 of higher education;

16 (iii) provides a record-retention plan  
17 to all enrolled students that delineates the  
18 final disposition of teach-out records,  
19 digitally where practicable, including stu-  
20 dent transcripts, billing, financial aid  
21 records, and the amount of any unearned  
22 tuition, account balances, student fees, and  
23 refunds due to each such student;

24 (iv) releases all financial holds placed  
25 on student records and, for the 3-year pe-

1                   riod beginning on the date of the closure of  
2                   such institution or institutional location,  
3                   provides each student (including each stu-  
4                   dent who withdrew from such institution  
5                   during the 180-day period prior to the date  
6                   of such closure) with the student’s official  
7                   transcripts and complete academic records  
8                   at no cost to the student;

9                   (v) provides students with informa-  
10                  tion, using standard language developed by  
11                  the Secretary under subsection (b), regard-  
12                  ing—

13                  (I) the benefits and consequences  
14                  of choosing to—

15                  (aa) continue the student’s  
16                  studies by transferring to a  
17                  teach-out institution; and

18                  (bb) receive a closed school  
19                  discharge under section 437(c)(1)  
20                  and section 464(g)(1) of the  
21                  Higher Education Act of 1965  
22                  (20 U.S.C. 1087(c)(1);  
23                  1087dd(g)(1)); and

24                  (II) if applicable, information on  
25                  institutional and State refund policies;

1 (vi) provides students with informa-  
2 tion about additional tuition and fee  
3 charges, if any, at the teach-out institu-  
4 tion; and

5 (vii) provides students with accurate  
6 information on the number and types of  
7 credits the teach-out institution is willing  
8 to accept prior to the student's enrollment  
9 in that institution or any other institution  
10 of higher education with which the closing  
11 institution has an articulation agreement.

12 (6) SUBMISSION OF TEACH-OUT PLANS AND  
13 TEACH-OUT AGREEMENTS.—

14 (A) SUBMISSION OF NOTICE.—Not later  
15 than 10 days after being required to submit a  
16 teach-out plan or teach-out agreement to its ac-  
17 crediting agency or association, the institution  
18 of higher education shall submit a notice of  
19 such plan or agreement to the Secretary of  
20 Education and to any applicable State author-  
21 izing agencies of such institution.

22 (B) SUBMISSION OF PLAN OR AGREE-  
23 MENT.—Not later than 5 days after receiving  
24 approval from its accrediting agency or associa-  
25 tion of a teach-out plan or teach-out agreement,

1 as applicable, the institution of higher edu-  
2 cation shall submit the approved plan or agree-  
3 ment to the Secretary of Education and to any  
4 applicable State authorizing agencies of such  
5 institution.

6 (b) STANDARD LANGUAGE.—Not later than 60 days  
7 after the date of the enactment of this section, the Sec-  
8 retary of Education shall publish standard language relat-  
9 ing to closed school discharges for purposes of subsection  
10 (a)(5)(B)(v).

11 (c) PROHIBITION ON MISREPRESENTATIONS.—

12 (1) IN GENERAL.—An institution of higher edu-  
13 cation is prohibited from engaging in misrepresenta-  
14 tion about the nature of teach-out plans, teach-out  
15 agreements, and transfer of credit.

16 (2) SANCTIONS.— Upon determination, after  
17 reasonable notice and opportunity for a hearing, that  
18 an institution of higher education is in violation of  
19 this subsection, the Secretary of Education—

20 (A) shall impose a civil penalty not to ex-  
21 ceed \$25,000 for each misrepresentation; and

22 (B) may impose an additional sanction de-  
23 scribed in section 497(c)(3) of the Higher Edu-  
24 cation Act of 1965 (20 U.S.C. 1094(c)(3)).

1 (d) COVERED PERIOD.—The provisions of this sec-  
2 tion shall be in effect during the period beginning on the  
3 date of enactment of this Act and ending on the date on  
4 which on which sections 487(f) of the Higher Education  
5 Act of 1965 (20 U.S.C. 1094(f)) or paragraphs (3) and  
6 (6) of section 493(c) of such Act (20 U.S.C. 1098b(c))  
7 are amended or repealed.

## 8 **Subtitle C—Federal Student Loan** 9 **Relief**

### 10 **PART 1—TEMPORARY RELIEF FOR FEDERAL** 11 **STUDENT BORROWERS**

#### 12 **SEC. 131. EXPANDING LOAN RELIEF TO ALL FEDERAL STU-** 13 **DENT LOAN BORROWERS.**

14 Section 3502(a) of division A of the Coronavirus Aid,  
15 Relief, and Economic Security Act (Public Law 116–136)  
16 is amended—

17 (1) by redesignating paragraphs (2) through  
18 (5) as paragraphs (3) through (6), respectively; and

19 (2) by inserting after paragraph (1) the fol-  
20 lowing:

21 “(2) FEDERAL STUDENT LOAN.—The term  
22 ‘Federal student loan’ means a loan—

23 “(A) made under part B, part D, or part  
24 E of title IV of the Higher Education Act of  
25 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,



1 1087aa et seq.), and held by the Department of  
2 Education;

3 “(B) made, insured, or guaranteed under  
4 part B of such title, or made under part E of  
5 such title, and not held by the Department of  
6 Education; or

7 “(C) made under—

8 “(i) subpart II of part A of title VII  
9 of the Public Health Service Act (42  
10 U.S.C. 292q et seq.); or

11 “(ii) part E of title VIII of the Public  
12 Health Service Act (42 U.S.C. 297a et  
13 seq.).”.

14 **SEC. 132. EXTENDING THE LENGTH OF BORROWER RELIEF**  
15 **DUE TO THE CORONAVIRUS EMERGENCY.**

16 Section 3513 of division A of the Coronavirus Aid,  
17 Relief, and Economic Security Act (Public Law 116–136)  
18 is amended—

19 (1) by amending subsection (a) to read as fol-  
20 lows:

21 “(a) **SUSPENSION OF PAYMENTS.**—

22 “(1) **IN GENERAL.**—During the period begin-  
23 ning on March 13, 2020, and ending on September  
24 30, 2021, the Secretary or, as applicable, the Sec-

1       retary of Health and Human Services, shall suspend  
2       all payments due on Federal student loans.

3           “(2) TRANSITION PERIOD.—For one additional  
4       30-day period beginning on the day after the last  
5       day of the suspension period described in subsection  
6       (a), the Secretary or, as applicable, the Secretary of  
7       Health and Human Services, shall ensure that any  
8       missed payments on a Federal student loan by a  
9       borrower during such additional 30-day period—

10           “(A) do not result in collection fees or pen-  
11       alties associated with late payments; and

12           “(B) are not reported to any consumer re-  
13       porting agency or otherwise impact the bor-  
14       rower’s credit history.

15           “(3) DETERMINATION OF COMPENSATION.—  
16       The Secretary or, as applicable, the Secretary of  
17       Health and Human Services shall—

18           “(A) with respect to a holder of a Federal  
19       student loan defined in subparagraph (B) or  
20       (C) of section 3502(a)(2)—

21           “(i) determine any losses for such  
22       holder due to the suspension of payments  
23       on such loan under paragraph (1); and

24           “(ii) establish reasonable compensa-  
25       tion for such losses; and

1           “(B) not later than 60 days after the date  
2           of enactment of the Pandemic Education Re-  
3           sponse Act, with respect to a borrower who  
4           made a payment on a Federal student loan de-  
5           fined in subparagraph (B) or (C) of section  
6           3502(a)(2) during the period beginning on  
7           March 13, 2020, and ending on such date of  
8           enactment, the Secretary shall pay to the bor-  
9           rower, an amount equal to the lower of—

10                   “(i) the amount paid by the borrower  
11                   on such loan during such period; or

12                   “(ii) the amount that was due on such  
13                   loan during such period.

14           “(4) RECERTIFICATION.—A borrower who is re-  
15           paying a Federal student loan pursuant to an in-  
16           come-contingent repayment plan under section  
17           455(d)(1)(D) of the Higher Education Act of 1965  
18           (20 U.S.C. 1087e(d)(1)(D)) or an income-based re-  
19           payment plan under section 493C of such Act (20  
20           U.S.C. 1098e) shall not be required to recertify the  
21           income or family size of the borrower under such  
22           plan prior to December 31, 2021.”;

23           (2) in subsection (c), by striking “part D or B  
24           of title IV of the Higher Education Act of 1965 (20  
25           U.S.C. 1087a et seq.; 1071 et seq.)” and inserting

1 “part B, D, or E of title IV of the Higher Education  
2 Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.;  
3 1087aa et seq.)”;

4 (3) in subsection (d), by striking “During the  
5 period in which the Secretary suspends payments on  
6 a loan under subsection (a), the Secretary” and in-  
7 serting “During the period in which payments on a  
8 Federal student loan are suspended under subsection  
9 (a), the Secretary or, as applicable, the Secretary of  
10 Health and Human Services”;

11 (4) in subsection (e), by striking “During the  
12 period in which the Secretary suspends payments on  
13 a loan under subsection (a), the Secretary” and in-  
14 serting “During the period in which payments on a  
15 Federal student loan are suspended under subsection  
16 (a), the Secretary or, as applicable, the Secretary of  
17 Health and Human Services”; and

18 (5) in subsection (f), by striking “the Sec-  
19 retary” and inserting “the Secretary or, as applica-  
20 ble, the Secretary of Health and Human Services.”.

21 **SEC. 133. NO INTEREST ACCRUAL.**

22 Section 3513(b) of division A of the Coronavirus Aid,  
23 Relief, and Economic Security Act (Public Law 116–136)  
24 is amended to read as follows:

25 “(b) PROVIDING INTEREST RELIEF.—

1 “(1) NO ACCRUAL OF INTEREST.—

2 “(A) IN GENERAL.—During the period de-  
3 scribed in subparagraph (D), interest on a Fed-  
4 eral student loan shall not accrue or shall be  
5 paid by the Secretary (or the Secretary of  
6 Health and Human Services) during—

7 “(i) the repayment period of such  
8 loan;

9 “(ii) any period excluded from the re-  
10 payment period of such loan (including any  
11 period of deferment or forbearance);

12 “(iii) any period in which the bor-  
13 rower of such loan is in a grace period; or

14 “(iv) any period in which the borrower  
15 of such loan is in default on such loan.

16 “(B) DIRECT LOANS AND DEPARTMENT OF  
17 EDUCATION HELD FFEL AND PERKINS  
18 LOANS.—For purposes of subparagraph (A), in-  
19 terest shall not accrue on a Federal student  
20 loan defined in section 3502(a)(2)(A).

21 “(C) FFEL AND PERKINS LOANS NOT  
22 HELD BY THE DEPARTMENT OF EDUCATION  
23 AND HHS LOANS.—For purposes of subpara-  
24 graph (A)—

1           “(i) in the case of a Federal student  
2           loan defined in section 3502(a)(2)(B), the  
3           Secretary shall pay, on a monthly basis,  
4           the amount of interest due on the unpaid  
5           principal of such loan to the holder of such  
6           loan, except that any payments made  
7           under this clause shall not affect payment  
8           calculations under section 438 of the High-  
9           er Education Act of 1965 (20 U.S.C.  
10          1087–1); and

11          “(ii) in the case of a Federal student  
12          loan defined in section 3502(a)(2)(C), the  
13          Secretary of Health and Human Services  
14          shall pay, on a monthly basis, the amount  
15          of interest due on the unpaid principal of  
16          such loan to the holder of such loan.

17          “(D) PERIOD DESCRIBED.—

18          “(i) IN GENERAL.—The period de-  
19          scribed in this clause is the period begin-  
20          ning on March 13, 2020, and ending on  
21          the later of—

22                  “(I) September 30, 2021; or

23                  “(II) the day following the date  
24                  of enactment of the Pandemic Edu-  
25                  cation Response Act that is 2 months

1 after the national U–5 measure of  
2 labor underutilization shows initial  
3 signs of recovery.

4 “(ii) DEFINITIONS.—In this subpara-  
5 graph:

6 “(I) NATIONAL U–5 MEASURE OF  
7 LABOR UNDERUTILIZATION.—The  
8 term ‘national U–5 measure of labor  
9 underutilization’ means the season-  
10 ally-adjusted, monthly U–5 measure  
11 of labor underutilization published by  
12 the Bureau of Labor Statistics.

13 “(II) INITIAL SIGNS OF RECOV-  
14 ERY.—The term ‘initial signs of recov-  
15 ery’ means that the average national  
16 U–5 measure of labor underutilization  
17 for months in the most recent 3-con-  
18 secutive-month period for which data  
19 are available—

20 “(aa) is lower than the high-  
21 est value of the average national  
22 U–5 measure of labor under-  
23 tilization for a 3-consecutive-  
24 month period during the period  
25 beginning in March 2020 and the

1 most recent month for which  
2 data from the Bureau of Labor  
3 Statistics are available by an  
4 amount that is equal to or great-  
5 er than one-third of the dif-  
6 ference between—

7 “(AA) the highest value  
8 of the average national U–5  
9 measure of labor under-  
10 utilization for a 3-consecu-  
11 tive-month period during  
12 such period; and

13 “(BB) the value of the  
14 average national U–5 meas-  
15 ure of labor underutilization  
16 for the 3-consecutive-month  
17 period ending in February  
18 2020; and

19 “(bb) has decreased for each  
20 month during the most recent 2  
21 consecutive months for which  
22 data from the Bureau of Labor  
23 Statistics are available.

24 “(E) OTHER DEFINITIONS.—In this para-  
25 graph:



1 “(i) DEFAULT.—The term ‘default’—

2 “(I) in the case of a Federal stu-  
3 dent loan made, insured, or guaran-  
4 teed under part B or D of the Higher  
5 Education Act of 1965, has the mean-  
6 ing given such term in section 435(l)  
7 of the Higher Education Act of 1965  
8 (20 U.S.C. 1085);

9 “(II) in the case of a Federal  
10 student loan made under part E of  
11 the Higher Education Act of 1965,  
12 has the meaning given such term in  
13 section 674.2 of title 34, Code of Fed-  
14 eral Regulations (or successor regula-  
15 tions); or

16 “(III) in the case of a Federal  
17 student loan defined in section  
18 3502(a)(2)(C), has the meaning given  
19 such term in section 721 or 835 of  
20 the Public Health Service Act (42  
21 U.S.C. 292q, 297a), as applicable.

22 “(ii) GRACE PERIOD.—The term  
23 ‘grace period’ means—

24 “(I) in the case of a Federal stu-  
25 dent loan made, insured, or guaran-

1 teed under part B or D of the Higher  
2 Education Act of 1965, the 6-month  
3 period after the date the student  
4 ceases to carry at least one-half the  
5 normal full-time academic workload,  
6 as described in section 428(b)(7) of  
7 the Higher Education Act of 1965 (20  
8 U.S.C. 1078(b)(7));

9 “(II) in the case of a Federal  
10 student loan made under part E of  
11 the Higher Education Act of 1965,  
12 the 9-month period after the date on  
13 which a student ceases to carry at  
14 least one-half the normal full-time  
15 academic workload, as described in  
16 section 464(c)(1)(A) of the Higher  
17 Education Act of 1965 (20 U.S.C.  
18 1087dd(c)(1)(A)); and

19 “(III) in the case of a Federal  
20 student loan defined in section  
21 3502(a)(2)(C), the 1-year period de-  
22 scribed in section 722(c) of the Public  
23 Health Service Act (42 U.S.C.  
24 292r(c)) or the 9-month period de-  
25 scribed in section 836(b)(2) of such

1 Act (42 U.S.C. 297b(b)(2)), as appli-  
2 cable.

3 “(iii) REPAYMENT PERIOD.—The  
4 term ‘repayment period’ means—

5 “(I) in the case of a Federal stu-  
6 dent loan made, insured, or guaran-  
7 teed under part B or D of the Higher  
8 Education Act of 1965, the repayment  
9 period described in section 428(b)(7)  
10 of the Higher Education Act of 1965  
11 (20 U.S.C. 1078(b)(7));

12 “(II) in the case of a Federal  
13 student loan made under part E of  
14 the Higher Education Act of 1965,  
15 the repayment period described in sec-  
16 tion 464(c)(4) of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C.  
18 1087dd(c)(4)); or

19 “(III) in the case of a Federal  
20 student loan defined in section  
21 3502(a)(2)(C), the repayment period  
22 described in section 722(e) or  
23 836(b)(2) of the Public Health Serv-  
24 ice Act (42 U.S.C. 292r(e),  
25 297b(b)(2)), as applicable.

1           “(2) INTEREST REFUND IN LIEU OF RETRO-  
2           ACTIVE APPLICABILITY.—By not later than 60 days  
3           after the date of enactment of the Pandemic Edu-  
4           cation Response Act, the Secretary or, as applicable,  
5           the Secretary of Health and Human Services, shall,  
6           for each Federal student loan defined in subpara-  
7           graph (B) or (C) of section 3502(a)(2) for which in-  
8           terest was not paid by such Secretary pursuant to  
9           paragraph (1) during the period beginning on March  
10          13, 2020 and ending on such date of enactment—

11                   “(A) determine the amount of interest due  
12                   (or that would have been due in the absence of  
13                   being voluntarily paid by the holder of such  
14                   loan) on such loan during the period beginning  
15                   March 13, 2020, and ending on such date of  
16                   enactment; and

17                   “(B) refund the amount of interest cal-  
18                   culated under subparagraph (A), by—

19                           “(i) paying the holder of the loan the  
20                           amount of the interest calculated under  
21                           subparagraph (A), to be applied to the  
22                           loan balance for the borrower of such loan;  
23                           or

24                           “(ii) if there is no outstanding balance  
25                           or payment due on the loan as of the date

1 on which the refund is to be provided, pro-  
2 viding a payment in the amount of the in-  
3 terest calculated under subparagraph (A)  
4 directly to the borrower.

5 “(3) SUSPENSION OF INTEREST CAPITALIZA-  
6 TION.—

7 “(A) IN GENERAL.—With respect to any  
8 Federal student loan, interest that accrued but  
9 had not been paid prior to March 13, 2020, and  
10 had not been capitalized as of such date, shall  
11 not be capitalized.

12 “(B) TRANSITION.—The Secretary or, as  
13 applicable, the Secretary of Health and Human  
14 Services, shall ensure that any interest on a  
15 Federal student loan that had been capitalized  
16 in violation of subparagraph (A) is corrected  
17 and the balance of principal and interest due  
18 for the Federal student loan is adjusted accord-  
19 ingly.”.

20 **SEC. 134. NOTICE TO BORROWERS.**

21 Section 3513(g) of division A of the Coronavirus Aid,  
22 Relief, and Economic Security Act (Public Law 116–136)  
23 is amended—

24 (1) in the matter preceding paragraph (1), by  
25 striking “the Secretary” and inserting “the Sec-

1       retary or, as applicable, the Secretary of Health and  
2       Human Services,”;

3               (2) in paragraph (1)(D), by striking the period  
4       and inserting a semicolon;

5               (3) in paragraph (2)—

6                       (A) in the matter preceding subparagraph  
7       (A), by striking “August 1, 2020” and insert-  
8       ing “August 1, 2021”; and

9                       (B) by amending subparagraph (B) to read  
10       as follows:

11                       “(B) that—

12                               “(i) a borrower of a Federal student  
13       loan made, insured, or guaranteed under  
14       part B or D of title IV of the Higher Edu-  
15       cation Act of 1965 may be eligible to enroll  
16       in an income-contingent repayment plan  
17       under section 455(d)(1)(D) of the Higher  
18       Education Act of 1965 (20 U.S.C.  
19       1087e(d)(1)(D)) or an income-based repay-  
20       ment plan under section 493C of such Act  
21       (20 U.S.C. 1098e), including a brief de-  
22       scription of such repayment plans; and

23                               “(ii) in the case of a borrower of a  
24       Federal student loan defined in section  
25       3502(a)(2)(C) or made under part E of

1 title IV of the Higher Education of 1965,  
2 the borrower may be eligible to enroll in  
3 such a repayment plan if the borrower con-  
4 solidates such loan with a loan described in  
5 clause (i) of this subparagraph, and re-  
6 ceives a Federal Direct Consolidation Loan  
7 under part D of the Higher Education of  
8 1965 (20 U.S.C. 1087a et seq.); and”;  
9 (C) by adding at the end the following:

10 “(3) in a case in which the accrual of interest  
11 on Federal student loans is suspended under sub-  
12 section (b)(1) beyond September 30, 2021, during  
13 the 2-month period beginning on the date on which  
14 the national U–5 measure of labor underutilization  
15 shows initial signs of recovery (as such terms are de-  
16 fined in subsection (b)(1)(D)) carry out a program  
17 to provide not less than 6 notices by postal mail,  
18 telephone, or electronic communication to bor-  
19 rowers—

20 “(A) indicating when the interest on Fed-  
21 eral student loans of the borrower will resume  
22 accrual and capitalization; and

23 “(B) the information described in para-  
24 graph (2)(B).”.

1 **SEC. 135. IMPLEMENTATION.**

2 Section 3513 of division A of the Coronavirus Aid,  
3 Relief, and Economic Security Act (Public Law 116–136),  
4 as amended by this part, is further amended by adding  
5 at the end the following:

6 “(i) IMPLEMENTATION.—

7 “(1) INFORMATION VERIFICATION.—

8 “(A) IN GENERAL.—To facilitate imple-  
9 mentation of this section, information for the  
10 purposes described in subparagraph (B), shall  
11 be reported—

12 “(i) by the holders of Federal student  
13 loans defined in section 3502(a)(2)(B) to  
14 the satisfaction of the Secretary; and

15 “(ii) by the holders of Federal student  
16 loans defined in section 3502(a)(2)(C) to  
17 the satisfaction of the Secretary of Health  
18 and Human Services.

19 “(B) PURPOSES.—The purposes of the in-  
20 formation reported under subparagraph (A) are  
21 to—

22 “(i) verify, at the borrower level, the  
23 payments that are provided or suspended  
24 under this section; and



1                   “(ii) calculate the amount of any in-  
2                   terest due to the holder for reimbursement  
3                   of interest under subsection (b).

4                   “(2) COORDINATION.—The Secretary shall co-  
5                   ordinate with the Secretary of Health and Human  
6                   Services to carry out the provisions of this section  
7                   with respect to Federal student loans defined in sec-  
8                   tion 3502(a)(2)(C).”.

9   **SEC. 136. EFFECTIVE DATE.**

10           Except as otherwise provided, this part, and the  
11           amendments made by this part, shall take effect as if en-  
12           acted as part of the Coronavirus Aid, Relief, and Eco-  
13           nomic Security Act (Public Law 116–136).

14   **PART 2—CONSOLIDATION LOANS AND PUBLIC**  
15                   **SERVICE LOAN FORGIVENESS**

16   **SEC. 137. SPECIAL RULES RELATING TO FEDERAL DIRECT**  
17                   **CONSOLIDATION LOANS.**

18           (a) SPECIAL RULES RELATING TO FEDERAL DIRECT  
19           CONSOLIDATION LOANS AND PSLF.—

20                   (1) PUBLIC SERVICE LOAN FORGIVENESS OP-  
21                   TION ON CONSOLIDATION APPLICATION.—

22                           (A) IN GENERAL.—During the period de-  
23                           scribed in subsection (e), the Secretary shall—

24                                   (i) include, in any application for a  
25                                   Federal Direct Consolidation Loan under

1 part D of title IV of the Higher Education  
2 Act of 1965 (20 U.S.C. 1087a et seq.), an  
3 option for the borrower to indicate that the  
4 borrower intends to participate in the pub-  
5 lic service loan forgiveness program under  
6 section 455(m) of such Act (20 U.S.C.  
7 1087e(m)); and

8 (ii) for each borrower who submits an  
9 application for a Federal Direct Consolida-  
10 tion Loan, without regard to whether the  
11 borrower indicates the intention described  
12 in clause (i)—

13 (I) request that the borrower  
14 submit a certification of employment;  
15 and

16 (II) after receiving a complete  
17 certification of employment—

18 (aa) carry out the require-  
19 ments of paragraph (2); and

20 (bb) inform the borrower of  
21 the number of qualifying monthly  
22 payments made on the compo-  
23 nent loans before consolidation  
24 that shall be deemed, in accord-  
25 ance with paragraph (2)(D), to

1 be qualifying monthly payments  
2 made on the Federal Direct Con-  
3 solidation Loan.

4 (B) HOLD HARMLESS.—The Secretary  
5 may not change or otherwise rescind a calcula-  
6 tion made under paragraph (2)(D) after in-  
7 forming the borrower of the results of such cal-  
8 culation under subparagraph (A)(ii)(II)(bb).

9 (2) PROCESS TO DETERMINE QUALIFYING PAY-  
10 MENTS FOR PURPOSES OF PSLF.—Upon receipt of a  
11 complete certification of employment under para-  
12 graph (1)(A)(ii)(II) of a borrower who receives a  
13 Federal Direct Consolidation Loan described in  
14 paragraph (1)(A), the Secretary shall—

15 (A) review the borrower’s payment history  
16 to identify each component loan of such Federal  
17 Direct Consolidation Loan;

18 (B) for each such component loan—  
19 (i) calculate the weighted factor of the  
20 component loan, which shall be the factor  
21 that represents the portion of such Federal  
22 Direct Consolidation Loan that is attrib-  
23 utable to such component loan; and

1 (ii) determine the number of quali-  
2 fying monthly payments made on such  
3 component loan before consolidation;

4 (C) calculate the number of qualifying  
5 monthly payments determined under subpara-  
6 graph (B)(ii) with respect to a component loan  
7 that shall be deemed as qualifying monthly pay-  
8 ments made on the Federal Direct Consolida-  
9 tion Loan by multiplying—

10 (i) the weighted factor of such compo-  
11 nent loan as determined under subpara-  
12 graph (B)(i), by

13 (ii) the number of qualifying monthly  
14 payments made on such component loan as  
15 determined under subparagraph (B)(ii);  
16 and

17 (D) calculate the total number of quali-  
18 fying monthly payments with respect to the  
19 component loans of the Federal Direct Consoli-  
20 dation Loan that shall be deemed as qualifying  
21 monthly payments made on such Federal Direct  
22 Consolidation Loan by—

23 (i) adding together the result of each  
24 calculation made under subparagraph (C)

1 with respect to each such component loan;  
2 and

3 (ii) rounding the number determined  
4 under clause (i) to the nearest whole num-  
5 ber.

6 (3) DEFINITIONS.—For purposes of this sub-  
7 section:

8 (A) CERTIFICATION OF EMPLOYMENT.—  
9 The term “certification of employment”, used  
10 with respect to a borrower, means a certifi-  
11 cation of the employment of the borrower in a  
12 public service job (as defined in section  
13 455(m)(3)(B) of the Higher Education Act of  
14 1965) on or after October 1, 2007.

15 (B) COMPONENT LOAN.—The term “com-  
16 ponent loan”, used with respect to a Federal  
17 Direct Consolidation Loan, means each loan for  
18 which the liability has been discharged by the  
19 proceeds of the Federal Direct Consolidation  
20 Loan, which—

21 (i) may include a loan that is not an  
22 eligible Federal Direct Loan (as defined in  
23 section 455(m)(3)(A) of the Higher Edu-  
24 cation Act of 1965); and

1 (ii) in the case of a subsequent con-  
2 solidation loan, only includes loans for  
3 which the liability has been directly dis-  
4 charged by such subsequent consolidation  
5 loan.

6 (C) FEDERAL DIRECT CONSOLIDATION  
7 LOAN.—The term “Federal Direct Consolida-  
8 tion Loan” means a Federal Direct Consolida-  
9 tion Loan made under part D of title IV of the  
10 Higher Education Act of 1965 (20 U.S.C.  
11 1087a et seq.).

12 (D) QUALIFYING MONTHLY PAYMENT.—

13 (i) COMPONENT LOAN.—The term  
14 “qualifying monthly payment”, used with  
15 respect to a component loan, means a  
16 monthly payment on such loan made by a  
17 borrower, during a period of employment  
18 in a public service job (as defined in sec-  
19 tion 455(m)(3)(B) of the Higher Edu-  
20 cation Act of 1965 (20 U.S.C.  
21 1087e(m)(3)(B)) on or after October 1,  
22 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.

1 1071 et seq.; 1087a et seq.; 1087aa et  
2 seq.); 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 Pub-  
7 lic Health Service Act, a repayment  
8 plan under title VII or VIII of such  
9 Act.

10 (ii) FEDERAL DIRECT CONSOLIDATION  
11 LOAN.—The term “qualifying monthly pay-  
12 ment”, used with respect to a Federal Di-  
13 rect Consolidation Loan, means a monthly  
14 payment on such loan that counts as 1 of  
15 the 120 monthly payments described in  
16 section 455(m)(1)(A) of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C.  
18 1087e(m)(3)(B)).

19 (b) SPECIAL RULES RELATING TO FEDERAL DIRECT  
20 CONSOLIDATION LOANS AND ICR AND IBR.—

21 (1) IN GENERAL.—During the period described  
22 in subsection (e), with respect to a borrower who re-  
23 ceives a Federal Direct Consolidation Loan and who  
24 intends to repay such loan under an income-conti-  
25 gent repayment plan under section 455(d)(1)(D) of

1 the Higher Education Act of 1965 (20 U.S.C.  
2 1087e(d)(1)(D)) or an income-based repayment plan  
3 under section 493C of such Act (20 U.S.C. 1098e),  
4 the Secretary shall—

5 (A) review the borrower’s payment history  
6 to identify each component loan of such Federal  
7 Direct Consolidation Loan;

8 (B) for each such component loan—

9 (i) calculate the weighted factor of the  
10 component loan, which shall be the factor  
11 that represents the portion of such Federal  
12 Direct Consolidation Loan that is attrib-  
13 utable to such component loan; and

14 (ii) determine the number of quali-  
15 fying monthly payments made on such  
16 component loan before consolidation;

17 (C) calculate the number of qualifying  
18 monthly payments determined under subpara-  
19 graph (B)(ii) with respect to a component loan  
20 that shall be deemed as qualifying monthly pay-  
21 ments made on the Federal Direct Consolida-  
22 tion Loan by multiplying—

23 (i) the weighted factor of such compo-  
24 nent loan as determined under subpara-  
25 graph (B)(i), by



1 (ii) the number of qualifying monthly  
2 payments made on such component loan as  
3 determined under subparagraph (B)(ii);  
4 and

5 (D) calculate and inform the borrower of  
6 the total number of qualifying monthly pay-  
7 ments with respect to the component loans of  
8 the Federal Direct Consolidation Loan that  
9 shall be deemed as qualifying monthly payments  
10 made on such Federal Direct Consolidation  
11 Loan by—

12 (i) adding together the result of each  
13 calculation made under subparagraph (C)  
14 with respect to each such component loan;  
15 and

16 (ii) rounding the number determined  
17 under clause (i) to the nearest whole num-  
18 ber.

19 (2) HOLD HARMLESS.—The Secretary may not  
20 change or otherwise rescind a calculation made  
21 under paragraph (1)(D) after informing the bor-  
22 rower of the results of such calculation under such  
23 paragraph.

24 (3) DEFINITIONS.—In this subsection:

1 (A) COMPONENT LOAN; FEDERAL DIRECT  
2 CONSOLIDATION LOAN.—The terms “component  
3 loan” and “Federal Direct Consolidation Loan”  
4 have the meanings given the terms in sub-  
5 section (a).

6 (B) QUALIFYING PAYMENT.—

7 (i) COMPONENT LOANS.—Subject to  
8 clause (ii), the term “qualifying monthly  
9 payment”, used with respect to a compo-  
10 nent loan, means a monthly payment on  
11 such loan made by a borrower pursuant  
12 to—

13 (I) a repayment plan under part  
14 B, D, or E of title IV of the Higher  
15 Education Act of 1965 (20 U.S.C.  
16 1071 et seq., 1087a et seq., 1087aa et  
17 seq.); or

18 (II) in the case of a loan made  
19 under subpart II of part A of title VII  
20 of the Public Health Service Act (42  
21 U.S.C. 292q et seq.) or under part E  
22 of title VIII of the Public Health  
23 Service Act (42 U.S.C. 297a et seq.),  
24 a repayment plan under title VII or  
25 VIII of such Act.

1 (ii) CLARIFICATION.—

2 (I) ICR.—For purposes of deter-  
3 mining the number of qualifying  
4 monthly payments made on a compo-  
5 nent loan pursuant to an income-con-  
6 tingent repayment plan under section  
7 455(d)(1)(D) of the Higher Education  
8 Act of 1965 (20 U.S.C.  
9 1087e(d)(1)(D)), each month a bor-  
10 rower is determined to meet the re-  
11 quirements of section 455(e)(7)(B)(i)  
12 of such Act with respect to such loan  
13 shall be treated as such a qualifying  
14 monthly payment.

15 (II) IBR.—For purposes of de-  
16 termining the number of qualifying  
17 monthly payments made on a compo-  
18 nent loan pursuant to an income-  
19 based repayment plan under section  
20 493C of such Act (20 U.S.C. 1098e),  
21 each month a borrower was deter-  
22 mined to meet the requirements of  
23 subsection (b)(7)(B) of such section  
24 493C with respect to such loan shall

1 be treated as such a qualifying month-  
2 ly payment.

3 (iii) FEDERAL DIRECT CONSOLIDA-  
4 TION LOANS.—The term “qualifying  
5 monthly payment”, used with respect to a  
6 Federal Direct Consolidation Loan, means  
7 a monthly payment on such loan that  
8 counts as a monthly payment under an in-  
9 come-contingent repayment plan under sec-  
10 tion 455(d)(1)(D) of the Higher Education  
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D)),  
12 or an income-based repayment plan under  
13 section 493C of the Higher Education Act  
14 of 1965 (20 U.S.C. 1098e).

15 (c) NOTIFICATION TO BORROWERS.—

16 (1) IN GENERAL.—During the period described  
17 in subsection (e), the Secretary and the Secretary of  
18 Health and Human Services shall undertake a cam-  
19 paign to alert borrowers of a loan described in para-  
20 graph (2)—

21 (A) on the benefits of consolidating such  
22 loans into a Federal Direct Consolidation Loan,  
23 including the benefits of the special rules under  
24 subsections (a) and (b) of this section; and

1 (B) under which servicers and holders of  
2 Federal student loans shall provide to bor-  
3 rowers such consumer information, and in such  
4 manner, as determined appropriate by the Sec-  
5 retaries, based on conducting consumer testing  
6 to determine how to make the information as  
7 meaningful to borrowers as possible.

8 (2) FEDERAL STUDENT LOANS.—A loan de-  
9 scribed in this paragraph is—

10 (A) a loan made under subpart II of part  
11 A of title VII of the Public Health Service Act  
12 or under part E of title VIII of such Act; or

13 (B) a loan made under part E of the High-  
14 er Education Act of 1965.

15 (d) SPECIAL RULE FOR INTEREST ON FEDERAL DI-  
16 RECT CONSOLIDATION LOANS.—Any Federal Direct Con-  
17 solidation Loan for which the application is received dur-  
18 ing the period described in subsection (e), shall bear inter-  
19 est at an annual rate as calculated under section  
20 455(b)(8)(D) of the Higher Education Act of 1965 (20  
21 U.S.C. 1087e(b)(8)(D)), without regard to the require-  
22 ment to round the weighted average of the interest rate  
23 to the nearest higher one-eighth of one percent.

1 (e) PERIOD.—The period described in this clause is  
2 the period beginning on the date of enactment of this Act,  
3 and ending on the later of—

4 (1) September 30, 2021; or

5 (2) the day following the date of enactment of  
6 this Act that is 2 months after the national U–5  
7 measure of labor underutilization shows initial signs  
8 of recovery (as such terms are defined in section  
9 3513(b) of the Coronavirus Aid, Relief, and Eco-  
10 nomic Security Act (Public Law 116–136), as  
11 amended by this Act)).

12 (f) GAO STUDY ON IMPLEMENTATION OF SPECIAL  
13 RULES ON CONSOLIDATION.—Not later than 6 months  
14 after the date of enactment of this Act, the Comptroller  
15 General of the United States shall submit a report to the  
16 authorizing committees (defined in section 103 of the  
17 Higher Education Act of 1965 (20 U.S.C. 1003) on the  
18 implementation of this section, which shall include—

19 (1) information on borrowers who apply for or  
20 receive a Federal Direct Consolidation Loan under  
21 part D of the Higher Education Act of 1965 during  
22 the period described in subsection (e),  
23 disaggregated—

24 (A) by borrowers who intend to participate  
25 in the public service loan forgiveness program

1 under section 455(m) of such Act (20 U.S.C.  
2 1087e(m)); and

3 (B) by borrowers who intend to repay such  
4 loans on an income-contingent repayment plan  
5 under section 455(d)(1)(D) of the Higher Edu-  
6 cation Act of 1965 (20 U.S.C. 1087e(d)(1)(D))  
7 or an income-based repayment plan under sec-  
8 tion 493C of such Act (20 U.S.C. 1098e);

9 (2) the extent to which the Secretary has estab-  
10 lished procedures for carrying out subsections (a)  
11 and (b);

12 (3) the extent to which the Secretary and the  
13 Secretary of Health and Human Services have car-  
14 ried out the notification to borrowers required under  
15 subsection (c); and

16 (4) recommendations on improving the imple-  
17 mentation of this section to ensure increased bor-  
18 rower participation.

19 **SEC. 138. TREATMENT OF PSLF.**

20 (a) **EXCEPTION FOR PURPOSES OF PSLF LOAN**  
21 **FORGIVENESS.**—Section 455(m)(1)(B) of the Higher  
22 Education Act of 1965 (20 U.S.C. 1087e(m)(1)(B)) shall  
23 apply as if clause (i) were struck.

24 (b) **HEALTH CARE PRACTITIONER.**—In section  
25 455(m)(3)(B)(i) of the Higher Education Act of 1965 (20

1 U.S.C. 1087e(m)(3)(B)(i)), the term “full-time profes-  
2 sionals engaged in health care practitioner occupations”  
3 includes an individual who—

4 (1) has a full-time job as a health care practi-  
5 tioner;

6 (2) provides medical services in such full-time  
7 job at a nonprofit hospital or public hospital or other  
8 nonprofit or public health care facility; and

9 (3) is prohibited by State law from being em-  
10 ployed directly by such hospital or other health care  
11 facility.

## 12 **Subtitle D—Protecting Students**

### 13 **SEC. 141. NOTIFICATIONS AND REPORTING RELATING TO** 14 **HIGHER EDUCATION.**

15 (a) NOTIFICATION OF NON-CARES ACT FLEXIBILI-  
16 TIES.—

17 (1) NOTICE TO CONGRESS.—

18 (A) IN GENERAL.—Not later than two  
19 days before the date on which the Secretary  
20 grants a flexibility described in paragraph (4),  
21 the Secretary shall—

22 (i) submit to the authorizing commit-  
23 tees a written notification of the Sec-  
24 retary’s intent to grant such flexibility; and



1 (ii) publish the notification on a pub-  
2 licly accessible website of the Department  
3 of Education.

4 (B) ELEMENTS.—Each notification under  
5 subparagraph (A) shall—

6 (i) identify the provision of law, regu-  
7 lation, or subregulatory guidance to which  
8 the flexibility will apply;

9 (ii) identify any limitations on the  
10 flexibility, including any time limits;

11 (iii) identify the statutory authority  
12 under which the flexibility is provided;

13 (iv) identify the class of covered enti-  
14 ties to which the flexibility will apply;

15 (v) identify whether a covered entity  
16 will need to request the flexibility or  
17 whether the flexibility will be applied with-  
18 out request;

19 (vi) in the case of a flexibility that re-  
20 quires a covered entity to request the flexi-  
21 bility, identify the factors the Secretary  
22 will consider in approving or denying the  
23 flexibility;

1 (vii) explain how the flexibility is ex-  
2 pected to benefit the covered entity or class  
3 of covered entities to which it applies; and

4 (viii) explain the reasons the flexibility  
5 is necessary and appropriate due to  
6 COVID-19.

7 (2) QUARTERLY REPORTS.—Not later than 10  
8 days after the end of each fiscal quarter for the du-  
9 ration of the qualifying emergency through the end  
10 of the first fiscal year beginning after the conclusion  
11 of such qualifying emergency, the Secretary shall  
12 submit to the authorizing committees a report that  
13 includes, with respect to flexibilities described in  
14 paragraph (4) that have been issued by the Sec-  
15 retary in the most recently ended fiscal quarter, the  
16 following:

17 (A) In the case of a flexibility that was  
18 issued by the Secretary without request from a  
19 covered entity, an explanation of all require-  
20 ments, including reporting requirements, that  
21 the Secretary imposed on the covered entity as  
22 a condition of the flexibility.

23 (B) In the case of a flexibility for which a  
24 covered entity requested and received specific  
25 approval from the Secretary—

1 (i) identification of the covered entity  
2 that received the flexibility;

3 (ii) an explanation of the specific rea-  
4 sons for approval of the request;

5 (iii) a detailed description of the  
6 terms of the flexibility, including—

7 (I) a description of any limita-  
8 tions on the flexibility; and

9 (II) identification of each provi-  
10 sion of law (including regulation and  
11 subregulatory guidance) that is waived  
12 or modified and, for each such provi-  
13 sion, the statutory authority under  
14 which the flexibility was provided; and

15 (iv) a copy of the final document  
16 granting the flexibility.

17 (C) In the case of any request for a flexi-  
18 bility that was denied by the Secretary—

19 (i) identification of the covered entity  
20 or entities that were denied a flexibility;

21 (ii) a detailed description of the terms  
22 of the request for the flexibility; and

23 (iii) an explanation of the specific rea-  
24 sons for denial of the request.

1           (3) REPORT ON FLEXIBILITIES GRANTED BE-  
2           FORE ENACTMENT.—Not later than 30 days after  
3           the date of enactment of this Act, the Secretary  
4           shall submit to the authorizing committees a report  
5           that—

6                   (A) identifies each flexibility described in  
7                   paragraph (4) that was granted by the Sec-  
8                   retary between March 13, 2020, and the date  
9                   of enactment of this Act; and

10                   (B) with respect to each such flexibility,  
11                   provides the information specified in paragraph  
12                   (1)(B).

13           (4) FLEXIBILITY DESCRIBED.—A flexibility de-  
14           scribed in this paragraph is modification or waiver  
15           of any provision of the Higher Education Act of  
16           1965 (20 U.S.C. 1001 et seq.) (including any regu-  
17           lation or subregulatory guidance issued under such  
18           a provision) that the Secretary determines to be nec-  
19           essary and appropriate to modify or waive due to  
20           COVID–19, other than a provision of the Higher  
21           Education Act of 1965 that the Secretary is specifi-  
22           cally authorized to modify or waive pursuant to the  
23           CARES Act (Public Law 116–136).

24           (5) PRIVACY.—The Secretary shall ensure that  
25           any report or notification submitted under this sub-

1 section does not reveal personally identifiable infor-  
2 mation about an individual student.

3 (6) RULE OF CONSTRUCTION.—Nothing in this  
4 subsection shall be construed to authorize the Sec-  
5 retary to waive or modify any provision of law.

6 (b) REPORTS ON EXERCISE OF CARES ACT WAIV-  
7 ERS BY INSTITUTIONS OF HIGHER EDUCATION.—Not  
8 later than 30 days after the date of enactment of this Act,  
9 each institution of higher education that exercises an au-  
10 thority provided under section 3503(b), section 3504, sec-  
11 tion 3505, section 3508(d), section 3509, or section  
12 3517(b) of the CARES Act (Public Law 116–136) shall  
13 submit to the Secretary a report that describes the nature  
14 and extent of the institution’s exercise of such authorities,  
15 including the number of students and amounts of aid pro-  
16 vided under title IV of the Higher Education Act of 1965  
17 (20 U.S.C. 1070 et seq.) affected by the exercise of such  
18 authorities, as applicable.

19 (c) REPORTS ON CHANGES TO CONTRACTS AND  
20 AGREEMENTS.—Not later than 10 days after the end of  
21 each fiscal quarter for the duration of the qualifying emer-  
22 gency through the end of the first fiscal year beginning  
23 after the conclusion of such qualifying emergency, the Sec-  
24 retary shall submit to the authorizing committees a report  
25 that includes, for the most recently ended fiscal quarter—

1 (1) a summary of all modifications to any con-  
2 tracts with Department of Education contractors re-  
3 lating to Federal student loans, including—

4 (A) the contractual provisions that were  
5 modified;

6 (B) the names of all contractors affected  
7 by the modifications; and

8 (C) estimates of any costs or savings re-  
9 sulting from the modifications;

10 (2) a summary of all amendments, addendums,  
11 or other modifications to program participation  
12 agreements with institutions of higher education  
13 under section 487 of the Higher Education Act of  
14 1965 (20 U.S.C. 1094), any provisional program  
15 participation agreements entered into under such  
16 section, including—

17 (A) any provisions of such agreements that  
18 were modified by the Department of Education;  
19 and

20 (B) the number of institutions of higher  
21 education that received such modifications or  
22 entered into such provisional agreements,  
23 disaggregated by—

24 (i) status as a four-year, two-year, or  
25 less-than-two-year public institution, pri-

1 vate nonprofit institution, or proprietary  
2 institution; and

3 (ii) each category of minority-serving  
4 institution described in section 371(a) of  
5 the Higher Education Act (20 U.S.C.  
6 1067q); and

7 (3) sample copies of program participation  
8 agreements (including provisional agreements), se-  
9 lected at random from among the agreements de-  
10 scribed in paragraph (2), including at least one  
11 agreement from each type of institution (whether a  
12 public institution, private nonprofit institution, or  
13 proprietary institution) that received a modified or  
14 provisional agreement.

15 (d) REPORT TO CONGRESS.—

16 (1) IN GENERAL.—Not later than 90 days after  
17 the date of enactment of this Act, the Secretary  
18 shall submit to the authorizing committees a report  
19 that includes the following:

20 (A) A summary of the reports received by  
21 the Secretary under subsection (b).

22 (B) A description of—

23 (i) the Secretary's use of the authority  
24 under section 3506 of the CARES Act  
25 (Public Law 116–136) to adjust subsidized

1 loan usage limits, including the total num-  
2 ber of students and the total amount of  
3 subsidized loans under title IV of the  
4 Higher Education Act of 1965 (20 U.S.C.  
5 1070 et seq.) affected by the Secretary's  
6 use of such authority;

7 (ii) the Secretary's use of the author-  
8 ity under section 3507 of the CARES Act  
9 (Public Law 116–136) to exclude certain  
10 periods from the Federal Pell Grant dura-  
11 tion limit, including the total number of  
12 students and the total amount of Federal  
13 Pell Grants under section 401 of the High-  
14 er Education Act of 1965 (20 U.S.C.  
15 1070a) affected by the Secretary's use of  
16 such authority; and

17 (iii) the Secretary's use of the author-  
18 ity under section 3508 of the CARES Act  
19 (Public Law 116–136) to waive certain re-  
20 quirements for the return of Federal  
21 funds, including—

22 (I) in the case of waivers issued  
23 to students under such section, the  
24 total number of students and the total  
25 amount of aid under title IV of the



1 Higher Education Act of 1965 (20  
2 U.S.C. 1070 et seq.) affected by the  
3 Secretary's use of such authority; and  
4 (II) in the case of waivers issued  
5 to institutions of higher education  
6 under such section, the total number  
7 of students and the total amount of  
8 aid under title IV of the Higher Edu-  
9 cation Act of 1965 (20 U.S.C. 1070  
10 et seq.) affected by the Secretary's  
11 use of such authority.

12 (C) A summary of the information re-  
13 quired to be reported to the authorizing com-  
14 mittees under sections 3510 and 3512 of the  
15 CARES Act (Public Law 116–136), as amend-  
16 ed by this Act, regardless of whether such infor-  
17 mation has previously been reported to such  
18 committees as of the date of the report under  
19 this subsection.

20 (D) Information relating to the temporary  
21 relief for Federal student loan borrowers pro-  
22 vided under section 3513 of the CARES Act  
23 (Public Law 116–136), including—

1 (i) with respect to the notifications re-  
2 quired under subsection (g)(1) of such sec-  
3 tion—

4 (I) the total number of individual  
5 notifications sent to borrowers in ac-  
6 cordance with such subsection,  
7 disaggregated by electronic, postal,  
8 and telephonic notifications;

9 (II) the total number of notifica-  
10 tions described in clause (i) that were  
11 sent within the 15-day period speci-  
12 fied in such subsection; and

13 (III) the actual costs to the De-  
14 partment of Education of making the  
15 notifications under such subsection;

16 (ii) the projected costs to the Depart-  
17 ment of Education of making the notifica-  
18 tions required under subsection (g)(2) of  
19 such section;

20 (iii) the number of Federal student  
21 loan borrowers who have affirmatively  
22 opted-out of payment suspension under  
23 subsection (a) of such section;

24 (iv) the number of individual notifica-  
25 tions sent to employers directing the em-

1 ployers to halt wage garnishment pursuant  
2 to subsection (e) of such section,  
3 disaggregated by electronic, postal, and tel-  
4 ephonic notifications;

5 (v) the number of Federal student  
6 loan borrowers who have had their wages  
7 garnished pursuant to section 488A of the  
8 Higher Education Act of 1965 (20 U.S.C.  
9 1095a) or section 3720D of title 31,  
10 United States Code, between March 13,  
11 2020, and the date of the date of enact-  
12 ment of this Act;

13 (vi) the number of Federal student  
14 loan borrowers subject to interest capital-  
15 ization as a result of consolidating Federal  
16 student loans since March 13, 2020, and  
17 the total amount of such interest capital-  
18 ization;

19 (vii) the average daily call wait times  
20 and call drop rates, disaggregated by stu-  
21 dent loan servicer, for the period between  
22 March 13, 2020, and the date of enact-  
23 ment of this Act; and

24 (viii) the estimated or projected sav-  
25 ings to the Department of Education for

1 student loan servicing activities for the pe-  
2 riod beginning on March 13, 2020, and  
3 ending on September 30, 2020, due to  
4 lower reimbursement or contract costs per  
5 account for student loan servicers and pri-  
6 vate collection agencies resulting from the  
7 suspension of Federal student loan pay-  
8 ments and halt to collection activities  
9 under the CARES Act (Public Law 116-  
10 136).

11 (E) Information relating to the special  
12 rules relating to Federal Direct Consolidation  
13 Loans under section 137 of this Act, includ-  
14 ing—

15 (i) the number of borrowers who sub-  
16 mitted an application for a Federal Direct  
17 Consolidation Loan;

18 (ii) the number of borrowers who re-  
19 ceived a Federal Direct Consolidation  
20 Loan; and

21 (iii) the wait time between submitting  
22 an application and receiving a Federal Di-  
23 rect Consolidation Loan.

24 (F) A summary of the information re-  
25 quired to be reported to the authorizing com-

1           mittees under section 3517(c) and section  
2           3518(c) of the CARES Act (Public Law 116–  
3           136), as amended by this Act, regardless of  
4           whether such information has previously been  
5           reported to such committees as of the date of  
6           the report under this subsection.

7           (G) A copy of any communication from the  
8           Department of Education to grantees and Fed-  
9           eral student loan borrowers eligible for rights  
10          and benefits under section 3519 of the CARES  
11          Act (Public Law 116–136) to inform such  
12          grantees and borrowers of their eligibility for  
13          such rights and benefits.

14          (2) DUTY OF HHS.—The Secretary of Health  
15          and Human Services shall provide to the Secretary  
16          of Education the information necessary for the Sec-  
17          retary of Education to comply with paragraph  
18          (1)(D).

19          (e) AMENDMENTS TO CARES ACT REPORTING RE-  
20          QUIREMENTS.—

21                 (1) REPORTING REQUIREMENT FOR HBCU CAP-  
22          ITAL FINANCING LOAN DEFERMENT.—Section  
23          3512(e) of the CARES Act (Public Law 116–136)  
24          is amended by striking the period at the end and in-  
25          serting “, the terms of the loans deferred, and the

1 schedule for repayment of the deferred loan  
2 amount.”.

3 (2) REPORTING REQUIREMENT FOR INSTITU-  
4 TIONAL AID MODIFICATIONS.—Section 3517(c) of  
5 the CARES Act (Public Law 116–136) is amended  
6 by striking the period at the end and inserting “,  
7 identifies the statutory provision waived or modified,  
8 and describes the terms of the waiver or modifica-  
9 tion received by the institution.”.

10 (3) REPORTING REQUIREMENT FOR GRANT  
11 MODIFICATIONS.—Section 3518(c) of the CARES  
12 Act (Public Law 116–136) is amended by striking  
13 the period at the end and inserting “and describes  
14 the terms of the modification received by the institu-  
15 tion or other grant recipient.”.

16 (f) DEFINITIONS.—In this section:

17 (1) The term “covered entity” means an insti-  
18 tution of higher education, a Federal contractor, a  
19 student, or any other entity that is subject to the  
20 Higher Education Act of 1965 (20 U.S.C. 1001 et  
21 seq.).

22 (2) The term “Federal student loan” means a  
23 loan described in section 3502(a)(2) of the CARES  
24 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  
5 provisions of subpart 3 of part H of title IV of such Act  
6 (20 U.S.C. 1099c et seq.), including paragraphs (1) and  
7 (2) of section 498A(a) of the Higher Education Act of  
8 1965 (20 U.S.C. 1099c–1(a)), the Secretary of Education  
9 shall—

10 (1) conduct regular undercover and audit-based  
11 investigations for the purpose of encouraging the  
12 ethical treatment of students and prospective stu-  
13 dents and detecting fraud and abuse in the Federal  
14 student aid programs, including—

15 (A) violations described in section  
16 487(c)(3) of the Higher Education Act of 1965  
17 (20 U.S.C. 1094(c)(3));

18 (B) violations of section 487(a)(20) of  
19 such Act (20 U.S.C. 1094(a)(20));

20 (C) violations described in subparagraphs  
21 (A) and (B) by any entity with which the insti-  
22 tution has contracted for student recruitment  
23 or admission activities; and

24 (D) violations of subsection (b) of this sec-  
25 tion;

1           (2) develop written guidelines for the investiga-  
2           tions described in paragraph (1)—

3                 (A) in accordance with commonly-accepted  
4                 practices for undercover operations by Office of  
5                 Inspector General of the Department of Edu-  
6                 cation; and

7                 (B) in consultation with other relevant  
8                 agencies, including the Department of Justice,  
9                 Federal Trade Commission, Consumer Finan-  
10                cial Protection Bureau, and the Office of In-  
11                spector General of the Department of Edu-  
12                cation;

13           (3) ensure that institutions found in violation of  
14           the provisions under paragraph (1) shall be subject  
15           to a sanction determined by the Secretary of Edu-  
16           cation under section 487(c) of the Higher Education  
17           Act of 1965 (20 U.S.C. 1094(c)); and

18           (4) provide to the authorizing committees (as  
19           defined in section 103 of the Higher Education Act  
20           of 1965 (20 U.S.C. 1003)), and make available to  
21           the public, an annual report on—

22                 (A) the findings of investigations described  
23                 in paragraph (1); and



1 (B) the applicable sanctions imposed on in-  
2 stitutions found in violation of the provisions  
3 described in paragraph (1).

4 (b) NOTICE OF INCENTIVE PAYMENT BAN.—During  
5 the covered period, each institution of higher education  
6 participating in a program under title IV of the Higher  
7 Education Act of 1965 (20 U.S.C. 1070 et seq.) shall—

8 (1) provide notice of the ban on prohibited in-  
9 centive payment (including commissions and bo-  
10 nuses) under section 487(a)(20) of such Act (20  
11 U.S.C. 1094(a)(20)) (and accompanying regulations)  
12 upon hiring an employee or entering into a contract  
13 with a third party contractor, and at least once per  
14 calendar year to employees and third-party contrac-  
15 tors of the institution; and

16 (2) publish a clear statement in all internal re-  
17 cruitment materials, including guides or manuals,  
18 acknowledging such ban.

19 (c) SUNSET.—For purposes of this section, the term  
20 “covered period” means the period beginning on the date  
21 of enactment of this Act and ending on the date on which  
22 subpart 3 of part H of title IV of the Higher Education  
23 (20 U.S.C. 1099c) is amended or repealed.

1 **TITLE II—IMPACT AID AND MI-**  
2 **GRANT EDUCATION**  
3 **CORONAVIRUS RELIEF**

4 **SEC. 201. IMPACT AID.**

5 Due to the national emergency declared by the Presi-  
6 dent under the National Emergencies Act (50 U.S.C.  
7 1601 et seq.) on March 13, 2020, with respect to the  
8 coronavirus, and notwithstanding sections 7002(j) and  
9 7003(c) of the Elementary and Secondary Education Act  
10 of 1965 (20 U.S.C. 7702(j), 7703(c)), a local educational  
11 agency desiring to receive a payment under section 7002  
12 or 7003 of such Act (20 U.S.C. 7702, 7703) for fiscal  
13 year 2022 that also submitted an application for such pay-  
14 ment for fiscal year 2021 shall, in the application sub-  
15 mitted under section 7005 of such Act (20 U.S.C. 7705)  
16 for fiscal year 2022—

17 (1) with respect to a requested payment under  
18 section 7002 of such Act (20 U.S.C. 7702)—

19 (A) use the data described in subsection (j)  
20 of such section 7002 relating to calculating  
21 such payment that was submitted by the local  
22 educational agency in the application for fiscal  
23 year 2021; or

1 (B) use the data relating to calculating  
2 such payment for the fiscal year required under  
3 such subsection (j); and

4 (2) with respect to a requested payment under  
5 section 7003 of such Act (20 U.S.C. 7703)—

6 (A) use the student count data relating to  
7 calculating such payment that was submitted by  
8 the local educational agency in the application  
9 for fiscal year 2021, except that payments for  
10 fiscal year 2022 shall be calculated by the Sec-  
11 retary using the expenditures and rates de-  
12 scribed in clauses (i), (ii), (iii), and (iv) of sub-  
13 section (b)(1)(C) of such section 7003 that  
14 would otherwise apply for fiscal year 2022; or

15 (B) use the student count data relating to  
16 calculating such payment for the fiscal year re-  
17 quired under subsection (c) of such section  
18 7003.

19 **SEC. 202. EDUCATION OF MIGRATORY CHILDREN.**

20 Due to the national emergency declared by the Presi-  
21 dent under the National Emergencies Act (50 U.S.C.  
22 1601 et seq.) on March 13, 2020, with respect to the  
23 coronavirus, and notwithstanding subsections (a)(1) and  
24 (f)(1) of section 1303 of the Elementary and Secondary  
25 Education Act of 1965 (20 U.S.C. 6393), for the purposes

1 of making determinations under subsections (a)(1) and (f)  
2 of such section 1303 for fiscal year 2021 and all subse-  
3 quent fiscal years for which school year 2019–2020 data  
4 would be used in the calculations under section 1303(a)(1)  
5 of such Act (20 U.S.C. 6393(a)(1)) , the Secretary of  
6 Education shall use school year 2018–2019 or school year  
7 2019–2020 data, whichever data are greater, wherever  
8 school year 2019–2020 data otherwise would be required.

9 **TITLE III—CAREER, TECHNICAL,**  
10 **AND ADULT EDUCATION**

11 **SEC. 301. DEFINITIONS.**

12 In this subtitle:

13 (1) **CORONAVIRUS.**—The term “coronavirus”  
14 means coronavirus as defined in section 506 of the  
15 Coronavirus Preparedness and Response Supple-  
16 mental Appropriations Act, 2020 (Public Law 116–  
17 123).

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

1 **SEC. 302. COVID-19 CAREER AND TECHNICAL EDUCATION**  
2 **RESPONSE FLEXIBILITY.**

3 (a) **POOLING OF FUNDS.**—An eligible recipient may,  
4 in accordance with section 135(c) of the Carl D. Perkins  
5 Career and Technical Education Act of 2006 (20 U.S.C.  
6 2355(c)), pool a portion of funds received under such Act  
7 with a portion of funds received under such Act available  
8 to one or more eligible recipients to support the transition  
9 from secondary education to postsecondary education or  
10 employment for CTE participants whose academic year  
11 was interrupted by the COVID-19 national emergency.

12 (b) **PROFESSIONAL DEVELOPMENT.**—During the  
13 COVID-19 national emergency, section 3(40)(B) of the  
14 Carl D. Perkins Career and Technical Education Act of  
15 2006 (20 U.S.C. 2302(40)(B)) shall apply as if “sustained  
16 (not stand-alone, 1-day, or short-term workshops), inten-  
17 sive, collaborative, job-embedded, data-driven, and class-  
18 room-focused,” were struck.

19 (c) **DEFINITIONS.**—Except as otherwise provided, the  
20 terms in this section have the meanings given the terms  
21 in section 3 of the Carl D. Perkins Career and Technical  
22 Education Act of 2006 (20 U.S.C. 2302).

23 **SEC. 303. ADULT EDUCATION AND LITERACY RESPONSE AC-**  
24 **TIVITIES.**

25 (a) **ONLINE SERVICE DELIVERY OF ADULT EDU-**  
26 **CATION AND LITERACY ACTIVITIES.**—During the

1 COVID–19 national emergency, an eligible agency may  
2 use funds available to such agency under paragraphs (2)  
3 and (3) of section 222(a) of the Workforce Innovation and  
4 Opportunity Act (20 U.S.C. 3302(a)) for the administra-  
5 tive expenses of the eligible agency related to transitions  
6 to online service delivery of adult education and literacy  
7 activities.

8 (b) DEFINITIONS.—Except as otherwise provided, the  
9 terms in this section have the meanings given the terms  
10 in section 203 of the Workforce Innovation and Oppor-  
11 tunity Act (29 U.S.C. 3272).

## 12 **TITLE IV—DISABILITY**

### 13 **EMPLOYMENT**

#### 14 **SEC. 401. REHABILITATION ACT WAIVERS.**

15 (a) PROVISIONS ELIGIBLE FOR WAIVER.—The fol-  
16 lowing provisions of the Rehabilitation Act of 1973 (29  
17 U.S.C. 701 et seq.) are eligible for waivers due to the na-  
18 tional emergency declared by the President under the Na-  
19 tional Emergencies Act (50 U.S.C. 1601 et seq.) on March  
20 13, 2020, with respect to the coronavirus:

21 (1) The Secretary of Education may provide a  
22 waiver of section 103(b)(1) to allow the replacement  
23 of expired or spoiled food products at vending facili-  
24 ties.

1           (2) The Secretary of Education may provide a  
2           waiver of the service obligation requirement under  
3           section 302(b) due to interrupted service obligations.

4           (b) DURATION.—A waiver approved by the Secretary  
5           under subsection (a) shall expire on the earlier of the fol-  
6           lowing dates:

7           (1) The date that is 1 year after the date of the  
8           enactment of this Act.

9           (2) The last day of the national emergency re-  
10          ferred to in subsection (a).

11          (c) STREAMLINED PROCESS.—The Secretary of Edu-  
12          cation shall create a streamlined application process to re-  
13          quest a waiver under this section, and the Secretary may  
14          grant such waiver if the Secretary determines that the  
15          waiver is necessary and appropriate.

16          (d) LIMITATION.—Nothing in this section shall be  
17          construed to allow the Secretary to waive any statutory  
18          or regulatory requirements under applicable civil rights  
19          laws.

20          (e) REPORTING AND PUBLICATION.—

21                 (1) PUBLIC NOTICE.—A State requesting a  
22                 waiver under this section shall provide the public no-  
23                 tice of, and the opportunity to comment on, the re-  
24                 quest by posting on the State website information

1 regarding the waiver request and the process for  
2 commenting.

3 (2) NOTIFYING CONGRESS.—Not later than 7  
4 days after—

5 (A) receiving a waiver request from a State  
6 under this section, the Secretary of Education  
7 shall notify the Committee on Health, Edu-  
8 cation, Labor, and Pensions of the Senate, the  
9 Committee on Appropriations of the Senate, the  
10 Committee on Education and Labor of the  
11 House of Representatives, and the Committee  
12 on Appropriations of the House of Representa-  
13 tives of such waiver request; and

14 (B) granting a waiver under this section,  
15 the Secretary of Education shall notify the  
16 Committee on Health, Education, Labor, and  
17 Pensions of the Senate, the Committee on Ap-  
18 propriations of the Senate, the Committee on  
19 Education and Labor of the House of Rep-  
20 resentatives, and the Committee on Appropria-  
21 tions of the House of Representatives of such  
22 waiver.

23 (3) PUBLICATION.—Not later than 30 days  
24 after granting a waiver under this section, the Sec-  
25 retary of Education shall publish a notice of the Sec-



1       retary's decision (including which waiver was grant-  
2       ed and the reason for granting the waiver) in the  
3       Federal Register and on the website of the Depart-  
4       ment of Education.

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  
16 section or other provision of the Family and Medical Leave  
17 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the  
18 Emergency Family and Medical Leave Expansion Act  
19 (Public 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**  
25 **COVID–19 PUBLIC HEALTH EMERGENCY .—For**

1 the period beginning on the date of the enact-  
2 ment of The Heroes Act and ending on Decem-  
3 ber 31, 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  
12 (A)(i) shall not apply with respect to a public  
13 agency described in subparagraph (A)(iii).”.

14 **SEC. 103. EMERGENCY LEAVE EXTENSION.**

15 Section 102(a)(1)(F) is amended by striking “De-  
16 cember 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)(ii)” and inserting “section  
21 101(2)”.

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

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

3 “(C) PARENT.—In lieu of the definition in  
4 section 101(7), the term ‘parent’, with respect  
5 to 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  
11 of 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  
20 ‘qualifying need related to a public health emer-  
21 gency’, with respect to leave, means that the  
22 employee is unable to perform the functions of  
23 the position of such employee due to a need for  
24 leave for any of 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  
11          employee, on the basis that the physical  
12          presence of the employee on the job would  
13          jeopardize the employee’s health, the  
14          health of other employees, or the health of  
15          an individual in the household of the em-  
16          ployee because 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 be-  
3 cause such family member has  
4 been diagnosed with COVID–19;  
5 or

6 “(bb) is experiencing symp-  
7 toms of COVID–19 and needs to  
8 obtain medical diagnosis or care;  
9 or

10 “(II) a public official with juris-  
11 diction or a health care provider  
12 makes a recommendation or order  
13 with respect to such family member,  
14 without regard to whether such deter-  
15 mination is specific to such family  
16 member, that the presence of the fam-  
17 ily member in the community would  
18 jeopardize the health of other individ-  
19 uals in the community because of—

20 “(aa) the possible exposure  
21 of such family member to  
22 COVID–19; or

23 “(bb) exhibition of symp-  
24 toms of COVID–19 by such fam-  
25 ily member.

1                   “(v) To care for the son or daughter  
2 of 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  
6 of 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  
17 who is incapable of self-care because of a  
18 mental or physical disability or is a senior  
19 citizen, without regard to whether another  
20 individual other than the employee is avail-  
21 able to care for such family member, if the  
22 place of care for such family member is  
23 closed or the direct care provider is un-  
24 available due 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  
10 a person for whom the employee is next of  
11 kin.

12 “(v) A son or daughter of the em-  
13 ployee.

14 “(vi) A grandparent or grandchild of  
15 the employee.

16 “(vii) A domestic partner of the em-  
17 ployee.

18 “(viii) Any other individual related by  
19 blood or affinity whose close association  
20 with the employee is the equivalent of a  
21 family relationship.

22 “(F) DOMESTIC PARTNER.—

23 “(i) IN GENERAL.—The term ‘domes-  
24 tic partner’, with respect to an individual,



1 means another individual with whom the  
2 individual is in a committed relationship.

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

17 **SEC. 105. REGULATORY AUTHORITIES.**

18 (a) IN GENERAL.—Section 110(a) is amended by  
19 striking paragraph (3).

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

1 **SEC. 106. PAID LEAVE.**

2 Section 110(b) of the Family and Medical Leave Act  
3 of 1993 is amended—

4 (1) in the heading, by striking “Relationship  
5 to”;

6 (2) by amending paragraph (1) to read as fol-  
7 lows:

8 “(1) **EMPLOYEE ELECTION.**—

9 “(A) **IN GENERAL.**—An employee may  
10 elect to substitute any vacation leave, personal  
11 leave, or medical or sick leave for paid leave  
12 under section 102(a)(1)(F) in accordance with  
13 section 102(d)(2)(B).

14 “(B) **EMPLOYER REQUIREMENT.**—An em-  
15 ployer may not require an employee to sub-  
16 stitute any leave described in subparagraph (A)  
17 for leave under section 102(a)(1)(F).

18 “(C) **RELATIONSHIP TO OTHER FAMILY**  
19 **AND MEDICAL LEAVE.**—Leave taken under sub-  
20 paragraph (F) of section 102(a)(1) shall not  
21 count towards the 12 weeks of leave to which  
22 an employee is entitled under subparagraphs  
23 (A) through (E) of such section.

24 “(D) **RELATIONSHIP TO LIMITATION.**—  
25 **PRESUMPTION OF ELIGIBILITY FOR** for  
26 any vacation leave, personal leave, or medical or

1 sick leave that is substituted for leave under  
2 section 102(a)(1)(F) shall not count toward the  
3 limitation under paragraph (2)(B)(ii).”; and  
4 (3) in paragraph (2)(A), by striking “that an  
5 employee takes” and all that follows through “10  
6 days”.

7 **SEC. 107. WAGE RATE.**

8 Section 110(b)(2)(B) is amended—

9 (1) by amending clause (i)(I) to read as follows:

10 “(I) an amount that is not less  
11 than the greater of—

12 “(aa) the minimum wage  
13 rate in effect under section  
14 6(a)(1) of the Fair Labor Stand-  
15 ards Act of 1938 (29 U.S.C.  
16 206(a)(1));

17 “(bb) the minimum wage  
18 rate in effect for such employee  
19 in the applicable State or locality,  
20 whichever is greater, in which the  
21 employee is employed; or

22 “(cc) two thirds of an em-  
23 ployee’s regular rate of pay (as  
24 determined under section 7(e) of  
25 the Fair Labor Standards Act of

1 1938 (29 U.S.C. 207(e)); and”;

2 and

3 (2) in clause (ii), by striking “\$10,000” and in-  
4 serting “\$12,000”.

5 **SEC. 108. NOTICE.**

6 Section 110(c) is amended by striking “for the pur-  
7 pose described in subsection (a)(2)(A)”.

8 **SEC. 109. INTERMITTENT LEAVE.**

9 Section 110 is amended by adding at the end the fol-  
10 lowing:

11 “(e) LEAVE TAKEN INTERMITTENTLY OR ON A RE-  
12 DUCED WORK SCHEDULE.—Leave under section  
13 102(a)(1)(F) may be taken by an employee intermittently  
14 or on a reduced work schedule, without regard to whether  
15 the employee and the employer of the employee have an  
16 agreement with respect to whether such leave may be  
17 taken intermittently or on a reduced work schedule.”.

18 **SEC. 110. CERTIFICATION.**

19 Section 110 is further amended by adding at the end  
20 the following:

21 “(f) CERTIFICATION.—

22 “(1) IN GENERAL.—If an employer requires  
23 that a request for leave under section 102(a)(1)(F)  
24 be certified, the employer may require documenta-

1           tion for certification not earlier than 5 weeks after  
2           the date on which the employee takes such leave.

3           “(2) SUFFICIENT CERTIFICATION.—The fol-  
4           lowing documentation shall be sufficient for certifi-  
5           cation:

6           “(A) With respect to leave taken for the  
7           purposes described in clauses (i) through (iv) of  
8           subsection (a)(2)(A)—

9           “(i) a recommendation or order from  
10           a public official having jurisdiction or a  
11           health care provider that the employee or  
12           relevant family member has symptoms of  
13           COVID–19 or should self-isolate; or

14           “(ii) documentation or evidence, in-  
15           cluding an oral or written statement from  
16           an employee, that the employee or relevant  
17           family member has been exposed to  
18           COVID–19.

19           “(B) With respect to leave taken for the  
20           purposes described in clause (v) or (vi) of sub-  
21           section (a)(2)(A), notice—

22           “(i) from the school, place of care, or  
23           child care or direct care provider of the son  
24           or daughter or other family member of the  
25           employee of closure or unavailability; or

1 “(ii) from the school of the son or  
2 daughter of the requirement or option of a  
3 virtual learning instruction model or a hy-  
4 brid of in-person and virtual learning in-  
5 struction models.”.

6 **SEC. 111. AUTHORITY OF THE DIRECTOR OF THE OFFICE**  
7 **OF MANAGEMENT AND BUDGET TO EXCLUDE**  
8 **CERTAIN EMPLOYEES.**

9 Section 110(a) is amended by striking paragraph (4).

10 **SEC. 112. TECHNICAL AMENDMENTS.**

11 (a) Section 110(a)(1)(A) is amended by striking  
12 “(ii)” before “SPECIAL RULE” and inserting “(iii)”.

13 (b) Section 19008 of the CARES Act is amended—

14 (1) by striking “—” after “amended”;

15 (2) by striking paragraph (1); and

16 (3) by striking “(2)” before “by adding at the  
17 end”.

18 **SEC. 113. AMENDMENTS TO THE EMERGENCY FAMILY AND**  
19 **MEDICAL LEAVE EXPANSION ACT.**

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

22 (1) in section 3103(b), by striking “Employees”  
23 and inserting, “Notwithstanding section  
24 102(a)(1)(A) of the Family and Medical Leave Act  
25 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and

1 (2) by striking sections 3104 and 3105.

2 **Subtitle B—Emergency Paid Sick**  
3 **Leave Act Amendments**

4 **SEC. 121. REFERENCES.**

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

11 **SEC. 122. PAID SICK TIME REQUIREMENT.**

12 (a) USES.—Section 5102(a) is amended to read as  
13 follows:

14 “(a) IN GENERAL.—An employer shall provide to  
15 each employee employed by the employer paid sick time  
16 for any qualifying need related to a public health emer-  
17 gency (as defined in section 110(a)(2)(A) of the Family  
18 and Medical Leave Act of 1993 (29 U.S.C.  
19 2620(a)(2)(A)).”.

20 (b) RECURRENCE.—Section 5102(b) is amended by  
21 striking “An” and inserting “During any 12-month pe-  
22 riod, an”.

23 (c) EMPLOYERS WITH EXISTING POLICIES.—Section  
24 5102 is amended by striking subsection (f) and inserting  
25 the following:

1           “(f) EMPLOYERS WITH EXISTING POLICIES.—With  
2 respect 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  
14 may be taken by an employee intermittently or on a re-  
15 duced work schedule, without regard to whether the em-  
16 ployee and the employer of the employee have an agree-  
17 ment with respect to whether such leave may be taken  
18 intermittently or on a reduced work schedule.”.

19          (e) CERTIFICATION.—Section 5102 is further amend-  
20 ed by adding at the end the following:

21          “(h) CERTIFICATION.—If an employer requires that  
22 a request for paid sick time under this section be cer-  
23 tified—

24           “(1) the documentation described in paragraph  
25          (2) of section 110(f) of the Family and Medical



1 Leave Act of 1993 (29 U.S.C. 2620(f)) shall be suf-  
2 ficient for certification; and

3 “(2) an employer may not require such certifi-  
4 cation unless—

5 “(A) the employee takes not less than 3  
6 consecutive 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  
12 adding 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 fol-  
19 lowing:

20 “(j) LEAVE TRANSFER TO NEW EMPLOYER.—A cov-  
21 ered employee who begins employment with a new covered  
22 employer shall be entitled to the full amount of leave under  
23 section 5102 with respect to such employer.”.

24 (h) RESTORATION TO POSITION.—

1           (1) IN GENERAL.—Section 5102 is further  
2           amended by adding at the end the following:

3           “(k) RESTORATION TO POSITION.—Any covered em-  
4           ployee who takes paid sick time under this section, on re-  
5           turn from such paid sick time, shall be entitled—

6           “(1) to be restored by the employer to the posi-  
7           tion of employment held by the employee when the  
8           leave commenced; or

9           “(2) if such position is not available, to be re-  
10          stored to an equivalent position with equivalent em-  
11          ployment benefits, pay, and other terms and condi-  
12          tions of employment.”.

13          (2) ENFORCEMENT.—Section 5105 is amend-  
14          ed—

15                 (A) by amending subsection (a) to read as  
16                 follows:

17                 “(a) UNPAID SICK LEAVE.—Subject to subsection  
18                 (b), a violation of section 5102 shall be deemed a violation  
19                 of section 7 of the Fair Labor Standards Act of 1938 (29  
20                 U.S.C. 207) and unpaid amounts shall be treated as un-  
21                 paid overtime compensation under such section for the  
22                 purposes of sections 15 and 16 of such Act (29 U.S.C.  
23                 215 and 216).”; and

24                 (B) in subsection (b), by inserting “section  
25                 5102(k) or” before “section 5104”.

1 **SEC. 123. SUNSET.**

2 Section 5109 is amended by striking “December 31,  
3 2020” and inserting “February 28, 2021”.

4 **SEC. 124. DEFINITIONS.**

5 (a) EMPLOYER.—Section 5110(2)(B) is amended—

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

7 (2) by amending subclause (I) of clause (i) to  
8 read as follows:

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

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

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

21 (b) FMLA TERMS.—Section 5110(4) is amended to  
22 read as follows:

23 “(4) FMLA TERMS.—

24 “(A) SECTION 101.—The terms ‘health  
25 care provider’, ‘next of kin’, ‘son or daughter’,  
26 and ‘spouse’ have the meanings given such

1 terms in section 101 of the Family and Medical  
2 Leave Act of 1993 (29 U.S.C. 2611).

3 “(B) SECTION 110.—The terms ‘child care  
4 provider’, ‘domestic partner’, ‘family member’,  
5 ‘parent’, and ‘school’ have the meanings given  
6 such terms in section 110(a)(2) of the Family  
7 and Medical and Leave Act of 1993.”.

8 (c) PAID SICK TIME.—Section 5110(5) is amended—  
9 (1) in subparagraph (A)—

10 (A) in clause (i), by striking “reason de-  
11 scribed in any paragraph of section 2(a)” and  
12 inserting “qualifying need related to a public  
13 health emergency”; and

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

17 (2) in subparagraph (B)—

18 (A) by striking the following:

19 “(B) REQUIRED COMPENSATION.—

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

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

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

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

3 (d) **QUALIFYING NEED RELATED TO A PUBLIC**  
4 **HEALTH EMERGENCY.**—Section 5110 is amended by add-  
5 ing at the end the following:

6 “(1) **QUALIFYING NEED RELATED TO A PUBLIC**  
7 **HEALTH EMERGENCY.**—The term ‘qualifying need  
8 related to a public health emergency’ has the mean-  
9 ing given such term in section 110(a)(2)(A) of the  
10 Family and Medical Leave Act of 1993 (29 U.S.C.  
11 2620(a)(2)(A)).”.

12 **SEC. 125. EMERGENCY PAID SICK LEAVE FOR EMPLOYEES**  
13 **OF THE DEPARTMENT OF VETERANS AF-**  
14 **FAIRS AND THE TRANSPORTATION SECURITY**  
15 **ADMINISTRATION FOR PURPOSES RELATING**  
16 **TO COVID-19.**

17 Section 5110(1) is further amended—

18 (1) in subparagraph (E) by striking “or” after  
19 “Code;”;

20 (2) by redesignating subparagraph (F) as sub-  
21 paragraph (H); and

22 (3) by inserting after subparagraph (E) the fol-  
23 lowing:

24 “(F) notwithstanding sections 7421(a) or  
25 7425(b) of title 38, United States Code, or any

1 other provision of law, an employee of the De-  
2 partment of Veterans Affairs (including employ-  
3 ees under chapter 74 of such title);

4 “(G) any employee of the Transportation  
5 Security Administration, including an employee  
6 under 111(d) of the Aviation and Transpor-  
7 tation Security Act (49 U.S.C. 44935 note);  
8 or”.

9 **SEC. 126. AUTHORITY OF THE DIRECTOR OF THE OFFICE**  
10 **OF MANAGEMENT AND BUDGET TO EXCLUDE**  
11 **CERTAIN EMPLOYEES.**

12 Division E is amended by striking section 5112.

13 **SEC. 127. REGULATORY AUTHORITIES.**

14 (a) **IN GENERAL.**—Division E is amended by striking  
15 section 5111.

16 (b) **FORCE OR EFFECT OF REGULATIONS.**—Any reg-  
17 ulation issued under section 5111 of division E of the  
18 Families First Coronavirus Response Act (Public Law  
19 116–127), as in effect on the day before the date of the  
20 enactment of this Act, shall have no force or effect.

1 **TITLE II—COVID-19 EVERY**  
2 **WORKER PROTECTION ACT**  
3 **OF 2020**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “COVID-19 Every  
6 Worker Protection Act of 2020”.

7 **SEC. 202. EMERGENCY TEMPORARY AND PERMANENT**  
8 **STANDARDS.**

9 (a) EMERGENCY TEMPORARY STANDARD.—

10 (1) IN GENERAL.—In consideration of the grave  
11 danger presented by COVID-19 and the need to  
12 strengthen protections for employees, not later than  
13 7 days after the date of the enactment of this Act,  
14 the Secretary of Labor shall promulgate an emer-  
15 gency temporary standard to protect from occupa-  
16 tional exposure to SARS-CoV-2—

17 (A) employees of health care sector em-  
18 ployers;

19 (B) employees of employers in paramedic  
20 and emergency medical services, including such  
21 services provided by firefighters and other  
22 emergency responders; and

23 (C) employees of employers in other sec-  
24 tors or occupations, including mortuary serv-  
25 ices, food processing (including poultry, meat,

1 and seafood), agriculture and crop harvesting,  
2 manufacturing, indoor and outdoor construc-  
3 tion, correctional centers, jails, and detention  
4 centers, transportation (including airports, train  
5 stations, and bus stations), retail and wholesale  
6 grocery, warehousing and package and mail  
7 processing and delivery services, call centers,  
8 education, social service and daycare, homeless  
9 shelters, hotels, restaurants and bars, drug  
10 stores and pharmacies, and retail establish-  
11 ments.

12 (2) CONSULTATION.—In developing the stand-  
13 ard under this subsection, the Secretary of Labor—

14 (A) shall consult with—

15 (i) the Director of the Centers for  
16 Disease Control and Prevention; and

17 (ii) the Director of the National Insti-  
18 tute for Occupational Safety and Health;

19 and

20 (B) may consult with the professional asso-  
21 ciations and representatives of the employees  
22 described in paragraph (1).

23 (3) ENFORCEMENT DISCRETION.—If the Sec-  
24 retary of Labor determines it is not feasible for an  
25 employer to comply with a requirement of the stand-



1       ard promulgated under this subsection (such as a  
2       shortage of the necessary personal protective equip-  
3       ment), the Secretary may exercise discretion in the  
4       enforcement of such requirement if the employer  
5       demonstrates that the employer—

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

8               (B) is implementing alternative methods  
9               and measures to protect employees.

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

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

1 paragraph (1) as the emergency temporary standard  
2 promulgated under this subsection.

3 (6) EMPLOYER DEFINED.—For purposes of the  
4 standard promulgated under this subsection, the  
5 term “employer” (as defined in section 3 of the Oc-  
6 cupational Safety and Health Act of 1970 (29  
7 U.S.C. 652)) includes any State or political subdivi-  
8 sion of a State, except for a State or political sub-  
9 division of a State already subject to the jurisdiction  
10 of a State plan approved under section 18(b) of the  
11 Occupational Safety and Health Act of 1970 (29  
12 U.S.C. 667(b)).

13 (7) REQUIREMENTS.—The standard promul-  
14 gated under this subsection shall include—

15 (A) a requirement that any employer of an  
16 employee in an occupation or sector described  
17 in paragraph (1)—

18 (i) conduct a hazard assessment to as-  
19 sess risks of occupational exposure to  
20 SARS-CoV-2;

21 (ii) develop and implement an expo-  
22 sure control plan, based on the hazard as-  
23 sessment mandated in clause (i), with the  
24 input and involvement of employees or the  
25 representatives of employees, as appro-

1            appropriate, to address the risk of occupational  
2            exposure in such sectors and occupations;

3            (iii) provide job specific training and  
4            education to such employees on such  
5            standard, the plan under clause (ii), and  
6            prevention of the transmission of SARS-  
7            CoV-2;

8            (iv) implement, as appropriate, engi-  
9            neering controls, including ventilation;  
10           work practice controls (including physical  
11           distancing of not less than 6 feet while on  
12           the job and during paid breaks); and ap-  
13           propriate respiratory protection and other  
14           personal protective equipment;

15           (v) develop and implement procedures  
16           for—

17                    (I) sanitation of the work envi-  
18                    ronment;

19                    (II) screening of employees for  
20                    signs and symptoms of COVID-19;

21                    (III) the return to work for em-  
22                    ployees who previously tested positive  
23                    for COVID-19 or who showed signs  
24                    or symptoms of COVID-19; and

1 (IV) ensuring that subcontractors  
2 comply with the procedures under  
3 subclauses (I) through (III); and

4 (vi) record and report each work-re-  
5 lated COVID-19 infection and death, as  
6 set forth in part 1904 of title 29, Code of  
7 Federal Regulations (as in effect on the  
8 date of the enactment of this Act);

9 (B) no less protection for novel pathogens  
10 than precautions mandated by standards adopt-  
11 ed by a State plan that has been approved by  
12 the Secretary of Labor under section 18 of the  
13 Occupational Safety and Health Act of 1970  
14 (29 U.S.C. 667);

15 (C) the incorporation, as appropriate, of—

16 (i) guidelines issued by the Centers  
17 for Disease Control and Prevention, the  
18 National Institute for Occupational Safety  
19 and Health, and the Occupational Safety  
20 and Health Administration which are de-  
21 signed to prevent the transmission of infec-  
22 tious agents in health care or other occu-  
23 pational settings; and

24 (ii) relevant scientific research on  
25 novel pathogens; and

- 1 (D) a requirement for each employer to—
- 2 (i) maintain a COVID–19 employee
- 3 infection log, notify its own employees and
- 4 report to the appropriate health depart-
- 5 ment of each confirmed positive COVID–
- 6 19 diagnosis of an employee within 24
- 7 hours of the employer learning of such
- 8 confirmed positive diagnosis, whether or
- 9 not the infection is work-related, consistent
- 10 with the confidentiality requirements of the
- 11 Americans with Disabilities Act of 1990
- 12 (42 U.S.C. 12101 et seq.), the HIPAA pri-
- 13 vacy regulations (defined in section
- 14 1180(b)(3) of the Social Security Act (42
- 15 U.S.C. 1320d–9(b)) and other applicable
- 16 Federal regulations; and
- 17 (ii) report to the Occupational Safety
- 18 and Health Administration any outbreak
- 19 of three or more confirmed positive
- 20 COVID–19 diagnoses that have occurred
- 21 among employees present at the place of
- 22 employment within a 14-day period, not
- 23 later than 24 hours after the employer is
- 24 made aware of such an outbreak.

1           (8) INAPPLICABLE PROVISIONS OF LAW AND  
2 EXECUTIVE ORDER.—The following provisions of law  
3 and Executive orders shall not be applicable with re-  
4 spect to the standard promulgated under this sub-  
5 section:

6           (A) The requirements of chapter 6 of title  
7 5, United States Code (commonly referred to as  
8 the “Regulatory Flexibility Act”).

9           (B) Subchapter I of chapter 35 of title 44,  
10 United States Code (commonly referred to as  
11 the “Paperwork Reduction Act”).

12           (C) The Unfunded Mandates Reform Act  
13 of 1995 (2 U.S.C. 1501 et seq.).

14           (D) Executive Order 12866 (58 Fed. Reg.  
15 190; relating to regulatory planning and re-  
16 view), as amended.

17           (E) Executive Order 13771 (82 Fed. Reg.  
18 9339, relating to reducing regulation and con-  
19 trolling regulatory costs).

20       (b) PERMANENT STANDARD.—Not later than 24  
21 months after the date of the enactment of this Act, the  
22 Secretary of Labor shall, pursuant to section 6 of the Oc-  
23 cupational Safety and Health Act (29 U.S.C. 655), pro-  
24 mulgate a final standard—

1 (1) to protect employees described in subsection  
2 (a)(1) from occupational exposure to infectious  
3 pathogens, including novel pathogens; and

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

8 (c) ANTI-RETALIATION.—

9 (1) POLICY.—Each standard promulgated  
10 under this section shall require employers to adopt  
11 a policy prohibiting the discrimination and retalia-  
12 tion described in paragraph (2) by any person (in-  
13 cluding an agent of the employer).

14 (2) PROHIBITION.—No employer (including an  
15 agent of the employer) shall discriminate or retaliate  
16 against an employee for—

17 (A) reporting to the employer, to a local,  
18 State, or Federal government agency, or to the  
19 media or on a social media platform—

20 (i) a violation of a standard promul-  
21 gated pursuant to this Act;

22 (ii) a violation of an infectious disease  
23 exposure control plan described in sub-  
24 section (c)(1); or

1 (iii) a good faith concern about a  
2 workplace infectious disease hazard;

3 (B) seeking assistance or intervention from  
4 the employer or a local, State, or Federal gov-  
5 ernment agency with respect to such a report;

6 (C) voluntary use of personal protective  
7 equipment with a higher level of protection than  
8 is provided by the employer; or

9 (D) exercising any other right under the  
10 Occupational Safety and Health Act of 1970  
11 (29 U.S.C. 651 et seq.).

12 (3) ENFORCEMENT.—This subsection shall be  
13 enforced in the same manner and to the same extent  
14 as any standard promulgated under section 6(b) of  
15 the Occupational Safety and Health Act of 1970 (29  
16 U.S.C. 655(b)).

17 (d) EFFECT ON OTHER LAWS, REGULATIONS, OR  
18 ORDERS.—

19 (1) IN GENERAL.—Nothing in this Act shall be  
20 construed to—

21 (A) curtail or limit authority of the Sec-  
22 retary under any other provision of law; or

23 (B) preempt the application of any other  
24 statute, regulation, or order of any State or  
25 local government related to SARS-CoV-2 in



1 the workplace except to the extent that such  
2 provisions are inconsistent with this Act, or a  
3 standard promulgated pursuant to this Act, and  
4 in such case only to the extent of the inconsis-  
5 tency.

6 (2) EQUAL OR GREATER PROTECTION.—A pro-  
7 vision of law, regulation, or order of a State or local  
8 government shall not be considered inconsistent with  
9 this Act or standard promulgated under this Act  
10 under paragraph (1)(B) if such provision provides  
11 equal or greater health or safety protection to an  
12 employee than the protection provided under this  
13 Act, an Emergency Temporary Standard, or a final  
14 standard promulgated under this Act.

15 **SEC. 203. REPORTING, TRACKING, INVESTIGATION AND**  
16 **SURVEILLANCE OF COVID-19 INFECTIONS**  
17 **AND OUTBREAKS.**

18 The Director of the Centers for Disease Control and  
19 Prevention, in conjunction with the Director of the Na-  
20 tional Institute for Occupational Safety and Health, in co-  
21 operation with State and territorial health departments,  
22 shall—

23 (1) collect and analyze case reports, including  
24 information on the work status, occupation, and in-  
25 dustry classification of an individual, and other data

1 on COVID–19, to identify and evaluate the extent,  
2 nature, and source of COVID–19 among employees  
3 described in section (a)(1);

4 (2) compile data and statistics on COVID–19  
5 among such employees and provide to the public  
6 periodic reports on such data and statistics; and

7 (3) based on such reports, make recommenda-  
8 tions on needed actions or guidance to protect such  
9 employees.

10 **TITLE III—COVID–19 PROTEC-**  
11 **TIONS UNDER LONGSHORE**  
12 **AND HARBOR WORKERS’**  
13 **COMPENSATION ACT**

14 **SEC. 301. COMPENSATION PURSUANT TO THE LONGSHORE**  
15 **AND HARBOR WORKERS’ COMPENSATION**  
16 **ACT.**

17 (a) ENTITLEMENT TO COMPENSATION.—

18 (1) IN GENERAL.—A covered employee who re-  
19 ceives a diagnosis or is subject to an order described  
20 in paragraph (2)(B) and who provides notice of or  
21 files a claim relating to such diagnosis or order  
22 under section 12 or 13 of the Longshore and Harbor  
23 Workers’ Compensation Act (33 U.S.C. 912, 913),  
24 respectively, shall—

1 (A) be deemed to have an injury arising  
2 out of or in the course of employment for which  
3 compensation is payable under the Longshore  
4 and Harbor Workers' Compensation Act (33  
5 U.S.C. 901 et seq.); and

6 (B) be paid the compensation to which the  
7 employee is entitled under such Act (33 U.S.C.  
8 901 et seq.).

9 (2) COVERED EMPLOYEE.—In this section, the  
10 term “covered employee” means an employee who—

11 (A) at any time during the period begin-  
12 ning on January 27, 2020, and ending on Jan-  
13 uary 27, 2022, was engaged in maritime em-  
14 ployment; and

15 (B) was—

16 (i) at any time during the period be-  
17 ginning on January 27, 2020, and ending  
18 on February 27, 2022, diagnosed with  
19 COVID-19; or

20 (ii) at any time during the period de-  
21 scribed in subparagraph (A), ordered not  
22 to return to work by the employee's em-  
23 ployer or by a local, State, or Federal  
24 agency because of exposure, or the risk of

1 exposure, to 1 or more individuals diag-  
2 nosed with COVID–19 in the workplace.

3 (b) REIMBURSEMENT.—

4 (1) IN GENERAL.—

5 (A) ENTITLEMENT.—Subject to subpara-  
6 graph (B), an employer of a covered employee  
7 or the employer’s carrier shall be entitled to re-  
8 imbursement for any compensation paid with  
9 respect to a notice or claim described in sub-  
10 section (a), including disability benefits, funeral  
11 and burial expenses, medical or other related  
12 costs for treatment and care, and reasonable  
13 and necessary allocated claims expenses.

14 (B) SAFETY AND HEALTH REQUIRE-  
15 MENTS.—To be entitled to reimbursement  
16 under subparagraph (A)—

17 (i) an employer shall be in compliance  
18 with all applicable safety and health guide-  
19 lines and standards that are related to the  
20 prevention of occupational exposure to the  
21 novel coronavirus that causes COVID–19,  
22 including such guidelines and standards  
23 issued by the Occupational Safety and  
24 Health Administration, State plans ap-  
25 proved under section 18 of the Occupa-

1 tional Safety and Health Act of 1970 (29  
2 U.S.C. 667), the Coast Guard, and Fed-  
3 eral, State or local public health authori-  
4 ties; and

5 (ii) a carrier—

6 (I) shall be a carrier for an em-  
7 ployer that is in compliance with  
8 clause (i); and

9 (II) shall not adjust the experi-  
10 ence rating or the annual premium of  
11 the employer based upon the com-  
12 pensation paid by the carrier with re-  
13 spect to a notice or claim described in  
14 subparagraph (A).

15 (2) REIMBURSEMENT PROCEDURES.—To re-  
16 ceive reimbursement under paragraph (1)—

17 (A) a claim for such reimbursement shall  
18 be submitted to the Secretary of Labor—

19 (i) not later than one year after the  
20 final payment of compensation to a covered  
21 employee pursuant to this section; and

22 (ii) in the same manner as a claim for  
23 reimbursement is submitted in accordance  
24 with part 61 of title 20, Code of Federal

1 Regulations (as in effect on the date of the  
2 enactment of this Act); and

3 (B) an employer and the employer's carrier  
4 shall make, keep, and preserve such records,  
5 make such reports, and provide such informa-  
6 tion, as the Secretary of Labor determines nec-  
7 essary or appropriate to carry out this section.

8 (c) SPECIAL FUND.—

9 (1) IN GENERAL.—A reimbursement under  
10 paragraph (1) shall be paid out of the special fund  
11 established in section 44 of Longshore and Harbor  
12 Workers' Compensation Act (33 U.S.C. 944).

13 (2) FUNDING.—There are authorized to be ap-  
14 propriated, and there are appropriated, such funds  
15 as may be necessary to reimburse the special fund  
16 described in paragraph (1) for each reimbursement  
17 paid out of such fund under paragraph (1).

18 (d) REPORT.—Not later than 60 days after the end  
19 of fiscal year 2020, 2021, and 2022, the Secretary of  
20 Labor shall submit to the Committee on Education and  
21 Labor of the House of Representatives and the Committee  
22 on Health, Education, Labor and Pensions of the Senate,  
23 an annual report enumerating—

24 (1) the number of claims filed pursuant to sec-  
25 tion (a)(1);

1 (2) of such filed claims—

2 (A) the number and types of claims ap-  
3 proved under section 13 of the Longshore and  
4 Harbor Workers' Compensation Act (33 U.S.C.  
5 913);

6 (B) the number and types of claims denied  
7 under such section;

8 (C) the number and types of claims pend-  
9 ing under such section; and

10 (3) the amounts and the number of claims for  
11 reimbursement paid out of the special fund under  
12 subsection (c)(1) for the fiscal year for which the re-  
13 port is being submitted.

14 (e) REGULATIONS.—The Secretary of Labor may  
15 promulgate such regulations as may be necessary to carry  
16 out this section.

17 (f) DEFINITIONS.—In this section:

18 (1) LHWCA TERMS.—The terms “carrier”,  
19 “compensation”, “employee”, and “employer” have  
20 the meanings given the terms in section 2 of the  
21 Longshore and Harbor Workers' Compensation Act  
22 (33 U.S.C. 902).

23 (2) NOVEL CORONAVIRUS.—The term “novel  
24 coronavirus” means SARS-CoV-2.

1 **TITLE IV—WORKER’S COM-**  
2 **PENSATION FOR FEDERAL**  
3 **AND POSTAL EMPLOYEES DI-**  
4 **AGNOSED WITH COVID–19**

5 **SEC. 401. PRESUMPTION OF ELIGIBILITY FOR WORKERS’**  
6 **COMPENSATION BENEFITS FOR FEDERAL**  
7 **EMPLOYEES DIAGNOSED WITH COVID–19.**

8 (a) IN GENERAL.—An employee who is diagnosed  
9 with COVID–19 during the period described in subsection  
10 (b)(2)(A) shall, with respect to any claim made by or on  
11 behalf of the employee for benefits under subchapter I of  
12 chapter 81 of title 5, United States Code, be deemed to  
13 have an injury proximately caused by exposure to  
14 coronavirus arising out of the nature of the employee’s em-  
15 ployment and be presumptively entitled to such benefits,  
16 including disability compensation, medical services, and  
17 survivor benefits.

18 (b) DEFINITIONS.—In this section—

19 (1) the term “coronavirus” means SARS–  
20 CoV–2 or another coronavirus with pandemic poten-  
21 tial; and

22 (2) the term “employee”—

23 (A) means an employee as that term is de-  
24 fined in section 8101(1) of title 5, United  
25 States Code, (including an employee of the



1 United States Postal Service, the Transpor-  
2 tation Security Administration, or the Depart-  
3 ment of Veterans Affairs, including any indi-  
4 vidual appointed under chapter 73 or 74 of title  
5 38, United States Code) employed in the Fed-  
6 eral service at anytime during the period begin-  
7 ning on January 27, 2020, and ending on Jan-  
8 uary 30, 2022—

9 (i) who carried out duties requiring  
10 contact with patients, members of the pub-  
11 lic, or co-workers; or

12 (ii) whose duties include a risk of ex-  
13 posure to the coronavirus; and

14 (B) does not include any employee other-  
15 wise covered by subparagraph (A) who is tele-  
16 working on a full-time basis in the period de-  
17 scribed in such subparagraph prior to a diag-  
18 nosis with COVID-19.

19 **TITLE V—COVID-19 WORKFORCE**  
20 **DEVELOPMENT RESPONSE**  
21 **ACTIVITIES**

22 **SEC. 501. DEFINITIONS.**

23 (a) IN GENERAL.—Except as otherwise provided, the  
24 terms in this title have the meanings given the terms in

1 section 3 of the Workforce Innovation and Opportunity  
2 Act (29 U.S.C. 3102).

3 (b) CORONAVIRUS.—The term “coronavirus” means  
4 coronavirus as defined in section 506 of the Coronavirus  
5 Preparedness and Response Supplemental Appropriations  
6 Act, 2020 (Public Law 116–123).

7 (c) COVID–19 NATIONAL EMERGENCY.—The term  
8 “COVID–19 national emergency” means the national  
9 emergency declared by the President under the National  
10 Emergencies Act (50 U.S.C. 1601 et seq.) on March 13,  
11 2020, with respect to the coronavirus.

12 (d) SECRETARY.—The term “Secretary” means the  
13 Secretary of Labor.

14 **SEC. 502. JOB CORPS RESPONSE TO THE COVID–19 NA-**  
15 **TIONAL EMERGENCY.**

16 In order to provide for the successful continuity of  
17 services and enrollment periods during the COVID–19 na-  
18 tional emergency, additional flexibility shall be provided  
19 for Job Corps operators, providers of eligible activities,  
20 and practitioners, including the following:

21 (1) ELIGIBILITY.—Notwithstanding the age re-  
22 quirements for enrollment under section 144(a)(1)  
23 of the Workforce Innovation and Opportunity Act  
24 (29 U.S.C. 3194(a)(1)), an individual seeking to en-  
25 roll in Job Corps and who turns 25 during the

1 COVID–19 national emergency is eligible for such  
2 enrollment during or up to one year after the end  
3 of the qualifying emergency.

4 (2) ENROLLMENT LENGTH.—Notwithstanding  
5 section 146(b) of the Workforce Innovation and Op-  
6 portunity Act (29 U.S.C. 3196(b)), an individual en-  
7 rolled in Job Corps during the COVID–19 national  
8 emergency may extend their period of enrollment for  
9 more than 2 years as long as such extension does  
10 not exceed a 2-year, continuous period of enrollment  
11 after the COVID–19 national emergency.

12 (3) ADVANCED CAREER TRAINING PROGRAMS.—  
13 Notwithstanding paragraph (2), with respect to ad-  
14 vanced career training programs under section  
15 148(c) of the Workforce Innovation and Opportunity  
16 Act (29 U.S.C. 3198(c)) in which the enrollees may  
17 continue to participate for a period not to exceed 1  
18 year in addition to the period of participation to  
19 which the enrollees would otherwise be limited, the  
20 COVID–19 national emergency shall not be consid-  
21 ered as any portion of such additional 1-year partici-  
22 pation period.

23 (4) COUNSELING, JOB PLACEMENT, AND AS-  
24 SESSMENT.—The counseling, job placement, and as-  
25 sessment services described in section 149 of the

1 Workforce Innovation and Opportunity Act (29  
2 U.S.C. 3199) shall be available to former enrollees—

3 (A) whose enrollment was interrupted due  
4 to the COVID–19 national emergency;

5 (B) who graduated from Job Corps on or  
6 after January 1, 2020; or

7 (C) who graduated from Job Corps not  
8 later than 3 months after the COVID–19 na-  
9 tional emergency.

10 (5) SUPPORT.—The Secretary shall provide ad-  
11 ditional support for the transition periods described  
12 in section 150 of the Workforce Innovation and Op-  
13 portunity Act (29 U.S.C. 3200), including the fol-  
14 lowing:

15 (A) TRANSITION ALLOWANCES.—The Sec-  
16 retary shall provide, subject to the availability  
17 of appropriations, for the provision of additional  
18 transition allowances as described in subsection  
19 (b) of such section for Job Corps students who  
20 graduate during the periods described in sub-  
21 paragraph (B) or (C) of paragraph (4).

22 (B) TRANSITION SUPPORT.—The Secretary  
23 shall consider the period during the COVID–19  
24 national emergency and the three month period  
25 following the conclusion of the COVID–19 na-

1            tional emergency as the period in which the  
2            provision of employment services as described in  
3            subsection (c) of such section shall be provided  
4            to graduates who have graduated in 2020.

5            (6) ENROLLMENT ELIGIBILITY.—The require-  
6            ments described in sections 145(a)(2)(A) and  
7            152(b)(2)(B) of the Workforce Innovation and Op-  
8            portunity Act (29 U.S.C. 3195(a)(2)(A) and 29  
9            U.S.C. 3202(b)(2)(B)) shall be applicable only for  
10          students participating onsite or once returning to  
11          onsite after participating in distance learning.

12          (7) EFFECTIVELY SUPPORTING DISTANCE  
13          LEARNING.—The Secretary shall take such steps  
14          necessary to modify the agreements required by Sec.  
15          147(a) of the Workforce Innovation and Opportunity  
16          Act (29 U.S.C. 3197(a)(1)) to enable operators and  
17          service providers to purchase, within the limitations  
18          of the contract values or established annual budgets  
19          for Job Corps Centers, any equipment, supplies, and  
20          services that the operators or service providers deter-  
21          mine are necessary to facilitate effective virtual  
22          learning and to protect the health of students and  
23          staff on-center during the COVID–19 national emer-  
24          gency, including distance learning technology for  
25          students and COVID–19 testing, and shall allow

1 students to retain permanent possession of such  
2 equipment and technology without financial penalty  
3 regardless of their enrollment status.

4 **SEC. 503. MIGRANT AND SEASONAL FARMWORKER PRO-**  
5 **GRAM RESPONSE.**

6 During the COVID–19 national emergency, for the  
7 purposes of section 167(i)(3)(A) of the Workforce Innova-  
8 tion and Opportunity Act (29 U.S.C. 3222(i)(3)(A)), the  
9 term “low income individual” shall include an individual  
10 with a total family income equal to or less than 150 per-  
11 cent of the poverty line.

12 **SEC. 504. YOUTHBUILD ACTIVITIES RESPONDING TO THE**  
13 **COVID–19 NATIONAL EMERGENCY.**

14 During the COVID–19 national emergency, the Sec-  
15 retary shall provide for flexibility for YouthBuild partici-  
16 pants and entities carrying out YouthBuild programs, in-  
17 cluding the following:

18 (1) **ELIGIBILITY.**—Notwithstanding the age re-  
19 quirements for enrollment under section  
20 171(e)(1)(A)(i) of the Workforce Innovation and Op-  
21 portunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an indi-  
22 vidual seeking to participate in a YouthBuild pro-  
23 gram and who turns 25 during the COVID–19 na-  
24 tional emergency is eligible for such participation.

1           (2) PARTICIPATION LENGTH.—Notwithstanding  
2           section 171(e)(2) of the Workforce Innovation and  
3           Opportunity Act (29 U.S.C. 3226(e)(2)), the period  
4           of participation in a YouthBuild program may ex-  
5           tend beyond 24 months for an individual partici-  
6           pating in such program during the COVID–19 na-  
7           tional emergency, as long as such extension does not  
8           exceed a 24 month, continuous period of enrollment  
9           after the COVID–19 national emergency.

10 **SEC. 505. APPRENTICESHIP SUPPORT DURING THE COVID–**  
11 **19 NATIONAL EMERGENCY.**

12           Not later than 30 days after the date of the enact-  
13           ment of this Act, the Secretary shall identify and dissemi-  
14           nate strategies and tools to support virtual and online  
15           learning and training in apprenticeship programs.

1 **DIVISION D—HUMAN SERVICES**  
2 **AND COMMUNITY SUPPORTS**

3 **SEC. 100. SHORT TITLE.**

4 This division may be cited as the “Human Services  
5 and Community Supports Act”.

6 **TITLE I—STRONGER CHILD**  
7 **ABUSE PREVENTION AND**  
8 **TREATMENT**  
9 **Subtitle A—General Program**

10 **SEC. 101. REPEAL OF FINDINGS.**

11 Section 2 of the Child Abuse Prevention and Treat-  
12 ment Act (42 U.S.C. 5101 note) is repealed.

13 **SEC. 102. REPEAL OF ADVISORY BOARD ON CHILD ABUSE**  
14 **AND NEGLECT.**

15 Section 102 of the Child Abuse Prevention and  
16 Treatment Act (42 U.S.C. 5102) is repealed.

17 **SEC. 103. NATIONAL CLEARINGHOUSE FOR INFORMATION**  
18 **RELATING TO CHILD ABUSE.**

19 Section 103 of the Child Abuse Prevention and  
20 Treatment Act (42 U.S.C. 5104) is amended—

21 (1) in subsection (b)(1), by inserting “early  
22 learning programs and” after “including”;

23 (2) in subsection (c)(1)(C)—

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



1 (B) in clause (iv), by adding “and” at the  
2 end; and

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

4 “(v) the number of child fatalities and  
5 near fatalities due to maltreatment, as re-  
6 ported by States in accordance with the  
7 uniform standards established pursuant to  
8 subsection (d), and any other relevant in-  
9 formation related to such fatalities;”;

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

11 “(d) UNIFORM STANDARDS FOR TRACKING AND RE-  
12 PORTING OF CHILD FATALITIES RESULTING FROM MAL-  
13 TREATMENT.—

14 “(1) REGULATIONS REQUIRED.—Not later than  
15 24 months after the date of the enactment of the  
16 Human Services and Community Supports Act, the  
17 Secretary shall develop and issue final regulations  
18 establishing uniform standards for the tracking and  
19 reporting of child fatalities and near-fatalities result-  
20 ing from maltreatment. As a condition on eligibility  
21 for receipt of funds under section 106, the standards  
22 established under this paragraph shall be used by  
23 States for the tracking and reporting of such fatali-  
24 ties under subsection (d) of such section.

1           “(2) MAINTENANCE OF STATE LAW.—Notwith-  
2           standing the uniform standards developed under  
3           paragraph (1), a State that defines or describes such  
4           fatalities for any purpose other than tracking and  
5           reporting under this subsection may continue to use  
6           that definition or description for such purpose.

7           “(3) NEGOTIATED RULEMAKING.—In devel-  
8           oping regulations under paragraph (1), the Sec-  
9           retary shall submit such regulations to a negotiated  
10          rulemaking process, which shall include the partici-  
11          pants described in paragraph (4).

12          “(4) PARTICIPANTS DESCRIBED.—The partici-  
13          pants described in this paragraph are—

14                 “(A) State and county officials responsible  
15                 for administering the State plans under this  
16                 Act and parts B and E of title IV of the Social  
17                 Security Act (42 U.S.C. 621 et seq., 670 et  
18                 seq.);

19                 “(B) child welfare professionals with field  
20                 experience;

21                 “(C) child welfare researchers;

22                 “(D) domestic violence researchers;

23                 “(E) domestic violence professionals;

24                 “(F) child development professionals;

25                 “(G) mental health professionals;

1           “(H) pediatric emergency medicine physi-  
2           cians;

3           “(I) child abuse pediatricians, as certified  
4           by the American Board of Pediatrics, who spe-  
5           cialize in treating victims of child abuse;

6           “(J) forensic pathologists;

7           “(K) public health administrators;

8           “(L) public health researchers;

9           “(M) law enforcement;

10          “(N) family court judges;

11          “(O) prosecutors;

12          “(P) medical examiners and coroners;

13          “(Q) a representative from the National  
14          Center for Fatality Review and Prevention; and

15          “(R) such other individuals and entities as  
16          the Secretary determines to be appropriate.”.

17 **SEC. 104. RESEARCH AND ASSISTANCE ACTIVITIES.**

18          Section 104 of the Child Abuse Prevention and  
19          Treatment Act (42 U.S.C. 5105) is amended—

20                 (1) in subsection (a)—

21                         (A) by amending paragraph (1) to read as  
22                         follows:

23                                 “(1) TOPICS.—The Secretary shall, in consulta-  
24                                 tion with other Federal agencies and recognized ex-  
25                                 perts in the field, carry out a continuing inter-

1 disciplinary program of research, including longitu-  
2 dinal research, that is designed to provide informa-  
3 tion needed to improve primary prevention of child  
4 abuse and neglect, better protect children from child  
5 abuse or neglect, and improve the well-being of vic-  
6 tims of child abuse or neglect, with at least a portion  
7 of such research being field initiated. Such research  
8 program may focus on—

9 “(A) disseminating evidence-based treat-  
10 ment directed to individuals and families experi-  
11 encing trauma due to child abuse and neglect,  
12 including efforts to improve the scalability of  
13 the treatments and programs being researched;

14 “(B) developing a set of evidence-based ap-  
15 proaches to support child and family well-being  
16 and developing ways to identify, relieve, and  
17 mitigate stressors affecting families in rural,  
18 urban, and suburban communities;

19 “(C) establishing methods to promote ra-  
20 cial equity in the child welfare system, including  
21 a focus on how neglect is defined, how services  
22 are provided, and the unique impact on Native  
23 American, Alaska Native, and Native Hawaiian  
24 communities;

1           “(D) improving service delivery or out-  
2 comes for child welfare service agencies engaged  
3 with families experiencing domestic violence,  
4 substance use disorder, or other complex needs;

5           “(E) the extent to which the number of  
6 unsubstantiated, 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 pro-  
12 fessional 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  
18 reports return as more serious cases of child  
19 abuse or neglect;

20           “(H) the incidence and outcomes of child  
21 abuse and neglect allegations reported within  
22 the context of divorce, custody, or other family  
23 court proceedings, and the interaction between  
24 family courts and the child protective services  
25 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);  
4           and

5           “(J) the national incidence of child abuse  
6           and neglect, including—

7                   “(i) the extent to which incidents of  
8                   child abuse and neglect are increasing or  
9                   decreasing in number and severity;

10                   “(ii) the incidence of substantiated  
11                   and unsubstantiated reported child abuse  
12                   and neglect cases;

13                   “(iii) the number of substantiated  
14                   cases that result in a judicial finding of  
15                   child abuse or neglect or related criminal  
16                   court convictions;

17                   “(iv) the extent to which the number  
18                   of unsubstantiated, unfounded and false  
19                   reported cases of child abuse or neglect  
20                   have contributed to the inability of a State  
21                   to respond effectively to serious cases of  
22                   child abuse or neglect;

23                   “(v) the extent to which the lack of  
24                   adequate resources and the lack of ade-  
25                   quate education of individuals required by

1 law to report suspected cases of child  
2 abuse and neglect have contributed to the  
3 inability of a State to respond effectively to  
4 serious cases of child abuse and neglect;

5 “(vi) the number of unsubstantiated,  
6 false, or unfounded reports that have re-  
7 sulted in a child being placed in substitute  
8 care, and the duration of such placement;

9 “(vii) the extent to which unsubstan-  
10 tiated reports return as more serious cases  
11 of child abuse or neglect;

12 “(viii) the incidence and prevalence of  
13 physical, sexual, and emotional abuse and  
14 physical and emotional neglect in sub-  
15 stitute care;

16 “(ix) the incidence and prevalence of  
17 child maltreatment by a wide array of de-  
18 mographic characteristics such as age, sex,  
19 race, family structure, household relation-  
20 ship (including the living arrangement of  
21 the resident parent and family size), school  
22 enrollment and education attainment, dis-  
23 ability, grandparents as caregivers, labor  
24 force status, work status in previous year,  
25 and income in previous year;

1 “(x) the extent to which reports of  
2 suspected or known instances of child  
3 abuse or neglect involving a potential com-  
4 bination of jurisdictions, such as intra-  
5 state, interstate, Federal-State, and State-  
6 Tribal, are being screened out solely on the  
7 basis of the cross-jurisdictional complica-  
8 tions; and

9 “(xi) the incidence and outcomes of  
10 child abuse and neglect allegations re-  
11 ported within the context of divorce, cus-  
12 tody, or other family court proceedings,  
13 and the interaction between family courts  
14 and the child protective services system.”;

15 (B) in paragraph (2), by striking “para-  
16 graph (1)(O)” and inserting “paragraph  
17 (1)(J)”;

18 (C) by amending paragraph (3) to read as  
19 follows:

20 “(3) REPORTING REQUIREMENTS.—

21 “(A) IN GENERAL.—Not later than 4 years  
22 after the date of the enactment of the Human  
23 Services and Community Supports Act, the Sec-  
24 retary shall prepare and submit to the Com-  
25 mittee on Education and Labor of the House of



1           Representatives and the Committee on Health,  
2           Education, Labor and Pensions of the Senate a  
3           report that contains the results of the research  
4           conducted under paragraph (2).

5           “(B) NATIONAL INCIDENCE.—The Sec-  
6           retary shall ensure that research conducted,  
7           and data collected, under paragraph (1)(J) are  
8           reported in a way that will allow longitudinal  
9           comparisons as well as comparisons to the na-  
10          tional incidence studies conducted under this  
11          title.”; and

12           (D) by striking the second paragraph (4);  
13          (2) in subsection (b), by amending paragraph  
14          (2) to read as follows:

15          “(2) AREAS OF EMPHASIS.—Such technical as-  
16          sistance—

17           “(A) shall focus on—

18           “(i) implementing strategies that can  
19           leverage existing community-based and  
20           State funded resources to prevent child  
21           abuse and neglect and providing education  
22           for individuals involved in prevention ac-  
23           tivities;

24           “(ii) reducing racial bias in child wel-  
25           fare systems, including how such systems

1 interact with health, law enforcement, and  
2 education systems;

3 “(iii) promoting best practices for  
4 families experiencing domestic violence,  
5 substance use disorder, or other complex  
6 needs; and

7 “(iv) providing professional develop-  
8 ment and other technical assistance to  
9 child welfare agencies to improve the un-  
10 derstanding of and to help address the ef-  
11 fects of trauma and adverse childhood ex-  
12 periences in parents and children in con-  
13 tact with the child welfare system; and

14 “(B) may include the identification of—

15 “(i) various methods and procedures  
16 for the investigation, assessment, and pros-  
17 ecution of child physical and sexual abuse  
18 cases;

19 “(ii) ways to mitigate psychological  
20 trauma to the child victim;

21 “(iii) effective programs carried out  
22 by the States under titles I and II; and

23 “(iv) effective approaches being uti-  
24 lized to link child protective service agen-  
25 cies with health care, mental health care,

1 and developmental services and early inter-  
2 vention to improve forensic diagnosis and  
3 health evaluations, and barriers and short-  
4 ages to such linkages.”;

5 (3) in subsection (c), by striking paragraph (3);

6 and

7 (4) by striking subsection (e).

8 **SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL**  
9 **ORGANIZATIONS, AND PUBLIC OR PRIVATE**  
10 **AGENCIES AND ORGANIZATIONS.**

11 Section 105 of the Child Abuse Prevention and  
12 Treatment Act (42 U.S.C. 5106) is amended—

13 (1) in subsection (a)—

14 (A) by redesignating paragraph (7) as  
15 paragraph (11);

16 (B) by striking paragraphs (1) through (6)  
17 and inserting the following:

18 “(1) PREVENTION SERVICES.—The Secretary  
19 may award grants under this subsection to entities  
20 to establish or expand prevention services that re-  
21 duce incidences of child maltreatment and strength-  
22 en families.

23 “(2) TRAUMATIC STRESS.—The Secretary may  
24 award grants under this subsection to entities to ad-  
25 dress instances of traumatic stress in families due to

1 child abuse and neglect, especially for families with  
2 complex needs or families that exhibit high levels of  
3 adverse childhood experiences.

4 “(3) PROMOTING A HIGH-QUALITY WORK-  
5 FORCE.—The Secretary may award grants under  
6 this subsection to entities to carry out programs or  
7 strategies that promote a high-quality workforce in  
8 the child welfare system through—

9 “(A) improvements to recruitment, sup-  
10 port, or retention efforts; or

11 “(B) education for professionals and para-  
12 professionals in the prevention, identification,  
13 and treatment of child abuse and neglect.

14 “(4) IMPROVING COORDINATION.—The Sec-  
15 retary may award grants under this subsection to  
16 entities to carry out activities to improve intrastate  
17 coordination within the child welfare system. Such  
18 activities may include—

19 “(A) aligning information technology sys-  
20 tems;

21 “(B) improving information sharing re-  
22 garding child and family referrals; or

23 “(C) creating collaborative voluntary part-  
24 nerships among public and private agencies, the  
25 State’s child protective services, local social

1 service agencies, community-based family sup-  
2 port programs, State and local legal agencies,  
3 developmental disability agencies, substance use  
4 disorder treatment providers, health care pro-  
5 viders and agencies, domestic violence preven-  
6 tion programs, mental health services, schools  
7 and early learning providers, religious entities,  
8 and other community-based programs.

9 “(5) PRIMARY PREVENTION.—The Secretary  
10 may award grants under this subsection to entities  
11 to carry out or expand primary prevention programs  
12 or strategies that address family or community pro-  
13 tective factors.

14 “(6) NEGLECT DUE TO ECONOMIC INSECU-  
15 RITY.—The Secretary may award grants under this  
16 subsection to entities to carry out programs or strat-  
17 egies that reduce findings of child neglect due in full  
18 or in part to family economic insecurity.

19 “(7) EDUCATION OF MANDATORY REPORT-  
20 ERS.—The Secretary may award grants under this  
21 subsection to entities for projects that involve re-  
22 search-based strategies for innovative education of  
23 mandated child abuse and neglect reporters, and for  
24 victims to understand mandatory reporting.

1           “(8) SENTINEL INJURIES.—The Secretary may  
2           award grants under this subsection to entities to  
3           identify and test effective practices to improve early  
4           detection and management of injuries indicative of  
5           potential abuse in infants to prevent future cases of  
6           child abuse and related fatalities.

7           “(9) INNOVATIVE PARTNERSHIPS.—The Sec-  
8           retary may award grants under this subsection to  
9           entities to carry out innovative programs or strate-  
10          gies to coordinate the delivery of services to help re-  
11          duce child abuse and neglect via partnerships among  
12          health, mental health, education (including early  
13          learning and care programs as appropriate), and  
14          child welfare agencies and providers.

15          “(10) REDUCING CHILD ABUSE AND NEGLECT  
16          DUE TO THE SUBSTANCE USE DISORDER OF A PAR-  
17          ENT OR CAREGIVER.—The Secretary may award  
18          grants under this subsection to entities to carry out  
19          activities to reduce child abuse and neglect due to  
20          the substance use disorder of a parent or care-  
21          giver.”; and

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

23          “(12) NATIONAL CHILD ABUSE HOTLINE.—

24                                   “(A) IN GENERAL.—The Secretary may  
25          award a grant under this subsection to a non-

1 profit entity to provide for the ongoing oper-  
2 ation of a 24-hour, national, toll-free telephone  
3 hotline to provide information and assistance to  
4 youth victims of child abuse or neglect, parents,  
5 caregivers, mandated reporters, and other con-  
6 cerned community members, including through  
7 alternative modalities for communications (such  
8 as texting or chat services) with such victims  
9 and other information seekers.

10 “(B) PRIORITY.—In awarding grants de-  
11 scribed in this paragraph, the Secretary shall  
12 give priority to applicants with experience in  
13 operating a hotline that provides assistance to  
14 victims of child abuse, parents, caregivers, and  
15 mandated reporters.

16 “(C) APPLICATION.—To be eligible to re-  
17 ceive a grant described in this paragraph, a  
18 nonprofit entity shall submit an application to  
19 the Secretary that shall—

20 “(i) contain such assurances and in-  
21 formation, be in such form, and be sub-  
22 mitted in such manner, as the Secretary  
23 shall prescribe;

24 “(ii) include a complete description of  
25 the entity’s plan for the operation of a na-

1 tional child abuse hotline, including de-  
2 scriptions of—

3 “(I) the professional development  
4 program for hotline personnel, includ-  
5 ing technology professional develop-  
6 ment to ensure that all persons affili-  
7 ated with the hotline are able to effec-  
8 tively operate any technological sys-  
9 tems used by the hotline;

10 “(II) the qualifications for hot-  
11 line personnel;

12 “(III) the methods for the cre-  
13 ation, maintenance, and updating of a  
14 comprehensive list of prevention and  
15 treatment service providers;

16 “(IV) a plan for publicizing the  
17 availability of the hotline throughout  
18 the United States;

19 “(V) a plan for providing service  
20 to non-English speaking callers, in-  
21 cluding service through hotline per-  
22 sonnel who have non-English language  
23 capability;

24 “(VI) a plan for facilitating ac-  
25 cess to the hotline and alternative mo-



1 dality services by persons with hearing  
2 impairments and disabilities;

3 “(VII) a plan for providing crisis  
4 counseling, general assistance, and re-  
5 ferrals to youth victims of child abuse;  
6 and

7 “(VIII) a plan to offer alternative  
8 services to calling, such as texting or  
9 live chat;

10 “(iii) demonstrate that the entity has  
11 the capacity and the expertise to maintain  
12 a child abuse hotline and a comprehensive  
13 list of service providers;

14 “(iv) demonstrate the ability to pro-  
15 vide information and referrals for contacts,  
16 directly connect contacts to service pro-  
17 viders, and employ crisis interventions;

18 “(v) demonstrate that the entity has a  
19 commitment to providing services to indi-  
20 viduals in need; and

21 “(vi) demonstrate that the entity com-  
22 plies with State privacy laws and has es-  
23 tablished quality assurance practices.”; and

24 (2) by striking subsections (b) and (c) and in-  
25 serting the following:

1 “(b) GOALS AND PERFORMANCE.—The Secretary  
2 shall ensure that each entity receiving a grant under this  
3 section—

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  
7 the 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 Sec-  
11 retary a performance report that includes—

12 “(A) an evaluation of the effectiveness of  
13 the 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 para-  
18 graph (1) shall be submitted to the Secretary at  
19 such time, in such manner, and containing such in-  
20 formation as 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  
24 under subsection (c) that demonstrates effectiveness of the  
25 project 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  
6 and Treatment Act (42 U.S.C. 5106a) is amended to read  
7 as 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  
13 system that is family-centered, integrates community serv-  
14 ices, and is capable of providing rapid response to high-  
15 risk cases, by carrying out the following:

16 “(1) Conducting the intake, assessment, screen-  
17 ing, and investigation of reports of child abuse or  
18 neglect.

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  
22 child is separated from such child’s parent for rea-  
23 sons of 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

1 investigations; 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, do-  
14 mestic violence, developmental disabilities, hous-  
15 ing, juvenile justice, elementary and secondary  
16 education, 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           dressing the safety of children and responding to  
3           parent 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 devel-  
11                           opmental 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

1 reports of child abuse or neglect, with special  
2 attention to cases involving children under 3  
3 years 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,  
8 which 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-  
19 abusing 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  
2 address family and child needs, including needs  
3 resulting 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, un-  
10 founded, or false reports, including through  
11 education on the rights of families and care-  
12 givers.

13           “(8) Creating or improving data systems that  
14 allow for—

15           “(A) the identification of cases requiring  
16 prompt responses;

17           “(B) real-time case monitoring that tracks  
18 assessments, service referrals, follow-up, case  
19 reviews, and progress toward parent and child  
20 goals; and

21           “(C) sharing basic identifying data with  
22 law enforcement, as necessary.

23           “(9) Improving the general child protective sys-  
24 tem by developing, improving, and implementing  
25 safety assessment tools, providing that such tools,

1 protocols, and systems shall not authorize the separa-  
2 ration of any child from the legal parent or guardian  
3 of such child solely on the basis of poverty, or with-  
4 out a judicial order, except in the case of imminent  
5 harm.”.

6 (b) ELIGIBILITY REQUIREMENTS.—

7 (1) STATE PLAN.—Paragraph (1) of section  
8 106(b) of the Child Abuse Prevention and Treat-  
9 ment Act (42 U.S.C. 5106a(b)) is amended to read  
10 as follows:

11 “(1) STATE PLAN.—

12 “(A) IN GENERAL.—To be eligible to re-  
13 ceive a grant under this section, a State shall  
14 submit to the Secretary a State plan that—

15 “(i) specifies how the grant will be  
16 used, and the State’s strategic plan, to  
17 treat child abuse and neglect and enhance  
18 community-based, prevention-centered ap-  
19 proaches that attempt to prevent child  
20 abuse and neglect while strengthening and  
21 supporting families whenever possible; and

22 “(ii) meets the requirements of this  
23 subsection.

24 “(B) COORDINATION AND CONSULTA-  
25 TION.—



1           “(i) COORDINATION.—Each State, to  
2           the maximum extent practicable, shall co-  
3           ordinate its State plan under this sub-  
4           section with its State plan under part B of  
5           title IV of the Social Security Act (42  
6           U.S.C. 621 et seq.) relating to child and  
7           family services and, in States electing to  
8           provide services under part E of title IV of  
9           the Social Security Act (42 U.S.C. 670 et  
10          seq.) relating to foster care prevention  
11          services, its State plan under such part E.

12          “(ii) CONSULTATION.—In developing  
13          a State plan under this subsection, a State  
14          shall consult with community-based pre-  
15          vention and service agencies, parents and  
16          families affected by child abuse or neglect  
17          in the State, law enforcement, family court  
18          judges, prosecutors who handle criminal  
19          child abuse cases, and medical profes-  
20          sionals engaged in the treatment of child  
21          abuse and neglect.

22          “(C) DURATION AND SUBMISSION OF  
23          PLAN.—Each State plan shall—

24                  “(i) be submitted not less than every  
25                  5 years; and

1                   “(ii) if necessary, revised by the State  
2                   to inform the Secretary of any substantive  
3                   changes, including—

4                   “(I) any changes to State law or  
5                   regulations, relating to the prevention  
6                   of child abuse and neglect that may  
7                   affect the eligibility of the State under  
8                   this section; or

9                   “(II) any changes in the State’s  
10                  activities, strategies, or programs  
11                  under this section.”.

12                  (2) CONTENTS.—Paragraph (2) of section  
13                  106(b) of the Child Abuse Prevention and Treat-  
14                  ment Act (42 U.S.C. 5106a(b)) is amended to read  
15                  as follows:

16                  “(2) CONTENTS.—A State plan submitted  
17                  under paragraph (1) shall contain a description of  
18                  the activities that the State will carry out using  
19                  amounts received under the grant to achieve the ob-  
20                  jectives of this title, including—

21                  “(A) an assurance in the form of a certifi-  
22                  cation by the Governor of the State that the  
23                  State has in effect and is enforcing a State law,  
24                  or has in effect and is operating a statewide

1 program, relating to child abuse and neglect  
2 that includes—

3 “(i) provisions or procedures for an  
4 individual to report known and suspected  
5 instances of child abuse and neglect, in-  
6 cluding a State law for mandatory report-  
7 ing by individuals required to report such  
8 instances;

9 “(ii) procedures for the immediate  
10 screening, risk and safety assessment, and  
11 prompt investigation of such reports of al-  
12 leged abuse and neglect in order to ensure  
13 the well-being and safety of children;

14 “(iii) procedures for immediate steps  
15 to be taken to ensure and protect the safe-  
16 ty of a victim of child abuse or neglect and  
17 of any other child under the same care who  
18 may also be in danger of child abuse or ne-  
19 glect and ensuring their placement in a  
20 safe environment;

21 “(iv) methods to preserve the con-  
22 fidentiality of all records in order to pro-  
23 tect the rights of the child and of the  
24 child’s parents or guardians, including re-  
25 quirements ensuring that reports and

1 records made and maintained pursuant to  
2 the purposes of this Act shall only be made  
3 available to—

4 “(I) individuals who are the sub-  
5 ject of the report;

6 “(II) Federal, State, or local gov-  
7 ernment entities, or any agent of such  
8 entities, as described in clause (xi) of  
9 this subparagraph;

10 “(III) child abuse citizen review  
11 panels;

12 “(IV) child fatality review panels;

13 “(V) a grand jury or court, upon  
14 a finding that information in the  
15 record is necessary for the determina-  
16 tion of an issue before the court or  
17 grand jury; and

18 “(VI) other entities or classes of  
19 individuals statutorily authorized by  
20 the State to receive such information  
21 pursuant to a legitimate State pur-  
22 pose;

23 “(v) provisions and procedures requir-  
24 ing that in every case involving a victim of  
25 child abuse or neglect which results in a

1           judicial proceeding, a guardian ad litem,  
2           who has received education appropriate to  
3           the role, including education in early child-  
4           hood, child, and adolescent development,  
5           and domestic violence, and who may be an  
6           attorney or a court appointed special advo-  
7           cate who has received education appro-  
8           priate to that role (or both), shall be ap-  
9           pointed to represent the child (who, for  
10          purposes of this section, shall have any age  
11          limit elected by the State pursuant to sec-  
12          tion 475(8)(B)(iii) of the Social Security  
13          Act (42 U.S.C. 675(8)(B)(iii)) in such pro-  
14          ceedings—

15                   “(I) to obtain first-hand, a clear  
16                   understanding of the situation and  
17                   needs of such child; and

18                   “(II) to make recommendations  
19                   to the court concerning the best inter-  
20                   ests of such child;

21                   “(vi) the establishment of citizen re-  
22                   view panels in accordance with subsection  
23                   (c);

24                   “(vii) provisions and procedures to re-  
25                   quire that a representative of the child pro-

1 tective services agency shall, at the initial  
2 time of contact with the individual subject  
3 to a child abuse or neglect investigation,  
4 advise the individual of the complaints or  
5 allegations made against the individual, in  
6 a manner that is consistent with laws pro-  
7 tecting the rights of the informant;

8 “(viii) provisions, procedures, and  
9 mechanisms—

10 “(I) for the expedited termi-  
11 nation of parental rights in the case  
12 of any infant determined to be aban-  
13 doned under State law; and

14 “(II) by which individuals who  
15 disagree with an official finding of  
16 child abuse or neglect can appeal such  
17 finding;

18 “(ix) provisions addressing the profes-  
19 sional development of representatives of  
20 the child protective services system regard-  
21 ing the legal duties of the representatives,  
22 which may consist of various methods of  
23 informing such representatives of such du-  
24 ties (including providing such education in  
25 different languages if necessary), in order

1 to protect the legal rights and safety of  
2 children and their parents and caregivers  
3 from the initial time of contact during in-  
4 vestigation through treatment;

5 “(x) provisions for immunity from  
6 civil or criminal liability under State and  
7 local laws and regulations for individuals  
8 making good faith reports of suspected or  
9 known instances of child abuse or neglect,  
10 or who otherwise provide information or  
11 assistance, including medical evaluations or  
12 consultations, in connection with a report,  
13 investigation, or legal intervention pursu-  
14 ant to a good faith report of child abuse or  
15 neglect;

16 “(xi) provisions to require the State to  
17 disclose confidential information to any  
18 Federal, State, or local government entity,  
19 or any agent of such entity, that has a  
20 need for such information in order to carry  
21 out its responsibilities under law to protect  
22 children from child abuse and neglect;

23 “(xii) provisions requiring, and proce-  
24 dures in place that facilitate the prompt  
25 expungement of any records that are ac-

1           cessible to the general public or are used  
2           for purposes of employment or other back-  
3           ground checks in cases determined to be  
4           unsubstantiated or false, except that noth-  
5           ing in this section shall prevent State child  
6           protective services agencies from keeping  
7           information on unsubstantiated reports in  
8           their casework files to assist in future risk  
9           and safety assessment;

10           “(xiii) provisions and procedures for  
11           requiring criminal background record  
12           checks that meet the requirements of sec-  
13           tion 471(a)(20) of the Social Security Act  
14           (42 U.S.C. 671(a)(20)) for prospective fos-  
15           ter and adoptive parents and other adult  
16           relatives and non-relatives residing in the  
17           household;

18           “(xiv) provisions for systems of tech-  
19           nology that support the State child protec-  
20           tive services system and track reports of  
21           child abuse and neglect from intake  
22           through final disposition;

23           “(xv) provisions and procedures re-  
24           quiring identification and assessment of all  
25           reports involving children known or sus-



1           pected to be victims of sex trafficking (as  
2           defined in section 103(12) of the Traf-  
3           ficking Victims Protection Act of 2000 (22  
4           U.S.C. 7102 (12));

5           “(xvi) provisions, procedures, and  
6           mechanisms that assure that the State  
7           does not require reunification of a sur-  
8           viving child with a parent who has been  
9           found by a court of competent jurisdic-  
10          tion—

11           “(I) to have committed murder  
12           (which would have been an offense  
13           under section 1111(a) of title 18,  
14           United States Code, if the offense had  
15           occurred in the special maritime or  
16           territorial jurisdiction of the United  
17           States) of another child of such par-  
18           ent;

19           “(II) to have committed vol-  
20           untary manslaughter (which would  
21           have been an offense under section  
22           1112(a) of title 18, United States  
23           Code, if the offense had occurred in  
24           the special maritime or territorial ju-

1 jurisdiction of the United States) of an-  
2 other child of such parent;

3 “(III) to have aided or abetted,  
4 attempted, conspired, or solicited to  
5 commit such murder or voluntary  
6 manslaughter;

7 “(IV) to have committed a felony  
8 assault that results in the serious bod-  
9 ily injury to the surviving child or an-  
10 other child of such parent;

11 “(V) to have committed sexual  
12 abuse against the surviving child or  
13 another child of such parent; or

14 “(VI) to be required to register  
15 with a sex offender registry under sec-  
16 tion 113(a) of the Adam Walsh Child  
17 Protection and Safety Act of 2006  
18 (42 U.S.C. 16913(a)); and

19 “(xvii) an assurance that, upon the  
20 implementation by the State of the provi-  
21 sions, procedures, and mechanisms under  
22 clause (xvi), conviction of any one of the  
23 felonies listed in clause (xvi) constitute  
24 grounds under State law for the termi-  
25 nation of parental rights of the convicted

1 parent as to the surviving children (al-  
2 though case-by-case determinations of  
3 whether or not to seek termination of pa-  
4 rental rights shall be within the sole discre-  
5 tion of the State);

6 “(B) an assurance that the State has in  
7 place procedures for responding to the reporting  
8 of medical neglect (including instances of with-  
9 holding of medically indicated treatment from  
10 infants with disabilities who have life-threat-  
11 ening conditions), procedures or programs, or  
12 both (within the State child protective services  
13 system), to provide for—

14 “(i) coordination and consultation  
15 with individuals designated by and within  
16 appropriate health-care facilities;

17 “(ii) prompt notification by individ-  
18 uals designated by and within appropriate  
19 health-care facilities of cases of suspected  
20 medical neglect (including instances of  
21 withholding of medically indicated treat-  
22 ment from infants with disabilities who  
23 have life-threatening conditions); and

24 “(iii) authority, under State law, for  
25 the State child protective services system

1 to pursue any legal remedies, including the  
2 authority to initiate legal proceedings in a  
3 court of competent jurisdiction, as may be  
4 necessary to prevent the withholding of  
5 medically indicated treatment from infants  
6 with disabilities who have life-threatening  
7 conditions;

8 “(C) an assurance or certification that pro-  
9 grams and education conducted under this title  
10 address the unique needs of unaccompanied  
11 homeless youth, including access to enrollment  
12 and support services and that such youth are  
13 eligible for under parts B and E of title IV of  
14 the Social Security Act (42 U.S.C. 621 et seq.,  
15 670 et seq.) and meet the requirements of the  
16 McKinney-Vento Homeless Assistance Act (42  
17 U.S.C. 11301 et seq.); and

18 “(D) a description of—

19 “(i) policies and procedures (including  
20 appropriate referrals to child welfare serv-  
21 ice systems and for other appropriate serv-  
22 ices (including home visiting services and  
23 mutual support and parent partner pro-  
24 grams) determined by a family assessment)  
25 to address the needs of infants born with

1 and identified as being affected by sub-  
2 stance use or withdrawal symptoms result-  
3 ing from prenatal drug exposure, or a  
4 Fetal Alcohol Spectrum Disorder, includ-  
5 ing a requirement that health care pro-  
6 viders involved in the delivery or care of  
7 such infants notify the child protective wel-  
8 fare service system of the occurrence of  
9 such condition in such infants, except  
10 that—

11 “(I) child protective services shall  
12 undertake an investigation only when  
13 the findings of a family assessment  
14 warrant such investigation; and

15 “(II) such notification shall not  
16 be construed to—

17 “(aa) establish a definition  
18 under Federal law of what con-  
19 stitutes child abuse or neglect; or

20 “(bb) require prosecution for  
21 any illegal action;

22 “(ii) the development of a multi-dis-  
23 ciplinary plan of safe care for the infant  
24 born and identified as being affected by  
25 substance use or withdrawal symptoms or

1 a Fetal Alcohol Spectrum Disorder to en-  
2 sure the safety and well-being of such in-  
3 fant following release from the care of  
4 health care providers, including through—

5 “(I) using a risk-based approach  
6 to develop each plan of safe care;

7 “(II) addressing, through coordi-  
8 nated service delivery, the health and  
9 substance use disorder treatment  
10 needs of the infant and affected fam-  
11 ily or caregiver as determined by a  
12 family assessment; and

13 “(III) the development and im-  
14 plementation by the State of moni-  
15 toring systems regarding the imple-  
16 mentation of such plans of safe care  
17 to determine whether and in what  
18 manner local entities are providing, in  
19 accordance with State requirements,  
20 referrals to and delivery of appro-  
21 priate services for the infant and af-  
22 fected family or caregiver;

23 “(iii) policies and procedures to make  
24 available to the public on the State website  
25 the data, findings, and information about

1 all cases of child abuse or neglect resulting  
2 in a child fatality or near fatality, includ-  
3 ing a description of—

4 “(I) how the State will not create  
5 an exception to such public disclosure,  
6 except in a case in which—

7 “(aa) the State would like to  
8 delay public release of case-spe-  
9 cific findings or information (in-  
10 cluding any previous reports of  
11 domestic violence and subsequent  
12 actions taken to assess and ad-  
13 dress such reports) while a crimi-  
14 nal investigation or prosecution  
15 of such a fatality or near fatality  
16 is pending;

17 “(bb) the State is protecting  
18 the identity of a reporter of child  
19 abuse or neglect; or

20 “(cc) the State is with-  
21 holding identifying information of  
22 members of the victim’s family  
23 who are not perpetrators of the  
24 fatality or near fatality; and

1                   “(II) how the State will ensure  
2                   that in providing the public disclosure  
3                   required under this clause, the State  
4                   will include—

5                               “(aa) the cause and cir-  
6                               cumstances of the fatality or near  
7                               fatality;

8                               “(bb) the age and gender of  
9                               the child; and

10                              “(cc) any previous reports of  
11                              child abuse or neglect investiga-  
12                              tions that are relevant to the  
13                              child abuse or neglect that led to  
14                              the fatality or near fatality;

15                              “(iv) how the State will use data col-  
16                              lected on child abuse or neglect to prevent  
17                              child fatalities and near fatalities;

18                              “(v) how the State will implement ef-  
19                              forts to prevent child fatalities and near  
20                              fatalities;

21                              “(vi) the cooperation of State law en-  
22                              forcement officials, court of competent ju-  
23                              risdiction, and appropriate State agencies  
24                              providing human services in the investiga-



1                   tion, assessment, prosecution, and treat-  
2                   ment of child abuse and neglect;

3                   “*(vii)* the steps the State will take to  
4                   improve the professional development, re-  
5                   tention, and supervision of caseworkers  
6                   and how the State will measure the effec-  
7                   tiveness of such efforts;

8                   “*(viii)* the State’s plan to ensure each  
9                   child under the age of 3 who is involved in  
10                  a substantiated case of child abuse or ne-  
11                  glect will be referred to the State’s child  
12                  find system under section 635(a)(5) of the  
13                  Individuals with Disabilities Education Act  
14                  (20 U.S.C. 1435(a)(5)) in order to deter-  
15                  mine if the child is an infant or toddler  
16                  with a disability (as defined in section  
17                  632(5) of such Act (20 U.S.C. 1432(5)));

18                  “*(ix)* the State’s plan to improve, as  
19                  part of a comprehensive State strategy led  
20                  by law enforcement, professional develop-  
21                  ment for child protective services workers  
22                  and their appropriate role in identifying,  
23                  assessing, and providing comprehensive  
24                  services for children who are sex traf-  
25                  ficking victims, in coordination with law

1 enforcement, juvenile justice agencies, run-  
2 away and homeless youth shelters, and  
3 health, mental health, and other social  
4 service agencies and providers;

5 “(x) the services to be provided under  
6 the grant to individuals, families, or com-  
7 munities, either directly or through refer-  
8 rals, aimed at preventing the occurrence of  
9 child abuse and neglect;

10 “(xi) the State’s efforts to ensure pro-  
11 fessionals who are required to report sus-  
12 pected cases of child abuse and neglect are  
13 aware of their responsibilities under sub-  
14 paragraph (A)(i) and receive professional  
15 development relating to performing such  
16 responsibilities that is specific to their pro-  
17 fession and workplace;

18 “(xii) policies and procedures encour-  
19 aging the appropriate involvement of fami-  
20 lies in decisionmaking pertaining to chil-  
21 dren who experienced child abuse or ne-  
22 glect;

23 “(xiii) the State’s efforts to improve  
24 appropriate collaboration among child pro-  
25 tective services agencies, domestic violence

1 services agencies, substance use disorder  
2 treatment agencies, and other agencies in  
3 investigations, interventions, and the deliv-  
4 ery of services and treatment provided to  
5 children and families affected by child  
6 abuse or neglect, including children ex-  
7 posed to domestic violence, where appro-  
8 priate;

9 “(xiv) policies and procedures regard-  
10 ing the use of differential response, as ap-  
11 plicable, to improve outcomes for children;  
12 and

13 “(xv) the State’s efforts to reduce ra-  
14 cial bias in its child protective services sys-  
15 tem.”.

16 (3) LIMITATIONS.—Paragraph (3) of section  
17 106(b) of the Child Abuse Prevention and Treat-  
18 ment Act (42 U.S.C. 5106a(b)) is amended—

19 (A) in the paragraph heading, by striking  
20 “LIMITATION” and inserting “LIMITATIONS”;

21 (B) by striking “With regard to clauses  
22 (vi) and (vii) of paragraph (2)(B),” and insert-  
23 ing the following:

1           “(A) DISCLOSURE OF CERTAIN IDENTI-  
2           FYING INFORMATION.—With regard to subpara-  
3           graphs (A)(iv) and (D)(iii) of paragraph (2),”;

4           (C) by striking the period at the end and  
5           inserting “; and”; and

6           (D) by adding at the end the following:

7           “(B) PUBLIC ACCESS TO COURT PRO-  
8           CEEDINGS.—Nothing in paragraph (2) shall be  
9           construed to limit the State’s flexibility to de-  
10          termine State policies relating to public access  
11          to court proceedings to determine child abuse  
12          and neglect, except that such policies shall, at  
13          a minimum, ensure the safety and well-being of  
14          the child, parents, and families.”.

15          (4) DEFINITIONS.—Paragraph (4) of section  
16          106(b) of the Child Abuse Prevention and Treat-  
17          ment Act (42 U.S.C. 5106a(b)) is amended—

18                 (A) in the paragraph heading, by striking  
19                 “DEFINITIONS” and inserting “DEFINITION”;

20                 (B) by striking “this subsection” and all  
21                 that follows through “means an act” and in-  
22                 serting the following: “this subsection, the term  
23                 ‘near fatality’ means an act”;

24                 (C) by striking “; and” and inserting a pe-  
25                 riod; and

1 (D) by striking subparagraph (B).

2 (c) CITIZEN REVIEW PANELS.—Section 106(c) of the  
3 Child Abuse Prevention and Treatment Act (42 U.S.C.  
4 5106a(c)) is amended—

5 (1) in paragraph (1)(B), by striking “EXCEP-  
6 TIONS.” and all that follows through “A State may”  
7 and inserting “EXCEPTION.—A State may”;

8 (2) in paragraph (4)(A)—

9 (A) in the matter preceding clause (i), by  
10 striking “and where appropriate, specific  
11 cases,”; and

12 (B) in clause (iii)(I), by striking “foster  
13 care and adoption programs” and inserting  
14 “foster care, prevention, and permanency pro-  
15 grams”; and

16 (3) by amending the first sentence of paragraph  
17 (6) to read as follows: “Each panel established  
18 under paragraph (1) shall prepare and make avail-  
19 able to the State and the public, on an annual basis,  
20 a report containing a summary of the activities of  
21 the panel, the criteria used for determining which  
22 activities the panel engaged in, and recommenda-  
23 tions or observations to improve the child protective  
24 services system at the State and local levels, and the

1 data upon which these recommendations or observa-  
2 tions are based.”.

3 (d) ANNUAL STATE DATA REPORTS.—Section  
4 106(d) of the Child Abuse Prevention and Treatment Act  
5 (42 U.S.C. 5106a(d)) is amended—

6 (1) by amending paragraph (13) to read as fol-  
7 lows:

8 “(13) The annual report containing the sum-  
9 mary of the activities and recommendations of the  
10 citizen review panels of the State required by sub-  
11 section (c)(6), and the actions taken by the State as  
12 a result of such recommendations.”;

13 (2) in paragraph (15), by striking “subsection  
14 (b)(2)(B)(ii)” and inserting “subsection  
15 (b)(2)(D)(i)”;

16 (3) in paragraph (16), by striking “subsection  
17 (b)(2)(B)(xxi)” and inserting “subsection  
18 (b)(2)(D)(viii)”;

19 (4) in paragraph (17), by striking “subsection  
20 (b)(2)(B)(xxiv)” and inserting “subsection  
21 (b)(2)(A)(xv)”;

22 (5) in paragraph (18)—

23 (A) in subparagraph (A), by striking “sub-  
24 section (b)(2)(B)(ii)” and inserting “subsection  
25 (b)(2)(D)(i)”;

1 (B) in subparagraph (B), by striking “sub-  
2 section (b)(2)(B)(iii)” and inserting “subsection  
3 (b)(2)(D)(ii)”;

4 (C) in subparagraph (C), by striking “sub-  
5 section (b)(2)(B)(iii)” and inserting “subsection  
6 (b)(2)(D)(ii)”;

7 (6) by adding at the end the following:

8 “(19) The number of child fatalities and near  
9 fatalities from maltreatment and related information  
10 in accordance with the uniform standards estab-  
11 lished under section 103(d).”.

12 (e) ALLOTMENTS.—Section 106(f) of the Child Abuse  
13 Prevention and Treatment Act (42 U.S.C. 5106a(f)) is  
14 amended by adding at the end the following:

15 “(6) LIMITATION.—For any fiscal year for  
16 which the amount allotted to a State or territory  
17 under this subsection exceeds the amount allotted to  
18 the State or territory under such subsection for fis-  
19 cal year 2019, the State or territory may use not  
20 more than 2 percent of such excess amount for ad-  
21 ministrative expenses.”.

22 **SEC. 107. MISCELLANEOUS REQUIREMENTS.**

23 Section 108 of the Child Abuse Prevention and  
24 Treatment Act (42 U.S.C. 5106d) is amended—

1 (1) in subsection (b), by inserting “Indian  
2 tribes, and tribal organizations,” after “States,”;

3 (2) by redesignating subsections (c) through (e)  
4 as subsections (d) through (f), respectively; and

5 (3) by inserting after subsection (b) the fol-  
6 lowing:

7 “(c) PROTECTING AGAINST SYSTEMIC CHILD SEX-  
8 UAL ABUSE.—

9 “(1) REPORTING AND TASK FORCE.—Not later  
10 than 24 months after the date of the enactment of  
11 the Human Services and Community Supports Act,  
12 each State task force established under section  
13 107(c) and expanded as described in paragraph (2)  
14 shall study and make recommendations on the fol-  
15 lowing, with a focus on preventing systemic child  
16 sexual abuse:

17 “(A) How to detect systemic child sexual  
18 abuse that occurs in an organization.

19 “(B) How to prevent child sexual abuse  
20 and systemic child sexual abuse from occurring  
21 in organizations, which shall include rec-  
22 ommendations to improve—

23 “(i) practices and policies for the edu-  
24 cation of parents, caregivers, and victims,  
25 and age appropriate education of children,



1 about risk factors or signs of potential  
2 child sexual abuse; and

3 “(ii) the efficacy of applicable State  
4 laws and the role such laws play in deter-  
5 ring or preventing incidences of child sex-  
6 ual abuse.

7 “(C) The feasibility of making available  
8 the disposition of a perpetrator within an orga-  
9 nization to—

10 “(i) the child alleging sexual abuse or  
11 the child’s family; or

12 “(ii) an adult who was a child at the  
13 time of the sexual abuse claim in question  
14 or the adult’s family.

15 “(2) TASK FORCE COMPOSITION.—For purposes  
16 of this subsection, a State task force shall include—

17 “(A) the members of the State task force  
18 described in section 107(c) for the State; and

19 “(B) the following:

20 “(i) Family court judges.

21 “(ii) Individuals from religious organi-  
22 zations.

23 “(iii) Individuals from youth-serving  
24 organizations, including youth athletics or-  
25 ganizations.

1           “(3) REPORTING ON RECOMMENDATIONS.—Not  
2 later than 6 months after a State task force makes  
3 recommendations under paragraph (1), the State  
4 maintaining such State task force shall—

5           “(A) make public the recommendations of  
6 such report;

7           “(B) report to the Secretary on the status  
8 of adopting such recommendations; and

9           “(C) in a case in which the State declines  
10 to adopt a particular recommendation, make  
11 public the explanation for such declination.

12           “(4) DEFINITIONS.—For purposes of this sub-  
13 section—

14           “(A) the terms ‘child sexual abuse’ and  
15 ‘sexual abuse’ shall not be limited to an act or  
16 a failure to act on the part of a parent or care-  
17 taker;

18           “(B) the term ‘organization’ means any  
19 entity that serves children; and

20           “(C) the term ‘systemic child sexual abuse’  
21 means—

22           “(i) a pattern of informal or formal  
23 policy or de facto policy to not follow State  
24 and local requirements to report instances  
25 of child sexual abuse in violation of State

1 and local mandatory reporting laws or pol-  
2 icy; or

3 “(ii) a pattern of assisting individual  
4 perpetrators in maintaining their careers  
5 despite substantiated evidence of child sex-  
6 ual abuse.”.

7 **SEC. 108. REPORTS.**

8 (a) SCALING EVIDENCE-BASED TREATMENT OF  
9 CHILD ABUSE AND NEGLECT.—Section 110 of the Child  
10 Abuse Prevention and Treatment Act (42 U.S.C. 5106f)  
11 is amended to read as follows:

12 **“SEC. 110. STUDY AND REPORT RELATING TO SCALING EVI-  
13 DENCE-BASED TREATMENT OF CHILD ABUSE  
14 AND NEGLECT; STUDY AND REPORT ON MAR-  
15 ITAL AGE OF CONSENT; STUDY AND REPORT  
16 ON STATE MANDATORY REPORTING LAWS.**

17 “(a) IN GENERAL.—The Secretary shall conduct a  
18 study that examines challenges to, and best practices for,  
19 the scalability of treatments that reduce the trauma re-  
20 sulting from child abuse and neglect and reduce the risk  
21 of revictimization, such as those allowable under sections  
22 105 and 106.

23 “(b) CONTENT OF STUDY.—The study described in  
24 subsection (a) shall be completed in a manner that con-  
25 siders the variability among treatment programs and

1 among populations vulnerable to child abuse and neglect.

2 The study shall include, at minimum:

3           “(1) A detailed synthesis of the existing re-  
4 search literature examining barriers and challenges  
5 to, and best practices for the scalability of child wel-  
6 fare programs and services as well as programs and  
7 services for vulnerable children and families in re-  
8 lated fields, including healthcare and education.

9           “(2) Data describing state and local providers’  
10 experiences with scaling treatments that reduce the  
11 trauma resulting from child abuse and neglect and  
12 reduce the risk of revictimization.

13           “(3) Consultation with experts in child welfare,  
14 healthcare, and education.

15           “(c) REPORT.—Not later than 3 years after the date  
16 of the enactment of the Human Services and Community  
17 Supports Act, the Secretary shall submit to the Committee  
18 on Health, Education, Labor, and Pensions of the Senate  
19 and the Committee on Education and Labor of the House  
20 of Representatives a report that contains the results of  
21 the study conducted under subsection (a), including rec-  
22 ommendations for best practices for scaling treatments  
23 that reduce the trauma resulting from child abuse and ne-  
24 glect and reduce the risk of revictimization.

1           “(d) STUDY AND REPORT ON MARITAL AGE OF CON-  
2 SENT.—

3           “(1) STUDY.—The Secretary shall study, with  
4 respect to each State—

5                   “(A) the State law regarding the minimum  
6 marriage age; and

7                   “(B) the prevalence of marriage involving  
8 a child who is under the age of such minimum  
9 marriage age.

10           “(2) FACTORS.—The study required under  
11 paragraph (1) shall include an examination of—

12                   “(A) the extent to which any statutory ex-  
13 ceptions to the minimum marriage age in such  
14 laws contribute to the prevalence of marriage  
15 involving a child described in paragraph (1)(B);

16                   “(B) whether such exceptions allow such a  
17 child to be married without the consent of such  
18 child; and

19                   “(C) the impact of such exceptions on the  
20 safety of such children.

21           “(3) REPORT.—Not later than 1 year after the  
22 date of enactment of the Human Services and Com-  
23 munity Supports Act, the Secretary shall submit to  
24 the Committee on Health, Education, Labor, and  
25 Pensions of the Senate and the Committee on Edu-

1 cation and Labor of the House of Representatives a  
2 report containing the findings of the study required  
3 by this subsection, including any best practices.

4 “(e) STUDY AND REPORT ON STATE MANDATORY  
5 REPORTING LAWS.—

6 “(1) STUDY.—The Secretary shall collect infor-  
7 mation on and otherwise study State laws for man-  
8 datory reporting of incidents of child abuse or ne-  
9 glect. Such study shall examine trends in referrals  
10 and investigations of child abuse and neglect due to  
11 differences in such State laws with respect to the in-  
12 clusion, as mandatory reporters, of the following in-  
13 dividuals:

14 “(A) Individuals licensed or certified to  
15 practice in any health-related field licensed by  
16 the State, employees of health care facilities or  
17 providers licensed by the State, who are en-  
18 gaged in the admission, examination, care or  
19 treatment of individuals, including mental  
20 health and emergency medical service providers.

21 “(B) Individuals employed by a school who  
22 have direct contact with children, including  
23 teachers, administrators, and independent con-  
24 tractors.

1           “(C) Peace officers and law enforcement  
2           personnel.

3           “(D) Clergy, including Christian Science  
4           practitioners, except where prohibited on ac-  
5           count of clergy-penitent privilege.

6           “(E) Day care and child care operators  
7           and employees.

8           “(F) Employees of social services agencies  
9           who have direct contact with children in the  
10          course of employment.

11          “(G) Foster parents.

12          “(H) Court appointed special advocates  
13          (employees and volunteers).

14          “(I) Camp and after-school employees.

15          “(J) An individual, paid or unpaid, who,  
16          on the basis of the individual’s role as an inte-  
17          gral part of a regularly scheduled program, ac-  
18          tivity, or service, accepts responsibility for a  
19          child.

20          “(2) REPORT.—Not later than 4 years after the  
21          date of enactment of the Human Services and Com-  
22          munity Supports Act, the Secretary shall submit to  
23          the Committee on Health, Education, Labor, and  
24          Pensions of the Senate and the Committee on Edu-  
25          cation and Labor of the House of Representatives a

1 report containing the findings of the study required  
2 by this subsection, including any best practices re-  
3 lated to the inclusion, as mandatory reporters, of in-  
4 dividuals described in paragraph (1).”.

5 (b) REPORT ON CHILD ABUSE AND NEGLECT IN IN-  
6 DIAN TRIBAL COMMUNITIES.—

7 (1) IN GENERAL.—Not later than 2 years after  
8 the date of the enactment of this Act, the Comp-  
9 troller General, in consultation with the Indian  
10 tribes from each of the 12 regions of the Bureau of  
11 Indian Affairs, shall study child abuse and neglect in  
12 Indian Tribal communities for the purpose of identi-  
13 fying vital information and making recommendations  
14 concerning issues relating to child abuse and neglect  
15 in such communities, and submit to the Committee  
16 on Health, Education, Labor, and Pensions and the  
17 Committee on Indian Affairs of the Senate and the  
18 Committee on Education and Labor and the Com-  
19 mittee on Natural Resources of the House of Rep-  
20 resentatives a report on such study, which shall in-  
21 clude—

22 (A) the number of Indian tribes providing  
23 primary child abuse and neglect prevention ac-  
24 tivities;



1 (B) the number of Indian tribes providing  
2 secondary child abuse and neglect prevention  
3 activities;

4 (C) promising practices of Indian tribes  
5 with respect to child abuse and neglect preven-  
6 tion that are culturally-based or culturally-  
7 adapted;

8 (D) information and recommendations on  
9 how such culturally-based or culturally-adapted  
10 child abuse and neglect prevention activities  
11 could become evidence-based;

12 (E) the number of Indian tribes that have  
13 accessed Federal child abuse and neglect pre-  
14 vention programs;

15 (F) child abuse and neglect prevention ac-  
16 tivities that Indian tribes provide using State  
17 funds;

18 (G) child abuse and neglect prevention ac-  
19 tivities that Indian tribes provide using Tribal  
20 funds;

21 (H) Tribal access to State children's trust  
22 fund resources, as described in section 202 of  
23 the Child Abuse Prevention and Treatment Act  
24 (42 U.S.C. 5116a);

1 (I) how a children’s trust fund model could  
2 be used to support prevention efforts regarding  
3 child abuse and neglect of American Indian and  
4 Alaska Native children;

5 (J) Federal agency technical assistance ef-  
6 forts to address child abuse and neglect preven-  
7 tion and treatment of American Indian and  
8 Alaska Native children;

9 (K) Federal agency cross-system collabora-  
10 tion to address child abuse and neglect preven-  
11 tion and treatment of American Indian and  
12 Alaska Native children;

13 (L) Tribal access to child abuse and ne-  
14 glect prevention research and demonstration  
15 grants under the Child Abuse Prevention and  
16 Treatment Act (42 U.S.C. 5101 et seq.); and

17 (M) an examination of child abuse and ne-  
18 glect data systems to identify what Tribal data  
19 is being submitted, barriers to submitting data,  
20 and recommendations on improving the collec-  
21 tion of data from Indian Tribes.

22 (2) DEFINITIONS.—In this subsection—

23 (A) the term “Alaska Native” has the  
24 meaning given the term in section 111 of the

1 Child Abuse Prevention and Treatment Act (42  
2 U.S.C. 5106g); and

3 (B) the terms “child abuse and neglect”  
4 and “Indian tribe” have the meaning given the  
5 terms in section 3 of the Child Abuse Preven-  
6 tion and Treatment Act (42 U.S.C. 5101 note).

7 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 112(a) of the Child Abuse Prevention and  
9 Treatment Act (42 U.S.C. 5106h(a)) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “to carry out” through  
12 “fiscal year 2010” and inserting “to carry out  
13 this title \$270,000,000 for fiscal year 2021”;  
14 and

15 (B) by striking “2011 through 2015” and  
16 inserting “2022 through 2026”; and

17 (2) by striking paragraph (2)(A) and inserting  
18 the following:

19 “(A) IN GENERAL.—Of the amounts ap-  
20 propriated for a fiscal year under paragraph  
21 (1), the Secretary shall make available 30 per-  
22 cent of such amounts, or \$100,000,000, which-  
23 ever is less, to fund discretionary activities  
24 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 tech-  
8 nical assistance to support States, which shall  
9 include guidance on the requirements of this  
10 Act with respect to infants born with and iden-  
11 tified as being affected by substance use or  
12 withdrawal symptoms, Neonatal Abstinence  
13 Syndrome, or Fetal Alcohol Spectrum Disorder,  
14 as described in clauses (i) and (ii) of section  
15 106(b)(2)(D), including 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, col-  
25 laboration and coordination, and identifica-  
26 tion and delivery of services for different

1 populations, while recognizing needs of dif-  
2 ferent populations and varying community  
3 approaches across States; and

4 “(D) include the submission of a report to  
5 the Committee on Education and Labor of the  
6 House of Representatives and the Committee  
7 on Health, Education, Labor, and Pensions of  
8 the Senate not later than 1 year after the date  
9 of the enactment of this Act that contains a de-  
10 scription of the activities taken by the Secretary  
11 to comply with the requirements of subpara-  
12 graph (C); and”.

13 **SEC. 111. ELECTRONIC INTERSTATE DATA EXCHANGE SYS-**  
14 **TEM.**

15 Title I of the Child Abuse Prevention and Treatment  
16 Act (42 U.S.C. 5101 et seq.) is amended by adding at  
17 the end the following:

18 **“SEC. 115. ELECTRONIC INTERSTATE DATA EXCHANGE SYS-**  
19 **TEM.**

20 “(a) INTERSTATE DATA EXCHANGE SYSTEM.—

21 “(1) IN GENERAL.—The Secretary of Health  
22 and Human Services shall consider the recommenda-  
23 tions included in the reports required under para-  
24 graph (8)(A) and subsection (b)(2) in developing an  
25 electronic interstate data exchange system that al-

1        lows State entities responsible under State law for  
2        maintaining child abuse and neglect registries to  
3        communicate information across State lines.

4            “(2) STANDARDS.—In developing the electronic  
5        interstate data exchange system under paragraph  
6        (1), 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  
12        standards 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  
22        INTERSTATE DATA EXCHANGE SYSTEM.—The elec-  
23        tronic interstate data exchange system may only be  
24        used for 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  
9           than 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 sub-  
19           section.

20           “(6) PARTICIPATION.—As a condition on eligi-  
21           bility for receipt of funds under section 106, each  
22           State shall—

23           “(A) participate in the electronic interstate  
24           data exchange system to the fullest extent pos-  
25           sible in accordance with State law (as deter-

1           mined by the Secretary of Health and Human  
2           Services) not later than December 31, 2027;  
3           and

4                   “(B) prior to the participation described in  
5           subparagraph (A), provide to the Secretary of  
6           Health and Human Services an assurance that  
7           the child abuse and neglect registry of such  
8           State provides procedural due process protec-  
9           tions with respect to including individuals on  
10          such registry.

11                   “(7) PROHIBITION.—The Secretary of Health  
12          and Human Services may not access or store data  
13          from the electronic interstate data exchange system,  
14          unless the State to which such data pertains volun-  
15          tarily shares such data with the Secretary of Health  
16          and Human Services.

17                   “(8) REPORTS.—The Secretary of Health and  
18          Human Services shall prepare and submit to Con-  
19          gress—

20                           “(A) not later than 3 years after the date  
21                   of the enactment of this section, a report on the  
22                   recommendations from the pilot program de-  
23                   scribed in paragraph (4); and



1           “(B) not later than January 31, 2025, a  
2           report on the progress made in implementing  
3           this subsection.

4           “(9) AUTHORIZATION OF APPROPRIATIONS.—Of  
5           the funds appropriated under section 112 for a fiscal  
6           year—

7           “(A) for each of fiscal years 2021 and  
8           2022, \$2,000,000 shall be reserved to carry out  
9           this section; and

10           “(B) for each of fiscal years 2023 through  
11           2026, \$1,000,000 shall be reserved to carry out  
12           this section.

13           “(b) WORKING GROUP.—

14           “(1) IN GENERAL.— Not later than 60 days  
15           after the date of the enactment of this section, the  
16           Secretary of Health and Human Services shall con-  
17           vene a working group to study and make rec-  
18           ommendations on the following:

19           “(A) The feasibility of making publicly  
20           available on the website of each State defini-  
21           tions and standards of substantiated child  
22           abuse and neglect for the State.

23           “(B) Whether background check require-  
24           ments under this Act, the Child Care and De-  
25           velopment Block Grant Act of 1990 (42 U.S.C.

1 9858 et seq.), and part E of title IV of the So-  
2 cial Security Act (42 U.S.C. 670 et seq.) are  
3 complementary or if there are discrepancies  
4 that need to be addressed.

5 “(C) How to improve communication be-  
6 tween and across States, including through the  
7 use of technology and the use of the electronic  
8 interstate data exchange system established  
9 under subsection (a), to allow for more accurate  
10 and efficient exchange of child abuse and ne-  
11 glect records.

12 “(D) How to reduce barriers and establish  
13 best practices for the State to provide timely re-  
14 sponses to requests from other States for infor-  
15 mation contained in the State’s child abuse and  
16 neglect registry through the electronic inter-  
17 state data exchange system established under  
18 subsection (a).

19 “(E) How to ensure due process for any  
20 individual included in a State’s child abuse and  
21 neglect registry, including the following:

22 “(i) The level of evidence necessary  
23 for inclusion in the State’s child abuse and  
24 neglect registry.

1           “(ii) The process for notifying such  
2 individual of inclusion in the State’s child  
3 abuse and neglect registry and the implica-  
4 tions of such inclusion.

5           “(iii) The process for providing such  
6 individual the opportunity to challenge  
7 such inclusion, and the procedures for re-  
8 solving such challenge.

9           “(iv) The length of time an individ-  
10 ual’s record is to remain in the State’s  
11 child abuse and neglect registry, and the  
12 process for removing such individual’s  
13 record.

14           “(v) The criteria for when such indi-  
15 vidual’s child abuse and neglect registry  
16 record may be—

17                   “(I) made accessible to the gen-  
18 eral public;

19                   “(II) made available for purposes  
20 of an employment check; and

21                   “(III) be shared for the purposes  
22 of participation in the electronic inter-  
23 state data exchange system described  
24 in subsection (a).

1           “(2) REPORT.—Not later than 18 months after  
2           the date of the enactment of this section, the work-  
3           ing group convened under paragraph (1) shall sub-  
4           mit a report containing its recommendations to the  
5           Secretary of Health and Human Services, the Com-  
6           mittee on Health, Education, Labor, and Pensions  
7           of the Senate, and the Committee on Education and  
8           Labor of the House of Representatives.

9           “(3) CONSTRUCTION.—There shall be no re-  
10          quirement for any State to adopt the recommenda-  
11          tions of the working group, nor shall the Secretary  
12          of Health and Human Services incentivize or coerce  
13          any State to adopt any such recommendation.”.

14 **SEC. 112. TECHNICAL AND CONFORMING AMENDMENTS.**

15          (a) TECHNICAL AMENDMENTS.— The Child Abuse  
16          Prevention and Treatment Act (42 U.S.C. 5101 et seq.),  
17          as amended by the preceding provisions of this title, is  
18          further amended—

19                 (1) by striking “Committee on Education and  
20                 the Workforce” each place it appears and inserting  
21                 “Committee on Education and Labor”;

22                 (2) in section 103(c)(1)(F), by striking “abused  
23                 and neglected children” and inserting “victims of  
24                 child abuse or neglect”; and

1 (3) in section 107(f), by striking “(42 U.S.C.  
2 10603a)” and inserting “(34 U.S.C. 20104)”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) SECTION 103.—Section 103(b)(5) (42  
5 U.S.C. 5104(b)(5)) is amended by striking “section  
6 106(b)(2)(B)(iii)” and inserting “section  
7 106(b)(2)(D)(ii)”.

8 (2) SECTION 105.—Section 105(a)(11) (42  
9 U.S.C. 5106(a)(11) (as redesignated by section  
10 105(1)(A) of this title) is amended—

11 (A) in subparagraph (A), by striking “sec-  
12 tion 106(b)(2)(B)(iii)” and inserting “section  
13 106(b)(2)(D)(ii)”;

14 (B) in subparagraph (C)—

15 (i) in clause (i)(II), by striking “sec-  
16 tion 106(b)(2)(B)(iii)” and inserting “sec-  
17 tion 106(b)(2)(D)(ii)”;

18 (ii) in clause (i)(IV), by striking “sec-  
19 tion 106(b)(2)(B)(iii)(II)” and inserting  
20 “section 106(b)(2)(D)(ii)(II)”;

21 (iii) in clause (ii), by striking “clauses  
22 (ii) and (iii) of section 106(b)(2)(B)” and  
23 inserting “clauses (i) and (ii) of section  
24 106(b)(2)(D)”;

25 (C) in subparagraph (D)—

1 (i) in clause (i)(I), by striking “sec-  
2 tion 106(b)(2)(B)(iii)(I)” and inserting  
3 “section 106(b)(2)(D)(ii)(I)”;

4 (ii) in clause (ii)(I), by striking “sec-  
5 tion 106(b)(2)(B)(ii)” and inserting “sec-  
6 tion 106(b)(2)(D)(i)”;

7 (iii) in clause (ii)(II), by striking “sec-  
8 tion 106(b)(2)(B)(iii)” and inserting “sec-  
9 tion 106(b)(2)(D)(ii)(I)”;

10 (iv) in clause (iii)(I), by striking “sec-  
11 tion 106(b)(2)(B)(i)” and inserting “sec-  
12 tion 106(b)(2)(A)(i)”;

13 (v) in clause (iii)(IV), by striking  
14 “section 106(b)(2)(B)(iii)” and inserting  
15 “section 106(b)(2)(D)(ii)”;

16 (vi) in clause (v), by striking “section  
17 106(b)(2)(B)(iii)” and inserting “section  
18 106(b)(2)(D)(ii)”;

19 (D) in subparagraph (E), by striking “sec-  
20 tion 106(b)(2)(B)(ii)” and inserting “section  
21 106(b)(2)(D)(i)”;

22 (E) in subparagraph (G)(ii), by striking  
23 “clauses (ii) and (iii) of section 106(b)(2)(B)”  
24 and inserting “clauses (i) and (ii) of section  
25 106(b)(2)(D)”.

1           (3) SECTION 114.—Section 114(1)(B) (42  
2 U.S.C. 5108(1)(B)) is amended by striking “clauses  
3 (ii) and (iii) of section 106(b)(2)(B)” and inserting  
4 “clauses (i) and (ii) of section 106(b)(2)(D)”.

5           (4) TABLE OF CONTENTS.—The table of con-  
6 tents in section 1(b) of the Child Abuse Prevention  
7 and Treatment Act is amended—

8           (A) by striking the items relating to sec-  
9 tions 2 and 102;

10           (B) by inserting after the item relating to  
11 section 114 the following:

“Sec. 115. Electronic interstate data exchange system.”; and

12           (C) by striking the item relating to section  
13 110, 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.”.

14 **Subtitle           B—Community-based**  
15 **Grants for the Prevention of**  
16 **Child Abuse and Neglect**

17 **SEC. 121. PURPOSE AND AUTHORITY.**

18       Section 201 of the Child Abuse Prevention and  
19 Treatment Act (42 U.S.C. 5116) is amended to read as  
20 follows:

21 **“SEC. 201. PURPOSE AND AUTHORITY.**

22       “(a) PURPOSE.—It is the purpose of this title—

1           “(1) to support community-based efforts to de-  
2           velop, operate, expand, enhance, evaluate, and co-  
3           ordinate initiatives, programs, and activities to  
4           strengthen families and prevent child abuse and ne-  
5           glect;

6           “(2) to support the development of a State  
7           strategy to address unmet need and the coordination  
8           of State, regional, and local resources and activities  
9           to better strengthen and support families to reduce  
10          the likelihood of child abuse and neglect; and

11          “(3) to support local programs in increasing the  
12          ability of diverse populations with demonstrated  
13          need, including low-income families, racial and eth-  
14          nic minorities, families with children or caregivers  
15          with disabilities, underserved communities, and rural  
16          communities, to access a continuum of preventive  
17          services that strengthen families in order to more ef-  
18          fectively prevent child abuse and neglect.

19          “(b) **AUTHORITY.**—The Secretary shall make grants  
20          under this title on a formula basis to the entity designated  
21          by the State as the lead entity (referred to in this title  
22          as the ‘lead entity’) under section 202(1) for the following  
23          purposes—

24                 “(1) supporting local programs in providing  
25                 community-based family strengthening services de-



1 signed to prevent child abuse and neglect that help  
2 families build protective factors linked to the preven-  
3 tion of child abuse and neglect, such as knowledge  
4 of parenting and child development, parental resil-  
5 ience, social connections, time-limited and need-  
6 based concrete support, and social and emotional de-  
7 velopment of children, that—

8 “(A) are effective, culturally appropriate,  
9 and accessible to diverse populations with dem-  
10 onstrated need;

11 “(B) build upon existing strengths;

12 “(C) offer assistance to families;

13 “(D) provide early, comprehensive support  
14 for parents;

15 “(E) promote the development of healthy  
16 familial relationships and parenting skills, espe-  
17 cially in young parents and parents with very  
18 young children;

19 “(F) increase family stability;

20 “(G) improve family access to other formal  
21 and informal community-based resources, such  
22 as providing referrals to early health and devel-  
23 opmental services, mental health services, and  
24 time-limited and need-based concrete supports,

1 including for homeless families and those at-  
2 risk of homelessness;

3 “(H) support the additional needs of fami-  
4 lies with children or caregivers with disabilities  
5 through respite care and other services; and

6 “(I) demonstrate a commitment to the con-  
7 tinued leadership of parents in the planning,  
8 program implementation, and evaluation of the  
9 lead entity and local programs funded under  
10 this title, including involvement of parents of  
11 children with disabilities, parents who are indi-  
12 viduals with disabilities, racial and ethnic mi-  
13 norities, and members of other underrep-  
14 resented or underserved groups;

15 “(2) promoting the development of a continuum  
16 of preventive services that strengthen families and  
17 promote child, parent, family, and community well-  
18 being, through the development of State and local  
19 networks, including collaboration and coordination  
20 between local programs and public agencies and pri-  
21 vate entities that utilize culturally responsive pro-  
22 viders;

23 “(3) financing the start-up, maintenance, ex-  
24 pansion, or redesign of core services described in  
25 section 205(b)(3) where communities have identified

1 and decided to address unmet need identified in the  
2 inventory described in section 204(3), to the extent  
3 practicable given funding levels and community pri-  
4 orities;

5 “(4) maximizing funding through leveraging  
6 Federal, State, local, and private funds to carry out  
7 the purposes of the title;

8 “(5) financing public information activities,  
9 which may include activities to increase public  
10 awareness and education, and developing com-  
11 prehensive outreach strategies to engage diverse pop-  
12 ulations with demonstrated need, that focus on the  
13 healthy and positive development of parents and  
14 children; and

15 “(6) to the extent practicable—

16 “(A) promoting the development, enhance-  
17 ment, expansion, and implementation of a state-  
18 wide strategy to address the unmet need identi-  
19 fied in the inventory described in section  
20 204(3), with input from relevant stakeholders,  
21 to scale evidence-based and evidence-informed  
22 community-based family strengthening services  
23 designed to prevent child abuse and neglect;  
24 and

1           “(B) addressing and supporting the capac-  
2           ity of local programs to strengthen families and  
3           prevent child abuse and neglect through tech-  
4           nical assistance, professional development, and  
5           collaboration between local programs.”.

6 **SEC. 122. ELIGIBILITY.**

7           Section 202 of the Child Abuse Prevention and  
8           Treatment Act (42 U.S.C. 5116a) is amended—

9           (1) in paragraph (1)—

10           (A) in subparagraph (A), by inserting “,  
11           taking into consideration the capacity and ex-  
12           pertise of eligible entities,” after “State”;

13           (B) in subparagraph (B), by striking “par-  
14           ents who are” and all that follows and inserting  
15           “parents who are or who have been consumers  
16           of preventive supports and who can provide  
17           leadership in the planning, implementation, and  
18           evaluation of programs and policy decisions of  
19           the lead entity in accomplishing the desired out-  
20           comes of such efforts; and”;

21           (C) in subparagraph (C)—

22           (i) by inserting “local,” after  
23           “State,”; and

24           (ii) by striking “and” at the end; and

25           (D) by striking subparagraph (D);

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by striking  
3 “composed of” and all that follows through the  
4 semicolon at the end and inserting “carried out  
5 by local, collaborative, public-private partner-  
6 ships;”; and

7 (B) in subparagraph (C)—

8 (i) by inserting “local,” after  
9 “State;”; and

10 (ii) by striking “and” at the end;

11 (3) in paragraph (3)—

12 (A) by striking subparagraph (A) and in-  
13 serting the following:

14 “(A) has demonstrated commitment to the  
15 continued leadership of parents in the develop-  
16 ment, operation, evaluation, and oversight of  
17 State and local efforts to support community-  
18 based family strengthening services designed to  
19 prevent child abuse and neglect;”;

20 (B) in subparagraph (B), by striking  
21 “community-based and prevention-focused pro-  
22 grams and activities designed to strengthen and  
23 support families” and inserting “community-  
24 based family strengthening services designed”;

25 (C) in subparagraph (C)—

1 (i) by striking “community-based and  
2 prevention-focused programs and activities  
3 designed to strengthen and support fami-  
4 lies to prevent child abuse and neglect”  
5 and inserting “local programs”; and

6 (ii) by striking “and” at the end; and

7 (D) by striking subparagraph (D) and in-  
8 serting the following:

9 “(D) will integrate efforts with individuals  
10 and organizations experienced in working in  
11 partnership with families with children with dis-  
12 abilities or parents with disabilities, diverse  
13 populations with demonstrated need, sexual and  
14 gender minority youth, victims of domestic vio-  
15 lence, and with the child abuse and neglect pre-  
16 vention activities in the State, and demonstrate  
17 a financial commitment to those activities; and

18 “(E) will take into consideration access for  
19 diverse populations and unmet need when dis-  
20 tributing funds to local programs under section  
21 205; and”; and

22 (4) by adding at the end the following:

23 “(4) the Governor of the State provides an as-  
24 surance that, in issuing regulations in consultation  
25 with the lead entity to improve the delivery of com-

1 munity-based family strengthening services designed  
2 to promote child, family, and community well-being,  
3 and to prevent child abuse and neglect, the State  
4 will—

5 “(A) take into account how such regula-  
6 tions will impact activities funded under this  
7 Act; and

8 “(B) where appropriate, attempt to avoid  
9 duplication of efforts, minimize costs of compli-  
10 ance with such regulations, and maximize local  
11 flexibility with respect to such regulations.”.

12 **SEC. 123. AMOUNT OF GRANT.**

13 Section 203 of the Child Abuse Prevention and  
14 Treatment Act (42 U.S.C. 5116b) is amended—

15 (1) by adding at the end of subsection (a) the  
16 following: “For any fiscal year for which the amount  
17 appropriated under section 210(a) exceeds the  
18 amount appropriated under such section for fiscal  
19 year 2019 by more than \$2,000,000, the Secretary  
20 shall increase the reservation described in this sub-  
21 section to 5 percent of the amount appropriated  
22 under section 210(a) for the fiscal year for the pur-  
23 pose described in the preceding sentence.”;

24 (2) in subsection (b)(1)(A), by striking  
25 “\$175,000” and inserting “\$200,000”; and

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

2 “(d) LIMITATION.—For any fiscal year for which the  
3 amount allotted to a State under subsection (b) exceeds  
4 the amount allotted to the State under such subsection  
5 for fiscal year 2019, the State’s lead entity may use not  
6 more than 10 percent of such excess amount for adminis-  
7 trative expenses.”.

8 **SEC. 124. APPLICATION.**

9 Section 204 of the Child Abuse Prevention and  
10 Treatment Act (42 U.S.C. 5116d) is amended to read as  
11 follows:

12 **“SEC. 204. APPLICATION.**

13 “A grant may not be made to a State under this title  
14 unless an application therefore is submitted by the lead  
15 entity to the Secretary and such application contains the  
16 types of information specified by the Secretary as essential  
17 to carrying out the provisions of section 202, including—

18 “(1) a description of the lead entity that will be  
19 responsible for the administration of funds provided  
20 under this title and the oversight of community-  
21 based family strengthening services designed to pre-  
22 vent child abuse and neglect that receive assistance  
23 from the lead entity in accordance with section 205;

24 “(2) a description of how community-based  
25 family strengthening services designed to prevent



1 child abuse and neglect supported by the lead entity  
2 will operate, including how local programs that re-  
3 ceive assistance from the lead entity and public  
4 agencies and private entities that promote child, par-  
5 ent, family, and community well-being will be inte-  
6 grated into a developing continuum of family cen-  
7 tered, holistic, preventive services for children and  
8 families;

9 “(3) a description of the inventory of current  
10 unmet need and current community-based family  
11 strengthening services designed to prevent child  
12 abuse and neglect, and other family resource services  
13 operating in the State, including a description of  
14 how the lead entity plans to address unmet need in  
15 underserved areas;

16 “(4) a budget for the development, operation,  
17 and expansion of the community-based family  
18 strengthening services designed to prevent child  
19 abuse and neglect that verifies that the State will ex-  
20 pend in non-Federal funds an amount equal to not  
21 less than 20 percent of the amount received under  
22 this title (in cash, not in-kind) for activities under  
23 this title;

24 “(5) an assurance that funds received under  
25 this title will supplement, not supplant, other State

1 and local public funds designated for the start-up,  
2 maintenance, expansion, and redesign of community-  
3 based family strengthening services designed to pre-  
4 vent child abuse and neglect;

5 “(6) a description of the lead entity’s capacity  
6 and commitment to ensure the continued leadership  
7 of parents who are or have been consumers of pre-  
8 ventive supports, including parents of diverse popu-  
9 lations with demonstrated need, family advocates,  
10 and adult former victims of child abuse or neglect,  
11 in the planning, implementation, and evaluation of  
12 the programs and policy decisions of the lead entity  
13 in accomplishing the desired outcomes for such ef-  
14 forts;

15 “(7) a description of the criteria that the lead  
16 entity will use to identify communities in which to  
17 provide services, and select and fund local programs  
18 in accordance with section 205, including how the  
19 lead entity will take into consideration the local pro-  
20 gram’s ability to—

21 “(A) collaborate with other community-  
22 based organizations and service providers and  
23 engage in long-term and strategic planning to  
24 support the development of a continuum of pre-  
25 ventive services that strengthen families;

1           “(B) meaningfully partner with parents in  
2           the development, implementation, and evalua-  
3           tion of services;

4           “(C) reduce barriers to access to commu-  
5           nity-based family strengthening services de-  
6           signed to prevent child abuse and neglect, in-  
7           cluding for diverse populations with dem-  
8           onstrated need; and

9           “(D) incorporate evidence-based or evi-  
10          dence-informed practices, to the extent prac-  
11          ticable;

12          “(8) a description of outreach activities that the  
13          lead entity and local programs will undertake to  
14          maximize the participation of low-income families,  
15          racial and ethnic minorities, children and adults with  
16          disabilities, sexual and gender minority youth, vic-  
17          tims of domestic violence, homeless families and  
18          those at risk of homelessness, families experiencing  
19          complex needs, and members of other underserved or  
20          underrepresented groups;

21          “(9) a plan for providing operational support,  
22          training, and technical assistance to local programs,  
23          which may include coordination with public agencies  
24          and private entities that promote child, parent, and  
25          family well-being to support increased access to a

1 continuum of preventive services that strengthen and  
2 support families to prevent child abuse and neglect;

3 “(10) a description of how the performance of  
4 the lead entity and local programs will be measured  
5 in accordance with section 206;

6 “(11) a description of the actions that the lead  
7 entity will take to inform systemic changes in State  
8 policies, practices, procedures, and regulations to im-  
9 prove the delivery of community-based family  
10 strengthening services designed to prevent child  
11 abuse and neglect, including improved access for di-  
12 verse populations with demonstrated need; and

13 “(12) an assurance that the lead entity will pro-  
14 vide the Secretary with reports at such time and  
15 containing such information as the Secretary may  
16 require.”.

17 **SEC. 125. LOCAL PROGRAM REQUIREMENTS.**

18 Section 205 of the Child Abuse Prevention and  
19 Treatment Act (42 U.S.C. 5116e) is amended to read as  
20 follows:

21 **“SEC. 205. LOCAL PROGRAM REQUIREMENTS.**

22 “(a) IN GENERAL.—Grants or contracts made by the  
23 lead entity under this title shall be used to develop, imple-  
24 ment, operate, expand, and enhance community-based  
25 family strengthening services through a continuum of pre-

1 ventive services to strengthen families and prevent child  
2 abuse and neglect in a manner that—

3 “(1) helps families build protective factors that  
4 are linked to the prevention of child abuse and ne-  
5 glect to support child and family well-being, includ-  
6 ing knowledge of parenting and child development,  
7 parental resilience, social connections, time-limited  
8 and need-based concrete support, and social and  
9 emotional development of children;

10 “(2) takes into consideration the assets and  
11 needs of communities in which they are located; and

12 “(3) promotes coordination between local pro-  
13 grams and public agencies and private entities that  
14 promote child, parent, and family well-being.

15 “(b) LOCAL USES OF FUNDS.—Grant funds from the  
16 lead entity shall be used to develop, implement, operate,  
17 expand, and enhance community-based family strength-  
18 ening services designed to prevent child abuse and neglect,  
19 which may include the following:

20 “(1) assessing community assets and needs  
21 through a planning process that—

22 “(A) involves other community-based orga-  
23 nizations or agencies that have already per-  
24 formed a needs-assessment, where possible;

1           “(B) includes the meaningful involvement  
2           of parents; and

3           “(C) uses information and expertise from  
4           local public agencies, local nonprofit organiza-  
5           tions, and private sector representatives in  
6           meaningful roles;

7           “(2) developing a comprehensive strategy to  
8           provide a continuum of preventive, family-centered  
9           services to children and families that strengthen and  
10          support families to prevent child abuse and neglect,  
11          especially to young parents, to parents with young  
12          children, to families in hard-to-reach areas, and to  
13          parents who are adult former victims of domestic vi-  
14          olence or child abuse or neglect, through public-pri-  
15          vate partnerships;

16          “(3)(A) providing for core child abuse and ne-  
17          glect prevention services, which may be provided di-  
18          rectly by the local recipient of the grant funds or  
19          through grants or agreements with other local agen-  
20          cies, such as—

21                  “(i) parenting support and education  
22                  programs, including services that help par-  
23                  ents and other caregivers support chil-  
24                  dren’s development;

1 “(ii) mutual support and self help  
2 programs for parents and children;

3 “(iii) parent leadership skills develop-  
4 ment programs that support parents as  
5 leaders in their families and communities;

6 “(ii) respite care services;

7 “(iii) outreach and follow-up services,  
8 which may include voluntary home visiting  
9 services; and

10 “(iv) community and social service re-  
11 ferrals; and

12 “(B) connecting individuals and families to  
13 additional services, including—

14 “(i) referral to and counseling for  
15 adoption services for individuals interested  
16 in adopting a child or relinquishing their  
17 child for adoption;

18 “(ii) child care, early childhood care  
19 and education, such as Head Start and  
20 Early Head Start under the Head Start  
21 Act (42 U.S.C. 9831 et seq.), and early  
22 intervention services, including early inter-  
23 vention services for infants and toddlers  
24 with disabilities eligible for such services as  
25 defined in section 632 of the Individuals

1 with Disabilities Education Act (20 U.S.C.  
2 1432);

3 “(iii) referral to services and supports  
4 to meet the additional needs of families  
5 with children with disabilities and parents  
6 who are individuals with disabilities;

7 “(iv) nutrition programs, which may  
8 include the special supplemental nutrition  
9 programs for women, infants, and children  
10 established by section 17 of the Child Nu-  
11 trition Act of 1966 (42 U.S.C. 1786) and  
12 the supplemental nutrition assistance pro-  
13 gram under the Food and Nutrition Act of  
14 2008 (7 U.S.C. 2011 et seq.);

15 “(v) referral to educational services  
16 and workforce development activities, such  
17 as activities described in section 134 of the  
18 Workforce Innovation and Opportunity Act  
19 (29 U.S.C. 3174), adult education, includ-  
20 ing literacy and academic tutoring, and ac-  
21 tivities as described in section 203 of the  
22 Workforce Innovation and Opportunity Act  
23 (29 U.S.C. 3272);

24 “(vi) self-sufficiency and life manage-  
25 ment skills training;



1                   “(vii) community referral services, in-  
2                   cluding early developmental screening of  
3                   children and mental health services;

4                   “(viii) peer counseling; and

5                   “(ix) domestic violence service pro-  
6                   grams that provide services and treatment  
7                   to children and their non-abusing care-  
8                   givers;

9                   “(4) developing and maintaining leadership  
10                  roles for the meaningful involvement of parents in  
11                  the development, operation, evaluation, and over-  
12                  sight of the programs and services, including to pro-  
13                  mote access to such programs and services in spaces  
14                  familiar to families;

15                  “(5) providing leadership in mobilizing local  
16                  public and private resources to support the provision  
17                  of needed child abuse and neglect prevention pro-  
18                  gram services; and

19                  “(6) coordinating with public agencies and pri-  
20                  vate entities that promote child, parent, and family  
21                  well-being, including through the development of  
22                  State and local networks of programs and activities  
23                  to develop a continuum of preventive services to  
24                  strengthen families and to prevent child abuse and  
25                  neglect, where appropriate.

1 “(b) PRIORITY.—In awarding local grants under this  
2 title, a lead entity shall give priority to effective local pro-  
3 grams serving low-income communities and those serving  
4 young parents or parents with young children, including  
5 community-based child abuse and neglect prevention pro-  
6 grams.”.

7 **SEC. 126. PERFORMANCE MEASURES.**

8 Section 206 of the Child Abuse Prevention and  
9 Treatment Act (42 U.S.C. 5116f) is amended to read as  
10 follows:

11 **“SEC. 206. PERFORMANCE MEASURES.**

12 “A State receiving a grant under this title, through  
13 reports provided to the Secretary—

14 “(1) shall demonstrate the effective develop-  
15 ment, operation, and expansion of community-based  
16 family strengthening services designed to prevent  
17 child abuse and neglect that meets the requirements  
18 of this title;

19 “(2) shall supply an inventory and description  
20 of the services provided to families by local programs  
21 that meet identified community needs, including core  
22 and additional services as described in section 205,  
23 which description shall specify whether those services  
24 are evidence-based or evidence-informed, and which  
25 may include a description of barriers and challenges,

1 if any, to implementing evidence-based or evidence-  
2 informed services;

3 “(3) shall demonstrate that the lead entity ad-  
4 dressed unmet need identified by the inventory and  
5 description of current services required under section  
6 204(3) including, to the extent practicable, how the  
7 lead entity utilized a statewide strategy to address  
8 such unmet need;

9 “(4) shall describe the number of families  
10 served, including families with children with disabil-  
11 ities, and parents with disabilities, and demonstrate  
12 the involvement of a diverse representation of fami-  
13 lies in the design, operation, and evaluation of com-  
14 munity-based family strengthening services designed  
15 to prevent child abuse and neglect, and in the de-  
16 sign, operation and evaluation of the networks of  
17 such community-based and prevention-focused pro-  
18 grams;

19 “(5) shall demonstrate a high level of satisfac-  
20 tion among families who have participated in the  
21 community-based family strengthening services de-  
22 signed to prevent child abuse and neglect;

23 “(6) shall demonstrate the establishment or  
24 maintenance of innovative funding mechanisms, at  
25 the State or local level, that blend Federal, State,

1 local, and private funds, and innovative, interdiscipli-  
2 nary service delivery mechanisms, for the develop-  
3 ment, operation, expansion, and enhancement of the  
4 community-based family strengthening services de-  
5 signed to prevent child abuse and neglect;

6 “(7) shall describe the results of evaluation, or  
7 the outcomes of monitoring, conducted under the  
8 State program to demonstrate the effectiveness of  
9 activities conducted under this title in meeting the  
10 purposes of the program, including the number of  
11 local programs funded and the number of such pro-  
12 grams that collaborate with outside entities; and

13 “(8) shall demonstrate an implementation plan  
14 to ensure the continued leadership of parents in the  
15 on-going planning, implementation, and evaluation  
16 of such community-based family strengthening serv-  
17 ices designed to prevent child abuse and neglect.”.

18 **SEC. 127. NATIONAL NETWORK FOR COMMUNITY-BASED**  
19 **FAMILY RESOURCE PROGRAMS.**

20 Section 207 of the Child Abuse Prevention and  
21 Treatment Act (42 U.S.C. 5116g) is amended—

22 (1) in the matter preceding paragraph (1), by  
23 striking “such sums as may be necessary” and in-  
24 serting “not more than 5 percent”; and

1           (2) in paragraph (3), by striking “community-  
2           based and prevention-focused programs and activi-  
3           ties designed to strengthen and support families”  
4           and inserting “community-based family strength-  
5           ening services designed”.

6 **SEC. 128. DEFINITIONS.**

7           Section 208 of the Child Abuse Prevention and  
8           Treatment Act (42 U.S.C. 5116h) is amended—

9           (1) by redesignating paragraphs (1) and (2) as  
10          paragraphs (2) and (1), respectively, and transfer-  
11          ring paragraph (1) as redesignated to appear before  
12          paragraph (2) as redesignated; and

13          (2) by striking paragraph (1) (as so redesign-  
14          ated) and inserting the following:

15          “(1) **COMMUNITY-BASED FAMILY STRENGTH-**  
16          **ENING SERVICES.**—The term ‘community-based fam-  
17          ily strengthening services’ includes family resource  
18          programs, family support programs, voluntary home  
19          visiting programs, respite care services, parenting  
20          education, mutual support programs for parents and  
21          children, parent partner programs, and other com-  
22          munity programs or networks of such programs that  
23          provide activities that are designed to prevent child  
24          abuse and neglect.”.

1 **SEC. 129. RULE OF CONSTRUCTION.**

2 (a) IN GENERAL.—Title II of the Child Abuse Pre-  
3 vention and Treatment Act (42 U.S.C. 5116 et seq.) is  
4 amended—

5 (1) by redesignating section 209 as section 210;

6 and

7 (2) by inserting after section 208 the following:

8 **“SEC. 209. RULE OF CONSTRUCTION.**

9 “Nothing in this title shall be construed to prohibit  
10 grandparents, kinship care providers, foster parents, or  
11 adoptive parents from receiving or participating in services  
12 and programs under this title.”.

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents in section 1(b) of the Child Abuse Prevention and  
15 Treatment Act is amended by striking the item relating  
16 to section 209 and inserting the following:

“Sec. 209. Rule of construction.

“Sec. 210. Authorization of appropriations.”.

17 **SEC. 130. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 210 of the Child Abuse Prevention and  
19 Treatment Act, as redesignated by section 129 of this  
20 title, is amended—

21 (1) by striking “There are” and inserting the  
22 following:

23 “(a) IN GENERAL.—There are”;

1 (2) by striking “to carry out” through “fiscal  
2 year 2010” and inserting “to carry out this title  
3 \$270,000,000 for fiscal year 2021”;

4 (3) by striking “2011 through 2015” and in-  
5 serting “2022 through 2026”; and

6 (4) by adding at the end the following:

7 “(b) TREATMENT OF NON-FEDERAL FUNDS IN CER-  
8 TAIN FISCAL YEARS.—For any fiscal year for which the  
9 amount appropriated under subsection (a) exceeds the  
10 amount appropriated under such subsection for fiscal year  
11 2019, the Secretary shall consider non-Federal funds and  
12 in-kind contributions as part of the State contribution for  
13 the activities specified in section 204(4).”.

14 **SEC. 131. STUDY AND REPORT.**

15 (a) STUDY RELATING TO NEW PREVENTION PRO-  
16 GRAMS.—

17 (1) IN GENERAL.—The Comptroller General of  
18 the United States shall complete a study, using data  
19 reported by States to the Secretary of Health and  
20 Human Services under section 206 of the Child  
21 Abuse Prevention and Treatment Act (42 U.S.C.  
22 5116f), as amended by this title—

23 (A) to determine how many families and  
24 children in the first 3 years after the date of  
25 the enactment of this Act are served annually

1 through programs funded under title II of the  
2 Child Abuse Prevention and Treatment Act (42  
3 U.S.C. 5116 et seq.); and

4 (B) to compare the number of such fami-  
5 lies and children served annually in the first 3  
6 years after the date of the enactment of this  
7 Act to the number of such families and children  
8 served in fiscal year 2020.

9 (2) CONTENTS.—The study required under  
10 paragraph (1) shall include the following for each of  
11 the first 3 years after the date of the enactment of  
12 this Act:

13 (A) An examination of how many families  
14 received evidence-based programming under  
15 title II of the Child Abuse Prevention and  
16 Treatment Act (42 U.S.C. 5116 et seq.).

17 (B) An examination of the extent to which  
18 local programs conduct evaluations using funds  
19 provided under such title and the findings of  
20 such evaluations.

21 (C) An examination of whether findings of  
22 effectiveness in evaluation studies vary by  
23 urban, suburban, or rural community type.

24 (D) An examination of whether programs  
25 partnering with other entities are more effective



1 than those that do not partner with other enti-  
2 ties.

3 (E) An examination of barriers to imple-  
4 ment evidence-based programming or to con-  
5 duct evaluations in instances where such activi-  
6 ties do not occur.

7 (b) REPORT.—Not later than 4 years after the date  
8 of the enactment of this Act, the Comptroller General of  
9 the United States shall submit to the Committee on  
10 Health, Education, Labor, and Pensions of the Senate and  
11 the Committee on Education and Labor of the House of  
12 Representatives a report that contains the results of the  
13 study conducted under paragraph (1).

## 14 **Subtitle C—Adoption** 15 **Opportunities**

### 16 **SEC. 141. PURPOSE.**

17 Section 201 of the Child Abuse Prevention and  
18 Treatment and Adoption Reform Act of 1978 (42 U.S.C.  
19 5111) is amended—

20 (1) in the section heading, by striking “**CON-**  
21 **GRESSIONAL FINDINGS AND DECLARATION OF**  
22 **PURPOSE**” and inserting “**PURPOSE**”;

23 (2) by striking subsection (a); and

24 (3) in subsection (b)—

25 (A) by striking “(b) PURPOSE.—”;

1 (B) in the matter preceding paragraph (1),  
2 by inserting “sexual and gender minority  
3 youth” after “particularly older children, minor-  
4 ity children,”; and

5 (C) in paragraph (1), by inserting “serv-  
6 ices and,” after “post-legal adoption”.

7 **SEC. 142. REPORT AND GUIDANCE ON UNREGULATED CUS-**  
8 **TODY TRANSFERS.**

9 The Child Abuse Prevention and Treatment and  
10 Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.)  
11 is amended by inserting after section 201 the following:

12 **“SEC. 202. REPORT AND GUIDANCE ON UNREGULATED CUS-**  
13 **TODY TRANSFERS.**

14 “(a) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that:

16 “(1) Some adopted children may be at risk of  
17 experiencing an unregulated custody transfer be-  
18 cause the challenges associated with adoptions (in-  
19 cluding the child’s mental health needs and the dif-  
20 ficulties many families face in acquiring support  
21 services) may lead families to seek out unregulated  
22 custody transfers.

23 “(2) Some adopted children experience trauma,  
24 and the disruption and placement in another home

1 by unregulated custody transfer creates additional  
2 trauma and instability for children.

3 “(3) Children who experience an unregulated  
4 custody transfer may be placed with families who  
5 have not completed required child welfare or crimi-  
6 nal background checks or clearances.

7 “(4) Social services agencies and courts are  
8 often unaware of the placement of children through  
9 unregulated custody transfer and therefore do not  
10 conduct assessments on the child’s safety and well-  
11 being in such placements.

12 “(5) Such lack of placement oversight places a  
13 child at risk for future abuse and increases the  
14 chance that the child may experience—

15 “(A) abuse or neglect;

16 “(B) contact with unsafe adults or youth;  
17 and

18 “(C) exposure to unsafe or isolated envi-  
19 ronments.

20 “(6) The caregivers with whom a child is placed  
21 through unregulated custody transfer often have no  
22 legal responsibility with respect to such child, plac-  
23 ing the child at risk for additional unregulated cus-  
24 tody transfers.

1           “(7) Such caregivers also may not have com-  
2           plete records with respect to such child, including  
3           the child’s birth, medical, or immigration records.

4           “(8) A child adopted through intercountry  
5           adoption may be at risk of not acquiring United  
6           States citizenship if an unregulated custody transfer  
7           occurs before the adoptive parents complete all nec-  
8           essary steps to finalize the adoption of such child.

9           “(9) Engaging in, or offering to engage in, un-  
10          regulated custody transfer places children at risk of  
11          harm.

12          “(b) REPORT TO CONGRESS.—

13                 “(1) IN GENERAL.—Not later than 1 year after  
14                 the date of the enactment of this section, the Sec-  
15                 retary of Health and Human Services shall provide  
16                 to the Committee on Education and Labor of the  
17                 House of Representatives, the Committee on Ways  
18                 and Means of the House of Representatives, the  
19                 Committee on Finance of the Senate, and the Com-  
20                 mittee on Health, Education, Labor and Pensions of  
21                 the Senate a report on unregulated custody transfers  
22                 of children, including of adopted children.

23                 “(2) ELEMENTS.—The report required under  
24                 paragraph (1) shall include—

1           “(A) the causes, methods, and characteris-  
2           tics of unregulated custody transfers, including  
3           the use of social media and the internet;

4           “(B) the effects of unregulated custody  
5           transfers on children, including the lack of as-  
6           sessment of a child’s safety and well-being by  
7           social services agencies and courts due to such  
8           unregulated custody transfer;

9           “(C) the prevalence of unregulated custody  
10          transfers within each State and across all  
11          States; and

12          “(D) recommended policies for preventing,  
13          identifying, and responding to unregulated cus-  
14          tody transfers, including of adopted children,  
15          that include—

16                 “(i) amendments to Federal and State  
17                 law to address unregulated custody trans-  
18                 fers;

19                 “(ii) amendments to child protection  
20                 practices to address unregulated custody  
21                 transfers; and

22                 “(iii) methods of providing the public  
23                 information regarding adoption and child  
24                 protection.

25          “(c) GUIDANCE TO STATES.—

1           “(1) IN GENERAL.—Not later than 180 days  
2 after the date specified in subsection (b)(1), the Sec-  
3 retary shall issue guidance and technical assistance  
4 to States related to preventing, identifying, and re-  
5 sponding to unregulated custody transfers, including  
6 of adopted children.

7           “(2) ELEMENTS.—The guidance required under  
8 paragraph (1) shall include—

9           “(A) education materials related to pre-  
10 venting, identifying, and responding to unregu-  
11 lated custody transfers for employees of State,  
12 local, and Tribal agencies that provide child  
13 welfare services;

14           “(B) guidance on appropriate pre-adoption  
15 education and post-adoption services for domes-  
16 tic and international adoptive families to pro-  
17 mote child permanency; and

18           “(C) the assistance available through the  
19 National Resource Center for Special Needs  
20 Adoption under section 203(b)(9).

21           “(d) DEFINITIONS.—In this section:

22           “(1) STATE.—The term ‘State’ means each of  
23 the several States, the District of Columbia, and any  
24 commonwealth, territory, or possession of the United  
25 States.

1           “(2) UNREGULATED CUSTODY TRANSFER.—

2           The term ‘unregulated custody transfer’ means the  
3           abandonment of a child, by the child’s parent, legal  
4           guardian, or a person or entity acting on behalf, and  
5           with the consent, of such parent or guardian—

6                   “(A) by placing a child with a person who  
7           is not—

8                           “(i) the child’s parent, step-parent,  
9                           grandparent, adult sibling, legal guardian,  
10                          or other adult relative;

11                          “(ii) a friend of the family who is an  
12                          adult and with whom the child is familiar;  
13                          or

14                          “(iii) a member of the Federally rec-  
15                          ognized Indian tribe of which the child is  
16                          also a member;

17                          “(B) with the intent of severing the rela-  
18                          tionship between the child and the parent or  
19                          guardian of such child; and

20                          “(C) without—

21                                  “(i) reasonably ensuring the safety of  
22                                  the child and permanency of the placement  
23                                  of the child, including by conducting an of-  
24                                  ficial home study, background check, and  
25                                  supervision; and

1                   “(ii) transferring the legal rights and  
2                   responsibilities of parenthood or guardian-  
3                   ship under applicable Federal and State  
4                   law to a person described in subparagraph  
5                   (A).”.

6 **SEC. 143. INFORMATION AND SERVICES.**

7           (a) NATIONAL RESOURCE CENTER FOR SPECIAL  
8 NEEDS ADOPTION.—Section 203(b)(9) of the Child Abuse  
9 Prevention and Treatment and Adoption Reform Act of  
10 1978 (42 U.S.C. 5113(b)(9)) is amended by inserting “not  
11 later than 2 years after the date of the enactment of the  
12 Human Services and Community Supports Act, establish  
13 and” before “maintain”.

14           (b) PLACEMENT WITH ADOPTIVE FAMILIES.—Sec-  
15 tion 203(b)(11)(C) of the Child Abuse Prevention and  
16 Treatment and Adoption Reform Act of 1978 (42 U.S.C.  
17 5113(b)(11)(C)) is amended by striking “such children”  
18 and inserting “the children and youth described in the  
19 matter preceding paragraph (1) of section 201”.

20           (c) PRE-ADOPTION SERVICES.—Section 203(c)(1) of  
21 the Child Abuse Prevention and Treatment and Adoption  
22 Reform Act of 1978 (42 U.S.C. 5113(c)(1)) is amended  
23 by striking “post” and inserting “pre- and post-”.

24           (d) SERVICES.—Section 203(c)(2) of the Child Abuse  
25 Prevention and Treatment and Adoption Reform Act of



1 1978 (42 U.S.C. 5113(e)(2)) is amended by inserting  
2 “and the development of such services,” after “not sup-  
3 plant, services”.

4 (e) ELIMINATION OF BARRIERS TO ADOPTION  
5 ACROSS JURISDICTIONAL BOUNDARIES.—Section  
6 203(e)(1) of the Child Abuse Prevention and Treatment  
7 and Adoption Reform Act of 1978 (42 U.S.C. 5113(e)(1))  
8 is amended—

9 (1) by striking “with, States,” and inserting  
10 “with States, Indian Tribes,”; and

11 (2) by inserting “, including through the use of  
12 web-based tools such as the electronic interstate  
13 case-processing system referred to in section 437(g)  
14 of the Social Security Act (42 U.S.C. 629g(g))” be-  
15 fore the period at the end.

16 **SEC. 144. STUDY AND REPORT ON SUCCESSFUL ADOP-**  
17 **TIONS.**

18 Section 204 of the Child Abuse Prevention and  
19 Treatment and Adoption Reform Act of 1978 (42 U.S.C.  
20 5114) is amended to read as follows:

21 **“SEC. 204. STUDY AND REPORT ON SUCCESSFUL ADOP-**  
22 **TIONS.**

23 “(a) STUDY.—The Secretary shall conduct a study  
24 (directly or by grant to, or contract with, public or private  
25 nonprofit research agencies or organizations) on adoption

1 outcomes and the factors (including parental substance  
2 use disorder) affecting those outcomes.

3 “(b) REPORT.—Not later than the date that is 36  
4 months after the date of the enactment of the Human  
5 Services and Community Supports Act the Secretary shall  
6 submit a report to Congress that includes the results of  
7 the study required under subsection (a).”.

8 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 205(a) of the Child Abuse Prevention and  
10 Treatment and Adoption Reform Act of 1978 (42 U.S.C.  
11 5115(a)) is amended—

12 (1) by striking “fiscal year 2010” and inserting  
13 “fiscal year 2021”; and

14 (2) by striking “fiscal years 2011 through  
15 2015” and inserting “fiscal years 2022 through  
16 2026”.

17 **Subtitle D—Amendments to Other**  
18 **Laws**

19 **SEC. 151. TECHNICAL AND CONFORMING AMENDMENTS TO**  
20 **OTHER LAWS.**

21 (a) HEAD START ACT.—Section 658E(c)(2)(L) of  
22 the Head Start Act (42 U.S.C. 9858c(c)(2)(L)) is amend-  
23 ed by striking “will comply with the child abuse reporting  
24 requirements of section 106(b)(2)(B)(i) of the Child  
25 Abuse Prevention and Treatment Act (42 U.S.C.

1 5106a(b)(2)(B)(i))” and inserting “will comply with the  
2 child abuse reporting requirements of section  
3 106(b)(2)(A)(i) of the Child Abuse Prevention and Treat-  
4 ment Act (42 U.S.C. 5106a(b)(2)(A)(i))”.

5 (b) VICTIMS OF CRIME ACT OF 1984.—Section  
6 1404A of the Victims of Crime Act of 1984 (34 U.S.C.  
7 20104) is amended by striking “section 109” and insert-  
8 ing “section 107”.

9 **TITLE II—CHILD NUTRITION**  
10 **AND THE SPECIAL SUPPLE-**  
11 **MENTAL NUTRITION PRO-**  
12 **GRAM FOR WOMEN, INFANTS,**  
13 **AND CHILDREN**

14 **SEC. 201. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**  
15 **GRAMS DURING COVID-19 PANDEMIC.**

16 (a) USE OF CERTAIN APPROPRIATIONS TO COVER  
17 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL  
18 PROGRAMS.—

19 (1) IN GENERAL.—

20 (A) REQUIRED ALLOTMENTS.—Notwith-  
21 standing any other provision of law, the Sec-  
22 retary shall allocate to each State that partici-  
23 pates in the reimbursement program under  
24 paragraph (3) such amounts as may be nec-  
25 essary to carry out reimbursements under such

1 paragraph for each reimbursement month, in-  
2 cluding, subject to paragraph (4)(B), adminis-  
3 trative expenses necessary to make such reim-  
4 bursements.

5 (B) GUIDANCE WITH RESPECT TO PRO-  
6 GRAM.—Not later than 10 days after the date  
7 of the enactment of this section, the Secretary  
8 shall issue guidance with respect to the reim-  
9 bursement program under paragraph (3).

10 (2) REIMBURSEMENT PROGRAM APPLICA-  
11 TION.—To participate in the reimbursement pro-  
12 gram under paragraph (3), not later than 30 days  
13 after the date described in paragraph (1), a State  
14 shall submit an application to the Secretary that in-  
15 cludes a plan to calculate and disburse reimburse-  
16 ments under the reimbursement program under  
17 paragraph (3).

18 (3) REIMBURSEMENT PROGRAM.—Using the  
19 amounts allocated under paragraph (1)(A), a State  
20 participating in the reimbursement program under  
21 this paragraph shall make reimbursements for emer-  
22 gency operational costs for each reimbursement  
23 month as follows:

24 (A) For each new school food authority in  
25 the State for the reimbursement month, an

1 amount equal to 55 percent of the amount  
2 equal to—

3 (i) the average monthly amount such  
4 new school food authority was reimbursed  
5 under the reimbursement sections for  
6 meals and supplements served by such new  
7 school food authority during the alternate  
8 period; minus

9 (ii) the amount such new school food  
10 authority was reimbursed under the reim-  
11 bursement sections for meals and supple-  
12 ments served by such new school food au-  
13 thority during such reimbursement month.

14 (B) For each school food authority not de-  
15 scribed in subparagraph (A) in the State for  
16 the reimbursement month, an amount equal to  
17 55 percent of—

18 (i) the amount such school food au-  
19 thority was reimbursed under the reim-  
20 bursement sections for meals and supple-  
21 ments served by such school food authority  
22 for the month beginning one year before  
23 such reimbursement month; minus

24 (ii) the amount such school food au-  
25 thority was reimbursed under the reim-

1           bursement sections for meals and supple-  
2           ments served by such school food authority  
3           during such reimbursement month.

4           (4) TREATMENT OF FUNDS.—

5           (A) AVAILABILITY.—Funds allocated to a  
6           State under paragraph (1)(A) shall remain  
7           available until June 30, 2021.

8           (B) ADMINISTRATIVE EXPENSES.—A State  
9           may reserve not more than 1 percent of the  
10          funds allocated under paragraph (1)(A) for ad-  
11          ministrative expenses to carry out this sub-  
12          section.

13          (C) UNEXPENDED BALANCE.—On Decem-  
14          ber 31, 2021, any amounts allocated to a State  
15          under paragraph (1)(A) or reimbursed to a  
16          school food authority or new school food author-  
17          ity under paragraph (3) that are unexpended by  
18          such State, school food authority, or new school  
19          food authority shall revert to the Secretary.

20          (5) REPORTS.—Each State that carries out a  
21          reimbursement program under paragraph (3) shall,  
22          not later than December 31, 2021, submit a report  
23          to the Secretary that includes a summary of the use  
24          of such funds by the State and each school food au-  
25          thority and new school food authority in such State.

1 (b) USE OF CERTAIN APPROPRIATIONS TO COVER  
2 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE  
3 OPERATIONAL EMERGENCY COSTS DURING COVID-19  
4 PANDEMIC.—

5 (1) IN GENERAL.—

6 (A) REQUIRED ALLOTMENTS.—Notwith-  
7 standing any other provision of law, the Sec-  
8 retary shall allocate to each State that partici-  
9 pates in the reimbursement program under  
10 paragraph (3) such amounts as may be nec-  
11 essary to carry out reimbursements under such  
12 paragraph for each reimbursement month, in-  
13 cluding, subject to paragraph (4)(C), adminis-  
14 trative expenses necessary to make such reim-  
15 bursements.

16 (B) GUIDANCE WITH RESPECT TO PRO-  
17 GRAM.—Not later than 10 days after the date  
18 of the enactment of this section, the Secretary  
19 shall issue guidance with respect to the reim-  
20 bursement program under paragraph (3).

21 (2) REIMBURSEMENT PROGRAM APPLICA-  
22 TION.—To participate in the reimbursement pro-  
23 gram under paragraph (3), not later than 30 days  
24 after the date described in paragraph (1), a State  
25 shall submit an application to the Secretary that in-

1 includes a plan to calculate and disburse reimburse-  
2 ments under the reimbursement program under  
3 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  
3 the reimbursement month, an amount equal to  
4 55 percent of—

5 (i) the amount such covered institu-  
6 tion was reimbursed under subsection (c)  
7 and subsection (f) of section 17 of the  
8 Richard B. Russell National School Lunch  
9 Act (42 U.S.C. 1766) for meals and sup-  
10 plements served by such covered institution  
11 during the month beginning one year be-  
12 fore such 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  
25 under section 17(f)(3)(B) of the Richard

1 B. Russell National School Lunch Act (42  
2 U.S.C. 1766(f)(3)(B)) for administrative  
3 funds for 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  
7 for administrative funds for the reimburse-  
8 ment 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 reim-  
12 bursement month, an amount equal to 55 per-  
13 cent of—

14 (i) the amount such sponsoring orga-  
15 nization of a family or group day care  
16 home was reimbursed under section  
17 17(f)(3)(B) of the Richard B. Russell Na-  
18 tional School Lunch Act (42 U.S.C.  
19 1766(f)(3)(B)) for administrative funds for  
20 the month beginning one year before such  
21 reimbursement month; minus

22 (ii) the amount such sponsoring orga-  
23 nization of a family or group day care  
24 home was reimbursed under such section

1           for administrative funds for such reim-  
2           bursement month.

3           (4) TREATMENT OF FUNDS.—

4           (A) AVAILABILITY.—Funds allocated to a  
5           State under paragraph (1)(A) shall remain  
6           available until June 30, 2021.

7           (B) UNAFFILIATED CENTER.—In the case  
8           of a covered institution or a new covered insti-  
9           tution that is an unaffiliated center that is  
10          sponsored by a sponsoring organization and re-  
11          ceives funds for a reimbursement month under  
12          subparagraph (A) or (B), such unaffiliated cen-  
13          ter shall provide to such sponsoring organiza-  
14          tion an amount of such funds as agreed to by  
15          the sponsoring organization and the unaffiliated  
16          center, except such amount may not be greater  
17          be than 15 percent of such funds.

18          (C) ADMINISTRATIVE EXPENSES.—A State  
19          may reserve not more than 1 percent of the  
20          funds allocated under paragraph (1)(A) for ad-  
21          ministrative expenses to carry out this sub-  
22          section.

23          (D) UNEXPENDED BALANCE.—On Decem-  
24          ber 31, 2021, any amounts allocated to a State  
25          under paragraph (1)(A) or reimbursed to a new

1 covered institution, covered institution, new  
2 sponsoring organization of a family or group  
3 day care home, or sponsoring organization of a  
4 family or group day care home that are unex-  
5 pended by such State, new covered institution,  
6 covered institution, new sponsoring organization  
7 of a family or group day care home, or spon-  
8 soring organization of a family or group day  
9 care home, shall revert to the Secretary.

10 (5) REPORTS.—Each State that carries out a  
11 reimbursement program under paragraph (3) shall,  
12 not later than December 31, 2021, submit a report  
13 to the Secretary that includes a summary of the use  
14 of such funds by the State and each new covered in-  
15 stitution, covered institution, new sponsoring organi-  
16 zation of a family or group day care home, or spon-  
17 soring organization of a family or group day care  
18 home.

19 (c) FUNDING.—There are hereby appropriated to the  
20 Secretary, out of any funds in the Treasury not otherwise  
21 appropriated, such sum as may be necessary to carry out  
22 this section.

23 (d) DEFINITIONS.—In this section:

1           (1) ALTERNATE PERIOD.—The term “alternate  
2           period” means the period beginning January 1,  
3           2020 and ending February 29, 2020.

4           (2) EMERGENCY OPERATIONAL COSTS.—The  
5           term “emergency operational costs” means the costs  
6           incurred by a school food authority or new school  
7           food authority—

8                   (A) during a public health emergency;

9                   (B) that are related to the ongoing oper-  
10                  ation, modified operation, or temporary suspen-  
11                  sion of operation (including administrative  
12                  costs) of such school food authority or new  
13                  school food authority; and

14                  (C) except as provided under subsection  
15                  (a), that are not reimbursed under a Federal  
16                  grant.

17           (3) CHILD CARE OPERATIONAL EMERGENCY  
18           COSTS.—The term “child care operational emergency  
19           costs” means the costs under the child and adult  
20           care food program under section 17 of the Richard  
21           B. Russell National School Lunch Act (42 U.S.C.  
22           1766) incurred by a new covered institution, covered  
23           institution, new sponsoring organization of a family  
24           or group day care home, or sponsoring organization  
25           of a family or group day care home—

1 (A) during a public health emergency;

2 (B) that are related to the ongoing oper-  
3 ation, modified operation, or temporary suspen-  
4 sion of operation (including administrative  
5 costs) of such new covered institution, covered  
6 institution, new sponsoring organization of a  
7 family or group day care home, sponsoring or-  
8 ganization of a family or group day care home,  
9 or sponsoring organization of an unaffiliated  
10 center; and

11 (C) except as provided under subsection  
12 (b), that are not reimbursed under a Federal  
13 grant.

14 (4) COVERED INSTITUTION.—The term “cov-  
15 ered institution” means—

16 (A) an institution (as defined in section  
17 17(a)(2) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1766(a)(2))); and

19 (B) a family or group day care home.

20 (5) NEW COVERED INSTITUTION.—The term  
21 “new covered institution” means a covered institu-  
22 tion for which no reimbursements were made for  
23 meals and supplements under section 17(e) or (f) of  
24 the Richard B. Russell National School Lunch Act

1 (42 U.S.C. 1766) with respect to the previous reim-  
2 bursement period.

3 (6) NEW SCHOOL FOOD AUTHORITY.—The term  
4 “new school food authority” means a school food au-  
5 thority for which no reimbursements were made  
6 under the reimbursement sections with respect to  
7 the previous reimbursement period.

8 (7) NEW SPONSORING ORGANIZATION OF A  
9 FAMILY OR GROUP DAY CARE.—The term “new  
10 sponsoring organization of a family or group day  
11 care” means a sponsoring organization of a family  
12 or group day care home for which no reimburse-  
13 ments for administrative funds were made under  
14 section 17(f)(3)(B) of the Richard B. Russell Na-  
15 tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))  
16 for the previous reimbursement period.

17 (8) PREVIOUS REIMBURSEMENT PERIOD.—The  
18 term “previous reimbursement period” means the  
19 period beginning March 1, 2019 and ending June  
20 30, 2019.

21 (9) PUBLIC HEALTH EMERGENCY.—The term  
22 “public health emergency” means a public health  
23 emergency declared pursuant to section 319 of the  
24 Public Health Service Act (42 U.S.C. 247d) result-  
25 ing from the COVID–19 pandemic.

1 (10) REIMBURSEMENT MONTH.—The term “re-  
2 imbursement month” means March 2020, April  
3 2020, May 2020, and June 2020.

4 (11) REIMBURSEMENT SECTIONS.—The term  
5 “reimbursement sections” means—

6 (A) section 4(b), section 11(a)(2), section  
7 13, and section 17A(c) of the Richard B. Rus-  
8 sell National School Lunch Act (42 U.S.C.  
9 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.  
10 1761; 42 U.S.C. 1766a(c)); and

11 (B) section 4 of the Child Nutrition Act  
12 (42 U.S.C. 1773).

13 (12) SECRETARY.—The term “Secretary”  
14 means the Secretary of Agriculture.

15 (13) STATE.— The term “State” has the mean-  
16 ing given such term in section 12(d)(8) of the Rich-  
17 ard B. Russell National School Lunch Act (42  
18 U.S.C. 1760(d)(8)).

19 **SEC. 202. FRESH PRODUCE FOR KIDS IN NEED.**

20 Section 2202(f)(1) of the Families First Coronavirus  
21 Response Act (42 U.S.C. 1760 note) is amended by add-  
22 ing at the end the following:

23 “(E) The fresh fruit and vegetable pro-  
24 gram under section 19 of the Richard B. Rus-



1 sell National School Lunch Act (42 U.S.C.  
2 1769a).”.

3 **SEC. 203. WIC BENEFIT FLEXIBILITY DURING COVID-19.**

4 (a) IN GENERAL.—

5 (1) AUTHORITY TO INCREASE AMOUNT OF  
6 CASH-VALUE VOUCHER.—During the COVID-19  
7 public health emergency declared under section 319  
8 of the Public Health Service Act (42 U.S.C. 247d)  
9 and in response to challenges related to such public  
10 health emergency, the Secretary may increase the  
11 amount of a cash-value voucher under a qualified  
12 food package to an amount less than or equal to  
13 \$35.

14 (2) APPLICATION OF INCREASED AMOUNT OF  
15 CASH-VALUE VOUCHER TO STATE AGENCIES.—

16 (A) NOTIFICATION.—An increase to the  
17 amount of a cash-value voucher under para-  
18 graph (1) shall apply to any State agency that  
19 notifies the Secretary of the intent to use such  
20 an increased amount, without further applica-  
21 tion.

22 (B) USE OF INCREASED AMOUNT.—A  
23 State agency that notifies the Secretary under  
24 subparagraph (A) may use or not use the in-  
25 creased amount described in such subparagraph

1           during the period beginning on the date of the  
2           notification by the State agency under such  
3           subparagraph and ending on the date that is  
4           120 days after the date of the enactment of this  
5           section.

6           (3) APPLICATION PERIOD.—An increase to the  
7           amount of a cash-value voucher under paragraph (1)  
8           may only apply during the period beginning on the  
9           date of the enactment of this section and ending on  
10          January 31, 2021.

11          (4) SUNSET.—The authority to make an in-  
12          crease to the amount of a cash-value voucher under  
13          paragraph (1) or to use such an increased amount  
14          under paragraph (2)(B) shall terminate on the date  
15          that is 120 days after the date of the enactment of  
16          this section.

17          (b) DEFINITIONS.—

18           (1) CASH-VALUE VOUCHER.—The term “cash-  
19           value voucher” has the meaning given the term in  
20           section 246.2 of title 7, Code of Federal Regula-  
21           tions.

22           (2) QUALIFIED FOOD PACKAGE.—The term  
23           “qualified food package” means the following food  
24           packages under section 246.10(e) of title 7, Code of  
25           Federal Regulations:

1 (A) Food Package IV—Children 1 through  
2 4 years.

3 (B) Food Package V—Pregnant and par-  
4 tially (mostly) breastfeeding women.

5 (C) Food Package VI—Postpartum women.

6 (D) Food Package VII—Fully  
7 breastfeeding.

8 (3) SECRETARY.—The term “Secretary” means  
9 the Secretary of Agriculture.

10 (4) STATE AGENCY.—The term “State agency”  
11 has the meaning given the term in section 17(b) of  
12 the Child Nutrition Act of 1966 (42 U.S.C.  
13 1786(b)).

14 **SEC. 204. COVID-19 WIC SAFETY AND MODERNIZATION.**

15 (a) ESTABLISHMENT OF TASK FORCE.—Not later  
16 than 90 days after the date of the enactment of this sec-  
17 tion, the Secretary shall establish a task force on supple-  
18 mental foods delivery in the special supplemental nutrition  
19 program (in this section referred to as the “Task Force”).

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—The Task Force shall be  
22 composed of at least 1 member but not more than  
23 3 members appointed by the Secretary from each of  
24 the following:

25 (A) Retailers of supplemental foods.

1 (B) Representatives of State agencies.

2 (C) Representatives of Indian State agen-  
3 cies.

4 (D) Representatives of local agencies.

5 (E) Technology companies with experience  
6 maintaining the special supplemental nutrition  
7 program information systems and technology,  
8 including management information systems or  
9 electronic benefit transfer services.

10 (F) Manufacturers of supplemental foods.

11 (G) Participants in the special supple-  
12 mental nutrition program from diverse loca-  
13 tions.

14 (H) Other organizations that have experi-  
15 ence with and knowledge of the special supple-  
16 mental nutrition program.

17 (2) LIMITATION ON MEMBERSHIP.—The Task  
18 Force shall be composed of not more than 20 mem-  
19 bers.

20 (c) DUTIES.—

21 (1) STUDY.—The Task Force shall study meas-  
22 ures to streamline the redemption of supplemental  
23 foods benefits that promote convenience, safety, and  
24 equitable access to supplemental foods, including in-

1       fant formula, for participants in the special supple-  
2       mental nutrition program, including—

3               (A) online and telephonic ordering and  
4               curbside pickup of, and payment for, supple-  
5               mental foods;

6               (B) online and telephonic purchasing of  
7               supplemental foods;

8               (C) home delivery of supplemental foods;

9               (D) self checkout for purchases of supple-  
10              mental foods; and

11              (E) other measures that limit or eliminate  
12              consumer presence in a physical store.

13              (2) REPORT BY TASK FORCE.—Not later than  
14              September 30, 2021, the Task Force shall submit to  
15              the Secretary a report that includes—

16                      (A) the results of the study required under  
17                      paragraph (1); and

18                      (B) recommendations with respect to such  
19                      results.

20              (3) REPORT BY SECRETARY.—Not later than  
21              45 days after receiving the report required under  
22              paragraph (2), the Secretary shall—

23                      (A) submit to Congress a report that in-  
24                      cludes—

1 (i) a plan with respect to carrying out  
2 the recommendations received by the Sec-  
3 retary in such report under paragraph (2);  
4 and

5 (ii) an assessment of whether legisla-  
6 tive changes are necessary to carry out  
7 such plan; and

8 (B) notify the Task Force of the submis-  
9 sion of the report required under subparagraph  
10 (A).

11 (4) PUBLICATION.—The Secretary shall make  
12 publicly available on the website of the Department  
13 of Agriculture—

14 (A) the report received by the Secretary  
15 under paragraph (2); and

16 (B) the report submitted by the Secretary  
17 under paragraph (3)(A).

18 (d) TERMINATION.—The Task Force shall terminate  
19 on the date the Secretary submits the report required  
20 under paragraph (3)(A).

21 (e) NONAPPLICABILITY OF FACA.—The Federal Ad-  
22 visory Committee Act (5 U.S.C. App.) shall not apply to  
23 the Task Force.

24 (f) DEFINITIONS.—In this section:

1 (1) LOCAL AGENCY.—The term “local agency”  
2 has the meaning given the term in section 17(b) of  
3 the Child Nutrition Act of 1966 (42 U.S.C.  
4 1786(b)).

5 (2) SECRETARY.—The term “Secretary” means  
6 the Secretary of Agriculture.

7 (3) SPECIAL SUPPLEMENTAL NUTRITION PRO-  
8 GRAM.—The term “special supplemental nutrition  
9 program” means the special supplemental nutrition  
10 program under section 17 of the Child Nutrition Act  
11 of 1966 (42 U.S.C. 1786).

12 (4) STATE AGENCY.—The term “State agency”  
13 has the meaning given the term in section 17(b) of  
14 the Child Nutrition Act of 1966 (42 U.S.C.  
15 1786(b)).

16 (5) SUPPLEMENTAL FOODS.—The term “sup-  
17 plemental foods” has the meaning given the term in  
18 section 17(b) of the Child Nutrition Act of 1966 (42  
19 U.S.C. 1786(b)).

20 **SEC. 205. SERVING YOUTH IN THE CHILD AND ADULT CARE**  
21 **FOOD PROGRAM AT EMERGENCY SHELTERS.**

22 (a) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—  
23 Beginning on the date of the enactment of this section,  
24 notwithstanding paragraph (1)(A) of section 17(r) of the  
25 Richard B. Russell National School Lunch Act (42 U.S.C.

1 1766(r)), during the COVID–19 public health emergency  
2 declared under section 319 of the Public Health Service  
3 Act (42 U.S.C. 247d), the Secretary shall reimburse insti-  
4 tutions that are emergency shelters under such section  
5 17(r) (42 U.S.C. 1766(r)) for meals and supplements  
6 served to individuals who at the time of such service have  
7 not attained the age of 25.

8 (b) PARTICIPATION BY EMERGENCY SHELTERS.—  
9 Beginning on the date of the enactment of this section,  
10 notwithstanding paragraph (5)(A) section 17(t) of the  
11 Richard B. Russell National School Lunch Act (42 U.S.C.  
12 1766(t)), during the COVID–19 public health emergency  
13 declared under section 319 of the Public Health Service  
14 Act (42 U.S.C. 247d), the Secretary shall reimburse emer-  
15 gency shelters under such section 17(t) (42 U.S.C.  
16 1766(t)) for meals and supplements served to individuals  
17 who at the time of such service have not attained the age  
18 of 25.

19 (c) FUNDING.—There are hereby appropriated to the  
20 Secretary, out of any funds in the Treasury not otherwise  
21 appropriated, such sum as may be necessary to carry out  
22 this section.

23 (d) DEFINITIONS.—In this section:

24 (1) EMERGENCY SHELTER.—The term “emer-  
25 gency shelter” has the meaning given the term



1 under section 17(t)(1) of the Richard B. Russell Na-  
2 tional School Lunch Act (42 U.S.C. 1766(t)(1)).

3 (2) SECRETARY.—The term “Secretary” means  
4 the Secretary of Agriculture.

5 **SEC. 206. CALCULATION OF PAYMENTS AND REIMBURSE-**  
6 **MENTS FOR CERTAIN CHILD NUTRITION PRO-**  
7 **GRAMS.**

8 (a) RICHARD B. RUSSELL NATIONAL SCHOOL  
9 LUNCH ACT.—

10 (1) COMMODITY ASSISTANCE.—Notwithstanding  
11 any other provision of law, for purposes of providing  
12 commodity assistance to a State under section  
13 6(c)(1)(C) of the Richard B. Russell National School  
14 Lunch Act (42 U.S.C. 1755(c)(1)(C)) or cash assist-  
15 ance in lieu of such commodity assistance under sec-  
16 tion 16 of such Act (42 U.S.C. 1765) the Secretary  
17 shall deem the number of lunches served by school  
18 food authorities in such State during the 2020 pe-  
19 riod to be equal to the greater of the following:

20 (A) The number of lunches served by such  
21 school food authorities in such State during the  
22 2019 period.

23 (B) The number of lunches served by such  
24 school food authorities in such State during the  
25 2020 period.

1           (2) SPECIAL ASSISTANCE PAYMENTS.—Notwith-  
2           standing any other provision of law, in determining  
3           the number of meals served by a school for purposes  
4           of making special assistance payments to a State  
5           with respect to a school under subparagraph (B),  
6           clause (ii) or (iii) of subparagraph (C), or subpara-  
7           graph (E)(i)(II) of section 11(a)(1) of the Richard  
8           B. Russell National School Lunch Act (42 U.S.C.  
9           1759a(a)(1)), the Secretary shall deem the number  
10          of meals served by such school during the 2020 pe-  
11          riod to be equal to the greater of the following:

12                   (A) The number of meals served by such  
13                   school during the 2019 period.

14                   (B) The number of meals served by such  
15                   school during the 2020 period.

16          (b) CHILD NUTRITION ACT OF 1966.—

17           (1) STATE ADMINISTRATIVE EXPENSES.—Not-  
18           withstanding any other provision of law, for pur-  
19           poses of making payments to a State under section  
20           7(a) of the Child Nutrition Act of 1966 (42 U.S.C.  
21           1776(a)), the Secretary shall deem the number of  
22           meals and supplements served by such 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 meals and supplements  
2 served by such school food authorities in such  
3 State during the 2019 period.

4 (B) The number of meals and supplements  
5 served by such school food authorities in such  
6 State during the 2020 period.

7 (2) TEAM NUTRITION NETWORK.—Notwith-  
8 standing any other provision of law, for purposes of  
9 making allocations to a State under section 19(d) of  
10 the Child Nutrition Act of 1966 (42 U.S.C.  
11 1788(d)), the Secretary shall deem the number of  
12 lunches served by school food authorities in such  
13 State during the 2020 period to be equal to the  
14 greater of the following:

15 (A) The number of lunches served by such  
16 school food authorities in such State during the  
17 2019 period.

18 (B) The number of lunches served by such  
19 school food authorities in such State during the  
20 2020 period.

21 (c) DEFINITIONS.—In this section:

22 (1) SECRETARY.—The term “Secretary” means  
23 the Secretary of Agriculture.

1           (2) 2019 PERIOD.—The term “2019 period”  
2           means the period beginning March 1, 2019 and end-  
3           ing June 30, 2019.

4           (3) 2020 PERIOD.—The term “2020 period”  
5           means the period beginning March 1, 2020 and end-  
6           ing June 30, 2020.

7 **SEC. 207. REPORTING ON WAIVER AUTHORITY.**

8           (a) APPLICATION TO DOCUMENTS RECEIVED OR  
9 ISSUED ON OR AFTER DATE OF ENACTMENT.—Beginning  
10 on the date of the enactment of this section, not later than  
11 10 days after the date of the receipt or issuance of each  
12 document specified in paragraph (1), (2), or (3) of this  
13 subsection, the Secretary of Agriculture shall make pub-  
14 licly available on the website of the Department of Agri-  
15 culture the following documents:

16           (1) Any request submitted by State agencies for  
17           a qualified waiver.

18           (2) The Secretary’s approval or denial of each  
19           such request.

20           (3) Any guidance issued by the Secretary with  
21           respect to a qualified waiver.

22           (b) INCLUSION OF DATE WITH GUIDANCE.—With re-  
23 spect to the guidance described in subsection (a)(3), the  
24 Secretary of Agriculture shall include the date on which

1 such guidance was issued on the publicly available website  
2 of the Department of Agriculture on such guidance.

3 (c) APPLICATION RECEIVED OR ISSUED BEFORE  
4 DATE OF ENACTMENT.—In the case of a document speci-  
5 fied in paragraph (1), (2), or (3) of subsection (a) received  
6 or issued by the Secretary of Agriculture before the date  
7 of the enactment of this section, the Secretary of Agri-  
8 culture shall, not later than 30 days after the date of the  
9 enactment of this section, make publicly available on the  
10 website of the Department of Agriculture—

11 (1) the documents described in paragraphs (1)  
12 through (3) of subsection (a) with respect to each  
13 received or issued document; and

14 (2) if the Secretary issued guidance with re-  
15 spect to a qualified waiver issued before the date of  
16 the enactment of this section, the date on which  
17 such guidance was issued.

18 (d) QUALIFIED WAIVER DEFINED.—In this section,  
19 the term “qualified waiver” means a waiver under section  
20 2102, 2202, 2203, or 2204 of the Families First  
21 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 Serv-  
9 ices Block Grant Act (42 U.S.C. 9901 et seq.).

10 (b) INCREASED POVERTY LINE.—For purposes of  
11 carrying out the Community Services Block Grant Act (42  
12 U.S.C. 9901 et seq.) with any funds appropriated for fis-  
13 cal year 2021 for such Act, the term “poverty line” as  
14 defined in section 673(2) of such Act (42 U.S.C. 9902(2))  
15 means 200 percent of the poverty line otherwise applicable  
16 under such section (excluding the last sentence of such  
17 section) without regard to this subsection.

18 (c) DISTRIBUTION OF CARES ACT FUNDS BY  
19 STATES TO ELIGIBLE ENTITIES.—Funds appropriated by  
20 the CARES Act (Public Law 116–136) to carry out the  
21 Community Services Block Grant Act (42 U.S.C. 9901 et  
22 seq.) and received by a State shall be made available to  
23 eligible entities (as defined in section 673(1)(A) of such  
24 Act (42 U.S.C. 9902(1)(A))) not later than either 30 days

1 after such State receives such funds or 30 days after the  
2 date of the 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  
7 319 of the Public Health Service Act (42 U.S.C. 247d)  
8 on January 31, 2020, with respect to COVID–19, and any  
9 renewal of such declaration, the Secretary may waive with  
10 respect to a current or future grantee of funds provided  
11 to carry out the Runaway and Homeless Youth Act (42  
12 U.S.C. 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  
22 youth or staff and would not compromise such  
23 grantee’s ability to implement the applicable guid-  
24 ance issued by the Centers for Disease Control and  
25 Prevention to mitigate the spread of COVID–19, in-

1 including the implementation of appropriate social  
2 distancing measures;

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  
12 youth or staff and would not compromise such  
13 grantee's ability to implement the applicable guid-  
14 ance issued by the Centers for Disease Control and  
15 Prevention to mitigate the spread of COVID-19, in-  
16 cluding the implementation of appropriate social  
17 distancing measures; and

18 (5) the 90-percent limitation on the Federal  
19 cost share applicable under section 383(a) of such  
20 Act (34 U.S.C. 11274(a)).

21 **SEC. 303. EXTENSION OF CERTAIN NUTRITION FLEXIBILI-**  
22 **TIES FOR OLDER AMERICANS ACT PRO-**  
23 **GRAMS 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  
2 a State for fiscal year 2021 and attributable to funds ap-  
3 propriated under paragraph (1) or (2) of section 303(b)  
4 of such Act, the State may elect in its plan under section  
5 307(a)(13) of such Act regarding part C of title III of  
6 such Act, to transfer between subpart 1 and subpart 2  
7 of part C any amount of the funds so received notwith-  
8 standing the limitation on transfer authority provided in  
9 subparagraph (A) of section 308(b)(4) of such Act and  
10 without regard to subparagraph (B) of such section. The  
11 preceding sentence shall apply to such funds until ex-  
12 pended by the State.

13 (b) HOME-DELIVERED NUTRITION SERVICES WAIV-  
14 ER.—For purposes determining eligibility for the delivery  
15 of nutrition services under section 337 of the Older Ameri-  
16 cans Act of 1965 (42 U.S.C. 3030g) with funds received  
17 by a State under the Older Americans Act of 1965 (42  
18 U.S.C. 2001 et seq.) for fiscal 2021, the State shall treat  
19 an older individual who is unable to obtain nutrition be-  
20 cause such individual is practicing social distancing due  
21 to the emergency in the same manner as the State treats  
22 an older individual who is homebound by reason of illness.  
23 The preceding sentence shall apply to such funds until ex-  
24 pended by the State.

1 (c) DIETARY GUIDELINES WAIVER.—To facilitate  
2 implementation of subparts 1 and 2 of part C of title III  
3 of the Older Americans Act of 1965 (42 U.S.C. 3030d–  
4 2 et seq.) with funds received by a State for fiscal year  
5 2021, the Assistant Secretary on Aging may waive, but  
6 make every effort practicable to continue to encourage the  
7 restoration of, the applicable requirements that meals pro-  
8 vided under such subparts comply with the requirements  
9 of clauses (I) and (ii) of section 339(2)(A) of such Act  
10 (42 U.S.C. 3030g–21(2)(A)). The preceding sentence shall  
11 apply to such funds until expended by the State.

12 **SEC. 304. USE OF LIHEAP SUPPLEMENTAL APPROPRIA-**  
13 **TIONS.**

14 Notwithstanding the Low-Income Home Energy As-  
15 sistance Act of 1981, with respect to amounts appro-  
16 priated under title VIII of division A of this Act to carry  
17 out the Low-Income Home Energy Assistance Act of  
18 1981, each State, the Commonwealth of Puerto Rico,  
19 Guam, American Samoa, the Virgin Islands of the United  
20 States, the Commonwealth of the Northern Mariana Is-  
21 lands, and each Indian Tribe, as applicable, that receives  
22 an allotment of funds from such amounts shall, in using  
23 such funds, for purposes of income eligibility, accept proof  
24 of job loss or severe income loss dated after February 29,  
25 2020, such as a layoff or furlough notice or verification

1 of application for unemployment benefits, as sufficient to  
2 demonstrate lack of income for an individual or household.

3 **SEC. 305. CORPORATION FOR NATIONAL AND COMMUNITY**  
4 **SERVICE.**

5 (a) CNCS LEGISLATIVE FLEXIBILITIES.—

6 (1) MATCH WAIVER.—During the period begin-  
7 ning on the date of the enactment of this Act and  
8 ending on September 30, 2022, notwithstanding any  
9 other provision of law, if a grantee of the Corpora-  
10 tion for National and Community Service is unable  
11 to meet a requirement to provide matching funds  
12 due to funding constraints resulting from the  
13 COVID–19 national emergency, the Chief Executive  
14 Officer of the Corporation for National and Commu-  
15 nity Service may—

16 (A) waive any requirement that such  
17 grantee provide matching funds for a program;  
18 and

19 (B) increase the Federal share of the grant  
20 for such program up to 100 percent.

21 (2) END-OF-SERVICE CASH STIPEND.—Section  
22 3514(a)(2)(B) of the CARES Act is amended by in-  
23 serting “, or the full value of the stipend under sec-  
24 tion 105(a) of title I of the Domestic Volunteer

1 Service Act of 1973 (42 U.S.C. 4955)” after “such  
2 subtitle”.

3 (3) SENIOR CORPS VOLUNTEER RECRUIT-  
4 MENT.—During the period beginning on the date of  
5 the enactment and ending on September 30, 2022,  
6 notwithstanding sections 201(a), 211(d), 211(e), and  
7 213(a) of title II of the Domestic Volunteer Service  
8 Act of 1973 (42 U.S.C. 5000 et seq.)—

9 (A) an individual age 45 years or older  
10 may enroll as a volunteer to provide services  
11 under parts A, B or C of such title to address  
12 the critical needs of local communities across  
13 the country during the COVID–19 national  
14 emergency; and

15 (B) for the purposes of parts B and C of  
16 such title II, “low-income person” and “person  
17 of low income” mean any person whose income  
18 is not more than 400 percent of the poverty line  
19 for a single individual.

20 (b) NATIONAL SERVICE EXPANSION FEASIBILITY  
21 STUDY.—

22 (1) STUDY REQUIRED.—The Corporation for  
23 National and Community Service shall conduct a  
24 study on the feasibility of increasing the capacity of  
25 national service programs to respond to the eco-

1        nomic and social impact on communities across the  
2        country resulting from the COVID–19 national  
3        emergency and public health crisis.

4            (2) SCOPE OF STUDY.—In conducting the study  
5        required under paragraph (1), the Corporation for  
6        National and Community Service shall examine new  
7        and existing programs, partnerships, organizations,  
8        and grantees that could be utilized to respond to the  
9        COVID–19 national emergency as described in sub-  
10       section (a), including—

11            (A) service opportunities related to food se-  
12        curity, education, economic opportunity, and  
13        disaster or emergency response;

14            (B) partnerships with the Department of  
15        Health and Human Services, the Centers for  
16        Disease Control and Prevention, and public  
17        health departments in all 50 States and terri-  
18        tories to respond to public health needs related  
19        to COVID–19 such as testing, contact tracing,  
20        or related activities; and

21            (C) the capacity and ability of the State  
22        Commissions on National and Community Serv-  
23        ice to respond to the needs of State and local  
24        governments in each State or territory in which  
25        such State Commission is in operation.

1           (3) REQUIRED FACTORS OF THE STUDY.—In  
2           examining new and existing programs, partnerships,  
3           organizations, and grantees as required under para-  
4           graph (2), the Corporation for National and Com-  
5           munity Service shall examine—

6                   (A) the cost and resources necessary re-  
7                   lated to increased capacity;

8                   (B) the timeline for implementation of any  
9                   expanded partnerships or increased capacity;

10                   (C) options to use existing corps programs  
11                   overseen by the Corporation for National and  
12                   Community Service for increasing such capac-  
13                   ity, and the role of programs, such as  
14                   AmeriCorps, AmeriCorps VISTA, AmeriCorps  
15                   National Civilian Community Corps, or Senior  
16                   Corps, for increasing capacity;

17                   (D) the ability to increase diversity, includ-  
18                   ing economic, racial, ethnic, and gender diver-  
19                   sity, among national service volunteers and pro-  
20                   grams;

21                   (E) the geographic distribution of demand  
22                   by State due to the economic or health related  
23                   impacts of COVID–19 for national service vol-  
24                   unteer opportunities across the country and the  
25                   additional volunteer capacity needed to meet

1 such demand, comparing existing demand for  
2 volunteer opportunities to expected or realized  
3 increases as a result of COVID–19; and

4 (F) whether any additional administrative  
5 capacity at the Corporation for National and  
6 Community Service, such as grantee organiza-  
7 tional capacity, is needed to respond to the in-  
8 creased capacity of such new or existing pro-  
9 grams, partnerships, organizations, and grant-  
10 ees.

11 (4) REPORTS TO CONGRESSIONAL COMMIT-  
12 TEES.—

13 (A) IN GENERAL.—Not later than 60 days  
14 after the date of the enactment of this Act, the  
15 Chief Executive Officer of the Corporation for  
16 National and Community Service shall submit  
17 to the congressional committees under subpara-  
18 graph (B) a report on the results of the study  
19 under paragraph (1) with recommendations on  
20 the role for the Corporation for National and  
21 Community Service in responding to the  
22 COVID–19 national emergency, including any  
23 recommendations for legislative, regulatory, and  
24 administrative changes based on findings re-

1           lated to the topics identified under subsection  
2           (b).

3                   (B) CONGRESSIONAL COMMITTEES.—The  
4           congressional committees under this subpara-  
5           graph are—

6                           (i) the Committee on Education and  
7                   Labor and the Committee on Appropria-  
8                   tions of the House of Representatives; and

9                           (ii) the Committee on Health, Edu-  
10           cation, Labor, and Pensions and the Com-  
11           mittee on Appropriations of the Senate.

12           (c) DEFINITIONS.—In this section, the following defi-  
13   nitions apply:

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

20                   (2) GRANTEE.—The term “grantee” means a  
21           recipient of a grant under the Domestic Volunteer  
22           Service Act of 1973 (42 U.S.C. 4950 et seq.) or the  
23           National and Community Service Act of 1990 (42  
24           U.S.C. 12501 et seq.) to run a program.



1           (3) POVERTY LINE FOR A SINGLE INDI-  
2 VIDUAL.—The term “poverty line for a single indi-  
3 vidual” has the meaning given such term in section  
4 421 of the Domestic Volunteer Service Act of 1973  
5 (42 U.S.C. 5061).

6           (4) PROGRAM.—The term “program” means a  
7 program funded under the Domestic Volunteer Serv-  
8 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the Na-  
9 tional and Community Service Act of 1990 (42  
10 U.S.C. 12501 et seq.).

11           (5) STATE COMMISSION.—The term “State  
12 Commission” has the meaning given such term in  
13 section 101 of the National and Community Service  
14 Act (42 U.S.C. 12511).

15 **SEC. 306. MATCHING FUNDS WAIVER FOR FORMULA**  
16 **GRANTS AND SUBGRANTS UNDER THE FAM-**  
17 **ILY VIOLENCE PREVENTION AND SERVICES**  
18 **ACT.**

19           (a) WAIVER OF MATCHING FUNDS FOR AWARDED  
20 GRANTS AND SUBGRANTS.—The Secretary of Health and  
21 Human Services shall waive—

22           (1) the non-Federal contributions requirement  
23 under subsection (c)(4) of section 306 of the Family  
24 Violence Prevention and Services Act (42 U.S.C.  
25 10406) with respect to the grants and subgrants

1 awarded in fiscal years 2019, 2020, and 2021 to  
2 each State (as defined in section 302 of such Act  
3 (42 U.S.C. 10402)) and the eligible entities within  
4 such State under section 306 or 308 of such Act (42  
5 U.S.C. 10406; 10408); and

6 (2) the reporting requirements required under  
7 such grants and subgrants that relate to such non-  
8 Federal contributions requirement.

9 (b) WAIVER OF MATCHING FUNDS FOR GRANTS  
10 AWARDED AFTER DATE OF ENACTMENT.—

11 (1) IN GENERAL.—Subsection (c)(4) of section  
12 306 of the Family Violence Prevention and Services  
13 Act (42 U.S.C. 10406) shall not apply to a qualified  
14 grant during the period of a public health emergency  
15 declared pursuant to section 319 of the Public  
16 Health Service Act (42 U.S.C. 247d) resulting from  
17 the COVID–19 pandemic.

18 (2) QUALIFIED GRANT DEFINED.—In this sub-  
19 section, the term “qualified grant” means a grant or  
20 subgrant awarded—

21 (A) after the date of the enactment of this  
22 section; and

23 (B) under section 306, 308, or 309 of the  
24 Family Violence Prevention and Services Act  
25 (42 U.S.C. 10406; 10408; 10409).

1 **DIVISION E—SMALL BUSINESS**  
2 **PROVISIONS**

3 **SEC. 100. SHORT TITLE, ETC.**

4 (a) **SHORT TITLE.**—This division may be cited as the  
5 “PPP and EIDL Enhancement 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—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.

1           (d) EFFECTIVE DATE; APPLICABILITY.—Except as  
2 otherwise provided in this division, this division and the  
3 amendments made by this division shall take effect on the  
4 date of the enactment of this Act and shall apply to loans  
5 made, or other assistance provided, on or after the date  
6 of 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 begin-  
6 ning on the date of enactment of this subsection and  
7 ending on December 31, 2020, subject to the avail-  
8 ability of appropriations, the Administrator may  
9 make commitments under paragraph (36) of section  
10 7(a) of the Small Business Act (15 U.S.C.  
11 636(a)).”.

## 12 **SEC. 102. FUNDING FOR THE PAYCHECK PROTECTION PRO-** 13 **GRAM.**

14 (a) IN GENERAL.—Section 7(a)(36)(S) of the Small  
15 Business Act (15 U.S.C. 636(a)(36)(S)) is amended to  
16 read as follows:

17 “(S) SET ASIDE FOR CERTAIN ENTITIES.—  
18 The Administrator shall provide for the cost to  
19 guarantee covered loans made under this para-  
20 graph—

21 “(i) a set aside of not less than 10  
22 percent of each such amount for covered  
23 loans—

24 “(I) made to eligible recipients  
25 with 10 or fewer employees, including

1 individuals who operate under a sole  
2 proprietorship or as an independent  
3 contractor and eligible self-employed  
4 individuals; or

5 “(II) less than or equal to  
6 \$250,000 made to an eligible recipient  
7 that is located in a low- or moderate-  
8 income neighborhoods (as defined  
9 under the Community Reinvestment  
10 Act of 1977).

11 “(ii) a set aside of not more than 30  
12 percent of each such amount for covered  
13 loan made to nonprofit organizations, orga-  
14 nizations described in subparagraph  
15 (D)(viii), or housing cooperatives; and

16 “(iii) a set aside of not more than 50  
17 percent of each such amount for supple-  
18 mental covered loans made under subpara-  
19 graph (B)(ii).”.

20 (b) SET ASIDE FOR COMMUNITY FINANCIAL INSTI-  
21 TUTIONS.—Of amounts appropriated by the Paycheck  
22 Protection Program and Health Care Enhancement Act  
23 (Public Law 116–139) under the heading “Small Business  
24 Administration—Business Loans Program Account,  
25 CARES Act” that have not been obligated or expended,

1 the lesser of 25 percent of such amounts or  
2 \$15,000,000,000 shall be set aside for the cost to guar-  
3 antee covered loans made under section 7(a)(36) of the  
4 Small Business Act (15 U.S.C. 636(a)(36)) by community  
5 financial institutions (as such term is defined in subpara-  
6 graph (A)(xi) of such section).

7 (c) AMOUNTS RETURNED.—Section 7(a)(36) of the  
8 Small Business Act (15 U.S.C. 636(a)(36)) is amended  
9 by adding at the end the following new subparagraph:

10 “(T) AMOUNTS RETURNED.—Any amounts  
11 returned to the Secretary of the Treasury due  
12 to the cancellation of a covered loan shall be  
13 solely used for the cost to guarantee covered  
14 loans made to eligible recipients with 10 or  
15 fewer employees or covered loans of less than or  
16 equal to \$250,000 made to an eligible recipient  
17 that is located in a low- or moderate-income  
18 neighborhoods (as defined under the Commu-  
19 nity Reinvestment Act of 1977).”.

20 **SEC. 103. DIRECT APPROPRIATIONS.**

21 There is appropriated, out of amounts in the Treas-  
22 ury not otherwise appropriated, for additional amounts—

23 (1) for the cost of carrying out section 407 of  
24 this division, \$8,000,000,000;



1 (2) for the cost of carrying out title V of this  
2 division, \$1,000,000,000;

3 (3) for the cost of carrying out section 603 and  
4 607 of this division, \$1,000,000,000;

5 (4) for the cost of carrying out section 605 of  
6 this division, \$57,000,000;

7 (5) for the cost of carrying out section 618 of  
8 this division, \$15,000,000,000; and

9 (6) for the cost of carrying out section 619 of  
10 this division, \$10,000,000,000.

11 **TITLE II—MODIFICATIONS TO**  
12 **THE PAYCHECK PROTECTION**  
13 **PROGRAM**

14 **SEC. 201. PERIODS FOR LOAN FORGIVENESS AND APPLICA-**  
15 **TION SUBMISSION.**

16 (a) PERIOD FOR COSTS THAT ARE ELIGIBLE FOR  
17 FORGIVENESS AND APPLICATION SUBMISSION.—Section  
18 1106 of the CARES Act (15 U.S.C. 9005) is amended—

19 (1) in subsection (a), by striking paragraph (3)  
20 and inserting the following:

21 “(3) the term ‘covered period’ means the period  
22 beginning on the date of the origination of a covered  
23 loan and ending on a date selected by the eligible re-  
24 cipient of the covered loan that—

1           “(A) is not earlier than the date that is 8  
2 weeks after such date of origination; and

3           “(B) is not later than the date that is 24  
4 weeks after such date of origination;”;

5           (2) in subsection (d), by striking “December  
6 31, 2020” each place it appears and inserting “Sep-  
7 tember 30, 2021”; and

8           (3) by striking subsection (l) and inserting the  
9 following new subsection:

10       “(l) APPLICATION DEADLINE.—An eligible recipient  
11 may apply for forgiveness under this section any time after  
12 covered period if proceeds from a covered loan have been  
13 spent and the eligible recipient is in compliance with sub-  
14 sections (e) and (f).”.

15       (b) APPLICABILITY OF AMENDMENTS.—The amend-  
16 ments made by subsection (b) shall be effective as if in-  
17 cluded in the CARES Act (Public Law 116–136) and shall  
18 apply to any loan made pursuant to section 7(a)(36) of  
19 the Small Business Act (15 U.S.C. 636(a)(36)) or section  
20 1109 of the CARES Act (15 U.S.C. 9008).

21 **SEC. 202. SUPPLEMENTAL COVERED LOANS FOR CERTAIN**  
22 **BUSINESS CONCERNS.**

23       Section 7(a)(36)(B) of the Small Business Act (15  
24 U.S.C. 636(a)(36)(B)) is amended—

1 (1) by striking “Except” and inserting the fol-  
2 lowing:

3 “(i) IN GENERAL.—Except”; and

4 (2) by adding at the end the following new  
5 clause:

6 “(ii) SUPPLEMENTAL COVERED  
7 LOANS.—

8 “(I) DEFINITIONS.—In this  
9 clause—

10 “(aa) the terms ‘exchange’,  
11 ‘issuer’, and ‘security’ have the  
12 meanings given such terms in  
13 section 3(a) of the Securities Ex-  
14 change Act of 1934 (15 U.S.C.  
15 78c(a));

16 “(bb) the term ‘gross re-  
17 cepts’ means gross receipts with-  
18 in the meaning of section 448(c)  
19 of the Internal Revenue Code of  
20 1986;

21 “(cc) the term ‘national se-  
22 curities exchange’ means an ex-  
23 change registered as a national  
24 securities exchange under section

1 6 of the Securities Exchange Act  
2 of 1934 (15 U.S.C. 78f);

3 “(dd) the term ‘publicly  
4 traded entity’ means an issuer,  
5 the securities of which are listed  
6 on a national securities exchange;

7 “(ee) the term ‘smaller con-  
8 cern’ means an eligible recipient  
9 that—

10 “(AA) has not more  
11 than 200 employees;

12 “(BB) operates under a  
13 sole proprietorship or as an  
14 independent contractor; or

15 “(CC) is an eligible  
16 self-employed individual; and

17 “(ff) the term ‘significant  
18 loss in revenue’ means that, due  
19 to the impact of COVID–19—

20 “(AA) the gross re-  
21 ceipts of the eligible recipi-  
22 ent during the first, second,  
23 or third calendar quarter of  
24 2020 are less than 75 per-  
25 cent of the gross receipts of

1 the eligible recipient during  
2 the same calendar quarter in  
3 2019;

4 “(BB) if the eligible re-  
5 cipient was not in business  
6 on April 1, 2019, the gross  
7 receipts of the eligible recipi-  
8 ent during any 2-month pe-  
9 riod during the first 3 cal-  
10 endar quarters of 2020 are  
11 less than 75 percent of the  
12 amount of the gross receipts  
13 of the eligible recipient dur-  
14 ing any prior 2-month pe-  
15 riod during the first 3 cal-  
16 endar quarters of 2020; or

17 “(CC) if the eligible re-  
18 cipient is seasonal employer,  
19 as determined by the Ad-  
20 ministrator, the gross re-  
21 ceipts of the eligible recipi-  
22 ent during any 2-month pe-  
23 riod during the first 3 cal-  
24 endar quarters of 2020 are  
25 less than 75 percent of the

1 amount of the gross receipts  
2 of the eligible recipient dur-  
3 ing the same 2-month period  
4 in 2019.

5 “(II) AUTHORITY.—Except as  
6 otherwise provided in this clause, for  
7 an eligible recipient that has received  
8 a covered loan under clause (i), the  
9 Administrator may guarantee a single  
10 supplemental covered loan to the eligi-  
11 ble recipient under the same terms,  
12 conditions, and processes as a covered  
13 loan made under clause (i).

14 “(III) CHOICE OF LENDER.—An  
15 eligible recipient may apply for a sup-  
16 plemental covered loan under this  
17 clause with the lender that made the  
18 covered loan under clause (i) to the el-  
19 igible recipient or another lender.

20 “(IV) ELIGIBILITY.—

21 “(aa) IN GENERAL.—A sup-  
22 plemental covered loan under this  
23 clause—

24 “(AA) may only be  
25 made to an eligible recipient

1 that is a smaller concern  
2 that has had a significant  
3 loss in revenue and has  
4 used, or is expending funds  
5 at a rate that the eligible re-  
6 cipient will use on or before  
7 the expected date of the dis-  
8 bursement of the supple-  
9 mental covered loan under  
10 this clause, the full amount  
11 of the covered loan received  
12 under clause (i); and

13 “(BB) may not be  
14 made to a publicly traded  
15 entity.

16 “(bb) BUSINESS CONCERNS  
17 WITH MORE THAN 1 PHYSICAL  
18 LOCATION.—

19 “(AA) IN GENERAL.—  
20 For purposes of a supple-  
21 mental covered loan under  
22 this clause, subparagraph  
23 (D)(iii) shall be applied by  
24 substituting ‘not more than  
25 200 employees per physical

1 location' for 'not more than  
2 500 employees per physical  
3 location'.

4 “(BB) LIMIT FOR MUL-  
5 TIPLE LOCATIONS.—For an  
6 eligible recipient with more  
7 than 1 physical location, the  
8 total amount of all supple-  
9 mental covered loans made  
10 under this clause to the eli-  
11 gible recipient shall not be  
12 more than \$2,000,000.

13 “(V) MAXIMUM AMOUNT.—The  
14 maximum amount of a supplemental  
15 covered loan under this clause is the  
16 lesser of—

17 “(aa) the product obtained  
18 by multiplying—

19 “(AA) the average total  
20 monthly payments for pay-  
21 roll costs by the eligible re-  
22 cipient used to determine  
23 the maximum amount of the  
24 covered loan under clause (i)



1 made to the eligible recipient  
2 under this paragraph, by  
3 “(BB) 2.5; or  
4 “(bb) \$2,000,000.

5 “(VI) EXCEPTION FROM CERTAIN  
6 CERTIFICATION REQUIREMENTS.—An  
7 eligible recipient applying for a sup-  
8 plemental covered loan under this  
9 clause shall not be required to make  
10 the certification described in clauses  
11 (iii) or (iv) of subparagraph (G).

12 “(VII) REIMBURSEMENT FOR  
13 PROCESSING SUPPLEMENTAL PPP.—  
14 For a supplemental covered loan  
15 under this clause of less than or equal  
16 to \$50,000, the reimbursement under  
17 subparagraph (P)(I) by the Adminis-  
18 trator shall not be less than \$2,500.”.

19 **SEC. 203. CERTIFICATIONS AND DOCUMENTATION FOR**  
20 **FORGIVENESS OF COVERED LOANS.**

21 Section 1106 of the CARES Act (15 U.S.C. 9005)  
22 is amended—

23 (1) in subsection (e), in the matter preceding  
24 paragraph (1), by striking “An eligible recipient”  
25 and all that follows through “an application,” and

1 inserting “Subject to subsection (f), an eligible re-  
2 cipient applying for loan forgiveness under this sec-  
3 tion shall provide proof of the use of covered loan  
4 proceeds,”;

5 (2) by amending subsection (f) to read as fol-  
6 lows:

7 “(f) DOCUMENTATION REQUIREMENTS.—To receive  
8 loan forgiveness under this section, an eligible recipient  
9 shall comply with the following requirements:

10 “(1) With respect to a covered loan in an  
11 amount less than or equal to \$50,000, the eligible  
12 recipient—

13 “(A) shall certify to the Administrator that  
14 the eligible recipient has used proceeds from the  
15 covered loan in compliance with the require-  
16 ments of section 7(a)(36) of the Small Business  
17 Act (15 U.S.C. 636(a)(36)), including a de-  
18 scription of the amount of proceeds used for  
19 payroll costs (as defined in such section) and  
20 the number of employees the eligible recipient  
21 was able to retain because of such covered loan;

22 “(B) is not required to submit any docu-  
23 mentation or application to receive forgiveness  
24 under this section;

1           “(C) shall certify to the Administrator that  
2           the eligible recipient can make the documenta-  
3           tion described under subsection (e) available,  
4           upon request, for a period of time determined  
5           by the Administrator, which period shall be not  
6           less than 3 years; and

7           “(D) may submit to the Administrator de-  
8           mographic information of the owner of the eligi-  
9           ble recipient, including the sex, race, ethnicity,  
10          and veteran status of the owner, through a  
11          process established by the Administrator.

12          “(2) With respect to a covered loan in an  
13          amount greater than \$50,000 but less than or equal  
14          to \$150,000, the eligible recipient—

15                 “(A) shall submit to the lender that is  
16                 servicing the covered loan the certification de-  
17                 scribed in paragraph (1)(A) and a simplified  
18                 one-page application form that does not require  
19                 the submission of any documentation described  
20                 under subsection (e);

21                 “(B) shall make the certification described  
22                 in paragraph (1)(C); and

23                 “(C) may submit to the Administrator de-  
24                 mographic information of the owner of the eligi-  
25                 ble recipient, including the sex, race, ethnicity,

1 and veteran status of the owner, as established  
2 by the Administrator on the application form  
3 described in subparagraph (A).

4 “(3) With respect to a covered loan in an  
5 amount greater than \$150,000, the eligible recipient  
6 shall submit to the lender that is servicing the cov-  
7 ered loan the documentation described under sub-  
8 section (e).”; and

9 (3) by amending subsection (g) to read as fol-  
10 lows:

11 “(g) LENDER SUBMISSION.—Not later than 60 days  
12 after the date on which a lender receives an application  
13 for loan forgiveness under this section from an eligible re-  
14 cipient, the lender shall only be required to review the ap-  
15 plication to ensure completion, including that required at-  
16 testations have been made, before submitting such applica-  
17 tion to the Administrator.”.

18 **SEC. 204. ELIGIBILITY OF CERTAIN ORGANIZATIONS FOR**  
19 **LOANS UNDER THE PAYCHECK PROTECTION**  
20 **PROGRAM.**

21 Section 7(a)(36) of the Small Business Act (15  
22 U.S.C. 636(a)(36))—

23 (1) in subparagraph (A)—

24 (A) in clause (vii), by inserting “covered”  
25 before “nonprofit”;

1 (B) in clause (viii)(II)—

2 (i) in item (dd), by striking “or” at  
3 the end;

4 (ii) in item (ee), by inserting “or” at  
5 the end; and

6 (iii) by adding at the end the fol-  
7 lowing new item:

8 “(ff) any compensation of  
9 an employee who is a registered  
10 lobbyist under the Lobbying Dis-  
11 closure Act of 1995;”;

12 (C) by amending clause (ix) to read as fol-  
13 lows:

14 “(ix) the term ‘covered organization’  
15 means—

16 “(I) an organization described in  
17 section 501(c) of the Internal Revenue  
18 Code of 1986 and exempt from tax  
19 under section 501(a) of such Code  
20 that is not a covered nonprofit organi-  
21 zation;

22 “(II) an entity created by a State  
23 or local government that derives the  
24 majority of its operating budget from  
25 the production of live events; or

1                   “(III) a destination marketing  
2                   organization;”;

3                   (D) in clause (xi)(IV), by striking “and” at  
4                   the end;

5                   (E) in clause (xii), by striking the period  
6                   at the end and inserting a semicolon; and

7                   (F) by adding at the end the following new  
8                   clauses:

9                   “(xiii) the term ‘housing cooperative’  
10                  means a cooperative housing corporation  
11                  (as defined in section 216(b) of the Inter-  
12                  nal Revenue Code of 1986); and

13                  “(xiv) the term ‘destination marketing  
14                  organization’ means a nonprofit entity that  
15                  is not an organization described in section  
16                  501(c)(6) of the Internal Revenue Code of  
17                  1986 and exempt from tax under section  
18                  501(a) of such Code, a State, or a political  
19                  subdivision of a State (including any in-  
20                  strumentality of such entities) engaged in  
21                  marketing and promoting communities and  
22                  facilities to businesses and leisure travelers  
23                  through a range of activities, including—

24                  “(I) assisting with the location of  
25                  meeting and convention sites;

1 “(II) providing travel information  
2 on area attractions, lodging accom-  
3 modations, and restaurants;

4 “(III) providing maps; and

5 “(IV) organizing group tours of  
6 local historical, recreational, and cul-  
7 tural attractions.”; and

8 (2) in subparagraph (D)—

9 (A) in clause (i)—

10 (i) by inserting “covered” before  
11 “nonprofit organization” each place it ap-  
12 pears; and

13 (ii) by striking “veterans organiza-  
14 tion” each place it appears and inserting  
15 “housing cooperative”;

16 (B) in clause (iii)—

17 (i) by amended the clause heading to  
18 read as follows: “REQUIREMENTS FOR  
19 RESTAURANTS AND CERTAIN NEWS ORGA-  
20 NIZATIONS”;

21 (ii) by striking “During the covered  
22 period, any business concern that employs”  
23 and inserting the following: “Any business  
24 concern that—

1                   “(I) during the covered period,  
2                   employs”;

3                   (iii) in subclause (I), as so designated,  
4                   by striking the period at the end and in-  
5                   serting a semicolon; and

6                   (iv) by adding at the end the following  
7                   new subclauses:

8                   “(II) was not eligible to receive a  
9                   covered loan the day before the date  
10                  of the enactment of this subclause, is  
11                  assigned a North American Industry  
12                  Classification System code beginning  
13                  with 511110, 515112, or 515120, and  
14                  an individual physical location of the  
15                  business concern at the time of dis-  
16                  bursal does not exceed the size stand-  
17                  ard established by the Administrator  
18                  for the applicable code shall be eligible  
19                  to receive a covered loan for expenses  
20                  associated with an individual physical  
21                  location of that business concern to  
22                  support the continued provision of  
23                  local news, information, content, or  
24                  emergency information, and, at the



1 time of disbursal, the individual phys-  
2 ical location; or

3 “(III) was not eligible to receive  
4 a covered loan the day before the date  
5 of the enactment of this subclause, is  
6 assigned a North American Industry  
7 Classification System code of 519130,  
8 is identified as a Internet-only news  
9 publisher or Internet-only periodical  
10 publisher, and is engaged in the col-  
11 lection and distribution of local or re-  
12 gional and national news and informa-  
13 tion shall be eligible to receive a cov-  
14 ered loan for expenses to support the  
15 continued provision of news, informa-  
16 tion, content, or emergency informa-  
17 tion.”;

18 (C) in clause (iv)—

19 (i) in subclause (II), by striking  
20 “and” at the end;

21 (ii) in subclause (III), by striking the  
22 period at the end and inserting “; and”;  
23 and

24 (iii) by adding at the end the fol-  
25 lowing new subclause:

1                   “(IV) an individual physical loca-  
2                   tion of a business concern described in  
3                   clause (iii)(II), if such concern does  
4                   not pay, distribute, or otherwise pro-  
5                   vide any portion of the covered loan to  
6                   any other entity other than the indi-  
7                   vidual physical location that is the in-  
8                   tended recipient of the covered loan.”;

9                   (D) in clause (v), by striking “nonprofit  
10                  organization, veterans organization,” and in-  
11                  serting “covered organization, covered nonprofit  
12                  organization, housing cooperative,”;

13                  (E) in clause (vi), by striking “nonprofit  
14                  organization and a veterans organization” and  
15                  inserting “covered organization, a covered non-  
16                  profit organization, and a housing cooperative”;  
17                  and

18                  (F) by adding at the end the following new  
19                  clauses:

20                               “(vii)   ADDITIONAL   REQUIREMENTS  
21                               FOR COVERED ORGANIZATIONS AND COV-  
22                               ERED NONPROFIT ORGANIZATIONS.—

23                               “(I)   LOBBYING   RESTRICTION.—  
24                               During the covered period, a covered  
25                               organization that employs less than

1 500 employees shall be eligible to re-  
2 ceive a covered loan if—

3 “(aa) the covered organiza-  
4 tion does not receive more than  
5 10 percent of its receipts from  
6 lobbying activities; and

7 “(bb) the lobbying activities  
8 of the covered organization do  
9 not comprise more than 10 per-  
10 cent of the total activities of the  
11 covered organization.

12 “(II) LARGER ORGANIZATIONS.—  
13 During the covered period, a covered  
14 nonprofit organization that employs  
15 500 employees or more, or a covered  
16 organization that meets the require-  
17 ments of items (aa) and (bb) of sub-  
18 clause (I) and employs 500 employees  
19 or more, shall be eligible to receive a  
20 covered loan if such covered nonprofit  
21 organization or covered organization  
22 has had a significant loss in revenue  
23 (as defined in subparagraph  
24 (B)(ii)(I)(ff)).

1           “(viii) INCLUSION OF CRITICAL AC-  
2           CESS HOSPITALS.—During the covered pe-  
3           riod, any covered organization that is a  
4           critical access hospital (as defined in sec-  
5           tion 1861(mm) of the Social Security Act  
6           (42 U.S.C. 1395x(mm))) shall be eligible  
7           to receive a covered loan, regardless of the  
8           status of such a hospital as a debtor in a  
9           case under chapter 11 of title 11, Unites  
10          States Code, or the status of any debts  
11          owed by such a hospital to the Federal  
12          Government.

13           “(ix) ADDITIONAL REQUIREMENTS  
14          FOR NEWS BROADCAST ENTITIES.—

15           “(I) IN GENERAL.—With respect  
16          to an individual physical location of a  
17          business concern described in clause  
18          (iii)(II), each such location shall be  
19          treated as an independent, non-  
20          affiliated entity for purposes of this  
21          paragraph. A parent company, invest-  
22          ment company, or management com-  
23          pany of one or more physical locations  
24          of a business concern described in

1 clause (iii)(II) shall not be eligible for  
2 a covered loan.

3 “(II) DEMONSTRATION OF  
4 NEED.—Any such location that is a  
5 franchise or affiliate of, or owned or  
6 controlled by a parent company, in-  
7 vestment company, or the manage-  
8 ment thereof, shall demonstrate, upon  
9 request of the Administrator, the need  
10 for a covered loan to support the con-  
11 tinued provision of local news, infor-  
12 mation, content, or emergency infor-  
13 mation, and, at the time of disbursement,  
14 the individual physical location.”.

15 **SEC. 205. LIMIT ON AGGREGATE LOAN AMOUNT FOR ELIGI-**  
16 **BLE RECIPIENTS WITH MORE THAN ONE**  
17 **PHYSICAL LOCATION.**

18 Section 7(a)(36)(E) of the Small Business Act (15  
19 U.S.C. 636(a)(36)(E)) is amended by adding at the end  
20 the following flush matter:

21 “With respect to an eligible recipient with more  
22 than 1 physical location, the total amount of all  
23 covered loans made under this clause to the eli-  
24 gible recipient shall not be more than  
25 \$10,000,000.”.

1 **SEC. 206. ALLOWABLE USES OF COVERED LOANS; FORGIVE-**  
2 **NESS.**

3 (a) PAYCHECK PROTECTION PROGRAM.—Section  
4 7(a)(36) of the Small Business Act (15 U.S.C.  
5 636(a)(36)) is amended—

6 (1) in subparagraph (G)—

7 (A) in the subparagraph heading, by strik-  
8 ing “BORROWER REQUIREMENTS” and all that  
9 follows through “eligible recipient applying”  
10 and inserting “BORROWER CERTIFICATION RE-  
11 QUIREMENTS.—An eligible recipient applying”;

12 (B) by redesignating subclauses (I)  
13 through (IV) as clauses (i) through (iv), respec-  
14 tively; and

15 (C) in clause (ii), as so redesignated, by  
16 striking “to retain workers” and all that follows  
17 through “utility payments” and inserting “for  
18 an allowable use described in subparagraph  
19 (F)”;

20 (2) in subparagraph (F)(i)—

21 (A) in subclause (VI), by striking “and” at  
22 the end;

23 (B) in subclause (VII), by striking the pe-  
24 riod at the end and inserting a semicolon; and

25 (C) by adding at the end the following new  
26 subclauses:

1 “(VIII) costs related to the provi-  
2 sion of personal protective equipment  
3 for employees or other equipment or  
4 supplies determined by the employer  
5 to be necessary to protect the health  
6 and safety of employees and the gen-  
7 eral public;

8 “(IX) payments for inventory,  
9 raw materials, or supplies; and

10 “(X) costs related to property  
11 damage, vandalism, or looting due to  
12 public disturbances that occurred dur-  
13 ing 2020 that was not covered by in-  
14 surance or other compensation.”.

15 (b) FORGIVENESS.—

16 (1) DEFINITION OF EXPECTED FORGIVENESS  
17 AMOUNT.—Section 1106(a)(7) of the CARES Act  
18 (15 U.S.C. 9005(a)(7)) is amended—

19 (A) in subparagraph (C), by striking  
20 “and” at the end;

21 (B) in subparagraph (D), by striking  
22 “and” at the end; and

23 (C) by adding at the end the following new  
24 subparagraphs:

1           “(E) interest on any other debt obligations  
2           that were incurred before the covered period;

3           “(F) any amount that was a loan made  
4           under subsection (b)(2) that was refinanced as  
5           part of a covered loan and authorized by section  
6           7(a)(36)(F)(iv) of the Small Business Act;

7           “(G) payments made for the provision of  
8           personal protective equipment for employees or  
9           other equipment or supplies determined by the  
10          employer to be necessary to protect the health  
11          and safety of employees and the general public;

12          “(H) payments made for inventory, raw  
13          materials, or supplies; and

14          “(I) payments related to property damage,  
15          vandalism, or looting due to public disturbances  
16          that occurred during 2020 that was not covered  
17          by insurance or other compensation; and”.

18          (2) FORGIVENESS.—Section 1106(b) of the  
19          CARES Act (15 U.S.C. 9005(b)), is amended by  
20          adding at the end the following new paragraphs:

21                 “(5) Any payment of interest on any other debt  
22                 obligations that were incurred before the covered pe-  
23                 riod.

24                 “(6) Any amount that was a loan made under  
25                 section 7(b)(2) of the Small Business Act that was



1       refinanced as part of a covered loan and authorized  
2       by section 7(a)(36)(F)(iv) of such Act.

3           “(7) Any payment made for the provision of  
4       personal protective equipment for employees or other  
5       equipment or supplies determined by the employer to  
6       be necessary to protect the health and safety of em-  
7       ployees.

8           “(8) Any payment made for inventory, raw ma-  
9       terials, or supplies.

10          “(9) Any payments related to property damage,  
11       vandalism, or looting due to public disturbances that  
12       occurred during 2020 that was not covered by insur-  
13       ance or other compensation.”.

14          (3) CONFORMING AMENDMENTS.—Section 1106  
15       of the CARES Act (15 U.S.C. 9005) is amended—

16           (A) in subsection (e), as amended by sec-  
17       tion 203—

18           (i) in paragraph (2), by striking “pay-  
19       ments on covered mortgage obligations,  
20       payments on covered lease obligations, and  
21       covered utility payments” and inserting  
22       “payments or amounts refinanced de-  
23       scribed under subsection (b) (other than  
24       payroll costs)”; and

1 (ii) in paragraph (3)(B), by striking  
2 “, make interest payments” and all that  
3 follows through “or make covered utility  
4 payments” and inserting “, make pay-  
5 ments described under subsection (b), or  
6 that was refinanced as part of a covered  
7 loan and authorized by section  
8 7(a)(36)(F)(iv) of the Small Business  
9 Act”; and

10 (B) in subsection (h), by striking “pay-  
11 ments for payroll costs, payments on covered  
12 mortgage obligations, payments on covered  
13 lease obligations, or covered utility payments”  
14 each place it appears and inserting “payments  
15 or amounts refinanced described under sub-  
16 section (b)”.

17 **SEC. 207. DOCUMENTATION REQUIRED FOR CERTAIN ELI-**  
18 **GIBLE RECIPIENTS.**

19 Section 7(a)(36)(D)(ii)(II) of the Small Business Act  
20 (15 U.S.C. 636(a)(36)(D)(ii)(II)) is amended by striking  
21 “as is necessary” and all that follows through the period  
22 at the end and inserting “as determined necessary by the  
23 Administrator and the Secretary, to establish such indi-  
24 vidual as eligible.”.

1 **SEC. 208. EXCLUSION OF CERTAIN PUBLICLY TRADED AND**  
2 **FOREIGN ENTITIES.**

3 Section 7(a)(36)(D) of the Small Business Act (15  
4 U.S.C. 636(a)(36)(D)), as amended by section 204 is fur-  
5 ther amended by adding at the end the following new  
6 clause:

7 “(x) EXCLUSION OF CERTAIN PUB-  
8 LICLY TRADED AND FOREIGN ENTITIES.—  
9 Effective on the date of the enactment of  
10 this clause—

11 “(I) an issuer, the securities of  
12 which are traded on a national securi-  
13 ties exchange, is not eligible to receive  
14 a covered loan under this section; and

15 “(II) an entity that is 51 percent  
16 or more owned by a foreign person, or  
17 the management and daily business  
18 operations of which are controlled by  
19 a foreign person (excluding an entity  
20 owned and controlled by a person  
21 domiciled in a territory or possession  
22 of the United States), is not eligible to  
23 receive a covered loan under this sec-  
24 tion.”.

1 **SEC. 209. ELECTION OF 12-WEEK PERIOD BY SEASONAL EM-**  
2 **PLOYERS.**

3 Section 7(a)(36)(E)(i)(I)(aa)(AA) of the Small Busi-  
4 ness Act (15 U.S.C. 636(a)(36)(E)(i)(I)(aa)(AA)) is  
5 amended by striking “an applicant” and all that follows  
6 through “June 30, 2019” and inserting the following: “an  
7 applicant that is a seasonal employer, as determined by  
8 the Administrator, shall use the average total monthly  
9 payments for payroll for any 12-week period selected by  
10 the seasonal employer between February 15, 2019, and  
11 December 31, 2019”.

12 **SEC. 210. INCLUSION OF CERTAIN REFINANCING IN NON-**  
13 **RECOURSE REQUIREMENTS.**

14 Section 7(a)(36)(F)(v) of the Small Business Act (15  
15 U.S.C. 636(a)(36)(F)(v)) is amended by striking “clause  
16 (i)” and inserting “clauses (i) and (iv)”.

17 **SEC. 211. CREDIT ELSEWHERE REQUIREMENTS.**

18 Section 7(a)(36)(I) of the Small Business Act (15  
19 U.S.C. 636(a)(36)(I)) is amended to read as follows:

20 “(I) CREDIT ELSEWHERE.—The require-  
21 ment that a small business concern is unable to  
22 obtain credit elsewhere (as defined in section  
23 3(h))—

24 “(i) shall not apply to a covered loan  
25 approved by the Administrator before the

1 date of enactment of this subparagraph;  
2 and

3 “(ii) shall only apply to covered loans  
4 in an amount greater than \$350,000 ap-  
5 proved by the Administrator on or after  
6 the date of the enactment of this subpara-  
7 graph.”.

8 **SEC. 212. PROHIBITION ON RECEIVING DUPLICATIVE**  
9 **AMOUNTS FOR PAYROLL COSTS.**

10 (a) PAYCHECK PROTECTION PROGRAM.—Clause (iv)  
11 of section 7(a)(36)(G) of the Small Business Act (15  
12 U.S.C. 636(a)(36)(G)), as redesignated by section 206, is  
13 amended—

14 (1) by striking “December 31, 2020” and in-  
15 serting “June 30, 2020”; and

16 (2) by striking “the same purpose and” and in-  
17 serting “payments for payroll costs incurred during  
18 such period”.

19 (b) TREASURY PROGRAM.—Section 1109(f) of the  
20 CARES Act (15 U.S.C. 9008(f)) is amended—

21 (1) in paragraph (1), by striking “for the same  
22 purpose” and inserting “for payments for payroll  
23 costs (as defined in section 7(a)(36)(A)(viii) of the  
24 Small Business Act (15 U.S.C.  
25 636(a)(36)(A)(viii))”; and

1 (2) in paragraph (2), by striking “December  
2 31, 2020” and inserting “June 30, 2020”.

3 **SEC. 213. APPLICATION OF CERTAIN TERMS THROUGH**  
4 **LIFE OF COVERED LOAN.**

5 Section 7(a)(36) of the Small Business Act (15  
6 U.S.C. 636(a)(36)) is amended—

7 (1) in subparagraph (H), by striking “During  
8 the covered period, with” and inserting “With”;

9 (2) in subparagraph (J), by striking “During  
10 the covered period, with” and inserting “With”;

11 (3) in subparagraph (M)—

12 (A) in clause (ii), by striking “During the  
13 covered period, the” and inserting “The”; and

14 (B) in clause (iii), by striking “During the  
15 covered period, with” and inserting “With”.

16 **SEC. 214. INTEREST CALCULATION ON COVERED LOANS.**

17 Section 7(a)(36)(L) of the Small Business Act (15  
18 U.S.C. 636(a)(36)(L)) is amended by inserting “, cal-  
19 culated on a non-compounding, non-adjustable basis”  
20 after “4 percent”.

21 **SEC. 215. REIMBURSEMENT FOR PROCESSING.**

22 Section 7(a)(36)(P) of the Small Business Act (15  
23 U.S.C. 636(a)(36)(P)) is amended—

24 (1) in clause (ii), by inserting at the end the  
25 following: “Such fees shall be paid by the eligible re-

1        recipient and may not be paid out of the proceeds of  
2        a covered loan. A lender shall only be responsible for  
3        paying fees to an agent for services for which such  
4        lender directly contracts with such agent.”; and

5            (2) by amending clause (iii) to read as follows:

6                    “(iii) **TIMING.**—A reimbursement de-  
7                    scribed in clause (i) shall be made not later  
8                    than 5 days after the reported disburse-  
9                    ment of the covered loan and may not be  
10                   required to be repaid by a lender unless  
11                   the lender is found guilty of an act of  
12                   fraud in connection with the covered  
13                   loan.”.

14    **SEC. 216. DUPLICATION REQUIREMENTS FOR ECONOMIC**  
15                    **INJURY DISASTER LOAN RECIPIENTS.**

16        Section 7(a)(36)(Q) of the Small Business Act (15  
17    U.S.C. 636(a)(36)(Q)) is amended by striking “during the  
18    period beginning on January 31, 2020, and ending on the  
19    date on which covered loans are made available”.

20    **SEC. 217. REAPPLICATION FOR AND MODIFICATION TO**  
21                    **PAYCHECK PROTECTION PROGRAM.**

22        Not later than 7 days after the date of the enactment  
23    of this Act, the Administrator shall issue rules or guidance  
24    to ensure that an eligible recipient of a covered loan made  
25    under section 7(a)(36) of the Small Business Act (15

1 U.S.C. 636(a)(36)) that returns amounts disbursed under  
2 such covered loan or does not accept the full amount of  
3 such covered loan for which such eligible recipient was ap-  
4 proved—

5 (1) in the case of an eligible recipient that re-  
6 turned all or part of a covered loan, such eligible re-  
7 cipient may reapply for a covered loan for an  
8 amount equal to the difference between the amount  
9 retained and the maximum amount applicable; and

10 (2) in the case of an eligible recipient that did  
11 not accept the full amount of a covered loan, such  
12 eligible recipient may request a modification to in-  
13 crease the amount of the covered loan to the max-  
14 imum amount applicable, subject to the require-  
15 ments of such section 7(a)(36).

16 **SEC. 218. TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.**

17 (a) IN GENERAL.—Section 7(a)(36) of the Small  
18 Business Act (15 U.S.C. 636(a)(36)), as amended by sec-  
19 tion 101, is further amended by adding at the end the  
20 following new subparagraph:

21 “(U) TREATMENT OF CERTAIN CRIMINAL  
22 VIOLATIONS.—

23 “(i) FINANCIAL FRAUD OR DECEP-  
24 TION.—A entity that is a business, organi-  
25 zation, cooperative, or enterprise may not



1 receive a covered loan if an owner of 20  
2 percent or more of the equity of such enti-  
3 ty, during the 5-year period preceding the  
4 date on which such entity applies for a cov-  
5 ered loan, has been convicted of a felony of  
6 financial fraud or deception under Federal,  
7 State, or Tribal law.

8 “(ii) ARRESTS OR CONVICTIONS.—An  
9 entity that is a business, organization, co-  
10 operative, or enterprise shall be an eligible  
11 recipient notwithstanding a prior arrest or  
12 conviction under Federal, State, or Tribal  
13 law of an owner of 20 percent or more of  
14 the equity of such entity, unless such  
15 owner is currently incarcerated.

16 “(iii) WAIVER.—The Administrator  
17 may waive the requirements of clause (i).”.

18 (b) RULEMAKING.—Not later than 15 days after the  
19 date of enactment of this Act, the Administrator shall  
20 make necessary revisions to any rules to carry out the  
21 amendment made by this section.

1           **TITLE III—TAX PROVISIONS**

2   **SEC. 301. IMPROVED COORDINATION BETWEEN PAYCHECK**  
3                   **PROTECTION PROGRAM AND EMPLOYEE RE-**  
4                   **TENTION TAX CREDIT.**

5           (a) AMENDMENT TO PAYCHECK PROTECTION PRO-  
6   GRAM.—Section 1106(a)(8) of the CARES Act (15 U.S.C.  
7   9005(a)(8)) is amended by inserting “, except that such  
8   costs shall not include qualified wages taken into account  
9   in determining the credit allowed under section 2301 of  
10 this Act” before the period at the end.

11          (b) AMENDMENTS TO EMPLOYEE RETENTION TAX  
12   CREDIT.—

13           (1) IN GENERAL.—Section 2301(g) of the  
14   CARES Act (Public Law 116–136; 26 U.S.C. 3111  
15   note) is amended to read as follows:

16          “(g) ELECTION TO NOT TAKE CERTAIN WAGES INTO  
17   ACCOUNT.—

18           “(1) IN GENERAL.—This section shall not apply  
19   to so much of the qualified wages paid by an eligible  
20   employer as such employer elects (at such time and  
21   in such manner as the Secretary may prescribe) to  
22   not take into account for purposes of this section.

23           “(2) COORDINATION WITH PAYCHECK PROTEC-  
24   TION PROGRAM.—The Secretary, in consultation  
25   with the Administrator of the Small Business Ad-

1       ministration, shall issue guidance providing that  
2       payroll costs paid or incurred during the covered pe-  
3       riod shall not fail to be treated as qualified wages  
4       under this section by reason of an election under  
5       paragraph (1) to the extent that a covered loan of  
6       the eligible employer is not forgiven by reason of a  
7       decision under section 1106(g). Terms used in the  
8       preceding sentence which are also used in section  
9       1106 shall have the same meaning as when used in  
10      such section.”.

11           (2) CONFORMING AMENDMENTS.—

12           (A) Section 2301 of the CARES Act (Pub-  
13       lic Law 116–136; 26 U.S.C. 3111 note) is  
14       amended by striking subsection (j).

15           (B) Section 2301(l) of the CARES Act  
16       (Public Law 116–136; 26 U.S.C. 3111 note) is  
17       amended by striking paragraph (3) and by re-  
18       designating paragraphs (4) and (5) as para-  
19       graphs (3) and (4), respectively.

20           (c) EFFECTIVE DATE.—The amendments made by  
21       this section shall take effect as if included in the provisions  
22       of the CARES Act (Public Law 116–136) to which they  
23       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 eco-  
7 nomic injury disaster loans under section 7(b)(2) of  
8 the Small Business Act (15 U.S.C. 636(b)) continue  
9 to suffer from the effects of the COVID-19 pan-  
10 demic and may not be in a position to make pay-  
11 ments in the near term;

12 (2) the Administrator of the Small Business  
13 Administration has the authority under the Small  
14 Business Act (15 U.S.C. 631 et seq.) to reduce the  
15 interest charged on loans and to offer borrowers up  
16 to 4 years of deferment on the payment of interest  
17 and principal; and

18 (3) the Congress encourages the Administrator  
19 of the Small Business Administration to use this dis-  
20 cretion to provide relief to the hardest hit small  
21 businesses that have received or will receive direct  
22 loans from the Administration under section 7(b)(2)  
23 of the 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  
4 U.S.C. 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 DE-  
24 CLINED 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 partially  
6                   denied with a complete written appli-  
7                   cation of the reason for the denial at  
8                   the time the decision is made;

9                   “(II) establish a dedicated tele-  
10                  phonic information line and e-mail ad-  
11                  dress 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 ap-  
18                  plicant 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  
8 can remedy the grounds for denial of the  
9 application by submitting additional infor-  
10 mation 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  
14 seek a remedy through the appeals  
15 process of the Administration.”.

16 **SEC. 403. MODIFICATIONS TO EMERGENCY EIDL AD-**  
17 **VANCES.**

18 Section 1110(e)(1) of division A of the CARES Act  
19 (15 U.S.C. 90009(e)) is amended to read as follows:

20 “(1) IN GENERAL.—During the covered period,  
21 an entity included for eligibility in subsection (b), in-  
22 cluding small business concerns, private nonprofit  
23 organizations, and small agricultural cooperatives,  
24 that applies for a loan under section 7(b)(2) of the  
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

1        sponse to COVID–19 shall be provided an advance  
2        that is, subject to paragraph (3), disbursed within 3  
3        days after the Administrator receives an application  
4        from such entity, unless the advance is specifically  
5        declined by such entity.”.

6    **SEC. 404. DATA TRANSPARENCY, VERIFICATION, AND NO-**  
7                                    **TICES FOR ECONOMIC INJURY DISASTER**  
8                                    **LOANS.**

9        (a) IN GENERAL.—Section 1110 of the CARES Act  
10      (15 U.S.C. 9009) is amended—

11             (1) by redesignating subsection (f) as sub-  
12             section (j); and

13             (2) by inserting after subsection (e) the fol-  
14             lowing new subsections:

15             “(f) DATA TRANSPARENCY.—

16                    “(1) IN GENERAL.—In this subsection, the term  
17             ‘covered application’ means an application submitted  
18             to the Administrator for a loan under section  
19             7(b)(2) of the Small Business Act (15 U.S.C.  
20             636(b)(2)), including an application for such a loan  
21             submitted by an eligible entity.

22                    “(2) WEEKLY REPORTS.—Not later than 1  
23             week after the date of enactment of this subsection,  
24             and weekly thereafter until the end of the covered  
25             period, the Administrator shall publish on the



1 website of the Administration a report that contains  
2 the following information:

3 “(A) For the week covered by the report,  
4 the number of covered applications that the Ad-  
5 ministrator—

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  
17 indicator showing the order in which any appli-  
18 cation was received and intended to be proc-  
19 essed, for the most recent covered application  
20 processed 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

1 week covered by the report, which shall in-  
2 clude—

3 “(i) with respect to each such appli-  
4 cant or loan recipient, as applicable, infor-  
5 mation regarding—

6 “(I) the geographic area in which  
7 the applicant or loan recipient oper-  
8 ates;

9 “(II) if applicable, the sex, race,  
10 and ethnicity of each owner of the ap-  
11 plicant or loan recipient, which the in-  
12 dividual may decline to provide;

13 “(III) the annual revenue of the  
14 applicant or loan recipient;

15 “(IV) the number of employees  
16 employed by the applicant or loan re-  
17 cipient;

18 “(V) whether the applicant or  
19 loan recipient is a for-profit or non-  
20 profit entity; and

21 “(VI) the industry in which the  
22 applicant or loan recipient operates;

23 “(ii) the number of such loans made  
24 to agricultural enterprises; and

1 “(iii) the average economic injury suf-  
2 fered by—

3 “(I) applicants, the covered appli-  
4 cations of which the Administrator  
5 approved; and

6 “(II) applicants, the covered ap-  
7 plications of which the Administrator  
8 rejected.

9 “(g) VERIFICATION OF BUSINESS ELIGIBILITY.—

10 “(1) IN GENERAL.—With respect to an applica-  
11 tion submitted to the Administrator during the cov-  
12 ered period for a loan under section 7(b)(2) of the  
13 Small Business Act (15 U.S.C. 636(b)(2)) in re-  
14 sponse to COVID–19, the Administrator shall verify  
15 that each such applicant was in operation on Janu-  
16 ary 31, 2020.

17 “(2) REPORT.—Not later than 30 days after  
18 the date of enactment of this subsection, the Admin-  
19 istrator shall submit to Congress a report that de-  
20 scribes the steps taken by the Administrator to per-  
21 form the verification required under paragraph (1).

22 “(3) SENSE OF CONGRESS.—It is the sense of  
23 Congress that the verification required under para-  
24 graph (1) constitutes oversight that the Adminis-  
25 trator is required to perform under paragraph (15)

1 of section 7(b) of the Small Business Act (15 U.S.C.  
2 636(b)) with respect to entities receiving loans under  
3 paragraph (2) of such section 7(b).

4 “(h) NOTIFICATIONS TO CONGRESS.—

5 “(1) DEFINITIONS.—In this subsection—

6 “(A) the term ‘appropriate committees of  
7 Congress’ means—

8 “(i) the Committee on Small Business  
9 and Entrepreneurship and the Sub-  
10 committee on Financial Services and Gen-  
11 eral Government of the Committee on Ap-  
12 propriations of the Senate; and

13 “(ii) the Committee on Small Busi-  
14 ness and the Subcommittee on Financial  
15 Services and General Government of the  
16 Committee on Appropriations of the House  
17 of Representatives; and

18 “(B) the term ‘covered program, project,  
19 or activity’ means—

20 “(i) the program under this section;

21 “(ii) the loan program under section  
22 7(b)(2) of the Small Business Act (15  
23 U.S.C. 636(b)(2));

24 “(iii) the authorized activities for  
25 amounts were appropriated in response to

1 the COVID–19 pandemic under the head-  
2 ing ‘Small Business Administration—Sala-  
3 ries and Expenses’; or

4 “(iv) any other program, project, or  
5 activity for which funds are made available  
6 to the Administration to respond to the  
7 COVID–19 pandemic.

8 “(2) NOTICE OF APPROACHING FUNDING  
9 LAPSE.—The Administrator shall submit to the ap-  
10 propriate committees of Congress a notification not  
11 later than 2 days after the date on which unobli-  
12 gated balances of amounts appropriated for a fiscal  
13 year for any covered program, project, or activity  
14 are less than 25 percent of the total amount appro-  
15 priated for the covered program, project, or activity  
16 for such fiscal year.

17 “(3) MONTHLY REPORT.—The Administrator  
18 shall submit to the appropriate committees of Con-  
19 gress a monthly report detailing the current and fu-  
20 ture planned uses of amounts appropriated in re-  
21 sponse to the COVID–19 pandemic under the head-  
22 ing ‘Small Business Administration—Salaries and  
23 Expenses’, which shall include—

24 “(A) the number of employees hired and  
25 contractors retained using such amounts;

1           “(B) the number of contracts with a total  
2 cost of more than \$5,000,000 entered into  
3 using 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  
8 relating 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 Admin-  
12 istrator shall collect the information required under sec-  
13 tion 1110(f) of the CARES Act (15 U.S.C. 9009(f)), as  
14 amended by subsection (a), from applicants that sub-  
15 mitted covered applications (as defined in such section  
16 1110(f)) during the period beginning on the date of enact-  
17 ment of the CARES Act (Public Law 116–136) and end-  
18 ing on the date of enactment 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),  
22 as amended by section 404, is further amended by insert-  
23 ing after subsection (i) (as added by such section) the fol-  
24 lowing 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 ‘cov-  
9 ered 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  
21 agricultural enterprise.

22           “(C) ECONOMIC LOSS.—The term ‘eco-  
23 nomic loss’ means, with respect to a covered en-  
24 tity, the amount by which the gross receipts of  
25 the covered entity declined during an 8-week

1 period between March 2, 2020, and December  
2 31, 2020 (as determined by the covered entity),  
3 relative to a comparable 8-week period imme-  
4 diately preceding March 2, 2020, or during  
5 2019 (as determined by the covered entity).

6 “(D) ECONOMICALLY DISADVANTAGED IN-  
7 DIVIDUAL.—The term ‘economically disadvan-  
8 tagged individual’ means an economically dis-  
9 advantaged individual under section 124.104 of  
10 title 13, Code of Federal Regulations, or any  
11 successor regulation.

12 “(E) LOW-INCOME COMMUNITY.—The  
13 term ‘low-income community’ has the meaning  
14 given the term in section 45D(e) of the Internal  
15 Revenue 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 doc-  
20 ument an economic loss caused by the closure  
21 of the United States and Canadian border that  
22 restricted the ability of American customers to  
23 access 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 in-  
5 dividual’ means a socially disadvantaged indi-  
6 vidual under section 124.103 of title 13, Code  
7 of Federal Regulations, or any successor regula-  
8 tion.

9 “(2) PROCEDURE.—During the covered period,  
10 a covered entity that applies for a loan under section  
11 7(b)(2) of the Small Business Act (15 U.S.C.  
12 636(b)(2)) may request that the Administrator pro-  
13 vide funding for the purposes described in paragraph  
14 (6).

15 “(3) VERIFICATION.—With respect to each re-  
16 quest submitted by an entity under paragraph (2),  
17 the Administrator shall—

18 “(A) not later than 14 days after the date  
19 on which the Administrator receives the re-  
20 quest, verify whether the entity is a covered en-  
21 tity; and

22 “(B) if the Administrator verifies that the  
23 entity is a covered entity under clause (i), and  
24 subject to paragraph (8), disburse the funding  
25 requested by the covered entity not later than

1           7 days after the date on which the Adminis-  
2           trator completes the verification.

3           “(4) ORDER OF PROCESSING.—Subject to para-  
4           graph (8), the Administrator shall process and ap-  
5           prove requests submitted under paragraph (2) in the  
6           order the Administrator receives the requests.

7           “(5) AMOUNT OF FUNDING.—

8           “(A) IN GENERAL.—The amount of fund-  
9           ing provided to a covered entity that submits a  
10          request under paragraph (2) shall be in an  
11          amount that is the lesser of—

12                 “(i) the amount of working capital  
13                 needed by the covered entity for the 180-  
14                 day period beginning on the date on which  
15                 the covered entity would receive the fund-  
16                 ing, as determined by the Administrator  
17                 using a methodology that is identical to the  
18                 methodology used by the Administrator to  
19                 determine working capital needs with re-  
20                 spect to an application for a loan sub-  
21                 mitted under section 7(b)(2) of the Small  
22                 Business Act (15 U.S.C. 636(b)(2)); or

23                 “(ii) \$50,000.

24           “(B) ENTITLEMENT TO FULL AMOUNT.—

25          A covered entity that receives funding pursuant

1 to a request submitted under paragraph (2)  
2 shall be entitled to receive the full amount of  
3 that funding, as determined under subpara-  
4 graph (A), without regard to—

5 “(i) if the applicable loan for which  
6 the covered entity has applied under sec-  
7 tion 7(b)(2) of the Small Business Act (15  
8 U.S.C. 636(b)(2)) is approved, the amount  
9 of the loan;

10 “(ii) whether the covered entity ac-  
11 cepts the offer of the Administrator with  
12 respect to an approved loan described in  
13 clause (i); or

14 “(iii) whether the covered entity has  
15 previously received any amounts under  
16 subsection (e).

17 “(6) USE OF FUNDS.—A covered entity that re-  
18 ceives funding under this subsection—

19 “(A) may use the funding—

20 “(i) for any purpose for which a loan  
21 received under section 7(b)(2) of the Small  
22 Business Act (15 U.S.C. 636(b)(2)) may  
23 be used;

24 “(ii) for working capital needs, includ-  
25 ing investments to implement adaptive

1 changes or resiliency strategies to help the  
2 eligible entity maintain business continuity  
3 during the COVID–19 pandemic; or

4 “(iii) to repay any unpaid amount  
5 of—

6 “(I) a loan received under sub-  
7 section (a)(36) or (b)(2) of section 7  
8 of the Small Business Act (15 U.S.C.  
9 636); or

10 “(II) mortgage interest; and

11 “(B) may not use the funding to pay any  
12 loan debt, except as provided in subparagraph  
13 (A)(iii).

14 “(7) APPLICABILITY.—In addition to any other  
15 restriction imposed under this subsection, any eligi-  
16 bility restriction applicable to a loan made under  
17 section 7(b)(2) of the Small Business Act (15 U.S.C.  
18 636(b)(2)), including any restriction under section  
19 123.300 or 123.301 of title 13, Code of Federal  
20 Regulations, or any successor regulation, shall apply  
21 with respect to funding provided under this sub-  
22 section.

23 “(8) PRIORITY.—During the 56-day period be-  
24 ginning on the date of enactment of this subsection,  
25 the Administrator may approve a request for fund-

1       ing under this subsection only if the request is sub-  
2       mitted by—

3               “(A) a covered entity located in a low-in-  
4       come community;

5               “(B) a covered entity owned or controlled  
6       by a veteran or a member of the Armed Forces;

7               “(C) a covered entity owned or controlled  
8       by an economically disadvantaged individual or  
9       a socially disadvantaged individual; or

10              “(D) a remote recreational enterprise.

11              “(9) ADMINISTRATION.—In carrying out this  
12       subsection, the Administrator may rely on loan offi-  
13       cers and other personnel of the Office of Disaster  
14       Assistance of the Administration and other resources  
15       of the Administration, including contractors of the  
16       Administration.

17              “(10) RETROACTIVE EFFECT.—Any covered en-  
18       tity that, during the period beginning on January 1,  
19       2020, and ending on the day before the date of en-  
20       actment of this subsection, applied for a loan under  
21       section 7(b)(2) of the Small Business Act (15 U.S.C.  
22       636(b)(2)) may submit to the Administrator a re-  
23       quest under paragraph (2) with respect to that loan.

24              “(11) AUTHORIZATION OF APPROPRIATIONS.—  
25       There are authorized to be appropriated to the Ad-

1        administrator \$40,000,000,000 to carry out this sub-  
2        section, which shall remain available through De-  
3        cember 31, 2020, of which—

4                “(A) \$20,000,000,000 is authorized to be  
5                appropriated to provide funding to covered enti-  
6                ties described in paragraph (8); and

7                “(B) \$20,000,000 is authorized to be ap-  
8                propriated to the Inspector General of the Ad-  
9                ministration to prevent waste, fraud, and abuse  
10              with respect to funding provided under this  
11              subsection.”.

12 **SEC. 406. MODIFICATIONS TO ECONOMIC INJURY DISASTER**  
13 **LOANS.**

14        (a) LOANS FOR NEW BORROWERS.—With respect to  
15 a loan made under section 7(b)(2) of the Small Business  
16 Act (15 U.S.C. 636(b)(2)) to a borrower adversely im-  
17 pacted by COVID–19 during the period beginning on the  
18 date of enactment of this Act and ending on December  
19 31, 2020—

20              (1) the borrower shall be eligible for a loan in  
21              an amount equal to 6 months of working capital if  
22              the borrower otherwise meets the underwriting  
23              standards established by the Administration; and

24              (2) the Administrator—

1 (A) shall not impose a maximum loan  
2 amount limit that is lower than \$2,000,000;  
3 and

4 (B) shall not disqualify any applicant for  
5 such a loan due to the criminal history or arrest  
6 record of the applicant, except in the case of an  
7 applicant that, during the 5-year period pre-  
8 ceeding the date on which the applicant submits  
9 an application, has been convicted—

10 (i) of a felony offense involving fraud,  
11 bribery, or embezzlement in any State or  
12 Federal court; or

13 (ii) in connection with a false state-  
14 ment made in—

15 (I) a loan application; or

16 (II) an application for Federal fi-  
17 nancial assistance.

18 (b) ADDITIONAL LOAN FOR EXISTING BOR-  
19 ROWERS.—

20 (1) IN GENERAL.—A recipient of a loan made  
21 under section 7(b)(2) of the Small Business Act (15  
22 U.S.C. 636(b)(2)) to a borrower adversely impacted  
23 by COVID-19 during the period beginning on Janu-  
24 ary 31, 2020, and ending on the date of enactment  
25 of this Act may submit to the Administrator a re-

1       quest for an additional amount to increase in the  
2       amount of that loan, provided that the aggregate  
3       amount received under such section by the recipient  
4       during that period shall be not more than the lesser  
5       of—

6               (A) an amount equal to 6 months of work-  
7               ing capital for the recipient; and

8               (B) \$2,000,000; and

9               (2) CONSIDERATION.—In considering a request  
10       submitted under paragraph (1), the Administrator—

11              (A) may not recalculate the economic in-  
12              jury or creditworthiness of the borrower; and

13              (B) shall issue a determination based on  
14              the documentation submitted by the borrower  
15              for the initial loan under such section 7(b)(2),  
16              any other new information voluntarily provided  
17              by the borrower, and any information obtained  
18              to prevent fraud or abuse.

19              (3) ADDITIONAL DOCUMENTATION.—If the Ad-  
20       ministrator of the Small Business Administration re-  
21       quires a borrower making a request under para-  
22       graph (1) to provide additional documentation, the  
23       Administrator shall—

24              (A) publish those documentation require-  
25              ments on the website of the Administration not



1 later than 7 days after the date of enactment  
2 of this Act; and

3 (B) proactively provide those requirements  
4 to any such borrower that received a loan de-  
5 scribed in paragraph (1).

6 **SEC. 407. PRINCIPAL AND INTEREST PAYMENTS FOR CER-**  
7 **TAIN DISASTER LOANS.**

8 (a) IN GENERAL.—The Administrator shall pay the  
9 principal, interest, and any associated fees that are owed  
10 on a physical disaster loan or a covered EIDL loan as  
11 follows:

12 (1) With respect to a physical disaster loan—

13 (A) not in deferment, for the 12-month pe-  
14 riod beginning with the next payment due on  
15 such loan;

16 (B) in deferment, for the 12-month period  
17 beginning with the next payment due on such  
18 loan after the deferment period; and

19 (C) made on or after the date of enact-  
20 ment of this Act, for the 12-month period be-  
21 ginning with the first payment due on such  
22 loan.

23 (2) With respect to a covered EIDL loan—

1 (A) not in deferment, for the 12-month pe-  
2 riod beginning with the next payment due on  
3 such loan; and

4 (B) in deferment, for the 12-month period  
5 beginning with the next payment due on such  
6 loan after the deferment period.

7 (b) TIMING OF PAYMENT.—The Administrator shall  
8 begin making payments under subsection (a) not later  
9 than 30 days after the date on which the first such pay-  
10 ment is due.

11 (c) APPLICATION OF PAYMENT.—Any payment made  
12 by the Administrator under subsection (a) shall be applied  
13 to the physical disaster loan or a covered EIDL loan (as  
14 applicable) such that the borrower is relieved of the obliga-  
15 tion to pay that amount.

16 (d) DEFINITIONS.—In this section:

17 (1) PHYSICAL DISASTER LOAN.—The term  
18 “physical disaster loan” means a loan made under  
19 section 7(b)(1) of the Small Business Act (15 U.S.C.  
20 636(b)(1)) in a regular servicing status.

21 (2) COVERED EIDL LOAN.—The term “covered  
22 EIDL loan” means a loan made under section  
23 7(b)(2) of the Small Business Act (15 U.S.C.  
24 636(b)(2)) that—

1 (A) was approved by the Administrator be-  
2 fore February 15, 2020; and

3 (B) is in a regular servicing status.

4 **SEC. 408. TRAINING.**

5 The Administrator shall develop and implement a  
6 plan to train any staff responsible for implementing or ad-  
7 ministering the loan program established under section  
8 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))  
9 on specific responsibilities with respect to such program.  
10 Such plan shall be submitted to the Committee on Small  
11 Business of the House of Representatives and the Com-  
12 mittee on Small Business and Entrepreneurship of the  
13 Senate.

14 **SEC. 409. OUTREACH PLAN.**

15 Not later than 30 days after the date of the enact-  
16 ment of this Act, the Administrator shall submit to the  
17 Committee on Small Business of the House of Representa-  
18 tives and the Committee on Small Business and Entrepre-  
19 neurship of the Senate an outreach plan to clearly commu-  
20 nicate program and policy changes to all offices of the Ad-  
21 ministration, small business development centers (as de-  
22 fined in section 3 of the Small Business Act (15 U.S.C.  
23 632)), women's business centers (described under section  
24 29 of such Act (15 U.S.C. 656)), chapters of the Service  
25 Corps of Retired Executives (established under section

1 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))), Vet-  
2 eran Business Outreach Centers (described under section  
3 32 of such Act (15 U.S.C. 657b)), Members of Congress,  
4 congressional committees, small business concerns (as de-  
5 fined in section 3 of such Act (15 U.S.C. 632)), and the  
6 public.

7 **SEC. 410. REPORT ON BEST PRACTICES.**

8 Not later than 60 days after the date of the enact-  
9 ment of this Act, the Administrator shall submit to the  
10 Committee on Small Business of the House of Representa-  
11 tives and the Committee on Small Business and Entrepre-  
12 neurship of the Senate a report on outlining the best prac-  
13 tices to administer the loan program established under  
14 section 7(b)(2) of the Small Business Act (15 U.S.C.  
15 636(b)(2)) during a pandemic.

16 **SEC. 411. EXTENSION OF PERIOD OF AVAILABILITY FOR AD-  
17 MINISTRATIVE FUNDS.**

18 Section 1107(a) of the CARES Act (15 U.S.C.  
19 9006(a)) is amended in the matter preceding paragraph  
20 (1) by striking “until September 30, 2021” and inserting  
21 “until December 31, 2021, for amounts appropriated  
22 under paragraph (2), and until September 30, 2021, for  
23 all other amounts appropriated under this subsection”.

1 **TITLE V—MICRO-SBIC AND EQ-**  
2 **UITY INVESTMENT ENHANCE-**  
3 **MENT**

4 **SEC. 501. MICRO-SBIC PROGRAM.**

5 Title III of the Small Business Investment Act of  
6 1958 (15 U.S.C. 681 et seq.) is amended by adding at  
7 the end the following:

8 **“PART D—MICRO-SBIC PROGRAM**

9 **“SEC. 399A. MICRO-SBIC PROGRAM.**

10 “(a) **ESTABLISHMENT.**—There is established in the  
11 Administration a program to be known as the ‘Micro-  
12 SBIC Program’ under which the Administrator shall issue  
13 a license to an applicant for the purpose of making loans  
14 to and investments in small business concerns. An appli-  
15 cant licensed under this section shall have the same bene-  
16 fits as an applicant licensed under section 301.

17 “(b) **ELIGIBILITY.**—An applicant desiring to receive  
18 a license to operate as a micro-SBIC shall submit an appli-  
19 cation to the Administrator at such time, in such manner,  
20 and containing such information as the Administrator may  
21 require, including—

22 “(1) evidence that the applicant holds private  
23 capital of not less than \$5,000,000;

1           “(2) evidence that the management of the ap-  
2           plicant is qualified and has significant business ex-  
3           pertise relevant to the applicant’s strategy; and

4           “(3) an election to receive a seed investment  
5           under section 399C or leverage from the Adminis-  
6           trator.

7           “(c) ISSUANCE OF LICENSE.—

8           “(1) PROCEDURES.—

9           “(A) STATUS.—Not later than 90 days  
10          after the initial receipt by the Administrator of  
11          an application under this subsection, the Ad-  
12          ministrator shall provide the applicant with a  
13          written report detailing the status of the appli-  
14          cation and any requirements remaining for  
15          completion of the application.

16          “(B) APPROVAL OR DISAPPROVAL.—Ex-  
17          cept as provided in subparagraph (C) and with-  
18          in a reasonable time after providing the report  
19          under subparagraph (A) and in accordance with  
20          such requirements as the Administrator may  
21          prescribe by regulation, the Administrator  
22          shall—

23                  “(i) approve the application and issue  
24                  to the applicant a license to operate as a  
25                  micro-SBIC; or

1                   “(ii) disapprove the application and  
2                   notify the applicant in writing of the dis-  
3                   approval.

4                   “(C) PROVISIONAL APPROVAL.—The Ad-  
5                   ministrator may provide provisional approval  
6                   for an applicant for a period of not more than  
7                   12 months before making a final determination  
8                   of approval or disapproval under subparagraph  
9                   (B).

10                  “(D) EXPLANATION OF DISAPPROVAL.—  
11                  An applicant may submit to the Administrator  
12                  a request for a written explanation regarding  
13                  the disapproval of an application under sub-  
14                  paragraph (B)(ii).

15                  “(2) APPEALS.—

16                  “(A) DISAPPROVED APPLICATIONS.—With  
17                  respect to an application that is disapproved  
18                  under paragraph (1)(B)(iii)—

19                         “(i) not later than 30 days after the  
20                         date on which the application is dis-  
21                         approved, the applicant may submit an ap-  
22                         peal to the Chair of the Investment Divi-  
23                         sion Licensing Committee of the Adminis-  
24                         tration (referred to in this subparagraph  
25                         as the ‘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 Chair shall issue  
4 a ruling with respect to the appeal and no-  
5 tify the applicant regarding such ruling.

6 “(B) DENIAL OF APPEAL.—With respect  
7 to an application that the Chair denies in an  
8 appeal submitted under subparagraph (A)—

9 “(i) not later than 30 days after the  
10 date on which the Chair submits the notifi-  
11 cation required under subparagraph  
12 (A)(ii), the applicant may submit to the  
13 Administrator an appeal of the ruling  
14 made by the Chair; and

15 “(ii) not later than 30 days after the  
16 date on which the applicant submits an ap-  
17 peal under clause (i), the Administrator  
18 shall issue a final ruling with respect to  
19 the appeal and notify the applicant regard-  
20 ing such ruling.

21 “(3) PRIORITY.—In reviewing applications and  
22 issuing licenses under this section, the Administrator  
23 shall give priority to an applicant the management  
24 of which consists of at least two socially disadvan-  
25 taged individuals or economically disadvantaged indi-



1       viduals and at least one track record investment  
2       committee member.

3               “(4) EXPEDITED PROCEDURES.—The Adminis-  
4       trator shall establish expedited procedures for the  
5       consideration of an application submitted under sub-  
6       section (b), including a written report under para-  
7       graph (1)(A) not later than 45 days after the initial  
8       receipt of an application, for—

9               “(A) a small business investment compa-  
10       nies licensed under section 301;

11              “(B) a rural business investment company;

12              or

13              “(C) a bank-owned applicant.

14       “(d) MAXIMUM LEVERAGE.—

15              “(1) IN GENERAL.—For a micro-SBIC that  
16       elects to receive leverage under subsection (b)(3),  
17       the maximum amount of outstanding leverage made  
18       available to any one micro-SBIC may not exceed—

19              “(A) 50 percent of the private capital of  
20       such micro-SBIC, not to exceed \$25,000,000;

21              or

22              “(B) in the case of a micro-SBIC owned  
23       by persons who also own a small business in-  
24       vestment company licensed under section 301,

1           100 percent of the private capital of such  
2           micro-SBIC, not to exceed \$50,000,000.

3           “(2) INVESTMENTS IN CERTAIN BUSINESSES.—

4           In calculating the outstanding leverage of a micro-  
5           SBIC for purposes of paragraph (1), the Adminis-  
6           trator shall exclude the amount of the cost basis of  
7           any investments made in an early-stage small busi-  
8           ness, growth-stage small business, scale-up small  
9           business, or covered small business in an amount not  
10          to exceed—

11                   “(A) \$25,000,000; or

12                   “(B) in the case of a micro-SBIC owned  
13           by persons who also own a small business in-  
14           vestment company licensed under section 301,  
15           \$50,000,000.

16          **“SEC. 399B. MICRO-SBIC PROGRAM REQUIREMENTS.**

17           “(a) SURRENDER OF LICENSE.—A micro-SBIC that  
18           voluntarily surrenders a license issued under this section  
19           shall enter into an agreement with Administrator for the  
20           repayment of leverage received. Such agreement may not  
21           require the micro-SBIC to immediately repay all leverage  
22           received.

23           “(b) ADMINISTRATION.—To the extent practicable,  
24           for a micro-SBIC that elects to receive leverage under sec-  
25           tion 399A(b)(3), the Administrator shall administer the

1 Micro-SBIC Program in a similar manner to the program  
2 under section 301.

3 **“SEC. 399C. SEED INVESTMENT PROGRAM.**

4 “(a) ESTABLISHMENT.—The Administrator shall es-  
5 tablish and carry out an equity investment program (in  
6 this part referred to as the ‘Seed Investment Program’)  
7 to provide seed investments to a micro-SBIC to invest in  
8 small business concerns.

9 “(b) APPLICATION.—A micro-SBIC that elects to re-  
10 ceive a seed investment under section 399A(b)(3) shall  
11 submit to the Administrator an application that includes  
12 the following:

13 “(1) A business plan describing how the appli-  
14 cant intends to make successful investments in  
15 early-stage small businesses, growth-stage small  
16 businesses, scale-up small businesses, or covered  
17 small businesses, as applicable.

18 “(2) A description of the extent to which the  
19 applicant meets the selection criteria under sub-  
20 section (c).

21 “(c) SELECTION.—

22 “(1) IN GENERAL.—Not later than 90 days  
23 after the date of receipt of an application under sub-  
24 section (b), the Administrator shall make a final de-  
25 termination to approve or disapprove the applicant

1 as a participant in the Seed Investment Program  
2 and shall submit such determination to the applicant  
3 in writing.

4 “(2) CRITERIA.—In making a determination  
5 under paragraph (1), the Administrator shall con-  
6 sider each of the following criteria:

7 “(A) The likelihood that the applicant will  
8 meet the goals specified in the business plan of  
9 the applicant.

10 “(B) The likelihood that the investments of  
11 the applicant will directly and indirectly create  
12 or preserve jobs.

13 “(C) The character and fitness of the man-  
14 agement of the applicant.

15 “(D) The experience and background of  
16 the management of the applicant.

17 “(E) The extent to which the applicant will  
18 concentrate investment activities on early-stage  
19 small businesses, growth-stage small businesses,  
20 scale-up small businesses, or covered small busi-  
21 nesses, as applicable.

22 “(F) The likelihood that the applicant will  
23 achieve profitability.

1           “(G) The experience of the management of  
2           the applicant with respect to establishing a  
3           profitable investment track record.

4   **“SEC. 399D. REQUIREMENTS FOR SEED INVESTMENTS.**

5           “(a) IN GENERAL.—The Administrator may make  
6           one seed investment to a Program participant, which shall  
7           be held in an account from which the Program participant  
8           may make withdrawals.

9           “(b) AMOUNTS.—

10           “(1) NON-FEDERAL CAPITAL.—A seed invest-  
11           ment made to a Program participant may not exceed  
12           the amount of capital of such Program participant  
13           that—

14                   “(A) is not from a Federal source; and

15                   “(B) that is available for investment, in-  
16           cluding through legally binding commitments,  
17           on or before the date on which the seed invest-  
18           ment is approved.

19           “(2) LIMITATION ON AMOUNT.—The amount of  
20           a seed investment made to a Program participant  
21           may not exceed the lesser of—

22                   “(A) \$25,000,000; or

23                   “(B) 100 percent of the private capital  
24           committed to the Program participant.

25           “(c) PROCESS.—

1           “(1) IN GENERAL.—Amounts held in an ac-  
2           count under this section shall remain available to a  
3           Program participant—

4                   “(A) for initial seed investments, during  
5                   the 5-year period beginning on the date on  
6                   which the Program participant first accesses  
7                   amounts from the account; and

8                   “(B) for follow-on investments and man-  
9                   agement fees, during the 10-year period begin-  
10                  ning on the date on which the Program partici-  
11                  pant first accesses amounts from the account.

12           “(2) EXTENSION.—Upon request by a Program  
13           participant, the Administrator may grant a 1-year  
14           extension of the period described in paragraph  
15           (1)(B) not more than 2 times.

16           “(3) USE OF AMOUNTS.—A Program partici-  
17           pant shall invest all amounts in the account during  
18           the 10-year period beginning on the date on which  
19           the Program participant first accesses amounts from  
20           the account.

21           “(d) PRIORITY.—The Administrator shall prioritize  
22           making seed investments under this section to Program  
23           participants in underlicensed States.

24           “(e) INVESTMENTS IN CERTAIN BUSINESSES.—

1           “(1) IN GENERAL.—A Program participant that  
2 receives a seed investment under this part shall  
3 make all of the investments of such Program partici-  
4 pant in small business concerns, of which at least 50  
5 percent shall be in covered small businesses.

6           “(2) MINORITY POSITIONS.—On the date on  
7 which a Program participant first accesses amounts  
8 from such seed investment, the Program participant  
9 may not own or control not more than 50 percent  
10 of the shares of any small business concern in which  
11 such Program participant invests. A Program partici-  
12 pant shall not pursue a buyout strategy as a pri-  
13 mary purpose of an investment in such a small busi-  
14 ness concern, but may take control in follow-on in-  
15 vestments if necessary for the success of any such  
16 small business concern.

17           “(3) EVALUATION OF COMPLIANCE.—The Ad-  
18 ministrator shall evaluate the compliance of a Pro-  
19 gram participant with the requirements under this  
20 section once such Program participant has expended  
21 75 percent of the amount of a seed investment made  
22 under this part.

23           “(f) SEED INVESTMENT INTEREST.—

24           “(1) IN GENERAL.—

1           “(A) IN GENERAL.—Subject to paragraph  
2           (4), a Program participant that receives a seed  
3           investment under the Program shall convey a  
4           seed investment interest to the Administrator in  
5           accordance with subparagraph (B).

6           “(B) EFFECT OF CONVEYANCE.—The seed  
7           investment interest conveyed under paragraph  
8           (1) shall have all the rights and attributes of  
9           other investors with respect to the Program  
10          participant, but shall not assign control or vot-  
11          ing rights to the Administrator. The seed in-  
12          vestment interest shall entitle the Administrator  
13          to a pro rata portion of any distributions made  
14          by the Program participant equal to the per-  
15          centage of capital in the Program participant  
16          that the seed investment comprises. The Ad-  
17          ministrator shall receive distributions from the  
18          Program participant at the same times and in  
19          the same amounts as any other investor in the  
20          Program participant with a similar interest.  
21          The Program participant shall make allocations  
22          of income, gain, loss, deduction, and credit to  
23          the Administrator with respect to the seed in-  
24          vestment interest as if the Administrator were  
25          an investor.



1           “(2) MANAGER PROFITS.—The manager profits  
2 interest payable to the managers of a Program par-  
3 ticipant shall not exceed 20 percent of profits, exclu-  
4 sive of any profits that may accrue as a result of the  
5 capital contributions of any such managers with re-  
6 spect to such Program participant. Any excess of  
7 this amount, less taxes payable thereon, shall be re-  
8 turned by the managers and paid to the investors  
9 and the Administrator in proportion to the capital  
10 contributions and seed investments paid in. No man-  
11 ager profits interest (other than a tax distribution)  
12 shall be paid prior to the repayment to the investors  
13 and the Administrator of all contributed capital and  
14 seed investments made. A manager of a Program  
15 participant may charge reasonable and customary  
16 management and organizational fees.

17           “(3) DISTRIBUTION REQUIREMENTS.—A Pro-  
18 gram participant that receives a seed investment  
19 under the Program shall make all distributions to all  
20 investors in cash and shall make distributions within  
21 a reasonable time after exiting investments, includ-  
22 ing following a public offering or market sale of un-  
23 derlying investments.

24           “(4) LIMITATION ON GRANT PROFITS.—Once  
25 the Administrator has received an amount equal to

1 110 percent of the amount of the seed investment  
2 made to a Program participant, the requirement to  
3 convey seed investment interest under this sub-  
4 section shall be terminated and no further distribu-  
5 tions of profits shall be made to the Administrator.

6 **“SEC. 399E. ADMINISTRATION.**

7 “(a) ELECTRONIC SUBMISSIONS.—The Adminis-  
8 trator shall permit the electronic submission of any docu-  
9 ment submitted under this part or pursuant to a regula-  
10 tion carrying out this part, including by permitting an  
11 electronic signature for any signature that is required on  
12 such a document.

13 “(b) APPLICATION OF PENALTIES.—To the extent  
14 not inconsistent with requirements under this part, the  
15 Administrator may take such action as set forth in sec-  
16 tions 309, 311, 312, 313, and 314 to activities under this  
17 part and an officer, director, employee, agent, or other  
18 participant in a micro-SBIC shall be subject to the re-  
19 quirements under such sections.

20 **“SEC. 399F. REPORT.**

21 “The Administrator shall include in the annual report  
22 required under section 10(a) of the Small Business Act  
23 a description of—

24 “(1) the number of applications received under  
25 this part, including the number of applications re-

1 received from applicants for which the management  
2 consists of at least two socially disadvantaged indi-  
3 viduals or economically disadvantaged individuals;  
4 and

5 “(2) the number of licenses issued under sec-  
6 tion 399A, including the number of such licenses  
7 issued to applicants for which the management con-  
8 sists of at least two socially disadvantaged individ-  
9 uals or economically disadvantaged individuals.

10 **“SEC. 399G. DEFINITIONS.**

11 “In this part:

12 “(1) APPLICANT.—The term ‘applicant’  
13 means—

14 “(A) an incorporated body, a limited liabil-  
15 ity corporation, or a limited partnership orga-  
16 nized and chartered or otherwise existing under  
17 State law solely for the purpose of performing  
18 the functions and conducting the activities con-  
19 templated under this section; or

20 “(B) a bank-owned applicant, rural busi-  
21 ness investment company, or small business in-  
22 vestment company licensed under section 301  
23 that submits an application to operate as a  
24 micro-SBIC under section 399A.

1           “(2) BANK-OWNED APPLICANT.—the term  
2           ‘bank-owned applicant’ means an applicant for a li-  
3           cense to operate as a small business investment com-  
4           pany under this part that—

5                   “(A) is a national bank or any member  
6                   bank of the Federal Reserve System or non-  
7                   member insured bank that bears the same  
8                   name as the small business investment company  
9                   that is the subject of the application;

10                   “(B) is domestically domiciled within the  
11                   United States; and

12                   “(C) has not had a license issued under  
13                   this Act revoked or involuntarily surrendered  
14                   during the 10-year period preceding the date on  
15                   which the application is submitted;

16           “(3) COVERED SMALL BUSINESS.—The term  
17           ‘covered small business’ means a small business con-  
18           cern that—

19                   “(A) is a small business concern owned  
20                   and controlled by women (as defined in section  
21                   3(n) of the Small Business Act), small business  
22                   concern owned and controlled by socially and  
23                   economically disadvantaged individuals (as de-  
24                   fined in section 8(d)(3)(C) of such Act), a small  
25                   business concern owned and controlled by vet-

1           erans (as defined in section 3(q) of such Act)  
2           or a Tribal business concern (as described in  
3           section 31(b)(2)(C) of such Act);

4           “(B) has its principal place of business lo-  
5           cated in a rural census tract (as determined  
6           under the most recent rural urban commuting  
7           area code as set forth by the Office of Manage-  
8           ment and Budget);

9           “(C) is a domestic manufacturing business  
10          that is assigned a North American Industry  
11          Classification System code beginning with 31,  
12          32, or 33 at the time at which the small busi-  
13          ness concern receives an investment from a  
14          micro-SBIC under this section; or

15          “(D) either—

16                 “(i) had gross receipts during the first  
17                 or second quarter in 2020 that are not less  
18                 than 50 percent less than the gross re-  
19                 ceipts of the concern during the same  
20                 quarter in 2019;

21                 “(ii) if the concern was not in busi-  
22                 ness during the first or second quarter of  
23                 2019, but was in business during the third  
24                 and fourth quarter of 2019, had gross re-  
25                 ceipts during the first or second quarter of

1 2020 that are less than 50 percent of the  
2 amount of the gross receipts of the concern  
3 during the third or fourth quarter of 2019;

4 “(iii) if the concern was not in busi-  
5 ness during the first, second, or third  
6 quarter of 2019, but was in business dur-  
7 ing the fourth quarter of 2019, had gross  
8 receipts during the first or second quarter  
9 of 2020 that are less than 50 percent of  
10 the amount of the gross receipts of the  
11 concern during the fourth quarter of 2019;

12 or

13 “(iv) if the concern was not in busi-  
14 ness during 2019, but was in operation on  
15 February 15, 2020, had gross receipts dur-  
16 ing the second quarter of 2020 that are  
17 less than 50 percent of the amount of the  
18 gross receipts of the concern during the  
19 first quarter of 2020.

20 “(4) EARLY-STAGE SMALL BUSINESS.—The  
21 term ‘early-stage small business’ means a small busi-  
22 ness concern that—

23 “(A) is domestically domiciled within the  
24 United States;

1           “(B) during the 3-year period preceding  
2           the date of application, has not generated gross  
3           annual sales revenues exceeding \$15,000,000;

4           “(C) produces a majority of its goods or  
5           provides a majority of its services in the United  
6           States; and

7           “(D) does not move production or employ-  
8           ment outside the United States.

9           “(5) ECONOMICALLY DISADVANTAGED INDI-  
10          VIDUAL; SOCIALLY DISADVANTAGED INDIVIDUAL.—  
11          The terms ‘economically disadvantaged individual’  
12          and ‘socially disadvantaged individual’ have the  
13          meanings given, respectively, in section 8(a) of the  
14          Small Business Act.

15          “(6) GROWTH-STAGE SMALL BUSINESS.—The  
16          term ‘growth-stage small business’ means a small  
17          business concern that—

18                 “(A) is domestically domiciled within the  
19                 United States;

20                 “(B) during the 3-year period preceding  
21                 the date of application, has not generated gross  
22                 annual sales revenues exceeding \$30,000,000;

23                 “(C) produces a majority of its good or  
24                 provides a majority of its services in the United  
25                 States; and

1           “(D) does not move production or employ-  
2           ment outside the United States.

3           “(7) MANAGEMENT.—The term ‘management’  
4           means a general partner of an applicant or member  
5           of the investment committee of an applicant.

6           “(8) MICRO-SBIC.—The term ‘micro-SBIC’  
7           means an applicant licensed under section 399A.

8           “(9) PROGRAM PARTICIPANT.—The term ‘Pro-  
9           gram participant’ means a micro-SBIC that received  
10          a seed investment under the Seed Investment Pro-  
11          gram established by section 399C.

12          “(10) SCALE-UP SMALL BUSINESS.—The term  
13          ‘scale-up small business’ means a small business  
14          concern that—

15               “(A) is domestically domiciled within the  
16               United States;

17               “(B) during the 3-year period preceding  
18               the date of application, has not generated earn-  
19               ings before interest, tax, depreciation, and am-  
20               ortization in excess of \$3,000,000;

21               “(C) produces a majority of its goods or  
22               provides a majority of its services in the United  
23               States; and

24               “(D) does not move production or employ-  
25               ment outside the United States.



1           “(11) SMALL BUSINESS CONCERN.—The term  
2           ‘small business concern’ has the meaning given  
3           under section 3(a) of the Small Business Act (15  
4           U.S.C. 632(a)).

5           “(12) TRACK RECORD INVESTMENT COMMITTEE  
6           MEMBER.—The term ‘track record investment com-  
7           mittee member’ means a current or former small  
8           business investment company licensed under section  
9           301, a private small- and lower-middle-market ven-  
10          ture capital firm, or a private equity fund manager  
11          with the knowledge, experience, and capability nec-  
12          essary to serve as management for an applicant.

13          “(13) UNITED STATES.—The term ‘United  
14          States’ means each of the several States, the Dis-  
15          trict of Columbia, each territory or possession of the  
16          United States, and each federally recognized Indian  
17          Tribe.

18          **“SEC. 399H. FUNDING.**

19          “(a) AUTHORIZATION OF APPROPRIATIONS.—There  
20          is authorized to be appropriated to the revolving fund es-  
21          tablished under subsection (b) \$1,000,000,000 for the  
22          first full fiscal year beginning after the date of the enact-  
23          ment of this part to carry out the requirements of this  
24          part.

1           “(b) REVOLVING FUND.—There is created within the  
2 Administration a separate revolving fund for the Seed In-  
3 vestment Program established under section 399C, which  
4 shall be available to the Administrator subject to annual  
5 appropriations. All amounts received by the Adminis-  
6 trator, including any money, property, or assets derived  
7 by the Administrator from operations in connection with  
8 the Seed Investment Program, including repayments of  
9 seed investments, shall be deposited in the revolving fund.  
10 All expenses and payments, excluding administrative ex-  
11 penses, pursuant to the operations of the Administrator  
12 under the Seed Investment Program shall be paid from  
13 the revolving fund.”.

## 14           **TITLE VI—MISCELLANEOUS**

### 15           **SEC. 601. REPEAL OF UNEMPLOYMENT GRANTS.**

16           Section 1110(e)(6) of the CARES Act (15 U.S.C.  
17 9009) is repealed.

### 18           **SEC. 602. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

19           (a) IN GENERAL.—Section 1112 of the CARES Act  
20 (15 U.S.C. 9011) is amended—

21                   (1) in subsection (c)—

22                           (A) in paragraph (1)—

23                                   (i) in the matter preceding subpara-  
24                                   graph (A), by inserting “, without regard  
25                                   to the date on which the covered loan is

1 fully disbursed and subject to availability  
2 of funds” after “status”; and

3 (ii) by amending subparagraphs (A),  
4 (B), and (C) to read as follows:

5 “(A) with respect to a covered loan ap-  
6 proved by the Administration before the date of  
7 enactment of this Act and not on deferment—

8 “(i) except as provided in clauses (ii)  
9 and (iii), for the 6-month period beginning  
10 with the next payment due on the covered  
11 loan after the covered loan is fully dis-  
12 bursed;

13 “(ii) for the 11-month period begin-  
14 ning with the next payment due on the  
15 covered loan after the covered loan is fully  
16 disbursed, with respect to a covered loan  
17 that—

18 “(I) is described in subsection  
19 (a)(1)(B) or is a loan guaranteed by  
20 the Administration under section 7(a)  
21 of the Small Business Act (15 U.S.C.  
22 636(a)) other than a loan described in  
23 clause (i) or (ii) of subsection  
24 (a)(1)(A); and

1                   “(II) is made to a borrower oper-  
2                   ating primarily in an industry that is  
3                   assigned a North American Industry  
4                   Classification System code beginning  
5                   with 21, 31, 32, 33, 44, 45, 48, 49,  
6                   51, 53, 54, 56, 62, or 81; and

7                   “(iii) for the 18-month period begin-  
8                   ning with the next payment due on the  
9                   covered loan after the covered loan is fully  
10                  disbursed, with respect to—

11                  “(I) a covered loan described in  
12                  paragraph (1)(A)(i) or paragraph (2)  
13                  of subsection (a); or

14                  “(II) any covered loan made to a  
15                  borrower operating primarily in an in-  
16                  dustry that is assigned a North Amer-  
17                  ican Industry Classification System  
18                  code of 485510 or that begins with  
19                  61, 71, or 72;

20                  “(B) with respect to a covered loan ap-  
21                  proved by the Administration before the date of  
22                  enactment of this Act and on deferment—

23                  “(i) except as provided in clauses (ii)  
24                  and (iii), for the 6-month period beginning  
25                  with the next payment due on the covered

1 loan after the deferment period and after  
2 the covered loan is fully disbursed;

3 “(ii) for the 11-month period begin-  
4 ning with the next payment due on the  
5 covered loan after the deferment period  
6 and after the covered loan is fully dis-  
7 bursed, with respect to a covered loan de-  
8 scribed in subclause (I) or (II) of subpara-  
9 graph (A)(ii); and

10 “(iii) for the 18-month period begin-  
11 ning with the next payment due on the  
12 covered loan after the deferment period  
13 and after the covered loan is fully dis-  
14 bursed, with respect to a covered loan de-  
15 scribed in subclause (I) or (II) of subpara-  
16 graph (A)(iii); and

17 “(C) with respect to a covered loan made  
18 during the period beginning on the date of en-  
19 actment of this Act and ending on the date that  
20 is 30 months after such date of enactment—

21 “(i) except as provided in clause (ii),  
22 for the 6-month period beginning with the  
23 first payment due after the loan is fully  
24 disbursed; and

1 “(ii) for a covered loan described in  
2 paragraph (1)(A)(i) or (2) of subsection  
3 (a) that is approved by the Administrator,  
4 for the 18-month period beginning with the  
5 first payment due after the loan is fully  
6 disbursed.”; and

7 (B) by adding at the end the following:

8 “(4) ADDITIONAL PROVISIONS FOR NEW  
9 LOANS.—With respect to a loan described in para-  
10 graph (1)(C)—

11 “(A) the Administrator may further extend  
12 the 30-month period described in paragraph  
13 (1)(C) if there are sufficient funds to continue  
14 those payments; and

15 “(B) during the underwriting process, a  
16 lender of such a loan may consider the pay-  
17 ments under this section as part of a com-  
18 prehensive review to determine the ability to  
19 repay.

20 “(5) ELIGIBILITY.—Eligibility for a covered  
21 loan to receive such payments of principal, interest,  
22 and any associated fees under this subsection shall  
23 be based on the date on which the covered loan is  
24 approved by the Administration.

25 “(6) AUTHORITY TO REVISE EXTENSIONS.—

1           “(A) IN GENERAL.—As part of preparing  
2           the reports under subsection (i)(5) that are re-  
3           quired to be submitted not later than January  
4           15, 2021, and not later than June 15, 2021,  
5           the Administrator shall conduct an evaluation  
6           of whether amounts made available to make  
7           payments under this subsection are sufficient to  
8           make the payments for the period described in  
9           paragraph (1).

10           “(B) PLAN.—If the Administrator deter-  
11           mines under subparagraph (A) that the  
12           amounts made available to make payments  
13           under this subsection are insufficient, the Ad-  
14           ministrators shall—

15           “(i) develop a plan to proportionally  
16           reduce the number of months provided for  
17           each period described in paragraph (1),  
18           which shall include the goal of using all  
19           available amounts made available to make  
20           payments under this subsection; and

21           “(ii) before taking action under the  
22           plan developed under clause (i), include in  
23           the applicable report under subsection  
24           (i)(5) the plan and the data that informs  
25           the plan.

1           “(7) RULE OF CONSTRUCTION.—Nothing in  
2 this subsection shall preclude a borrower from re-  
3 ceiving full payments of principal, interest, and any  
4 associated fees as authorized by subsection, regard-  
5 less of the application of a plan implemented under  
6 paragraph (6)(B).”;

7           (2) by redesignating subsection (f) as sub-  
8 section (j); and

9           (3) by inserting after subsection (e) the fol-  
10 lowing:

11           “(f) ELIGIBILITY FOR NEW LOANS.—

12           “(1) IN GENERAL.—With respect to a covered  
13 loan made on or after the date of enactment of the  
14 PPP and EIDL Enhancement Act of 2020, the cov-  
15 ered loan shall have a maturity of not less than 48  
16 months in order to be eligible for payments made  
17 under this section.

18           “(2) LENDING PROGRAMS.—The minimum ma-  
19 turity requirements of paragraph (1) shall not pro-  
20 hibit the Administrators from establishing a min-  
21 imum maturity of longer than 48 months for a loan  
22 described under subsection (a), taking into consider-  
23 ation the normal underwriting requirements for each  
24 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  
19 identifying which borrowers qualify for an extension  
20 of 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 part-  
25 ners of the Administration in order to ensure

1 full and proper compliance with this section, en-  
2 courage broad participation with respect to cov-  
3 ered loans that have not yet been approved by  
4 the Administrator, and help lenders transition  
5 borrowers from subsidy payments under this  
6 section directly to a deferral when suitable for  
7 the borrower.

8 “(B) RESOURCE PARTNERS DEFINED.—In  
9 this paragraph, the term ‘resource partners ’  
10 means small business development centers (as  
11 defined in section 3 of the Small Business Act  
12 (15 U.S.C. 632)), women’s business centers  
13 (described under section 29 of such Act (15  
14 U.S.C. 656)), chapters of the Service Corps of  
15 Retired Executives (established under section  
16 8(b)(1)(B) of such Act (15 U.S.C.  
17 637(b)(1)(B))), and Veteran Business Outreach  
18 Centers (described under section 32 of such Act  
19 (15 U.S.C. 657b)).

20 “(4) NOTIFICATION.—Not later than 30 days  
21 after the date of enactment of the PPP and EIDL  
22 Enhancement Act of 2020, the Administrator shall  
23 mail a letter to each borrower of a covered loan that  
24 includes—

1           “(A) an overview of payments made under  
2 this section;

3           “(B) the rights of the borrower to receive  
4 such payments;

5           “(C) how to seek recourse with the Admin-  
6 istrator or the lender of the covered loan if the  
7 borrower has not received such payments; and

8           “(D) the rights of the borrower to request  
9 a loan deferral from a lender, and guidance on  
10 how to do successfully transition directly to a  
11 loan deferral once subsidy payments under this  
12 section are concluded.

13           “(5) MONTHLY REPORTING.—Not later than  
14 the 15th of each month beginning after the date of  
15 enactment of the PPP and EIDL Enhancement Act  
16 of 2020, the Administrator shall submit to Congress  
17 a report on payments made under this section, which  
18 shall include—

19           “(A) monthly and cumulative data on pay-  
20 ments made under this section as of the date of  
21 the report, including a breakdown by—

22           “(i) the number of participating bor-  
23 rowers;

24           “(ii) the volume of payments made for  
25 each type of covered loan; and

1                   “(iii) the volume of payments made  
2                   for covered loans made before the date of  
3                   enactment of this Act and loans made  
4                   after such date of enactment;

5                   “(B) the names of any lenders of covered  
6                   loans that have not submitted information on  
7                   the covered loans to the Administrator during  
8                   the preceding month; and

9                   “(C) an update on the education and out-  
10                  reach activities of the Administration carried  
11                  out under paragraph (3).

12               “(i) REGULATIONS.—Not later than 30 days after the  
13               date of enactment of the PPP and EIDL Enhancement  
14               Act of 2020, the Administrator shall issue rules to guard  
15               against abuse or excessive and unintended use by lenders  
16               or borrowers of the payments provided under this sec-  
17               tion.”.

18               (b) EFFECTIVE DATE.—The amendments made by  
19               this section shall apply as if included in the enactment  
20               of section 1112 of the CARES Act (15 U.S.C. 9011).

21   **SEC. 603. MODIFICATIONS TO 7(a) LOAN PROGRAMS.**

22               (a) 7(a) LOAN GUARANTEES.—

23                   (1) IN GENERAL.—Section 7(a)(2)(A) of the  
24                   Small Business Act (15 U.S.C. 636(a)(2)(A)) is  
25                   amended by striking “), such participation by the

1 Administration shall be equal to” and all that fol-  
2 lows through the period at the end and inserting “or  
3 the Community Advantage Pilot Program of the Ad-  
4 ministration), such participation by the Administra-  
5 tion shall be equal to 90 percent of the balance of  
6 the financing outstanding at the time of disburse-  
7 ment of the loan.”.

8 (2) PROSPECTIVE REPEAL.—Effective October  
9 1, 2021, section 7(a)(2)(A) of the Small Business  
10 Act (15 U.S.C. 636(a)(2)(A)), as amended by para-  
11 graph (1), is amended to read as follows:

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraphs (B), (D), (E), and (F), in an  
14 agreement to participate in a loan on a deferred  
15 basis under this subsection (including a loan  
16 made under the Preferred Lenders Program),  
17 such participation by the Administration shall  
18 be equal to—

19 “(i) 75 percent of the balance of the  
20 financing outstanding at the time of dis-  
21 bursement of the loan, if such balance ex-  
22 ceeds \$150,000; or

23 “(ii) 85 percent of the balance of the  
24 financing outstanding at the time of dis-

1                   bursement of the loan, if such balance is  
2                   less than or equal to \$150,000.”.

3           (b) EXPRESS LOANS.—

4                   (1) LOAN AMOUNT.—Section 1102(c)(2) of the  
5           CARES Act (Public Law 116–36; 15 U.S.C. 636  
6           note) is amended to read as follows:

7                   “(2)           PROSPECTIVE           REPEAL.—Section  
8           7(a)(31)(D) of the Small Business Act (15 U.S.C.

9                   “(A) by striking ‘\$1,000,000’ and inserting  
10           ‘\$500,000’, effective during the period begin-  
11           ning on January 1, 2021, and ending on Sep-  
12           tember 30, 2021; and

13                   “(B) (B) by striking ‘\$500,000’ and in-  
14           serting ‘\$350,000’, effective October 1, 2021.”.

15           (2) GUARANTEE RATES.—

16                   (A) TEMPORARY MODIFICATION.—Section  
17           7(a)(31)(A)(iv) of the Small Business Act (15  
18           U.S.C. 636(a)(31)(A)(iv)) is amended by strik-  
19           ing “with a guaranty rate of not more than 50  
20           percent.” and inserting the following: “with a  
21           guarantee rate—

22                   “(I) for a loan in an amount less  
23           than or equal to \$350,000, of not  
24           more than 75 percent; and

1                   “(II) for a loan in an amount  
2                   greater than \$350,000, of not more  
3                   than 50 percent.”.

4                   (B) PROSPECTIVE REPEAL.—Effective Oc-  
5                   tober 1, 2021, section 7(a)(31)(A)(iv) of the  
6                   Small Business Act (15 U.S.C. 636(a)(31)), as  
7                   amended by subparagraph (A), is amended by  
8                   striking “guarantee rate” and all that follows  
9                   through the period at the end and inserting  
10                  “guarantee rate of not more than 50 percent.”.

11 **SEC. 604. FLEXIBILITY IN DEFERRAL OF PAYMENTS OF 7(A)**

12                   **LOANS.**

13                  Section 7(a)(7) of the Small Business Act (15 U.S.C.  
14 636(a)(7)) is amended—

15                  (1) by striking “The Administration” and in-  
16                  serting “(A) IN GENERAL.—The Administrator”;

17                  (2) by inserting “and interest” after “prin-  
18                  cipal”; and

19                  (3) by adding at the end the following new sub-  
20                  paragraphs:

21                  “(B) DEFERRAL REQUIREMENTS.—With re-  
22                  spect to a deferral provided under this paragraph,  
23                  the Administrator may allow lenders under this sub-  
24                  section—

1           “(i) to provide full payment deferment re-  
2           lief (including payment of principal and inter-  
3           est) for a period of not more than 1 year; and

4           “(ii) to provide an additional deferment pe-  
5           riod if the borrower provides documentation  
6           justifying such additional deferment.

7           “(C) SECONDARY MARKET.—If an investor de-  
8           clines to approve a deferral or additional deferment  
9           requested by a lender under subparagraph (B), the  
10          Administrator shall exercise the authority to pur-  
11          chase the loan so that the borrower may receive full  
12          payment deferment relief (including payment of  
13          principal and interest) or an additional deferment as  
14          described under subparagraph (B).”.

15 **SEC. 605. RECOVERY ASSISTANCE UNDER THE MICROLOAN**  
16 **PROGRAM.**

17          (a) LOANS TO INTERMEDIARIES.—

18                 (1) IN GENERAL.—Section 7(m) of the Small  
19          Business Act (15 U.S.C. 636(m)) is amended—

20                         (A) in paragraph (3)(C)—

21                                 (i) by striking “and \$6,000,000” and  
22                                 inserting “\$10,000,000 (in the aggre-  
23                                 gate)”; and



1 (ii) by inserting before the period at  
2 the end the following: “, and \$4,500,000 in  
3 any of those remaining years”;

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking  
6 “subparagraph (C)” each place that term  
7 appears and inserting “subparagraphs (C)  
8 and (G)”;

9 (ii) in subparagraph (C), by amending  
10 clause (i) to read as follows:

11 “(i) IN GENERAL.—In addition to  
12 grants made under subparagraph (A) or  
13 (G), each intermediary shall be eligible to  
14 receive a grant equal to 5 percent of the  
15 total outstanding balance of loans made to  
16 the intermediary under this subsection if—

17 “(I) the intermediary provides  
18 not less than 25 percent of its loans  
19 to small business concerns located in  
20 or owned by one or more residents of  
21 an economically distressed area; or

22 “(II) the intermediary has a  
23 portfolio of loans made under this  
24 subsection—

1                   “(aa) that averages not  
2                   more than \$10,000 during the  
3                   period of the intermediary’s par-  
4                   ticipation in the program; or

5                   “(bb) of which not less than  
6                   25 percent is serving rural areas  
7                   during the period of the  
8                   intermediary’s participation in  
9                   the program.”; and

10                   (iii) by adding at the end the fol-  
11                   lowing new subparagraph:

12                   “(G) GRANT AMOUNTS BASED ON APPRO-  
13                   PRIATIONS.—In any fiscal year in which the  
14                   amount appropriated to make grants under  
15                   subparagraph (A) is sufficient to provide to  
16                   each intermediary that receives a loan under  
17                   paragraph (1)(B)(i) a grant of not less than 25  
18                   percent of the total outstanding balance of  
19                   loans made to the intermediary under this sub-  
20                   section, the Administration shall make a grant  
21                   under subparagraph (A) to each intermediary  
22                   of not less than 25 percent and not more than  
23                   30 percent of that total outstanding balance for  
24                   the intermediary.”;

1 (C) by striking paragraph (7) and insert-  
2 ing the following:

3 “(7) PROGRAM FUNDING FOR MICROLOANS.—  
4 Under the program authorized by this subsection,  
5 the Administration may fund, on a competitive basis,  
6 not more than 300 intermediaries.”; and

7 (D) in paragraph (11)—

8 (i) in subparagraph (C)(ii), by strik-  
9 ing all after the semicolon and inserting  
10 “and”; and

11 (ii) by striking all after subparagraph  
12 (C), and inserting the following:

13 “(D) the term ‘economically distressed  
14 area’, as used in paragraph (4), means a county  
15 or equivalent division of local government of a  
16 State in which the small business concern is lo-  
17 cated, in which, according to the most recent  
18 data available from the Bureau of the Census,  
19 Department of Commerce, not less than 40 per-  
20 cent of residents have an annual income that is  
21 at or below the poverty level.”.

22 (2) PROSPECTIVE AMENDMENT.—Effective on  
23 October 1, 2021, section 7(m)(3)(C) of the Small  
24 Business Act (15 U.S.C. 636(m)(3)(C)), as amended  
25 by paragraph (1)(A), is further amended—

1 (A) by striking “\$10,000,000” and by in-  
2 serting “\$7,000,000”; and

3 (B) by striking “\$4,500,000” and insert-  
4 ing “\$3,000,000”.

5 (b) TEMPORARY WAIVER OF TECHNICAL ASSIST-  
6 ANCE GRANTS MATCHING REQUIREMENTS AND FLEXI-  
7 BILITY ON PRE- AND POST-LOAN ASSISTANCE.—During  
8 the period beginning on the date of enactment of this sec-  
9 tion and ending on September 30, 2021, the Administra-  
10 tion shall waive—

11 (1) the requirement to contribute non-Federal  
12 funds under section 7(m)(4)(B) of the Small Busi-  
13 ness Act (15 U.S.C. 636(m)(4)(B)); and

14 (2) the limitation on amounts allowed to be ex-  
15 pended to provide information and technical assist-  
16 ance under clause (i) of section 7(m)(4)(E) of the  
17 Small Business Act (15 U.S.C. 636(m)(4)(E)) and  
18 enter into third-party contracts to provide technical  
19 assistance under clause (ii) of such section  
20 7(m)(4)(E).

21 (c) TEMPORARY DURATION OF LOANS TO BOR-  
22 ROWERS.—

23 (1) IN GENERAL.—During the period beginning  
24 on the date of enactment of this section and ending  
25 on September 30, 2021, the duration of a loan made

1 by an eligible intermediary under section 7(m) of the  
2 Small Business Act (15 U.S.C. 636(m))—

3 (A) to an existing borrower may be ex-  
4 tended to not more than 8 years; and

5 (B) to a new borrower may be not more  
6 than 8 years.

7 (2) REVERSION.—On and after October 1,  
8 2021, the duration of a loan made by an eligible  
9 intermediary to a borrower under section 7(m) of  
10 the Small Business Act (15 U.S.C. 636(m)) shall be  
11 7 years or such other amount established by the Ad-  
12 ministrator.

13 (d) FUNDING.—Section 20 of the Small Business Act  
14 (15 U.S.C. 631 note) is amended by adding at the end  
15 the following new subsection:

16 “(h) MICROLOAN PROGRAM.—For each of fiscal  
17 years 2021 through 2025, the Administration is author-  
18 ized to make—

19 “(1) \$80,000,000 in technical assistance grants,  
20 as provided in section 7(m); and

21 “(2) \$110,000,000 in direct loans, as provided  
22 in section 7(m).”.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
24 tion to amounts provided under the Consolidated Appro-  
25 priations Act, 2020 (Public Law 116–93) for the program

1 established under section 7(m) of the Small Business Act  
2 (15 U.S.C. 636(m)), there is authorized to be appro-  
3 priated for fiscal year 2020, to remain available until ex-  
4 pended—

5 (1) \$50,000,000 to provide technical assistance  
6 grants under such section 7(m); and

7 (2) \$7,000,000 to provide direct loans under  
8 such section 7(m).

9 **SEC. 606. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

10 (a) PERMANENT INCREASE FOR SMALL MANUFAC-  
11 TURERS.—Section 502(2)(A)(iii) of the Small Business  
12 Investment Act of 1958 (15 U.S.C. 696(2)(A)(iii)) is  
13 amended by striking “\$5,500,000” and inserting  
14 “\$6,500,000”.

15 (b) LOW-INTEREST REFINANCING UNDER THE  
16 LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—

17 (1) REPEAL.—Section 521(a) of title V of divi-  
18 sion E of the Consolidated Appropriations Act, 2016  
19 (Public Law 114–113; 129 Stat. 2463; 15 U.S.C.  
20 696 note) is repealed.

21 (2) REFINANCING.—Section 502(7) of the  
22 Small Business Investment Act of 1958 (15 U.S.C.  
23 696(7)) is amended by adding at the end the fol-  
24 lowing new subparagraph:

1                   “(C) REFINANCING NOT INVOLVING EX-  
2                   PANSIONS.—

3                   “(i) DEFINITIONS.—In this subpara-  
4                   graph—

5                   “(I) the term ‘borrower’ means a  
6                   small business concern that submits  
7                   an application to a development com-  
8                   pany for financing under this sub-  
9                   paragraph;

10                  “(II) the term ‘eligible fixed  
11                  asset’ means tangible property relat-  
12                  ing to which the Administrator may  
13                  provide financing under this section;  
14                  and

15                  “(III) the term ‘qualified debt’  
16                  means indebtedness that—

17                         “(aa) was incurred not less  
18                         than 6 months before the date of  
19                         the application for assistance  
20                         under this subparagraph;

21                         “(bb) is a commercial loan;

22                         “(cc) the proceeds of which  
23                         were used to acquire an eligible  
24                         fixed asset;

1                   “(dd) was incurred for the  
2                   benefit of the small business con-  
3                   cern; and

4                   “(ee) is collateralized by eli-  
5                   gible fixed assets; and

6                   “(ii) **AUTHORITY.**—A project that  
7                   does not involve the expansion of a small  
8                   business concern may include the refi-  
9                   nancing of qualified debt if—

10                   “(I) the amount of the financing  
11                   is not more than 90 percent of the  
12                   value of the collateral for the financ-  
13                   ing, except that, if the appraised value  
14                   of the eligible fixed assets serving as  
15                   collateral for the financing is less than  
16                   the amount equal to 125 percent of  
17                   the amount of the financing, the bor-  
18                   rower may provide additional cash or  
19                   other collateral to eliminate any defi-  
20                   ciency;

21                   “(II) the borrower has been in  
22                   operation for all of the 2-year period  
23                   ending on the date the loan applica-  
24                   tion is submitted; and



1                   “(III) for a financing for which  
2                   the Administrator determines there  
3                   will be an additional cost attributable  
4                   to the refinancing of the qualified  
5                   debt, the borrower agrees to pay a fee  
6                   in an amount equal to the anticipated  
7                   additional cost.

8                   “(iii) FINANCING FOR BUSINESS EX-  
9                   PENSES.—

10                   “(I) FINANCING FOR BUSINESS  
11                   EXPENSES.—The Administrator may  
12                   provide financing to a borrower that  
13                   receives financing that includes a refi-  
14                   nancing of qualified debt under clause  
15                   (ii), in addition to the refinancing  
16                   under clause (ii), to be used solely for  
17                   the payment of business expenses.

18                   “(II) APPLICATION FOR FINANC-  
19                   ING.—An application for financing  
20                   under subclause (I) shall include—

21                   “(aa) a specific description  
22                   of the expenses for which the ad-  
23                   ditional financing is requested;  
24                   and

1                   “(bb) an itemization of the  
2                   amount of each expense.

3                   “(III) CONDITION ON ADDI-  
4                   TIONAL FINANCING.—A borrower may  
5                   not use any part of the financing  
6                   under this clause for non-business  
7                   purposes.

8                   “(iv) LOANS BASED ON JOBS.—

9                   “(I) JOB CREATION AND RETEN-  
10                  TION GOALS.—

11                  “(aa) IN GENERAL.—The  
12                  Administrator may provide fi-  
13                  nancing under this subparagraph  
14                  for a borrower that meets the job  
15                  creation goals under subsection  
16                  (d) or (e) of section 501.

17                  “(bb) ALTERNATE JOB RE-  
18                  TENTION GOAL.—The Adminis-  
19                  trator may provide financing  
20                  under this subparagraph to a  
21                  borrower that does not meet the  
22                  goals described in item (aa) in an  
23                  amount that is not more than the  
24                  product obtained by multiplying

1 the number of employees of the  
2 borrower by \$75,000.

3 “(II) NUMBER OF EMPLOYEES.—

4 For purposes of subclause (I), the  
5 number of employees of a borrower is  
6 equal to the sum of—

7 “(aa) the number of full-  
8 time employees of the borrower  
9 on the date on which the bor-  
10 rower applies for a loan under  
11 this subparagraph; and

12 “(bb) the product obtained  
13 by multiplying—

14 “(AA) the number of  
15 part-time employees of the  
16 borrower on the date on  
17 which the borrower applies  
18 for a loan under this sub-  
19 paragraph, by

20 “(BB) the quotient ob-  
21 tained by dividing the aver-  
22 age number of hours each  
23 part time employee of the  
24 borrower works each week  
25 by 40.

1                   “(vi) TOTAL AMOUNT OF LOANS.—  
2                   The Administrator may provide not more  
3                   than a total of \$7,500,000,000 of financ-  
4                   ing under this subparagraph for each fiscal  
5                   year.”.

6           (c) REFINANCING SENIOR PROJECT DEBT.—During  
7 the 1-year period beginning on the date of the enactment  
8 of this Act, a development company described under title  
9 V of the Small Business Investment Act of 1958 (15  
10 U.S.C. 695 et seq.) is authorized to allow the refinancing  
11 of a senior loan on an existing project in an amount that,  
12 when combined with the outstanding balance on the devel-  
13 opment company loan, is not more than 90 percent of the  
14 total value of the senior loan. Proceeds of such refinancing  
15 can be used to support business operating expenses of  
16 such development company.

17 **SEC. 607. TEMPORARY FEE REDUCTIONS.**

18           (a) ADMINISTRATIVE FEE WAIVER.—

19                   (1) IN GENERAL.—During the period beginning  
20                   on the date of enactment of this Act and ending on  
21                   September 30, 2021, and to the extent that the cost  
22                   of such elimination or reduction of fees is offset by  
23                   appropriations, with respect to each loan guaranteed  
24                   under section 7(a) of the Small Business Act (15  
25                   U.S.C. 636(a)) (including a recipient of assistance

1 under the Community Advantage Pilot Program of  
2 the Administration) for which an application is ap-  
3 proved or pending approval on or after the date of  
4 enactment of this Act, the Administrator shall—

5 (A) in lieu of the fee otherwise applicable  
6 under section 7(a)(23)(A) of the Small Busi-  
7 ness Act (15 U.S.C. 636(a)(23)(A)), collect no  
8 fee or reduce fees to the maximum extent pos-  
9 sible; and

10 (B) in lieu of the fee otherwise applicable  
11 under section 7(a)(18)(A) of the Small Busi-  
12 ness Act (15 U.S.C. 636(a)(18)(A)), collect no  
13 fee or reduce fees to the maximum extent pos-  
14 sible.

15 (2) APPLICATION OF FEE ELIMINATIONS OR RE-  
16 Ductions.—To the extent that amounts are made  
17 available to the Administrator for the purpose of fee  
18 eliminations or reductions under paragraph (1), the  
19 Administrator shall—

20 (A) first use any amounts provided to  
21 eliminate or reduce fees paid by small business  
22 borrowers under clauses (i) through (iii) of sec-  
23 tion 7(a)(18)(A) of the Small Business Act (15  
24 U.S.C. 636(a)(18)(A)), to the maximum extent  
25 possible; and

1 (B) then use any amounts provided to  
2 eliminate or reduce fees under 7(a)(23)(A) of  
3 the Small Business Act (15 U.S.C.  
4 636(a)(23)(A)).

5 (c) TEMPORARY FEE ELIMINATION FOR THE 504  
6 LOAN PROGRAM.—

7 (1) IN GENERAL.—During the period beginning  
8 on the date of enactment of this section and ending  
9 on September 30, 2021, and to the extent the cost  
10 of such elimination in fees is offset by appropria-  
11 tions, with respect to each project or loan guaran-  
12 teed by the Administrator pursuant to title V of the  
13 Small Business Investment Act of 1958 (15 U.S.C.  
14 695 et seq.) for which an application is approved or  
15 pending approval on or after the date of enactment  
16 of this section—

17 (A) the Administrator shall, in lieu of the  
18 fee otherwise applicable under section 503(d)(2)  
19 of the Small Business Investment Act of 1958  
20 (15 U.S.C. 697(d)(2)), collect no fee; and

21 (B) a development company shall, in lieu  
22 of the processing fee under section  
23 120.971(a)(1) of title 13, Code of Federal Reg-  
24 ulations (relating to fees paid by borrowers), or  
25 any successor thereto, collect no fee.

1 (2) REIMBURSEMENT FOR WAIVED FEES.—

2 (A) IN GENERAL.—To the extent that the  
3 cost of such payments is offset by appropria-  
4 tions, the Administrator shall reimburse each  
5 development company that does not collect a  
6 processing fee pursuant to paragraph (1)(B).

7 (B) AMOUNT.—The payment to a develop-  
8 ment company under subparagraph (A) shall be  
9 in an amount equal to 1.5 percent of the net  
10 debenture proceeds for which the development  
11 company does not collect a processing fee pur-  
12 suant to paragraph (1)(B).

13 **SEC. 608. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.**

14 (a) IN GENERAL.—The Administrator shall ensure  
15 that a small business concern participating in the program  
16 established under section 8(a) of the Small Business Act  
17 on or before March 13, 2020, may elect to extend such  
18 participation by a period of 1 year, regardless of whether  
19 such concern previously elected to suspend participation  
20 in such program pursuant to guidance of the Adminis-  
21 trator.

22 (b) EMERGENCY RULEMAKING AUTHORITY.—Not  
23 later than 15 days after the date of enactment of this sec-  
24 tion, the Administrator shall issue regulations to carry out

1 this section without regard to the notice requirements  
2 under section 553(b) of title 5, United States Code.

3 **SEC. 609. REPORT ON MINORITY, WOMEN, AND RURAL**  
4 **LENDING.**

5 Not later than 90 days after the date of the enact-  
6 ment of this Act, the Administrator shall submit to the  
7 Committee on Small Business of the House of Representa-  
8 tives and the Committee on Small Business and Entrepre-  
9 neurship of the Senate a report to determine and quantify  
10 the extent to which the programs established under sub-  
11 sections (a) and (m) of section 7 of the Small Business  
12 Act, titles III and V of the Small Business Investment  
13 Act of 1958, and the Community Advantage Pilot Pro-  
14 gram of the Small Business Administration have assisted  
15 in the establishment, development, and performance of  
16 small business concerns owned and controlled by socially  
17 and economically disadvantaged individuals (as defined in  
18 section 8(d)(3)(C) of the Small Business Act), small busi-  
19 ness concerns owned and controlled by women (as defined  
20 in section 3 of such Act), and rural small businesses, in-  
21 cluding recommendations to improve such access to capital  
22 programs.

23 **SEC. 610. COMPREHENSIVE PROGRAM GUIDANCE.**

24 Not later than 7 days after the date of the enactment  
25 of this Act, the Administrator shall—



1 (1) establish a process for accepting applica-  
2 tions for loan forgiveness under section 1106 of the  
3 CARES Act (15 U.S.C. 9005);

4 (2) issue a comprehensive compilation of rules  
5 and guidance issued related to covered loans made  
6 under section 7(a)(36) of the Small Business Act  
7 (15 U.S.C. 636(a)(36)); and

8 (3) before accepting applications for supple-  
9 mental covered loans under clause (ii) of section  
10 7(a)(36)(B) of the Small Business Act (15 U.S.C.  
11 636(a)(36)(B)), as added by section 202 of this divi-  
12 sion, the Administrator shall issue comprehensive  
13 rules and guidance to ensure that borrowers and  
14 lenders are aware of eligibility and terms of receiv-  
15 ing a supplemental covered loan and the process for  
16 forgiveness of a supplemental covered loan.

17 **SEC. 611. REPORTS ON PAYCHECK PROTECTION PROGRAM.**

18 (a) REPORT TO CONGRESS.—Within 30 days after  
19 the date of the enactment of this Act, and every 30 days  
20 thereafter until the end of the covered period described  
21 under section 7(a)(36) of the Small Business Act (15  
22 U.S.C. 636(a)(36)), the Secretary of the Treasury and the  
23 Administrator shall submit to the Committee on Small  
24 Business of the House of Representatives and the Com-  
25 mittee on Small Business and Entrepreneurship of the

1 Senate a report, in a searchable digital format, that in-  
2 cludes, with respect to each covered loan made under such  
3 section 7(a)(36)—

4 (1) the business name, address, and ZIP Code  
5 of each recipient of the covered loan;

6 (2) the North American Industry Classification  
7 System code and the type of entity of each such re-  
8 cipient;

9 (3) demographic data of each such recipient;

10 (4) the number of jobs supported by the cov-  
11 ered loan;

12 (5) loan forgiveness data; and

13 (6) the amount and origination date of the cov-  
14 ered loan.

15 (b) PUBLICLY AVAILABLE REPORT.—

16 (1) LARGER COVERED LOANS.—Within 30 days  
17 after the date of the enactment of this Act, and  
18 every 30 days thereafter until the end of the covered  
19 period described under section 7(a)(36) of the Small  
20 Business Act (15 U.S.C. 636(a)(36)), for covered  
21 loans made under such section 7(a)(36) in an  
22 amount greater than or equal to \$150,000, the Sec-  
23 retary of the Treasury and the Administrator shall  
24 make publicly 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  
4 below, 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  
14 \$5,000,000 and less than \$10,000,000.

15 (2) SMALLER COVERED LOANS.—Within 30  
16 days after the date of the enactment of this Act, and  
17 every 30 days thereafter until the end of the covered  
18 period described under section 7(a)(36) of the Small  
19 Business Act (15 U.S.C. 636(a)(36)), for covered  
20 loans made under such section 7(a)(36) in an  
21 amount less than \$150,000, the Secretary of the  
22 Treasury and the Administrator shall make publicly  
23 available the total number of covered loans made  
24 and the amount of each covered loan, disaggregated  
25 by ZIP Code of each recipient, industry of each re-

1 recipient, business type of each recipient, and demo-  
2 graphic categories of each recipient.

3 (3) PUBLICATION.—Information provided under  
4 paragraphs (1) and (2) shall be made publicly avail-  
5 able in a searchable digital format on websites of the  
6 Department of the Treasury and the Small Business  
7 Administration.

8 **SEC. 612. PROHIBITING CONFLICTS OF INTEREST FOR**  
9 **SMALL BUSINESS PROGRAMS UNDER THE**  
10 **CARES ACT.**

11 Section 4019 of the CARES Act (15 U.S.C. 9054)  
12 is amended—

13 (1) in subsection (a), by adding at the end the  
14 following:

15 “(7) SMALL BUSINESS ASSISTANCE.—The term  
16 ‘small business assistance’ means assistance pro-  
17 vided under—

18 “(A) section 7(a)(36) of the Small Busi-  
19 ness Act (15 U.S.C. 636(a)(36));

20 “(B) subsection (b) or (c) of section 1103  
21 of this Act;

22 “(C) section 1110 of this Act; or

23 “(D) section 1112 of this Act.”;

24 (2) in subsection (b)—

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  
8 business 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 trans-  
16 action”.

17 **SEC. 613. INCLUSION OF SCORE AND VETERAN BUSINESS**

18 **OUTREACH CENTERS IN ENTREPRENEURIAL**

19 **DEVELOPMENT PROGRAMS.**

20 (a) IN GENERAL.—Section 1103(a)(2) of the CARES  
21 Act (15 U.S.C. 9002(a)(2)) is amended—

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

24 (2) by adding at the end the following new sub-  
25 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 or-  
6           ganization, that receives a grant from the Ad-  
7           ministrator to operate the SCORE program es-  
8           tablished under section 8(b)(2)(A) of the Small  
9           Business Act;”.

10       (b) FUNDING.—Section 1107(a)(4) of the CARES  
11 Act (15 U.S.C. 9006(a)(4)) is amended—

12           (1) in subparagraph (A)—

13               (A) by striking “\$240,000,000” and in-  
14               serting “\$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 de-  
24               scribed in section 1103(a)(2)(D) of this Act to  
25               carry out 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)  
23 is amended by striking “During the 3-month period begin-  
24 ning on the date of enactment of this Act,” and inserting  
25 “Until 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 (Pub-  
4 lic Law 116–136) is amended by—

5 (1) redesignating subsection (e) as subsection  
6 (f); and

7 (2) by inserting after subsection (d) the fol-  
8 lowing 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  
13 General, upon notice to the Administrator of the  
14 Small Business Administration, shall have direct ac-  
15 cess to all information collected or produced in con-  
16 nection with the administration of programs or pro-  
17 vision of assistance carried out by the Administrator,  
18 including direct access to any information technology  
19 systems maintained or utilized by the Administrator  
20 to collect, process, or analyze documents or informa-  
21 tion submitted by borrowers, lenders, or others in  
22 connection with any such program or provision of  
23 assistance. In this subsection, the term ‘direct ac-  
24 cess’ means secured access to the information tech-  
25 nology systems maintained by the Administrator  
26 that would enable the Comptroller General to inde-



1           pendently access, view, download, and retrieve data  
2           from such systems.

3           “(2) INFORMATION TECHNOLOGY SYSTEMS.—  
4           The Administrator of the Small Business Adminis-  
5           tration shall appropriately identify and classify any  
6           sensitive information contained in an information  
7           technology system accessed by the Comptroller Gen-  
8           eral.”.

9   **SEC. 618. SMALL BUSINESS LOCAL RELIEF PROGRAM.**

10          (a) ESTABLISHMENT.—There is established in the  
11          Department of the Treasury a Small Business Local Relief  
12          Program to allocate resources to States, units of general  
13          local government, and Indian Tribes to provide assistance  
14          to eligible entities and organizations that assist eligible en-  
15          tities.

16          (b) FUNDING.—

17                  (1) FUNDING TO STATES, LOCALITIES, AND IN-  
18                  DIAN TRIBES.—

19                          (A) IN GENERAL.—The Secretary of the  
20                  Treasury shall allocate—

21                                  (i) \$10,250,000,000 to States and  
22                                  units of general local government in ac-  
23                                  cordance with subparagraph (B)(i);

24                                  (ii) \$4,250,000,000 to States in ac-  
25                                  cordance 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  
8 the amount described under subparagraph  
9 (A)(i)—

10 (I) 70 percent shall be allocated  
11 to entitlement communities in accord-  
12 ance with the formula under section  
13 106(b) of the Housing and Commu-  
14 nity Development Act of 1974 (42  
15 U.S.C. 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  
20 (42 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

1 under section 106(d)(1) of such Act (42  
2 U.S.C. 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 de-  
9 scribed 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 es-  
16 tablished by the Secretary of Housing  
17 and Urban Development receives such  
18 an allocation.

19 (C) STATE ALLOCATIONS FOR NON-  
20 ENTITLEMENT AREAS.—

21 (i) EQUITABLE ALLOCATION.—To the  
22 greatest extent practicable, a State shall  
23 allocate 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  
13 has 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  
5 State should, as quickly as is prac-  
6 ticable, distribute amounts to that  
7 unit of general local government or  
8 entity, respectively, as described in  
9 item (aa) of such subclause.

10 (iii) TREATMENT OF STATES NOT  
11 ACTING 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  
17 and Community Development Act of 1974  
18 (42 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 govern-  
24 ment under paragraph (1)(C)(ii)(I)(aa), wheth-  
25 er directly or indirectly, may use such alloca-

1           tion, not later than 60 days after receipt of  
2           such allocation—

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 govern-  
2 ment under paragraph (1)(C)(ii)(I)(aa), may  
3 not use more than 3 percent of an allocation re-  
4 ceived under paragraph (1) for a purpose de-  
5 scribed in subparagraph (A)(iii) of this para-  
6 graph.

7 (C) OBLIGATION DEADLINES.—

8 (i) STATES.—Of the amounts that a  
9 State elects under paragraph  
10 (1)(C)(ii)(I)(bb) to reserve for use by the  
11 State under this paragraph—

12 (I) any amounts that the State  
13 provides to a small business emer-  
14 gency fund under subparagraph (A)(i)  
15 of this paragraph shall be obligated by  
16 the small business emergency fund for  
17 expenditure not later than 74 days  
18 after the date on which the State re-  
19 ceived the amounts from the Sec-  
20 retary under clause (i) or (ii) of para-  
21 graph (1)(A); and

22 (II) any amounts that the State  
23 chooses to provide to an organization  
24 under subparagraph (A)(ii) of this  
25 paragraph, or to use to pay for ad-

1                   ministrative costs under subparagraph  
2                   (A)(iii) of this paragraph, shall be ob-  
3                   ligated by the State for expenditure  
4                   not later than 74 days after the date  
5                   on which the State received the  
6                   amounts from the Secretary under  
7                   clause (i) or (ii) of paragraph (1)(A).

8                   (ii) ENTITLEMENT COMMUNITIES.—  
9                   Of the amounts that an entitlement com-  
10                  munity receives from the Secretary under  
11                  paragraph (1)(B)(i)(I)—

12                   (I) any amounts that the entitle-  
13                   ment community provides to a small  
14                   business emergency fund under sub-  
15                   paragraph (A)(i) of this paragraph  
16                   shall be obligated by the small busi-  
17                   ness emergency fund for expenditure  
18                   not later than 74 days after the date  
19                   on which the entitlement community  
20                   received the amounts; and

21                   (II) any amounts that the entitle-  
22                   ment community chooses to provide to  
23                   an organization under subparagraph  
24                   (A)(ii) of this paragraph, or to use to  
25                   pay for administrative costs under



1                   subparagraph (A)(iii) of this para-  
2                   graph, shall be obligated by the enti-  
3                   tlement community for expenditure  
4                   not later than 74 days after the date  
5                   on which the entitlement community  
6                   received the amounts.

7                   (iii)   NONENTITLEMENT    COMMU-  
8                   NITIES.—Of the amounts that a unit of  
9                   general local government, or an entity des-  
10                  ignated thereby, located in a nonentitle-  
11                  ment area receives from a State under  
12                  paragraph (1)(C)(ii)(I)(aa)—

13                   (I) any amounts that the unit of  
14                   general local government or entity  
15                   provides to a small business emer-  
16                   gency fund under subparagraph (A)(i)  
17                   of this paragraph shall be obligated by  
18                   the small business emergency fund for  
19                   expenditure not later than 60 days  
20                   after the date on which the unit of  
21                   general local government or entity re-  
22                   ceived the amounts; and

23                   (II) any amounts that the unit of  
24                   general local government or entity  
25                   chooses to provide to a support orga-

1 nization under subparagraph (A)(ii) of  
2 this paragraph or to use to pay for  
3 administrative costs under subpara-  
4 graph (A)(iii) of this paragraph shall  
5 be obligated by the unit of general  
6 local government or entity for expend-  
7 iture not later than 60 days after the  
8 date on which the unit of general local  
9 government or entity received the  
10 amounts.

11 (D) RECOVERY OF UNOBLIGATED  
12 FUNDS.—If a State, entitlement community,  
13 other unit of general local government, entity  
14 designated by a unit of general local govern-  
15 ment under paragraph (1)(C)(ii)(I)(aa), or  
16 small business emergency fund fails to obligate  
17 amounts by the applicable deadline under sub-  
18 paragraph (C), the Secretary shall recover the  
19 amount of those amounts that remain unobli-  
20 gated, as of that deadline.

21 (E) COLLABORATION.—It is the sense of  
22 Congress that—

23 (i) an entitlement community that re-  
24 ceives amounts allocated under paragraph  
25 (1)(B)(i)(I) should collaborate with the ap-

1           plicable local entity responsible for eco-  
2           nomic development and small business de-  
3           velopment in establishing and admin-  
4           istering a small business emergency fund;  
5           and

6           (ii) States, units of general local gov-  
7           ernment, and Indian Tribes that receive  
8           amounts under paragraph (1) and are lo-  
9           cated in the same region should collaborate  
10          in establishing and administering one or  
11          more small business emergency funds.

12          (c) SMALL BUSINESS EMERGENCY FUNDS.—With  
13          respect to a small business emergency fund that receives  
14          funds from an allocation made under subsection (b)—

15               (1) if the small business emergency fund makes  
16               a loan to an eligible entity with those funds, the  
17               small business emergency fund may use amounts re-  
18               turned to the small business emergency fund from  
19               the repayment of the loan to provide further assist-  
20               ance to eligible entities without regard to the termi-  
21               nation date described in subsection (g); and

22               (2) the small business emergency fund shall  
23               conduct outreach to eligible entities that are less  
24               likely to participate in programs established under  
25               the CARES Act (Public Law 116–136; 134 Stat.

1 281) and the amendments made by that Act, includ-  
2 ing minority-owned entities, businesses in low-in-  
3 come communities, businesses in rural and Tribal  
4 areas, and other businesses that are underserved by  
5 the traditional banking system.

6 (d) INFORMATION GATHERING.—

7 (1) IN GENERAL.—When providing assistance  
8 to an eligible entity with funds received from an allo-  
9 cation made under subsection (b), the State, unit of  
10 general local government, or Indian Tribe, or the en-  
11 tity designated by a State, unit of general local gov-  
12 ernment, or Indian Tribe, that provides assistance  
13 through a small business emergency fund shall—

14 (A) inquire whether the eligible entity is—

15 (i) in the case of an eligible entity  
16 that is a business entity or a nonprofit or-  
17 ganization, a women-owned entity or a mi-  
18 nority-owned entity; and

19 (ii) in the case of an eligible entity  
20 who is an individual, a woman or a minor-  
21 ity; and

22 (B) maintain a record of the responses to  
23 each inquiry conducted under subparagraph  
24 (A), which the entity shall promptly submit to

1 the applicable State, unit of general local gov-  
2 ernment, or Indian Tribe.

3 (2) RIGHT TO REFUSE.—An eligible entity may  
4 refuse to provide any information requested under  
5 paragraph (1)(A).

6 (e) REPORTING.—

7 (1) IN GENERAL.—Not later than 30 days after  
8 the date on which a State, unit of general local gov-  
9 ernment, or Indian Tribe initially receives an alloca-  
10 tion made under subsection (b), and not later than  
11 14 days after the date on which that State, unit of  
12 local government, or Indian Tribe completes the full  
13 expenditure of that allocation, that State, unit of  
14 general local government, or Indian Tribe shall sub-  
15 mit to the Secretary a report that includes—

16 (A) the number of recipients of assistance  
17 made available from the allocation;

18 (B) the total amount, and type, of assist-  
19 ance made available from the allocation;

20 (C) to the extent applicable, with respect  
21 to each recipient described in subparagraph  
22 (A), information regarding the industry of the  
23 recipient, the amount of assistance received by  
24 the recipient, the annual sales of the recipient,  
25 and the number of employees of the recipient;

1 (D) to the extent available from informa-  
2 tion collected under subsection (d), information  
3 regarding the number of recipients described in  
4 subparagraph (A) that are minority-owned enti-  
5 ties, minorities, women, and women-owned enti-  
6 ties;

7 (E) the ZIP Code of each recipient de-  
8 scribed in subparagraph (A); and

9 (F) any other information that the Sec-  
10 retary, in the sole discretion of the Secretary,  
11 determines to be necessary to carry out the  
12 Program.

13 (2) PUBLIC AVAILABILITY.—As soon as is prac-  
14 ticable after receiving each report submitted under  
15 paragraph (1), the Secretary shall make all informa-  
16 tion contained in the report publicly available.

17 (f) RULES AND GUIDANCE.—The Secretary, in con-  
18 sultation with the Administrator, shall issue any rules and  
19 guidance that are necessary to carry out the Program, in-  
20 cluding by establishing appropriate compliance and report-  
21 ing requirements in addition to the reporting requirements  
22 under subsection (e).

23 (g) TERMINATION.—The Program, and any rules and  
24 guidance issued under subsection (f) with respect to the

1 Program, shall terminate on the date that is 1 year after  
2 the date of enactment of this Act.

3 (h) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-  
5 trator” means the Administrator of the Small Busi-  
6 ness Administration.

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty”—

9 (A) means a business concern or a non-  
10 profit organization (as defined in section  
11 7(a)(36)(A)(vii) that—

12 (i) employs—

13 (I) not more than 20 full-time  
14 equivalent employees; or

15 (II) if the entity or organization  
16 is located in a low-income community,  
17 not more than 50 full-time equivalent  
18 employees;

19 (ii) has experienced a loss of revenue  
20 as a result of the COVID–19 pandemic,  
21 according to criteria established by the  
22 Secretary; and

23 (iii) with respect to such an entity or  
24 organization that receives assistance from  
25 a small business emergency fund, satisfies

1 additional requirements, as determined by  
2 the State, unit of general local government,  
3 Indian Tribe, or other entity that has es-  
4 tablished the small business emergency  
5 fund; and

6 (B) includes an individual who operates  
7 under a sole proprietorship, an individual who  
8 operates as an independent contractor, and an  
9 eligible self-employed individual if such an indi-  
10 vidual has experienced a loss of revenue as a re-  
11 sult of the COVID-19 pandemic, according to  
12 criteria established by the Secretary.

13 (3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—  
14 The term “eligible self-employed individual” has the  
15 meaning given the term in section 7(a)(36)(A) of the  
16 Small Business Act (15 U.S.C. 636(a)(36)(A)).

17 (4) ENTITLEMENT COMMUNITY.—The term  
18 “entitlement community” means a metropolitan city  
19 or urban county, as those terms are defined in sec-  
20 tion 102 of the Housing and Community Develop-  
21 ment Act of 1974 (42 U.S.C. 5302).

22 (5) FULL-TIME EQUIVALENT EMPLOYEES.—

23 (A) IN GENERAL.—The term “full-time  
24 equivalent employees” means a number of em-



1 employees equal to the number determined by di-  
2 viding—

3 (i) the total number of hours of serv-  
4 ice for which wages were paid by the em-  
5 ployer to employees during the taxable  
6 year, by

7 (ii) 2,080.

8 (B) ROUNDING.—The number determined  
9 under subparagraph (A) shall be rounded to the  
10 next lowest whole number if not otherwise a  
11 whole number.

12 (C) EXCESS HOURS NOT COUNTED.—If an  
13 employee works in excess of 2,080 hours of  
14 service during any taxable year, such excess  
15 shall not be taken into account under subpara-  
16 graph (A).

17 (D) HOURS OF SERVICE.—The Secretary,  
18 in consultation with the Secretary of Labor,  
19 shall prescribe such regulations, rules, and  
20 guidance as may be necessary to determine the  
21 hours of service of an employee, including rules  
22 for the application of this paragraph to employ-  
23 ees who are not compensated on an hourly  
24 basis.

1           (6) INDIAN TRIBE.—The term “Indian Tribe”  
2           has the meaning given the term “Indian tribe” in  
3           section 102 of the Housing and Community Devel-  
4           opment Act of 1974 (42 U.S.C. 5302).

5           (7) LOW-INCOME COMMUNITY.—The term “low-  
6           income community” has the meaning given the term  
7           in section 45D(e) of the Internal Revenue Code of  
8           1986.

9           (8) MINORITY.—The term “minority” has the  
10          meaning given the term in section 1204(c)(3) of the  
11          Financial Institutions Reform, Recovery, and En-  
12          forcement Act of 1989 (12 U.S.C. 1811 note).

13          (9) MINORITY-OWNED ENTITY.—The term “mi-  
14          nority-owned entity” means an entity—

15                (A) more than 50 percent of the ownership  
16                or control of which is held by not less than 1  
17                minority; and

18                (B) more than 50 percent of the net profit  
19                or loss of which accrues to not less than 1 mi-  
20                nority.

21          (10) NONENTITLEMENT AREA; STATE; UNIT OF  
22          GENERAL LOCAL GOVERNMENT.—

23                (A) IN GENERAL.—Except as provided in  
24                subparagraph (B), the terms “nonentitlement  
25                area”, “State”, and “unit of general local gov-

1           ernment” have the meanings given those terms  
2           in section 102 of the Housing and Community  
3           Development Act of 1974 (42 U.S.C. 5302).

4           (B) STATE.—For purposes of subpara-  
5           graphs (A)(ii) and (B)(ii) of subsection (b)(1),  
6           the term “State” means any State of the  
7           United States.

8           (11) PROGRAM.—The term “Program” means  
9           the Small Business Local Relief Program established  
10          under this section.

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

13          (13) SMALL BUSINESS EMERGENCY FUND.—  
14          The term “small business emergency fund” means a  
15          fund or program—

16                (A) established by a State, a unit of gen-  
17                eral local government, an Indian Tribe, or an  
18                entity designated by a State, unit of general  
19                local government, or Indian Tribe; and

20                (B) that provides or administers financing  
21                to eligible entities in the form of grants, loans,  
22                or other means in accordance with the needs of  
23                eligible entities and the capacity of the fund or  
24                program.

1 (14) WOMEN-OWNED ENTITY.—The term  
2 “women-owned entity” means an entity—

3 (A) more than 50 percent of the ownership  
4 or control of which is held by not less than 1  
5 woman; and

6 (B) more than 50 percent of the net profit  
7 or loss of which accrues to not less than 1  
8 woman.

9 **SEC. 619. GRANTS FOR INDEPENDENT LIVE VENUE OPERA-**  
10 **TORS.**

11 (a) DEFINITIONS.—In this section:

12 (1) ADMINISTRATOR.—The term “Adminis-  
13 trator” means the Administrator of the Small Busi-  
14 ness Administration.

15 (2) ELIGIBLE OPERATOR, PROMOTER, PRO-  
16 DUCER, OR TALENT REPRESENTATIVE.—

17 (A) IN GENERAL.—The term “eligible op-  
18 erator, promoter, producer, or talent represent-  
19 ative” means a live venue operator or producer  
20 or promoter or a talent representative that  
21 meets the following requirements:

22 (i) The live venue operator or pro-  
23 ducer or promoter or the talent representa-  
24 tive was fully operational as a live venue

1 operator or producer or promoter or talent  
2 representative on February 29, 2020.

3 (ii) As of the date of the grant under  
4 this section—

5 (I) the live venue operator or  
6 producer or promoter is organizing,  
7 promoting, producing, managing, or  
8 hosting future events described in  
9 paragraph (4)(A)(i); or

10 (II) the talent representative is  
11 representing or managing artists and  
12 entertainers.

13 (iii) The venues at which the live  
14 venue operator or producer or promoter  
15 promotes, produces, manages, or hosts  
16 events described in paragraph (4)(A)(i) or  
17 the artists and entertainers represented or  
18 managed by the talent representative per-  
19 form have the following characteristics:

20 (I) A defined performance and  
21 audience space.

22 (II) Mixing equipment, a public  
23 address system, and a lighting rig.

1 (III) Engages 1 or more individ-  
2 uals to carry out not less than 2 of  
3 the following roles:

4 (aa) A sound engineer.

5 (bb) A booker.

6 (cc) A promoter.

7 (dd) A stage manager.

8 (ee) Security personnel.

9 (ff) A box office manager.

10 (IV) There is a paid ticket or  
11 cover charge to attend most perform-  
12 ances and artists are paid fairly and  
13 do not play for free or solely for tips,  
14 except for legitimate fundraisers or  
15 similar charitable events.

16 (V) For a venue owned or oper-  
17 ated by a nonprofit entity that pro-  
18 duces free events, the events are pro-  
19 duced and managed by paid employ-  
20 ees, not by volunteers.

21 (VI) Performances are marketed  
22 through listings in printed or elec-  
23 tronic publications, on websites, by  
24 mass email, or on social media.

1 (iv) The live venue operator or pro-  
2 ducer or promoter or the talent representa-  
3 tive does not have, or is not majority  
4 owned or controlled by an entity with,  
5 more than 1 of the following characteris-  
6 tics:

7 (I) Being an issuer, the securities  
8 of which are listed on a national secu-  
9 rities exchange.

10 (II) Owning or operating venues  
11 or talent agencies or talent manage-  
12 ment companies with offices in more  
13 than 1 country.

14 (III) Owning or operating venues  
15 in more than 10 States.

16 (IV) Employing more than 500  
17 employees, determined on a full-time  
18 equivalent basis in accordance with  
19 subparagraph (B).

20 (V) Receiving more than 10 per-  
21 cent of gross revenue from Federal  
22 funding.

23 (B) CALCULATION OF FULL-TIME EMPLOY-  
24 EES.—For purposes of determining the number

1 of full-time equivalent employees under sub-  
2 paragraph (A)(iv)(IV)—

3 (i) any employee working not fewer  
4 than 30 hours per week shall be considered  
5 a full-time employee; and

6 (ii) any employee working not fewer  
7 than 10 hours and fewer than 30 hours  
8 per week shall be counted as one-half of a  
9 full-time employee.

10 (3) EXCHANGE; ISSUER; SECURITY.—The terms  
11 “exchange”, “issuer”, and “security” have the  
12 meanings given such terms in section 3(a) of the Se-  
13 curities Exchange Act of 1934 (15 U.S.C. 78c(a)).

14 (4) LIVE VENUE OPERATOR OR PRODUCER OR  
15 PROMOTER.—The term “live venue operator or pro-  
16 ducer or promoter”—

17 (A) means—

18 (i) an individual or entity—

19 (I) that organizes, promotes, sells  
20 tickets, produces, manages, or hosts  
21 live concerts, comedy shows, theatrical  
22 productions, or other events by per-  
23 forming artists and applies cover  
24 charge through ticketing or front door  
25 entrance fee; and



1 (II) not less than 70 percent of  
2 the revenue of which is generated  
3 through cover charges or ticket sales  
4 and the sale of beverages, food, or  
5 merchandise during such live events;  
6 or

7 (ii) as a principle business activity,  
8 makes tickets to events described in clause  
9 (i)(I) available for purchase by the public  
10 an average of not less than 60 days before  
11 the date of the event and pays performers  
12 in an event described in clause (i)(I) in an  
13 amount that is based on a percentage of  
14 sales, guarantee (in writing or standard  
15 contract), or another mutually beneficial  
16 formal agreement; and

17 (B) includes an individual or entity de-  
18 scribed in subparagraph (A) that—

19 (i) operates for profit or as a non-  
20 profit;

21 (ii) is government-owned; or

22 (iii) is a corporation, limited liability  
23 company, or partnership or operated as a  
24 sole proprietorship.

1           (5) NATIONAL SECURITIES EXCHANGE.—The  
2 term “national securities exchange” means an ex-  
3 change registered as a national securities exchange  
4 under section 6 of the Securities Exchange Act of  
5 1934 (15 U.S.C. 78f).

6           (6) STATE.—The term “State” means—

7                   (A) a State;

8                   (B) the District of Columbia;

9                   (C) the Commonwealth of Puerto Rico;

10           and

11                   (D) any other territory or possession of the  
12 United States.

13           (7) TALENT REPRESENTATIVE.—The term “tal-  
14 ent representative”—

15                   (A) means an agent or manager that—

16                           (i) as not less than 70 percent of the  
17 operations of the agent or manager, is en-  
18 gaged in representing or managing artists  
19 and entertainers;

20                           (ii) books musicians, comedians, ac-  
21 tors, or similar performing artists pri-  
22 marily in independent venues or at fes-  
23 tivals; and

24                           (iii) represents performers described  
25 in clause (ii) that are paid in an amount

1           that is based on the number of tickets sold,  
2           or a similar basis; and

3           (B) includes an agent or manager de-  
4           scribed in subparagraph (A) that—

5                 (i) operates for profit or as a non-  
6                 profit;

7                 (ii) is government-owned; or

8                 (iii) is a corporation, limited liability  
9                 company, or partnership or operated as a  
10                 sole proprietorship.

11         (b) AUTHORITY.—

12                 (1) INITIAL GRANTS.—The Administrator may  
13                 make initial grants to eligible operators, promoters,  
14                 and talent representatives in accordance with this  
15                 section.

16                 (2) SUPPLEMENTAL GRANTS.—The Adminis-  
17                 trator may make a supplemental grant in accordance  
18                 with this section to an eligible operator, promoter,  
19                 producer, or talent representative that receives a  
20                 grant under paragraph (1) if, as of December 1,  
21                 2020, the revenues of the eligible operator, pro-  
22                 moter, producer, or talent representative for the  
23                 most recent calendar quarter are not more than 20  
24                 percent of the revenues of the eligible operator, pro-  
25                 moter, producer, or talent representative for the cor-

1       responding calendar quarter during 2019 due to the  
2       COVID–19 pandemic.

3           (3) CERTIFICATION.—An eligible operator, pro-  
4       moter, producer, or talent representative applying  
5       for a grant under this section that is an eligible  
6       business described in the matter preceding subclause  
7       (I) of section 4003(c)(3)(D)(i) of the CARES Act  
8       (15 U.S.C. 9042(c)(3)(D)(i)), shall make a good-  
9       faith certification described in subclauses (IX) and  
10      (X) of such section.

11      (c) AMOUNT.—

12           (1) INITIAL GRANTS.—A grant under sub-  
13      section (b)(1) shall be in the amount equal to the  
14      lesser of—

15           (A) the amount equal to 45 percent of the  
16           gross revenue of the eligible operator, promoter,  
17           producer, or talent representative during 2019;

18           (B) for an eligible operator, promoter, pro-  
19           ducer, or talent representative that began oper-  
20           ations after January 1, 2019, the amount equal  
21           to the product obtained by multiplying—

22           (i) the average monthly gross revenue  
23           for each full month during which the entity  
24           was in operation during 2019, by

25           (ii) 6; or

1 (C) \$12,000,000.

2 (2) SUPPLEMENTAL GRANTS.—A grant under  
3 subsection (b)(2) shall be in the amount equal to 50  
4 percent of the grant received by the eligible operator,  
5 promoter, producer, or talent representative under  
6 subsection (b)(1).

7 (d) USE OF FUNDS.—

8 (1) TIMING.—

9 (A) EXPENSES INCURRED.—

10 (i) IN GENERAL.—Except as provided  
11 in clause (ii), amounts received under a  
12 grant under this section may be used for  
13 costs incurred during the period beginning  
14 on March 1, 2020, and ending on Decem-  
15 ber 31, 2021.

16 (ii) EXTENSION FOR SUPPLEMENTAL  
17 GRANTS.—If an eligible operator, pro-  
18 moter, producer, or talent representative  
19 receives a grant under subsection (b)(2),  
20 amounts received under either grant under  
21 this section may be used for costs incurred  
22 during the period beginning on March 1,  
23 2020, and ending on June 30, 2022.

24 (B) EXPENDITURE.—

1 (i) IN GENERAL.—Except as provided  
2 in clause (ii), an eligible operator, pro-  
3 moter, producer, or talent representative  
4 shall return to the Administrator any  
5 amounts received under a grant under this  
6 section that are not expended on or before  
7 the date that is 1 year after the date of  
8 disbursement of the grant.

9 (ii) EXTENSION FOR SUPPLEMENTAL  
10 GRANTS.—If an eligible operator, pro-  
11 moter, producer, or talent representative  
12 receives a grant under subsection (b)(2),  
13 the eligible operator, promoter, producer,  
14 or talent representative shall return to the  
15 Administrator any amounts received under  
16 either grant under this section that are not  
17 expended on or before the date that is 18  
18 months after the date of disbursement to  
19 the eligible operator, promoter, producer,  
20 or talent representative of the grant under  
21 subsection (b)(1).

22 (2) ALLOWABLE EXPENSES.—An eligible oper-  
23 ator, promoter, producer, or talent representative  
24 may use amounts received under a grant under this  
25 section for—

1 (A) payroll costs for employees and fur-  
2 loughed employees, including—

3 (i) costs for continuation coverage  
4 provided pursuant to part 6 of subtitle B  
5 of title I of the Employee Retirement In-  
6 come Security Act of 1974 (other than  
7 under section 609 of such Act), title XXII  
8 of the Public Health Service Act, section  
9 4980B of the Internal Revenue Code of  
10 1986 (other than subsection (f)(1) of such  
11 section insofar as it relates to pediatric  
12 vaccines), or section 8905a of title 5,  
13 United States Code, or under a State pro-  
14 gram that provides comparable continu-  
15 ation coverage, other than coverage under  
16 a health flexible spending arrangement  
17 under a cafeteria plan within the meaning  
18 of section 125 of the Internal Revenue  
19 Code of 1986; or

20 (ii) any other non-cash benefit;

21 (B) rent;

22 (C) utilities;

23 (D) mortgage interest payments on exist-  
24 ing mortgages as of February 15, 2020;

1 (E) scheduled interest payments on other  
2 scheduled debt as of February 15, 2020;

3 (F) costs related to personal protective  
4 equipment;

5 (G) payments of principal on outstanding  
6 loans;

7 (H) payments made to independent con-  
8 tractors, as reported on Form-1099 MISC; and

9 (I) other ordinary and necessary business  
10 expenses, including—

11 (i) settling existing debts owed to ven-  
12 dors;

13 (ii) maintenance expenses;

14 (iii) administrative costs;

15 (iv) taxes;

16 (v) operating leases;

17 (vi) insurance;

18 (vii) advertising, production transpor-  
19 tation, and capital expenditures related to  
20 producing a theatrical production, concert,  
21 or comedy show; and

22 (viii) any other capital expenditure or  
23 expense required under any State, local, or  
24 Federal law or guideline related to social  
25 distancing.



1           (3) PROHIBITED EXPENSES.—An eligible oper-  
2           ator, promoter, producer, or talent representative  
3           may not use amounts received under a grant under  
4           this section—

5                   (A) to purchase real estate;

6                   (B) for payments of interest or principal  
7           on loans originated after February 15, 2020;

8                   (C) to invest or re-lend funds;

9                   (D) for contributions or expenditures to, or  
10          on behalf of, any political party, party com-  
11          mittee, or candidate for elective office; or

12                   (E) for any other use as may be prohibited  
13          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 quali-  
fying children who fail to meet certain identification require-  
ments.

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 cred-  
it.

Sec. 132. Increase in exclusion for employer-provided dependent care assist-  
ance.

**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 de-  
termining 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.

1       “(b) ADDITIONAL REBATE AMOUNT.—For purposes  
2 of this section, the term ‘additional rebate amount’ means,  
3 with respect to any taxpayer for any taxable year, the sum  
4 of—

5               “(1) \$1,200 (\$2,400 in the case of a joint re-  
6 turn), plus

7               “(2) \$500 multiplied by the number of depend-  
8 ents of the taxpayer for such taxable year.

9       “(c) ELIGIBLE INDIVIDUAL.—For purposes of this  
10 section, the term ‘eligible individual’ means any individual  
11 other than—

12               “(1) any nonresident alien individual,

13               “(2) any individual with respect to whom a de-  
14 duction under section 151 is allowable to another  
15 taxpayer for a taxable year beginning in the cal-  
16 endar year in which the individual’s taxable year be-  
17 gins, and

18               “(3) an estate or trust.

19       “(d) LIMITATION BASED ON MODIFIED ADJUSTED  
20 GROSS INCOME.—The amount of the credit allowed by  
21 subsection (a) (determined without regard to this sub-  
22 section and subsection (f)) shall be reduced (but not below  
23 zero) by 5 percent of so much of the taxpayer’s modified  
24 adjusted gross income as exceeds—

1           “(1) \$150,000 in the case of a joint return or  
2 a surviving spouse (as defined in section 2(a)),

3           “(2) \$112,500 in the case of a head of house-  
4 hold (as defined in section 2(b)), and

5           “(3) \$75,000 in any other case.

6           “(e) DEFINITIONS AND SPECIAL RULES.—

7           “(1) MODIFIED ADJUSTED GROSS INCOME.—

8 For purposes of this subsection (other than this  
9 paragraph), the term ‘modified adjusted gross in-  
10 come’ means adjusted gross income determined with-  
11 out regard to sections 911, 931, and 933.

12           “(2) DEPENDENT DEFINED.—For purposes of  
13 this section, the term ‘dependent’ has the meaning  
14 given such term by section 152.

15           “(3) CREDIT TREATED AS REFUNDABLE.—The  
16 credit allowed by subsection (a) shall be treated as  
17 allowed by subpart C of part IV of subchapter A of  
18 chapter 1.

19           “(4) IDENTIFICATION NUMBER REQUIRE-  
20 MENT.—

21           “(A) IN GENERAL.—The \$1,200 amount in  
22 subsection (b)(1) shall be treated as being zero  
23 unless the taxpayer includes the TIN of the  
24 taxpayer on the return of tax for the taxable  
25 year.

1           “(B) JOINT RETURNS.—In the case of a  
2 joint return, the \$2,400 amount in subsection  
3 (b)(1) shall be treated as being—

4           “(i) zero if the TIN of neither spouse  
5 is included on the return of tax for the  
6 taxable year, and

7           “(ii) \$1,200 if the TIN of only one  
8 spouse is so included.

9           “(C) DEPENDENTS.—A dependent shall  
10 not be taken into account under subsection  
11 (b)(2) unless the TIN of such dependent is in-  
12 cluded on the return of tax for the taxable year.

13           “(D) COORDINATION WITH CERTAIN AD-  
14 VANCE PAYMENTS.—In the case of any payment  
15 made pursuant to subsection (g)(5)(A)(ii), a  
16 TIN shall be treated for purposes of this para-  
17 graph as included on the taxpayer’s return of  
18 tax if such TIN is provided pursuant to such  
19 subsection.

20           “(f) COORDINATION WITH ADVANCE REFUNDS OF  
21 CREDIT.—

22           “(1) REDUCTION OF REFUNDABLE CREDIT.—  
23 The amount of the credit which would (but for this  
24 paragraph) be allowable under subsection (a) shall  
25 be reduced (but not below zero) by the aggregate re-

1 funds and credits made or allowed to the taxpayer  
2 (or any dependent of the taxpayer) under subsection  
3 (g). Any failure to so reduce the credit shall be  
4 treated as arising out of a mathematical or clerical  
5 error and assessed according to section 6213(b)(1).

6 “(2) JOINT RETURNS.—In the case of a refund  
7 or credit made or allowed under subsection (g) with  
8 respect to a joint return, half of such refund or cred-  
9 it shall be treated as having been made or allowed  
10 to each individual filing such return.

11 “(g) ADVANCE REFUNDS AND CREDITS.—

12 “(1) IN GENERAL.—Subject to paragraph (5),  
13 each individual who was an eligible individual for  
14 such individual’s first taxable year beginning in  
15 2019 shall be treated as having made a payment  
16 against the tax imposed by chapter 1 for such tax-  
17 able year in an amount equal to the advance refund  
18 amount for such taxable year.

19 “(2) ADVANCE REFUND AMOUNT.—For pur-  
20 poses of paragraph (1), the advance refund amount  
21 is the amount that would have been allowed as a  
22 credit under this section for such taxable year if this  
23 section (other than subsection (f) and this sub-  
24 section) had applied to such taxable year.

25 “(3) TIMING AND MANNER OF PAYMENTS.—

1           “(A) TIMING.—The Secretary shall, sub-  
2           ject to the provisions of this title, refund or  
3           credit any overpayment attributable to this sec-  
4           tion as rapidly as possible. No refund or credit  
5           shall be made or allowed under this subsection  
6           after December 31, 2020.

7           “(B) DELIVERY OF PAYMENTS.—Notwith-  
8           standing any other provision of law, the Sec-  
9           retary may certify and disburse refunds payable  
10          under this subsection electronically to any ac-  
11          count to which the payee authorized, on or after  
12          January 1, 2018, the delivery of a refund of  
13          taxes under this title or of a Federal payment  
14          (as defined in section 3332 of title 31, United  
15          States Code).

16          “(C) WAIVER OF CERTAIN RULES.—Not-  
17          withstanding section 3325 of title 31, United  
18          States Code, or any other provision of law, with  
19          respect to any payment of a refund under this  
20          subsection, a disbursing official in the executive  
21          branch of the United States Government may  
22          modify payment information received from an  
23          officer or employee described in section  
24          3325(a)(1)(B) of such title for the purpose of  
25          facilitating the accurate and efficient delivery of



1 such payment. Except in cases of fraud or reck-  
2 less neglect, no liability under sections 3325,  
3 3527, 3528, or 3529 of title 31, United States  
4 Code, shall be imposed with respect to pay-  
5 ments made under this subparagraph.

6 “(4) NO INTEREST.—No interest shall be al-  
7 lowed on any overpayment attributable to this sec-  
8 tion.

9 “(5) APPLICATION TO INDIVIDUALS WHO DO  
10 NOT FILE A RETURN OF TAX FOR 2019.—

11 “(A) IN GENERAL.—In the case of an indi-  
12 vidual who, at the time of any determination  
13 made pursuant to paragraph (3), has not filed  
14 a tax return for the year described in para-  
15 graph (1), the Secretary shall—

16 “(i) apply paragraph (1) by sub-  
17 stituting ‘2018’ for ‘2019’, and

18 “(ii) in the case of a specified indi-  
19 vidual who has not filed a tax return for  
20 such individual’s first taxable year begin-  
21 ning in 2018, determine the advance re-  
22 fund amount with respect to such indi-  
23 vidual without regard to subsections (d)  
24 and on the basis of information with re-

1                   spect to such individual which is provided  
2                   by—

3                   “(I) in the case of a specified so-  
4                   cial security beneficiary or a specified  
5                   supplemental security income recipi-  
6                   ent, the Commissioner of Social Secu-  
7                   rity,

8                   “(II) in the case of a specified  
9                   railroad retirement beneficiary, the  
10                  Railroad Retirement Board, and

11                  “(III) in the case of a specified  
12                  veterans beneficiary, the Secretary of  
13                  Veterans Affairs (in coordination  
14                  with, and with the assistance of, the  
15                  Commissioner of Social Security if ap-  
16                  propriate).

17                  “(B) SPECIFIED INDIVIDUAL.—For pur-  
18                  poses of this paragraph, the term ‘specified in-  
19                  dividual’ means any individual who is—

20                  “(i) a specified social security bene-  
21                  ficiary,

22                  “(ii) a specified supplemental security  
23                  income recipient,

24                  “(iii) a specified railroad retirement  
25                  beneficiary, or

1 “(iv) a specified veterans beneficiary.

2 “(C) SPECIFIED SOCIAL SECURITY BENE-  
3 FICIARY.—For purposes of this paragraph—

4 “(i) IN GENERAL.—The term ‘speci-  
5 fied social security beneficiary’ means any  
6 individual who, for the last month that  
7 ends prior to the date of enactment of this  
8 section, is entitled to any monthly insur-  
9 ance benefit payable under title II of the  
10 Social Security Act (42 U.S.C. 401 et  
11 seq.), including payments made pursuant  
12 to sections 202(d), 223(g), and 223(i)(7)  
13 of such Act.

14 “(ii) EXCEPTION.—Such term shall  
15 not include any individual if such benefit is  
16 not payable for such month by reason of  
17 section 202(x) of the Social Security Act  
18 (42 U.S.C. 402(x)) or section 1129A of  
19 such Act (42 U.S.C. 1320a–8a).

20 “(D) SPECIFIED SUPPLEMENTAL SECU-  
21 RITY INCOME RECIPIENT.—For purposes of this  
22 paragraph—

23 “(i) IN GENERAL.—The term ‘speci-  
24 fied supplemental security income recipi-  
25 ent’ means any individual who, for the last

1 month that ends prior to the date of enact-  
2 ment of this section, is eligible for a  
3 monthly benefit payable under title XVI of  
4 the Social Security Act (42 U.S.C. 1381 et  
5 seq.) (other than a benefit to an individual  
6 described in section 1611(e)(1)(B) of such  
7 Act (42 U.S.C. 1382(e)(1)(B)), includ-  
8 ing—

9 “(I) payments made pursuant to  
10 section 1614(a)(3)(C) of such Act (42  
11 U.S.C. 1382c(a)(3)(C)),

12 “(II) payments made pursuant to  
13 section 1619(a) (42 U.S.C. 1382h) or  
14 subsections (a)(4), (a)(7), or (p)(7) of  
15 section 1631 (42 U.S.C. 1383) of  
16 such Act, and

17 “(III) State supplementary pay-  
18 ments of the type referred to in sec-  
19 tion 1616(a) of such Act (42 U.S.C.  
20 1382e(a)) (or payments of the type  
21 described in section 212(a) of Public  
22 Law 93–66) which are paid by the  
23 Commissioner under an agreement re-  
24 ferred to in such section 1616(a) (or  
25 section 212(a) of Public Law 93–66).

1           “(ii) EXCEPTION.—Such term shall  
2           not include any individual if such monthly  
3           benefit is not payable for such month by  
4           reason of subsection (e)(1)(A) or (e)(4) of  
5           section 1611 (42 U.S.C. 1382) or section  
6           1129A of such Act (42 U.S.C. 1320a–8a).

7           “(E) SPECIFIED RAILROAD RETIREMENT  
8           BENEFICIARY.—For purposes of this para-  
9           graph, the term ‘specified railroad retirement  
10          beneficiary’ means any individual who, for the  
11          last month that ends prior to the date of enact-  
12          ment of this section, is entitled to a monthly  
13          annuity or pension payment payable (without  
14          regard to section 5(a)(ii) of the Railroad Retire-  
15          ment Act of 1974 (45 U.S.C. 231d(a)(ii)))  
16          under—

17                 “(i) section 2(a)(1) of such Act (45  
18                 U.S.C. 231a(a)(1)),

19                 “(ii) section 2(c) of such Act (45  
20                 U.S.C. 231a(c)),

21                 “(iii) section 2(d)(1) of such Act (45  
22                 U.S.C. 231a(d)(1)), or

23                 “(iv) section 7(b)(2) of such Act (45  
24                 U.S.C. 231f(b)(2)) with respect to any of

1 the benefit payments described in subpara-  
2 graph (C)(i).

3 “(F) SPECIFIED VETERANS BENE-  
4 FICIARY.—For purposes of this paragraph—

5 “(i) IN GENERAL.—The term ‘speci-  
6 fied veterans beneficiary’ means any indi-  
7 vidual who, for the last month that ends  
8 prior to the date of enactment of this sec-  
9 tion, is entitled to a compensation or pen-  
10 sion payment payable under—

11 “(I) section 1110, 1117, 1121,  
12 1131, 1141, or 1151 of title 38,  
13 United States Code,

14 “(II) section 1310, 1312, 1313,  
15 1315, 1316, or 1318 of title 38,  
16 United States Code,

17 “(III) section 1513, 1521, 1533,  
18 1536, 1537, 1541, 1542, or 1562 of  
19 title 38, United States Code, or

20 “(IV) section 1805, 1815, or  
21 1821 of title 38, United States Code,  
22 to a veteran, surviving spouse, child, or  
23 parent as described in paragraph (2), (3),  
24 (4)(A)(ii), or (5) of section 101, title 38,  
25 United States Code.

1           “(ii) EXCEPTION.—Such term shall  
2           not include any individual if such com-  
3           pensation or pension payment is not pay-  
4           able, or was reduced, for such month by  
5           reason of section 1505, 5313, or 5313B of  
6           title 38, United States Code.

7           “(G) SUBSEQUENT DETERMINATIONS AND  
8           REDETERMINATIONS NOT TAKEN INTO AC-  
9           COUNT.—For purposes of this section, any indi-  
10          vidual’s status as a specified social security ben-  
11          eficiary, a specified supplemental security in-  
12          come recipient, a specified railroad retirement  
13          beneficiary, or a specified veterans beneficiary  
14          shall be unaffected by any determination or re-  
15          determination of any entitlement to, or eligi-  
16          bility for, any benefit, payment, or compensa-  
17          tion, if such determination or redetermination  
18          occurs after the last month that ends prior to  
19          the date of enactment of this section.

20          “(H) PAYMENT TO REPRESENTATIVE PAY-  
21          EES AND FIDUCIARIES.—

22          “(i) IN GENERAL.—If the benefit,  
23          payment, or compensation referred to in  
24          subparagraph (C)(i), (D)(i), (E), or (F)(i)  
25          with respect to any specified individual is

1           paid to a representative payee or fiduciary,  
2           payment by the Secretary under paragraph  
3           (3) with respect to such specified indi-  
4           vidual shall be made to such individual's  
5           representative payee or fiduciary and the  
6           entire payment shall be used only for the  
7           benefit of the individual who is entitled to  
8           the payment.

9           “(ii) APPLICATION OF ENFORCEMENT  
10          PROVISIONS.—

11                   “(I) In the case of a payment de-  
12                   scribed in clause (i) which is made  
13                   with respect to a specified social secu-  
14                   rity beneficiary or a specified supple-  
15                   mental security income recipient, sec-  
16                   tion 1129(a)(3) of the Social Security  
17                   Act (42 U.S.C. 1320a–8(a)(3)) shall  
18                   apply to such payment in the same  
19                   manner as such section applies to a  
20                   payment under title II or XVI of such  
21                   Act.

22                   “(II) In the case of a payment  
23                   described in clause (i) which is made  
24                   with respect to a specified railroad re-  
25                   tirement beneficiary, section 13 of the



1 Railroad Retirement Act (45 U.S.C.  
2 2311) shall apply to such payment in  
3 the same manner as such section ap-  
4 plies to a payment under such Act.

5 “(III) In the case of a payment  
6 described in clause (i) which is made  
7 with respect to a specified veterans  
8 beneficiary, sections 5502, 6106, and  
9 6108 of title 38, United States Code,  
10 shall apply to such payment in the  
11 same manner as such sections apply  
12 to a payment under such title.

13 “(6) NOTICE TO TAXPAYER.—Not later than 15  
14 days after the date on which the Secretary distrib-  
15 uted any payment to an eligible taxpayer pursuant  
16 to this subsection, notice shall be sent by mail to  
17 such taxpayer’s last known address. Such notice  
18 shall indicate the method by which such payment  
19 was made, the amount of such payment, and a  
20 phone number for the appropriate point of contact  
21 at the Internal Revenue Service to report any error  
22 with respect to such payment.

23 “(h) REGULATIONS.—The Secretary shall prescribe  
24 such regulations or other guidance as may be necessary

1 or appropriate to carry out the purposes of this section,  
2 including—

3 “(1) regulations or other guidance providing  
4 taxpayers the opportunity to provide the Secretary  
5 information sufficient to allow the Secretary to make  
6 payments to such taxpayers under subsection (g)  
7 (including the determination of the amount of such  
8 payment) if such information is not otherwise avail-  
9 able to the Secretary, and

10 “(2) regulations or other guidance providing for  
11 the proper treatment of joint returns and taxpayers  
12 with dependents to ensure that an individual is not  
13 taken into account more than once in determining  
14 the amount of any credit under subsection (a) and  
15 any credit or refund under subsection (g).

16 “(i) OUTREACH.—The Secretary shall carry out a ro-  
17 bust and comprehensive outreach program to ensure that  
18 all taxpayers described in subsection (h)(1) learn of their  
19 eligibility for the advance refunds and credits under sub-  
20 section (g); are advised of the opportunity to receive such  
21 advance refunds and credits as provided under subsection  
22 (h)(1); and are provided assistance in applying for such  
23 advance refunds and credits. In conducting such outreach  
24 program, the Secretary shall coordinate with other govern-  
25 ment, State, and local agencies; federal partners; and com-

1 munity-based nonprofit organizations that regularly inter-  
2 face with such taxpayers.”.

3 (b) TREATMENT OF CERTAIN POSSESSIONS.—

4 (1) PAYMENTS TO POSSESSIONS WITH MIRROR  
5 CODE TAX SYSTEMS.—The Secretary of the Treas-  
6 ury shall pay to each possession of the United States  
7 which has a mirror code tax system amounts equal  
8 to the loss (if any) to that possession by reason of  
9 the amendments made by this section. Such  
10 amounts shall be determined by the Secretary of the  
11 Treasury based on information provided by the gov-  
12 ernment of the respective possession.

13 (2) PAYMENTS TO OTHER POSSESSIONS.—The  
14 Secretary of the Treasury shall pay to each posses-  
15 sion of the United States which does not have a mir-  
16 ror code tax system amounts estimated by the Sec-  
17 retary of the Treasury as being equal to the aggre-  
18 gate benefits (if any) that would have been provided  
19 to residents of such possession by reason of the  
20 amendments made by this section if a mirror code  
21 tax system had been in effect in such possession.  
22 The preceding sentence shall not apply unless the re-  
23 spective possession has a plan, which has been ap-  
24 proved by the Secretary of the Treasury, under

1       which such possession will promptly distribute such  
2       payments to its residents.

3           (3) COORDINATION WITH CREDIT ALLOWED  
4       AGAINST UNITED STATES INCOME TAXES.—No cred-  
5       it shall be allowed against United States income  
6       taxes under section 6428A of the Internal Revenue  
7       Code of 1986 (as added by this section), nor shall  
8       any credit or refund be made or allowed under sub-  
9       section (g) of such section, to any person—

10           (A) to whom a credit is allowed against  
11       taxes imposed by the possession by reason of  
12       the amendments made by this section, or

13           (B) who is eligible for a payment under a  
14       plan described in paragraph (2).

15           (4) MIRROR CODE TAX SYSTEM.—For purposes  
16       of this subsection, the term “mirror code tax sys-  
17       tem” means, with respect to any possession of the  
18       United States, the income tax system of such posses-  
19       sion if the income tax liability of the residents of  
20       such possession under such system is determined by  
21       reference to the income tax laws of the United  
22       States as if such possession were the United States.

23       (c) ADMINISTRATIVE PROVISIONS.—

24           (1) DEFINITION OF DEFICIENCY.—Section  
25       6211(b)(4)(A) of the Internal Revenue Code of 1986

1 is amended by striking “and 6428” and inserting  
2 “6428, and 6428A”.

3 (2) MATHEMATICAL OR CLERICAL ERROR AU-  
4 THORITY.—Section 6213(g)(2) of such Code is  
5 amended—

6 (A) by inserting “or section 6428A (relat-  
7 ing to additional recovery rebates to individ-  
8 uals)” before the comma at the end of subpara-  
9 graph (H), and

10 (B) by striking “or 6428” in subparagraph  
11 (L) and inserting “6428, or 6428A”.

12 (3) EXCEPTION FROM REDUCTION OR OFF-  
13 SET.—Any credit or refund allowed or made to any  
14 individual by reason of section 6428A of the Internal  
15 Revenue Code of 1986 (as added by this section) or  
16 by reason of subsection (b) of this section shall not  
17 be—

18 (A) subject to reduction or offset pursuant  
19 to section 3716 or 3720A of title 31, United  
20 States Code,

21 (B) subject to reduction or offset pursuant  
22 to subsection (c), (d), (e), or (f) of section 6402  
23 of the Internal Revenue Code of 1986, or

1 (C) reduced or offset by other assessed  
2 Federal taxes that would otherwise be subject  
3 to levy or collection.

4 (4) ASSIGNMENT OF BENEFITS.—

5 (A) IN GENERAL.—The right of any per-  
6 son to any applicable payment shall not be  
7 transferable or assignable, at law or in equity,  
8 and no applicable payment shall be subject to,  
9 execution, levy, attachment, garnishment, or  
10 other legal process, or the operation of any  
11 bankruptcy or insolvency law.

12 (B) ENCODING OF PAYMENTS.—In the  
13 case of an applicable payment described in sub-  
14 paragraph (E)(iii)(I) that is paid electronically  
15 by direct deposit through the Automated Clear-  
16 ing House (ACH) network, the Secretary of the  
17 Treasury (or the Secretary's delegate) shall—

18 (i) issue the payment using a unique  
19 identifier that is reasonably sufficient to  
20 allow a financial institution to identify the  
21 payment as an applicable payment, and

22 (ii) further encode the payment pursu-  
23 ant to the same specifications as required  
24 for a benefit payment defined in section

1 212.3 of title 31, Code of Federal Regula-  
2 tions.

3 (C) GARNISHMENT.—

4 (i) ENCODED PAYMENTS.—In the case  
5 of a garnishment order that applies to an  
6 account that has received an applicable  
7 payment that is encoded as provided in  
8 subparagraph (B), a financial institution  
9 shall follow the requirements and proce-  
10 dures set forth in part 212 of title 31,  
11 Code of Federal Regulations, except—

12 (I) notwithstanding section 212.4  
13 of title 31, Code of Federal Regula-  
14 tions (and except as provided in sub-  
15 clause (II)), a financial institution  
16 shall not fail to follow the procedures  
17 of sections 212.5 and 212.6 of such  
18 title with respect to an garnishment  
19 order merely because such order has  
20 attached, or includes, a notice of right  
21 to garnish federal benefits issued by a  
22 State child support enforcement agen-  
23 cy, and

24 (II) a financial institution shall  
25 not, with regard to any applicable

1 payment, be required to provide the  
2 notice referenced in sections 212.6  
3 and 212.7 of title 31, Code of Federal  
4 Regulations.

5 (ii) OTHER PAYMENTS.—If a financial  
6 institution receives a garnishment order  
7 (other than an order that has been served  
8 by the United States), that has been re-  
9 ceived by a financial institution and that  
10 applies to an account into which an appli-  
11 cable payment that has not been encoded  
12 as provided in subparagraph (B) has been  
13 deposited electronically or by an applicable  
14 payment that has been deposited by check  
15 on any date in the lookback period, the fi-  
16 nancial institution, upon the request of the  
17 account holder, shall treat the amount of  
18 the funds in the account at the time of the  
19 request, up to the amount of the applicable  
20 payment (in addition to any amounts oth-  
21 erwise protected under part 212 of title 31,  
22 Code of Federal Regulations), as exempt  
23 from a garnishment order without requir-  
24 ing the consent of the party serving the



1 garnishment order or the judgment cred-  
2 itor.

3 (iii) LIABILITY.—A financial institu-  
4 tion that acts in good faith in reliance on  
5 clauses (i) or (ii) shall not be subject to li-  
6 ability or regulatory action under any Fed-  
7 eral or State law, regulation, court or other  
8 order, or regulatory interpretation for ac-  
9 tions concerning any applicable payments.

10 (D) PRESERVATION OF RECLAMATION  
11 RIGHTS.—This paragraph shall not alter the  
12 status of applicable payments as tax refunds or  
13 other nonbenefit payments for purpose of any  
14 reclamation rights of the Department of the  
15 Treasury or the Internal Revenue Service as  
16 per part 210 of title 31, Code of Federal Regu-  
17 lations.

18 (E) DEFINITIONS.—For purposes of this  
19 paragraph—

20 (i) ACCOUNT HOLDER.—The term  
21 “account holder” means a natural person  
22 whose name appears in a financial institu-  
23 tion’s records as the direct or beneficial  
24 owner of an account.

1 (ii) ACCOUNT REVIEW.—The term  
2 “account review” means the process of ex-  
3 amining deposits in an account to deter-  
4 mine if an applicable payment has been de-  
5 posited into the account during the  
6 lookback period. The financial institution  
7 shall perform the account review following  
8 the procedures outlined in section 212.5 of  
9 title 31, Code of Federal Regulations and  
10 in accordance with the requirements of sec-  
11 tion 212.6 of title 31, Code of Federal  
12 Regulations.

13 (iii) APPLICABLE PAYMENT.—The  
14 term “applicable payment” means—

15 (I) any advance refund amount  
16 paid pursuant to subsection (g) of sec-  
17 tion 6428A of the Internal Revenue  
18 Code of 1986 (as so added),

19 (II) any payment made by a pos-  
20 session of the United States with a  
21 mirror code tax system (as defined in  
22 subsection (c) of section 2201 of the  
23 CARES Act (Public Law 116–136))  
24 pursuant to such subsection which

1 corresponds to a payment described in  
2 subclause (I), and

3 (III) any payment made by a  
4 possession of the United States with-  
5 out a mirror code tax system (as so  
6 defined) pursuant to section 2201(c)  
7 of such Act.

8 (iv) GARNISHMENT.—The term “gar-  
9 nishment” means execution, levy, attach-  
10 ment, garnishment, or other legal process.

11 (v) GARNISHMENT ORDER.—The term  
12 “garnishment order” means a writ, order,  
13 notice, summons, judgment, levy, or simi-  
14 lar written instruction issued by a court, a  
15 State or State agency, a municipality or  
16 municipal corporation, or a State child  
17 support enforcement agency, including a  
18 lien arising by operation of law for overdue  
19 child support or an order to freeze the as-  
20 sets in an account, to effect a garnishment  
21 against a debtor.

22 (vi) LOOKBACK PERIOD.—The term  
23 “lookback period” means the two month  
24 period that begins on the date preceding  
25 the date of account review and ends on the

1           corresponding date of the month two  
2           months earlier, or on the last date of the  
3           month two months earlier if the cor-  
4           responding date does not exist.

5           (5) TREATMENT OF CREDIT AND ADVANCE PAY-  
6           MENTS.—For purposes of section 1324 of title 31,  
7           United States Code, any credit under section  
8           6428A(a) of the Internal Revenue Code of 1986, any  
9           credit or refund under section 6428A(g) of such  
10          Code, and any payment under subsection (b) of this  
11          section, shall be treated in the same manner as a re-  
12          fund due from a credit provision referred to in sub-  
13          section (b)(2) of such section 1324.

14          (6) AGENCY INFORMATION SHARING AND AS-  
15          SISTANCE.—The Commissioner of Social Security,  
16          the Railroad Retirement Board, and the Secretary of  
17          Veterans Affairs shall each provide the Secretary of  
18          the Treasury (or the Secretary's delegate) such in-  
19          formation and assistance as the Secretary of the  
20          Treasury (or the Secretary's delegate) may require  
21          for purposes of making payments under section  
22          6428A(g) of the Internal Revenue Code of 1986 to  
23          individuals described in paragraph (5)(A)(ii) thereof.

24          (7) CLERICAL AMENDMENT.—The table of sec-  
25          tions for subchapter B of chapter 65 of the Internal

1 Revenue Code of 1986 is amended by inserting after  
2 the item relating to section 6428 the following new  
3 item:

“Sec. 6428A. Additional recovery rebates to individuals.”.

4 (d) CERTAIN REQUIREMENTS RELATED TO RECOV-  
5 ERY REBATES AND ADDITIONAL RECOVERY REBATES.—

6 (1) SIGNATURES ON CHECKS AND NOTICES,  
7 ETC., BY THE DEPARTMENT OF THE TREASURY.—

8 Any check issued to an individual by the Depart-  
9 ment of the Treasury pursuant to section 6428 or  
10 6428A of the Internal Revenue Code of 1986, and  
11 any notice issued pursuant to section 6428(f)(6) or  
12 section 6428A(g)(6) of such Code, may not be  
13 signed by or otherwise bear the name, signature,  
14 image or likeness of the President, the Vice Presi-  
15 dent or any elected official or cabinet level officer of  
16 the United States, or any individual who, with re-  
17 spect to any of the aforementioned individuals, bears  
18 any relationship described in subparagraphs (A)  
19 through (G) of section 152(d)(2) of the Internal  
20 Revenue Code of 1986.

21 (2) EFFECTIVE DATE.—Paragraph (1) shall  
22 apply to checks and notices issued after the date of  
23 the enactment of this Act.

24 (e) REPORTS TO CONGRESS.—Each week beginning  
25 after the date of the enactment of this Act and beginning

1 before December 31, 2020, on Friday of such week, not  
2 later than 3 p.m. Eastern Time, the Secretary of the  
3 Treasury shall provide a written report to the Committee  
4 on Ways and Means of the House of Representatives and  
5 the Committee on Finance of the Senate. Such report shall  
6 include the following information with respect to payments  
7 made pursuant to each of sections 6428 and 6428A of  
8 the Internal Revenue Code of 1986:

9 (1) The number of scheduled payments sent to  
10 the Bureau of Fiscal Service for payment by direct  
11 deposit or paper check for the following week (stated  
12 separately for direct deposit and paper check).

13 (2) The total dollar amount of the scheduled  
14 payments described in paragraph (1).

15 (3) The number of direct deposit payments re-  
16 turned to the Department of the Treasury and the  
17 total dollar value of such payments, for the week  
18 ending on the day prior to the day on which the re-  
19 port is provided.

20 (4) The total number of letters related to pay-  
21 ments under section 6428 or 6428A of such Code  
22 mailed to taxpayers during the week ending on the  
23 day prior to the day on which the report is provided.

1           **Subtitle B—Earned Income Tax**  
2                           **Credit**

3 **SEC. 111. STRENGTHENING THE EARNED INCOME TAX**  
4                           **CREDIT FOR INDIVIDUALS WITH NO QUALI-**  
5                           **FYING CHILDREN.**

6           (a) **SPECIAL RULES FOR 2020.**—Section 32 of the  
7 Internal Revenue Code of 1986 is amended by adding at  
8 the end the following new subsection:

9           “(n) **SPECIAL RULES FOR INDIVIDUALS WITHOUT**  
10 **QUALIFYING CHILDREN.**—In the case of any taxable year  
11 beginning after December 31, 2019, and before January  
12 1, 2021—

13                   “(1) **DECREASE IN MINIMUM AGE FOR CRED-**  
14 **IT.**—

15                   “(A) **IN GENERAL.**—Subsection  
16 (c)(1)(A)(ii)(II) shall be applied by substituting  
17 ‘the applicable minimum age’ for ‘age 25’.

18                   “(B) **APPLICABLE MINIMUM AGE.**—For  
19 purposes of this paragraph, the term ‘applicable  
20 minimum age’ means—

21                   “(i) except as otherwise provided in  
22 this subparagraph, age 19,

23                   “(ii) in the case of a full-time student  
24 (other than a qualified former foster youth  
25 or a qualified homeless youth), age 25, and

1                   “(iii) in the case of a qualified former  
2                   foster youth or a qualified homeless youth,  
3                   age 18.

4                   “(C) FULL-TIME STUDENT.—For purposes  
5                   of this paragraph, the term ‘full-time student’  
6                   means, with respect to any taxable year, an in-  
7                   dividual who is an eligible student (as defined  
8                   in section 25A(b)(3)) during at least 5 calendar  
9                   months during the taxable year.

10                  “(D) QUALIFIED FORMER FOSTER  
11                  YOUTH.—For purposes of this paragraph, the  
12                  term ‘qualified former foster youth’ means an  
13                  individual who—

14                         “(i) on or after the date that such in-  
15                         dividual attained age 14, was in foster care  
16                         provided under the supervision or adminis-  
17                         tration of a State or tribal agency admin-  
18                         istering (or eligible to administer) a plan  
19                         under part B or part E of the Social Secu-  
20                         rity Act (without regard to whether Fed-  
21                         eral assistance was provided with respect  
22                         to such child under such part E), and

23                         “(ii) provides (in such manner as the  
24                         Secretary may provide) consent for State  
25                         and tribal agencies which administer a



1 plan under part B or part E of the Social  
2 Security Act to disclose to the Secretary  
3 information related to the status of such  
4 individual as a qualified former foster  
5 youth.

6 “(E) QUALIFIED HOMELESS YOUTH.—For  
7 purposes of this paragraph, the term ‘qualified  
8 homeless youth’ means, with respect to any tax-  
9 able year, an individual who—

10 “(i) is certified by a local educational  
11 agency or a financial aid administrator  
12 during such taxable year as being either an  
13 unaccompanied youth who is a homeless  
14 child or youth, or as unaccompanied, at  
15 risk of homelessness, and self-supporting.  
16 Terms used in the preceding sentence  
17 which are also used in section 480(d)(1) of  
18 the Higher Education Act of 1965 shall  
19 have the same meaning as when used in  
20 such section, and

21 “(ii) provides (in such manner as the  
22 Secretary may provide) consent for local  
23 educational agencies and financial aid ad-  
24 ministrators to disclose to the Secretary in-

1                   formation related to the status of such in-  
2                   dividual as a qualified homeless youth.

3                   “(2) INCREASE IN MAXIMUM AGE FOR CRED-  
4                   IT.—Subsection (c)(1)(A)(ii)(II) shall be applied by  
5                   substituting ‘age 66’ for ‘age 65’.

6                   “(3) INCREASE IN CREDIT AND PHASEOUT PER-  
7                   CENTAGES.—The table contained in subsection  
8                   (b)(1) shall be applied by substituting ‘15.3’ for  
9                   ‘7.65’ each place it appears therein.

10                  “(4) INCREASE IN EARNED INCOME AND  
11                  PHASEOUT AMOUNTS.—

12                   “(A) IN GENERAL.—The table contained in  
13                   subsection (b)(2)(A) shall be applied—

14                   “(i) by substituting ‘\$9,720’ for  
15                   ‘\$4,220’, and

16                   “(ii) by substituting ‘\$11,490’ for  
17                   ‘\$5,280’.

18                   “(B) COORDINATION WITH INFLATION AD-  
19                   JUSTMENT.—Subsection (j) shall not apply to  
20                   any dollar amount specified in this paragraph.”.

21                  (b) INFORMATION RETURN MATCHING.—As soon as  
22                  practicable, the Secretary of the Treasury (or the Sec-  
23                  retary’s delegate) shall develop and implement procedures  
24                  to use information returns under section 6050S (relating  
25                  to returns relating to higher education tuition and related

1 expenses) to check the status of individuals as full-time  
2 students for purposes of section 32(n)(1)(B)(ii) of the In-  
3 ternal Revenue Code of 1986 (as added by this section).

4 (c) EFFECTIVE DATE.—The amendment made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2019.

7 **SEC. 112. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**  
8 **COME CREDIT IN CASE OF QUALIFYING CHIL-**  
9 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**  
10 **FICATION REQUIREMENTS.**

11 (a) IN GENERAL.—Section 32(c)(1) of the Internal  
12 Revenue Code of 1986 is amended by striking subpara-  
13 graph (F).

14 (b) EFFECTIVE DATE.—The amendment made by  
15 this section shall apply to taxable years beginning after  
16 the date of the enactment of this Act.

17 **SEC. 113. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**  
18 **RATED SPOUSES.**

19 (a) IN GENERAL.—Section 32(d) of the Internal Rev-  
20 enue Code of 1986 is amended—

21 (1) by striking “MARRIED INDIVIDUALS.—In  
22 the case of” and inserting the following: “MARRIED  
23 INDIVIDUALS.—

24 “(1) IN GENERAL.—In the case of”, and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(2) DETERMINATION OF MARITAL STATUS.—  
4 For purposes of this section—

5           “(A) IN GENERAL.—Except as provided in  
6 subparagraph (B), marital status shall be deter-  
7 mined under section 7703(a).

8           “(B) SPECIAL RULE FOR SEPARATED  
9 SPOUSE.—An individual shall not be treated as  
10 married if such individual—

11           “(i) is married (as determined under  
12 section 7703(a)) and does not file a joint  
13 return for the taxable year,

14           “(ii) lives with a qualifying child of  
15 the individual for more than one-half of  
16 such taxable year, and

17           “(iii)(I) during the last 6 months of  
18 such taxable year, does not have the same  
19 principal place of abode as the individual’s  
20 spouse, or

21           “(II) has a decree, instrument, or  
22 agreement (other than a decree of divorce)  
23 described in section 121(d)(3)(C) with re-  
24 spect to the individual’s spouse and is not  
25 a member of the same household with the

1 individual's spouse by the end of the tax-  
2 able year.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 32(c)(1)(A) of such Code is amend-  
5 ed by striking the last sentence.

6 (2) Section 32(c)(1)(E)(ii) of such Code is  
7 amended by striking “(within the meaning of section  
8 7703)”.

9 (3) Section 32(d)(1) of such Code, as amended  
10 by subsection (a), is amended by striking “(within  
11 the meaning of section 7703)”.

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall apply to taxable years beginning after  
14 the date of the enactment of this Act.

15 **SEC. 114. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**  
16 **COME TEST.**

17 (a) IN GENERAL.—Section 32 of the Internal Rev-  
18 enue Code of 1986 is amended by striking subsection (i).

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 32(j)(1) of such Code is amended  
21 by striking “subsections (b)(2) and (i)(1)” and in-  
22 serting “subsection (b)(2)”.

23 (2) Section 32(j)(1)(B)(i) of such Code is  
24 amended by striking “subsections (b)(2)(A) and  
25 (i)(1)” and inserting “subsection (b)(2)(A)”.

1 (3) Section 32(j)(2) of such Code is amended—

2 (A) by striking subparagraph (B), and

3 (B) by striking “ROUNDING.—” and all  
4 that follows through “If any dollar amount”  
5 and inserting the following: “ROUNDING.—If  
6 any dollar amount”.

7 (c) EFFECTIVE DATE.—The amendments made by  
8 this section shall apply to taxable years beginning after  
9 the date of the enactment of this Act.

10 **SEC. 115. APPLICATION OF EARNED INCOME TAX CREDIT**

11 **IN POSSESSIONS OF THE UNITED STATES.**

12 (a) IN GENERAL.—Chapter 77 of the Internal Rev-  
13 enue Code of 1986 is amended by adding at the end the  
14 following new section:

15 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**

16 **TO POSSESSIONS OF THE UNITED STATES.**

17 “(a) PUERTO RICO.—

18 “(1) IN GENERAL.—With respect to calendar  
19 year 2021 and each calendar year thereafter, the  
20 Secretary shall, except as otherwise provided in this  
21 subsection, make payments to Puerto Rico equal  
22 to—

23 “(A) the specified matching amount for  
24 such calendar year, plus

1                   “(B) in the case of calendar years 2021  
2                   through 2025, the lesser of—

3                   “(i) the expenditures made by Puerto  
4                   Rico during such calendar year for edu-  
5                   cation efforts with respect to individual  
6                   taxpayers and tax return preparers relat-  
7                   ing to the earned income tax credit, or

8                   “(ii) \$1,000,000.

9                   “(2) REQUIREMENT TO REFORM EARNED IN-  
10                  COME TAX CREDIT.—The Secretary shall not make  
11                  any payments under paragraph (1) with respect to  
12                  any calendar year unless Puerto Rico has in effect  
13                  an earned income tax credit for taxable years begin-  
14                  ning in or with such calendar year which (relative to  
15                  the earned income tax credit which was in effect for  
16                  taxable years beginning in or with calendar year  
17                  2019) increases the percentage of earned income  
18                  which is allowed as a credit for each group of indi-  
19                  viduals with respect to which such percentage is sep-  
20                  arately stated or determined in a manner designed  
21                  to substantially increase workforce participation.

22                  “(3) SPECIFIED MATCHING AMOUNT.—For pur-  
23                  poses of this subsection—

1           “(A) IN GENERAL.—The term ‘specified  
2 matching amount’ means, with respect to any  
3 calendar year, the lesser of—

4           “(i) the excess (if any) of—

5           “(I) the cost to Puerto Rico of  
6 the earned income tax credit for tax-  
7 able years beginning in or with such  
8 calendar year, over

9           “(II) the base amount for such  
10 calendar year, or

11           “(ii) the product of 3, multiplied by  
12 the base amount for such calendar year.

13           “(B) BASE AMOUNT.—

14           “(i) BASE AMOUNT FOR 2020.—In the  
15 case of calendar year 2020, the term ‘base  
16 amount’ means the greater of—

17           “(I) the cost to Puerto Rico of  
18 the earned income tax credit for tax-  
19 able years beginning in or with cal-  
20 endar year 2019 (rounded to the  
21 nearest multiple of \$1,000,000), or

22           “(II) \$200,000,000.

23           “(ii) INFLATION ADJUSTMENT.—In  
24 the case of any calendar year after 2021,  
25 the term ‘base amount’ means the dollar



1 amount determined under clause (i) in-  
2 creased by an amount equal to—

3 “(I) such dollar amount, multi-  
4 plied by—

5 “(II) the cost-of-living adjust-  
6 ment determined under section 1(f)(3)  
7 for such calendar year, determined by  
8 substituting ‘calendar year 2020’ for  
9 ‘calendar year 2016’ in subparagraph  
10 (A)(ii) thereof.

11 Any amount determined under this clause  
12 shall be rounded to the nearest multiple of  
13 \$1,000,000.

14 “(4) RULES RELATED TO PAYMENTS AND RE-  
15 PORTS.—

16 “(A) TIMING OF PAYMENTS.—The Sec-  
17 retary shall make payments under paragraph  
18 (1) for any calendar year—

19 “(i) after receipt of the report de-  
20 scribed in subparagraph (B) for such cal-  
21 endar year, and

22 “(ii) except as provided in clause (i),  
23 within a reasonable period of time before  
24 the due date for individual income tax re-  
25 turns (as determined under the laws of

1 Puerto Rico) for taxable years which began  
2 on the first day of such calendar year.

3 “(B) ANNUAL REPORTS.—With respect to  
4 calendar year 2021 and each calendar year  
5 thereafter, Puerto Rico shall provide to the Sec-  
6 retary a report which shall include—

7 “(i) an estimate of the costs described  
8 in paragraphs (1)(B)(i) and (3)(A)(i)(I)  
9 with respect to such calendar year, and

10 “(ii) a statement of such costs with  
11 respect to the preceding calendar year.

12 “(C) ADJUSTMENTS.—

13 “(i) IN GENERAL.—In the event that  
14 any estimate of an amount is more or less  
15 than the actual amount as later deter-  
16 mined and any payment under paragraph  
17 (1) was determined on the basis of such  
18 estimate, proper payment shall be made  
19 by, or to, the Secretary (as the case may  
20 be) as soon as practicable after the deter-  
21 mination that such estimate was inac-  
22 curate. Proper adjustment shall be made in  
23 the amount of any subsequent payments  
24 made under paragraph (1) to the extent  
25 that proper payment is not made under the

1 preceding sentence before such subsequent  
2 payments.

3 “(ii) ADDITIONAL REPORTS.—The  
4 Secretary may require such additional peri-  
5 odic reports of the information described in  
6 subparagraph (B) as the Secretary deter-  
7 mines appropriate to facilitate timely ad-  
8 justments under clause (i).

9 “(D) DETERMINATION OF COST OF  
10 EARNED INCOME TAX CREDIT.—For purposes  
11 of this subsection, the cost to Puerto Rico of  
12 the earned income tax credit shall be deter-  
13 mined by the Secretary on the basis of the laws  
14 of Puerto Rico and shall include reductions in  
15 revenues received by Puerto Rico by reason of  
16 such credit and refunds attributable to such  
17 credit, but shall not include any administrative  
18 costs with respect to such credit.

19 “(E) PREVENTION OF MANIPULATION OF  
20 BASE AMOUNT.—No payments shall be made  
21 under paragraph (1) if the earned income tax  
22 credit as in effect in Puerto Rico for taxable  
23 years beginning in or with calendar year 2019  
24 is modified after the date of the enactment of  
25 this subsection.

1 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-  
2 TEMS.—

3 “(1) IN GENERAL.—With respect to calendar  
4 year 2020 and each calendar year thereafter, the  
5 Secretary shall, except as otherwise provided in this  
6 subsection, make payments to the Virgin Islands,  
7 Guam, and the Commonwealth of the Northern Mar-  
8 iana Islands equal to—

9 “(A) 75 percent of the cost to such posses-  
10 sion of the earned income tax credit for taxable  
11 years beginning in or with such calendar year,  
12 plus

13 “(B) in the case of calendar years 2020  
14 through 2024, the lesser of—

15 “(i) the expenditures made by such  
16 possession during such calendar year for  
17 education efforts with respect to individual  
18 taxpayers and tax return preparers relat-  
19 ing to such earned income tax credit, or

20 “(ii) \$50,000.

21 “(2) APPLICATION OF CERTAIN RULES.—Rules  
22 similar to the rules of subparagraphs (A), (B), (C),  
23 and (D) of subsection (a)(4) shall apply for purposes  
24 of this subsection.

25 “(c) AMERICAN SAMOA.—

1           “(1) IN GENERAL.—With respect to calendar  
2 year 2020 and each calendar year thereafter, the  
3 Secretary shall, except as otherwise provided in this  
4 subsection, make payments to American Samoa  
5 equal to—

6           “(A) the lesser of—

7           “(i) 75 percent of the cost to Amer-  
8 ican Samoa of the earned income tax cred-  
9 it for taxable years beginning in or with  
10 such calendar year, or

11           “(ii) \$12,000,000, plus

12           “(B) in the case of calendar years 2020  
13 through 2024, the lesser of—

14           “(i) the expenditures made by Amer-  
15 ican Samoa during such calendar year for  
16 education efforts with respect to individual  
17 taxpayers and tax return preparers relat-  
18 ing to such earned income tax credit, or

19           “(ii) \$50,000.

20           “(2) REQUIREMENT TO ENACT AND MAINTAIN  
21 AN EARNED INCOME TAX CREDIT.—The Secretary  
22 shall not make any payments under paragraph (1)  
23 with respect to any calendar year unless American  
24 Samoa has in effect an earned income tax credit for  
25 taxable years beginning in or with such calendar

1 year which allows a refundable tax credit to individ-  
2 uals on the basis of the taxpayer's earned income  
3 which is designed to substantially increase workforce  
4 participation.

5 “(3) INFLATION ADJUSTMENT.—In the case of  
6 any calendar year after 2020, the \$12,000,000  
7 amount in paragraph (1)(A)(ii) shall be increased by  
8 an amount equal to—

9 “(A) such dollar amount, multiplied by—

10 “(B) the cost-of-living adjustment deter-  
11 mined under section 1(f)(3) for such calendar  
12 year, determined by substituting ‘calendar year  
13 2019’ for ‘calendar year 2016’ in subparagraph  
14 (A)(ii) thereof.

15 Any increase determined under this clause shall be  
16 rounded to the nearest multiple of \$100,000.

17 “(4) APPLICATION OF CERTAIN RULES.—Rules  
18 similar to the rules of subparagraphs (A), (B), (C),  
19 and (D) of subsection (a)(4) shall apply for purposes  
20 of this subsection.

21 “(d) TREATMENT OF PAYMENTS.—For purposes of  
22 section 1324 of title 31, United States Code, the payments  
23 under this section shall be treated in the same manner  
24 as a refund due from a credit provision referred to in sub-  
25 section (b)(2) of such section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for chapter 77 of the Internal Revenue Code of 1986 is  
3 amended by adding at the end the following new item:

“Sec. 7529. Application of earned income tax credit to possessions of the  
United States.”.

4 **SEC. 116. TEMPORARY SPECIAL RULE FOR DETERMINING**  
5 **EARNED INCOME FOR PURPOSES OF EARNED**  
6 **INCOME TAX CREDIT.**

7 (a) IN GENERAL.—If the earned income of the tax-  
8 payer for the taxpayer’s first taxable year beginning in  
9 2020 is less than the earned income of the taxpayer for  
10 the preceding taxable year, the credit allowed under sec-  
11 tion 32 of the Internal Revenue Code of 1986 may, at  
12 the election of the taxpayer, be determined by sub-  
13 stituting—

14 (1) such earned income for the preceding tax-  
15 able year, for

16 (2) such earned income for the taxpayer’s first  
17 taxable year beginning in 2020.

18 (b) EARNED INCOME.—

19 (1) IN GENERAL.—For purposes of this section,  
20 the term “earned income” has the meaning given  
21 such term under section 32(c) of the Internal Rev-  
22 enue Code of 1986.

23 (2) APPLICATION TO JOINT RETURNS.—For  
24 purposes of subsection (a), in the case of a joint re-

1 turn, the earned income of the taxpayer for the pre-  
2 ceding taxable year shall be the sum of the earned  
3 income of each spouse for such preceding taxable  
4 year.

5 (c) SPECIAL RULES.—

6 (1) ERRORS TREATED AS MATHEMATICAL  
7 ERROR.—For purposes of section 6213 of the Inter-  
8 nal Revenue Code of 1986, an incorrect use on a re-  
9 turn of earned income pursuant to subsection (a)  
10 shall be treated as a mathematical or clerical error.

11 (2) NO EFFECT ON DETERMINATION OF GROSS  
12 INCOME, ETC.—Except as otherwise provided in this  
13 subsection, the Internal Revenue Code of 1986 shall  
14 be applied without regard to any substitution under  
15 subsection (a).

16 (d) TREATMENT OF CERTAIN POSSESSIONS.—

17 (1) PAYMENTS TO POSSESSIONS WITH MIRROR  
18 CODE TAX SYSTEMS.—The Secretary of the Treas-  
19 ury shall pay to each possession of the United States  
20 which has a mirror code tax system amounts equal  
21 to the loss (if any) to that possession by reason of  
22 the application of the provisions of this section  
23 (other than this subsection) with respect to section  
24 32 of the Internal Revenue Code of 1986. Such  
25 amounts shall be determined by the Secretary of the



1 Treasury based on information provided by the gov-  
2 ernment of the respective possession.

3 (2) PAYMENTS TO OTHER POSSESSIONS.—The  
4 Secretary of the Treasury shall pay to each posses-  
5 sion of the United States which does not have a mir-  
6 ror code tax system amounts estimated by the Sec-  
7 retary of the Treasury as being equal to the aggre-  
8 gate benefits (if any) that would have been provided  
9 to residents of such possession by reason of the pro-  
10 visions of this section (other than this subsection)  
11 with respect to section 32 of the Internal Revenue  
12 Code of 1986 if a mirror code tax system had been  
13 in effect in such possession. The preceding sentence  
14 shall not apply unless the respective possession has  
15 a plan, which has been approved by the Secretary of  
16 the Treasury, under which such possession will  
17 promptly distribute such payments to its residents.

18 (3) MIRROR CODE TAX SYSTEM.—For purposes  
19 of this section, the term “mirror code tax system”  
20 means, with respect to any possession of the United  
21 States, the income tax system of such possession if  
22 the income tax liability of the residents of such pos-  
23 session under such system is determined by ref-  
24 erence to the income tax laws of the United States  
25 as if such possession were the United States.

1 (4) TREATMENT OF PAYMENTS.—For purposes  
2 of section 1324 of title 31, United States Code, the  
3 payments under this section shall be treated in the  
4 same manner as a refund due from a credit provi-  
5 sion referred to in subsection (b)(2) of such section.

## 6 **Subtitle C—Child Tax Credit**

### 7 **SEC. 121. CHILD TAX CREDIT IMPROVEMENTS FOR 2020.**

8 (a) IN GENERAL.—Section 24 of the Internal Rev-  
9 enue Code of 1986 is amended by adding at the end the  
10 following new subsection:

11 “(i) SPECIAL RULE FOR REFUNDABLE CREDIT.—In  
12 the case of any taxable year beginning in 2020, subsection  
13 (h)(5) shall not apply and the increase determined under  
14 the first sentence of subsection (d)(1) shall be the amount  
15 determined under subsection (d)(1)(A) (determined with-  
16 out regard to subsection (h)(4)).”.

17 (b) ADVANCE PAYMENT OF CREDIT.—

18 (1) IN GENERAL.—Chapter 77 of such Code is  
19 amended by inserting after section 7527 the fol-  
20 lowing new section:

#### 21 **“SEC. 7527A. ADVANCE PAYMENT OF CHILD TAX CREDIT.**

22 “(a) IN GENERAL.—As soon as practicable after the  
23 date of the enactment of this Act, the Secretary shall es-  
24 tablish a program for making advance payments of the  
25 credit allowed under subsection (a) of section 24 on a

1 monthly basis (determined without regard to subsection  
2 (i)(2)) of such section), or as frequently as the Secretary  
3 determines to be administratively feasible, to taxpayers de-  
4 termined to be eligible for advance payment of such credit.

5 “(b) LIMITATION.—

6 “(1) IN GENERAL.—The Secretary may make  
7 payments under subsection (a) only to the extent  
8 that the total amount of such payments made to any  
9 taxpayer during the taxable year does not exceed an  
10 amount equal to the excess, if any, of—

11 “(A) subject to paragraph (2), the amount  
12 determined under subsection (a) of section 24  
13 with respect to such taxpayer (determined with-  
14 out regard to subsection (i)(2)) of such section)  
15 for such taxable year, over

16 “(B) the estimated tax imposed by subtitle  
17 A, as reduced by the credits allowable under  
18 subparts A and C (other than section 24) of  
19 such part IV, with respect to such taxpayer for  
20 such taxable year, as determined in such man-  
21 ner as the Secretary deems appropriate.

22 “(2) APPLICATION OF THRESHOLD AMOUNT  
23 LIMITATION.—The program described in subsection  
24 (a) shall make reasonable efforts to apply the limita-

1           tion of section 24(b) with respect to payments made  
2           under such program.

3           “(c) APPLICATION.—The advance payments de-  
4 scribed in this section shall only be made with respect to  
5 credits allowed under section 24 for taxable years begin-  
6 ning during 2020.”.

7           (2) RECONCILIATION OF CREDIT AND ADVANCE  
8 CREDIT.—Section 24(i) of such Code, as amended by  
9 subsection (a), is amended—

10           (A) by striking “in the case of any taxable  
11 year”, and inserting the following:

12           “(1) IN GENERAL.—‘In the case of any taxable  
13 year’”, and

14           (B) by adding at the end the following new  
15 paragraph:

16           “(2) RECONCILIATION OF CREDIT AND AD-  
17 VANCE CREDIT.—

18           “(A) IN GENERAL.—The amount of the  
19 credit allowed under this section for any taxable  
20 year shall be reduced (but not below zero) by  
21 the aggregate amount of any advance payments  
22 of such credit under section 7527A for such  
23 taxable year.

24           “(B) EXCESS ADVANCE PAYMENTS.—If the  
25 aggregate amount of advance payments under

1 section 7527A for the taxable year exceeds the  
2 amount of the credit allowed under this section  
3 for such taxable year (determined without re-  
4 gard to subparagraph (A)), the tax imposed by  
5 this chapter for such taxable year shall be in-  
6 creased by the amount of such excess.”.

7 (3) CLERICAL AMENDMENT.—The table of sec-  
8 tions for chapter 77 of such Code is amended by in-  
9 serting after the item relating to section 7527 the  
10 following new item:

“Sec. 7527A. Advance payment of child tax credit.”.

11 (c) EFFECTIVE DATE.—The amendments made by  
12 this section shall apply to taxable years beginning after  
13 December 31, 2019.

14 **SEC. 122. APPLICATION OF CHILD TAX CREDIT IN POSSES-**  
15 **SIONS.**

16 (a) IN GENERAL.—Section 24 of the Internal Rev-  
17 enue Code of 1986, as amended by the preceding provi-  
18 sions of this Act, is amended by adding at the end the  
19 following new subsection:

20 “(j) APPLICATION OF CREDIT IN POSSESSIONS.—

21 “(1) MIRROR CODE POSSESSIONS.—

22 “(A) IN GENERAL.—The Secretary shall  
23 pay to each possession of the United States  
24 with a mirror code tax system amounts equal to  
25 the loss to that possession by reason of the ap-

1           plication of this section (determined without re-  
2           gard to this subsection) with respect to taxable  
3           years beginning after 2019. Such amounts shall  
4           be determined by the Secretary based on infor-  
5           mation provided by the government of the re-  
6           spective possession.

7           “(B) COORDINATION WITH CREDIT AL-  
8           LOWED AGAINST UNITED STATES INCOME  
9           TAXES.—No credit shall be allowed under this  
10          section for any taxable year to any individual to  
11          whom a credit is allowable against taxes im-  
12          posed by a possession with a mirror code tax  
13          system by reason of the application of this sec-  
14          tion in such possession for such taxable year.

15          “(C) MIRROR CODE TAX SYSTEM.—For  
16          purposes of this paragraph, the term ‘mirror  
17          code tax system’ means, with respect to any  
18          possession of the United States, the income tax  
19          system of such possession if the income tax li-  
20          ability of the residents of such possession under  
21          such system is determined by reference to the  
22          income tax laws of the United States as if such  
23          possession 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  
8                   under the first sentence of subsection (d)(1)  
9                   shall be the amount determined under sub-  
10                  subsection (d)(1)(A) (determined without regard to  
11                  subsection (h)(4)),

12                  “(C) in the case of any taxable year begin-  
13                  ning after December 31, 2020, and before Jan-  
14                  uary 1, 2026, the increase determined under  
15                  the first sentence of subsection (d)(1) shall be  
16                  the lesser of—

17                           “(i) the amount determined under  
18                           subsection (d)(1)(A) (determined without  
19                           regard to subsection (h)(4)), or

20                           “(ii) the dollar amount in effect under  
21                           subsection (h)(5), and

22                  “(D) in the case of any taxable year after  
23                  December 31, 2025, the increase determined  
24                  under the first sentence of subsection (d)(1)

1 shall be the amount determined under sub-  
2 section (d)(1)(A).

3 “(3) AMERICAN SAMOA.—

4 “(A) IN GENERAL.—The Secretary shall  
5 pay to American Samoa amounts estimated by  
6 the Secretary as being equal to the aggregate  
7 benefits that would have been provided to resi-  
8 dents of American Samoa by reason of the ap-  
9 plication of this section for taxable years begin-  
10 ning after 2019 if the provisions of this section  
11 had been in effect in American Samoa.

12 “(B) DISTRIBUTION REQUIREMENT.—Sub-  
13 paragraph (A) shall not apply unless American  
14 Samoa has a plan, which has been approved by  
15 the Secretary, under which American Samoa  
16 will promptly distribute such payments to the  
17 residents of American Samoa in a manner  
18 which replicates to the greatest degree prac-  
19 ticable the benefits that would have been so  
20 provided to each such resident.

21 “(C) COORDINATION WITH CREDIT AL-  
22 LOWED AGAINST UNITED STATES INCOME  
23 TAXES.—

24 “(i) IN GENERAL.—In the case of a  
25 taxable year with respect to which a plan



1 is approved under subparagraph (B), this  
2 section (other than this subsection) shall  
3 not apply to any individual eligible for a  
4 distribution under such plan.

5 “(ii) APPLICATION OF SECTION IN  
6 EVENT OF ABSENCE OF APPROVED  
7 PLAN.—In the case of a taxable year with  
8 respect to which a plan is not approved  
9 under subparagraph (B), rules similar to  
10 the rules of paragraph (2) shall apply with  
11 respect to bona fide residents of American  
12 Samoa (within the meaning of section  
13 937(a)).

14 “(4) TREATMENT OF PAYMENTS.—The pay-  
15 ments made under this subsection shall be treated in  
16 the same manner for purposes of section 1324(b)(2)  
17 of title 31, United States Code, as refunds due from  
18 the credit allowed under this section.”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 this section shall apply to taxable years beginning after  
21 December 31, 2019.

1           **Subtitle D—Dependent Care**  
2                           **Assistance**

3   **SEC. 131. REFUNDABILITY AND ENHANCEMENT OF CHILD**  
4                           **AND DEPENDENT CARE TAX CREDIT.**

5           (a) IN GENERAL.—Section 21 of the Internal Rev-  
6   enue Code of 1986 is amended by adding at the end the  
7   following new subsection:

8           “(g) SPECIAL RULES FOR 2020.—In the case of any  
9   taxable year beginning after December 31, 2019, and be-  
10   fore January 1, 2021—

11           “(1) CREDIT MADE REFUNDABLE.—In the case  
12   of an individual other than a nonresident alien, the  
13   credit allowed under subsection (a) shall be treated  
14   as a credit allowed under subpart C (and not allowed  
15   under this subpart).

16           “(2) INCREASE IN APPLICABLE PERCENTAGE.—  
17   Subsection (a)(2) shall be applied—

18           “(A) by substituting ‘50 percent’ for ‘35  
19   percent’, and

20           “(B) by substituting ‘\$120,000’ for  
21   ‘\$15,000’.

22           “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT  
23   CREDITABLE.—Subsection (c) shall be applied—

24           “(A) by substituting ‘\$6,000’ for ‘\$3,000’  
25   in paragraph (1) thereof, and

1           “(B) by substituting ‘twice the amount in  
2           effect under paragraph (1)’ for ‘\$6,000’ in  
3           paragraph (2) thereof.”.

4           (b) CONFORMING AMENDMENT.—Section 1324(b)(2)  
5 of title 31, United States Code, is amended by inserting  
6 “21 (by reason of subsection (g) thereof),” before “25A”.

7           (c) COORDINATION WITH POSSESSION TAX SYS-  
8 TEMS.—Section 21(g)(1) of the Internal Revenue Code of  
9 1986 (as added by this section) shall not apply to any per-  
10 son—

11           (1) to whom a credit is allowed against taxes  
12 imposed by a possession with a mirror code tax sys-  
13 tem by reason of the application of section 21 of  
14 such Code in such possession for such taxable year,  
15 or

16           (2) to whom a credit would be allowed against  
17 taxes imposed by a possession which does not have  
18 a mirror code tax system if the provisions of section  
19 21 of such Code had been in effect in such posses-  
20 sion for such taxable year.

21           (d) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply to taxable years beginning after  
23 December 31, 2019.

1 **SEC. 132. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**  
2 **VIDED DEPENDENT CARE ASSISTANCE.**

3 (a) **IN GENERAL.**—Section 129(a)(2) of the Internal  
4 Revenue Code of 1986 is amended by adding at the end  
5 the following new subparagraph:

6 “(D) **SPECIAL RULE FOR 2020.**—In the  
7 case of any taxable year beginning during 2020,  
8 subparagraph (A) shall be applied be sub-  
9 stituting ‘\$10,500 (half such dollar amount’ for  
10 ‘\$5,000 (\$2,500’.”.

11 (b) **EFFECTIVE DATE.**—The amendment made by  
12 this section shall apply to taxable years beginning after  
13 December 31, 2019.

14 (c) **RETROACTIVE PLAN AMENDMENTS.**—A plan or  
15 other arrangement that otherwise satisfies all applicable  
16 requirements of sections 106, 125, and 129 of the Internal  
17 Revenue Code of 1986 (including any rules or regulations  
18 thereunder) shall not fail to be treated as a cafeteria plan  
19 or dependent care flexible spending arrangement merely  
20 because such plan or arrangement is amended pursuant  
21 to a provision under this section and such amendment is  
22 retroactive, if—

23 (1) such amendment is adopted no later than  
24 the last day of the plan year in which the amend-  
25 ment is effective, and

1           (2) the plan or arrangement is operated con-  
2           sistent with the terms of such amendment during  
3           the period beginning on the effective date of the  
4           amendment and ending on the date the amendment  
5           is adopted.

6           **Subtitle E—Credits for Paid Sick**  
7                                   **and Family Leave**

8           **SEC. 141. EXTENSION OF CREDITS.**

9           (a) IN GENERAL.—Sections 7001(g), 7002(e),  
10          7003(g), and 7004(e) of the Families First Coronavirus  
11          Response Act are each amended by striking “December  
12          31, 2020” and inserting “February 28, 2021”.

13          (b) EFFECTIVE DATE.—The amendments made by  
14          this section shall take effect as if included in the provisions  
15          of the Families First Coronavirus Response Act to which  
16          they relate.

17          **SEC. 142. REPEAL OF REDUCED RATE OF CREDIT FOR CER-**  
18                                   **TAIN LEAVE.**

19          (a) PAYROLL CREDIT.—Section 7001(b) of the Fami-  
20          lies First Coronavirus Response Act is amended by insert-  
21          ing “(as in effect immediately before the date of the enact-  
22          ment of the COVID–19 Tax Relief Act of 2020) or any  
23          day on or after the date of the enactment of the COVID–  
24          19 Tax Relief Act of 2020” after “in the case of any day  
25          any portion of which is paid sick time described in para-

1 graph (1), (2), or (3) of section 5102(a) of the Emergency  
2 Paid Sick Leave Act”.

3 (b) SELF-EMPLOYED CREDIT.—

4 (1) IN GENERAL.—Clauses (i) and (ii) of sec-  
5 tion 7002(c)(1)(B) of the Families First  
6 Coronavirus Response Act are each amended by in-  
7 serting “(as in effect immediately before the date of  
8 the enactment of the COVID–19 Tax Relief Act of  
9 2020) or any day on or after the date of the enact-  
10 ment of the COVID–19 Tax Relief Act of 2020”  
11 after “in the case of any day any portion of which  
12 is paid sick time described in paragraph (1), (2), or  
13 (3) of section 5102(a) of the Emergency Paid Sick  
14 Leave Act”.

15 (2) CONFORMING AMENDMENT.—Section  
16 7002(d)(3) of the Families First Coronavirus Re-  
17 sponse Act is amended by inserting “(as in effect  
18 immediately before the date of the enactment of the  
19 COVID–19 Tax Relief Act of 2020) or any day on  
20 or after the date of the enactment of the COVID–  
21 19 Tax Relief Act of 2020” after “in the case of any  
22 day any portion of which is paid sick time described  
23 in paragraph (1), (2), or (3) of section 5102(a) of  
24 the Emergency Paid Sick Leave Act”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to days on or after the date of  
3 the enactment of this Act.

4 **SEC. 143. INCREASE IN LIMITATIONS ON CREDITS FOR**  
5 **PAID FAMILY LEAVE.**

6 (a) INCREASE IN OVERALL LIMITATION ON QUALI-  
7 FIED FAMILY LEAVE WAGES.—

8 (1) IN GENERAL.—Section 7003(b)(1)(B) of  
9 the Families First Coronavirus Response Act is  
10 amended by striking “\$10,000” and inserting  
11 “\$12,000”.

12 (2) CONFORMING AMENDMENT.—Section  
13 7004(d)(3) of the Families First Coronavirus Re-  
14 sponse Act is amended by striking “\$10,000” and  
15 inserting “\$12,000”.

16 (b) INCREASE IN QUALIFIED FAMILY LEAVE EQUIV-  
17 ALENT AMOUNT FOR SELF-EMPLOYED INDIVIDUALS.—  
18 Section 7004(c)(1)(A) of the Families First Coronavirus  
19 Response Act is amended by striking “50” and inserting  
20 “60”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall take effect as if included in the provisions  
23 of the Families First Coronavirus Response Act to which  
24 they relate.

1 **SEC. 144. ELECTION TO USE PRIOR YEAR NET EARNINGS**  
2 **FROM SELF-EMPLOYMENT IN DETERMINING**  
3 **AVERAGE DAILY SELF-EMPLOYMENT IN-**  
4 **COME.**

5 (a) CREDIT FOR SICK LEAVE.—Section 7002(c) of  
6 the Families First Coronavirus Response Act is amended  
7 by adding at the end the following new paragraph:

8 “(4) ELECTION TO USE PRIOR YEAR NET EARN-  
9 INGS FROM SELF-EMPLOYMENT INCOME.—In the  
10 case of an individual who elects (at such time and  
11 in such manner as the Secretary, or the Secretary’s  
12 delegate, may provide) the application of this para-  
13 graph, paragraph (2)(A) shall be applied by sub-  
14 stituting ‘the prior taxable year’ for ‘the taxable  
15 year’.”.

16 (b) CREDIT FOR FAMILY LEAVE.—Section 7004(c)  
17 of the Families First Coronavirus Response Act is amend-  
18 ed by adding at the end the following new paragraph:

19 “(4) ELECTION TO USE PRIOR YEAR NET EARN-  
20 INGS FROM SELF-EMPLOYMENT INCOME.—In the  
21 case of an individual who elects (at such time and  
22 in such manner as the Secretary, or the Secretary’s  
23 delegate, may provide) the application of this para-  
24 graph, paragraph (2)(A) shall be applied by sub-  
25 stituting ‘the prior taxable year’ for ‘the taxable  
26 year’.”.



1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the provisions  
3 of the Families First Coronavirus Response Act to which  
4 they relate.

5 **SEC. 145. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**  
6 **LOWED TAX CREDITS FOR PAID SICK AND**  
7 **PAID FAMILY AND MEDICAL LEAVE.**

8 (a) IN GENERAL.—Sections 7001(e) and 7003(e) of  
9 the Families First Coronavirus Response Act are each  
10 amended by striking paragraph (4).

11 (b) COORDINATION WITH APPLICATION OF CERTAIN  
12 DEFINITIONS.—

13 (1) IN GENERAL.—Sections 7001(c) and  
14 7003(e) of the Families First Coronavirus Response  
15 Act are each amended—

16 (A) by inserting “, determined without re-  
17 gard to paragraphs (1) through (22) of section  
18 3121(b) of such Code” after “as defined in sec-  
19 tion 3121(a) of the Internal Revenue Code of  
20 1986”, and

21 (B) by inserting “, determined without re-  
22 gard to the sentence in paragraph (1) thereof  
23 which begins ‘Such term does include remu-  
24 neration’” after “as defined in section 3231(e)  
25 of the Internal Revenue Code”.

1           (2) CONFORMING AMENDMENTS.—Sections  
2           7001(e)(3) and 7003(e)(3) of the Families First  
3           Coronavirus Response Act are each amended by  
4           striking “Any term” and inserting “Except as other-  
5           wise provided in this section, any term”.

6           (c) EFFECTIVE DATE.—The amendments made by  
7           this section shall take effect as if included in the provisions  
8           of the Families First Coronavirus Response Act to which  
9           they relate.

10 **SEC. 146. CERTAIN TECHNICAL IMPROVEMENTS.**

11           (a) COORDINATION WITH EXCLUSION FROM EM-  
12           PLOYMENT TAXES.—Sections 7001(c) and 7003(c) of the  
13           Families First Coronavirus Response Act, as amended by  
14           the preceding provisions of this Act, are each amended—

15                 (1) by inserting “and section 7005(a) of this  
16           Act,” after “determined without regard to para-  
17           graphs (1) through (22) of section 3121(b) of such  
18           Code”, and

19                 (2) by inserting “and without regard to section  
20           7005(a) of this Act” after “which begins ‘Such term  
21           does not include remuneration’ ”.

22           (b) CLARIFICATION OF APPLICABLE RAILROAD RE-  
23           TIREMENT TAX FOR PAID LEAVE CREDITS.—Sections  
24           7001(e) and 7003(e) of the Families First Coronavirus  
25           Response Act, as amended by the preceding provisions of

1 this Act, are each amended by adding at the end the fol-  
2 lowing new paragraph:

3           “(4) REFERENCES TO RAILROAD RETIREMENT  
4 TAX.—Any reference in this section to the tax im-  
5 posed by section 3221(a) of the Internal Revenue  
6 Code of 1986 shall be treated as a reference to so  
7 much of such tax as is attributable to the rate in ef-  
8 fect under section 3111(a) of such Code.”.

9           (c) CLARIFICATION OF TREATMENT OF PAID LEAVE  
10 FOR APPLICABLE RAILROAD RETIREMENT TAX.—Section  
11 7005(a) of the Families First Coronavirus Response Act  
12 is amended by adding the following sentence at the end  
13 of such subsection: “Any reference in this subsection to  
14 the tax imposed by section 3221(a) of such Code shall be  
15 treated as a reference to so much of the tax as is attrib-  
16 utable to the rate in effect under section 3111(a) of such  
17 Code.”

18           (d) CLARIFICATION OF APPLICABLE RAILROAD RE-  
19 TIREMENT TAX FOR HOSPITAL INSURANCE TAX CRED-  
20 IT.—Section 7005(b)(1) of the Families First Coronavirus  
21 Response Act is amended to read as follows:

22           “(1) IN GENERAL.—The credit allowed by sec-  
23 tion 7001 and the credit allowed by section 7003  
24 shall each be increased by the amount of the tax im-  
25 posed by section 3111(b) of the Internal Revenue

1 Code of 1986 and so much of the taxes imposed  
2 under section 3221(a) of such Code as are attrib-  
3 utable to the rate in effect under section 3111(b) of  
4 such Code on qualified sick leave wages, or qualified  
5 family leave wages, for which credit is allowed under  
6 such section 7001 or 7003 (respectively).”.

7 (e) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect as if included in the provisions  
9 of the Families First Coronavirus Response Act to which  
10 they relate.

11 **SEC. 147. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**  
12 **PLOYERS.**

13 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

14 (1) IN GENERAL.—Section 7001(a) of the Fam-  
15 ilies First Coronavirus Response Act is amended by  
16 striking “In the case of an employer” and inserting  
17 “In the case of an eligible employer”.

18 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of  
19 the Families First Coronavirus Response Act, as  
20 amended by the preceding provisions of this Act, is  
21 amended by striking “For purposes of this section,  
22 the term” and all that precedes it and inserting the  
23 following:

24 “(c) DEFINITIONS.—For purposes of this section—

1           “(1) ELIGIBLE EMPLOYER.—The term ‘eligible  
2 employer’ means any employer other than an appli-  
3 cable large employer (as defined in section  
4 4980H(c)(2), determined by substituting ‘500’ for  
5 ‘50’ each place it appears in subparagraphs (A) and  
6 (B) thereof and without regard to subparagraphs  
7 (D) and (F) thereof). For purposes of the preceding  
8 sentence, the Government of the United States, the  
9 government of any State or political subdivision  
10 thereof, or any agency or instrumentality of any of  
11 the foregoing shall not be treated as an applicable  
12 large employer.

13           “(2) QUALIFIED SICK LEAVE WAGES.—The  
14 term”.

15 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

16           (1) IN GENERAL.—Section 7003(a) of the Fam-  
17 ilies First Coronavirus Response Act is amended by  
18 striking “In the case of an employer” and inserting  
19 “In the case of an eligible employer”.

20           (2) ELIGIBLE EMPLOYER.—Section 7003(c) of  
21 the Families First Coronavirus Response Act, as  
22 amended by the preceding provisions of this Act, is  
23 amended by striking “For purposes of this section,  
24 the term” and all that precedes it and inserting the  
25 following:

1 “(c) DEFINITIONS.—For purposes of this section—

2 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible  
3 employer’ means any employer other than an appli-  
4 cable large employer (as defined in section  
5 4980H(c)(2), determined by substituting ‘500’ for  
6 ‘50’ each place it appears in subparagraphs (A) and  
7 (B) thereof and without regard to subparagraphs  
8 (D) and (F) thereof). For purposes of the preceding  
9 sentence, the Government of the United States, the  
10 government of any State or political subdivision  
11 thereof, or any agency or instrumentality of any of  
12 the foregoing, shall not be treated as an applicable  
13 large employer.

14 “(2) QUALIFIED FAMILY LEAVE WAGES.—The  
15 term”.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply to wages paid after the date of  
18 the enactment of this Act.

## 19 **Subtitle F—Deduction of State and** 20 **Local Taxes**

### 21 **SEC. 151. ELIMINATION FOR 2020 LIMITATION ON DEDUC-** 22 **TION OF STATE AND LOCAL TAXES.**

23 (a) IN GENERAL.—Section 164(b)(6)(B) of the Inter-  
24 nal Revenue Code of 1986 is amended by inserting “in  
25 the case of a taxable year beginning before January 1,

1 2020, or after December 31, 2020,” before “the aggregate  
2 amount of taxes”.

3 (b) CONFORMING AMENDMENTS.—Section 164(b)(6)  
4 of the Internal Revenue Code of 1986 is amended—

5 (1) by striking “For purposes of subparagraph  
6 (B)” and inserting “For purposes of this section”,

7 (2) by striking “January 1, 2018” and insert-  
8 ing “January 1, 2021”,

9 (3) by striking “December 31, 2017, shall” and  
10 inserting “December 31, 2020, shall”, and

11 (4) by adding at the end the following: “For  
12 purposes of this section, in the case of State or local  
13 taxes with respect to any real or personal property  
14 paid during a taxable year beginning in 2020, the  
15 Secretary shall prescribe rules which treat all or a  
16 portion of such taxes as paid in a taxable year or  
17 years other than the taxable year in which actually  
18 paid as necessary or appropriate to prevent the  
19 avoidance of the limitations of this subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to taxes paid or accrued in taxable  
22 years beginning after December 31, 2019.

1 **TITLE II—PROVISIONS TO PRE-**  
2 **VENT BUSINESS INTERRUPTION**  
3 **TION**

4 **SEC. 201. IMPROVEMENTS TO EMPLOYEE RETENTION AND**  
5 **REHIRING CREDIT.**

6 (a) **EMPLOYEE RETENTION CREDIT RENAMED.**—  
7 Section 2301 of the CARES Act is amended in the head-  
8 ing by striking “**EMPLOYEE RETENTION CREDIT**” and  
9 inserting “**EMPLOYEE RETENTION AND REHIRING**  
10 **CREDIT**”.

11 (b) **INCREASE IN CREDIT PERCENTAGE.**—Section  
12 2301(a) of the CARES Act is amended by striking “50  
13 percent” and inserting “80 percent”.

14 (c) **INCREASE IN PER EMPLOYEE LIMITATION.**—Sec-  
15 tion 2301(b)(1) of the CARES Act is amended by striking  
16 “for all calendar quarters shall not exceed \$10,000.” and  
17 inserting “shall not exceed—

18 “(A) \$15,000 in any calendar quarter, and  
19 “(B) \$45,000 in the aggregate for all cal-  
20 endar quarters.”.

21 (d) **MODIFICATION OF THRESHOLD FOR TREATMENT**  
22 **AS A LARGE EMPLOYER.**—

23 (1) **IN GENERAL.**—Section 2301(c)(3)(A) of the  
24 CARES Act is amended—



1 (A) by striking “for which the average  
2 number of full-time employees (within the  
3 meaning of section 4980H of the Internal Rev-  
4 enue Code of 1986) employed by such eligible  
5 employer during 2019 was greater than 100” in  
6 clause (i) and inserting “which is a large em-  
7 ployer”, and

8 (B) by striking “for which the average  
9 number of full-time employees (within the  
10 meaning of section 4980H of the Internal Rev-  
11 enue Code of 1986) employed by such eligible  
12 employer during 2019 was not greater than  
13 100” in clause (ii) and inserting “which is not  
14 a large employer”.

15 (2) LARGE EMPLOYER DEFINED.—Section  
16 2301(c) of the CARES Act is amended by redesignig-  
17 nating paragraph (6) as paragraph (7) and by in-  
18 serting after paragraph (5) the following new para-  
19 graph:

20 “(6) LARGE EMPLOYER.—The term ‘large em-  
21 ployer’ means any eligible employer if—

22 “(A) the average number of full-time em-  
23 ployees (as determined for purposes of deter-  
24 mining whether an employer is an applicable  
25 large employer for purposes of section

1 4980H(c)(2) of the Internal Revenue Code of  
2 1986) employed by such eligible employer dur-  
3 ing calendar year 2019 was greater than 1,500,  
4 and

5 “(B) the gross receipts (within the mean-  
6 ing of section 448(c) of the Internal Revenue  
7 Code of 1986) of such eligible employer during  
8 calendar year 2019 was greater than  
9 \$41,500,000.”.

10 (e) PHASE-IN OF ELIGIBILITY BASED ON REDUC-  
11 TION IN GROSS RECEIPTS.—

12 (1) DECREASE OF REDUCTION IN GROSS RE-  
13 CEIPTS NECESSARY TO QUALIFY FOR CREDIT.—Sec-  
14 tion 2301(c)(2)(B) of the CARES Act is amended—

15 (A) by striking “50 percent” in clause (i)  
16 and inserting “90 percent”, and

17 (B) by striking “80 percent” in clause (ii)  
18 and inserting “90 percent”.

19 (2) PHASE-IN OF CREDIT IF REDUCTION IN  
20 GROSS RECEIPTS IS LESS THAN 50 PERCENT.—Sec-  
21 tion 2301(c)(2) of the CARES Act is amended by  
22 adding at the end the following new subparagraph:

23 “(D) PHASE-IN OF CREDIT WHERE BUSI-  
24 NESS NOT SUSPENDED AND REDUCTION IN  
25 GROSS RECEIPTS LESS THAN 50 PERCENT.—

1           “(i) IN GENERAL.—In the case of any  
2           calendar quarter with respect to which an  
3           eligible employer would not be an eligible  
4           employer if subparagraph (B)(i) were ap-  
5           plied by substituting ‘50 percent’ for ‘90  
6           percent’, the amount of the credit allowed  
7           under subsection (a) shall be reduced by  
8           the amount which bears the same ratio to  
9           the amount of such credit (determined  
10          without regard to this subparagraph) as—

11                   “(I) the excess gross receipts per-  
12                   centage point amount, bears to

13                   “(II) 40 percentage points.

14          “(ii) EXCESS GROSS RECEIPTS PER-  
15          CENTAGE POINT AMOUNT.—For purposes  
16          of this subparagraph, the term ‘excess  
17          gross receipts percentage point amount’  
18          means, with respect to any calendar quar-  
19          ter, the excess of—

20                   “(I) the lowest of the gross re-  
21                   ceipts percentage point amounts de-  
22                   termined with respect to any calendar  
23                   quarter during the period ending with  
24                   such calendar quarter and beginning  
25                   with the first calendar quarter during

1 the period described in subparagraph  
2 (B), over

3 “(II) 50 percentage points.

4 “(iii) GROSS RECEIPTS PERCENTAGE  
5 POINT AMOUNTS.—For purposes of this  
6 subparagraph, the term ‘gross receipts per-  
7 centage point amount’ means, with respect  
8 to any calendar quarter, the percentage  
9 (expressed as a number of percentage  
10 points) obtained by dividing—

11 “(I) the gross receipts (within  
12 the meaning of subparagraph (B)) for  
13 such calendar quarter, by

14 “(II) the gross receipts for the  
15 same calendar quarter in calendar  
16 year 2019.”.

17 (3) GROSS RECEIPTS OF TAX-EXEMPT ORGANI-  
18 ZATIONS.—Section 2301(c)(2)(C) of the CARES Act  
19 is amended—

20 (A) by striking “of such Code, clauses (i)  
21 and (ii)(I)” and inserting “of such Code—

22 “(i) clauses (i) and (ii)(I),

23 (B) by striking the period at the end and  
24 inserting “, and”, and

1 (C) by adding at the end the following new  
2 clause:

3 “(ii) any reference in this section to  
4 gross receipts shall be treated as a ref-  
5 erence to gross receipts within the meaning  
6 of section 6033 of such Code.”.

7 (f) MODIFICATION OF TREATMENT OF HEALTH  
8 PLAN EXPENSES.—

9 (1) IN GENERAL.—Section 2301(c)(5) of the  
10 CARES Act is amended to read as follows:

11 “(5) WAGES.—

12 “(A) IN GENERAL.—The term ‘wages’  
13 means wages (as defined in section 3121(a) of  
14 the Internal Revenue Code of 1986) and com-  
15 pensation (as defined in section 3231(e) of such  
16 Code).

17 “(B) ALLOWANCE FOR CERTAIN HEALTH  
18 PLAN EXPENSES.—

19 “(i) IN GENERAL.—Such term shall  
20 include amounts paid or incurred by the el-  
21 igible employer to provide and maintain a  
22 group health plan (as defined in section  
23 5000(b)(1) of the Internal Revenue Code  
24 of 1986), but only to the extent that such  
25 amounts are excluded from the gross in-

1           come of employees by reason of section  
2           106(a) of such Code.

3           “(ii) ALLOCATION RULES.—For pur-  
4           poses of this section, amounts treated as  
5           wages under clause (i) shall be treated as  
6           paid with respect to any employee (and  
7           with respect to any period) to the extent  
8           that such amounts are properly allocable to  
9           such employee (and to such period) in such  
10          manner as the Secretary may prescribe.  
11          Except as otherwise provided by the Sec-  
12          retary, such allocation shall be treated as  
13          properly made if made on the basis of  
14          being pro rata among periods of cov-  
15          erage.”.

16          (2) CONFORMING AMENDMENT.—Section  
17          2301(e)(3) of the CARES Act is amended by strik-  
18          ing subparagraph (C).

19          (g) QUALIFIED WAGES PERMITTED TO INCLUDE  
20          AMOUNTS FOR TIP REPLACEMENT.—Section  
21          2301(e)(3)(B) of the CARES Act is amended by inserting  
22          “(including tips which would have been deemed to be paid  
23          by the employer under section 3121(q))” after “would  
24          have been paid”.

1 (h) CERTAIN GOVERNMENTAL EMPLOYERS ELIGI-  
2 BLE FOR CREDIT.—

3 (1) IN GENERAL.—Section 2301(f) of the  
4 CARES Act is amended to read as follows:

5 “(f) CERTAIN GOVERNMENTAL EMPLOYERS.—

6 “(1) IN GENERAL.—The credit under this sec-  
7 tion shall not be allowed to the Federal Government  
8 or any agency or instrumentality thereof.

9 “(2) EXCEPTION.—Paragraph (1) shall not  
10 apply to any organization described in section  
11 501(c)(1) of the Internal Revenue Code of 1986 and  
12 exempt from tax under section 501(a) of such Code.

13 “(3) SPECIAL RULES.—In the case of any State  
14 government, Indian tribal government, or any agen-  
15 cy, instrumentality, or political subdivision of the  
16 foregoing—

17 “(A) clauses (i) and (ii)(I) of subsection  
18 (c)(2)(A) shall apply to all operations of such  
19 entity, and

20 “(B) subclause (II) of subsection  
21 (c)(2)(A)(ii) shall not apply.”.

22 (2) COORDINATION WITH APPLICATION OF CER-  
23 TAIN DEFINITIONS.—

24 (A) IN GENERAL.—Section 2301(c)(5)(A)  
25 of the CARES Act, as amended by the pre-

1 ceding provisions of this Act, is amended by  
2 adding at the end the following: “For purposes  
3 of the preceding sentence (other than for pur-  
4 poses of subsection (b)(2)), wages as defined in  
5 section 3121(a) of the Internal Revenue Code  
6 of 1986 shall be determined without regard to  
7 paragraphs (1), (5), (6), (7), (8), (10), (13),  
8 (18), (19), and (22) of section 3212(b) of such  
9 Code (except with respect to services performed  
10 in a penal institution by an inmate thereof).”.

11 (B) CONFORMING AMENDMENTS.—Sec-  
12 tions 2301(e)(6) of the CARES Act is amended  
13 by striking “Any term” and inserting “Except  
14 as otherwise provided in this section, any  
15 term”.

16 (i) COORDINATION WITH INCOME TAX CREDITS.—  
17 Section 2301(h) of the CARES Act, as amended by pre-  
18 ceding provisions of this Act, is amended—

19 (1) by striking paragraphs (1) and (2) and in-  
20 serting the following:

21 “(1) COORDINATION WITH INCOME TAX CRED-  
22 ITS.—Any wages taken into account in determining  
23 the credit allowed under this section shall not be  
24 taken into account as wages for purposes of sections



1 41, 45A, 45B, 45P, 45S, 51, and 1396 of the Inter-  
2 nal Revenue 23 Code of 1986.”, and

3 (2) by redesignating paragraph (3) as para-  
4 graph (2).

5 (j) APPLICATION OF CREDIT TO EMPLOYERS OF DO-  
6 MESTIC WORKERS.—

7 (1) IN GENERAL.—Section 2301(c)(2) of the  
8 CARES Act, as amended by the preceding provisions  
9 of this Act, is amended by adding at the end the fol-  
10 lowing new subparagraph:

11 “(E) EMPLOYERS OF DOMESTIC WORK-  
12 ERS.—In the case of an employer with one or  
13 more employees who perform domestic service  
14 (within the meaning of section 3121(a)(7) of  
15 such Code) in the private home of such em-  
16 ployer, with respect to such employees—

17 “(i) subparagraph (A) shall be ap-  
18 plied—

19 “(I) by substituting ‘employing  
20 an employee who performs domestic  
21 service in the private home of such  
22 employer’ for ‘carrying on a trade or  
23 business’ in clause (i) thereof, and

24 “(II) by substituting ‘such em-  
25 ployment’ for ‘the operation of the

1 trade or business' in clause (ii)(I)  
2 thereof.

3 “(ii) subclause (II) of subparagraph  
4 (A)(ii) shall not apply, and

5 “(iii) such employer shall be treated  
6 as a large employer.”.

7 (2) DENIAL OF DOUBLE BENEFIT.—Section  
8 2301(h)(1) of the CARES Act, as amended by the  
9 preceding provisions of this Act, is further amend-  
10 ed—

11 (A) by striking “shall not be taken into ac-  
12 count as wages” and inserting “shall not be  
13 taken into account as—

14 “(A) wages”,

15 (B) by striking the period at the end and  
16 inserting “, and”, and

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

18 “(B) if such wages are paid for domestic  
19 service described in subsection (c)(2)(E), as em-  
20 ployment-related expenses for purposes of sec-  
21 tion 21 of such Code.

22 In the case of any individual who pays wages for do-  
23 mestic service described in subsection (c)(2)(E) and  
24 receives a reimbursement for such wages which is  
25 excludible from gross income under section 129 of

1 such Code, such wages shall not be treated as quali-  
2 fied wages for purposes of this section.”.

3 (k) COORDINATION WITH GOVERNMENT GRANTS.—  
4 Section 2301(h) of the CARES Act, as amended by the  
5 preceding provisions of this Act, is further amended by  
6 adding at the end the following new paragraph:

7 “(3) COORDINATION WITH GOVERNMENT  
8 GRANTS.—Qualified wages shall not be taken into  
9 account under this section to the extent that grants  
10 (or similar amounts) are provided by the Federal  
11 government for purposes of paying or reimbursing  
12 expenses for such wages.”.

13 (l) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect as if included in section 2301  
15 of the CARES Act.

16 **SEC. 202. CERTAIN LOAN FORGIVENESS AND OTHER BUSI-**  
17 **NESS FINANCIAL ASSISTANCE UNDER CARES**  
18 **ACT NOT INCLUDIBLE IN GROSS INCOME.**

19 (a) UNITED STATES TREASURY PROGRAM MANAGE-  
20 MENT AUTHORITY.—For purposes of the Internal Rev-  
21 enue Code of 1986, no amount shall be included in gross  
22 income by reason of loan forgiveness described in section  
23 1109(d)(2)(D) of the CARES Act.

24 (b) EMERGENCY EIDL GRANTS.—For purposes of  
25 the Internal Revenue Code of 1986, any advance described

1 in section 1110(e) of the CARES Act shall not be included  
2 in the gross income of the person that receives such ad-  
3 vance.

4 (c) SUBSIDY FOR CERTAIN LOAN PAYMENTS.—For  
5 purposes of the Internal Revenue Code of 1986, any pay-  
6 ment described in section 1112(e) of the CARES Act shall  
7 not be included in the gross income of the person on whose  
8 behalf such payment is made.

9 (d) RESTAURANTS GRANTS.—For purposes of the  
10 Internal Revenue Code of 1986, any grants (or similar  
11 amounts) made to an eligible entity under the RES-  
12 TAURANTS Act of 2020 shall not be included in the  
13 gross income of such entity.

14 (e) EFFECTIVE DATE.—(1) Subsections (a), (b), and  
15 (c) shall apply to taxable years ending after the date of  
16 the enactment of the CARES Act.

17 (2) RESTAURANTS GRANTS.—Subsection (d)  
18 shall apply to taxable years ending after the date of  
19 the enactment of the RESTAURANTS Act of 2020.

20 **SEC. 203. CLARIFICATION OF TREATMENT OF EXPENSES**  
21 **PAID OR INCURRED WITH PROCEEDS FROM**  
22 **CERTAIN GRANTS AND LOANS.**

23 (a) IN GENERAL.—For purposes of the Internal Rev-  
24 enue Code of 1986 and notwithstanding any other provi-  
25 sion of law, any deduction and the basis of any property

1 shall be determined without regard to whether any amount  
2 is excluded from gross income under section 202 of this  
3 Act or section 1106(i) of the CARES Act.

4 (b) CLARIFICATION OF EXCLUSION OF LOAN FOR-  
5 GIVENESS.—Section 1106(i) of the CARES Act is amend-  
6 ed to read as follows:

7 “(i) TAXABILITY.—For purposes of the Internal Rev-  
8 enue Code of 1986, no amount shall be included in the  
9 gross income of the eligible recipient by reason of forgive-  
10 ness of indebtedness described in subsection (b).”.

11 (c) EFFECTIVE DATE.—Subsection (a) and the  
12 amendment made by subsection (b) shall apply to taxable  
13 years ending after the date of the enactment of the  
14 CARES Act.

## 15 **TITLE III—NET OPERATING** 16 **LOSSES**

17 **SEC. 301. LIMITATION ON EXCESS BUSINESS LOSSES OF**  
18 **NON-CORPORATE TAXPAYERS RESTORED**  
19 **AND MADE PERMANENT.**

20 (a) IN GENERAL.—Section 461(l)(1) of the Internal  
21 Revenue Code of 1986 is amended to read as follows:

22 “(1) LIMITATION.—In the case of a taxpayer  
23 other than a corporation, any excess business loss of  
24 the taxpayer shall not be allowed.”.

1 (b) FARMING LOSSES.—Section 461 of such Code is  
2 amended by striking subsection (j).

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to taxable years beginning after  
5 December 31, 2017.

6 **SEC. 302. CERTAIN TAXPAYERS ALLOWED CARRYBACK OF**  
7 **NET OPERATING LOSSES ARISING IN 2019**  
8 **AND 2020.**

9 (a) CARRYBACK OF LOSSES ARISING IN 2019 AND  
10 2020.—

11 (1) IN GENERAL.—Section 172(b)(1)(D)(i) of  
12 the Internal Revenue Code of 1986 is amended to  
13 read as follows:

14 “(i) IN GENERAL.—In the case of any  
15 net operating loss arising in a taxable year  
16 beginning after December 31, 2018, and  
17 before January 1, 2021, and to which sub-  
18 paragraphs (B) and (C)(i) do not apply,  
19 such loss shall be a net operating loss  
20 carryback to each taxable year preceding  
21 the taxable year of such loss, but not to  
22 any taxable year beginning before January  
23 1, 2018.”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) The heading for section 172(b)(1)(D)  
2 of such Code is amended by striking “2018,  
3 2019, AND” and inserting “2019 AND”.

4 (B) Section 172(b)(1)(D) of such Code is  
5 amended by striking clause (iii) and by redesignig-  
6 nating clauses (iv) and (v) as clauses (iii) and  
7 (iv), respectively.

8 (C) Section 172(b)(1)(D)(iii) of such Code,  
9 as so redesignated, is amended by striking  
10 “(i)(I)” and inserting “(i)”.

11 (D) Section 172(b)(1)(D)(iv) of such Code,  
12 as so redesignated, is amended—

13 (i) by striking “If the 5-year  
14 carryback period under clause (i)(I)” in  
15 subclause (I) and inserting “If the  
16 carryback period under clause (i)”, and

17 (ii) by striking “2018 or” in subclause  
18 (II).

19 (b) **DISALLOWED FOR CERTAIN TAXPAYERS.**—Sec-  
20 tion 172(b)(1)(D) of such Code, as amended by the pre-  
21 ceding provisions of this Act, is amended by adding at the  
22 end the following new clauses:

23 “(v) **CARRYBACK DISALLOWED FOR**  
24 **CERTAIN TAXPAYERS.**—Clause (i) shall not

1 apply with respect to any loss arising in a  
2 taxable year in which—

3 “(I) the taxpayer (or any related  
4 person) is not allowed a deduction  
5 under this chapter for the taxable  
6 year by reason of section 162(m) or  
7 section 280G, or

8 “(II) the taxpayer (or any related  
9 person) is a specified corporation for  
10 the taxable year.

11 “(vi) SPECIFIED CORPORATION.—For  
12 purposes of clause (v)—

13 “(I) IN GENERAL.—The term  
14 ‘specified corporation’ means, with re-  
15 spect to any taxable year, a corpora-  
16 tion the fair market value of the ag-  
17 gregate distributions (including re-  
18 demptions), measured as of the date  
19 of each such distribution, of which  
20 during all taxable years ending after  
21 December 31, 2017, exceed the sum  
22 of applicable stock issued of such cor-  
23 poration and 5 percent of the fair  
24 market value of the stock of such cor-



1                   poration as of the last day of the tax-  
2                   able year.

3                   “(II)        APPLICABLE        STOCK  
4                   ISSUED.—The term ‘applicable stock  
5                   issued’ means, with respect to any  
6                   corporation, the aggregate fair market  
7                   value of stock (as of the issue date of  
8                   such stock) issued by the corporation  
9                   during all taxable years ending after  
10                  December 31, 2017, in exchange for  
11                  money or property other than stock in  
12                  such corporation.

13                  “(III)        CERTAIN        PREFERRED  
14                  STOCK DISREGARDED.—For purposes  
15                  of subclause (I), stock described in  
16                  section 1504(a)(4), and distributions  
17                  (including redemptions) with respect  
18                  to such stock, shall be disregarded.

19                  “(vii) RELATED PERSON.—For pur-  
20                  poses of clause (v), a person is a related  
21                  person to a taxpayer if the related person  
22                  bears a relationship to the taxpayer speci-  
23                  fied in section 267(b) or section  
24                  707(b)(1).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the enact-  
3 ment of section 2303(b) of the Coronavirus Aid, Relief,  
4 and Economic Security Act.

5 **DIVISION G—RETIREMENT**  
6 **PROVISIONS**

7 **SEC. 100. SHORT TITLE, ETC.**

8 (a) SHORT TITLE.—This division may be cited as the  
9 “Emergency Pension Plan Relief Act of 2020”.

10 (b) TABLE OF CONTENTS.—The table of contents for  
11 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 MULTIEMPLOYER PENSION PLANS**

2 **SEC. 101. SPECIAL PARTITION RELIEF.**

3 (a) APPROPRIATION.—Section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is amended by adding at the end the following:

4 “(i)(1) An eighth fund shall be established for partition assistance to multiemployer pension plans, as provided under section 4233A, and to pay for necessary administrative and operating expenses relating to such assistance.

5 “(2) There is appropriated from the general fund such amounts as necessary for the costs of providing partition assistance under section 4233A and necessary administrative and operating expenses. The eighth fund established under this subsection shall be credited with such amounts from time to time as the Secretary of the Treasury determines appropriate, from the general fund of the Treasury, and such amounts shall remain available until expended.”.

6 (b) SPECIAL PARTITION AUTHORITY.—The Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after section 4233 the following:

1 **“SEC. 4233A. SPECIAL PARTITION RELIEF.**

2 “(a) SPECIAL PARTITION AUTHORITY.—

3 “(1) IN GENERAL.—Upon the application of a  
4 plan sponsor of an eligible multiemployer plan for  
5 partition of the plan under this section, the corpora-  
6 tion shall order a partition of the plan in accordance  
7 with this section.

8 “(2) INAPPLICABILITY OF CERTAIN REPAYMENT  
9 OBLIGATION.—A plan receiving partition assistance  
10 pursuant to this section shall not be subject to re-  
11 payment obligations under section 4261(b)(2).

12 “(b) ELIGIBLE PLANS.—

13 “(1) IN GENERAL.—For purposes of this sec-  
14 tion, a multiemployer plan is an eligible multiem-  
15 ployer plan if—

16 “(A) the plan is in critical and declining  
17 status (within the meaning of section  
18 305(b)(6)) in any plan year beginning in 2020  
19 through 2024;

20 “(B) a suspension of benefits has been ap-  
21 proved with respect to the plan under section  
22 305(e)(9) as of the date of the enactment of  
23 this section;

24 “(C) in any plan year beginning in 2020  
25 through 2024, the plan is certified by the plan  
26 actuary to be in critical status (within the

1 meaning of section 305(b)(2)), has a modified  
2 funded percentage of less than 40 percent, and  
3 has a ratio of active to inactive participants  
4 which is less than 2 to 3; or

5 “(D) the plan is insolvent for purposes of  
6 section 418E of the Internal Revenue Code of  
7 1986 as of the date of enactment of this sec-  
8 tion, if the plan became insolvent after Decem-  
9 ber 16, 2014, and has not been terminated by  
10 such date of enactment.

11 “(2) MODIFIED FUNDED PERCENTAGE.—For  
12 purposes of paragraph (1)(C), the term ‘modified  
13 funded percentage’ means the percentage equal to a  
14 fraction the numerator of which is current value of  
15 plan assets (as defined in section 3(26) of such Act)  
16 and the denominator of which is current liabilities  
17 (as defined in section 431(c)(6)(D) of such Code and  
18 section 304(c)(6)(D) of such Act).

19 “(c) APPLICATIONS FOR SPECIAL PARTITION.—

20 “(1) GUIDANCE.—The corporation shall issue  
21 guidance setting forth requirements for special parti-  
22 tion applications under this section not later than  
23 120 days after the date of the enactment of this sec-  
24 tion. In such guidance, the corporation shall—

1           “(A) limit the materials required for a spe-  
2           cial partition application to the minimum nec-  
3           essary to make a determination on the applica-  
4           tion; and

5           “(B) provide for an alternate application  
6           for special partition under this section, which  
7           may be used by a plan that has been approved  
8           for a partition under section 4233 before the  
9           date of enactment of this section.

10          “(2) TEMPORARY PRIORITY CONSIDERATION OF  
11          APPLICATIONS.—

12                 “(A) IN GENERAL.—The corporation may  
13                 specify in guidance under paragraph (1) that,  
14                 during the first 2 years following the date of  
15                 enactment of this section, special partition ap-  
16                 plications will be provided priority consider-  
17                 ation, if—

18                         “(i) the plan is likely to become insol-  
19                         vent within 5 years of the date of enact-  
20                         ment of this section;

21                         “(ii) the corporation projects a plan to  
22                         have a present value of financial assistance  
23                         payments under section 4261 that exceeds  
24                         \$1,000,000,000 if the special partition is  
25                         not ordered;

1                   “(iii) the plan has implemented ben-  
2                   efit suspensions under section 305(e)(9) as  
3                   of the date of the enactment of this sec-  
4                   tion; or

5                   “(iv) the corporation determines it ap-  
6                   propriate based on other circumstances.

7                   “(B) NO EFFECT ON AMOUNT OF ASSIST-  
8                   ANCE.—A plan that is approved for special par-  
9                   tition assistance under this section shall not re-  
10                  ceive reduced special partition assistance on ac-  
11                  count of not receiving priority consideration  
12                  under subparagraph (A).

13                  “(3) ACTUARIAL ASSUMPTIONS AND OTHER IN-  
14                  FORMATION.—The corporation shall accept assump-  
15                  tions incorporated in a multiemployer plan’s deter-  
16                  mination that it is in critical status or critical and  
17                  declining status (within the meaning of section  
18                  305(b)), or that the plan’s modified funded percent-  
19                  age is less than 40 percent, unless such assumptions  
20                  are clearly erroneous. The corporation may require  
21                  such other information as the corporation deter-  
22                  mines appropriate for making a determination of eli-  
23                  gibility and the amount of special partition assist-  
24                  ance necessary under this section.

1           “(4) APPLICATION DEADLINE.—Any application  
2           by a plan for special partition assistance under this  
3           section shall be submitted no later than December  
4           31, 2026, and any revised application for special  
5           partition assistance shall be submitted no later than  
6           December 31, 2027.

7           “(5) NOTICE OF APPLICATION.—Not later than  
8           120 days after the date of enactment of this section,  
9           the corporation shall issue guidance requiring multi-  
10          employer plans to notify participants and bene-  
11          ficiaries that the plan has applied for partition  
12          under this section, after the corporation has deter-  
13          mined that the application is complete. Such notice  
14          shall reference the special partition relief internet  
15          website described in subsection (p).

16          “(d) DETERMINATIONS ON APPLICATIONS.—A plan’s  
17          application for special partition under this section that is  
18          timely filed in accordance with guidance issued under sub-  
19          section (c)(1) shall be deemed approved and the corpora-  
20          tion shall issue a special partition order unless the cor-  
21          poration notifies the plan within 120 days of the filing  
22          of the application that the application is incomplete or the  
23          plan is not eligible under this section. Such notice shall  
24          specify the reasons the plan is ineligible for a special parti-  
25          tion or information needed to complete the application. If



1 a plan is denied partition under this subsection, the plan  
2 may submit a revised application under this section. Any  
3 revised application for special partition submitted by a  
4 plan shall be deemed approved unless the corporation noti-  
5 fies the plan within 120 days of the filing of the revised  
6 application that the application is incomplete or the plan  
7 is not eligible under this section. A special partition order  
8 issued by the corporation shall be effective no later than  
9 120 days after a plan's special partition application is ap-  
10 proved by the corporation or deemed approved.

11 “(e) AMOUNT AND MANNER OF SPECIAL PARTITION  
12 ASSISTANCE.—

13 “(1) IN GENERAL.—The liabilities of an eligible  
14 multiemployer plan that the corporation assumes  
15 pursuant to a special partition order under this sec-  
16 tion shall be the amount necessary for the plan to  
17 meet its funding goals described in subsection (g).

18 “(2) NO CAP.—Liabilities assumed by the cor-  
19 poration pursuant to a special partition order under  
20 this section shall not be capped by the guarantee  
21 under section 4022A. The corporation shall have dis-  
22 cretion on how liabilities of the plan are partitioned.

23 “(f) SUCCESSOR PLAN.—

1           “(1) IN GENERAL.—The plan created by a spe-  
2           cial partition order under this section is a successor  
3           plan to which section 4022A applies.

4           “(2) PLAN SPONSOR AND ADMINISTRATOR.—  
5           The plan sponsor of an eligible multiemployer plan  
6           prior to the special partition and the administrator  
7           of such plan shall be the plan sponsor and the ad-  
8           ministrator, respectively, of the plan created by the  
9           partition.

10          “(g) FUNDING GOALS.—

11           “(1) IN GENERAL.—The funding goals of a  
12           multiemployer plan eligible for partition under this  
13           section are both of the following:

14           “(A) The plan will remain solvent over 30  
15           years with no reduction in a participant’s or  
16           beneficiary’s accrued benefit (except to the ex-  
17           tent of a reduction in accordance with section  
18           305(e)(8) adopted prior to the plan’s applica-  
19           tion for partition under this section).

20           “(B) The funded percentage of the plan  
21           (disregarding partitioned benefits) at the end of  
22           the 30-year period is projected to be 80 percent.

23           “(2) BASIS.—The funding projections under  
24           paragraph (1) shall be performed on a deterministic  
25           basis.

1       “(h) RESTORATION OF BENEFIT SUSPENSIONS.—An  
2 eligible multiemployer plan that is partitioned under this  
3 section shall—

4           “(1) reinstate any benefits that were suspended  
5 under section 305(e)(9) or section 4245(a), effective  
6 as of the first month the special partition order is  
7 effective, for participants or beneficiaries as of the  
8 effective date of the partition; and

9           “(2) provide payments equal to the amount of  
10 benefits previously suspended to any participants or  
11 beneficiaries in pay status as of the effective date of  
12 the special partition, payable in the form of a lump  
13 sum within 3 months of such effective date or in  
14 equal monthly installments over a period of 5 years,  
15 with no adjustment for interest.

16       “(i) ADJUSTMENT OF SPECIAL PARTITION ASSIST-  
17 ANCE.—

18           “(1) IN GENERAL.—Every 5 years, the corpora-  
19 tion shall adjust the special partition assistance de-  
20 scribed in subsection (e) as necessary for the eligible  
21 multiemployer plan to satisfy the funding goals de-  
22 scribed in subsection (g). If the 30 year period de-  
23 scribed in subsection (g) has lapsed, in applying this  
24 paragraph, 5 years shall be substituted for 30 years.

1           “(2) SUBMISSION OF INFORMATION.—An eligi-  
2           ble multiemployer plan that is the subject of a spe-  
3           cial partition order under subsection (a) shall submit  
4           such information as the corporation may require to  
5           determine the amount of the adjustment under para-  
6           graph (1).

7           “(3) CESSATION OF ADJUSTMENTS.—Adjust-  
8           ments under this subsection with respect to special  
9           partition assistance for an eligible multiemployer  
10          plan shall cease and the corporation shall perma-  
11          nently assume liability for payment of any benefits  
12          transferred to the successor plan (subject to sub-  
13          section (l)) beginning with the first plan year that  
14          the funded percentage of the eligible multiemployer  
15          plan (disregarding partitioned benefits) is at least  
16          80 percent and the plan’s projected funded percent-  
17          age for each of the next 10 years is at least 80 per-  
18          cent. Any accumulated funding deficiency of the  
19          plan (within the meaning of section 304(a)) shall be  
20          reduced to zero as of the first day of the plan year  
21          for which partition assistance is permanent under  
22          this paragraph.

23          “(j) CONDITIONS ON PLANS DURING PARTITION.—

24                 “(1) IN GENERAL.—The corporation may im-  
25                 pose, by regulation, reasonable conditions on an eli-

1       gible multiemployer plan that is partitioned under  
2       section (a) relating to increases in future accrual  
3       rates and any retroactive benefit improvements, allo-  
4       cation of plan assets, reductions in employer con-  
5       tribution rates, diversion of contributions to, and al-  
6       location of, expenses to other retirement plans, and  
7       withdrawal liability.

8               “(2) LIMITATIONS.—The corporation shall not  
9       impose conditions on an eligible multiemployer plan  
10       as a condition of or following receipt of such parti-  
11       tion assistance under this section relating to—

12               “(A) any reduction in plan benefits (in-  
13       cluding benefits that may be adjusted pursuant  
14       to section 305(e)(8));

15               “(B) plan governance, including selection  
16       of, removal of, and terms of contracts with,  
17       trustees, actuaries, investment managers, and  
18       other service providers; or

19               “(C) any funding rules relating to the plan  
20       that is partitioned under this section.

21               “(3) CONDITION.—An eligible multiemployer  
22       plan that is partitioned under subsection (a) shall  
23       continue to pay all premiums due under section  
24       4007 for participants and beneficiaries in the plan  
25       created by a special partition order until the plan

1 year beginning after a cessation of adjustments ap-  
2 plies under subsection (i).

3 “(k) WITHDRAWAL LIABILITY.—An employer’s with-  
4 drawal liability for purposes of this title shall be calculated  
5 taking into account any plan liabilities that are partitioned  
6 under subsection (a) until the plan year beginning after  
7 the expiration of 15 calendar years from the effective date  
8 of the partition.

9 “(l) CESSATION OF PARTITION ASSISTANCE.—If a  
10 plan that receives partition assistance under this section  
11 becomes insolvent for purposes of section 418E of the In-  
12 ternal Revenue Code of 1986, the plan shall no longer be  
13 eligible for assistance under this section and shall be eligi-  
14 ble for assistance under section 4261.

15 “(m) REPORTING.—An eligible multiemployer plan  
16 that receives partition assistance under this section shall  
17 file with the corporation a report, including the following  
18 information, in such manner (which may include electronic  
19 filing requirements) and at such time as the corporation  
20 requires:

21 “(1) The funded percentage (as defined in sec-  
22 tion 305(j)(2)) as of the first day of such plan year,  
23 and the underlying actuarial value of assets and li-  
24 abilities taken into account in determining such per-  
25 centage.

1           “(2) The market value of the assets of the plan  
2           (determined as provided in paragraph (1)) as of the  
3           last day of the plan year preceding such plan year.

4           “(3) The total value of all contributions made  
5           by employers and employees during the plan year  
6           preceding such plan year.

7           “(4) The total value of all benefits paid during  
8           the plan year preceding such plan year.

9           “(5) Cash flow projections for such plan year  
10          and the 9 succeeding plan years, and the assump-  
11          tions used in making such projections.

12          “(6) Funding standard account projections for  
13          such plan year and the 9 succeeding plan years, and  
14          the assumptions relied upon in making such projec-  
15          tions.

16          “(7) The total value of all investment gains or  
17          losses during the plan year preceding such plan year.

18          “(8) Any significant reduction in the number of  
19          active participants during the plan year preceding  
20          such plan year, and the reason for such reduction.

21          “(9) A list of employers that withdrew from the  
22          plan in the plan year preceding such plan year, the  
23          payment schedule with respect to such withdrawal li-  
24          ability, and the resulting reduction in contributions.

1           “(10) A list of employers that paid withdrawal  
2 liability to the plan during the plan year preceding  
3 such plan year and, for each employer, a total as-  
4 sessment of the withdrawal liability paid, the annual  
5 payment amount, and the number of years remain-  
6 ing in the payment schedule with respect to such  
7 withdrawal liability.

8           “(11) Any material changes to benefits, accrual  
9 rates, or contribution rates during the plan year pre-  
10 ceding such plan year, and whether such changes re-  
11 late to the conditions of the partition assistance.

12           “(12) Details regarding any funding improve-  
13 ment plan or rehabilitation plan and updates to such  
14 plan.

15           “(13) The number of participants and bene-  
16 ficiaries during the plan year preceding such plan  
17 year who are active participants, the number of par-  
18 ticipants and beneficiaries in pay status, and the  
19 number of terminated vested participants and bene-  
20 ficiaries.

21           “(14) The information contained on the most  
22 recent annual funding notice submitted by the plan  
23 under section 101(f).

24           “(15) The information contained on the most  
25 recent annual return under section 6058 of the In-



1 ternal Revenue Code of 1986 and actuarial report  
2 under section 6059 of such Code of the plan.

3 “(16) Copies of the plan document and amend-  
4 ments, other retirement benefit or ancillary benefit  
5 plans relating to the plan and contribution obliga-  
6 tions under such plans, a breakdown of administra-  
7 tive expenses of the plan, participant census data  
8 and distribution of benefits, the most recent actu-  
9 arial valuation report as of the plan year, financial  
10 reports, and copies of the portions of collective bar-  
11 gaining agreements relating to plan contributions,  
12 funding coverage, or benefits, and such other infor-  
13 mation as the corporation may reasonably require.

14 Any information disclosed by a plan to the corporation  
15 that could identify individual employers shall be confiden-  
16 tial and not subject to publication or disclosure.

17 “(n) REPORT TO CONGRESS.—

18 “(1) IN GENERAL.—Not later than 1 year after  
19 the date of enactment of this section and annually  
20 thereafter, the board of directors of the corporation  
21 shall submit to the Committee on Health, Edu-  
22 cation, Labor, and Pensions and the Committee on  
23 Finance of the Senate and the Committee on Edu-  
24 cation and Labor and the Committee on Ways and  
25 Means of the House of Representatives a detailed re-

1 port on the implementation and administration of  
2 this section. Such report shall include—

3 “(A) information on the name and number  
4 of multiemployer plans that have applied for  
5 partition assistance under this section;

6 “(B) the name and number of such plans  
7 that have been approved for partition assistance  
8 under this section and the name and number of  
9 the plans that have not been approved for spe-  
10 cial partition assistance;

11 “(C) a detailed rationale for any decision  
12 by the corporation to not approve an applica-  
13 tion for special partition assistance;

14 “(D) the amount of special partition as-  
15 sistance provided to eligible multiemployer  
16 plans (including amounts provided on an indi-  
17 vidual plan basis and in the aggregate);

18 “(E) the name and number of the multi-  
19 employer plans that restored benefit suspen-  
20 sions and provided lump sum or monthly in-  
21 stallment payments to participants or bene-  
22 ficiaries;

23 “(F) the amount of benefits that were re-  
24 stored and lump sum or monthly installment  
25 payments that were paid (including amounts

1 provided on an individual plan basis and in the  
2 aggregate);

3 “(G) the name and number of the plans  
4 that received adjustments to partition assist-  
5 ance under subsection (i);

6 “(H) a list of, and rationale for, each rea-  
7 sonable condition imposed by the corporation on  
8 plans approved for special partition assistance  
9 under this section;

10 “(I) the contracts that have been awarded  
11 by the corporation to implement or administer  
12 this section;

13 “(J) the number, purpose, and dollar  
14 amounts of the contracts that have been award-  
15 ed to implement or administer the section;

16 “(K) a detailed summary of the reports re-  
17 quired under subsection (m); and

18 “(L) a detailed summary of the feedback  
19 received on the pension relief internet website  
20 established under subsection (p).

21 “(2) PBGC CERTIFICATION.—The board of di-  
22 rectors of the corporation shall include with the re-  
23 port under paragraph (1) a certification and affir-  
24 mation that the amount of special partition assist-  
25 ance provided to each plan under this section is the

1 amount necessary to meet its funding goals under  
2 subsection (g), including, if applicable, any adjust-  
3 ment of special partition assistance as determined  
4 under subsection (i).

5 “(3) CONFIDENTIALITY.—Congress may pub-  
6 licize the reports received under paragraph (1) only  
7 after redacting all sensitive or proprietary informa-  
8 tion.

9 “(o) GAO REPORT.—Not later than 1 year after the  
10 first partition application is approved by the corporation  
11 under this section, and biennially thereafter, the Comp-  
12 troller General of the United States shall submit to the  
13 Committee on Health, Education, Labor, and Pensions  
14 and the Committee on Finance of the Senate and the  
15 Committee on Education and Labor and the Committee  
16 on Ways and Means of the House of Representatives a  
17 detailed report on the actions of the corporation to imple-  
18 ment and administer this section, including an examina-  
19 tion of the contracts awarded by such corporation to carry  
20 out this section and an analysis of such corporation’s com-  
21 pliance with subsections (e) and (g).

22 “(p) SPECIAL PARTITION RELIEF WEBSITE.—

23 “(1) ESTABLISHMENT.—Not later than 120  
24 days after the date of enactment of this section, the  
25 corporation shall establish and maintain a user-

1 friendly, public-facing internet website to foster  
2 greater accountability and transparency in the im-  
3 plementation and administration of this section.

4 “(2) PURPOSE.—The internet website estab-  
5 lished and maintained under paragraph (1) shall be  
6 a portal to key information relating to this section  
7 for multiemployer plan administrators and trustees,  
8 plan participants, beneficiaries, participating em-  
9 ployers, other stakeholders, and the public.

10 “(3) CONTENT AND FUNCTION.—The internet  
11 website established under paragraph (1) shall—

12 “(A) describe the nature and scope of the  
13 special partition authority and assistance under  
14 this section in a manner calculated to be under-  
15 stood by the average plan participant;

16 “(B) include published guidance, regula-  
17 tions, and all other relevant information on the  
18 implementation and administration of this sec-  
19 tion;

20 “(C) include, with respect to plan applica-  
21 tions for special partition assistance—

22 “(i) a general description of the proc-  
23 ess by which eligible plans can apply for  
24 special partition assistance, information on

1           how and when the corporation will process  
2           and consider plan applications;

3           “(ii) information on how the corpora-  
4           tion will address any incomplete applica-  
5           tions as specified in under this section;

6           “(iii) a list of the plans that have ap-  
7           plied for special partition assistance and,  
8           for each application, the date of submis-  
9           sion of a completed application;

10          “(iv) the text of each plan’s completed  
11          application for special partition assistance  
12          with appropriate redactions of personal,  
13          proprietary, or sensitive information;

14          “(v) the estimated date that a deci-  
15          sion will be made by the corporation on  
16          each application;

17          “(vi) the actual date when such deci-  
18          sion is made;

19          “(vii) the corporation’s decision on  
20          each application; and

21          “(viii) as applicable, a detailed ration-  
22          ale for any decision not to approve a plan’s  
23          application for special partition assistance;

1           “(D) provide detailed information on each  
2 contract solicited and awarded to implement or  
3 administer this section;

4           “(E) include reports, audits, and other rel-  
5 evant oversight and accountability information  
6 on this section, including the annual reports  
7 submitted by the board of directors of the cor-  
8 poration to Congress required under subsection  
9 (n), the Office of the Inspector General audits,  
10 correspondence, and publications, and the Gov-  
11 ernment Accountability Office reports under  
12 subsection (o);

13           “(F) provide a clear means for multiem-  
14 ployer plan administrators, plan participants,  
15 beneficiaries, other stakeholders, and the public  
16 to contact the corporation and provide feedback  
17 on the implementation and administration of  
18 this section; and

19           “(G) be regularly updated to carry out the  
20 purposes of this subsection.

21           “(q) OFFICE OF INSPECTOR GENERAL.—There is au-  
22 thorized to be appropriated to the corporation’s Office of  
23 Inspector General \$24,000,000 for fiscal year 2020, which  
24 shall remain available through September 30, 2028, for  
25 salaries and expenses necessary for conducting investiga-

1 tions and audits of the implementation and administration  
2 of this section.

3 “(r) APPLICATION OF EXCISE TAX.—During the pe-  
4 riod that a plan is subject to a partition order under this  
5 section and prior to a cessation of adjustments pursuant  
6 to subsection (i)(3), the plan shall not be subject to section  
7 4971 of the Internal Revenue Code of 1986.”.

8 **SEC. 102. REPEAL OF BENEFIT SUSPENSIONS FOR MULTI-**  
9 **EMPLOYER PLANS IN CRITICAL AND DECLIN-**  
10 **ING STATUS.**

11 (a) AMENDMENT TO INTERNAL REVENUE CODE OF  
12 1986.—Paragraph (9) of section 432(e) of the Internal  
13 Revenue Code of 1986 is repealed.

14 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-  
15 COME SECURITY ACT OF 1974.—Paragraph (9) of section  
16 305(e) of the Employee Retirement Income Security Act  
17 of 1974 (29 U.S.C. 1085(e)) is repealed.

18 (c) EFFECTIVE DATE.—The repeals made by this  
19 section shall not apply to plans that have been approved  
20 for a suspension of benefit under section 432(e)(9)(G) of  
21 the Internal Revenue Code of 1986 and section  
22 305(e)(9)(G) of the Employee Retirement Income Security  
23 Act of 1974 (29 U.S.C. 1085(e)(9)(G)) before the date  
24 of the enactment of this Act.



1 **SEC. 103. TEMPORARY DELAY OF DESIGNATION OF MULTI-**  
2 **EMPLOYER PLANS AS IN ENDANGERED, CRIT-**  
3 **ICAL, OR CRITICAL AND DECLINING STATUS.**

4 (a) IN GENERAL.—Notwithstanding the actuarial  
5 certification under section 305(b)(3) of the Employee Re-  
6 tirement Income Security Act of 1974 and section  
7 432(b)(3) of the Internal Revenue Code of 1986, if a plan  
8 sponsor of a multiemployer plan elects the application of  
9 this section, then, for purposes of section 305 of such Act  
10 and section 432 of such Code—

11 (1) the status of the plan for its first plan year  
12 beginning during the period beginning on March 1,  
13 2020, and ending on February 28, 2021, or the next  
14 succeeding plan year (as designated by the plan  
15 sponsor in such election), shall be the same as the  
16 status of such plan under such sections for the plan  
17 year preceding such designated plan year, and

18 (2) in the case of a plan which was in endan-  
19 gered or critical status for the plan year preceding  
20 the designated plan year described in paragraph (1),  
21 the plan shall not be required to update its plan or  
22 schedules under section 305(c)(6) of such Act and  
23 section 432(c)(6) of such Code, or section  
24 305(e)(3)(B) of such Act and section 432(e)(3)(B)  
25 of such Code, whichever is applicable, until the plan

1 year following the designated plan year described in  
2 paragraph (1).

3 If section 305 of the Employee Retirement Income Secu-  
4 rity Act of 1974 and section 432 of the Internal Revenue  
5 Code of 1986 did not apply to the plan year preceding  
6 the designated plan year described in paragraph (1), the  
7 plan actuary shall make a certification of the status of  
8 the plan under section 305(b)(3) of such Act and section  
9 432(b)(3) of such Code for the preceding plan year in the  
10 same manner as if such sections had applied to such pre-  
11 ceding plan year.

12 (b) EXCEPTION FOR PLANS BECOMING CRITICAL  
13 DURING ELECTION.—If—

14 (1) an election was made under subsection (a)  
15 with respect to a multiemployer plan, and

16 (2) such plan has, without regard to such elec-  
17 tion, been certified by the plan actuary under section  
18 305(b)(3) of the Employee Retirement Income Secu-  
19 rity Act of 1974 and section 432(b)(3) of the Inter-  
20 nal Revenue Code of 1986 to be in critical status for  
21 the designated plan year described in subsection  
22 (a)(1), then such plan shall be treated as a plan in  
23 critical status for such plan year for purposes of ap-  
24 plying section 4971(g)(1)(A) of such Code, section  
25 302(b)(3) of such Act (without regard to the second

1 sentence thereof), and section 412(b)(3) of such  
2 Code (without regard to the second sentence there-  
3 of).

4 (c) ELECTION AND NOTICE.—

5 (1) ELECTION.—An election under subsection  
6 (a)—

7 (A) shall be made at such time and in such  
8 manner as the Secretary of the Treasury or the  
9 Secretary's delegate may prescribe and, once  
10 made, may be revoked only with the consent of  
11 the Secretary, and

12 (B) if made—

13 (i) before the date the annual certifi-  
14 cation is submitted to the Secretary or the  
15 Secretary's delegate under section  
16 305(b)(3) of such Act and section  
17 432(b)(3) of such Code, shall be included  
18 with such annual certification, and

19 (ii) after such date, shall be submitted  
20 to the Secretary or the Secretary's delegate  
21 not later than 30 days after the date of the  
22 election.

23 (2) NOTICE TO PARTICIPANTS.—

24 (A) IN GENERAL.—Notwithstanding sec-  
25 tion 305(b)(3)(D) of the Employee Retirement

1 Income Security Act of 1974 and section  
2 432(b)(3)(D) of the Internal Revenue Code of  
3 1986, if the plan is neither in endangered nor  
4 critical status by reason of an election made  
5 under subsection (a)—

6 (i) the plan sponsor of a multiem-  
7 ployer plan shall not be required to provide  
8 notice under such sections, and

9 (ii) the plan sponsor shall provide to  
10 the participants and beneficiaries, the bar-  
11 gaining parties, the Pension Benefit Guar-  
12 anty Corporation, and the Secretary of  
13 Labor a notice of the election under sub-  
14 section (a) and such other information as  
15 the Secretary of the Treasury (in consulta-  
16 tion with the Secretary of Labor) may re-  
17 quire—

18 (I) if the election is made before  
19 the date the annual certification is  
20 submitted to the Secretary or the Sec-  
21 retary's delegate under section  
22 305(b)(3) of such Act and section  
23 432(b)(3) of such Code, not later than  
24 30 days after the date of the certifi-  
25 cation, and

1 (II) if the election is made after  
2 such date, not later than 30 days  
3 after the date of the election.

4 (B) NOTICE OF ENDANGERED STATUS.—  
5 Notwithstanding section 305(b)(3)(D) of such  
6 Act and section 432(b)(3)(D) of such Code, if  
7 the plan is certified to be in critical status for  
8 any plan year but is in endangered status by  
9 reason of an election made under subsection  
10 (a), the notice provided under such sections  
11 shall be the notice which would have been pro-  
12 vided if the plan had been certified to be in en-  
13 dangered status.

14 **SEC. 104. TEMPORARY EXTENSION OF THE FUNDING IM-**  
15 **PROVEMENT AND REHABILITATION PERIODS**  
16 **FOR MULTIEMPLOYER PENSION PLANS IN**  
17 **CRITICAL AND ENDANGERED STATUS FOR**  
18 **2020 OR 2021.**

19 (a) IN GENERAL.—If the plan sponsor of a multiem-  
20 ployer plan which is in endangered or critical status for  
21 a plan year beginning in 2020 or 2021 (determined after  
22 application of section 4) elects the application of this sec-  
23 tion, then, for purposes of section 305 of the Employee  
24 Retirement Income Security Act of 1974 and section 432  
25 of the Internal Revenue Code of 1986—

1 (1) except as provided in paragraph (2), the  
2 plan's funding improvement period or rehabilitation  
3 period, whichever is applicable, shall be 15 years  
4 rather than 10 years, and

5 (2) in the case of a plan in seriously endan-  
6 gered status, the plan's funding improvement period  
7 shall be 20 years rather than 15 years.

8 (b) DEFINITIONS AND SPECIAL RULES.—For pur-  
9 poses of this section—

10 (1) ELECTION.—An election under this section  
11 shall be made at such time, and in such manner and  
12 form, as (in consultation with the Secretary of  
13 Labor) the Secretary of the Treasury or the Sec-  
14 retary's delegate may prescribe.

15 (2) DEFINITIONS.—Any term which is used in  
16 this section which is also used in section 305 of the  
17 Employee Retirement Income Security Act of 1974  
18 and section 432 of the Internal Revenue Code of  
19 1986 shall have the same meaning as when used in  
20 such sections.

21 (c) EFFECTIVE DATE.—This section shall apply to  
22 plan years beginning after December 31, 2019.

23 **SEC. 105. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT**  
24 **RULES.**

25 (a) ADJUSTMENTS.—

1           (1) AMENDMENT TO EMPLOYEE RETIREMENT  
2 INCOME SECURITY ACT OF 1974.—Section 304(b)(8)  
3 of the Employee Retirement Income Security Act of  
4 1974 (29 U.S.C. 1084(b)) is amended by adding at  
5 the end the following new subparagraph:

6           “(F) RELIEF FOR 2020 AND 2021.—A mul-  
7 tiemployer plan with respect to which the sol-  
8 vency test under subparagraph (C) is met as of  
9 February 29, 2020, may elect to apply this  
10 paragraph by substituting ‘February 29, 2020’  
11 for ‘August 31, 2008’ each place it appears in  
12 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)  
13 (without regard to whether such plan previously  
14 elected the application of this paragraph). The  
15 preceding sentence shall not apply to a plan  
16 with respect to which a partition order is in ef-  
17 fect under section 4233A.”.

18           (2) AMENDMENT TO INTERNAL REVENUE CODE  
19 OF 1986.—Section 431(b)(8) of the Internal Revenue  
20 Code of 1986 is amended by adding at the end the  
21 following new subparagraph:

22           “(F) RELIEF FOR 2020 AND 2021.—A mul-  
23 tiemployer plan with respect to which the sol-  
24 vency test under subparagraph (C) is met as of  
25 February 29, 2020, may elect to apply this

1 paragraph by substituting ‘February 29, 2020’  
2 for ‘August 31, 2008’ each place it appears in  
3 subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II)  
4 (without regard to whether such plan previously  
5 elected the application of this paragraph). The  
6 preceding sentence shall not apply to a plan  
7 with respect to which a partition order is in ef-  
8 fect under section 4233A of the Employee Re-  
9 tirement Income Security Act of 1974.’’.

10 (b) EFFECTIVE DATES.—

11 (1) IN GENERAL.—The amendments made by  
12 this section shall take effect as of the first day of  
13 the first plan year ending on or after February 29,  
14 2020, except that any election a plan makes pursu-  
15 ant to this section that affects the plan’s funding  
16 standard account for the first plan year beginning  
17 after February 29, 2020, shall be disregarded for  
18 purposes of applying the provisions of section 305 of  
19 the Employee Retirement Income Security Act of  
20 1974 and section 432 of the Internal Revenue Code  
21 of 1986 to such plan year.

22 (2) RESTRICTIONS ON BENEFIT INCREASES.—  
23 Notwithstanding paragraph (1), the restrictions on  
24 plan amendments increasing benefits in sections  
25 304(b)(8)(D) of such Act and 431(b)(8)(D) of such



1 Code, as applied by the amendments made by this  
2 section, shall take effect on the date of enactment of  
3 this Act.

4 **SEC. 106. PBGC GUARANTEE FOR PARTICIPANTS IN MULTI-**  
5 **EMPLOYER PLANS.**

6 Section 4022A(c)(1) of the Employee Retirement In-  
7 come Security Act of 1974 (29 U.S.C. 1322a(c)(1)) is  
8 amended by striking subparagraphs (A) and (B) and in-  
9 serting the following:

10 “(A) 100 percent of the accrual rate up to  
11 \$15, plus 75 percent of the lesser of—

12 “(i) \$70; or

13 “(ii) the accrual rate, if any, in excess  
14 of \$15; and

15 “(B) the number of the participant’s years  
16 of credited service.

17 For each calendar year after the first full calendar  
18 year following the date of the enactment of the  
19 Emergency Pension Plan Relief Act, the accrual  
20 rates in subparagraph (A) shall increase by the na-  
21 tional average wage index (as defined in section  
22 209(k)(1) of the Social Security Act). For purposes  
23 of this subsection, the rates applicable for deter-  
24 mining the guaranteed benefits of the participants of  
25 any plan shall be the rates in effect for the calendar

1 year in which the plan becomes insolvent under sec-  
2 tion 4245 or the calendar year in which the plan is  
3 terminated, if earlier.”.

## 4 **TITLE II—RELIEF FOR SINGLE** 5 **EMPLOYER PENSION PLANS**

### 6 **SEC. 201. EXTENDED AMORTIZATION FOR SINGLE EM-** 7 **PLOYER PLANS.**

8 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL  
9 REVENUE CODE OF 1986.—Section 430(c) of the Internal  
10 Revenue Code of 1986 is amended by adding at the end  
11 the following new paragraph:

12 “(8) 15-YEAR AMORTIZATION.—With respect to  
13 plan years beginning after December 31, 2019—

14 “(A) the shortfall amortization bases for  
15 all plan years preceding the first plan year be-  
16 ginning after December 31, 2019 (and all  
17 shortfall amortization installments determined  
18 with respect to such bases) shall be reduced to  
19 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

1 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the  
2 end 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  
6 all plan years preceding the first plan year be-  
7 ginning after December 31, 2019 (and all  
8 shortfall amortization installments determined  
9 with respect to such bases) shall be reduced to  
10 zero, and

11 “(B) subparagraphs (A) and (B) of para-  
12 graph (2) shall each be applied by substituting  
13 ‘15-plan-year period’ for ‘7-plan-year period’.”.

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to plan years beginning after De-  
16 cember 31, 2019.

17 **SEC. 202. EXTENSION OF PENSION FUNDING STABILIZA-**  
18 **TION PERCENTAGES FOR SINGLE EMPLOYER**  
19 **PLANS.**

20 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF  
21 1986.—

22 (1) IN GENERAL.—The table contained in sub-  
23 clause (II) of section 430(h)(2)(C)(iv) of the Inter-  
24 nal Revenue Code of 1986 is amended to read as fol-  
25 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019 .....	90%	110%
Any year in the period starting in 2020 and ending in 2025 .....	95%	105%
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%
After 2029 .....	70%	130%.”.

1           (2) FLOOR ON 25-YEAR AVERAGES.—Subclause  
 2           (I) of section 430(h)(2)(C)(iv) of such Code is  
 3           amended by adding at the end the following: “Not-  
 4           withstanding anything in this subclause, if the aver-  
 5           age of the first, second, or third segment rate for  
 6           any 25-year period is less than 5 percent, such aver-  
 7           age shall be deemed to be 5 percent.”.

8           (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-  
 9           COME SECURITY ACT OF 1974.—

10           (1) IN GENERAL.—The table contained in sub-  
 11           clause (II) of section 303(h)(2)(C)(iv) of the Em-  
 12           ployee Retirement Income Security Act of 1974 (29  
 13           U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as  
 14           follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019 .....	90%	110%
Any year in the period starting in 2020 and ending in 2025 .....	95%	105%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2026 .....	90%	110%
2027 .....	85%	115%
2028 .....	80%	120%
2029 .....	75%	125%
After 2029 .....	70%	130%.”.

1           (2) CONFORMING AMENDMENTS.—

2                   (A) IN GENERAL.—Section 101(f)(2)(D) of  
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-  
4 ed—

5                           (i) in clause (i) by striking “and the  
6 Bipartisan Budget Act of 2015” both  
7 places it appears and inserting “, the Bi-  
8 partisan Budget Act of 2015, and the  
9 Emergency Pension Plan Relief Act”, and

10                           (ii) in clause (ii) by striking “2023”  
11 and inserting “2029”.

12                   (B) STATEMENTS.—The Secretary of  
13 Labor shall modify the statements required  
14 under subclauses (I) and (II) of section  
15 101(f)(2)(D)(i) of such Act to conform to the  
16 amendments made by this section.

17           (3) FLOOR ON 25-YEAR AVERAGES.—Subclause  
18 (I) of section 303(h)(2)(C)(iv) of such Act (29  
19 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding  
20 at the end the following: “Notwithstanding anything

1 in this subclause, if the average of the first, second,  
2 or third segment rate for any 25-year period is less  
3 than 5 percent, such average shall be deemed to be  
4 5 percent.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to plan years begin-  
7 ning after December 31, 2019.

8 **TITLE III—OTHER RETIREMENT**  
9 **RELATED PROVISIONS**

10 **SEC. 301. WAIVER OF REQUIRED MINIMUM DISTRIBUTIONS**  
11 **FOR 2019.**

12 (a) IN GENERAL.—Section 401(a)(9)(I)(i) of the In-  
13 ternal Revenue Code of 1986 is amended by striking “cal-  
14 endar year 2020” and inserting “calendar years 2019 and  
15 2020”.

16 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section  
17 402(c)(4) of such Code is amended by striking “2020”  
18 each place it appears in the last sentence and inserting  
19 “2019 or 2020”.

20 (c) CONFORMING AMENDMENTS.—Section  
21 401(a)(9)(I) of such Code is amended—

22 (1) by striking clause (ii) and redesignating  
23 clause (iii) as clause (ii), and

1 (2) by striking “calendar year 2020” in clause  
2 (ii)(II), as so redesignated, and inserting “calendar  
3 years 2019 and 2020”.

4 (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect as if included in the enact-  
6 ment of section 2203 of the Coronavirus Aid, Relief, and  
7 Economic Security Act, except that subparagraph (c)(1)  
8 thereof shall be applied by substituting “December 31,  
9 2018” for “December 31, 2019”.

10 **SEC. 302. WAIVER OF 60-DAY RULE IN CASE OF ROLLOVER**  
11 **OF OTHERWISE REQUIRED MINIMUM DIS-**  
12 **TRIBUTIONS IN 2019 OR 2020.**

13 (a) QUALIFIED TRUSTS.—402(c)(3) of the Internal  
14 Revenue Code of 1986 is amended by adding at the end  
15 the following new subparagraph:

16 “(D) EXCEPTION FOR ROLLOVER OF OTH-  
17 ERWISE REQUIRED MINIMUM DISTRIBUTIONS IN  
18 2019 OR 2020.—In the case of an eligible roll-  
19 over distribution described in the second sen-  
20 tence of paragraph (4), subparagraph (A) shall  
21 not apply to any transfer of such distribution  
22 made before December 1, 2020.”.

23 (b) INDIVIDUAL RETIREMENT ACCOUNTS.—Section  
24 408(d)(3) of such Code is amended by adding at the end  
25 the following new subparagraph:

1                   “(J) WAIVER OF 60-DAY RULE AND ONCE  
2                   PER-YEAR LIMITATION FOR CERTAIN 2019 AND  
3                   2020 ROLLOVERS.—In the case of a distribu-  
4                   tion during 2019 or 2020 to which, under sub-  
5                   paragraph (E), this paragraph would not have  
6                   applied had the minimum distribution require-  
7                   ments of section 401(a)(9) applied during such  
8                   years, the 60-day requirement under subpara-  
9                   graph (A) and the limitation under subpara-  
10                  graph (B) shall not apply to such distribution  
11                  to the extent the amount is paid into an indi-  
12                  vidual retirement account, individual retirement  
13                  annuity (other than an endowment contract), or  
14                  eligible retirement plan (as defined in subpara-  
15                  graph (A)) as otherwise required under such  
16                  subparagraph before December 1, 2020.”.

17           (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to taxable years beginning after  
19 December 31, 2018.

20 **SEC. 303. EXCLUSION OF BENEFITS PROVIDED TO VOLUN-**  
21 **TEER FIREFIGHTERS AND EMERGENCY MED-**  
22 **ICAL RESPONDERS MADE PERMANENT.**

23           (a) IN GENERAL.—Section 139B of the Internal Rev-  
24 enue Code of 1986 is amended by striking subsection (d).



1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2020.

4 **SEC. 304. APPLICATION OF SPECIAL RULES TO MONEY PUR-**  
5 **CHASE PENSION PLANS.**

6 Section 2202(a)(6)(B) of the Coronavirus Aid, Relief,  
7 and Economic Security Act is amended by inserting “,  
8 and, in the case of a money purchase pension plan, a  
9 coronavirus-related distribution which is an in-service  
10 withdrawal shall be treated as meeting the distribution  
11 rules of section 401(a) of such Code” before the period.

12 **SEC. 305. GRANTS TO ASSIST LOW-INCOME WOMEN AND**  
13 **SURVIVORS OF DOMESTIC VIOLENCE IN OB-**  
14 **TAINING QUALIFIED DOMESTIC RELATIONS**  
15 **ORDERS.**

16 (a) AUTHORIZATION OF GRANT AWARDS.—The Sec-  
17 retary of Labor, acting through the Director of the Wom-  
18 en’s Bureau and in conjunction with the Assistant Sec-  
19 retary of the Employee Benefits Security Administration,  
20 shall award grants, on a competitive basis, to eligible enti-  
21 ties to enable such entities to assist low-income women  
22 and survivors of domestic violence in obtaining qualified  
23 domestic relations orders and ensuring that those women  
24 actually obtain the benefits to which they are entitled  
25 through those orders.

1 (b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-  
2 tion, the term “eligible entity” means a community-based  
3 organization with proven experience and expertise in serv-  
4 ing women and the financial and retirement needs of  
5 women.

6 (c) APPLICATION.—An eligible entity that desires to  
7 receive a grant under this section shall submit an applica-  
8 tion to the Secretary of Labor at such time, in such man-  
9 ner, and accompanied by such information as the Sec-  
10 retary of Labor may require.

11 (d) MINIMUM GRANT AMOUNT.—The Secretary of  
12 Labor shall award grants under this section in amounts  
13 of not less than \$250,000.

14 (e) USE OF FUNDS.—An eligible entity that receives  
15 a grant under this section shall use the grant funds to  
16 develop programs to offer help to low-income women or  
17 survivors of domestic violence who need assistance in pre-  
18 paring, obtaining, and effectuating a qualified domestic re-  
19 lations order.

20 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section  
22 \$100,000,000 for fiscal year 2020 and each succeeding  
23 fiscal year.

1 **SEC. 306. MODIFICATION OF SPECIAL RULES FOR MINIMUM**  
2 **FUNDING STANDARDS FOR COMMUNITY**  
3 **NEWSPAPER PLANS.**

4 (a) AMENDMENT TO INTERNAL REVENUE CODE OF  
5 1986.—Subsection (m) of section 430 of the Internal Rev-  
6 enue Code of 1986, as added by the Setting Every Com-  
7 munity Up for Retirement Enhancement Act of 2019, is  
8 amended to read as follows:

9 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER  
10 PLANS.—

11 “(1) IN GENERAL.—An eligible newspaper plan  
12 sponsor of a plan under which no participant has  
13 had the participant’s accrued benefit increased  
14 (whether because of service or compensation) after  
15 April 2, 2019, may elect to have the alternative  
16 standards described in paragraph (4) apply to such  
17 plan.

18 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—  
19 The term ‘eligible newspaper plan sponsor’ means  
20 the plan sponsor of—

21 “(A) any community newspaper plan, or

22 “(B) any other plan sponsored, as of April  
23 2, 2019, by a member of the same controlled  
24 group of a plan sponsor of a community news-  
25 paper plan if such member is in the trade or  
26 business of publishing 1 or more newspapers.

1           “(3) ELECTION.—An election under paragraph  
2           (1) shall be made at such time and in such manner  
3           as prescribed by the Secretary. Such election, once  
4           made with respect to a plan year, shall apply to all  
5           subsequent plan years unless revoked with the con-  
6           sent of the Secretary.

7           “(4) ALTERNATIVE MINIMUM FUNDING STAND-  
8           ARDS.—The alternative standards described in this  
9           paragraph are the following:

10           “(A) INTEREST RATES.—

11           “(i) IN GENERAL.—Notwithstanding  
12           subsection (h)(2)(C) and except as pro-  
13           vided in clause (ii), the first, second, and  
14           third segment rates in effect for any  
15           month for purposes of this section shall be  
16           8 percent.

17           “(ii) NEW BENEFIT ACCRUALS.—Not-  
18           withstanding subsection (h)(2), for pur-  
19           poses of determining the funding target  
20           and normal cost of a plan for any plan  
21           year, the present value of any benefits ac-  
22           crued or earned under the plan for a plan  
23           year with respect to which an election  
24           under paragraph (1) is in effect shall be  
25           determined on the basis of the United

1 States Treasury obligation yield curve for  
2 the day that is the valuation date of such  
3 plan for such plan year.

4 “(iii) UNITED STATES TREASURY OB-  
5 LIGATION YIELD CURVE.—For purposes of  
6 this subsection, the term ‘United States  
7 Treasury obligation yield curve’ means,  
8 with respect to any day, a yield curve  
9 which shall be prescribed by the Secretary  
10 for such day on interest-bearing obligations  
11 of the United States.

12 “(B) SHORTFALL AMORTIZATION BASE.—

13 “(i) PREVIOUS SHORTFALL AMORTIZA-  
14 TION BASES.—The shortfall amortization  
15 bases determined under subsection (c)(3)  
16 for all plan years preceding the first plan  
17 year to which the election under paragraph  
18 (1) applies (and all shortfall amortization  
19 installments determined with respect to  
20 such bases) shall be reduced to zero under  
21 rules similar to the rules of subsection  
22 (c)(6).

23 “(ii) NEW SHORTFALL AMORTIZATION  
24 BASE.—Notwithstanding subsection (c)(3),  
25 the shortfall amortization base for the first

1 plan year to which the election under para-  
2 graph (1) applies shall be the funding  
3 shortfall of such plan for such plan year  
4 (determined using the interest rates as  
5 modified under subparagraph (A)).

6 “(C) DETERMINATION OF SHORTFALL AM-  
7 ORTIZATION INSTALLMENTS.—

8 “(i) 30-YEAR PERIOD.—Subpara-  
9 graphs (A) and (B) of subsection (c)(2)  
10 shall be applied by substituting ‘30-plan-  
11 year’ for ‘7-plan-year’ each place it ap-  
12 pears.

13 “(ii) NO SPECIAL ELECTION.—The  
14 election under subparagraph (D) of sub-  
15 section (c)(2) shall not apply to any plan  
16 year to which the election under paragraph  
17 (1) applies.

18 “(D) EXEMPTION FROM AT-RISK TREAT-  
19 MENT.—Subsection (i) shall not apply.

20 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-  
21 poses of this subsection—

22 “(A) IN GENERAL.—The term ‘community  
23 newspaper plan’ means any plan to which this  
24 section applies maintained as of December 31,  
25 2018, by an employer which—

1           “(i) maintains the plan on behalf of  
2 participants and beneficiaries with respect  
3 to employment in the trade or business of  
4 publishing 1 or more newspapers which  
5 were published by the employer at any  
6 time during the 11-year period ending on  
7 the date of the enactment of this sub-  
8 section,

9           “(ii)(I) is not a company the stock of  
10 which is publicly traded (on a stock ex-  
11 change or in an over-the-counter market),  
12 and is not controlled, directly or indirectly,  
13 by such a company, or

14           “(II) is controlled, directly or indi-  
15 rectly, during the entire 30-year period  
16 ending on the date of the enactment of this  
17 subsection by individuals who are members  
18 of the same family, and does not publish or  
19 distribute a daily newspaper that is car-  
20 rier-distributed in printed form in more  
21 than 5 States, and

22           “(iii) is controlled, directly or indi-  
23 rectly—

24           “(I) by 1 or more persons resid-  
25 ing primarily in a State in which the

1 community newspaper has been pub-  
2 lished on newsprint or carrier-distrib-  
3 uted,

4 “(II) during the entire 30-year  
5 period ending on the date of the en-  
6 actment of this subsection by individ-  
7 uals who are members of the same  
8 family,

9 “(III) by 1 or more trusts, the  
10 sole trustees of which are persons de-  
11 scribed in subclause (I) or (II), or

12 “(IV) by a combination of per-  
13 sons described in subclause (I), (II),  
14 or (III).

15 “(B) NEWSPAPER.—The term ‘newspaper’  
16 does not include any newspaper (determined  
17 without regard to this subparagraph) to which  
18 any of the following apply:

19 “(i) Is not in general circulation.

20 “(ii) Is published (on newsprint or  
21 electronically) less frequently than 3 times  
22 per week.

23 “(iii) Has not ever been regularly  
24 published on newsprint.



1 “(iv) Does not have a bona fide list of  
2 paid subscribers.

3 “(C) CONTROL.—A person shall be treated  
4 as controlled by another person if such other  
5 person possesses, directly or indirectly, the  
6 power to direct or cause the direction and man-  
7 agement of such person (including the power to  
8 elect a majority of the members of the board of  
9 directors of such person) through the ownership  
10 of voting securities.

11 “(6) CONTROLLED GROUP.—For purposes of  
12 this subsection, the term ‘controlled group’ means all  
13 persons treated as a single employer under sub-  
14 section (b), (c), (m), or (o) of section 414 as of the  
15 date of the enactment of this subsection.”.

16 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-  
17 COME SECURITY ACT OF 1974.—Subsection (m) of section  
18 303 of the Employee Retirement Income Security Act of  
19 1974 (29 U.S.C. 1083(m)), as added by the Setting Every  
20 Community Up for Retirement Enhancement Act of 2019,  
21 is amended to read as follows:

22 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER  
23 PLANS.—

24 “(1) IN GENERAL.—An eligible newspaper plan  
25 sponsor of a plan under which no participant has

1 had the participant's accrued benefit increased  
2 (whether because of service or compensation) after  
3 April 2, 2019, may elect to have the alternative  
4 standards described in paragraph (4) apply to such  
5 plan.

6 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—  
7 The term ‘eligible newspaper plan sponsor’ means  
8 the plan sponsor of—

9 “(A) any community newspaper plan, or

10 “(B) any other plan sponsored, as of April  
11 2, 2019, by a member of the same controlled  
12 group of a plan sponsor of a community news-  
13 paper plan if such member is in the trade or  
14 business of publishing 1 or more newspapers.

15 “(3) ELECTION.—An election under paragraph  
16 (1) shall be made at such time and in such manner  
17 as prescribed by the Secretary of the Treasury. Such  
18 election, once made with respect to a plan year, shall  
19 apply to all subsequent plan years unless revoked  
20 with the consent of the Secretary of the Treasury.

21 “(4) ALTERNATIVE MINIMUM FUNDING STAND-  
22 ARDS.—The alternative standards described in this  
23 paragraph are the following:

24 “(A) INTEREST RATES.—

1           “(i) IN GENERAL.—Notwithstanding  
2           subsection (h)(2)(C) and except as pro-  
3           vided in clause (ii), the first, second, and  
4           third segment rates in effect for any  
5           month for purposes of this section shall be  
6           8 percent.

7           “(ii) NEW BENEFIT ACCRUALS.—Not-  
8           withstanding subsection (h)(2), for pur-  
9           poses of determining the funding target  
10          and normal cost of a plan for any plan  
11          year, the present value of any benefits ac-  
12          crued or earned under the plan for a plan  
13          year with respect to which an election  
14          under paragraph (1) is in effect shall be  
15          determined on the basis of the United  
16          States Treasury obligation yield curve for  
17          the day that is the valuation date of such  
18          plan for such plan year.

19          “(iii) UNITED STATES TREASURY OB-  
20          LIGATION YIELD CURVE.—For purposes of  
21          this subsection, the term ‘United States  
22          Treasury obligation yield curve’ means,  
23          with respect to any day, a yield curve  
24          which shall be prescribed by the Secretary

1 of the Treasury for such day on interest-  
2 bearing obligations of the United States.

3 “(B) SHORTFALL AMORTIZATION BASE.—

4 “(i) PREVIOUS SHORTFALL AMORTIZA-  
5 TION BASES.—The shortfall amortization  
6 bases determined under subsection (c)(3)  
7 for all plan years preceding the first plan  
8 year to which the election under paragraph  
9 (1) applies (and all shortfall amortization  
10 installments determined with respect to  
11 such bases) shall be reduced to zero under  
12 rules similar to the rules of subsection  
13 (c)(6).

14 “(ii) NEW SHORTFALL AMORTIZATION  
15 BASE.—Notwithstanding subsection (c)(3),  
16 the shortfall amortization base for the first  
17 plan year to which the election under para-  
18 graph (1) applies shall be the funding  
19 shortfall of such plan for such plan year  
20 (determined using the interest rates as  
21 modified under subparagraph (A)).

22 “(C) DETERMINATION OF SHORTFALL AM-  
23 ORTIZATION INSTALLMENTS.—

24 “(i) 30-YEAR PERIOD.—Subpara-  
25 graphs (A) and (B) of subsection (c)(2)

1 shall be applied by substituting ‘30-plan-  
2 year’ for ‘7-plan-year’ each place it ap-  
3 pears.

4 “(ii) NO SPECIAL ELECTION.—The  
5 election under subparagraph (D) of sub-  
6 section (c)(2) shall not apply to any plan  
7 year to which the election under paragraph  
8 (1) applies.

9 “(D) EXEMPTION FROM AT-RISK TREAT-  
10 MENT.—Subsection (i) shall not apply.

11 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-  
12 poses of this subsection—

13 “(A) IN GENERAL.—The term ‘community  
14 newspaper plan’ means a plan to which this sec-  
15 tion applies maintained as of December 31,  
16 2018, by an employer which—

17 “(i) maintains the plan on behalf of  
18 participants and beneficiaries with respect  
19 to employment in the trade or business of  
20 publishing 1 or more newspapers which  
21 were published by the employer at any  
22 time during the 11-year period ending on  
23 the date of the enactment of this sub-  
24 section,

1 “(ii)(I) is not a company the stock of  
2 which is publicly traded (on a stock ex-  
3 change or in an over-the-counter market),  
4 and is not controlled, directly or indirectly,  
5 by such a company, or

6 “(II) is controlled, directly, or indi-  
7 rectly, during the entire 30-year period  
8 ending on the date of the enactment of this  
9 subsection by individuals who are members  
10 of the same family, and does not publish or  
11 distribute a daily newspaper that is car-  
12 rier-distributed in printed form in more  
13 than 5 States, and

14 “(iii) is controlled, directly, or indi-  
15 rectly—

16 “(I) by 1 or more persons resid-  
17 ing primarily in a State in which the  
18 community newspaper has been pub-  
19 lished on newsprint or carrier-distrib-  
20 uted,

21 “(II) during the entire 30-year  
22 period ending on the date of the en-  
23 actment of this subsection by individ-  
24 uals who are members of the same  
25 family,

1                   “(III) by 1 or more trusts, the  
2                   sole trustees of which are persons de-  
3                   scribed in subclause (I) or (II), or

4                   “(IV) by a combination of per-  
5                   sons described in subclause (I), (II),  
6                   or (III).

7                   “(B) NEWSPAPER.—The term ‘newspaper’  
8                   does not include any newspaper (determined  
9                   without regard to this subparagraph) to which  
10                  any of the following apply:

11                  “(i) Is not in general circulation.

12                  “(ii) Is published (on newsprint or  
13                  electronically) less frequently than 3 times  
14                  per week.

15                  “(iii) Has not ever been regularly  
16                  published on newsprint.

17                  “(iv) Does not have a bona fide list of  
18                  paid subscribers.

19                  “(C) CONTROL.—A person shall be treated  
20                  as controlled by another person if such other  
21                  person possesses, directly or indirectly, the  
22                  power to direct or cause the direction and man-  
23                  agement of such person (including the power to  
24                  elect a majority of the members of the board of

1 directors of such person) through the ownership  
2 of voting securities.

3 “(6) CONTROLLED GROUP.—For purposes of  
4 this subsection, the term ‘controlled group’ means all  
5 persons treated as a single employer under sub-  
6 section (b), (c), (m), or (o) of section 414 of the In-  
7 ternal Revenue Code of 1986 as of the date of the  
8 enactment of this subsection.

9 “(7) EFFECT ON PREMIUM RATE CALCULA-  
10 TION.—Notwithstanding any other provision of law  
11 or any regulation issued by the Pension Benefit  
12 Guaranty Corporation, in the case of a plan for  
13 which an election is made to apply the alternative  
14 standards described in paragraph (3), the additional  
15 premium under section 4006(a)(3)(E) shall be deter-  
16 mined as if such election had not been made.”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to plan years ending after Decem-  
19 ber 31, 2017.

20 **SEC. 307. MINIMUM RATE OF INTEREST FOR CERTAIN DE-**  
21 **TERMINATIONS RELATED TO LIFE INSUR-**  
22 **ANCE CONTRACTS.**

23 (a) MODIFICATION OF MINIMUM RATE FOR PUR-  
24 POSES OF CASH VALUE ACCUMULATION TEST.—



1           (1) IN GENERAL.—Section 7702(b)(2)(A) of the  
2 Internal Revenue Code of 1986 is amended by strik-  
3 ing “an annual effective rate of 4 percent” and in-  
4 serting “the applicable accumulation test minimum  
5 rate”.

6           (2) APPLICABLE ACCUMULATION TEST MIN-  
7 IMUM RATE.—Section 7702(b) of such Code is  
8 amended by adding at the end the following new  
9 paragraph:

10           “(3) APPLICABLE ACCUMULATION TEST MIN-  
11 IMUM RATE.—For purposes of paragraph (2)(A), the  
12 term ‘applicable accumulation test minimum rate’  
13 means the lesser of—

14                   “(A) an annual effective rate of 4 percent,

15                   or

16                   “(B) the insurance interest rate (as de-  
17 fined in subsection (f)(11)) in effect at the time  
18 the contract is issued.”.

19           (b) MODIFICATION OF MINIMUM RATE FOR PUR-  
20 POSES OF GUIDELINE PREMIUM REQUIREMENTS.—

21           (1) IN GENERAL.—Section 7702(c)(3)(B)(iii) of  
22 such Code is amended by striking “an annual effec-  
23 tive rate of 6 percent” and inserting “the applicable  
24 guideline premium minimum rate”.

1           (2) APPLICABLE GUIDELINE PREMIUM MIN-  
2           IMUM RATE.—Section 7702(c)(3) of such Code is  
3           amended by adding at the end the following new  
4           subparagraph:

5                   “(E) APPLICABLE GUIDELINE PREMIUM  
6           MINIMUM RATE.—For purposes of subpara-  
7           graph (B)(iii), the term ‘applicable guideline  
8           premium minimum rate’ means the applicable  
9           accumulation test minimum rate (as defined in  
10           subsection (b)(3)) plus 2 percentage points.”.

11           (c) APPLICATION OF MODIFIED MINIMUM RATES TO  
12           DETERMINATION OF GUIDELINE LEVEL PREMIUM.—Sec-  
13           tion 7702(c)(4) of such Code is amended—

14                   (1) by striking “4 percent” and inserting “the  
15           applicable accumulation test minimum rate”, and

16                   (2) by striking “6 percent” and inserting “the  
17           applicable guideline premium minimum rate”.

18           (d) INSURANCE INTEREST RATE.—Section 7702(f)  
19           of such Code is amended by adding at the end the fol-  
20           lowing new paragraph:

21                   “(11) INSURANCE INTEREST RATE.—For pur-  
22           poses of this section—

23                           “(A) IN GENERAL.—The term ‘insurance  
24           interest rate’ means, with respect to any con-

1           tract issued in any calendar year, the lesser  
2           of—

3                   “(i) the section 7702 valuation inter-  
4                   est rate for such calendar year (or, if such  
5                   calendar year is not an adjustment year,  
6                   the most recent adjustment year), or

7                   “(ii) the section 7702 applicable Fed-  
8                   eral interest rate for such calendar year  
9                   (or, if such calendar year is not an adjust-  
10                  ment year, the most recent adjustment  
11                  year).

12                  “(B) SECTION 7702 VALUATION INTEREST  
13                  RATE.—The term ‘section 7702 valuation inter-  
14                  est rate’ means, with respect to any adjustment  
15                  year, the prescribed U.S. valuation interest rate  
16                  for life insurance with guaranteed durations of  
17                  more than 20 years (as defined in the National  
18                  Association of Insurance Commissioners’ Stand-  
19                  ard Valuation Law) as effective in the calendar  
20                  year immediately preceding such adjustment  
21                  year.

22                  “(C) SECTION 7702 APPLICABLE FEDERAL  
23                  INTEREST RATE.—The term ‘section 7702 ap-  
24                  plicable Federal interest rate’ means, with re-  
25                  spect to any adjustment year, the average

1 (rounded to the nearest whole percentage point)  
2 of the applicable Federal mid-term rates (as de-  
3 fined in section 1274(d) but based on annual  
4 compounding) effective as of the beginning of  
5 each of the calendar months in the most recent  
6 60-month period ending before the second cal-  
7 endar year prior to such adjustment year.

8 “(D) ADJUSTMENT YEAR.—The term ‘ad-  
9 justment year’ means the calendar year fol-  
10 lowing any calendar year that includes the ef-  
11 fective date of a change in the prescribed U.S.  
12 valuation interest rate for life insurance with  
13 guaranteed durations of more than 20 years (as  
14 defined in the National Association of Insur-  
15 ance Commissioners’ Standard Valuation Law).

16 “(E) TRANSITION RULE.—Notwith-  
17 standing subparagraph (A), the insurance inter-  
18 est rate shall be 2 percent in the case of any  
19 contract which is issued during the period  
20 that—

21 “(i) begins on January 1, 2021, and

22 “(ii) ends immediately before the be-  
23 ginning of the first adjustment year that  
24 beings after December 31, 2021.”

1 (e) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to contracts issued after December  
3 31, 2020.

4 **DIVISION H—GIVING RETIRE-**  
5 **MENT OPTIONS TO WORKERS**  
6 **ACT**

7 **SEC. 101. SHORT TITLE, ETC.**

8 (a) SHORT TITLE.—This division may be cited as the  
9 “Giving Retirement Options to Workers Act of 2020” or  
10 the “GROW Act”.

11 (b) TABLE OF CONTENTS.—The table of contents for  
12 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.

13 **SEC. 102. COMPOSITE PLANS.**

14 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT  
15 INCOME SECURITY ACT OF 1974.—

16 (1) IN GENERAL.—Title I of the Employee Re-  
17 tirement Income Security Act of 1974 (29 U.S.C.  
18 1001 et seq.) is amended by adding at the end the  
19 following:

1           **“PART 8—COMPOSITE PLANS AND LEGACY**

2   **PLANS**

3   **“SEC. 801. COMPOSITE PLAN DEFINED.**

4           “(a) IN GENERAL.—For purposes of this Act, the  
5 term ‘composite plan’ means a pension plan—

6                   “(1) which is a multiemployer plan that is nei-  
7 ther a defined benefit plan nor a defined contribu-  
8 tion plan;

9                   “(2) the terms of which provide that the plan  
10 is a composite plan for purposes of this title with re-  
11 spect to which not more than one multiemployer de-  
12 fined benefit plan is treated as a legacy plan within  
13 the meaning of section 805, unless there is more  
14 than one legacy plan following a merger of composite  
15 plans under section 806;

16                   “(3) which provides systematically for the pay-  
17 ment of benefits—

18                                   “(A) objectively calculated pursuant to a  
19 formula enumerated in the plan document with  
20 respect to plan participants after retirement,  
21 for life; and

22                                   “(B) in the form of life annuities, except  
23 for benefits which under section 203(e) may be  
24 immediately distributed without the consent of  
25 the participant;

1           “(4) for which the plan contributions for the  
2           first plan year are at least 120 percent of the nor-  
3           mal cost for the plan year;

4           “(5) which requires—

5                   “(A) an annual valuation of the liability of  
6                   the plan as of a date within the plan year to  
7                   which the valuation refers or within one month  
8                   prior to the beginning of such year;

9                   “(B) an annual actuarial determination of  
10                   the plan’s current funded ratio and projected  
11                   funded ratio under section 802(a);

12                   “(C) corrective action through a realign-  
13                   ment program pursuant to section 803 when-  
14                   ever the plan’s projected funded ratio is below  
15                   120 percent for the plan year; and

16                   “(D) an annual notification to each partici-  
17                   pant describing the participant’s benefits under  
18                   the plan and explaining that such benefits may  
19                   be subject to reduction under a realignment  
20                   program pursuant to section 803 based on the  
21                   plan’s funded status in future plan years; and

22           “(6) the board of trustees of which includes at  
23           least one retiree or beneficiary in pay status during  
24           each plan year following the first plan year in which

1 at least 5 percent of the participants in the plan are  
2 retirees or beneficiaries in pay status.

3 “(b) TRANSITION FROM A MULTIEMPLOYER DE-  
4 FINED BENEFIT PLAN.—

5 “(1) IN GENERAL.—The plan sponsor of a de-  
6 fined benefit plan that is a multiemployer plan may,  
7 subject to paragraph (2), amend the plan to incor-  
8 porate the features of a composite plan as a compo-  
9 nent of the multiemployer plan separate from the  
10 defined benefit plan component, except in the case of  
11 a defined benefit plan for which the plan actuary has  
12 certified under section 305(b)(3) that the plan is or  
13 will be in critical status for the plan year in which  
14 such amendment would become effective or for any  
15 of the succeeding 5 plan years.

16 “(2) REQUIREMENTS.—Any amendment pursu-  
17 ant to paragraph (1) to incorporate the features of  
18 a composite plan as a component of a multiemployer  
19 plan shall—

20 “(A) apply with respect to all collective  
21 bargaining agreements providing for contribu-  
22 tions to the multiemployer plan on or after the  
23 effective date of the amendment;

24 “(B) apply with respect to all participants  
25 in the multiemployer plan for whom contribu-



1 tions are made to the multiemployer plan on or  
2 after the effective date of the amendment;

3 “(C) specify that the effective date of the  
4 amendment is—

5 “(i) the first day of a specified plan  
6 year following the date of the adoption of  
7 the amendment, except that the plan spon-  
8 sor may alternatively provide for a sepa-  
9 rate effective date with respect to each col-  
10 lective bargaining agreement under which  
11 contributions to the multiemployer plan  
12 are required, which shall occur on the first  
13 day of the first plan year beginning after  
14 the termination, or if earlier, the re-open-  
15 ing, of each such agreement, or such ear-  
16 lier date as the parties to the agreement  
17 and the plan sponsor of the multiemployer  
18 plan shall agree to; and

19 “(ii) not later than the first day of the  
20 fifth plan year beginning on or after the  
21 date of the adoption of the amendment;

22 “(D) specify that, as of the amendment’s  
23 effective date, no further benefits shall accrue  
24 under the defined benefit component of the  
25 multiemployer plan; and

1           “(E) specify that, as of the amendment’s  
2           effective date, the plan sponsor of the multiem-  
3           ployer plan shall be the plan sponsor of both  
4           the composite plan component and the defined  
5           benefit plan component of the plan.

6           “(3) SPECIAL RULES.—If a multiemployer plan  
7           is amended pursuant to paragraph (1)—

8           “(A) the requirements of this title and title  
9           IV shall be applied to the composite plan com-  
10          ponent and the defined benefit plan component  
11          of the multiemployer plan as if each such com-  
12          ponent were maintained as a separate plan; and

13          “(B) the assets of the composite plan com-  
14          ponent and the defined benefit plan component  
15          of the plan shall be held in a single trust form-  
16          ing part of the plan under which the trust in-  
17          strument expressly provides—

18                 “(i) for separate accounts (and appro-  
19                 priate records) to be maintained to reflect  
20                 the interest which each of the plan compo-  
21                 nents has in the trust, including separate  
22                 accounting for additions to the trust for  
23                 the benefit of each plan component, dis-  
24                 bursements made from each plan compo-  
25                 nent’s account in the trust, investment ex-

1           perience of the trust allocable to that ac-  
2           count, and administrative expenses (wheth-  
3           er direct expenses or shared expenses allo-  
4           cated proportionally), and permits, but  
5           does not require, the pooling of some or all  
6           of the assets of the two plan components  
7           for investment purposes; and

8           “(ii) that the assets of each of the two  
9           plan components shall be held, invested,  
10          reinvested, managed, administered and dis-  
11          tributed for the exclusive benefit of the  
12          participants and beneficiaries of each such  
13          plan component, and in no event shall the  
14          assets of one of the plan components be  
15          available to pay benefits due under the  
16          other plan component.

17          “(4) NOT A TERMINATION EVENT.—Notwith-  
18          standing section 4041A, an amendment pursuant to  
19          paragraph (1) to incorporate the features of a com-  
20          posite plan as a component of a multiemployer plan  
21          does not constitute termination of the multiemployer  
22          plan.

23          “(5) NOTICE TO THE SECRETARY.—

24          “(A) NOTICE.—The plan sponsor of a  
25          composite plan shall provide notice to the Sec-

1           retary of the intent to establish the composite  
2           plan (or, in the case of a composite plan incor-  
3           porated as a component of a multiemployer  
4           plan as described in paragraph (1), the intent  
5           to amend the multiemployer plan to incorporate  
6           such composite plan) at least 30 days prior to  
7           the effective date of such establishment or  
8           amendment.

9           “(B) CERTIFICATION.—In the case of a  
10          composite plan incorporated as a component of  
11          a multiemployer plan as described in paragraph  
12          (1), such notice shall include a certification by  
13          the plan actuary under section 305(b)(3) that  
14          the effective date of the amendment occurs in  
15          a plan year for which the multiemployer plan is  
16          not in critical status for that plan year and any  
17          of the succeeding 5 plan years.

18          “(6) REFERENCES TO COMPOSITE PLAN COM-  
19          PONENT.—As used in this part, the term ‘composite  
20          plan’ includes a composite plan component added to  
21          a defined benefit plan pursuant to paragraph (1).

22          “(7) RULE OF CONSTRUCTION.—Paragraph  
23          (2)(A) shall not be construed as preventing the plan  
24          sponsor of a multiemployer plan from adopting an  
25          amendment pursuant to paragraph (1) because some

1 collective bargaining agreements are amended to  
2 cease any covered employer's obligation to contribute  
3 to the multiemployer plan before or after the plan  
4 amendment is effective. Paragraph (2)(B) shall not  
5 be construed as preventing the plan sponsor of a  
6 multiemployer plan from adopting an amendment  
7 pursuant to paragraph (1) because some partici-  
8 pants cease to have contributions made to the multi-  
9 employer plan on their behalf before or after the  
10 plan amendment is effective.

11 “(c) COORDINATION WITH FUNDING RULES.—Ex-  
12 cept as otherwise provided in this title, sections 302, 304,  
13 and 305 shall not apply to a composite plan.

14 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-  
15 poses of this Act (other than sections 302 and 4245), a  
16 composite plan shall be treated as if it were a defined ben-  
17 efit plan unless a different treatment is provided for under  
18 applicable law.

19 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

20 “(a) CERTIFICATION OF FUNDED RATIOS.—

21 “(1) IN GENERAL.—Not later than the one-  
22 hundred twentieth day of each plan year of a com-  
23 posite plan, the plan actuary of the composite plan  
24 shall certify to the Secretary, the Secretary of the  
25 Treasury, and the plan sponsor the plan's current

1 funded ratio and projected funded ratio for the plan  
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED  
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-  
5 poses of this section:

6 “(A) CURRENT FUNDED RATIO.—The cur-  
7 rent funded ratio is the ratio (expressed as a  
8 percentage) of—

9 “(i) the value of the plan’s assets as  
10 of the first day of the plan year; to

11 “(ii) the plan actuary’s best estimate  
12 of the present value of the plan liabilities  
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The  
15 projected funded ratio is the current funded  
16 ratio projected to the first day of the fifteenth  
17 plan year following the plan year for which the  
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE  
20 INCREASES.—For purposes of projections under this  
21 subsection, the plan sponsor may anticipate con-  
22 tribution rate increases beyond the term of the cur-  
23 rent collective bargaining agreement and any agreed-  
24 to supplements, up to a maximum of 2.5 percent per  
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that  
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part:

5 “(1) IN GENERAL.—All costs, liabilities, rates  
6 of interest and other factors under the plan shall be  
7 determined for a plan year on the basis of actuarial  
8 assumptions and methods—

9 “(A) each of which is reasonable (taking  
10 into account the experience of the plan and rea-  
11 sonable expectations);

12 “(B) which, in combination, offer the actu-  
13 ary’s best estimate of anticipated experience  
14 under the plan; and

15 “(C) with respect to which any change  
16 from the actuarial assumptions and methods  
17 used in the previous plan year shall be certified  
18 by the plan actuary and the actuarial rationale  
19 for such change provided in the annual report  
20 required by section 103.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The  
22 value of the plan’s assets shall be taken into account  
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND  
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial  
2 valuation required under section 801(a)(5)(A) and  
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS  
5 DEEMED MADE.—Any contributions for a plan year  
6 made by an employer after the last day of such plan  
7 year, but not later than two and one-half months  
8 after such day, shall be deemed to have been made  
9 on such last day. For purposes of this paragraph,  
10 such two and one-half month period may be ex-  
11 tended for not more than six months under regula-  
12 tions prescribed by the Secretary of the Treasury.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—  
14 Except where otherwise provided in this part, the  
15 provisions of section 305(b)(3)(B) shall apply to any  
16 determination or projection under this part.

17 **“SEC. 803. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan  
20 actuary certifies under section 802(a) that the plan’s  
21 projected funded ratio is below 120 percent for the  
22 plan year, the plan sponsor shall adopt a realign-  
23 ment program under paragraph (2) not later than  
24 210 days after the due date of the certification re-  
25 quired under such section 802(a). The plan sponsor



1 shall adopt an updated realignment program for  
2 each succeeding plan year for which a certification  
3 described in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-  
6 gram adopted under this paragraph is a written  
7 program which consists of all reasonable meas-  
8 ures, including options or a range of options to  
9 be undertaken by the plan sponsor or proposed  
10 to the bargaining parties, formulated, based on  
11 reasonably anticipated experience and reason-  
12 able actuarial assumptions, to enable the plan  
13 to achieve a projected funded ratio of at least  
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-  
16 sonable measures under a realignment program  
17 described in subparagraph (A) may include any  
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future  
21 benefit accruals, so long as the resulting  
22 rate is not less than 1 percent of the con-  
23 tributions on which benefits are based as  
24 of the start of the plan year (or the equiva-

1 lent standard accrual rate as described in  
2 section 305(e)(6)).

3 “(iii) A modification or elimination of  
4 adjustable benefits of participants that are  
5 not in pay status before the date of the no-  
6 tice required under subsection (b)(1).

7 “(iv) Any other lawfully available  
8 measures not specifically described in this  
9 subparagraph or subparagraph (C) or (D)  
10 that the plan sponsor determines are rea-  
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—  
13 If the plan sponsor has determined that all rea-  
14 sonable measures available under subparagraph  
15 (B) will not enable the plan to achieve a pro-  
16 jected funded ratio of at least 120 percent for  
17 the following plan year, such reasonable meas-  
18 ures may also include—

19 “(i) a reduction of accrued benefits  
20 that are not in pay status by the date of  
21 the notice required under subsection  
22 (b)(1); or

23 “(ii) a reduction of any benefits of  
24 participants that are in pay status before  
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as  
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the  
4 case of a composite plan for which the plan  
5 sponsor has determined that all reasonable  
6 measures available under subparagraphs (B)  
7 and (C) will not enable the plan to achieve a  
8 projected funded ratio of at least 120 percent  
9 for the following plan year, such reasonable  
10 measures may also include—

11 “(i) a further reduction in the rate of  
12 future benefit accruals without regard to  
13 the limitation applicable under subpara-  
14 graph (B)(ii); or

15 “(ii) a reduction of core benefits;  
16 provided that such reductions shall be equitably  
17 distributed across the participant and bene-  
18 ficiary population, taking into account factors,  
19 with respect to participants and beneficiaries  
20 and their benefits, that may include one or  
21 more of the factors listed in subclauses (I)  
22 through (X) of section 305(e)(9)(D)(vi), to the  
23 extent necessary to enable the plan to achieve  
24 a projected funded ratio of at least 120 percent  
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at  
2 least 100 percent for the following plan year  
3 and a current funded ratio of at least 90 per-  
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For  
6 purposes of this part, the term ‘adjustable benefit’  
7 means—

8 “(A) benefits, rights, and features under  
9 the plan, including post-retirement death bene-  
10 fits, 60-month guarantees, disability benefits  
11 not yet in pay status, and similar benefits;

12 “(B) any early retirement benefit or retire-  
13 ment-type subsidy (within the meaning of sec-  
14 tion 204(g)(2)(A)) and any benefit payment op-  
15 tion (other than the qualified joint and survivor  
16 annuity); and

17 “(C) benefit increases that were adopted  
18 (or, if later, took effect) less than 60 months  
19 before the first day such realignment program  
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes  
22 of this part, the term ‘core benefit’ means a partici-  
23 pant’s accrued benefit payable in the normal form of  
24 an annuity commencing at normal retirement age,  
25 determined without regard to—

1           “(A) any early retirement benefits, retire-  
2           ment-type subsidies, or other benefits, rights, or  
3           features that may be associated with that ben-  
4           efit; and

5           “(B) any cost-of-living adjustments or ben-  
6           efit increases effective after the date of retire-  
7           ment.

8           “(5) COORDINATION WITH CONTRIBUTION IN-  
9           CREASES.—

10           “(A) IN GENERAL.—A realignment pro-  
11           gram may provide that some or all of the ben-  
12           efit modifications described in the program will  
13           only take effect if the bargaining parties fail to  
14           agree to specified levels of increases in contribu-  
15           tions to the plan, effective as of specified dates.

16           “(B) INDEPENDENT BENEFIT MODIFICA-  
17           TIONS.—If a realignment program adopts any  
18           changes to the benefit formula that are inde-  
19           pendent of potential contribution increases,  
20           such changes shall take effect not later than  
21           180 days after the first day of the first plan  
22           year that begins following the adoption of the  
23           realignment program.

24           “(C) CONDITIONAL BENEFIT MODIFICA-  
25           TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect  
2 only if the bargaining parties fail to agree to  
3 contribution increases, such changes shall take  
4 effect not later than the first day of the first  
5 plan year beginning after the third anniversary  
6 of the date of adoption of the realignment pro-  
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT  
9 MODIFICATIONS.—Benefit modifications de-  
10 scribed in subparagraph (C) may be revoked, in  
11 whole or in part, and retroactively or prospec-  
12 tively, when contributions to the plan are in-  
13 creased, as specified in the realignment pro-  
14 gram, including any amendments thereto. The  
15 preceding sentence shall not apply unless the  
16 contribution increases are to be effective not  
17 later than the fifth anniversary of the first day  
18 of the first plan year that begins after the  
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is  
22 certified under section 802(a) that the projected  
23 funded ratio is less than 120 percent, the plan spon-  
24 sor shall, not later than 30 days after the date of  
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and  
2 beneficiaries, the bargaining parties, and the Sec-  
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate  
5 increases or benefit reductions may be nec-  
6 essary;

7 “(B) a description of the types of benefits  
8 that might be reduced; and

9 “(C) an estimate of the contribution in-  
10 creases and benefit reductions that may be nec-  
11 essary to achieve a projected funded ratio of  
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may  
15 be made that reduce the rate of future benefit  
16 accrual or that reduce core benefits or adjust-  
17 able benefits unless notice of such reduction has  
18 been given at least 180 days before the general  
19 effective date of such reduction for all partici-  
20 pants and beneficiaries to—

21 “(i) plan participants and bene-  
22 ficiaries;

23 “(ii) each employer who has an obliga-  
24 tion to contribute to the composite plan;  
25 and

1           “(iii) each employee organization  
2           which, for purposes of collective bar-  
3           gaining, represents plan participants em-  
4           ployed by such employers.

5           “(B) CONTENT OF NOTICE.—The notice  
6           under subparagraph (A) shall contain—

7           “(i) sufficient information to enable  
8           participants and beneficiaries to under-  
9           stand the effect of any reduction on their  
10          benefits, including an illustration of any  
11          affected benefit or subsidy, on an annual  
12          or monthly basis that a participant or ben-  
13          eficiary would otherwise have been eligible  
14          for as of the general effective date de-  
15          scribed in subparagraph (A); and

16          “(ii) information as to the rights and  
17          remedies of plan participants and bene-  
18          ficiaries as well as how to contact the De-  
19          partment of Labor for further information  
20          and assistance, where appropriate.

21          “(C) FORM AND MANNER.—Any notice  
22          under subparagraph (A)—

23          “(i) shall be provided in a form and  
24          manner prescribed in regulations of the  
25          Secretary of Labor;



1                   “(ii) shall be written in a manner so  
2                   as to be understood by the average plan  
3                   participant.

4                   “(3) MODEL NOTICES.—The Secretary shall—

5                   “(A) prescribe model notices that the plan  
6                   sponsor of a composite plan may use to satisfy  
7                   the notice requirements under this subsection;  
8                   and

9                   “(B) by regulation enumerate any details  
10                  related to the elements listed in paragraph (1)  
11                  that any notice under this subsection must in-  
12                  clude.

13                  “(4) DELIVERY METHOD.—Any notice under  
14                  this part shall be provided in writing and may also  
15                  be provided in electronic form to the extent that the  
16                  form is reasonably accessible to persons to whom the  
17                  notice is provided.

18                  **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

19                  “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except  
20                  as provided in subsections (c), (d), and (e), no plan  
21                  amendment increasing benefits or establishing new bene-  
22                  fits under a composite plan may be adopted for a plan  
23                  year unless—

1           “(1) the plan’s current funded ratio is at least  
2           110 percent (without regard to the benefit increase  
3           or new benefits);

4           “(2) taking the benefit increase or new benefits  
5           into account, the current funded ratio is at least 100  
6           percent and the projected funded ratio for the cur-  
7           rent plan year is at least 120 percent;

8           “(3) in any case in which, after taking the ben-  
9           efit increase or new benefits into account, the cur-  
10          rent funded ratio is less than 140 percent and the  
11          projected funded ratio is less than 140 percent, the  
12          benefit increase or new benefits are projected by the  
13          plan actuary to increase the present value of the  
14          plan’s liabilities for the plan year by not more than  
15          3 percent; and

16          “(4) expected contributions for the current plan  
17          year are at least 120 percent of normal cost for the  
18          plan year, determined using the unit credit funding  
19          method and treating the benefit increase or new ben-  
20          efits as in effect for the entire plan year.

21          “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**  
22          **BENEFITS REDUCED.**—If a plan has been amended to re-  
23          duce core benefits pursuant to a realignment program  
24          under section 803(a)(2)(D), such plan may not be subse-

1    requently amended to increase core benefits unless the  
2    amendment—

3           “(1) increases the level of future benefit pay-  
4           ments only; and

5           “(2) provides for an equitable distribution of  
6           benefit increases across the participant and bene-  
7           ficiary population, taking into account the extent to  
8           which the benefits of participants were previously re-  
9           duced pursuant to such realignment program.

10          “(c) EXCEPTION TO COMPLY WITH APPLICABLE  
11    LAW.—Subsection (a) shall not apply in connection with  
12    a plan amendment if the amendment is required as a con-  
13    dition of qualification under part I of subchapter D of  
14    chapter 1 of the Internal Revenue Code of 1986 or to com-  
15    ply with other applicable law.

16          “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE  
17    LIMIT APPLIES.—Subsection (a) shall not apply in con-  
18    nection with a plan amendment if and to the extent that  
19    contributions to the composite plan would not be deduct-  
20    ible for the plan year under section 404(a)(1)(E) of the  
21    Internal Revenue Code of 1986 if the plan amendment is  
22    not adopted.

23          “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-  
24    TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 803(a)(5)(C), regarding  
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-  
4 poses of this section—

5 “(1) if two or more plan amendments increas-  
6 ing benefits or establishing new benefits are adopted  
7 in a plan year, such amendments shall be treated as  
8 a single amendment adopted on the last day of the  
9 plan year;

10 “(2) all benefit increases and new benefits  
11 adopted in a single amendment are treated as a sin-  
12 gle benefit increase, irrespective of whether the in-  
13 creases and new benefits take effect in more than  
14 one plan year; and

15 “(3) increases in contributions or decreases in  
16 plan liabilities which are scheduled to take effect in  
17 future plan years may be taken into account in con-  
18 nection with a plan amendment if they have been  
19 agreed to in writing or otherwise formalized by the  
20 date the plan amendment is adopted.

21 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**  
22 **LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this part  
25 and parts 2 and 3, a defined benefit plan shall be

1 treated as a legacy plan with respect to the com-  
2 posite plan under which the employees who were eli-  
3 gible to accrue a benefit under the defined benefit  
4 plan become eligible to accrue a benefit under such  
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in  
7 which a defined benefit plan is amended to add a  
8 composite plan component pursuant to section  
9 801(b), paragraph (1) shall be applied by sub-  
10 stituting ‘defined benefit component’ for ‘defined  
11 benefit plan’ and ‘composite plan component’ for  
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For  
14 purposes of paragraph (1), an employee is consid-  
15 ered eligible to accrue a benefit under a composite  
16 plan as of the first day in which the employee com-  
17 pletes an hour of service under a collective bar-  
18 gaining agreement that provides for contributions to  
19 and accruals under the composite plan in lieu of ac-  
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—  
22 As used in this part, the term ‘collective bargaining  
23 agreement’ includes any agreement under which an  
24 employer has an obligation to contribute to a plan.

1           “(5) OTHER TERMS.—Any term used in this  
2 part which is not defined in this part and which is  
3 also used in section 305 shall have the same mean-  
4 ing provided such term in such section.

5           “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE  
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7           “(1) IN GENERAL.—The plan sponsor of a com-  
8 posite plan shall not accept or recognize a collective  
9 bargaining agreement (or any modification to such  
10 agreement), and no contributions may be accepted  
11 and no benefits may be accrued or otherwise earned  
12 under the agreement—

13           “(A) in any case in which the plan actuary  
14 of any defined benefit plan that would be treat-  
15 ed as a legacy plan with respect to such com-  
16 posite plan has certified under section  
17 305(b)(3) that such defined benefit plan is or  
18 will be in critical status for the plan year in  
19 which such agreement would take effect or for  
20 any of the succeeding 5 plan years; and

21           “(B) unless the agreement requires each  
22 employer who is a party to such agreement, in-  
23 cluding employers whose employees are not par-  
24 ticipants in the legacy plan, to provide contribu-  
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the  
2 transition contribution requirements of sub-  
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a  
5 determination by a plan sponsor of a composite plan  
6 that an agreement fails to satisfy the requirements  
7 described in paragraph (1), the plan sponsor shall  
8 provide notification of such failure and the reasons  
9 for such determination—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-  
12 posite plan who have ceased to accrue or other-  
13 wise earn benefits with respect to service with  
14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the  
16 Treasury, and the Pension Benefit Guaranty  
17 Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—  
19 This subsection shall not apply to benefits accrued  
20 before the date on which notice is provided under  
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS  
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an  
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-  
2 ing Retirement Options to Workers Act of 2020,  
3 ceases to have an obligation to contribute to a multi-  
4 employer defined benefit plan, no employees em-  
5 ployed by the employer may accrue or otherwise earn  
6 benefits under any composite plan, with respect to  
7 service with that employer, for a 60-month period  
8 beginning on the date on which the employer entered  
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has  
12 ceased to have an obligation to contribute to a leg-  
13 acy plan with respect to employees employed by an  
14 employer that is or will be contributing to a com-  
15 posite plan with respect to service of such employees,  
16 the plan sponsor of the legacy plan shall notify the  
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an  
20 employer has ceased to have an obligation to con-  
21 tribute to a legacy plan, the plan sponsor of the  
22 composite plan shall notify the bargaining parties,  
23 the active participants affected by the cessation of  
24 accruals, the Secretary, the Secretary of the Treas-  
25 ury, and the Pension Benefit Guaranty Corporation



1 of the cessation of accruals, the period during which  
2 such cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued  
5 before the date on which notice is provided under  
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining  
9 agreement satisfies the transition contribution re-  
10 quirements of this subsection if the agreement—

11 “(A) authorizes payment of contributions  
12 to a legacy plan at a rate or rates equal to or  
13 greater than the transition contribution rate es-  
14 tablished by the legacy plan under paragraph  
15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to  
18 the legacy plan with respect to any period  
19 of service; or

20 “(ii) any new direct or indirect exclu-  
21 sion of younger or newly hired employees  
22 of the employer from being taken into ac-  
23 count in determining contributions owed to  
24 the legacy plan.

25 “(2) TRANSITION CONTRIBUTION RATE.—

1           “(A) IN GENERAL.—The transition con-  
2           tribution rate for a plan year is the contribution  
3           rate that, as certified by the actuary of the leg-  
4           acy plan in accordance with the principles in  
5           section 305(b)(3)(B), is reasonably expected to  
6           be adequate—

7                   “(i) to fund the normal cost for the  
8                   plan year;

9                   “(ii) to amortize the plan’s unfunded  
10                  liabilities in level annual installments over  
11                  25 years, beginning with the plan year in  
12                  which the transition contribution rate is  
13                  first established; and

14                  “(iii) to amortize any subsequent  
15                  changes in the legacy plan’s unfunded li-  
16                  ability due to experience gains or losses  
17                  (including investment gains or losses, gains  
18                  or losses due to contributions greater or  
19                  less than the contributions made under the  
20                  prior transition contribution rate, and  
21                  other actuarial gains or losses), changes in  
22                  actuarial assumptions, changes to the leg-  
23                  acy plan’s benefits, or changes in funding  
24                  method over a period of 15 plan years be-

1           ginning with the plan year in which such  
2           change in unfunded liability is incurred.

3           The transition contribution rate for any plan  
4           year may not be less than the transition con-  
5           tribution rate for the plan year in which such  
6           rate is first established.

7           “(B) MULTIPLE RATES.—If different rates  
8           of contribution are payable to the legacy plan  
9           by different employers or for different classes of  
10          employees, the certification shall specify a tran-  
11          sition contribution rate for each such employer.

12          “(C) RATE APPLICABLE TO EMPLOYER.—

13                 “(i) IN GENERAL.—Except as pro-  
14                 vided by clause (ii), the transition con-  
15                 tribution rate applicable to an employer for  
16                 a plan year is the rate in effect for the  
17                 plan year of the legacy plan that com-  
18                 mences on or after 180 days before the  
19                 earlier of—

20                         “(I) the effective date of the col-  
21                         lective bargaining agreement pursuant  
22                         to which the employer contributes to  
23                         the legacy plan; or

24                         “(II) 5 years after the last plan  
25                         year for which the transition contribu-

1                   tion rate applicable to the employer  
2                   was established or updated.

3                   “(ii) EXCEPTION.—The transition  
4                   contribution rate applicable to an employer  
5                   for the first plan year beginning on or  
6                   after the commencement of the employer’s  
7                   obligation to contribute to the composite  
8                   plan is the rate in effect for the plan year  
9                   of the legacy plan that commences on or  
10                  after 180 days before such first plan year.

11                  “(D) EFFECT OF LEGACY PLAN FINANCIAL  
12                  CIRCUMSTANCES.—If the plan actuary of the  
13                  legacy plan has certified under section 305 that  
14                  the plan is in endangered or critical status for  
15                  a plan year, the transition contribution rate for  
16                  the following plan year is the rate determined  
17                  with respect to the employer under the legacy  
18                  plan’s funding improvement or rehabilitation  
19                  plan under section 305, if greater than the rate  
20                  otherwise determined, but in no event greater  
21                  than 75 percent of the sum of the contribution  
22                  rates applicable to the legacy plan and the com-  
23                  posite plan for the plan year.

24                  “(E) OTHER ACTUARIAL ASSUMPTIONS  
25                  AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-  
2 tion contribution rate for a plan year shall be  
3 based on actuarial assumptions and methods  
4 consistent with the minimum funding deter-  
5 minations made under section 304 (or, if appli-  
6 cable, section 305) with respect to the legacy  
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan  
9 sponsor of a legacy plan from time to time may  
10 adjust the transition contribution rate or rates  
11 applicable to an employer under this paragraph  
12 by increasing some rates and decreasing others  
13 if the actuary certifies that such adjusted rates  
14 in combination will produce projected contribu-  
15 tion income for the plan year beginning on or  
16 after the date of certification that is not less  
17 than would be produced by the transition con-  
18 tribution rates in effect at the time of the cer-  
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-  
21 TION RATE.—The plan sponsor of a legacy plan  
22 shall provide notice to the parties to collective  
23 bargaining agreements pursuant to which con-  
24 tributions are made to the legacy plan of  
25 changes to the transition contribution rate re-

1           quirements at least 30 days before the begin-  
2           ning of the plan year for which the rate is effec-  
3           tive.

4           “(H) NOTICE TO COMPOSITE PLAN SPON-  
5           SOR.—Not later than 30 days after a deter-  
6           mination by the plan sponsor of a legacy plan  
7           that a collective bargaining agreement provides  
8           for a rate of contributions that is below the  
9           transition contribution rate applicable to one or  
10          more employers that are parties to the collective  
11          bargaining agreement, the plan sponsor of the  
12          legacy plan shall notify the plan sponsor of any  
13          composite plan under which employees of such  
14          employer would otherwise be eligible to accrue  
15          a benefit.

16          “(3) CORRECTION PROCEDURES.—Pursuant to  
17          standards prescribed by the Secretary, the plan  
18          sponsor of a composite plan shall adopt rules and  
19          procedures that give the parties to the collective bar-  
20          gaining agreement notice of the failure of such  
21          agreement to satisfy the transition contribution re-  
22          quirements of this subsection, and a reasonable op-  
23          portunity to correct such failure, not to exceed 180  
24          days from the date of notice given under subsection  
25          (b)(2).

1           “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-  
2           lective bargaining agreement may provide for supple-  
3           mental contributions to the legacy plan for a plan  
4           year in excess of the transition contribution rate de-  
5           termined under paragraph (2), regardless of whether  
6           the legacy plan is in endangered or critical status for  
7           such plan year.

8           “(e) NONAPPLICATION OF COMPOSITE PLAN RE-  
9           STRICTIONS.—

10           “(1) IN GENERAL.—The provisions of sub-  
11           sections (a), (b), and (c) shall not apply with respect  
12           to a collective bargaining agreement, to the extent  
13           the agreement, or a predecessor agreement, provides  
14           or provided for contributions to a defined benefit  
15           plan that is a legacy plan, as of the first day of the  
16           first plan year following a plan year for which the  
17           plan actuary certifies that the plan is fully funded,  
18           has been fully funded for at least three out of the  
19           immediately preceding 5 plan years, and is projected  
20           to remain fully funded for at least the following 4  
21           plan years.

22           “(2) DETERMINATION OF FULLY FUNDED.—A  
23           plan is fully funded for purposes of paragraph (1)  
24           if, as of the valuation date of the plan for a plan  
25           year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined  
2 in accordance with the rules prescribed by the Pen-  
3 sion Benefit Guaranty Corporation under sections  
4 4219(e)(1)(D) and 4281 for multiemployer plans  
5 terminating by mass withdrawal, as in effect for the  
6 date of the determination, except the plan’s reason-  
7 able assumption regarding the starting date of bene-  
8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as  
10 provided in paragraph (2), actuarial determinations  
11 and projections under this section shall be based on  
12 the rules in section 305(b)(3) and section 802(b).

13 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**  
14 **POSITE PLANS.**

15 “(a) IN GENERAL.—Assets and liabilities of a com-  
16 posite plan may only be merged with, or transferred to,  
17 another plan if—

18 “(1) the other plan is a composite plan;

19 “(2) the plan or plans resulting from the merg-  
20 er or transfer is a composite plan;

21 “(3) no participant’s accrued benefit or adjust-  
22 able benefit is lower immediately after the trans-  
23 action than it was immediately before the trans-  
24 action; and



1           “(4) the value of the assets transferred in the  
2 case of a transfer reasonably reflects the value of the  
3 amounts contributed with respect to the participants  
4 whose benefits are being transferred, adjusted for al-  
5 locable distributions, investment gains and losses,  
6 and administrative expenses.

7           “(b) LEGACY PLAN.—

8           “(1) IN GENERAL.—After a merger or transfer  
9 involving a composite plan, the legacy plan with re-  
10 spect to an employer that is obligated to contribute  
11 to the resulting composite plan is the legacy plan  
12 that applied to that employer immediately before the  
13 merger or transfer.

14           “(2) MULTIPLE LEGACY PLANS.—If an em-  
15 ployer is obligated to contribute to more than one  
16 legacy plan with respect to employees eligible to ac-  
17 crue benefits under more than one composite plan  
18 and there is a merger or transfer of such legacy  
19 plans, the transition contribution rate applicable to  
20 the legacy plan resulting from the merger or trans-  
21 fer with respect to that employer shall be determined  
22 in accordance with the provisions of section  
23 805(d)(2)(B).”.

24           (2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO  
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-  
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is  
4 amended—

5 (i) in paragraph (10), by striking “or”  
6 at the end;

7 (ii) in paragraph (11), by striking the  
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(12) in the case of a composite plan required  
12 to adopt a realignment program under section 803,  
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-  
15 gram under that section by the deadline estab-  
16 lished in such section; or

17 “(B) fails to update or comply with the  
18 terms of the realignment program in accordance  
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-  
21 tion to contribute with respect to the composite plan,  
22 or by an employee organization that represents ac-  
23 tive participants in the composite plan, for an order  
24 compelling the plan sponsor to adopt a realignment  
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-  
2 quirements of such section and the realignment pro-  
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of  
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),  
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)  
9 through (12) as paragraphs (12) through  
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)  
12 the following:

13 “(9) The Secretary may assess against any plan  
14 sponsor of a composite plan a civil penalty of not  
15 more than \$1,100 per day for each violation by such  
16 sponsor—

17 “(A) of the requirement under section  
18 802(a) on the plan actuary to certify the plan’s  
19 current or projected funded ratio by the date  
20 specified in such subsection; or

21 “(B) of the requirement under section 803  
22 to adopt a realignment program by the deadline  
23 established in that section and to comply with  
24 its terms.

1           “(10)(A) The Secretary may assess against any  
2           plan sponsor of a composite plan a civil penalty of  
3           not more than \$100 per day for each violation by  
4           such sponsor of the requirement under section  
5           803(b) to provide notice as described in such section,  
6           except that no penalty may be assessed in any case  
7           in which the plan sponsor exercised reasonable dili-  
8           gence to meet the requirements of such section  
9           and—

10                   “(i) the plan sponsor did not know that the  
11                   violation existed; or

12                   “(ii) the plan sponsor provided such notice  
13                   during the 30-day period beginning on the first  
14                   date on which the plan sponsor knew, or in ex-  
15                   ercising reasonable due diligence should have  
16                   known, that such violation existed.

17           “(B) In any case in which the plan sponsor ex-  
18           ercised reasonable diligence to meet the require-  
19           ments of section 803(b)—

20                   “(i) the total penalty assessed under this  
21                   paragraph against such sponsor for a plan year  
22                   may not exceed \$500,000; and

23                   “(ii) the Secretary may waive part or all of  
24                   such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-  
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any  
4 plan sponsor of a composite plan a civil penalty of  
5 not more than \$100 per day for each violation by  
6 such sponsor of the notice requirements under sec-  
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of  
9 contents in section 1 of such Act (29 U.S.C. 1001  
10 note) is amended by inserting after the item relating  
11 to section 734 the following:

“PART 8—COMPOSITE PLANS AND LEGACY PLANS

“Sec. 801. Composite plan defined.

“Sec. 802. Funded ratios; actuarial assumptions.

“Sec. 803. Realignment program.

“Sec. 804. Limitation on increasing benefits.

“Sec. 805. Composite plan restrictions to preserve legacy plan funding.

“Sec. 806. Mergers and asset transfers of composite plans.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE  
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of  
15 chapter 1 of the Internal Revenue Code of 1986 is  
16 amended by adding at the end the following:

17 **“Subpart C—Composite Plans and Legacy Plans**

“Sec. 437. Composite plan defined.

“Sec. 438. Funded ratios; actuarial assumptions.

“Sec. 439. Realignment program.

“Sec. 440. Limitation on increasing benefits.

“Sec. 440A. Composite plan restrictions to preserve legacy plan funding.

“Sec. 440B. Mergers and asset transfers of composite plans.

1 **“SEC. 437. COMPOSITE PLAN DEFINED.**

2 “(a) IN GENERAL.—For purposes of this title, the  
3 term ‘composite plan’ means a pension plan—

4 “(1) which is a multiemployer plan that is nei-  
5 ther a defined benefit plan nor a defined contribu-  
6 tion plan,

7 “(2) the terms of which provide that the plan  
8 is a composite plan for purposes of this title with re-  
9 spect to which not more than one multiemployer de-  
10 fined benefit plan is treated as a legacy plan within  
11 the meaning of section 440A, unless there is more  
12 than one legacy plan following a merger of composite  
13 plans under section 440B,

14 “(3) which provides systematically for the pay-  
15 ment of benefits—

16 “(A) objectively calculated pursuant to a  
17 formula enumerated in the plan document with  
18 respect to plan participants after retirement,  
19 for life, and

20 “(B) in the form of life annuities, except  
21 for benefits which under section 411(a)(11)  
22 may be immediately distributed without the  
23 consent of the participant,

24 “(4) for which the plan contributions for the  
25 first plan year are at least 120 percent of the nor-  
26 mal cost for the plan year,

1 “(5) which requires—

2 “(A) an annual valuation of the liability of  
3 the plan as of a date within the plan year to  
4 which the valuation refers or within one month  
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of  
7 the plan’s current funded ratio and projected  
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-  
10 ment program pursuant to section 439 when-  
11 ever the plan’s projected funded ratio is below  
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-  
14 pant describing the participant’s benefits under  
15 the plan and explaining that such benefits may  
16 be subject to reduction under a realignment  
17 program pursuant to section 439 based on the  
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at  
20 least one retiree or beneficiary in pay status during  
21 each plan year following the first plan year in which  
22 at least 5 percent of the participants in the plan are  
23 retirees or beneficiaries in pay status.

24 “(b) TRANSITION FROM A MULTIEMPLOYER DE-  
25 FINED BENEFIT PLAN.—

1           “(1) IN GENERAL.—The plan sponsor of a de-  
2           fined benefit plan that is a multiemployer plan may,  
3           subject to paragraph (2), amend the plan to incor-  
4           porate the features of a composite plan as a compo-  
5           nent of the multiemployer plan separate from the  
6           defined benefit plan component, except in the case of  
7           a defined benefit plan for which the plan actuary has  
8           certified under section 432(b)(3) that the plan is or  
9           will be in critical status for the plan year in which  
10          such amendment would become effective or for any  
11          of the succeeding 5 plan years.

12          “(2) REQUIREMENTS.—Any amendment pursu-  
13          ant to paragraph (1) to incorporate the features of  
14          a composite plan as a component of a multiemployer  
15          plan shall—

16                 “(A) apply with respect to all collective  
17                 bargaining agreements providing for contribu-  
18                 tions to the multiemployer plan on or after the  
19                 effective date of the amendment,

20                 “(B) apply with respect to all participants  
21                 in the multiemployer plan for whom contribu-  
22                 tions are made to the multiemployer plan on or  
23                 after the effective date of the amendment,

24                 “(C) specify that the effective date of the  
25                 amendment is—



1                   “(i) the first day of a specified plan  
2                   year following the date of the adoption of  
3                   the amendment, except that the plan spon-  
4                   sor may alternatively provide for a sepa-  
5                   rate effective date with respect to each col-  
6                   lective bargaining agreement under which  
7                   contributions to the multiemployer plan  
8                   are required, which shall occur on the first  
9                   day of the first plan year beginning after  
10                  the termination, or if earlier, the re-open-  
11                  ing, of each such agreement, or such ear-  
12                  lier date as the parties to the agreement  
13                  and the plan sponsor of the multiemployer  
14                  plan shall agree to, and

15                  “(ii) not later than the first day of the  
16                  fifth plan year beginning on or after the  
17                  date of the adoption of the amendment,

18                  “(D) specify that, as of the amendment’s  
19                  effective date, no further benefits shall accrue  
20                  under the defined benefit component of the  
21                  multiemployer plan, and

22                  “(E) specify that, as of the amendment’s  
23                  effective date, the plan sponsor of the multiem-  
24                  ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined  
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan  
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title shall be  
6 applied to the composite plan component and  
7 the defined benefit plan component of the mul-  
8 tiemployer plan as if each such component were  
9 maintained as a separate plan, and

10 “(B) the assets of the composite plan com-  
11 ponent and the defined benefit plan component  
12 of the plan shall be held in a single trust form-  
13 ing part of the plan under which the trust in-  
14 strument expressly provides—

15 “(i) for separate accounts (and appro-  
16 priate records) to be maintained to reflect  
17 the interest which each of the plan compo-  
18 nents has in the trust, including separate  
19 accounting for additions to the trust for  
20 the benefit of each plan component, dis-  
21 bursements made from each plan compo-  
22 nent’s account in the trust, investment ex-  
23 perience of the trust allocable to that ac-  
24 count, and administrative expenses (wheth-  
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but  
2 does not require, the pooling of some or all  
3 of the assets of the two plan components  
4 for investment purposes, and

5 “(ii) that the assets of each of the two  
6 plan components shall be held, invested,  
7 reinvested, managed, administered and dis-  
8 tributed for the exclusive benefit of the  
9 participants and beneficiaries of each such  
10 plan component, and in no event shall the  
11 assets of one of the plan components be  
12 available to pay benefits due under the  
13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-  
15 standing section 4041A of the Employee Retirement  
16 Income Security Act of 1974, an amendment pursu-  
17 ant to paragraph (1) to incorporate the features of  
18 a composite plan as a component of a multiemployer  
19 plan does not constitute termination of the multiem-  
20 ployer plan.

21 “(5) NOTICE TO THE SECRETARY.—

22 “(A) NOTICE.—The plan sponsor of a  
23 composite plan shall provide notice to the Sec-  
24 retary of the intent to establish the composite  
25 plan (or, in the case of a composite plan incor-

1           porated as a component of a multiemployer  
2           plan as described in paragraph (1), the intent  
3           to amend the multiemployer plan to incorporate  
4           such composite plan) at least 30 days prior to  
5           the effective date of such establishment or  
6           amendment.

7           “(B) CERTIFICATION.—In the case of a  
8           composite plan incorporated as a component of  
9           a multiemployer plan as described in paragraph  
10          (1), such notice shall include a certification by  
11          the plan actuary under section 432(b)(3) that  
12          the effective date of the amendment occurs in  
13          a plan year for which the multiemployer plan is  
14          not in critical status for that plan year and any  
15          of the succeeding 5 plan years.

16          “(6) REFERENCES TO COMPOSITE PLAN COM-  
17          PONENT.—As used in this subpart, the term ‘com-  
18          posite plan’ includes a composite plan component  
19          added to a defined benefit plan pursuant to para-  
20          graph (1).

21          “(7) RULE OF CONSTRUCTION.—Paragraph  
22          (2)(A) shall not be construed as preventing the plan  
23          sponsor of a multiemployer plan from adopting an  
24          amendment pursuant to paragraph (1) because some  
25          collective bargaining agreements are amended to

1       cease any covered employer’s obligation to contribute  
2       to the multiemployer plan before or after the plan  
3       amendment is effective. Paragraph (2)(B) shall not  
4       be construed as preventing the plan sponsor of a  
5       multiemployer plan from adopting an amendment  
6       pursuant to paragraph (1) because some partici-  
7       pants cease to have contributions made to the multi-  
8       employer plan on their behalf before or after the  
9       plan amendment is effective.

10       “(c) COORDINATION WITH FUNDING RULES.—Ex-  
11       cept as otherwise provided in this title, sections 412, 431,  
12       and 432 shall not apply to a composite plan.

13       “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-  
14       poses of this title (other than sections 412 and 418E),  
15       a composite plan shall be treated as if it were a defined  
16       benefit plan unless a different treatment is provided for  
17       under applicable law.

18       **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

19       “(a) CERTIFICATION OF FUNDED RATIOS.—

20               “(1) IN GENERAL.—Not later than the one-  
21       hundred twentieth day of each plan year of a com-  
22       posite plan, the plan actuary of the composite plan  
23       shall certify to the Secretary, the Secretary of  
24       Labor, and the plan sponsor the plan’s current fund-

1 ed ratio and projected funded ratio for the plan  
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED  
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-  
5 poses of this section—

6 “(A) CURRENT FUNDED RATIO.—The cur-  
7 rent funded ratio is the ratio (expressed as a  
8 percentage) of—

9 “(i) the value of the plan’s assets as  
10 of the first day of the plan year, to

11 “(ii) the plan actuary’s best estimate  
12 of the present value of the plan liabilities  
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The  
15 projected funded ratio is the current funded  
16 ratio projected to the first day of the fifteenth  
17 plan year following the plan year for which the  
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE  
20 INCREASES.—For purposes of projections under this  
21 subsection, the plan sponsor may anticipate con-  
22 tribution rate increases beyond the term of the cur-  
23 rent collective bargaining agreement and any agreed-  
24 to supplements, up to a maximum of 2.5 percent per  
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that  
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates  
6 of interest, and other factors under the plan shall be  
7 determined for a plan year on the basis of actuarial  
8 assumptions and methods—

9 “(A) each of which is reasonable (taking  
10 into account the experience of the plan and rea-  
11 sonable expectations),

12 “(B) which, in combination, offer the actu-  
13 ary’s best estimate of anticipated experience  
14 under the plan, and

15 “(C) with respect to which any change  
16 from the actuarial assumptions and methods  
17 used in the previous plan year shall be certified  
18 by the plan actuary and the actuarial rationale  
19 for such change provided in the annual report  
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The  
22 value of the plan’s assets shall be taken into account  
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND  
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial  
2 valuation required under section 437(a)(5)(A) and  
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS  
5 DEEMED MADE.—Any contributions for a plan year  
6 made by an employer after the last day of such plan  
7 year, but not later than two and one-half months  
8 after such day, shall be deemed to have been made  
9 on such last day. For purposes of this paragraph,  
10 such two and one-half month period may be ex-  
11 tended for not more than six months under regula-  
12 tions prescribed by the Secretary.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—  
14 Except where otherwise provided in this subpart, the  
15 provisions of section 432(b)(3)(B) shall apply to any  
16 determination or projection under this subpart.

17 **“SEC. 439. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan  
20 actuary certifies under section 438(a) that the plan’s  
21 projected funded ratio is below 120 percent for the  
22 plan year, the plan sponsor shall adopt a realign-  
23 ment program under paragraph (2) not later than  
24 210 days after the due date of the certification re-  
25 quired under section 438(a). The plan sponsor shall



1       adopt an updated realignment program for each suc-  
2       ceeding plan year for which a certification described  
3       in the preceding sentence is made.

4               “(2) CONTENT OF REALIGNMENT PROGRAM.—

5               “(A) IN GENERAL.—A realignment pro-  
6       gram adopted under this paragraph is a written  
7       program which consists of all reasonable meas-  
8       ures, including options or a range of options to  
9       be undertaken by the plan sponsor or proposed  
10      to the bargaining parties, formulated, based on  
11      reasonably anticipated experience and reason-  
12      able actuarial assumptions, to enable the plan  
13      to achieve a projected funded ratio of at least  
14      120 percent for the following plan year.

15              “(B) INITIAL PROGRAM ELEMENTS.—Rea-  
16      sonable measures under a realignment program  
17      described in subparagraph (A) may include any  
18      of the following:

19                      “(i) Proposed contribution increases.

20                      “(ii) A reduction in the rate of future  
21      benefit accruals, so long as the resulting  
22      rate shall not be less than 1 percent of the  
23      contributions on which benefits are based  
24      as of the start of the plan year (or the

1 equivalent standard accrual rate as de-  
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of  
4 adjustable benefits of participants that are  
5 not in pay status before the date of the no-  
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-  
8 ures not specifically described in this sub-  
9 paragraph or subparagraph (C) or (D)  
10 that the plan sponsor determines are rea-  
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—  
13 If the plan sponsor has determined that all rea-  
14 sonable measures available under subparagraph  
15 (B) will not enable the plan to achieve a pro-  
16 jected funded ratio of at least 120 percent the  
17 following plan year, such reasonable measures  
18 may also include—

19 “(i) a reduction of accrued benefits  
20 that are not in pay status by the date of  
21 the notice required under subsection  
22 (b)(1), or

23 “(ii) a reduction of any benefits of  
24 participants that are in pay status before  
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as  
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the  
4 case of a composite plan for which the plan  
5 sponsor has determined that all reasonable  
6 measures available under subparagraphs (B)  
7 and (C) will not enable the plan to achieve a  
8 projected funded ratio of at least 120 percent  
9 for the following plan year, such reasonable  
10 measures may also include—

11 “(i) a further reduction in the rate of  
12 future benefit accruals without regard to  
13 the limitation applicable under subpara-  
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,  
16 provided that such reductions shall be equitably  
17 distributed across the participant and bene-  
18 ficiary population, taking into account factors,  
19 with respect to participants and beneficiaries  
20 and their benefits, that may include one or  
21 more of the factors listed in subclauses (I)  
22 through (X) of section 432(e)(9)(D)(vi), to the  
23 extent necessary to enable the plan to achieve  
24 a projected funded ratio of at least 120 percent  
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at  
2 least 100 percent for the following plan year  
3 and a current funded ratio of at least 90 per-  
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For  
6 purposes of this subpart, the term ‘adjustable ben-  
7 efit’ means—

8 “(A) benefits, rights, and features under  
9 the plan, including post-retirement death bene-  
10 fits, 60-month guarantees, disability benefits  
11 not yet in pay status, and similar benefits,

12 “(B) any early retirement benefit or retire-  
13 ment-type subsidy (within the meaning of sec-  
14 tion 411(d)(6)(B)(i)) and any benefit payment  
15 option (other than the qualified joint and sur-  
16 vivor annuity), and

17 “(C) benefit increases that were adopted  
18 (or, if later, took effect) less than 60 months  
19 before the first day such realignment program  
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes  
22 of this subpart, the term ‘core benefit’ means a par-  
23 ticipant’s accrued benefit payable in the normal form  
24 of an annuity commencing at normal retirement age,  
25 determined without regard to—

1           “(A) any early retirement benefits, retire-  
2           ment-type subsidies, or other benefits, rights, or  
3           features that may be associated with that ben-  
4           efit, and

5           “(B) any cost-of-living adjustments or ben-  
6           efit increases effective after the date of retire-  
7           ment.

8           “(5) COORDINATION WITH CONTRIBUTION IN-  
9           CREASES.—

10           “(A) IN GENERAL.—A realignment pro-  
11           gram may provide that some or all of the ben-  
12           efit modifications described in the program will  
13           only take effect if the bargaining parties fail to  
14           agree to specified levels of increases in contribu-  
15           tions to the plan, effective as of specified dates.

16           “(B) INDEPENDENT BENEFIT MODIFICA-  
17           TIONS.—If a realignment program adopts any  
18           changes to the benefit formula that are inde-  
19           pendent of potential contribution increases,  
20           such changes shall take effect not later than  
21           180 days following the first day of the first  
22           plan year that begins following the adoption of  
23           the realignment program.

24           “(C) CONDITIONAL BENEFIT MODIFICA-  
25           TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect  
2 only if the bargaining parties fail to agree to  
3 contribution increases, such changes shall take  
4 effect not later than the first day of the first  
5 plan year beginning after the third anniversary  
6 of the date of adoption of the realignment pro-  
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT  
9 MODIFICATIONS.—Benefit modifications de-  
10 scribed in paragraph (3) may be revoked, in  
11 whole or in part, and retroactively or prospec-  
12 tively, when contributions to the plan are in-  
13 creased, as specified in the realignment pro-  
14 gram, including any amendments thereto. The  
15 preceding sentence shall not apply unless the  
16 contribution increases are to be effective not  
17 later than the fifth anniversary of the first day  
18 of the first plan year that begins after the  
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is  
22 certified under section 438(a) that the projected  
23 funded ratio is less than 120 percent, the plan spon-  
24 sor shall, not later than 30 days after the date of  
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and  
2 beneficiaries, the bargaining parties, and the Sec-  
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate  
5 increases or benefit reductions may be nec-  
6 essary,

7 “(B) a description of the types of benefits  
8 that might be reduced, and

9 “(C) an estimate of the contribution in-  
10 creases and benefit reductions that may be nec-  
11 essary to achieve a projected funded ratio of  
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may  
15 be made that reduce the rate of future benefit  
16 accrual or that reduce core benefits or adjust-  
17 able benefits unless notice of such reduction has  
18 been given at least 180 days before the general  
19 effective date of such reduction for all partici-  
20 pants and beneficiaries to—

21 “(i) plan participants and bene-  
22 ficiaries,

23 “(ii) each employer who has an obliga-  
24 tion to contribute to the composite plan,  
25 and

1           “(iii) each employee organization  
2           which, for purposes of collective bar-  
3           gaining, represents plan participants em-  
4           ployed by such employers.

5           “(B) CONTENT OF NOTICE.—The notice  
6           under subparagraph (A) shall contain—

7           “(i) sufficient information to enable  
8           participants and beneficiaries to under-  
9           stand the effect of any reduction on their  
10          benefits, including an illustration of any  
11          affected benefit or subsidy, on an annual  
12          or monthly basis that a participant or ben-  
13          eficiary would otherwise have been eligible  
14          for as of the general effective date de-  
15          scribed in subparagraph (A), and

16          “(ii) information as to the rights and  
17          remedies of plan participants and bene-  
18          ficiaries as well as how to contact the De-  
19          partment of Labor for further information  
20          and assistance, where appropriate.

21          “(C) FORM AND MANNER.—Any notice  
22          under subparagraph (A)—

23          “(i) shall be provided in a form and  
24          manner prescribed in regulations of the  
25          Secretary of Labor,



1                   “(ii) shall be written in a manner so  
2                   as to be understood by the average plan  
3                   participant.

4                   “(3) MODEL NOTICES.—The Secretary shall—

5                   “(A) prescribe model notices that the plan  
6                   sponsor of a composite plan may use to satisfy  
7                   the notice requirements under this subsection,  
8                   and

9                   “(B) by regulation enumerate any details  
10                  related to the elements listed in paragraph (1)  
11                  that any notice under this subsection must in-  
12                  clude.

13                  “(4) DELIVERY METHOD.—Any notice under  
14                  this part shall be provided in writing and may also  
15                  be provided in electronic form to the extent that the  
16                  form is reasonably accessible to persons to whom the  
17                  notice is provided.

18                  **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

19                  “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except  
20                  as provided in subsections (c), (d), and (e), no plan  
21                  amendment increasing benefits or establishing new bene-  
22                  fits under a composite plan may be adopted for a plan  
23                  year unless—

1           “(1) the plan’s current funded ratio is at least  
2           110 percent (without regard to the benefit increase  
3           or new benefits),

4           “(2) taking the benefit increase or new benefits  
5           into account, the current funded ratio is at least 100  
6           percent and the projected funded ratio for the cur-  
7           rent plan year is at least 120 percent,

8           “(3) in any case in which, after taking the ben-  
9           efit increase or new benefits into account, the cur-  
10          rent funded ratio is less than 140 percent or the  
11          projected funded ratio is less than 140 percent, the  
12          benefit increase or new benefits are projected by the  
13          plan actuary to increase the present value of the  
14          plan’s liabilities for the plan year by not more than  
15          3 percent, and

16          “(4) expected contributions for the current plan  
17          year are at least 120 percent of normal cost for the  
18          plan year, determined using the unit credit funding  
19          method and treating the benefit increase or new ben-  
20          efits as in effect for the entire plan year.

21          “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**  
22          **BENEFITS REDUCED.**—If a plan has been amended to re-  
23          duce core benefits pursuant to a realignment program  
24          under section 439(a)(2)(D), such plan may not be subse-

1 frequently amended to increase core benefits unless the  
2 amendment—

3 “(1) increases the level of future benefit pay-  
4 ments only, and

5 “(2) provides for an equitable distribution of  
6 benefit increases across the participant and bene-  
7 ficiary population, taking into account the extent to  
8 which the benefits of participants were previously re-  
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE  
11 LAW.—Subsection (a) shall not apply in connection with  
12 a plan amendment if the amendment is required as a con-  
13 dition of qualification under part I of subchapter D of  
14 chapter 1 or to comply with other applicable law.

15 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE  
16 LIMIT APPLIES.—Subsection (a) shall not apply in con-  
17 nection with a plan amendment if and to the extent that  
18 contributions to the composite plan would not be deduct-  
19 ible for the plan year under section 404(a)(1)(E) if the  
20 plan amendment is not adopted. The Secretary of the  
21 Treasury shall issue regulations to implement this para-  
22 graph.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-  
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 439(a)(5)(C), regarding  
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-  
4 poses of this section—

5 “(1) if two or more plan amendments increas-  
6 ing benefits or establishing new benefits are adopted  
7 in a plan year, such amendments shall be treated as  
8 a single amendment adopted on the last day of the  
9 plan year,

10 “(2) all benefit increases and new benefits  
11 adopted in a single amendment are treated as a sin-  
12 gle benefit increase, irrespective of whether the in-  
13 creases and new benefits take effect in more than  
14 one plan year, and

15 “(3) increases in contributions or decreases in  
16 plan liabilities which are scheduled to take effect in  
17 future plan years may be taken into account in con-  
18 nection with a plan amendment if they have been  
19 agreed to in writing or otherwise formalized by the  
20 date the plan amendment is adopted.

21 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRE-  
22 SERVE LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this sub-  
25 chapter, a defined benefit plan shall be treated as a

1 legacy plan with respect to the composite plan under  
2 which the employees who were eligible to accrue a  
3 benefit under the defined benefit plan become eligi-  
4 ble to accrue a benefit under such composite plan.

5 “(2) COMPONENT PLANS.—In any case in  
6 which a defined benefit plan is amended to add a  
7 composite plan component pursuant to section  
8 437(b), paragraph (1) shall be applied by sub-  
9 stituting ‘defined benefit component’ for ‘defined  
10 benefit plan’ and ‘composite plan component’ for  
11 ‘composite plan’.

12 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For  
13 purposes of paragraph (1), an employee is consid-  
14 ered eligible to accrue a benefit under a composite  
15 plan as of the first day in which the employee com-  
16 pletes an hour of service under a collective bar-  
17 gaining agreement that provides for contributions to  
18 and accruals under the composite plan in lieu of ac-  
19 cruals under the legacy plan.

20 “(4) COLLECTIVE BARGAINING AGREEMENT.—  
21 As used in this subpart, the term ‘collective bar-  
22 gaining agreement’ includes any agreement under  
23 which an employer has an obligation to contribute to  
24 a plan.

1           “(5) OTHER TERMS.—Any term used in this  
2           subpart which is not defined in this part and which  
3           is also used in section 432 shall have the same  
4           meaning provided such term in such section.

5           “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE  
6           PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7           “(1) IN GENERAL.—The plan sponsor of a com-  
8           posite plan shall not accept or recognize a collective  
9           bargaining agreement (or any modification to such  
10          agreement), and no contributions may be accepted  
11          and no benefits may be accrued or otherwise earned  
12          under the agreement—

13                  “(A) in any case in which the plan actuary  
14                  of any defined benefit plan that would be treat-  
15                  ed as a legacy plan with respect to such com-  
16                  posite plan has certified under section  
17                  432(b)(3) that such defined benefit plan is or  
18                  will be in critical status for the plan year in  
19                  which such agreement would take effect or for  
20                  any of the succeeding 5 plan years, and

21                  “(B) unless the agreement requires each  
22                  employer who is a party to such agreement, in-  
23                  cluding employers whose employees are not par-  
24                  ticipants in the legacy plan, to provide contribu-  
25                  tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the  
2 transition contribution requirements of sub-  
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a  
5 determination by a plan sponsor of a composite plan  
6 that an agreement fails to satisfy the requirements  
7 described in paragraph (1), the plan sponsor shall  
8 provide notification of such failure and the reasons  
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite  
12 plan who have ceased to accrue or otherwise  
13 earn benefits with respect to service with an  
14 employer pursuant to paragraph (1), and

15 “(C) the Secretary of Labor, the Secretary  
16 of the Treasury, and the Pension Benefit Guar-  
17 anty Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—  
19 This subsection shall not apply to benefits accrued  
20 before the date on which notice is provided under  
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS  
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an  
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-  
2 ing Retirement Options to Workers Act of 2020,  
3 ceases to have an obligation to contribute to a multi-  
4 employer defined benefit plan, no employees em-  
5 ployed by the employer may accrue or otherwise earn  
6 benefits under any composite plan, with respect to  
7 service with that employer, for a 60-month period  
8 beginning on the date on which the employer entered  
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has  
12 ceased to have an obligation to contribute to a leg-  
13 acy plan with respect to employees employed by an  
14 employer that is or will be contributing to a com-  
15 posite plan with respect to service of such employees,  
16 the plan sponsor of the legacy plan shall notify the  
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an  
20 employer has ceased to have an obligation to con-  
21 tribute to a legacy plan, the plan sponsor of the  
22 composite plan shall notify the bargaining parties,  
23 the active participants affected by the cessation of  
24 accruals, the Secretary, the Secretary of Labor, and  
25 the Pension Benefit Guaranty Corporation of the



1 cessation of accruals, the period during which such  
2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued  
5 before the date on which notice is provided under  
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining  
9 agreement satisfies the transition contribution re-  
10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-  
12 tions to a legacy plan at a rate or rates equal  
13 to or greater than the transition contribution  
14 rate established under paragraph (2), and

15 “(B) does not provide for—

16 “(i) a suspension of contributions to  
17 the legacy plan with respect to any period  
18 of service, or

19 “(ii) any new direct or indirect exclu-  
20 sion of younger or newly hired employees  
21 of the employer from being taken into ac-  
22 count in determining contributions owed to  
23 the legacy plan.

24 “(2) TRANSITION CONTRIBUTION RATE.—

1           “(A) IN GENERAL.—The transition con-  
2           tribution rate for a plan year is the contribution  
3           rate that, as certified by the actuary of the leg-  
4           acy plan in accordance with the principles in  
5           section 432(b)(3)(B), is reasonably expected to  
6           be adequate—

7                   “(i) to fund the normal cost for the  
8                   plan year,

9                   “(ii) to amortize the plan’s unfunded  
10                  liabilities in level annual installments over  
11                  25 years, beginning with the plan year in  
12                  which the transition contribution rate is  
13                  first established, and

14                  “(iii) to amortize any subsequent  
15                  changes in the legacy plan’s unfunded li-  
16                  ability due to experience gains or losses  
17                  (including investment gains or losses, gains  
18                  or losses due to contributions greater or  
19                  less than the contributions made under the  
20                  prior transition contribution rate, and  
21                  other actuarial gains or losses), changes in  
22                  actuarial assumptions, changes to the leg-  
23                  acy plan’s benefits, or changes in funding  
24                  method over a period of 15 plan years be-

1           ginning with the plan year in which such  
2           change in unfunded liability is incurred.

3           The transition contribution rate for any plan  
4           year may not be less than the transition con-  
5           tribution rate for the plan year in which such  
6           rate is first established.

7           “(B) MULTIPLE RATES.—If different rates  
8           of contribution are payable to the legacy plan  
9           by different employers or for different classes of  
10          employees, the certification shall specify a tran-  
11          sition contribution rate for each such employer.

12          “(C) RATE APPLICABLE TO EMPLOYER.—

13                 “(i) IN GENERAL.—Except as pro-  
14                 vided by clause (ii), the transition con-  
15                 tribution rate applicable to an employer for  
16                 a plan year is the rate in effect for the  
17                 plan year of the legacy plan that com-  
18                 mences on or after 180 days before the  
19                 earlier of—

20                         “(I) the effective date of the col-  
21                         lective bargaining agreement pursuant  
22                         to which the employer contributes to  
23                         the legacy plan, or

24                         “(II) 5 years after the last plan  
25                         year for which the transition contribu-

1                   tion rate applicable to the employer  
2                   was established or updated.

3                   “(ii) EXCEPTION.—The transition  
4                   contribution rate applicable to an employer  
5                   for the first plan year beginning on or  
6                   after the commencement of the employer’s  
7                   obligation to contribute to the composite  
8                   plan is the rate in effect for the plan year  
9                   of the legacy plan that commences on or  
10                  after 180 days before such first plan year.

11                  “(D) EFFECT OF LEGACY PLAN FINANCIAL  
12                  CIRCUMSTANCES.—If the plan actuary of the  
13                  legacy plan has certified under section 432 that  
14                  the plan is in endangered or critical status for  
15                  a plan year, the transition contribution rate for  
16                  the following plan year is the rate determined  
17                  with respect to the employer under the legacy  
18                  plan’s funding improvement or rehabilitation  
19                  plan under section 432, if greater than the rate  
20                  otherwise determined, but in no event greater  
21                  than 75 percent of the sum of the contribution  
22                  rates applicable to the legacy plan and the com-  
23                  posite plan for the plan year.

24                  “(E) OTHER ACTUARIAL ASSUMPTIONS  
25                  AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-  
2 tion contribution rate for a plan year shall be  
3 based on actuarial assumptions and methods  
4 consistent with the minimum funding deter-  
5 minations made under section 431 (or, if appli-  
6 cable, section 432) with respect to the legacy  
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan  
9 sponsor of a legacy plan from time to time may  
10 adjust the transition contribution rate or rates  
11 applicable to an employer under this paragraph  
12 by increasing some rates and decreasing others  
13 if the actuary certifies that such adjusted rates  
14 in combination will produce projected contribu-  
15 tion income for the plan year beginning on or  
16 after the date of certification that is not less  
17 than would be produced by the transition con-  
18 tribution rates in effect at the time of the cer-  
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-  
21 TION RATE.—The plan sponsor of a legacy plan  
22 shall provide notice to the parties to collective  
23 bargaining agreements pursuant to which con-  
24 tributions are made to the legacy plan of  
25 changes to the transition contribution rate re-

1           quirements at least 30 days before the begin-  
2           ning of the plan year for which the rate is effec-  
3           tive.

4           “(H) NOTICE TO COMPOSITE PLAN SPON-  
5           SOR.—Not later than 30 days after a deter-  
6           mination by the plan sponsor of a legacy plan  
7           that a collective bargaining agreement provides  
8           for a rate of contributions that is below the  
9           transition contribution rate applicable to one or  
10          more employers that are parties to the collective  
11          bargaining agreement, the plan sponsor of the  
12          legacy plan shall notify the plan sponsor of any  
13          composite plan under which employees of such  
14          employer would otherwise be eligible to accrue  
15          a benefit.

16          “(3) CORRECTION PROCEDURES.—Pursuant to  
17          standards prescribed by the Secretary of Labor, the  
18          plan sponsor of a composite plan shall adopt rules  
19          and procedures that give the parties to the collective  
20          bargaining agreement notice of the failure of such  
21          agreement to satisfy the transition contribution re-  
22          quirements of this subsection, and a reasonable op-  
23          portunity to correct such failure, not to exceed 180  
24          days from the date of notice given under subsection  
25          (b)(2).

1           “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-  
2           lective bargaining agreement may provide for supple-  
3           mental contributions to the legacy plan for a plan  
4           year in excess of the transition contribution rate de-  
5           termined under paragraph (2), regardless of whether  
6           the legacy plan is in endangered or critical status for  
7           such plan year.

8           “(e) NONAPPLICATION OF COMPOSITE PLAN RE-  
9           STRICTIONS.—

10           “(1) IN GENERAL.—The provisions of sub-  
11           sections (a), (b), and (c) shall not apply with respect  
12           to a collective bargaining agreement, to the extent  
13           the agreement, or a predecessor agreement, provides  
14           or provided for contributions to a defined benefit  
15           plan that is a legacy plan, as of the first day of the  
16           first plan year following a plan year for which the  
17           plan actuary certifies that the plan is fully funded,  
18           has been fully funded for at least three out of the  
19           immediately preceding 5 plan years, and is projected  
20           to remain fully funded for at least the following 4  
21           plan years.

22           “(2) DETERMINATION OF FULLY FUNDED.—A  
23           plan is fully funded for purposes of paragraph (1)  
24           if, as of the valuation date of the plan for a plan  
25           year, the value of the plan’s assets equals or exceeds

1 the present value of the plan’s liabilities, determined  
2 in accordance with the rules prescribed by the Pen-  
3 sion Benefit Guaranty Corporation under sections  
4 4219(e)(1)(D) and 4281 of Employee Retirement  
5 Income and Security Act for multiemployer plans  
6 terminating by mass withdrawal, as in effect for the  
7 date of the determination, except the plan’s reason-  
8 able assumption regarding the starting date of bene-  
9 fits may be used.

10 “(3) OTHER APPLICABLE RULES.—Except as  
11 provided in paragraph (2), actuarial determinations  
12 and projections under this section shall be based on  
13 the rules in section 432(b)(3) and section 438(b).

14 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**  
15 **POSITE PLANS.**

16 “(a) IN GENERAL.—Assets and liabilities of a com-  
17 posite plan may only be merged with, or transferred to,  
18 another plan if—

19 “(1) the other plan is a composite plan,

20 “(2) the plan or plans resulting from the merg-  
21 er or transfer is a composite plan,

22 “(3) no participant’s accrued benefit or adjust-  
23 able benefit is lower immediately after the trans-  
24 action than it was immediately before the trans-  
25 action, and



1           “(4) the value of the assets transferred in the  
2 case of a transfer reasonably reflects the value of the  
3 amounts contributed with respect to the participants  
4 whose benefits are being transferred, adjusted for al-  
5 locable distributions, investment gains and losses,  
6 and administrative expenses.

7           “(b) LEGACY PLAN.—

8           “(1) IN GENERAL.—After a merger or transfer  
9 involving a composite plan, the legacy plan with re-  
10 spect to an employer that is obligated to contribute  
11 to the resulting composite plan is the legacy plan  
12 that applied to that employer immediately before the  
13 merger or transfer.

14           “(2) MULTIPLE LEGACY PLANS.—If an em-  
15 ployer is obligated to contribute to more than one  
16 legacy plan with respect to employees eligible to ac-  
17 crue benefits under more than one composite plan  
18 and there is a merger or transfer of such legacy  
19 plans, the transition contribution rate applicable to  
20 the legacy plan resulting from the merger or trans-  
21 fer with respect to that employer shall be determined  
22 in accordance with the provisions of section  
23 440A(d)(2)(B).”.

24           “(2) CLERICAL AMENDMENT.—The table of sub-  
25 parts for part III of subchapter D of chapter 1 of

1 the Internal Revenue Code of 1986 is amended by  
2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to plan years beginning after the  
5 date of the enactment of this Act.

6 **SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO**  
7 **COMPOSITE PLANS.**

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT  
9 INCOME SECURITY ACT OF 1974.—

10 (1) TREATMENT FOR PURPOSES OF FUNDING  
11 NOTICES.—Section 101(f) of the Employee Retirement  
12 Income Security Act of 1974 (29 U.S.C.  
13 1021(f)) is amended—

14 (A) in paragraph (1) by striking “title IV  
15 applies” and inserting “title IV applies or which  
16 is a composite plan”; and

17 (B) by adding at the end the following:

18 “(5) APPLICATION TO COMPOSITE PLANS.—The  
19 provisions of this subsection shall apply to a com-  
20 posite plan only to the extent prescribed by the Sec-  
21 retary in regulations that take into account the dif-  
22 ferences between a composite plan and a defined  
23 benefit plan that is a multiemployer plan.”.

24 (2) TREATMENT FOR PURPOSES OF ANNUAL  
25 REPORT.—Section 103 of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1023) is  
2 amended—

3 (A) in subsection (d) by adding at the end  
4 the following sentence: “The provisions of this  
5 subsection shall apply to a composite plan only  
6 to the extent prescribed by the Secretary in reg-  
7 ulations that take into account the differences  
8 between a composite plan and a defined benefit  
9 plan that is a multiemployer plan.”;

10 (B) in subsection (f) by adding at the end  
11 the following:

12 “(3) ADDITIONAL INFORMATION FOR COM-  
13 POSITE PLANS.—With respect to any composite  
14 plan—

15 “(A) the provisions of paragraph (1)(A)  
16 shall apply by substituting ‘current funded ratio  
17 and projected funded ratio (as such terms are  
18 defined in section 802(a)(2))’ for ‘funded per-  
19 centage’ each place it appears; and

20 “(B) the provisions of paragraph (2) shall  
21 apply only to the extent prescribed by the Sec-  
22 retary in regulations that take into account the  
23 differences between a composite plan and a de-  
24 fined benefit plan that is a multiemployer  
25 plan.”; and

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

2 “(h) COMPOSITE PLANS.—A multiemployer plan that  
3 incorporates the features of a composite plan as provided  
4 in section 801(b) shall be treated as a single plan for pur-  
5 poses of the report required by this section, except that  
6 separate financial statements and actuarial statements  
7 shall be provided under paragraphs (3) and (4) of sub-  
8 section (a) for the defined benefit plan component and for  
9 the composite plan component of the multiemployer  
10 plan.”.

11 (3) TREATMENT FOR PURPOSES OF PENSION  
12 BENEFIT STATEMENTS.—Section 105(a) of the Em-  
13 ployee Retirement Income Security Act of 1974 (29  
14 U.S.C. 1025(a)) is amended by adding at the end  
15 the following:

16 “(4) COMPOSITE PLANS.—For purposes of this  
17 subsection, a composite plan shall be treated as a  
18 defined benefit plan to the extent prescribed by the  
19 Secretary in regulations that take into account the  
20 differences between a composite plan and a defined  
21 benefit plan that is a multiemployer plan.”.

22 (b) AMENDMENTS TO THE INTERNAL REVENUE  
23 CODE OF 1986.—Section 6058 of the Internal Revenue  
24 Code of 1986 is amended by redesignating subsection (f)

1 as subsection (g) and by inserting after subsection (e) the  
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that  
4 incorporates the features of a composite plan as provided  
5 in section 437(b) shall be treated as a single plan for pur-  
6 poses of the return required by this section, except that  
7 separate financial statements shall be provided for the de-  
8 fined benefit plan component and for the composite plan  
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply to plan years beginning after the  
12 date of the enactment of this Act.

13 **SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**  
14 **IV.**

15 (a) DEFINITION.—Section 4001(a) of the Employee  
16 Retirement Income Security Act of 1974 (29 U.S.C.  
17 1301(a)) is amended by striking the period at the end of  
18 paragraph (21) and inserting a semicolon and by adding  
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite  
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29  
23 U.S.C. 1306(a)) is amended by adding at the end the fol-  
24 lowing:  
25

1           “(9) The composite plan component of a multi-  
2           employer plan shall be disregarded in determining  
3           the premiums due under this section from the multi-  
4           employer plan.”.

5           (c) COMPOSITE PLANS NOT COVERED.—Section  
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-  
7 ed by striking “Act” and inserting “Act, or a composite  
8 plan, as defined in paragraph (43) of section 3 of this  
9 Act”.

10          (d) NO WITHDRAWAL LIABILITY.—Section 4201 of  
11 such Act (29 U.S.C. 1381) is amended by adding at the  
12 end the following:

13           “(c) Contributions by an employer to the composite  
14 plan component of a multiemployer plan shall not be taken  
15 into account for any purpose under this title.”.

16          (e) NO WITHDRAWAL LIABILITY FOR CERTAIN  
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is  
18 further amended by adding at the end the following:

19           “(d) Contributions by an employer to a multiem-  
20 ployer plan described in the except clause of section 3(35)  
21 of this Act pursuant to a collective bargaining agreement  
22 that specifically designates that such contributions shall  
23 be allocated to the separate defined contribution accounts  
24 of participants under the plan shall not be taken into ac-  
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-  
2 mination of the employer’s highest contribution rate under  
3 section 4219), even if, under the terms of the plan, partici-  
4 pants have the option to transfer assets in their separate  
5 defined contribution accounts to the defined benefit por-  
6 tion of the plan in return for service credit under the de-  
7 fined benefit portion, at rates established by the plan  
8 sponsor.

9 “(e) A legacy plan created under section 805 shall  
10 be deemed to have no unfunded vested benefits for pur-  
11 poses of this part, for each plan year following a period  
12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-  
14 ing of section 805 for at least 3 of the plan years  
15 during that period, ending with a plan year for  
16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits  
18 for at least 3 of the plan years during that period,  
19 ending with a plan year for which the plan is fully  
20 funded; and

21 “(3) the plan is projected to be fully funded  
22 and to have no unfunded vested benefits for the fol-  
23 lowing four plan years.”.

24 (f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS  
25 CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is  
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be  
4 allocated to an employer that has an obligation to con-  
5 tribute to a legacy plan described in subsection (e) of sec-  
6 tion 4201 for each plan year for which such subsection  
7 applies.”.

8 (g) NO OBLIGATION TO CONTRIBUTE.—Section  
9 4212 of such Act (29 U.S.C. 1392) is amended by adding  
10 at the end the following:

11 “(d) NO OBLIGATION TO CONTRIBUTE.—An em-  
12 ployer shall not be treated as having an obligation to con-  
13 tribute to a multiemployer defined benefit plan within the  
14 meaning of subsection (a) solely because—

15 “(1) in the case of a multiemployer plan that  
16 includes a composite plan component, the employer  
17 has an obligation to contribute to the composite plan  
18 component of the plan;

19 “(2) the employer has an obligation to con-  
20 tribute to a composite plan that is maintained pur-  
21 suant to one or more collective bargaining agree-  
22 ments under which the multiemployer defined ben-  
23 efit plan is or previously was maintained; or

24 “(3) the employer contributes or has contrib-  
25 uted under section 805(d) to a legacy plan associ-



1       ated with a composite plan pursuant to a collective  
2       bargaining agreement but employees of that em-  
3       ployer were not eligible to accrue benefits under the  
4       legacy plan with respect to service with that em-  
5       ployer.”.

6       (h) NO INFERENCE.—Nothing in the amendment  
7       made by subsection (e) shall be construed to create an in-  
8       ference with respect to the treatment under title IV of the  
9       Employee Retirement Income Security Act of 1974, as in  
10      effect before such amendment, of contributions by an em-  
11      ployer to a multiemployer plan described in the except  
12      clause of section 3(35) of such Act that are made before  
13      the effective date of subsection (e) specified in subsection  
14      (h)(2).

15      (i) EFFECTIVE DATE.—

16           (1) IN GENERAL.—Except as provided in sub-  
17      paragraph (2), the amendments made by this section  
18      shall apply to plan years beginning after the date of  
19      the enactment of this Act.

20           (2) SPECIAL RULE FOR SECTION 414(k) MULTI-  
21      EMPLOYER PLANS.—The amendment made by sub-  
22      section (e) shall apply only to required contributions  
23      payable for plan years beginning after the date of  
24      the enactment of this Act.

1 **SEC. 105. CONFORMING CHANGES.**

2 (a) DEFINITIONS.—Section 3 of the Employee Re-  
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)  
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-  
6 posite plan” after “other than an individual account  
7 plan”; and

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

9 “(43) The term ‘composite plan’ has the mean-  
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY  
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT  
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of  
15 the Employee Retirement Income Security Act of  
16 1974 (29 U.S.C. 1084(b)) is amended by adding at  
17 the end the following:

18 “(9) SPECIAL FUNDING RULE FOR CERTAIN  
19 LEGACY PLANS.—In the case of a multiemployer de-  
20 fined benefit plan that has adopted an amendment  
21 under section 801(b), in accordance with which no  
22 further benefits shall accrue under the multiem-  
23 ployer defined benefit plan, the plan sponsor may  
24 combine the outstanding balance of all charge and  
25 credit bases and amortize that combined base in  
26 level annual installments (until fully amortized) over

1 a period of 25 plan years beginning with the plan  
2 year following the date all benefit accruals ceased.”.

3 (2) AMENDMENT TO INTERNAL REVENUE CODE  
4 OF 1986.—Section 431(b) of the Internal Revenue  
5 Code of 1986 is amended by adding at the end the  
6 following:

7 “(9) SPECIAL FUNDING RULE FOR CERTAIN  
8 LEGACY PLANS.—In the case of a multiemployer de-  
9 fined benefit plan that has adopted an amendment  
10 under section 437(b), in accordance with which no  
11 further benefits shall accrue under the multiem-  
12 ployer defined benefit plan, the plan sponsor may  
13 combine the outstanding balance of all charge and  
14 credit bases and amortize that combined base in  
15 level annual installments (until fully amortized) over  
16 a period of 25 plan years beginning with the plan  
17 year following the date on which all benefit accruals  
18 ceased.”.

19 (c) BENEFITS AFTER MERGER, CONSOLIDATION, OR  
20 TRANSFER OF ASSETS.—

21 (1) AMENDMENT TO EMPLOYEE RETIREMENT  
22 INCOME SECURITY ACT OF 1974.—Section 208 of the  
23 Employee Retirement Income Security Act of 1974  
24 (29 U.S.C. 1058) is amended—

1 (A) by striking so much of the first sen-  
2 tence as precedes “may not merge” and insert-  
3 ing the following:

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), a pension plan may not merge, and”;

6 (B) by striking the second sentence and  
7 adding at the end the following:

8 “(2) SPECIAL REQUIREMENTS FOR MULTIEM-  
9 PLOYER PLANS.—Paragraph (1) shall not apply to  
10 any transaction to the extent that participants either  
11 before or after the transaction are covered under a  
12 multiemployer plan to which title IV of this Act ap-  
13 plies or a composite plan.”.

14 (2) AMENDMENTS TO INTERNAL REVENUE  
15 CODE OF 1986.—

16 (A) QUALIFICATION REQUIREMENT.—Sec-  
17 tion 401(a)(12) of the Internal Revenue Code  
18 of 1986 is amended—

19 (i) by striking “(12) A trust” and in-  
20 sserting the following:

21 “(12) BENEFITS AFTER MERGER, CONSOLIDA-  
22 TION, OR TRANSFER OF ASSETS.—

23 “(A) IN GENERAL.—Except as provided in  
24 subparagraph (B), a trust”;

1 (ii) by striking the second sentence;

2 and

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

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-  
6 EMPLOYER PLANS.—Subparagraph (A) shall  
7 not apply to any multiemployer plan with re-  
8 spect to any transaction to the extent that par-  
9 ticipants either before or after the transaction  
10 are covered under a multiemployer plan to  
11 which title IV of the Employee Retirement In-  
12 come Security Act of 1974 applies or a com-  
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-  
15 MENT.—Paragraph (1) of section 414(l) of such  
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and  
18 all that follows through “shall not con-  
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-  
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in  
23 subparagraph (B), a trust which forms a part  
24 of a plan shall not constitute”; and

1 (ii) by striking the second sentence;

2 and

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

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-  
6 EMPLOYER PLANS.—Subparagraph (A) does not  
7 apply to any multiemployer plan with respect to  
8 any transaction to the extent that participants  
9 either before or after the transaction are cov-  
10 ered under a multiemployer plan to which title  
11 IV of the Employee Retirement Income Secu-  
12 rity Act of 1974 applies or a composite plan.”.

13 (d) REQUIREMENTS FOR STATUS AS A QUALIFIED  
14 PLAN.—

15 (1) REQUIREMENT THAT ACTUARIAL ASSUMP-  
16 TIONS BE SPECIFIED.—Section 401(a)(25) of the In-  
17 ternal Revenue Code of 1986 is amended by insert-  
18 ing “(in the case of a composite plan, benefits objec-  
19 tively calculated pursuant to a formula)” after “defi-  
20 nitely determinable benefits”.

21 (2) MISSING PARTICIPANTS IN TERMINATING  
22 COMPOSITE PLAN.—Section 401(a)(34) of the Inter-  
23 nal Revenue Code of 1986 is amended by striking “,  
24 a trust” and inserting “or a composite plan, a  
25 trust”.

1 (e) DEDUCTION FOR CONTRIBUTIONS TO A QUALI-  
2 FIED PLAN.—Section 404(a)(1) of the Internal Revenue  
3 Code of 1986 is amended by redesignating subparagraph  
4 (E) as subparagraph (F) and by inserting after subpara-  
5 graph (D) the following:

6 “(E) COMPOSITE PLANS.—

7 “(i) IN GENERAL.—In the case of a  
8 composite plan, subparagraph (D) shall  
9 not apply and the maximum amount de-  
10 ductible for a plan year shall be the excess  
11 (if any) of—

12 “(I) 160 percent of the greater  
13 of—

14 “(aa) the current liability of  
15 the plan determined in accord-  
16 ance with the principles of sec-  
17 tion 431(c)(6)(D), or

18 “(bb) the present value of  
19 plan liabilities as determined  
20 under section 438, over

21 “(II) the fair market value of the  
22 plan’s assets, projected to the end of  
23 the plan year.

1                   “(ii) SPECIAL RULES FOR PREDE-  
2                   CESSOR MULTIEMPLOYER PLAN TO COM-  
3                   POSITE PLAN.—

4                   “(I) IN GENERAL.—Except as  
5                   provided in subclause (II), if an em-  
6                   ployer contributes to a composite plan  
7                   with respect to its employees, con-  
8                   tributions by that employer to a mul-  
9                   tiemployer defined benefit plan with  
10                  respect to some or all of the same  
11                  group of employees shall be deductible  
12                  under sections 162 and this section,  
13                  subject to the limits in subparagraph  
14                  (D).

15                  “(II) TRANSITION CONTRIBU-  
16                  TION.—The full amount of a contribu-  
17                  tion to satisfy the transition contribu-  
18                  tion requirement (as defined in sec-  
19                  tion 440A(d)) and allocated to the  
20                  legacy defined benefit plan for the  
21                  plan year shall be deductible for the  
22                  employer’s taxable year ending with or  
23                  within the plan year.”.

24                  (f) MINIMUM VESTING STANDARDS.—



1           (1) YEARS OF SERVICE UNDER COMPOSITE  
2 PLANS.—

3           (A) EMPLOYEE RETIREMENT INCOME SE-  
4 CURITY ACT OF 1974.—Section 203 of the Em-  
5 ployee Retirement Income Security Act of 1974  
6 (29 U.S.C. 1053) is amended by inserting after  
7 subsection (f) the following:

8           “(g) SPECIAL RULES FOR COMPUTING YEARS OF  
9 SERVICE UNDER COMPOSITE PLANS.—

10           “(1) IN GENERAL.—In determining a qualified  
11 employee’s years of service under a composite plan  
12 for purposes of this section, the employee’s years of  
13 service under a legacy plan shall be treated as years  
14 of service earned under the composite plan. For pur-  
15 poses of such determination, a composite plan shall  
16 not be treated as a defined benefit plan pursuant to  
17 section 801(d).

18           “(2) QUALIFIED EMPLOYEE.—For purposes of  
19 this subsection, an employee is a qualified employee  
20 if the employee first completes an hour of service  
21 under the composite plan (determined without re-  
22 gard to the provisions of this subsection) within the  
23 12-month period immediately preceding or the 24-  
24 month period immediately following the date the em-

1        ployee ceased to accrue benefits under the legacy  
2        plan.

3            “(3) CERTIFICATION OF YEARS OF SERVICE.—  
4        For purposes of paragraph (1), the plan sponsor of  
5        the composite plan shall rely on a written certifi-  
6        cation by the plan sponsor of the legacy plan of the  
7        years of service the qualified employee completed  
8        under the defined benefit plan as of the date the em-  
9        ployee satisfies the requirements of paragraph (2),  
10       disregarding any years of service that had been for-  
11       feited under the rules of the defined benefit plan be-  
12       fore that date.

13           “(h) SPECIAL RULES FOR COMPUTING YEARS OF  
14       SERVICE UNDER LEGACY PLANS.—

15           “(1) IN GENERAL.—In determining a qualified  
16       employee’s years of service under a legacy plan for  
17       purposes of this section, and in addition to any serv-  
18       ice under applicable regulations, the employee’s  
19       years of service under a composite plan shall be  
20       treated as years of service earned under the legacy  
21       plan. For purposes of such determination, a com-  
22       posite plan shall not be treated as a defined benefit  
23       plan pursuant to section 801(d).

24           “(2) QUALIFIED EMPLOYEE.—For purposes of  
25       this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service  
2 under the composite plan (determined without re-  
3 gard to the provisions of this subsection) within the  
4 12-month period immediately preceding or the 24-  
5 month period immediately following the date the em-  
6 ployee ceased to accrue benefits under the legacy  
7 plan.

8 “(3) CERTIFICATION OF YEARS OF SERVICE.—  
9 For purposes of paragraph (1), the plan sponsor of  
10 the legacy plan shall rely on a written certification  
11 by the plan sponsor of the composite plan of the  
12 years of service the qualified employee completed  
13 under the composite plan after the employee satisfies  
14 the requirements of paragraph (2), disregarding any  
15 years of service that has been forfeited under the  
16 rules of the composite plan.”

17 (B) INTERNAL REVENUE CODE OF 1986.—  
18 Section 411(a) of the Internal Revenue Code of  
19 1986 is amended by adding at the end the fol-  
20 lowing:

21 “(14) SPECIAL RULES FOR DETERMINING  
22 YEARS OF SERVICE UNDER COMPOSITE PLANS.—

23 “(A) IN GENERAL.—In determining a  
24 qualified employee’s years of service under a  
25 composite plan for purposes of this subsection,

1 the employee's years of service under a legacy  
2 plan shall be treated as years of service earned  
3 under the composite plan. For purposes of such  
4 determination, a composite plan shall not be  
5 treated as a defined benefit plan pursuant to  
6 section 437(d).

7 “(B) QUALIFIED EMPLOYEE.—For pur-  
8 poses of this paragraph, an employee is a quali-  
9 fied employee if the employee first completes an  
10 hour of service under the composite plan (deter-  
11 mined without regard to the provisions of this  
12 paragraph) within the 12-month period imme-  
13 diately preceding or the 24-month period imme-  
14 diately following the date the employee ceased  
15 to accrue benefits under the legacy plan.

16 “(C) CERTIFICATION OF YEARS OF SERV-  
17 ICE.—For purposes of subparagraph (A), the  
18 plan sponsor of the composite plan shall rely on  
19 a written certification by the plan sponsor of  
20 the legacy plan of the years of service the quali-  
21 fied employee completed under the legacy plan  
22 as of the date the employee satisfies the re-  
23 quirements of subparagraph (B), disregarding  
24 any years of service that had been forfeited

1 under the rules of the defined benefit plan be-  
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS  
4 OF SERVICE UNDER LEGACY PLANS.—

5 “(A) IN GENERAL.—In determining a  
6 qualified employee’s years of service under a  
7 legacy plan for purposes of this section, and in  
8 addition to any service under applicable regula-  
9 tions, the employee’s years of service under a  
10 composite plan shall be treated as years of serv-  
11 ice earned under the legacy plan. For purposes  
12 of such determination, a composite plan shall  
13 not be treated as a defined benefit plan pursu-  
14 ant to section 437(d).

15 “(B) QUALIFIED EMPLOYEE.—For pur-  
16 poses of this paragraph, an employee is a quali-  
17 fied employee if the employee first completes an  
18 hour of service under the composite plan (deter-  
19 mined without regard to the provisions of this  
20 paragraph) within the 12-month period imme-  
21 diately preceding or the 24-month period imme-  
22 diately following the date the employee ceased  
23 to accrue benefits under the legacy plan.

24 “(C) CERTIFICATION OF YEARS OF SERV-  
25 ICE.—For purposes of subparagraph (A), the

1 plan sponsor of the legacy plan shall rely on a  
2 written certification by the plan sponsor of the  
3 composite plan of the years of service the quali-  
4 fied employee completed under the composite  
5 plan after the employee satisfies the require-  
6 ments of subparagraph (B), disregarding any  
7 years of service that has been forfeited under  
8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-  
11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)  
12 of the Employee Retirement Income Security  
13 Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is  
14 amended—

15 (i) in subclause (I) by striking  
16 “4244A” and inserting “305(e), 803,”;  
17 and

18 (ii) in subclause (II) by striking  
19 “4245” and inserting “305(e), 4245,”.

20 (B) INTERNAL REVENUE CODE OF 1986.—  
21 Section 411(a)(3)(F) of the Internal Revenue  
22 Code of 1986 is amended—

23 (i) in clause (i) by striking “section  
24 418D or under section 4281 of the Em-  
25 ployee Retirement Income Security Act of

1           1974” and inserting “section 432(e) or  
2           439 or under section 4281 of the Em-  
3           ployee Retirement Income Security Act of  
4           1974”; and

5                   (ii) in clause (ii) by inserting “or  
6           432(e)” after “section 418E”.

7           (3) ACCRUED BENEFIT REQUIREMENTS.—

8                   (A) EMPLOYEE RETIREMENT INCOME SE-  
9           CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)  
10          of the Employee Retirement Income Security  
11          Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is  
12          amended by inserting “, including an amend-  
13          ment reducing or suspending benefits under  
14          section 305(e), 803, 4245 or 4281,” after “any  
15          amendment to the plan”.

16                   (B) INTERNAL REVENUE CODE OF 1986.—  
17          Section 411(b)(1)(B)(i) of the Internal Revenue  
18          Code of 1986 is amended by inserting “, includ-  
19          ing an amendment reducing or suspending ben-  
20          efits under section 418E, 432(e) or 439, or  
21          under section 4281 of the Employee Retirement  
22          Income Security Act of 1974,” after “any  
23          amendment to the plan”.

24           (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-  
25          MENTS.—

1 (A) EMPLOYEE RETIREMENT INCOME SE-  
2 CURITY ACT OF 1974.—Section 204(b)(1)(H)(v)  
3 of the Employee Retirement Income Security  
4 Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is  
5 amended by inserting before the period at the  
6 end the following: “, or benefits are reduced or  
7 suspended under section 305(e), 803, 4245, or  
8 4281”.

9 (B) INTERNAL REVENUE CODE OF 1986.—  
10 Section 411(b)(1)(H)(iv) of the Internal Rev-  
11 enue Code of 1986 is amended—

12 (i) in the heading by striking “BEN-  
13 EFIT” and inserting “BENEFIT AND THE  
14 SUSPENSION AND REDUCTION OF CERTAIN  
15 BENEFITS”; and

16 (ii) in the text by inserting before the  
17 period at the end the following: “, or bene-  
18 fits are reduced or suspended under sec-  
19 tion 418E, 432(e), or 439, or under sec-  
20 tion 4281 of the Employee Retirement In-  
21 come Security Act of 1974”.

22 (5) ACCRUED BENEFIT NOT TO BE DECREASED  
23 BY AMENDMENT.—

24 (A) EMPLOYEE RETIREMENT INCOME SE-  
25 CURITY ACT OF 1974.—Section 204(g)(1) of the



1 Employee Retirement Income Security Act of  
2 1974 (29 U.S.C. 1053(g)(1)) is amended by in-  
3 serting after “302(d)(2)” the following: “,  
4 305(e), 803, 4245,”.

5 (B) INTERNAL REVENUE CODE OF 1986.—  
6 Section 411(d)(6)(A) of the Internal Revenue  
7 Code of 1986 is amended by inserting after  
8 “412(d)(2),” the following: “418E, 432(e), or  
9 439,”.

10 (g) CERTAIN FUNDING RULES NOT APPLICABLE.—

11 (1) EMPLOYEE RETIREMENT INCOME SECURITY  
12 ACT OF 1974.—Section 305 of the Employee Retirement  
13 Income Security Act of 1974 (29 U.S.C. 1085)  
14 is amended by adding at the end the following:

15 “(k) LEGACY PLANS.—Sections 302, 304, and 305  
16 shall not apply to an employer that has an obligation to  
17 contribute to a plan that is a legacy plan within the mean-  
18 ing of section 805(a) solely because the employer has an  
19 obligation to contribute to a composite plan described in  
20 section 801 that is associated with that legacy plan.”.

21 (2) INTERNAL REVENUE CODE OF 1986.—Sec-  
22 tion 432 of the Internal Revenue Code of 1986 is  
23 amended by adding at the end the following:

24 “(k) LEGACY PLANS.—Sections 412, 431, and 432  
25 shall not apply to an employer that has an obligation to

1 contribute to a plan that is a legacy plan within the mean-  
2 ing of section 440A(a) solely because the employer has an  
3 obligation to contribute to a composite plan described in  
4 section 437 that is associated with that legacy plan.”.

5 (h) TERMINATION OF COMPOSITE PLAN.—Section  
6 403(d) of the Employee Retirement Income Security Act  
7 of 1974 (29 U.S.C. 1103(d) is amended—

8 (1) in paragraph (1), by striking “regulations  
9 of the Secretary.” and inserting “regulations of the  
10 Secretary, or as provided in paragraph (3).”; and

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

12 “(3) Section 4044(a) of this Act shall be ap-  
13 plied in the case of the termination of a composite  
14 plan by—

15 “(A) limiting the benefits subject to para-  
16 graph (3) thereof to benefits as defined in sec-  
17 tion 802(b)(3)(B); and

18 “(B) including in the benefits subject to  
19 paragraph (4) all other benefits (if any) of indi-  
20 viduals under the plan that would be guaran-  
21 teed under section 4022A if the plan were sub-  
22 ject to title IV.”.

23 (i) GOOD FAITH COMPLIANCE PRIOR TO GUID-  
24 ANCE.—Where the implementation of any provision of law  
25 added or amended by this division is subject to issuance

1 of regulations by the Secretary of Labor, the Secretary  
2 of the Treasury, or the Pension Benefit Guaranty Cor-  
3 poration, a multiemployer plan shall not be treated as fail-  
4 ing to meet the requirements of any such provision prior  
5 to the issuance of final regulations or other guidance to  
6 carry out such provision if such plan is operated in accord-  
7 ance with a reasonable, good faith interpretation of such  
8 provision.

9 **SEC. 106. EFFECTIVE DATE.**

10 Unless otherwise specified, the amendments made by  
11 this division shall apply to plan years beginning after the  
12 date of the enactment of this Act.

1 **DIVISION I—CONTINUED ASSIST-**  
2 **ANCE TO UNEMPLOYED**  
3 **WORKERS**

4 **TITLE I—EXTENSIONS OF CARES**  
5 **ACT UNEMPLOYMENT BENE-**  
6 **FITS FOR WORKERS**

7 **SEC. 101. EXTENSION OF FEDERAL PANDEMIC UNEMPLOY-**  
8 **MENT COMPENSATION.**

9 (a) IN GENERAL.—Section 2104(e) of the CARES  
10 Act (Public Law 116–136) is amended to read as follows:

11 “(e) APPLICABILITY.—

12 “(1) IN GENERAL.—An agreement entered into  
13 under this section shall apply—

14 “(A) to weeks of unemployment beginning  
15 after the date on which such agreement is en-  
16 tered into and ending on or before July 31,  
17 2020; and

18 “(B) to weeks of unemployment beginning  
19 after September 5, 2020 (or, if later, the date  
20 on which such agreement is entered into) and  
21 ending on or before January 31, 2021.

22 “(2) TRANSITION RULE FOR INDIVIDUALS RE-  
23 MAINING ENTITLED TO REGULAR COMPENSATION AS  
24 OF JANUARY 31, 2021.—In the case of any individual  
25 who, as of the date specified in paragraph (1)(B),

1 has not yet exhausted all rights to regular com-  
2 pensation under the State law of a State with re-  
3 spect to a benefit year that began before such date,  
4 Federal Pandemic Unemployment Compensation  
5 shall continue to be payable to such individual for  
6 any week beginning on or after such date for which  
7 the individual is otherwise eligible for regular com-  
8 pensation with respect to such benefit year.

9 “(3) TERMINATION.—Notwithstanding any  
10 other provision of this subsection, no Federal Pan-  
11 demic Unemployment Compensation shall be payable  
12 for any week beginning after March 31, 2021.”.

13 (b) LIMITATION ON APPLICATION OF TRANSITION  
14 RULE.—Section 2104(g) of such Act is amended by in-  
15 serting “(except for subsection (e)(2))” after “the pre-  
16 ceding provisions of this section”.

17 (c) DISREGARD OF FEDERAL PANDEMIC UNEMPLOY-  
18 MENT COMPENSATION FOR CERTAIN PURPOSES.—Section  
19 2104(h) of such Act is amended to read as follows:

20 “(h) DISREGARD OF FEDERAL PANDEMIC UNEM-  
21 PLOYMENT COMPENSATION FOR PURPOSES OF ALL FED-  
22 ERAL AND FEDERALLY ASSISTED PROGRAMS.—A Federal  
23 Pandemic Unemployment Compensation payment shall  
24 not be regarded as income and shall not be regarded as  
25 a resource for the month of receipt and the following 9

1 months, for purposes of determining the eligibility of the  
2 recipient (or the recipient’s spouse or family) for benefits  
3 or assistance, or the amount or extent of benefits or assist-  
4 ance, under any Federal program or under any State or  
5 local program financed in whole or in part with Federal  
6 funds.”.

7 (d) EFFECTIVE DATE.—The amendments made by  
8 this section shall take effect as if included in the enact-  
9 ment of the CARES Act (Public Law 116–136).

10 **SEC. 102. EXTENSION OF PANDEMIC UNEMPLOYMENT AS-**  
11 **SISTANCE.**

12 Section 2102(c) of the CARES Act (15 U.S.C.  
13 9021(c)) is amended by striking “December 31, 2020”  
14 and inserting “January 31, 2021”.

15 **SEC. 103. EXTENSION OF PANDEMIC EMERGENCY UNEM-**  
16 **PLOYMENT COMPENSATION.**

17 Section 2107(g)(2) of the CARES Act (15 U.S.C.  
18 9025(g)(2)) is amended by striking “December 31, 2020”  
19 and inserting “January 31, 2021”.

20 **SEC. 104. EXTENSION OF TEMPORARY FINANCING OF**  
21 **SHORT-TIME COMPENSATION PAYMENTS IN**  
22 **STATES WITH PROGRAMS IN LAW.**

23 Section 2108(b)(2) of the CARES Act (15 U.S.C.  
24 9026(b)(2)) is amended by striking “December 31, 2020”  
25 and inserting “January 31, 2021”.

1 **SEC. 105. EXTENSION OF TEMPORARY FINANCING OF**  
2 **SHORT-TIME COMPENSATION AGREEMENTS.**

3 Section 2109(d)(2) of the CARES Act (15 U.S.C.  
4 9027(d)(2)) is amended by striking “December 31, 2020”  
5 and inserting “January 31, 2021”.

6 **SEC. 106. EXTENSION OF FULL FEDERAL FUNDING OF THE**  
7 **FIRST WEEK OF COMPENSABLE REGULAR**  
8 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**  
9 **ING WEEK.**

10 Section 2105(e)(2) of the CARES Act (15 U.S.C.  
11 9024(e)(2)) is amended by striking “December 31, 2020”  
12 and inserting “January 31, 2021”.

13 **TITLE II—ADDITIONAL WEEKS**  
14 **OF BENEFIT ELIGIBILITY**

15 **SEC. 201. ADDITIONAL WEEKS.**

16 Subtitle A of title II of division A of the CARES Act  
17 (15 U.S.C. 9021 et seq.) is amended by inserting after  
18 section 2107 the following:

19 **“SEC. 2107A. PANDEMIC EMERGENCY UNEMPLOYMENT EX-**  
20 **TENSION COMPENSATION.**

21 **“(a) FEDERAL-STATE AGREEMENTS.—**

22 **“(1) IN GENERAL.—**Any State which desires to  
23 do so may enter into and participate in an agree-  
24 ment under this section with the Secretary of Labor  
25 (in this section referred to as the ‘Secretary’). Any  
26 State which is a party to an agreement under this

1 section may, upon providing 30 days' written notice  
2 to the Secretary, terminate such agreement.

3 “(2) PROVISIONS OF AGREEMENT.—Any agree-  
4 ment under paragraph (1) shall provide that the  
5 State agency of the State will make payments (in  
6 this section referred to as ‘pandemic emergency un-  
7 employment extension compensation’) to individuals  
8 who—

9 “(A) have exhausted all rights to regular  
10 compensation, extended compensation, pan-  
11 demic unemployment assistance under section  
12 2102, and pandemic emergency unemployment  
13 compensation under section 2107;

14 “(B) have no rights to any benefit speci-  
15 fied in subparagraph (A) or to compensation  
16 under any other Federal law or under the un-  
17 employment compensation law of Canada; and

18 “(C) are able to work, available to work,  
19 and actively seeking work.

20 “(3) EXHAUSTION OF BENEFITS.—For pur-  
21 poses of paragraph (2)(A), an individual shall be  
22 deemed to have exhausted such individual’s rights to  
23 benefits specified in subparagraph (A) when—

24 “(A) no payments of such benefits can be  
25 made because such individual has received all



1 such benefits available to such individual based  
2 on employment or wages during such individ-  
3 ual's base period; or

4 “(B) such individual's rights to such bene-  
5 fits have been terminated by reason of the expi-  
6 ration of the benefit year with respect to which  
7 such rights existed.

8 “(4) WEEKLY BENEFIT AMOUNT, ETC.—For  
9 purposes of any agreement under this section—

10 “(A) the amount of pandemic emergency  
11 unemployment extension compensation which  
12 shall be payable to any individual for any week  
13 of total unemployment shall be equal to—

14 “(i) the amount of the base compensa-  
15 tion (including any dependents' allowances)  
16 payable to such individual during such in-  
17 dividual's benefit year under the State law  
18 for a week of total unemployment; and

19 “(ii) the amount of Federal Pandemic  
20 Unemployment Compensation under sec-  
21 tion 2104;

22 “(B) the terms and conditions of the State  
23 law which apply to claims for regular compensa-  
24 tion and to the payment thereof (including  
25 terms and conditions relating to availability for

1 work, active search for work, and refusal to ac-  
2 cept work) shall apply to claims for pandemic  
3 emergency unemployment extension compensa-  
4 tion and the payment thereof, except where oth-  
5 erwise inconsistent with the provisions of this  
6 section or with the regulations or operating in-  
7 structions of the Secretary promulgated to  
8 carry out this section;

9 “(C) the maximum amount of pandemic  
10 emergency unemployment extension compensa-  
11 tion payable to any individual for whom a pan-  
12 demic emergency unemployment extension com-  
13 pensation account is established under sub-  
14 section (b) shall not exceed the amount estab-  
15 lished in such account for such individual; and

16 “(D) the allowable methods of payment  
17 under section 2104(b)(2) shall apply to pay-  
18 ments of amounts described in subparagraph  
19 (A)(ii).

20 “(5) NONREDUCTION RULE.—

21 “(A) IN GENERAL.—An agreement under  
22 this section shall not apply (or shall cease to  
23 apply) with respect to a State upon a deter-  
24 mination by the Secretary that the method gov-  
25 erning the computation of regular compensation

1 under the State law of that State has been  
2 modified in a manner such that the number of  
3 weeks (the maximum benefit entitlement), or  
4 the average weekly benefit amount, of regular  
5 compensation which will be payable during the  
6 period of the agreement will be less than the  
7 number of weeks, or the average weekly benefit  
8 amount, of the average weekly benefit amount  
9 of regular compensation which would otherwise  
10 have been payable during such period under the  
11 State law, as in effect on January 1, 2020.

12 “(B) MAXIMUM BENEFIT ENTITLEMENT.—  
13 In subparagraph (A), the term ‘maximum ben-  
14 efit entitlement’ means the amount of regular  
15 compensation payable to an individual with re-  
16 spect to the individual’s benefit year.

17 “(6) ACTIVELY SEEKING WORK.—

18 “(A) IN GENERAL.—For purposes of para-  
19 graph (2)(C), the term ‘actively seeking work’  
20 means, with respect to any individual, that such  
21 individual—

22 “(i) is registered for employment serv-  
23 ices in such a manner and to such extent  
24 as prescribed by the State agency;

1           “(ii) has engaged in an active search  
2           for employment that is appropriate in light  
3           of the employment available in the labor  
4           market, the individual’s skills and capabili-  
5           ties, and includes a number of employer  
6           contacts that is consistent with the stand-  
7           ards communicated to the individual by the  
8           State;

9           “(iii) has maintained a record of such  
10          work search, including employers con-  
11          tacted, method of contact, and date con-  
12          tacted; and

13          “(iv) when requested, has provided  
14          such work search record to the State agen-  
15          cy.

16          “(B) FLEXIBILITY.—Notwithstanding the  
17          requirements under subparagraph (A) and  
18          paragraph (2)(C), a State shall provide flexi-  
19          bility in meeting such requirements in case of  
20          individuals unable to search for work because of  
21          COVID–19, including because of illness, quar-  
22          antine, or movement restriction.

23          “(b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-  
24          PENSATION ACCOUNT.—

1           “(1) IN GENERAL.—Any agreement under this  
2 section shall provide that the State will establish, for  
3 each eligible individual who files an application for  
4 pandemic emergency unemployment extension com-  
5 pensation, a pandemic emergency unemployment ex-  
6 tension compensation account with respect to such  
7 individual’s benefit year.

8           “(2) AMOUNT IN ACCOUNT.—The amount es-  
9 tablished in an account under subsection (a) shall be  
10 equal to 13 times the individual’s average weekly  
11 benefit amount, which includes the amount of Fed-  
12 eral Pandemic Unemployment Compensation under  
13 section 2104, for the benefit year.

14           “(3) WEEKLY BENEFIT AMOUNT.—For pur-  
15 poses of this subsection, an individual’s weekly ben-  
16 efit amount for any week is the amount of base com-  
17 pensation (including any dependents’ allowances)  
18 under the State law payable to such individual for  
19 such week for total unemployment plus the amount  
20 of Federal Pandemic Unemployment Compensation  
21 under section 2104.

22           “(c) PAYMENTS TO STATES HAVING AGREEMENTS  
23 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-  
24 PLOYMENT EXTENSION COMPENSATION.—

1           “(1) IN GENERAL.—There shall be paid to each  
2 State that has entered into an agreement under this  
3 section an amount equal to 100 percent of the pan-  
4 demic emergency unemployment extension com-  
5 pensation paid to individuals by the State pursuant  
6 to such agreement.

7           “(2) TREATMENT OF REIMBURSABLE COM-  
8 PENSATION.—No payment shall be made to any  
9 State under this section in respect of any compensa-  
10 tion to the extent the State is entitled to reimburse-  
11 ment in respect of such compensation under the pro-  
12 visions of any Federal law other than this section or  
13 chapter 85 of title 5, United States Code. A State  
14 shall not be entitled to any reimbursement under  
15 such chapter 85 in respect of any compensation to  
16 the extent the State is entitled to reimbursement  
17 under this section in respect of such compensation.

18           “(3) DETERMINATION OF AMOUNT.—Sums pay-  
19 able to any State by reason of such State having an  
20 agreement under this section shall be payable, either  
21 in advance or by way of reimbursement (as may be  
22 determined by the Secretary), in such amounts as  
23 the Secretary estimates the State will be entitled to  
24 receive under this section for each calendar month,  
25 reduced or increased, as the case may be, by any

1 amount by which the Secretary finds that the Sec-  
2 retary's estimates for any prior calendar month were  
3 greater or less than the amounts which should have  
4 been paid to the State. Such estimates may be made  
5 on the basis of such statistical, sampling, or other  
6 method as may be agreed upon by the Secretary and  
7 the State agency of the State involved.

8 “(d) FINANCING PROVISIONS.—

9 “(1) COMPENSATION.—

10 “(A) IN GENERAL.—Funds in the extended  
11 unemployment compensation account (as estab-  
12 lished by section 905(a) of the Social Security  
13 Act (42 U.S.C. 1105(a)) of the Unemployment  
14 Trust Fund (as established by section 904(a) of  
15 such Act (42 U.S.C. 1104(a)) shall be used for  
16 the making of payments to States having agree-  
17 ments entered into under this section.

18 “(B) TRANSFER OF FUNDS.—Notwith-  
19 standing any other provision of law, the Sec-  
20 retary of the Treasury shall transfer from the  
21 general fund of the Treasury (from funds not  
22 otherwise appropriated) to the extended unem-  
23 ployment compensation account such sums as  
24 the Secretary of Labor estimates to be nec-  
25 essary to make payments described in subpara-

1 graph (A). There are appropriated from the  
2 general fund of the Treasury, without fiscal  
3 year limitation, the sums referred to in the pre-  
4 ceding sentence and such sums shall not be re-  
5 quired to be repaid.

6 “(2) ADMINISTRATION.—

7 “(A) IN GENERAL.—There are appro-  
8 priated out of the employment security adminis-  
9 tration account (as established by section  
10 901(a) of the Social Security Act (42 U.S.C.  
11 1101(a)) of the Unemployment Trust Fund,  
12 without fiscal year limitation, such funds as  
13 may be necessary for purposes of assisting  
14 States (as provided in title III of the Social Se-  
15 curity Act (42 U.S.C. 501 et seq.)) in meeting  
16 the costs of administration of agreements under  
17 this section.

18 “(B) TRANSFER OF FUNDS.—Notwith-  
19 standing any other provision of law, the Sec-  
20 retary of the Treasury shall transfer from the  
21 general fund of the Treasury (from funds not  
22 otherwise appropriated) to the employment se-  
23 curity administration account such sums as the  
24 Secretary of Labor estimates to be necessary to  
25 make payments described in subparagraph (A).



1           There are appropriated from the general fund  
2           of the Treasury, without fiscal year limitation,  
3           the sums referred to in the preceding sentence  
4           and such sums shall not be required to be re-  
5           paid.

6           “(3) CERTIFICATION.—The Secretary shall  
7           from time to time certify to the Secretary of the  
8           Treasury for payment to each State the sums pay-  
9           able to such State under this subsection. The Sec-  
10          retary of the Treasury, prior to audit or settlement  
11          by the Government Accountability Office, shall make  
12          payments to the State in accordance with such cer-  
13          tification, by transfers from the extended unemploy-  
14          ment compensation account (as so established) to  
15          the account of such State in the Unemployment  
16          Trust Fund (as so established).

17          “(e) FRAUD AND OVERPAYMENTS.—

18                 “(1) IN GENERAL.—If an individual knowingly  
19                 has made, or caused to be made by another, a false  
20                 statement or representation of a material fact, or  
21                 knowingly has failed, or caused another to fail, to  
22                 disclose a material fact, and as a result of such false  
23                 statement or representation or of such nondisclosure  
24                 such individual has received an amount of pandemic  
25                 emergency unemployment extension compensation

1 under this section to which such individual was not  
2 entitled, such individual—

3 “(A) shall be ineligible for further pan-  
4 demic emergency unemployment extension com-  
5 pensation under this section in accordance with  
6 the provisions of the applicable State unemploy-  
7 ment compensation law relating to fraud in con-  
8 nection with a claim for unemployment com-  
9 pensation; and

10 “(B) shall be subject to prosecution under  
11 section 1001 of title 18, United States Code.

12 “(2) REPAYMENT.—In the case of individuals  
13 who have received amounts of pandemic emergency  
14 unemployment extension compensation under this  
15 section to which they were not entitled, the State  
16 shall require such individuals to repay the amounts  
17 of such pandemic emergency unemployment exten-  
18 sion compensation to the State agency, except that  
19 the State agency may waive such repayment if it de-  
20 termines that—

21 “(A) the payment of such pandemic emer-  
22 gency unemployment extension compensation  
23 was without fault on the part of any such indi-  
24 vidual; and

1           “(B) such repayment would be contrary to  
2 equity and good conscience.

3           “(3) RECOVERY BY STATE AGENCY.—

4           “(A) IN GENERAL.—The State agency  
5 shall recover the amount to be repaid, or any  
6 part thereof, by deductions from any pandemic  
7 emergency unemployment extension compensa-  
8 tion payable to such individual under this sec-  
9 tion or from any unemployment compensation  
10 payable to such individual under any State or  
11 Federal unemployment compensation law ad-  
12 ministered by the State agency or under any  
13 other State or Federal law administered by the  
14 State agency which provides for the payment of  
15 any assistance or allowance with respect to any  
16 week of unemployment, during the 3-year pe-  
17 riod after the date such individuals received the  
18 payment of the pandemic emergency unemploy-  
19 ment extension compensation to which they  
20 were not entitled, in accordance with the same  
21 procedures as apply to the recovery of overpay-  
22 ments of regular unemployment benefits paid  
23 by the State.

24           “(B) OPPORTUNITY FOR HEARING.—No  
25 repayment shall be required, and no deduction

1 shall be made, until a determination has been  
2 made, notice thereof and an opportunity for a  
3 fair hearing has been given to the individual,  
4 and the determination has become final.

5 “(4) REVIEW.—Any determination by a State  
6 agency under this section shall be subject to review  
7 in the same manner and to the same extent as deter-  
8 minations under the State unemployment compensa-  
9 tion law, and only in that manner and to that ex-  
10 tent.

11 “(f) DEFINITIONS.—In this section—

12 “(1) the terms ‘compensation’, ‘regular com-  
13 pensation’, ‘extended compensation’, ‘benefit year’,  
14 ‘base period’, ‘State’, ‘State agency’, ‘State law’, and  
15 ‘week’ have the respective meanings given such  
16 terms under section 205 of the Federal-State Ex-  
17 tended Unemployment Compensation Act of 1970  
18 (26 U.S.C. 3304 note); and

19 “(2) the term ‘base compensation’ means, as  
20 applicable—

21 “(A) regular compensation; or

22 “(B) pandemic unemployment assistance  
23 under section 2102.

24 “(g) APPLICABILITY.—An agreement entered into  
25 under this section shall apply to weeks of unemployment—

1 “(1) beginning after the date on which such  
2 agreement is entered into; and

3 “(2) ending on or before January 31, 2021.”.

4 **TITLE III—CLARIFICATIONS AND**  
5 **IMPROVEMENTS TO PAN-**  
6 **DEMIC UNEMPLOYMENT AS-**  
7 **SISTANCE**

8 **SEC. 301. CLARIFICATION OF PANDEMIC UNEMPLOYMENT**  
9 **ASSISTANCE ELIGIBILITY FOR PRIMARY**  
10 **CAREGIVING.**

11 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(dd)  
12 of the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(dd))  
13 is amended by striking “that is closed as a direct result  
14 of the COVID–19 public health emergency” and inserting  
15 “because the school or facility is closed or only partially  
16 reopened due to COVID–19, because child or family care  
17 is not available or affordable during the hours work is  
18 available due to COVID–19, or because physical attend-  
19 ance at the school or facility presents an unacceptable  
20 health risk for the household or the individual in need of  
21 care due to COVID–19,”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect upon the date of the enact-  
24 ment of this Act.

1 **SEC. 302. WAIVER AUTHORITY FOR CERTAIN OVERPAY-**  
2 **MENTS OF PANDEMIC UNEMPLOYMENT AS-**  
3 **SISTANCE.**

4 (a) **IN GENERAL.**—Section 2102(d) of the CARES  
5 Act (15 U.S.C. 9021(d)) is amended by adding at the end  
6 the following:

7 “(4) **WAIVER AUTHORITY.**—In the case of indi-  
8 viduals who have received amounts of Pandemic Un-  
9 employment Assistance to which they were not enti-  
10 tled, the State shall require such individuals to repay  
11 the amounts of such Pandemic Unemployment As-  
12 sistance to the State agency, except that the State  
13 agency shall waive such repayment if it determines  
14 that—

15 “(A) the payment of such Pandemic Un-  
16 employment Assistance was without fault on the  
17 part of any such individual; and

18 “(B) such repayment would be contrary to  
19 equity and good conscience.”.

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

1 **SEC. 303. CLARIFICATION OF ACCESS TO PANDEMIC UNEM-**  
2 **PLOYMENT ASSISTANCE FOR WORKERS AT**  
3 **BUSINESSES THAT REDUCED STAFF DUE TO**  
4 **THE PANDEMIC.**

5 (a) IN GENERAL.—Section 2102(a)(3)(A)(ii)(I)(jj) of  
6 the CARES Act (15 U.S.C. 9021(a)(3)(A)(ii)(I)(jj)) is  
7 amended by inserting “or its operations are otherwise cur-  
8 tailed, including by reducing hours of operation, staffing  
9 levels, occupancy, or other changes that are recommended  
10 or required,” after “closed”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall apply with respect to weeks of unem-  
13 ployment beginning after the date of the enactment of this  
14 Act.

15 **SEC. 304. HOLD HARMLESS FOR PANDEMIC UNEMPLOY-**  
16 **MENT ASSISTANCE.**

17 (a) IN GENERAL.—Section 2102(c) of the CARES  
18 Act (15 U.S.C. 9021(c)) is amended by adding at the end  
19 the following:

20 “(4) CONTINUED ELIGIBILITY FOR ASSIST-  
21 ANCE.—As a condition of continued eligibility for as-  
22 sistance under this section, a covered individual shall  
23 submit a recertification to the State for each week  
24 after the individual’s 1st week of eligibility that cer-  
25 tifies that the individual remains an individual de-  
26 scribed in subsection (a)(3)(A)(ii) for such week.”.

1 (b) EFFECTIVE DATE; SPECIAL RULE.—

2 (1) IN GENERAL.—The amendment made by  
3 subsection (a) shall apply with respect to weeks be-  
4 ginning on or after the date that is 30 days after  
5 the date of enactment of this section.

6 (2) SPECIAL RULE.—In the case of any State  
7 that made a good faith effort to implement section  
8 2102 of the CARES Act in accordance with rules  
9 similar to those provided in section 625.6 of title 20,  
10 Code of Federal Regulations, for weeks ending be-  
11 fore the effective date specified in paragraph (1), an  
12 individual who received Pandemic Unemployment  
13 Assistance from such State for any such week shall  
14 not be considered ineligible for such assistance for  
15 such week solely by reason of failure to submit a re-  
16 certification described in subsection (c)(4) of such  
17 section.

18 **TITLE IV—EXTENSION OF RE-**  
19 **LIEF TO STATES AND EM-**  
20 **PLOYERS**

21 **SEC. 401. EXTENSION OF FULL FEDERAL FUNDING OF EX-**  
22 **TENDED UNEMPLOYMENT COMPENSATION.**

23 Section 4105 of the Families First Coronavirus Re-  
24 sponse Act (26 U.S.C. 3304 note) is amended by striking



1 “December 31, 2020” each place it appears and inserting  
2 “June 30, 2021”.

3 **SEC. 402. EXTENSION OF TEMPORARY ASSISTANCE FOR**  
4 **STATES WITH ADVANCES.**

5 Section 1202(b)(10)(A) of the Social Security Act  
6 (42 U.S.C. 1322(b)(10)(A)) is amended by striking “De-  
7 cember 31, 2020” and inserting “June 30, 2021”.

8 **SEC. 403. EXTENSION OF EMERGENCY RELIEF FOR GOV-**  
9 **ERNMENTAL ENTITIES AND NONPROFIT OR-**  
10 **GANIZATIONS.**

11 Section 903(i)(1)(D) of the Social Security Act (42  
12 U.S.C. 1103(i)(1)(D)) is amended by striking “December  
13 31, 2020” and inserting “June 30, 2021”.

14 **TITLE V—CORRECTIVE ACTION**  
15 **FOR PROCESSING BACKLOGS**

16 **SEC. 501. STATE REPORTING ON CLAIMS BACKLOGS.**

17 (a) IN GENERAL.—Section 2104 of the CARES Act  
18 (15 U.S.C. 9023) is amended by adding at the end the  
19 following:

20 “(j) STATE ACCOUNTABILITY RELATING TO CLAIMS  
21 BACKLOGS.—As a condition of any agreement under this  
22 section, the following rules shall apply:

23 “(1) CLAIMS REPORTING.—

24 “(A) IN GENERAL.—Each State partici-  
25 pating in such an agreement shall submit to the

1 Secretary of Labor on a weekly basis a report  
2 on the status in the State of any backlog of the  
3 processing of unemployment claims, including  
4 claims for regular compensation, extended com-  
5 pensation, Pandemic Unemployment Assistance,  
6 and Pandemic Emergency Unemployment Com-  
7 pensation. Such report shall include a descrip-  
8 tion, with respect to the previous week, of each  
9 of the following:

10 “(i) The number of initial claims still  
11 in process, disaggregated by the number of  
12 such claims still pending—

13 “(I) because of nonmonetary de-  
14 terminations;

15 “(II) because of monetary deter-  
16 minations;

17 “(III) because of suspected  
18 fraud; and

19 “(IV) for any other reason.

20 “(ii) The number of initial claims de-  
21 nied.

22 “(iii) The number of individuals with  
23 respect to whom a continued claim was  
24 paid.

1                   “(iv) The number of individuals with  
2                   respect to whom a continued claim is still  
3                   in process, disaggregated by the number of  
4                   such claims still pending—

5                   “(I) because of nonmonetary de-  
6                   terminations;

7                   “(II) because of monetary deter-  
8                   minations;

9                   “(III) because of suspected  
10                  fraud; and

11                  “(IV) for any other reason.

12                  “(v) The number of individuals with  
13                  respect to whom a continued claims was  
14                  denied.

15                  “(B) REPORT TO CONGRESS.—Upon re-  
16                  ceipt of a report described in subparagraph (A),  
17                  the Secretary of Labor shall publish such report  
18                  on the website of the Department of Labor and  
19                  shall submit such report to the Committee on  
20                  Ways and Means of the House of Representa-  
21                  tives and the Committee on Finance of the Sen-  
22                  ate.

23                  “(2) CORRECTIVE ACTION PLANS.—

24                  “(A) IN GENERAL.—Not later than 90  
25                  days after the date of enactment of this sub-

1 section and at least every 90 days thereafter,  
2 each State participating in such an agreement  
3 shall submit to the Secretary of Labor a correc-  
4 tive action plan that includes a description of  
5 the actions the State has taken and intends to  
6 take to address any backlog of the processing of  
7 unemployment claims described in paragraph  
8 (1)(A). The Secretary may waive the require-  
9 ment under this subparagraph with respect to  
10 any State that the Secretary determines has  
11 made adequate progress in addressing any such  
12 backlog.

13 “(B) TECHNICAL ASSISTANCE.—The Sec-  
14 retary of Labor shall make technical assistance  
15 available to States to the extent feasible to en-  
16 able States to develop and implement corrective  
17 action plans in accordance with this paragraph.  
18 If the Secretary of Labor determines at any  
19 time that a State has failed to take reasonable  
20 actions under a corrective action plan to ad-  
21 dress a claims backlog, the State shall collabo-  
22 rate with the Secretary to develop a subsequent  
23 corrective action plan to achieve clearly defined,  
24 targeted outcomes.

1           “(C) REPORT TO CONGRESS.—Upon re-  
2           ceipt of a corrective action plan described in  
3           subparagraph (A), the Secretary of Labor shall  
4           publish such plan on the website of the Depart-  
5           ment of Labor and shall submit such report to  
6           the Committee on Ways and Means of the  
7           House of Representatives and the Committee  
8           on Finance of the Senate.”.

9           (b) EFFECTIVE DATE.—The amendment made by  
10          subsection (a) shall apply with respect to weeks beginning  
11          after the date of enactment of this Act.

12                           **TITLE VI—ADDITIONAL**  
13                           **BENEFITS FOR MIXED EARNERS**  
14                           **SECTION 601. MIXED EARNER UNEMPLOYMENT COMPENSA-**  
15                           **TION.**

16           (a) IN GENERAL.—Section 2104(b)(1) of the CARES  
17          Act (15 U.S.C. 9023(b)(1)) is amended—

18                           (1) in subparagraph (B), by striking the period  
19                           at the end and inserting “, plus”; and

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

21   “(C) an additional amount of \$125 (in this  
22   section referred to as ‘Mixed Earner Unemploy-  
23   ment Compensation’) in any case in which the  
24   individual received at least \$5,000 of self-em-  
25   ployment income (as defined in section 1402(b)

1 of the Internal Revenue Code of 1986) in the  
2 most recent taxable year ending prior to the in-  
3 dividual's application for regular compensa-  
4 tion.”.

5 (b) CONFORMING AMENDMENTS.—Section 2104 of  
6 such Act is amended—

7 (1) by inserting “or Mixed Earner Unemploy-  
8 ment Compensation” after “Federal Pandemic Un-  
9 employment Compensation” each place such term  
10 appears in subsection (b)(2), (c), or (f) of such sec-  
11 tion;

12 (2) in subsection (d), by inserting “and Mixed  
13 Earner Unemployment Compensation” after “Fed-  
14 eral Pandemic Unemployment Compensation”; and

15 (3) in subsection (g), by striking “provide that”  
16 and all that follows through the end and inserting  
17 “provide that—

18 “(1) the purposes of the preceding provisions of  
19 this section, as such provisions apply with respect to  
20 Federal Pandemic Unemployment Compensation,  
21 shall be applied with respect to unemployment bene-  
22 fits described in subsection (i)(2) to the same extent  
23 and in the same manner as if those benefits were  
24 regular compensation; and

1           “(2) the purposes of the preceding provisions of  
2           this section, as such provisions apply with respect to  
3           Mixed Earner Unemployment Compensation, shall  
4           be applied with respect to unemployment benefits  
5           described in subparagraph (B) or (D) of subsection  
6           (i)(2) to the same extent and in the same manner  
7           as if those benefits were regular compensation.”.

8           (c) APPLICABILITY.—The amendments made by this  
9           section shall not apply with respect to a State partici-  
10          pating in an agreement under section 2104 of the CARES  
11          Act unless the State so elects, in which case such amend-  
12          ments shall apply with respect to weeks of unemployment  
13          beginning on or after the later of the date of such election  
14          or the date of enactment of this section.

## 15                           **TITLE VII—TECHNICAL** 16                           **CORRECTIONS**

### 17   **SEC. 701. GRACE PERIOD FOR FULL FINANCING OF SHORT-** 18                           **TIME COMPENSATION PROGRAMS.**

19          Section 2108(c) of the CARES Act (15 U.S.C.  
20          9026(c)) is amended by striking “shall be eligible” and  
21          all that follows through the end and inserting the fol-  
22          lowing: “

23           “shall be eligible—

1           “(1) for payments under subsection (a) for  
2 weeks of unemployment beginning after the effective  
3 date of such enactment; and

4           “(2) for an additional payment equal to the  
5 total amount of payments for which the State is eli-  
6 gible pursuant to an agreement under section 2109  
7 for weeks of unemployment before such effective  
8 date.”.

9 **SEC. 702. TECHNICAL CORRECTION FOR THE COMMON-**  
10 **WEALTH OF NORTHERN MARIANA ISLANDS.**

11       A Commonwealth Only Transitional Worker (as de-  
12 fined in section 6(i)(2) of the Joint Resolution entitled “A  
13 Joint Resolution to approve the ‘Covenant To Establish  
14 a Commonwealth of the Northern Mariana Islands in Po-  
15 litical Union with the United States of America’, and for  
16 other purposes” (48 U.S.C. 1806)) shall be considered a  
17 qualified alien under section 431 of Public Law 104–193  
18 (8 U.S.C. 1641) for purposes of eligibility for a benefit  
19 under section 2102 or 2104 of the CARES Act.

20 **SEC. 703. TECHNICAL AMENDMENT RELATING TO PAN-**  
21 **DEMIC UNEMPLOYMENT ASSISTANCE.**

22       Section 2102(h) of the CARES Act (15 U.S.C.  
23 9021(h)) is amended by striking “section 625” each place  
24 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 SERV-  
12 ICES BLOCK GRANT PROGRAM.—

13 (A) IN GENERAL.—The amount specified  
14 in subsection (c) of section 2003 of the Social  
15 Security Act for purposes of subsections (a) and  
16 (b) of such section is deemed to be  
17 \$11,325,000,000 for fiscal year 2020, of which  
18 \$9,600,000,000 shall be obligated by States in  
19 accordance with this subsection.

20 (B) APPROPRIATION.—Out of any money  
21 in the Treasury of the United States not other-  
22 wise appropriated, there are appropriated  
23 \$9,600,000,000, which shall be available for  
24 payments under section 2002 of the Social Se-

1           curity Act, which shall remain available until  
2           the end of fiscal year 2021.

3           (C) DEADLINE FOR DISTRIBUTION OF  
4           FUNDS.—Within 45 days after the date of the  
5           enactment of this Act, the Secretary of Health  
6           and Human Services shall distribute the funds  
7           made available by this paragraph, which shall  
8           be made available to States on an emergency  
9           basis for immediate obligation and expenditure.

10          (D) SUBMISSION OF REVISED PRE-EX-  
11          PENDITURE REPORT.—Within 90 days after a  
12          State receives funds made available by this  
13          paragraph, the State shall submit to the Sec-  
14          retary a revised pre-expenditure report pursu-  
15          ant to title XX of the Social Security Act that  
16          describes how the State plans to administer the  
17          funds.

18          (E) DEADLINE FOR OBLIGATION OF  
19          FUNDS BY STATES.—A State to which funds  
20          made available by this paragraph are distrib-  
21          uted shall obligate the funds not later than 120  
22          days after receipt.

23          (F) DEADLINE FOR EXPENDITURE OF  
24          FUNDS.—A grantee to which a State (or a sub-  
25          grantee to which a grantee) provides funds

1           made available by this paragraph shall expend  
2           the 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  
25 school attended by the child during a

1 public health emergency designation  
2 and due to concerns about a COVID–  
3 19 outbreak, would receive free or re-  
4 duced price school meals pursuant to  
5 such 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  
11 of this Act, is not experiencing a 56-  
12 day 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  
19 a percentage of total COVID–19  
20 tests.

21 (B) PASS-THROUGH TO LOCAL ENTI-  
22 TIES.—

23 (i) In the case of a State in which a  
24 county administers or contributes finan-  
25 cially to the non-Federal share of the

1 amounts expended in carrying out a State  
2 program funded under title IV of the So-  
3 cial Security Act, the State shall pass at  
4 least 50 percent of all funds so made avail-  
5 able through to the chief elected official of  
6 the city or county that administers the  
7 program.

8 (ii) In the case of any other State and  
9 any State to which clause (i) applies that  
10 does not pass through funds as described  
11 in that clause, the State shall—

12 (I) pass at least 50 percent of  
13 the funds through to—

14 (aa)(AA) local governments  
15 that will expend or distribute the  
16 funds in consultation with com-  
17 munity-based organizations with  
18 experience serving disadvantaged  
19 families or individuals; or

20 (BB) community-based or-  
21 ganizations with experience serv-  
22 ing disadvantaged families and  
23 individuals; and

24 (bb) sub-State areas in pro-  
25 portions based on the population

1006

1 of disadvantaged individuals liv-  
2 ing in the areas; and

3 (II) report to the Secretary on  
4 how the State determined the  
5 amounts passed through pursuant to  
6 this clause.

7 (C) METHODS.—

8 (i) IN GENERAL.—The State shall use  
9 the funds only for—

10 (I) administering emergency serv-  
11 ices;

12 (II) providing short-term cash,  
13 non-cash, or in-kind emergency dis-  
14 aster relief;

15 (III) providing services with dem-  
16 onstrated need in accordance with ob-  
17 jective criteria that are made available  
18 to the public;

19 (IV) operational costs directly re-  
20 lated to providing services described  
21 in subclauses (I), (II), and (III);

22 (V) local government emergency  
23 social service operations; and

24 (VI) providing emergency social  
25 services to rural and frontier commu-

1 nities that may not have access to  
2 other emergency funding streams.

3 (ii) ADMINISTERING EMERGENCY  
4 SERVICES DEFINED.—In clause (i), the  
5 term “administering emergency services”  
6 means—

7 (I) providing basic disaster relief,  
8 economic, and well-being necessities to  
9 ensure communities are able to safely  
10 observe shelter-in-place and social  
11 distancing orders;

12 (II) providing necessary supplies  
13 such as masks, gloves, and soap, to  
14 protect the public against infectious  
15 disease; and

16 (III) connecting individuals, chil-  
17 dren, and families to services or pay-  
18 ments for which they may already be  
19 eligible.

20 (D) PROHIBITIONS.—

21 (i) NO INDIVIDUAL ELIGIBILITY DE-  
22 TERMINATIONS BY GRANTEES OR SUB-  
23 GRANTEES.—Neither a grantee to which  
24 the State provides the funds nor any sub-  
25 grantee of such a grantee may exercise in-

1           dividual eligibility determinations for the  
2           purpose of administering short-term, non-  
3           cash, in-kind emergency disaster relief to  
4           communities.

5                   (ii) APPLICABILITY OF CERTAIN SO-  
6                   CIAL SERVICES BLOCK GRANT FUNDS USE  
7                   LIMITATIONS.—The State shall use the  
8                   funds subject to the limitations in section  
9                   2005 of the Social Security Act, except  
10                  that, for purposes of this clause, section  
11                  2005(a)(2) and 2005(a)(8) of such Act  
12                  shall not apply.

13                  (iii) NO SUPPLANTATION OF CERTAIN  
14                  STATE FUNDS.—The State may use the  
15                  funds to supplement, not supplant, State  
16                  general revenue funds for social services.

17                  (iv) BAN ON USE FOR CERTAIN COSTS  
18                  REIMBURSABLE BY FEMA.—The State may  
19                  not use the funds for costs that are reim-  
20                  bursable by the Federal Emergency Man-  
21                  agement Agency, under a contract for in-  
22                  surance, or by self-insurance.

23           (b) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-  
24           GANIZATIONS.—

25                   (1) GRANTS.—



1           (A) IN GENERAL.—Within 90 days after  
2 the date of the enactment of this Act, the Sec-  
3 retary of Health and Human Services shall  
4 make grants to Indian Tribes and Tribal orga-  
5 nizations.

6           (B) AMOUNT OF GRANT.—The amount of  
7 the grant for an Indian Tribe or Tribal organi-  
8 zation shall bear the same ratio to the amount  
9 appropriated by paragraph (3) as the total  
10 amount of grants awarded to the Indian Tribe  
11 or Tribal organization under the Low-Income  
12 Home Energy Assistance Act of 1981 and the  
13 Community Service Block Grant for fiscal year  
14 2020 bears to the total amount of grants  
15 awarded to all Indian Tribes and Tribal organi-  
16 zations under such Act and such Grant for the  
17 fiscal year.

18           (2) RULES GOVERNING USE OF FUNDS.—An  
19 entity to which a grant is made under paragraph (1)  
20 shall obligate the funds not later than September  
21 30, 2021, and the funds shall be expended by grant-  
22 ees and subgrantees not later than September 30,  
23 2022, and used in accordance with the following:

24           (A) PURPOSE.—

1 (i) IN GENERAL.—The grantee shall  
2 use the funds only to support the provision  
3 of emergency services to disadvantaged  
4 households.

5 (ii) DISADVANTAGED DEFINED.—In  
6 clause (i), the term “disadvantaged”  
7 means, with respect to an entity, that the  
8 entity—

9 (I) is an individual, or is located  
10 in a community, that is experiencing  
11 material hardship;

12 (II) is a household in which there  
13 is a child (as defined in section 12(d)  
14 of the Richard B. Russell National  
15 School Lunch Act) or a child served  
16 under section 11(a)(1) of such Act,  
17 who, if not for the closure of the  
18 school attended by the child during a  
19 public health emergency designation  
20 and due to concerns about a COVID–  
21 19 outbreak, would receive free or re-  
22 duced price school meals pursuant to  
23 such Act;

1 (III) is an individual, or is lo-  
2 cated in a community, with barriers to  
3 employment; or

4 (IV) is located in a community  
5 that, as of the date of the enactment  
6 of this Act, is not experiencing a 56-  
7 day downward trajectory of—

8 (aa) influenza-like illnesses;

9 (bb) COVID-like syndromic  
10 cases;

11 (cc) documented COVID-19  
12 cases; or

13 (dd) positive test results as  
14 a percentage of total COVID-19  
15 tests.

16 (B) METHODS.—

17 (i) IN GENERAL.—The grantee shall  
18 use the funds only for—

19 (I) administering emergency serv-  
20 ices;

21 (II) providing short-term, non-  
22 cash, in-kind emergency disaster re-  
23 lief; and

24 (III) tribal emergency social serv-  
25 ice operations.

1 (ii) ADMINISTERING EMERGENCY  
2 SERVICES DEFINED.—In clause (i), the  
3 term “administering emergency services”  
4 means—

5 (I) providing basic economic and  
6 well-being necessities to ensure com-  
7 munities are able to safely observe  
8 shelter-in-place and social distancing  
9 orders;

10 (II) providing necessary supplies  
11 such as masks, gloves, and soap, to  
12 protect the public against infectious  
13 disease; and

14 (III) connecting individuals, chil-  
15 dren, and families to services or pay-  
16 ments for which they may already be  
17 eligible.

18 (C) PROHIBITIONS.—

19 (i) NO INDIVIDUAL ELIGIBILITY DE-  
20 TERMINATIONS BY GRANTEES OR SUB-  
21 GRANTEES.—Neither the grantee nor any  
22 subgrantee may exercise individual eligi-  
23 bility determinations for the purpose of ad-  
24 ministering short-term, non-cash, in-kind  
25 emergency disaster relief to communities.

1 (ii) BAN ON USE FOR CERTAIN COSTS  
2 REIMBURSABLE BY FEMA.—The grantee  
3 may not use the funds for costs that are  
4 reimbursable by the Federal Emergency  
5 Management Agency, under a contract for  
6 insurance, or by self-insurance.

7 (3) APPROPRIATION.—Out of any money in the  
8 Treasury of the United States not otherwise appro-  
9 priated, there are appropriated \$400,000,000 to  
10 make tribal grants under this subsection.

11 **SEC. 102. EMERGENCY ASSISTANCE TO FAMILIES THROUGH**  
12 **HOME VISITING PROGRAMS.**

13 (a) IN GENERAL.—For purposes of section 511 of the  
14 Social Security Act, during the period that begins on Feb-  
15 ruary 1, 2020, and ends January 31, 2021—

16 (1) a virtual home visit shall be considered a  
17 home visit;

18 (2) funding for, and staffing levels of, a pro-  
19 gram conducted pursuant to such section shall not  
20 be reduced on account of reduced enrollment in the  
21 program; and

22 (3) funds provided for such a program may be  
23 used—

24 (A) to train home visitors in conducting a  
25 virtual home visit and in emergency prepared-

1           ness and response planning for families served,  
2           and may include training on how to safely con-  
3           duct intimate partner violence screenings, and  
4           training on safety and planning for families  
5           served;

6           (B) for the acquisition by families enrolled  
7           in the program of such technological means as  
8           are needed to conduct and support a virtual  
9           home visit;

10          (C) to provide emergency supplies (such as  
11          diapers, formula, non-perishable food, water,  
12          hand soap and hand sanitizer) to families  
13          served; and

14          (D) to provide prepaid grocery cards to an  
15          eligible family (as defined in section 511(k)(2)  
16          of such Act) for the purpose of enabling the  
17          family to meet the emergency needs of the fam-  
18          ily.

19          (b) VIRTUAL HOME VISIT DEFINED.—In subsection  
20          (a), the term “virtual home visit” means a visit that is  
21          conducted solely by the use of electronic information and  
22          telecommunications technologies.

23          (c) AUTHORITY TO DELAY DEADLINES.—

24                  (1) IN GENERAL.—The Secretary of Health and  
25          Human Services may extend the deadline by which

1 a requirement of section 511 of the Social Security  
2 Act must be met, by such period of time as the Sec-  
3 retary deems appropriate.

4 (2) GUIDANCE.—The Secretary of Health and  
5 Human Services shall provide to eligible entities  
6 funded under section 511 of the Social Security Act  
7 information on the parameters used in extending a  
8 deadline under paragraph (1) of this subsection.

9 (d) SUPPLEMENTAL APPROPRIATION.—In addition  
10 to amounts otherwise appropriated, out of any money in  
11 the Treasury of the United States not otherwise appro-  
12 priated, there are appropriated to the Secretary of Health  
13 and Human Services \$100,000,000, to enable eligible enti-  
14 ties to conduct programs funded under section 511 of the  
15 Social Security Act pursuant to this section, which shall  
16 remain available for obligation not later than January 31,  
17 2021.

1 **TITLE II—REAUTHORIZATION OF**  
2 **FUNDING FOR PROGRAMS TO**  
3 **PREVENT, INVESTIGATE, AND**  
4 **PROSECUTE ELDER ABUSE,**  
5 **NEGLECT, AND EXPLOI-**  
6 **TATION**

7 **SEC. 201. ELDER ABUSE, NEGLECT, AND EXPLOITATION FO-**  
8 **RENSIC CENTERS.**

9 Section 2031(f) of the Social Security Act (42 U.S.C.  
10 1397l(f)) is amended—

11 (1) in paragraph (2), by striking “and” after  
12 the semicolon;

13 (2) in paragraph (3), by striking the period at  
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(4) for fiscal year 2021, \$5,000,000.”.

17 **SEC. 202. GRANTS FOR LONG-TERM CARE STAFFING AND**  
18 **TECHNOLOGY.**

19 Section 2041(d) of the Social Security Act (42 U.S.C.  
20 1397m(d)) is amended—

21 (1) in paragraph (2), by striking “and” after  
22 the semicolon;

23 (2) in paragraph (3), by striking the period at  
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:



1 “(4) for fiscal year 2021, \$14,000,000.”.

2 **SEC. 203. ADULT PROTECTIVE SERVICES FUNCTIONS AND**  
3 **GRANT PROGRAMS.**

4 Section 2042 of the Social Security Act (42 U.S.C.  
5 1397m-1) is amended—

6 (1) in subsection (a)(2), by striking  
7 “\$3,000,000” and all that follows through the pe-  
8 riod and inserting “\$3,000,000 for fiscal year  
9 2021.”;

10 (2) in subsection (b)(5), by striking  
11 “\$100,000,000” and all that follows through the pe-  
12 riod and inserting “\$100,000,000 for fiscal year  
13 2021.”; and

14 (3) in subsection (c)(6), by striking  
15 “\$25,000,000” and all that follows through the pe-  
16 riod and inserting “\$20,000,000 for fiscal year  
17 2021.”.

18 **SEC. 204. LONG-TERM CARE OMBUDSMAN PROGRAM**  
19 **GRANTS AND TRAINING.**

20 Section 2043 of the Social Security Act (42 U.S.C.  
21 1397m-2) is amended—

22 (1) in subsection (a)(2)—

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

1 (B) in subparagraph (C), by striking the  
2 period at the end and inserting “; and”;

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

4 “(D) for fiscal year 2021, \$8,000,000.”;

5 and

6 (2) in subsection (b)(2), by inserting before the  
7 period the following: “, and for fiscal year 2021,  
8 \$10,000,000”.

9 **SEC. 205. INVESTIGATION SYSTEMS AND TRAINING.**

10 Section 6703(b) of the Patient Protection and Af-  
11 fordable Care Act (42 U.S.C. 1395i–3a(b)) is amended—

12 (1) in paragraph (1)(C), by striking “for the  
13 period” and all that follows through the period and  
14 inserting “for fiscal year 2021, \$10,000,000.”; and

15 (2) in paragraph (2)(C), by striking “for each  
16 of fiscal years 2011 through 2014, \$5,000,000” and  
17 inserting “for fiscal year 2021, \$4,000,000”.

18 **SEC. 206. INCREASED FUNDING FOR STATES AND INDIAN**

19 **TRIBES FOR ADULT PROTECTIVE SERVICES.**

20 (a) INCREASE IN FUNDING.—

21 (1) RESERVATION OF FUNDS.—Of the amount  
22 made available to carry out subtitle A of title XX of  
23 the Social Security Act for fiscal year 2020,  
24 \$25,000,000 shall be reserved for obligation by

1 States during calendar year 2020 in accordance with  
2 subsection (b) of this section.

3 (2) APPROPRIATION.—Out of any money in the  
4 Treasury of the United States not otherwise appro-  
5 priated, there are appropriated \$25,000,000 for fis-  
6 cal year 2020 to make grants to States under this  
7 subsection, which shall remain available until the  
8 end of fiscal year 2021.

9 (3) DEADLINE FOR DISTRIBUTION OF  
10 FUNDS.—Within 45 days after the date of the enact-  
11 ment of this Act, the Secretary of Health and  
12 Human Services shall distribute the funds reserved  
13 under paragraph (1) of this subsection, which shall  
14 be made available to States (as defined for purposes  
15 of title XX of the Social Security Act in section  
16 1101 of such Act (42 U.S.C. 1301)) on an emer-  
17 gency basis for immediate obligation and expendi-  
18 ture.

19 (4) SUBMISSION OF REVISED PRE-EXPENDI-  
20 TURE REPORT.—Within 90 days after a State re-  
21 ceives funds distributed under paragraph (3), the  
22 State shall submit to the Secretary of Health and  
23 Human Services a revised pre-expenditure report  
24 pursuant to subtitle A of title XX of the Social Se-

1 security Act (42 U.S.C. 1397 et seq.) that describes  
2 how the State plans to administer the funds.

3 (5) DEADLINE FOR OBLIGATION OF FUNDS BY  
4 STATES.—Within 120 days after funds are distrib-  
5 uted to a State under paragraph (3), the State shall  
6 obligate the funds.

7 (6) DEADLINE FOR EXPENDITURE OF  
8 FUNDS.—A grantee to which a State (or a sub-  
9 grantee to which a grantee) provides funds distrib-  
10 uted under this subsection shall expend the funds  
11 not later than December 31, 2021.

12 (b) RULES GOVERNING USE OF ADDITIONAL  
13 FUNDS.—Funds are used in accordance with this sub-  
14 section if—

15 (1) the funds are used for adult protective serv-  
16 ices (as defined in section 2011(2) of the Social Se-  
17 curity Act (42 U.S.C. 1397j(2));

18 (2) the funds are used subject to the limitations  
19 in section 2005 of the Social Security Act (42  
20 U.S.C. 1397d); and

21 (3) the funds are used to supplement, not sup-  
22 plant, State general revenue funds or funds provided  
23 under section 2002 of the Social Security Act for  
24 adult protective services.

1 (c) FUNDING FOR INDIAN TRIBES AND TRIBAL OR-  
2 GANIZATIONS.—

3 (1) GRANTS.—

4 (A) IN GENERAL.—Within 90 days after  
5 the date of the enactment of this Act, the Sec-  
6 retary of Health and Human Services shall  
7 make grants to Indian Tribes and Tribal orga-  
8 nizations (as defined in section 677(e)(1) of the  
9 Community Services Block Grant Act (42  
10 U.S.C. 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  
20 awarded to all Indian Tribes and Tribal organi-  
21 zations under such Act and such Grant for the  
22 fiscal year.

23 (2) RULES GOVERNING USE OF FUNDS.—An  
24 entity to which a grant is made under paragraph (1)  
25 shall obligate the funds not later than September

1 30, 2021, and the funds shall be expended by grant-  
2 ees and subgrantees not later than December 31,  
3 2021, and used in accordance with subsection (b) of  
4 this section (except that paragraph (3) of such sub-  
5 section shall be applied by substituting “general rev-  
6 enue funds of the Indian Tribe or Tribal organiza-  
7 tion” for “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 in-  
16 tended use of such funds including information  
17 on the types of activities to be supported and  
18 the categories or characteristics of individuals  
19 to be served. The Indian Tribe or Tribal organi-  
20 zation shall subsequently revise the pre-expendi-  
21 ture report as necessary to reflect substantial  
22 changes in the activities to be supported or the  
23 categories or characteristics of individuals to be  
24 served.

1 (B) POST-EXPENDITURE REPORT.—Not  
2 later than January 1, 2022, each Indian Tribe  
3 or Tribal organization that receives funds made  
4 available under this section shall submit to the  
5 Secretary of Health and Human Services a re-  
6 port on the activities supported by such funds.  
7 Such report shall be in such form and contain  
8 such information (including the information de-  
9 scribed in section 2006(c) of the Social Security  
10 Act (42 U.S.C. 1397e(c))) as the Tribe or orga-  
11 nization finds necessary to provide an accurate  
12 description of such activities, to secure a com-  
13 plete record of the purposes for which funds  
14 were spent, and to determine the extent to  
15 which funds were spent in a manner consistent  
16 with the report required by subparagraph (A).

17 (4) APPROPRIATION.—Out of any money in the  
18 Treasury of the United States not otherwise appro-  
19 priated, there are appropriated \$650,000 for making  
20 grants to Indian Tribes and Tribal organizations  
21 under this subsection.

22 **SEC. 207. ASSESSMENT REPORTS.**

23 (a) IN GENERAL.—Not later than 2 years after the  
24 date of enactment of this Act, the Secretary of Health and  
25 Human Services shall submit a report to the Congress on

1 the programs, coordinating bodies, registries, and activi-  
2 ties established or authorized under subtitle B of title XX  
3 of the Social Security Act (42 U.S.C. 13971 et seq.) or  
4 section 6703(b) of the Patient Protection and Affordable  
5 Care Act (42 U.S.C. 1395i–3a(b)). The report shall assess  
6 the extent to which such programs, coordinating bodies,  
7 registries, and activities have improved access to, and the  
8 quality of, resources available to aging Americans and  
9 their caregivers to ultimately prevent, detect, and treat  
10 abuse, neglect, and exploitation, and shall include, as ap-  
11 propriate, recommendations to Congress on funding levels  
12 and policy changes to help these programs, coordinating  
13 bodies, registries, and activities better prevent, detect, and  
14 treat abuse, neglect, and exploitation of aging Americans.

15 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-  
16 PRIATIONS.—For fiscal year 2021, out of any money in  
17 the Treasury of the United States not otherwise appro-  
18 priated, there are authorized to be appropriated to the  
19 Secretary of Health and Human Services \$1,000,000 to  
20 carry out this 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 SECU-**  
5 **RITY INCOME BENEFICIARY PROTECTIONS**  
6 **REGARDING INCORRECT PAYMENTS DURING**  
7 **COVID-19.**

8 (a) NO ADJUSTMENT, RECOVERY, OR LIABILITY  
9 WITH 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  
14 the Social Security Act, and subject to subpara-  
15 graph (D), in the case of any payment under  
16 title II, title VIII, or title XVI of such Act of  
17 more than the correct amount for any month  
18 during the period beginning on March 1, 2020,  
19 and ending on January 31, 2021 (other than a  
20 payment described in paragraph (2)), there  
21 shall be no adjustment of such payment to, or  
22 recovery by the United States from, any person,  
23 estate, State, or organization, and no person,  
24 estate, State, or organization shall be liable for

1 the repayment of the amount of such payment  
2 in excess of the correct 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 re-  
12 covery, the Commissioner of Social Security  
13 may 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  
20 of any payment described in subparagraph (A)  
21 that has been recovered, in full or in part, the  
22 Commissioner of Social Security shall have no  
23 obligation 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 result-  
4 ing from—

5 (A) a conviction for an offense under sec-  
6 tion 208(a), 811, or 1632(a) of the Social Secu-  
7 rity Act;

8 (B) an incorrect or incomplete statement  
9 that is knowingly made and material, or the  
10 knowing concealment of material information;  
11 or

12 (C) a determination that a representative  
13 payee misused benefits made under section  
14 205(j), 807, or 1631(a)(2) of the Social Secu-  
15 rity Act,

16 but only if such offense, misstatement, or misuse oc-  
17 curred on or after March 1.

18 (b) NOTIFICATIONS; SUSPENSION OF RECOVERY  
19 UPON REQUEST.—

20 (1) RECOVERY BY ADJUSTMENT OF BENE-  
21 FITS.—

22 (A) IN GENERAL.—Not later than Novem-  
23 ber 30, 2020, the Commissioner of Social Secu-  
24 rity shall—

1 (i) notify each covered individual of  
2 the opportunity to request that the adjust-  
3 ment of benefits described in subparagraph  
4 (B) be reduced or suspended during the  
5 period described in subsection (a)(1); and

6 (ii) reduce or suspend (as requested)  
7 such adjustment immediately upon receipt  
8 of the request.

9 (B) COVERED INDIVIDUAL.—In this para-  
10 graph, the term “covered individual” means an  
11 individual with respect to whom the recovery of  
12 any payment under title II, title VIII, or title  
13 XVI of the Social Security Act of more than the  
14 correct amount (other than a payment de-  
15 scribed in paragraph (a)(2)) is in effect, by ad-  
16 justment of the individual’s monthly benefits or  
17 underpayments, for any month during the pe-  
18 riod described in subsection (a)(1).

19 (2) RECOVERY BY INSTALLMENT AGREE-  
20 MENTS.—Not later than November 30, 2020, the  
21 Commissioner of Social Security shall notify each  
22 party owing a debt to the Social Security Adminis-  
23 tration (other than a debt arising from a payment  
24 described in paragraph (a)(2)) with respect to which  
25 an installment agreement is in effect of the oppor-

1 tunity to request that the installment payments  
2 under such agreement be suspended during the pe-  
3 riod described in subsection (a)(1), and shall sus-  
4 pend such payments upon request. The Commis-  
5 sioner of Social Security shall deem a debt for which  
6 such a suspension has been made to be not delin-  
7 quent during such period.

8 (c) REPORT.—Not later than 30 days after the date  
9 of enactment of this Act, the Commissioner of Social Secu-  
10 rity shall submit a report to the Committee on Ways and  
11 Means of the House of Representatives and the Committee  
12 on Finance of the Senate describing the Commissioner’s  
13 activities under this section.

14 (d) DEEMED ELIGIBILITY FOR SSI FOR PURPOSES  
15 OF DETERMINING MEDICAID ELIGIBILITY.—

16 (1) IN GENERAL.—Notwithstanding any provi-  
17 sion of title XVI or title XIX of the Social Security  
18 Act (or section 212(a) of Public Law 93–66), each  
19 individual who receives a covered supplemental pay-  
20 ment for any month during the period described in  
21 subsection (a)(1) and is subsequently determined to  
22 be ineligible for such payment shall be deemed to be  
23 a recipient of supplemental security income benefits  
24 under title XVI or State supplementary benefits of  
25 the type referred to in section 1616(a) of such Act

1 (or payments of the type described in section 212(a)  
2 of Public Law 93–66), as the case may be, for such  
3 month for purposes of determining the individual’s  
4 eligibility for medical assistance under a State plan  
5 approved under title XIX of the Social Security Act  
6 (42 U.S.C. 1396 et seq.) (or a waiver of such plan).

7 (2) COVERED SUPPLEMENTAL PAYMENT.—For  
8 purposes of this subsection, a covered supplemental  
9 payment is—

10 (A) a payment of a supplemental security  
11 income benefit under title XVI of the Social Se-  
12 curity Act; or

13 (B) a State supplementary payment of the  
14 type referred to in section 1616(a) of such title  
15 (or a payment of the type described in section  
16 212(a) of Public Law 93–66).

17 (e) PROTECTION FOR CERTAIN MEDICARE BENE-  
18 FICIARIES.—Notwithstanding section 226(a) of the Social  
19 Security Act, in the case of any individual—

20 (1) who is entitled to hospital insurance bene-  
21 fits under part A of title XVIII of the Social Secu-  
22 rity by operation of section 226(a) of such Act; and

23 (2) whose entitlement to monthly insurance  
24 benefits under section 202 of such Act or status as  
25 a qualified railroad retirement beneficiary (as de-

1        fined in section 226(d) of such Act) terminates with  
2        any month during the period beginning on March 1,  
3        2020, and ending on January 31, 2021, as a result  
4        of a determination made on or after August 31,  
5        2020,  
6        the individual's entitlement to such hospital insurance  
7        benefits shall end with the month following the month in  
8        which notice of termination of such entitlement to monthly  
9        insurance benefits under section 202 of such Act or such  
10       status as a qualified railroad retirement beneficiary is  
11       mailed to the individual, or if earlier, with the month be-  
12       fore the month in which the individual dies.

13       (f) HOLD HARMLESS FOR THE SOCIAL SECURITY  
14       TRUST FUNDS.—There are appropriated, out of any mon-  
15       eys in the Treasury not otherwise appropriated, to each  
16       of the Federal Old-Age and Survivors Insurance Trust  
17       Fund and the Federal Disability Insurance Trust Fund  
18       for each fiscal year such amounts as the chief actuary of  
19       the Social Security Administration shall certify are nec-  
20       essary to place each such Trust Fund in the same position  
21       at the end of such fiscal year as it would have been in  
22       if the amendments made by this section had not been en-  
23       acted.

1 **TITLE IV—SUPPORTING FOSTER**  
2 **YOUTH AND FAMILIES**  
3 **THROUGH THE PANDEMIC**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Supporting Foster  
6 Youth and Families through the Pandemic Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

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

10 The term “COVID–19 public health emergency”  
11 means the public health emergency declared by the  
12 Secretary pursuant to section 319 of the Public  
13 Health Service Act, entitled “Determination that a  
14 Public Health Emergency Exists Nationwide as the  
15 Result of the 2019 Novel Coronavirus”.

16 (2) COVID–19 PUBLIC HEALTH EMERGENCY

17 PERIOD.—The term “COVID–19 public health emer-  
18 gency period” means the period beginning on April  
19 1, 2020 and ending with September 30, 2021.

20 (3) SECRETARY.—The term “Secretary” means

21 the Secretary of Health and Human Services.

22 **SEC. 403. CONTINUED SAFE OPERATION OF CHILD WEL-**

23 **FARE PROGRAMS AND SUPPORT FOR OLDER**

24 **FOSTER YOUTH.**

25 (a) FUNDING INCREASES.—



1           (1) INCREASE IN SUPPORT FOR CHAFEE PRO-  
2           GRAMS.—Out of any money in the Treasury of the  
3           United States not otherwise appropriated, there are  
4           appropriated \$400,000,000 for fiscal year 2020, to  
5           carry out section 477 of the Social Security Act, in  
6           addition to any amounts otherwise made available  
7           for such purpose.

8           (2) EDUCATION AND TRAINING VOUCHERS.—Of  
9           the amount made available by reason of paragraph  
10          (1) of this subsection, not less than \$50,000,000  
11          shall be reserved for the provision of vouchers pursu-  
12          ant to section 477(h)(2) of the Social Security Act.

13          (3) APPLICABILITY OF TECHNICAL ASSISTANCE  
14          TO ADDITIONAL FUNDS.—

15               (A) IN GENERAL.—Section 477(g)(2) of  
16               the Social Security Act shall apply with respect  
17               to the amount made available by reason of  
18               paragraph (1) of this subsection as if the  
19               amount were included in the amount specified  
20               in section 477(h) of such Act.

21               (B) RESERVATION OF FUNDS.—

22                     (i) IN GENERAL.—Of the amount to  
23                     which section 477(g)(2) of the Social Secu-  
24                     rity Act applies by reason of subparagraph  
25                     (A) of this paragraph, the Secretary shall

1 reserve not less than \$500,000 to provide  
2 technical assistance to a State imple-  
3 menting or seeking to implement a driving  
4 and transportation program for foster  
5 youth.

6 (ii) PROVIDER QUALIFICATIONS.—The  
7 Secretary shall ensure that the entity pro-  
8 viding the assistance has demonstrated the  
9 capacity to—

10 (I) successfully administer activi-  
11 ties in 1 or more States to provide  
12 driver’s licenses to youth who are in  
13 foster care under the responsibility of  
14 the State; and

15 (II) increase the number of such  
16 foster youth who obtain a driver’s li-  
17 cense.

18 (4) INAPPLICABILITY OF STATE MATCHING RE-  
19 QUIREMENT TO ADDITIONAL FUNDS.—In making  
20 payments under subsections (a)(4) and (e)(1) of sec-  
21 tion 474 of the Social Security Act from the addi-  
22 tional funds made available as a result of para-  
23 graphs (1) and (2) of this subsection, the percent-  
24 ages specified in subsections (a)(4)(A)(i) and (e)(1)

1 of such section are, respectively, deemed to be 100  
2 percent.

3 (5) MAXIMUM AWARD AMOUNT.—The dollar  
4 amount specified in section 477(i)(4)(B) of the So-  
5 cial Security Act through the end of fiscal year 2021  
6 is deemed to be \$12,000.

7 (6) INAPPLICABILITY OF NYTD PENALTY TO  
8 ADDITIONAL FUNDS.—In calculating any penalty  
9 under section 477(e)(2) of the Social Security Act  
10 with respect to the National Youth in Transition  
11 Database (NYTD) for the COVID–19 public health  
12 emergency period, none of the additional funds made  
13 available by reason of paragraphs (1) and (2) of this  
14 subsection shall be considered to be part of an allot-  
15 ment to a State under section 477(c) of such Act.

16 (b) MAXIMUM AGE LIMITATION ON ELIGIBILITY FOR  
17 ASSISTANCE.—During fiscal years 2020 and 2021, a child  
18 may be eligible for services and assistance under section  
19 477 of the Social Security Act until the child attains 27  
20 years of age, notwithstanding any contrary certification  
21 made under such section.

22 (c) SPECIAL RULE.—With respect to funds made  
23 available by reason of subsection (a) that are used during  
24 the COVID–19 public health emergency period to support  
25 activities due to the COVID–19 pandemic, the Secretary

1 may not require any State to provide proof of a direct  
2 connection to the pandemic if doing so would be adminis-  
3 tratively burdensome or would otherwise delay or impede  
4 the ability of the State to serve foster youth.

5 (d) PROGRAMMATIC FLEXIBILITIES.—During the  
6 COVID–19 public health emergency period:

7 (1) SUSPENSION OF CERTAIN REQUIREMENTS  
8 UNDER THE EDUCATION AND TRAINING VOUCHER  
9 PROGRAM.—The Secretary shall allow a State to  
10 waive the applicability of the requirement in section  
11 477(i)(3) of the Social Security Act that a youth  
12 must be enrolled in a postsecondary education or  
13 training program or making satisfactory progress to-  
14 ward completion of that program if a youth is un-  
15 able to do so due to the COVID–19 public health  
16 emergency.

17 (2) AUTHORITY TO USE VOUCHERS TO MAIN-  
18 TAIN TRAINING AND POSTSECONDARY EDUCATION.—  
19 A voucher provided under a State educational and  
20 training voucher program under section 477(i) of the  
21 Social Security Act may be used for maintaining  
22 training and postsecondary education, including less  
23 than full-time matriculation costs or other expenses  
24 that are not part of the cost of attendance but would

1 help support youth in remaining enrolled as de-  
2 scribed in paragraph (1) of this subsection.

3 (3) AUTHORITY TO WAIVE LIMITATIONS ON  
4 PERCENTAGE OF FUNDS USED FOR HOUSING ASSIST-  
5 ANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—  
6 Notwithstanding section 477(b)(3)(B) of the Social  
7 Security Act, a State may use—

8 (A) more than 30 percent of the amounts  
9 paid to the State from its allotment under sec-  
10 tion 477(c)(1) of such Act for a fiscal year, for  
11 room or board payments; and

12 (B) any of such amounts for youth other-  
13 wise eligible for services under section 477 of  
14 such Act who—

15 (i) have attained 18 years of age and  
16 not 27 years of age; and

17 (ii) experienced foster care at 14  
18 years of age or older.

19 (4) AUTHORITY TO PROVIDE DRIVING AND  
20 TRANSPORTATION ASSISTANCE.—

21 (A) USE OF FUNDS.—Funds provided  
22 under section 477 of the Social Security Act  
23 may be used to provide driving and transpor-  
24 tation assistance to youth described in para-  
25 graph (3)(B) who have attained 15 years of age

1 with costs related to obtaining a driver's license  
2 and driving lawfully in a State (such as vehicle  
3 insurance costs, driver's education class and  
4 testing fees, practice lessons, practice hours, li-  
5 cense fees, roadside assistance, deductible as-  
6 sistance, and assistance in purchasing an auto-  
7 mobile).

8 (B) MAXIMUM ALLOWANCE.—The amount  
9 of the assistance provided for each eligible  
10 youth under subparagraph (A) shall not exceed  
11 \$4,000 per year, and any assistance so provided  
12 shall be disregarded for purposes of deter-  
13 mining the recipient's eligibility for, and the  
14 amount of, any other Federal or federally-sup-  
15 ported assistance, except that the State agency  
16 shall take appropriate steps to prevent duplica-  
17 tion of benefits under this and other Federal or  
18 federally-supported programs.

19 (C) REPORT TO THE CONGRESS.—Within  
20 6 months after the end of the expenditure pe-  
21 riod, the Secretary shall submit to the Congress  
22 a report on the extent to which, and the man-  
23 ner in which, the funds to which subsection  
24 (a)(3) applies were used to provide technical as-  
25 sistance to State child welfare programs, mon-

1           itor State performance and foster youth out-  
2           comes, and evaluate program effectiveness.

3 **SEC. 404. PREVENTING AGING OUT OF FOSTER CARE DUR-**  
4 **ING THE PANDEMIC.**

5           (a) ADDRESSING FOSTER CARE AGE RESTRICTIONS  
6 DURING THE PANDEMIC.—A State operating a program  
7 under part E of title IV of the Social Security Act may  
8 not require a child who is in foster care under the respon-  
9 sibility of the State to leave foster care solely by reason  
10 of the child’s age. A child may not be found ineligible for  
11 foster care maintenance payments under section 472 of  
12 such Act solely due to the age of the child or the failure  
13 of the child to meet a condition of section 475(8)(B)(iv)  
14 of such Act before October 1, 2021.

15           (b) RE-ENTRY TO FOSTER CARE FOR YOUTH WHO  
16 AGE OUT DURING THE PANDEMIC.—A State operating a  
17 program under the State plan approved under part E of  
18 title IV of the Social Security Act (and without regard  
19 to whether the State has exercised the option provided by  
20 section 475(8)(B) of such Act to extend assistance under  
21 such part to older children) shall—

22           (1) permit any youth who left foster care due  
23 to age during the COVID–19 public health emer-  
24 gency to voluntarily re-enter foster care;

1           (2) provide to each such youth who was for-  
2 mally discharged from foster care during the  
3 COVID–19 public health emergency, a notice de-  
4 signed to make the youth aware of the option to re-  
5 turn to foster care;

6           (3) facilitate the voluntary return of any such  
7 youth to foster care; and

8           (4) conduct a public awareness campaign about  
9 the option to voluntarily re-enter foster care for  
10 youth who have not attained 22 years of age, who  
11 aged out of foster care in fiscal year 2020 or fiscal  
12 year 2021, and who are otherwise eligible to return  
13 to foster care.

14       (c) PROTECTIONS FOR YOUTH IN FOSTER CARE.—  
15 A State operating a program under the State plan ap-  
16 proved under part E of title IV of the Social Security Act  
17 shall—

18           (1) continue to ensure that the safety, perma-  
19 nence, and well-being needs of older foster youth, in-  
20 cluding youth who remain in foster care and youth  
21 who age out of foster care during that period but  
22 who re-enter foster care pursuant to this section, are  
23 met; and

24           (2) work with any youth who remains in foster  
25 care after attaining 18 years of age (or such greater



1 age as the State may have elected under section  
2 475(8)(B)(iii) of such Act) to develop, or review and  
3 revise, a transition plan consistent with the plan re-  
4 ferred to in section 475(5)(H) of such Act, and as-  
5 sist the youth with identifying adults who can offer  
6 meaningful, permanent connections.

7 (d) AUTHORITY TO USE ADDITIONAL FUNDING FOR  
8 CERTAIN COSTS INCURRED TO PREVENT AGING OUT OF,  
9 FACILITATING RE-ENTRY TO, AND PROTECTING YOUTH  
10 IN CARE DURING THE PANDEMIC.—

11 (1) IN GENERAL.—Subject to paragraph (2) of  
12 this subsection, a State to which additional funds  
13 are made available as a result of section 3(a) may  
14 use the funds to meet any costs incurred in com-  
15 plying with subsections (a), (b), and (c) of this sec-  
16 tion.

17 (2) RESTRICTIONS.—

18 (A) The costs referred to in paragraph (1)  
19 must be incurred after the date of the enact-  
20 ment of this section and before October 1,  
21 2021.

22 (B) The costs of complying with subsection  
23 (a) or (c) of this section must not be incurred  
24 on behalf of children eligible for foster care  
25 maintenance payments under section 472 of the

1 Social Security Act, including youth who have  
2 attained 18 years of age who are eligible for the  
3 payments by reason of the temporary waiver of  
4 the age requirement or the conditions of section  
5 475(8)(B)(iv) of such Act.

6 (C) A State shall make reasonable efforts  
7 to ensure that eligibility for foster care mainte-  
8 nance payments under section 472 of the Social  
9 Security Act is determined when a youth re-  
10 mains in, or re-enters, foster care as a result of  
11 the State complying with subsections (a) and  
12 (c) of this section.

13 (D) A child who re-enters care during the  
14 COVID-19 public health emergency period may  
15 not be found ineligible for foster care mainte-  
16 nance payments under section 472 of the Social  
17 Security Act solely due to age or the require-  
18 ments of section 475(8)(B)(iv) of such Act be-  
19 fore October 1, 2021.

20 (e) TERMINATION OF CERTAIN PROVISIONS.—The  
21 preceding provisions of this section shall have no force or  
22 effect after September 30, 2021.

1 **SEC. 405. FAMILY FIRST PREVENTION SERVICES PROGRAM**  
2 **PANDEMIC FLEXIBILITY.**

3 During the COVID–19 public health emergency pe-  
4 riod, each percentage specified in subparagraphs (A)(i)  
5 and (B) of section 474(a)(6) of the Social Security Act  
6 is deemed to be 100 percent.

7 **SEC. 406. EMERGENCY FUNDING FOR THE MARYLEE ALLEN**  
8 **PROMOTING SAFE AND STABLE FAMILIES**  
9 **PROGRAM.**

10 (a) IN GENERAL.—Out of any money in the Treasury  
11 of the United States not otherwise appropriated, there are  
12 appropriated \$85,000,000 to carry out section 436(a) of  
13 the Social Security Act for fiscal year 2020, in addition  
14 to any amounts otherwise made available for such pur-  
15 pose. For purposes of section 436(b) of such Act, the  
16 amount made available by the preceding sentence shall be  
17 considered part of the amount specified in such section  
18 436(a).

19 (b) INAPPLICABILITY OF STATE MATCHING RE-  
20 QUIREMENT TO ADDITIONAL FUNDS.—In making pay-  
21 ments under section 434(a) of the Social Security Act  
22 from the additional funds made available as a result of  
23 subsection (a) of this section, the percentage specified in  
24 section 434(a)(1) of such Act is deemed to be 100 percent.

25 (c) CONFORMING AMENDMENTS.—Section 436 of the  
26 Social Security Act (42 U.S.C. 629f) is amended in each

1 of subsections (a), (b)(4), and (b)(5) by striking “2021”  
2 and inserting “2022”.

3 **SEC. 407. COURT IMPROVEMENT PROGRAM.**

4 (a) RESERVATION OF FUNDS.—Of the additional  
5 amounts made available by reason of section 406 of this  
6 title, the Secretary shall reserve \$10,000,000 for grants  
7 under subsection (b) of this section, which shall be consid-  
8 ered to be made under section 438 of the Social Security  
9 Act.

10 (b) DISTRIBUTION OF FUNDS.—

11 (1) IN GENERAL.—From the amounts reserved  
12 under subsection (a) of this section, the Secretary  
13 shall—

14 (A) reserve not more than \$500,000 for  
15 Tribal court improvement activities; and

16 (B) from the amount remaining after the  
17 application of subparagraph (A), make a grant  
18 to each highest State court that is approved to  
19 receive a grant under section 438 of the Social  
20 Security Act for the purpose described in sec-  
21 tion 438(a)(3) of such Act, for fiscal year 2020.

22 (2) AMOUNT.—The amount of the grant award-  
23 ed to a highest State court under this subsection  
24 shall be the sum of—

25 (A) \$85,000; and

1 (B) the amount that bears the same ratio  
2 to the amount reserved under subsection (a)  
3 that remains after the application of paragraph  
4 (1)(A) and subparagraph (A) of this paragraph,  
5 as the number of individuals in the State in  
6 which the court is located who have not at-  
7 tained 21 years of age bears to the total num-  
8 ber of such individuals in all States the highest  
9 courts of which were awarded a grant under  
10 this subsection (based on the most recent year  
11 for which data are available from the Bureau of  
12 the Census).

13 (3) OTHER RULES.—

14 (A) IN GENERAL.—The grants awarded to  
15 the highest State courts under this subsection  
16 shall be in addition to any grants made to the  
17 courts under section 438 of the Social Security  
18 Act for any fiscal year.

19 (B) NO ADDITIONAL APPLICATION.—The  
20 Secretary shall award grants to the highest  
21 State courts under this subsection without re-  
22 quiring the courts to submit an additional ap-  
23 plication.

1 (C) REPORTS.—The Secretary may estab-  
2 lish reporting criteria specific to the grants  
3 awarded under this subsection.

4 (D) REDISTRIBUTION OF FUNDS.—If a  
5 highest State court does not accept a grant  
6 awarded under this subsection, or does not  
7 agree to comply with any reporting require-  
8 ments imposed under subparagraph (C) or the  
9 use of funds requirements specified in sub-  
10 section (c), the Secretary shall redistribute the  
11 grant funds that would have been awarded to  
12 that court under this subsection among the  
13 other highest State courts that are awarded  
14 grants under this subsection and agree to com-  
15 ply with the reporting and use of funds require-  
16 ments.

17 (E) NO MATCHING REQUIREMENT.—The  
18 limitation on the use of funds specified in sec-  
19 tion 438(d) of such Act shall not apply to the  
20 grants awarded under this section.

21 (c) USE OF FUNDS.—A highest State court awarded  
22 a grant under subsection (b) shall use the grant funds to  
23 address needs stemming from the COVID–19 public  
24 health emergency, which may include any of the following:

1 (1) Technology investments to facilitate the  
2 transition to remote hearings for dependency courts  
3 when necessary as a direct result of the COVID–19  
4 public health emergency.

5 (2) Training for judges, attorneys, and case-  
6 workers on facilitating and participating in remote  
7 hearings that comply with due process and all appli-  
8 cable law, ensure child safety and well-being, and  
9 help inform judicial decision-making.

10 (3) Programs to help families address aspects  
11 of the case plan to avoid delays in legal proceedings  
12 that would occur as a direct result of the COVID–  
13 19 public health emergency.

14 (4) Other purposes to assist courts, court per-  
15 sonnel, or related staff related to the COVID–19  
16 public health emergency.

17 (d) CONFORMING AMENDMENTS.—Section 438 of the  
18 Social Security Act (42 U.S.C. 629h) is amended in each  
19 of subsections (e)(1) and (d) by striking “2021” and in-  
20 serting “2022”.

21 **SEC. 408. KINSHIP NAVIGATOR PROGRAMS PANDEMIC**  
22 **FLEXIBILITY.**

23 (a) INAPPLICABILITY OF MATCHING FUNDS RE-  
24 QUIREMENTS.—During the COVID–19 public health  
25 emergency period, the percentage specified in section

1 474(a)(7) of the Social Security Act is deemed to be 100  
2 percent.

3 (b) WAIVER OF EVIDENCE STANDARD.—During the  
4 COVID–19 public health emergency period, the require-  
5 ment in section 474(a)(7) of the Social Security Act that  
6 the Secretary determine that a kinship navigator program  
7 be operated in accordance with promising, supported, or  
8 well-supported practices that meet the applicable criteria  
9 specified for the practices in section 471(e)(4)(C) of such  
10 Act shall have no force or effect.

11 (c) OTHER ALLOWABLE USES OF FUNDS.—A State  
12 may use funds provided to carry out a kinship navigator  
13 program—

14 (1) for evaluations, independent systematic re-  
15 view, and related activities;

16 (2) to provide short-term support to kinship  
17 families for direct services or assistance during the  
18 COVID–19 public health emergency period; and

19 (3) to ensure that kinship caregivers have the  
20 information and resources to allow kinship families  
21 to function at their full potential, including—

22 (A) ensuring that those who are at risk of  
23 contracting COVID–19 have access to informa-  
24 tion and resources for necessities, including



1 food, safety supplies, and testing and treatment  
2 for COVID–19;

3 (B) access to technology and technological  
4 supports needed for remote learning or other  
5 activities that must be carried out virtually due  
6 to the COVID–19 public health emergency;

7 (C) health care and other assistance, in-  
8 cluding legal assistance and assistance with  
9 making alternative care plans for the children  
10 in their care if the caregivers were to become  
11 unable to continue caring for the children;

12 (D) services to kinship families, including  
13 kinship families raising children outside of the  
14 foster care system; and

15 (E) assistance to allow children to continue  
16 safely living with kin.

17 (d) TERRITORY CAP EXEMPTION.—Section  
18 1108(a)(1) of the Social Security Act shall be applied  
19 without regard to any amount paid to a territory pursuant  
20 to this section that would not have been paid to the terri-  
21 tory in the absence 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 Con-  
5 solidated Appropriations Act, 2020 (Public Law 116–94)  
6 is amended—

7 (1) in subparagraph (C), in the matter pre-  
8 ceding clause (i), by striking “The calculation” and  
9 inserting “Except as provided in subparagraph (G),  
10 the calculation”; and

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

12 “(G) **ADJUSTMENT OF FUNDING CER-**  
13 **TAINTY BASELINES.—**

14 “(i) **HOLD HARMLESS FOR TEM-**  
15 **PORARY INCREASE IN FMAP.—**For each fis-  
16 cal year specified in subparagraph (B), the  
17 Secretary shall increase the maximum  
18 capped allocation for fiscal year 2019 or  
19 the final cost neutrality limit for fiscal year  
20 2018 for a State or sub-State jurisdiction  
21 referred to in subparagraph (A)(i), by the  
22 amount equal to the difference between—

23 “(I) the amount of the foster  
24 care maintenance payments portion of  
25 such maximum capped allocation or  
26 final 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 per-  
6                   centage applicable to the State under  
7                   clause (ii) for the fiscal year so speci-  
8                   fied were used to determine the  
9                   amount of such portion.

10                   “(ii) APPLICABLE FEDERAL MEDICAL  
11                   ASSISTANCE PERCENTAGE.—For purposes  
12                   of clause (i)(II), the Federal medical as-  
13                   sistance percentage applicable to a State  
14                   for a fiscal year specified in subparagraph  
15                   (B) is the average of the values of the Fed-  
16                   eral medical assistance percentage applica-  
17                   ble to the State in each quarter of such fis-  
18                   cal year under section 474(a)(1) of the So-  
19                   cial Security Act (42 U.S.C. 674(a)(1))  
20                   after application of any temporary increase  
21                   in the Federal medical assistance percent-  
22                   age for the State and quarter under sec-  
23                   tion 6008 of the Families First  
24                   Coronavirus Response Act (42 U.S.C.  
25                   1396d note) and any other Federal legisla-

1                   tion enacted during the period that begins  
2                   on July 1, 2020, and ends on September  
3                   30, 2021.”.

4 **SEC. 410. TECHNICAL CORRECTION TO TEMPORARY IN-**  
5 **CREASE OF MEDICAID FMAP.**

6           Section 6008 of the Families First Coronavirus Re-  
7 sponse Act (Public Law 116–127) is amended by adding  
8 at the end the following:

9           “(e) APPLICATION TO TITLE IV–E PAYMENTS.—If  
10 the District of Columbia receives the increase described  
11 in subsection (a) in the Federal medical assistance per-  
12 centage for the District of Columbia with respect to a  
13 quarter, the Federal medical assistance percentage for the  
14 District of Columbia, as so increased, shall apply to pay-  
15 ments made to the District of Columbia under part E of  
16 title IV of the Social Security Act (42 U.S.C. 670 et seq.)  
17 for that quarter, and the payments under such part shall  
18 be deemed to be made on the basis of the Federal medical  
19 assistance percentage applied with respect to such District  
20 for purposes of title XIX of such Act (42 U.S.C. 1396  
21 et seq.) and as increased 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 para-  
8 graphs (3), (9), (14), and (15) of section 409(a) of such  
9 Act shall not apply with respect to conduct engaged in  
10 during the 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  
15 established 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  
19 and Human Services finds that a State or an Indian  
20 tribe has imposed a work requirement as a condition  
21 of receiving assistance, or a time limit on the provi-  
22 sion of assistance, under a program funded under  
23 part A of title IV of the Social Security Act or any  
24 program funded with qualified State expenditures  
25 (as defined in section 409(a)(7)(B)(i) of such Act)

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

10 (2) APPLICABILITY OF CERTAIN PROVISIONS.—

11 For purposes of section 409(d) of the Social Secu-  
12 rity Act, paragraph (1) of this subsection shall be  
13 considered to be included in section 409(a) of such  
14 Act.

15 (d) DEFINITIONS.—In this section:

16 (1) APPLICABLE PERIOD.—The term “applica-  
17 ble period” means the period that begins on March  
18 1, 2020, and ends January 31, 2021.

19 (2) WORK REQUIREMENT.—The term “work re-  
20 quirement” means a requirement to engage in a  
21 work activity (as defined in section 407(d) of the So-  
22 cial Security Act) or other work-related activity as  
23 defined by a State or tribal program funded under  
24 part A of title IV of such Act.

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

4   **SEC. 502. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**  
5           **PROGRAMS.**

6           (a) IN GENERAL.—With respect to the period that  
7           begins on March 1, 2020, and ends January 31, 2021:

8           (1) Sections 408(a)(2), 409(a)(5), and  
9           409(a)(8) of the Social Security Act shall have no  
10          force or effect.

11          (2) Notwithstanding section 466(d) of such Act,  
12          the Secretary of Health and Human Services (in this  
13          subsection referred to as the “Secretary”) may ex-  
14          empt a State from any requirement of section 466  
15          of such Act to respond to the COVID–19 pandemic,  
16          except that the Secretary may not exempt a State  
17          from any requirement to—

18                (A) provide a parent with notice of a right  
19                to request a review and, if appropriate, adjust-  
20                ment of a support order; or

21                (B) afford a parent the opportunity to  
22                make such a request.

23          (3) The Secretary may not impose a penalty or  
24          take any other adverse action against a State pursu-  
25          ant to section 452(g)(1) of such Act for failure to

1 achieve a paternity establishment percentage of less  
2 than 90 percent.

3 (4) The Secretary may not find that the pater-  
4 nity establishment percentage for a State is not  
5 based on reliable data for purposes of section  
6 452(g)(1) of such Act, and the Secretary may not  
7 determine that the data which a State submitted  
8 pursuant to section 452(a)(4)(C)(i) of such Act and  
9 which is used in determining a performance level is  
10 not complete or reliable for purposes of section  
11 458(b)(5)(B) of such Act, on the basis of the failure  
12 of the State to submit OCSE Form 396 or 34 in a  
13 timely manner.

14 (5) The Secretary may not impose a penalty or  
15 take any other adverse action against a State for  
16 failure to comply with section 454A(g)(1)(A)(i) or  
17 454B(c)(1) of such Act.

18 (6) The Secretary may not disapprove a State  
19 plan submitted pursuant to part D of title IV of  
20 such Act for failure of the plan to meet the require-  
21 ment of section 454(1) of such Act, and may not im-  
22 pose a penalty or take any other adverse action  
23 against a State with such a plan that meets that re-  
24 quirement for failure to comply with that require-  
25 ment.



1           (7) To the extent that a preceding provision of  
2           this section applies with respect to a provision of law  
3           applicable to a program operated by an Indian tribe  
4           or tribal organization (as defined in subsections (e)  
5           and (l) of section 4 of the Indian Self-Determination  
6           and Education Assistance Act (25 U.S.C. 450b)),  
7           that preceding provision shall apply with respect to  
8           the Indian tribe or tribal organization.

9           (b) CLARIFICATION OF PERFORMANCE INCENTIVE  
10          PAYMENT CALCULATION.—Notwithstanding paragraph  
11          (3) of section 458(b) of the Social Security Act, the State  
12          incentive payment share for each of fiscal years 2020 and  
13          2021 for purposes of such section shall be the State incen-  
14          tive payment share determined under such section for fis-  
15          cal year 2019.

16          (c) STATE DEFINED.—In subsection (a), the term  
17          “State” has the meaning given the term in section  
18          1101(a) of the Social Security Act for purposes of title  
19          IV of such Act.

1                   **DIVISION K—HEALTH**  
2                   **PROVISIONS**

3 **SEC. 100. SHORT TITLE.**

4           This division may be cited as the “Investing in Amer-  
5 ica’s Health Care During the COVID–19 Pandemic Act”.

6                   **TITLE I—MEDICAID PROVISIONS**

7 **SEC. 101. COVID–19-RELATED TEMPORARY INCREASE OF**  
8                   **MEDICAID FMAP.**

9           (a) IN GENERAL.—Section 6008 of the Families  
10 First Coronavirus Response Act (42 U.S.C. 1396d note)  
11 is amended—

12                   (1) in subsection (a)—

13                           (A) by inserting “(or, if later, September  
14 30, 2021)” after “last day of such emergency  
15 period occurs”; and

16                           (B) by striking “6.2 percentage points.”  
17 and inserting “the percentage points specified  
18 in subsection (e). In no case may the applica-  
19 tion of this section result in the Federal medical  
20 assistance percentage determined for a State  
21 being more than 95 percent.”; and

22                   (2) by adding at the end the following new sub-  
23 sections:

1       “(f) SPECIFIED PERCENTAGE POINTS.—For pur-  
2 poses of subsection (a), the percentage points specified in  
3 this subsection are—

4           “(1) for each calendar quarter occurring during  
5 the period beginning on the first day of the emer-  
6 gency period described in paragraph (1)(B) of sec-  
7 tion 1135(g) of the Social Security Act (42 U.S.C.  
8 1320b-5(g)) and ending on September 30, 2020, 6.2  
9 percentage points;

10          “(2) for each calendar quarter occurring during  
11 the period beginning on October 1, 2020, and ending  
12 on September 30, 2021, 14 percentage points; and

13          “(3) for each calendar quarter, if any, occurring  
14 during the period beginning on October 1, 2021, and  
15 ending on the last day of the calendar quarter in  
16 which the last day of such emergency period occurs,  
17 6.2 percentage points.

18       “(g) CLARIFICATIONS.—

19           “(1) In the case of a State that treats an indi-  
20 vidual described in subsection (b)(3) as eligible for  
21 the benefits described in such subsection, for the pe-  
22 riod described in subsection (a), expenditures for  
23 medical assistance and administrative costs attrib-  
24 utable to such individual that would not otherwise be  
25 included as expenditures under section 1903 of the

1 Social Security Act shall be regarded as expendi-  
2 tures under the State plan approved under title XIX  
3 of the Social Security Act or for administration of  
4 such State plan.

5 “(2) The limitations on payment under sub-  
6 sections (f) and (g) of section 1108 of the Social Se-  
7 curity Act (42 U.S.C. 1308) shall not apply to Fed-  
8 eral payments made under section 1903(a)(1) of the  
9 Social Security Act (42 U.S.C. 1396b(a)(1)) attrib-  
10 utable to the increase in the Federal medical assist-  
11 ance percentage under this section.

12 “(3) Expenditures attributable to the increased  
13 Federal medical assistance percentage under this  
14 section shall not be counted for purposes of the limi-  
15 tations under section 2104(b)(4) of such Act (42  
16 U.S.C. 1397dd(b)(4)).

17 “(4) Notwithstanding the first sentence of sec-  
18 tion 2105(b) of the Social Security Act (42 U.S.C.  
19 1397ee(b)), the application of the increase under  
20 this section may result in the enhanced FMAP of a  
21 State for a fiscal year under such section exceeding  
22 85 percent, but in no case may the application of  
23 such increase before application of the second sen-  
24 tence of such section result in the enhanced FMAP  
25 of the State exceeding 95 percent.

1       “(h) SCOPE OF APPLICATION.—An increase in the  
2 Federal medical assistance percentage for a State under  
3 this section shall not be taken into account for purposes  
4 of payments under part D of title IV of the Social Security  
5 Act (42 U.S.C. 651 et seq.).”.

6       (b) EFFECTIVE DATE.—The amendments made by  
7 subsection (a) shall take effect and apply as if included  
8 in the enactment of section 6008 of the Families First  
9 Coronavirus Response Act (Public Law 116–127).

10 **SEC. 102. ADDITIONAL SUPPORT FOR MEDICAID HOME AND**  
11 **COMMUNITY-BASED SERVICES DURING THE**  
12 **COVID–19 EMERGENCY PERIOD.**

13       (a) INCREASED FMAP.—

14           (1) IN GENERAL.—Notwithstanding section  
15 1905(b) of the Social Security Act (42 U.S.C.  
16 1396d(b)), in the case of an HCBS program State,  
17 the Federal medical assistance percentage deter-  
18 mined for the State under section 1905(b) of such  
19 Act and, if applicable, increased under subsection  
20 (y), (z), or (aa) of section 1905 of such Act (42  
21 U.S.C. 1396d), section 1915(k) of such Act (42  
22 U.S.C. 1396n(k)), or section 6008(a) of the Fami-  
23 lies First Coronavirus Response Act (Public Law  
24 116–127), shall be increased by 10 percentage  
25 points with respect to expenditures of the State

1 under the State Medicaid program for home and  
2 community-based services that are provided during  
3 the HCBS program improvement period. In no case  
4 may the application of the previous sentence result  
5 in the Federal medical assistance percentage deter-  
6 mined for a State being more than 95 percent.

7 (2) DEFINITIONS.—In this section:

8 (A) HCBS PROGRAM IMPROVEMENT PE-  
9 RIOD.—The term “HCBS program improve-  
10 ment period” means, with respect to a State,  
11 the period—

12 (i) beginning on October 1, 2020; and

13 (ii) ending on September 30, 2021.

14 (B) HCBS PROGRAM STATE.—The term  
15 “HCBS program State” means a State that  
16 meets the condition described in subsection (b)  
17 by submitting an application described in such  
18 subsection, which is approved by the Secretary  
19 pursuant to subsection (c).

20 (C) HOME AND COMMUNITY-BASED SERV-  
21 ICES.—The term “home and community-based  
22 services” means home health care services au-  
23 thorized under paragraph (7) of section 1905(a)  
24 of the Social Security Act (42 U.S.C.  
25 1396d(a)), personal care services authorized

1 under paragraph (24) of such section, PACE  
2 services authorized under paragraph (26) of  
3 such section, services authorized under sub-  
4 sections (b), (c), (i), (j), and (k) of section 1915  
5 of such Act (42 U.S.C. 1396n), such services  
6 authorized under a waiver under section 1115  
7 of such Act (42 U.S.C. 1315), and such other  
8 services specified by the Secretary.

9 (b) CONDITION.—The condition described in this sub-  
10 section, with respect to a State, is that the State submits  
11 an application to the Secretary, at such time and in such  
12 manner as specified by the Secretary, that includes, in ad-  
13 dition to such other information as the Secretary shall re-  
14 quire—

15 (1) a description of which activities described in  
16 subsection (d) that a state plans to implement and  
17 a description of how it plans to implement such ac-  
18 tivities;

19 (2) assurances that the Federal funds attrib-  
20 utable to the increase under subsection (a) will be  
21 used—

22 (A) to implement the activities described in  
23 subsection (d); and

24 (B) to supplement, and not supplant, the  
25 level of State funds expended for home and

1 community-based services for eligible individ-  
2 uals through programs in effect as of the date  
3 of the enactment of this section; and

4 (3) assurances that the State will conduct ade-  
5 quate oversight and ensure the validity of such data  
6 as may be required by the Secretary.

7 (c) APPROVAL OF APPLICATION.—Not later than 90  
8 days after the date of submission of an application of a  
9 State under subsection (b), the Secretary shall certify if  
10 the application is complete. Upon certification that an ap-  
11 plication of a State is complete, the application shall be  
12 deemed to be approved for purposes of this section.

13 (d) ACTIVITIES TO IMPROVE THE DELIVERY OF  
14 HCBS.—

15 (1) IN GENERAL.—A State shall work with  
16 community partners, such as Area Agencies on  
17 Aging, Centers for Independent Living, non-profit  
18 home and community-based services providers, and  
19 other entities providing home and community-based  
20 services, to implement—

21 (A) the purposes described in paragraph  
22 (2) during the COVID–19 public health emer-  
23 gency period; and

24 (B) the purposes described in paragraph  
25 (3) after the end of such emergency period.



1           (2) FOCUSED AREAS OF HCBS IMPROVE-  
2           MENT.—The purposes described in this paragraph,  
3           with respect to a State, are the following:

4           (A) To increase rates for home health  
5           agencies and agencies that employ direct sup-  
6           port professionals (including independent pro-  
7           viders in a self-directed or consumer-directed  
8           model) to provide home and community-based  
9           services under the State Medicaid program,  
10          provided that any agency or individual that re-  
11          ceives payment under such an increased rate in-  
12          creases the compensation it pays its home  
13          health workers or direct support professionals.

14          (B) To provide paid sick leave, paid family  
15          leave, and paid medical leave for home health  
16          workers and direct support professionals.

17          (C) To provide hazard pay, overtime pay,  
18          and shift differential pay for home health work-  
19          ers and direct support professionals.

20          (D) To provide home and community-  
21          based services to eligible individuals who are on  
22          waiting lists for programs approved under sec-  
23          tions 1115 or 1915 of the Social Security Act  
24          (42 U.S.C. 1315, 1396n).

1 (E) To purchase emergency supplies and  
2 equipment, which may include items not typi-  
3 cally covered under the Medicaid program, such  
4 as personal protective equipment, necessary to  
5 enhance access to services and to protect the  
6 health and well-being of home health workers  
7 and direct support professionals.

8 (F) To pay for the travel of home health  
9 workers and direct support professionals to con-  
10 duct home and community-based services.

11 (G) To recruit new home health workers  
12 and direct support professionals.

13 (H) To support family care providers of el-  
14 igible individuals with needed supplies and  
15 equipment, which may include items not typi-  
16 cally covered under the Medicaid program, such  
17 as personal protective equipment, and pay.

18 (I) To pay for training for home health  
19 workers and direct support professionals that is  
20 specific to the COVID-19 public health emer-  
21 gency.

22 (J) To pay for assistive technologies, staff-  
23 ing, and other costs incurred during the  
24 COVID-19 public health emergency period in  
25 order to facilitate community integration and

1 ensure an individual's person-centered service  
2 plan continues to be fully implemented.

3 (K) To prepare information and public  
4 health and educational materials in accessible  
5 formats (including formats accessible to people  
6 with low literacy or intellectual disabilities)  
7 about prevention, treatment, recovery and other  
8 aspects of COVID-19 for eligible individuals,  
9 their families, and the general community  
10 served by agencies described in subparagraph  
11 (A).

12 (L) To pay for American sign language in-  
13 terpreters to assist in providing home and com-  
14 munity-based services to eligible individuals and  
15 to inform the general public about COVID-19.

16 (M) To allow day services providers to pro-  
17 vide home and community-based services.

18 (N) To pay for other expenses deemed ap-  
19 propriate by the Secretary to enhance, expand,  
20 or strengthen Home and Community-Based  
21 Services, including retainer payments, and ex-  
22 penses which meet the criteria of the home and  
23 community-based settings rule published on  
24 January 16, 2014.

1           (3) PERMISSIBLE USES AFTER THE EMER-  
2           GENCY PERIOD.—The purpose described in this  
3           paragraph, with respect to a State, is to assist eligi-  
4           ble individuals who had to relocate to a nursing fa-  
5           cility or institutional setting from their homes dur-  
6           ing the COVID–19 public health emergency period  
7           in—

8                   (A) moving back to their homes (including  
9                   by paying for moving costs, first month’s rent,  
10                  and other one-time expenses and start-up  
11                  costs);

12                  (B) resuming home and community-based  
13                  services;

14                  (C) receiving mental health services and  
15                  necessary rehabilitative service to regain skills  
16                  lost while relocated during the public health  
17                  emergency period; and

18                  (D) while funds attributable to the in-  
19                  creased FMAP under this section remain avail-  
20                  able, continuing home and community-based  
21                  services for eligible individuals who were served  
22                  from a waiting list for such services during the  
23                  public health emergency period.

24           (e) REPORTING REQUIREMENTS.—

1           (1) STATE REPORTING REQUIREMENTS.—Not  
2 later than December 31, 2022, any State with re-  
3 spect to which an application is approved by the Sec-  
4 retary pursuant to subsection (c) shall submit a re-  
5 port to the Secretary that contains the following in-  
6 formation:

7           (A) Activities and programs that were  
8 funded using Federal funds attributable to such  
9 increase.

10           (B) The number of eligible individuals who  
11 were served by such activities and programs.

12           (C) The number of eligible individuals who  
13 were able to resume home and community-  
14 based services as a result of such activities and  
15 programs.

16           (2) HHS EVALUATION.—

17           (A) IN GENERAL.—The Secretary shall  
18 evaluate the implementation and outcomes of  
19 this section in the aggregate using an external  
20 evaluator with experience evaluating home and  
21 community-based services, disability programs,  
22 and older adult programs.

23           (B) EVALUATION CRITERIA.—For pur-  
24 poses of subparagraph (A), the external eval-  
25 uator shall—

1 (i) document and evaluate changes in  
2 access, availability, and quality of home  
3 and community-based services in each  
4 HCBS program State;

5 (ii) document and evaluate aggregate  
6 changes in access, availability, and quality  
7 of home and community-based services  
8 across all such States; and

9 (iii) evaluate the implementation and  
10 outcomes of this section based on—

11 (I) the impact of this section on  
12 increasing funding for home and com-  
13 munity-based services;

14 (II) the impact of this section on  
15 achieving targeted access, availability,  
16 and quality of home and community-  
17 based services; and

18 (III) promising practices identi-  
19 fied by activities conducted pursuant  
20 to subsection (d) that increase access  
21 to, availability of, and quality of home  
22 and community-based services.

23 (C) DISSEMINATION OF EVALUATION FIND-  
24 INGS.—The Secretary shall—

1 (i) disseminate the findings from the  
2 evaluations conducted under this para-  
3 graph to—

4 (I) all State Medicaid directors;  
5 and

6 (II) the Committee on Energy  
7 and Commerce of the House of Rep-  
8 resentatives, the Committee on Fi-  
9 nance of the Senate, and the Special  
10 Committee on Aging of the Senate;  
11 and

12 (ii) make all evaluation findings pub-  
13 licly available in an accessible electronic  
14 format and any other accessible format de-  
15 termined appropriate by the Secretary.

16 (D) OVERSIGHT.—Each State with respect  
17 to which an application is approved by the Sec-  
18 retary pursuant to subsection (c) shall ensure  
19 adequate oversight of the expenditure of Fed-  
20 eral funds pursuant to such increase in accord-  
21 ance with the Medicaid regulations, including  
22 section 1115 and 1915 waiver regulations and  
23 special terms and conditions for any relevant  
24 waiver or grant program.

1           (3) NON-APPLICATION OF THE PAPERWORK RE-  
2           DUCTION ACT.—Chapter 35 of title 44, United  
3           States Code (commonly referred to as the “Paper-  
4           work Reduction Act of 1995”), shall not apply to the  
5           provisions of this subsection.

6           (f) ADDITIONAL DEFINITIONS.—In this section:

7           (1) COVID–19 PUBLIC HEALTH EMERGENCY  
8           PERIOD.—The term “COVID–19 public health emer-  
9           gency period” means the portion of the emergency  
10          period described in paragraph (1)(B) of section  
11          1135(g) of the Social Security Act (42 U.S.C.  
12          1320b–5(g)) beginning on or after the date of the  
13          enactment of this Act.

14          (2) ELIGIBLE INDIVIDUAL.—The term “eligible  
15          individual” means an individual who is eligible for or  
16          enrolled for medical assistance under a State Med-  
17          icaid program.

18          (3) MEDICAID PROGRAM.—The term “Medicaid  
19          program” means, with respect to a State, the State  
20          program under title XIX of the Social Security Act  
21          (42 U.S.C. 1396 et seq.) (including any waiver or  
22          demonstration under such title or under section  
23          1115 of such Act (42 U.S.C. 1315) relating to such  
24          title).



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

3 (5) STATE.—The term “State” has the mean-  
4 ing given such term for purposes of title XIX of the  
5 Social Security Act (42 U.S.C. 1396 et seq.).

6 **SEC. 103. COVERAGE AT NO COST SHARING OF COVID-19**  
7 **VACCINE AND TREATMENT.**

8 (a) MEDICAID.—

9 (1) IN GENERAL.—Section 1905(a)(4) of the  
10 Social Security Act (42 U.S.C. 1396d(a)(4)) is  
11 amended—

12 (A) by striking “and (D)” and inserting  
13 “(D)”; and

14 (B) by striking the semicolon at the end  
15 and inserting “; (E) during the portion of the  
16 emergency period described in paragraph (1)(B)  
17 of section 1135(g) beginning on the date of the  
18 enactment of the Investing in America’s Health  
19 Care During the COVID–19 Pandemic Act, a  
20 COVID–19 vaccine licensed under section 351  
21 of the Public Health Service Act, or approved  
22 or authorized under sections 505 or 564 of the  
23 Federal Food, Drug, and Cosmetic Act, and ad-  
24 ministration of the vaccine; (F) during such  
25 portion of the emergency period described in

1 paragraph (1)(B) of section 1135(g), items or  
2 services for the prevention or treatment of  
3 COVID–19, including drugs approved or au-  
4 thorized under such section 505 or such section  
5 564 or, without regard to the requirements of  
6 section 1902(a)(10)(B) (relating to com-  
7 parability), in the case of an individual who is  
8 diagnosed with or presumed to have COVID–  
9 19, during such portion of such emergency pe-  
10 riod during which such individual is infected (or  
11 presumed infected) with COVID–19, the treat-  
12 ment of a condition that may complicate the  
13 treatment of COVID–19;”.

14 (2) PROHIBITION OF COST SHARING.—

15 (A) IN GENERAL.—Subsections (a)(2) and  
16 (b)(2) of section 1916 of the Social Security  
17 Act (42 U.S.C. 1396o) are each amended—

18 (i) in subparagraph (F), by striking

19 “or” at the end;

20 (ii) in subparagraph (G), by striking

21 “; and” and inserting “, or”; and

22 (iii) by adding at the end the fol-  
23 lowing subparagraphs:

24 “(H) during the portion of the emergency  
25 period described in paragraph (1)(B) of section

1 1135(g) beginning on the date of the enactment  
2 of this subparagraph, a COVID–19 vaccine li-  
3 censed under section 351 of the Public Health  
4 Service Act, or approved or authorized under  
5 section 505 or 564 of the Federal Food, Drug,  
6 and Cosmetic Act, and the administration of  
7 such vaccine, or

8 “(I) during such portion of the emergency  
9 period described in paragraph (1)(B) of section  
10 1135(g), any item or service furnished for the  
11 treatment of COVID–19, including drugs ap-  
12 proved or authorized under such section 505 or  
13 such section 564 or, in the case of an individual  
14 who is diagnosed with or presumed to have  
15 COVID–19, during the portion of such emer-  
16 gency period during which such individual is in-  
17 fected (or presumed infected) with COVID–19,  
18 the treatment of a condition that may com-  
19 plicate the treatment of COVID–19; and”.

20 (B) APPLICATION TO ALTERNATIVE COST  
21 SHARING.—Section 1916A(b)(3)(B) of the So-  
22 cial Security Act (42 U.S.C. 1396o–1(b)(3)(B))  
23 is amended—

24 (i) in clause (xi), by striking “any  
25 visit” and inserting “any service”; and

1 (ii) by adding at the end the following  
2 clauses:

3 “(xii) During the portion of the emer-  
4 gency period described in paragraph (1)(B)  
5 of section 1135(g) beginning on the date of  
6 the enactment of this clause, a COVID–19  
7 vaccine licensed under section 351 of the  
8 Public Health Service Act, or approved or  
9 authorized under section 505 or 564 of the  
10 Federal Food, Drug, and Cosmetic Act,  
11 and the administration of such vaccine.

12 “(xiii) During such portion of the  
13 emergency period described in paragraph  
14 (1)(B) of section 1135(g), an item or serv-  
15 ice furnished for the treatment of COVID–  
16 19, including drugs approved or authorized  
17 under such section 505 or such section 564  
18 or, in the case of an individual who is diag-  
19 nosed with or presumed to have COVID–  
20 19, during such portion of such emergency  
21 period during which such individual is in-  
22 fected (or presumed infected) with  
23 COVID–19, the treatment of a condition  
24 that may complicate the treatment of  
25 COVID–19.”.

1 (C) CLARIFICATION.—The amendments  
2 made by this subsection shall apply with respect  
3 to a State plan of a territory in the same man-  
4 ner as a State plan of one of the 50 States.

5 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-  
6 GRAM.—Section 1928 of the Social Security Act (42  
7 U.S.C. 1396s) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (A), by striking “;  
10 and” and inserting a semicolon;

11 (B) in subparagraph (B), by striking the  
12 period and inserting “; and”; and

13 (C) by adding at the end the following sub-  
14 paragraph:

15 “(C) during the portion of the emergency  
16 period described in paragraph (1)(B) of section  
17 1135(g) beginning on the date of the enactment  
18 of this subparagraph, each vaccine-eligible child  
19 (as defined in subsection (b)) is entitled to re-  
20 ceive a COVID–19 vaccine from a program-reg-  
21 istered provider (as defined in subsection  
22 (h)(7)) without charge for—

23 “(i) the cost of such vaccine; or

24 “(ii) the administration of such vac-  
25 cine.”;

1 (2) in subsection (c)(2)—

2 (A) in subparagraph (C)(ii), by inserting “,  
3 but, during the portion of the emergency period  
4 described in paragraph (1)(B) of section  
5 1135(g) beginning on the date of the enactment  
6 of the Investing in America’s Health Care Dur-  
7 ing the COVID–19 Pandemic Act, may not im-  
8 pose a fee for the administration of a COVID–  
9 19 vaccine” before the period; and

10 (B) by adding at the end the following sub-  
11 paragraph:

12 “(D) The provider will provide and admin-  
13 ister an approved COVID–19 vaccine to a vac-  
14 cine-eligible child in accordance with the same  
15 requirements as apply under the preceding sub-  
16 paragraphs to the provision and administration  
17 of a qualified pediatric vaccine to such a  
18 child.”; and

19 (3) in subsection (d)(1), in the first sentence,  
20 by inserting “, including, during the portion of the  
21 emergency period described in paragraph (1)(B) of  
22 section 1135(g) beginning on the date of the enact-  
23 ment of the Investing in America’s Health Care  
24 During the COVID–19 Pandemic Act, with respect  
25 to a COVID–19 vaccine licensed under section 351

1 of the Public Health Service Act, or approved or au-  
2 thORIZED under section 505 or 564 of the Federal  
3 Food, Drug, and Cosmetic Act” before the period.

4 (c) CHIP.—

5 (1) IN GENERAL.—Section 2103(c) of the So-  
6 cial Security Act (42 U.S.C. 1397cc(c)) is amended  
7 by adding at the end the following paragraph:

8 “(11) COVERAGE OF COVID–19 VACCINES AND  
9 TREATMENT.—Regardless of the type of coverage  
10 elected by a State under subsection (a), child health  
11 assistance provided under such coverage for targeted  
12 low-income children and, in the case that the State  
13 elects to provide pregnancy-related assistance under  
14 such coverage pursuant to section 2112, such preg-  
15 nancy-related assistance for targeted low-income  
16 pregnant women (as defined in section 2112(d))  
17 shall include coverage, during the portion of the  
18 emergency period described in paragraph (1)(B) of  
19 section 1135(g) beginning on the date of the enact-  
20 ment of this paragraph, of—

21 “(A) a COVID–19 vaccine licensed under  
22 section 351 of the Public Health Service Act, or  
23 approved or authorized under section 505 or  
24 564 of the Federal Food, Drug, and Cosmetic

1 Act, and the administration of such vaccine;  
2 and

3 “(B) any item or service furnished for the  
4 treatment of COVID–19, including drugs ap-  
5 proved or authorized under such section 505 or  
6 such section 564, or, in the case of an indi-  
7 vidual who is diagnosed with or presumed to  
8 have COVID–19, during the portion of such  
9 emergency period during which such individual  
10 is infected (or presumed infected) with COVID–  
11 19, the treatment of a condition that may com-  
12 plicate the treatment of COVID–19.”

13 (2) PROHIBITION OF COST SHARING.—Section  
14 2103(e)(2) of the Social Security Act (42 U.S.C.  
15 1397cc(e)(2)), as amended by section 6004(b)(3) of  
16 the Families First Coronavirus Response Act, is  
17 amended—

18 (A) in the paragraph header, by inserting  
19 “A COVID–19 VACCINE, COVID–19 TREATMENT,”  
20 before “OR PREGNANCY-RELATED ASSISTANCE”;  
21 and

22 (B) by striking “visits described in section  
23 1916(a)(2)(G), or” and inserting “services de-  
24 scribed in section 1916(a)(2)(G), vaccines de-  
25 scribed in section 1916(a)(2)(H) administered



1 during the portion of the emergency period de-  
2 scribed in paragraph (1)(B) of section 1135(g)  
3 beginning on the date of the enactment of the  
4 Investing in America’s Health Care During the  
5 COVID–19 Pandemic Act, items or services de-  
6 scribed in section 1916(a)(2)(I) furnished dur-  
7 ing such emergency period, or”.

8 (d) CONFORMING AMENDMENTS.—Section 1937 of  
9 the Social Security Act (42 U.S.C. 1396u–7) is amend-  
10 ed—

11 (1) in subsection (a)(1)(B), by inserting “,  
12 under subelause (XXIII) of section  
13 1902(a)(10)(A)(ii),” after “section  
14 1902(a)(10)(A)(i)”;

15 (2) in subsection (b)(5), by adding before the  
16 period the following: “, and, effective on the date of  
17 the enactment of the Investing in America’s Health  
18 Care During the COVID–19 Pandemic Act, must  
19 comply with subparagraphs (F) through (I) of sub-  
20 sections (a)(2) and (b)(2) of section 1916 and sub-  
21 section (b)(3)(B) of section 1916A”.

22 (e) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on the date of enactment of  
24 this Act and shall apply with respect to a COVID–19 vac-  
25 cine beginning on the date that such vaccine is licensed

1 under section 351 of the Public Health Service Act (42  
2 U.S.C. 262), or approved or authorized under section 505  
3 or 564 of the Federal Food, Drug, and Cosmetic Act.

4 **SEC. 104. OPTIONAL COVERAGE AT NO COST SHARING OF**  
5 **COVID-19 TREATMENT AND VACCINES UNDER**  
6 **MEDICAID FOR UNINSURED INDIVIDUALS.**

7 (a) IN GENERAL.—Section 1902(a)(10) of the Social  
8 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the  
9 matter following subparagraph (G), by striking “and any  
10 visit described in section 1916(a)(2)(G)” and inserting the  
11 following: “, any COVID-19 vaccine that is administered  
12 during any such portion (and the administration of such  
13 vaccine), any item or service that is furnished during any  
14 such portion for the treatment of COVID-19, including  
15 drugs approved or authorized under section 505 or 564  
16 of the Federal Food, Drug, and Cosmetic Act, or, in the  
17 case of an individual who is diagnosed with or presumed  
18 to have COVID-19, during the period such individual is  
19 infected (or presumed infected) with COVID-19, the  
20 treatment of a condition that may complicate the treat-  
21 ment of COVID-19, and any services described in section  
22 1916(a)(2)(G)”.

23 (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)  
3           is amended to read as follows:

4           “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-  
5           poses of this section, the term ‘uninsured individual’  
6           means, notwithstanding any other provision of this title,  
7           any individual who is not covered by minimum essential  
8           coverage (as defined in section 5000A(f)(1) of the Internal  
9           Revenue Code of 1986).”.

10           (2) EFFECTIVE DATE.—The amendment made  
11           by 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 amend-  
17           ed by adding at the end the following flush sentence:

18           “For purposes of subparagraph (A), care and serv-  
19           ices described in such subparagraph include any in  
20           vitro diagnostic product described in section  
21           1905(a)(3)(B) (and the administration of such prod-  
22           uct), any COVID–19 vaccine (and the administra-  
23           tion of such vaccine), any item or service that is fur-  
24           nished for the treatment of COVID–19, including  
25           drugs approved or authorized under section 505 or

1 564 of the Federal Food, Drug, and Cosmetic Act,  
2 or a condition that may complicate the treatment of  
3 COVID–19, and any services described in section  
4 1916(a)(2)(G).”.

5 (d) INCLUSION OF COVID–19 CONCERN AS AN  
6 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-  
7 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by  
8 adding at the end the following flush sentence:

9 “Such term includes any indication that an alien de-  
10 scribed in paragraph (1) may have contracted  
11 COVID–19.”.

12 **SEC. 105. MEDICAID COVERAGE FOR CITIZENS OF FREELY**  
13 **ASSOCIATED STATES.**

14 (a) IN GENERAL.—Section 402(b)(2) of the Personal  
15 Responsibility and Work Opportunity Reconciliation Act  
16 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at  
17 the end the following new subparagraph:

18 “(G) MEDICAID EXCEPTION FOR CITIZENS  
19 OF FREELY ASSOCIATED STATES.—With respect  
20 to eligibility for benefits for the designated Fed-  
21 eral program defined in paragraph (3)(C) (re-  
22 lating to the Medicaid program), section 401(a)  
23 and paragraph (1) shall not apply to any indi-  
24 vidual who lawfully resides in 1 of the 50 States  
25 or the District of Columbia in accordance with

1 the Compacts of Free Association between the  
2 Government of the United States and the Gov-  
3 ernments of the Federated States of Micro-  
4 nesia, the Republic of the Marshall Islands, and  
5 the Republic of Palau and shall not apply, at  
6 the option of the Governor of Puerto Rico, the  
7 Virgin Islands, Guam, the Northern Mariana  
8 Islands, or American Samoa as communicated  
9 to the Secretary of Health and Human Services  
10 in writing, to any individual who lawfully re-  
11 sides in the respective territory in accordance  
12 with such Compacts.”.

13 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—  
14 Section 403(d) of such Act (8 U.S.C. 1613(d)) is amend-  
15 ed—

16 (1) in paragraph (1), by striking “or” at the  
17 end;

18 (2) in paragraph (2), by striking the period at  
19 the end and inserting “; or”; and

20 (3) by adding at the end the following new  
21 paragraph:

22 “(3) an individual described in section  
23 402(b)(2)(G), but only with respect to the des-  
24 ignated Federal program defined in section  
25 402(b)(3)(C).”.

1 (c) DEFINITION OF QUALIFIED ALIEN.—Section  
2 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

3 (1) in paragraph (6), by striking “; or” at the  
4 end and inserting a comma;

5 (2) in paragraph (7), by striking the period at  
6 the end and inserting “, or”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(8) an individual who lawfully resides in the  
10 United States in accordance with a Compact of Free  
11 Association referred to in section 402(b)(2)(G), but  
12 only with respect to the designated Federal program  
13 defined in section 402(b)(3)(C) (relating to the Med-  
14 icaid program).”.

15 (d) APPLICATION TO STATE PLANS.—Section  
16 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.  
17 1396a(a)(10)(A)(i)) is amended by inserting after sub-  
18 clause (IX) the following:

19 “(X) who are described in section  
20 402(b)(2)(G) of the Personal Respon-  
21 sibility and Work Opportunity Rec-  
22 onciliation Act of 1996 and eligible  
23 for benefits under this title by reason  
24 of application of such section;”.

1 (e) CONFORMING AMENDMENTS.—Section 1108 of  
2 the Social Security Act (42 U.S.C. 1308) is amended—

3 (1) in subsection (f), in the matter preceding  
4 paragraph (1), by striking “subsections (g) and (h)  
5 and section 1935(e)(1)(B)” and inserting “sub-  
6 sections (g), (h), and (i) and section 1935(e)(1)(B)”;  
7 and

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

9 “(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-  
10 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—  
11 Expenditures for medical assistance provided to an indi-  
12 vidual described in section 431(b)(8) of the Personal Re-  
13 sponsibility and Work Opportunity Reconciliation Act of  
14 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into ac-  
15 count for purposes of applying payment limits under sub-  
16 sections (f) and (g).”.

17 (f) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to benefits for items and services  
19 furnished on or after the date of the enactment of this  
20 Act.

21 **SEC. 106. TEMPORARY INCREASE IN MEDICAID DSH ALLOT-**  
22 **MENTS.**

23 (a) IN GENERAL.—Section 1923(f)(3) of the Social  
24 Security Act (42 U.S.C. 1396r-4(f)(3)) is amended—

1 (1) in subparagraph (A), by striking “and sub-  
2 paragraph (E)” and inserting “and subparagraphs  
3 (E) and (F)”; and

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

6 “(F) TEMPORARY INCREASE IN ALLOT-  
7 MENTS DURING CERTAIN PUBLIC HEALTH  
8 EMERGENCY.—The DSH allotment for any  
9 State for each of fiscal years 2020 and 2021 is  
10 equal to 102.5 percent of the DSH allotment  
11 that would be determined under this paragraph  
12 for the State for each respective fiscal year  
13 without application of this subparagraph, not-  
14 withstanding subparagraphs (B) and (C). For  
15 each fiscal year after fiscal year 2021, the DSH  
16 allotment for a State for such fiscal year is  
17 equal to the DSH allotment that would have  
18 been determined under this paragraph for such  
19 fiscal year if this subparagraph had not been  
20 enacted.”.

21 (b) DSH ALLOTMENT ADJUSTMENT FOR TEN-  
22 NESSEE.—Section 1923(f)(6)(A)(vi) of the Social Security  
23 Act (42 U.S.C. 1396r-4(f)(6)(A)(vi)) is amended—



1 (1) by striking “Notwithstanding any other pro-  
2 vision of this subsection” and inserting the fol-  
3 lowing:

4 “(I) IN GENERAL.—Notwith-  
5 standing any other provision of this  
6 subsection (except as provided in sub-  
7 clause (II) of this clause)”;

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

9 “(II) TEMPORARY INCREASE IN  
10 ALLOTMENTS.—The DSH allotment  
11 for Tennessee for each of fiscal years  
12 2020 and 2021 shall be equal to  
13 \$54,427,500.”.

14 (c) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that a State should prioritize making payments  
16 under the State plan of the State under title XIX of the  
17 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver  
18 of such plan) to disproportionate share hospitals that have  
19 a higher share of COVID–19 patients relative to other  
20 such hospitals in the State.

21 **SEC. 107. ALLOWING FOR MEDICAL ASSISTANCE UNDER**  
22 **MEDICAID FOR INMATES DURING 30-DAY PE-**  
23 **RIOD PRECEDING RELEASE.**

24 (a) IN GENERAL.—The subdivision (A) following  
25 paragraph (30) of section 1905(a) of the Social Security

1 Act (42 U.S.C. 1396d(a)) is amended by inserting “and  
2 except during the 30-day period preceding the date of re-  
3 lease of such individual from such public institution” after  
4 “medical institution”.

5 (b) REPORT.—Not later than June 30, 2022, the  
6 Medicaid and CHIP Payment and Access Commission  
7 shall submit a report to Congress on the Medicaid inmate  
8 exclusion under the subdivision (A) following paragraph  
9 (30) of section 1905(a) of the Social Security Act (42  
10 U.S.C. 1396d(a)). Such report may, to the extent prac-  
11 ticable, include the following information:

12 (1) The number of incarcerated individuals who  
13 would otherwise be eligible to enroll for medical as-  
14 sistance under a State plan approved under title  
15 XIX of the Social Security Act (42 U.S.C. 1396 et  
16 seq.) (or a waiver of such a plan).

17 (2) Access to health care for incarcerated indi-  
18 viduals, including a description of medical services  
19 generally available to incarcerated individuals.

20 (3) A description of current practices related to  
21 the discharge of incarcerated individuals, including  
22 how prisons interact with State Medicaid agencies to  
23 ensure that such individuals who are eligible to en-  
24 roll for medical assistance under a State plan or  
25 waiver described in paragraph (1) are so enrolled.

1 (4) If determined appropriate by the Commis-  
2 sion, recommendations for Congress, the Depart-  
3 ment of Health and Human Services, or States re-  
4 garding the Medicaid inmate exclusion.

5 (5) Any other information that the Commission  
6 determines would be useful to Congress.

7 **SEC. 108. MEDICAID COVERAGE OF CERTAIN MEDICAL**  
8 **TRANSPORTATION.**

9 (a) CONTINUING REQUIREMENT OF MEDICAID COV-  
10 ERAGE OF NECESSARY TRANSPORTATION.—

11 (1) REQUIREMENT.—Section 1902(a)(4) of the  
12 Social Security Act (42 U.S.C. 1396a(a)(4)) is  
13 amended—

14 (A) by striking “and including provision  
15 for utilization” and inserting “including provi-  
16 sion for utilization”; and

17 (B) by inserting after “supervision of ad-  
18 ministration of the plan” the following: “, and,  
19 subject to section 1903(i), including a specifica-  
20 tion that the single State agency described in  
21 paragraph (5) will ensure necessary transpor-  
22 tation for beneficiaries under the State plan to  
23 and from providers and a description of the  
24 methods that such agency will use to ensure  
25 such transportation”.

1           (2) APPLICATION WITH RESPECT TO BENCH-  
2           MARK BENEFIT PACKAGES AND BENCHMARK EQUIV-  
3           ALENT COVERAGE.—Section 1937(a)(1) of the Social  
4           Security Act (42 U.S.C. 1396u–7(a)(1)) is amend-  
5           ed—

6                   (A) in subparagraph (A), by striking “sub-  
7                   section (E)” and inserting “subparagraphs (E)  
8                   and (F)”;

9                   (B) by adding at the end the following new  
10                  subparagraph:

11                   “(F) NECESSARY TRANSPORTATION.—Not-  
12                  withstanding the preceding provisions of this  
13                  paragraph, a State may not provide medical as-  
14                  sistance through the enrollment of an individual  
15                  with benchmark coverage or benchmark equiva-  
16                  lent coverage described in subparagraph (A)(i)  
17                  unless, subject to section 1903(i)(9) and in ac-  
18                  cordance with section 1902(a)(4), the bench-  
19                  mark benefit package or benchmark equivalent  
20                  coverage (or the State)—

21                   “(i) ensures necessary transportation  
22                   for individuals enrolled under such package  
23                   or coverage to and from providers; and

1                   “(ii) provides a description of the  
2                   methods that will be used to ensure such  
3                   transportation.”.

4                   (3) LIMITATION ON FEDERAL FINANCIAL PAR-  
5                   TICIPATION.—Section 1903(i) of the Social Security  
6                   Act (42 U.S.C. 1396b(i)) is amended by inserting  
7                   after paragraph (8) the following new paragraph:

8                   “(9) with respect to any amount expended for  
9                   non-emergency transportation authorized under sec-  
10                  tion 1902(a)(4), unless the State plan provides for  
11                  the methods and procedures required under section  
12                  1902(a)(30)(A); or”.

13                  (4) EFFECTIVE DATE.—The amendments made  
14                  by this subsection shall take effect on the date of the  
15                  enactment of this Act and shall apply to transpor-  
16                  tation furnished on or after such date.

17                  (b) MEDICAID PROGRAM INTEGRITY MEASURES RE-  
18                  LATED TO COVERAGE OF NONEMERGENCY MEDICAL  
19                  TRANSPORTATION.—

20                  (1) GAO STUDY.—Not later than two years  
21                  after the date of the enactment of this Act, the  
22                  Comptroller General of the United States shall con-  
23                  duct a study, and submit to Congress, a report on  
24                  coverage under the Medicaid program under title  
25                  XIX of the Social Security Act of nonemergency

1 transportation to medically necessary services. Such  
2 study shall take into account the 2009 report of the  
3 Office of the Inspector General of the Department of  
4 Health and Human Services, titled “Fraud and  
5 Abuse Safeguards for Medicaid Nonemergency Med-  
6 ical Transportation” (OEI-06-07-003200). Such  
7 report shall include the following:

8 (A) An examination of the 50 States and  
9 the District of Columbia to identify safeguards  
10 to prevent and detect fraud and abuse with re-  
11 spect to coverage under the Medicaid program  
12 of nonemergency transportation to medically  
13 necessary services.

14 (B) An examination of transportation bro-  
15 kers to identify the range of safeguards against  
16 such fraud and abuse to prevent improper pay-  
17 ments for such transportation.

18 (C) Identification of the numbers, types,  
19 and outcomes of instances of fraud and abuse,  
20 with respect to coverage under the Medicaid  
21 program of such transportation, that State  
22 Medicaid Fraud Control Units have investigated  
23 in recent years.

24 (D) Identification of commonalities or  
25 trends in program integrity, with respect to

1 such coverage, to inform risk management  
2 strategies of States and the Centers for Medi-  
3 care & Medicaid Services.

4 (2) STAKEHOLDER WORKING GROUP.—

5 (A) IN GENERAL.—Not later than one year  
6 after the date of the enactment of this Act, the  
7 Secretary of Health and Human Services,  
8 through the Centers for Medicare & Medicaid  
9 Services, shall convene a series of meetings to  
10 obtain input from appropriate stakeholders to  
11 facilitate discussion and shared learning about  
12 the leading practices for improving Medicaid  
13 program integrity, with respect to coverage of  
14 nonemergency transportation to medically nec-  
15 essary services.

16 (B) TOPICS.—The meetings convened  
17 under subparagraph (A) shall—

18 (i) focus on ongoing challenges to  
19 Medicaid program integrity as well as lead-  
20 ing practices to address such challenges;  
21 and

22 (ii) address specific challenges raised  
23 by stakeholders involved in coverage under  
24 the Medicaid program of nonemergency  
25 transportation to medically necessary serv-

1           ices, including unique considerations for  
2           specific groups of Medicaid beneficiaries  
3           meriting particular attention, such as  
4           American Indians and tribal land issues or  
5           accommodations for individuals with dis-  
6           abilities.

7           (C) STAKEHOLDERS.—Stakeholders de-  
8           scribed in subparagraph (A) shall include indi-  
9           viduals from State Medicaid programs, brokers  
10          for nonemergency transportation to medically  
11          necessary services that meet the criteria de-  
12          scribed in section 1902(a)(70)(B) of the Social  
13          Security Act (42 U.S.C. 1396a(a)(70)(B)), pro-  
14          viders (including transportation network compa-  
15          nies), Medicaid patient advocates, and such  
16          other individuals specified by the Secretary.

17          (3) GUIDANCE REVIEW.—Not later than 18  
18          months after the date of the enactment of this Act,  
19          the Secretary of Health and Human Services,  
20          through the Centers for Medicare & Medicaid Serv-  
21          ices, shall assess guidance issued to States by the  
22          Centers for Medicare & Medicaid Services relating to  
23          Federal requirements for nonemergency transpor-  
24          tation to medically necessary services under the  
25          Medicaid program under title XIX of the Social Se-



1 security Act and update such guidance as necessary to  
2 ensure States have appropriate and current guidance  
3 in designing and administering coverage under the  
4 Medicaid program of nonemergency transportation  
5 to medically necessary services.

6 (4) NEMT TRANSPORTATION PROVIDER AND  
7 DRIVER REQUIREMENTS.—

8 (A) STATE PLAN REQUIREMENT.—Section  
9 1902(a) of the Social Security Act (42 U.S.C.  
10 1396a(a)) is amended—

11 (i) by striking “and” at the end of  
12 paragraph (85);

13 (ii) by striking the period at the end  
14 of paragraph (86) and inserting “; and”;  
15 and

16 (iii) by inserting after paragraph (86)  
17 the following new paragraph:

18 “(87) provide for a mechanism, which may in-  
19 clude attestation, that ensures that, with respect to  
20 any provider (including a transportation network  
21 company) or individual driver of nonemergency  
22 transportation to medically necessary services receiv-  
23 ing payments under such plan (but excluding any  
24 public transit authority), at a minimum—

1           “(A) each such provider and individual  
2 driver is not excluded from participation in any  
3 Federal health care program (as defined in sec-  
4 tion 1128B(f)) and is not listed on the exclu-  
5 sion list of the Inspector General of the Depart-  
6 ment of Health and Human Services;

7           “(B) each such individual driver has a  
8 valid driver’s license;

9           “(C) each such provider has in place a  
10 process to address any violation of a State drug  
11 law; and

12           “(D) each such provider has in place a  
13 process to disclose to the State Medicaid pro-  
14 gram the driving history, including any traffic  
15 violations, of each such individual driver em-  
16 ployed by such provider, including any traffic  
17 violations.”.

18           (B) EFFECTIVE DATE.—

19           (i) IN GENERAL.—Except as provided  
20 in clause (ii), the amendments made by  
21 subparagraph (A) shall take effect on the  
22 date of the enactment of this Act and shall  
23 apply to services furnished on or after the  
24 date that is one year after the date of the  
25 enactment of this Act.

- 1 (ii) EXCEPTION IF STATE LEGISLA-  
2 TION REQUIRED.—In the case of a State  
3 plan for medical assistance under title XIX  
4 of the Social Security Act which the Sec-  
5 retary of Health and Human Services de-  
6 termines requires State legislation (other  
7 than legislation appropriating funds) in  
8 order for the plan to meet the additional  
9 requirement imposed by the amendments  
10 made by subparagraph (A), the State plan  
11 shall not be regarded as failing to comply  
12 with the requirements of such title solely  
13 on the basis of its failure to meet this ad-  
14 ditional requirement before the first day of  
15 the first calendar quarter beginning after  
16 the close of the first regular session of the  
17 State legislature that begins after the date  
18 of the enactment of this Act. For purposes  
19 of the previous sentence, in the case of a  
20 State that has a 2-year legislative session,  
21 each year of such session shall be deemed  
22 to be a separate regular session of the  
23 State legislature.
- 24 (5) ANALYSIS OF T-MSIS DATA.—Not later  
25 than one year after the date of the enactment of this

1 Act, the Secretary of Health and Human Services,  
2 through the Centers for Medicare & Medicaid Serv-  
3 ices, shall analyze, and submit to Congress a report  
4 on, the nation-wide data set under the Transformed  
5 Medicaid Statistical Information System to identify  
6 recommendations relating to coverage under the  
7 Medicaid program under title XIX of the Social Se-  
8 curity Act of nonemergency transportation to medi-  
9 cally necessary services.

## 10 **TITLE II—MEDICARE**

### 11 **PROVISIONS**

#### 12 **SEC. 201. HOLDING MEDICARE BENEFICIARIES HARMLESS**

#### 13 **FOR SPECIFIED COVID-19 TREATMENT SERV-**

#### 14 **ICES FURNISHED UNDER PART A OR PART B**

#### 15 **OF THE MEDICARE PROGRAM.**

16 (a) IN GENERAL.—Notwithstanding any other provi-  
17 sion of law, in the case of a specified COVID-19 treat-  
18 ment service (as defined in subsection (b)) furnished dur-  
19 ing any portion of the emergency period described in para-  
20 graph (1)(B) of section 1135(g) of the Social Security Act  
21 (42 U.S.C. 1320b-5(g)) beginning on or after the date of  
22 the enactment of this Act to an individual entitled to bene-  
23 fits under part A or enrolled under part B of title XVIII  
24 of the Social Security Act (42 U.S.C. 1395 et seq.) for  
25 which payment is made under such part A or such part

1 B, the Secretary of Health and Human Services (in this  
2 section referred to as the “Secretary”) shall provide  
3 that—

4 (1) any cost-sharing required (including any de-  
5 ductible, copayment, or coinsurance) applicable to  
6 such individual under such part A or such part B  
7 with respect to such item or service is paid by the  
8 Secretary; and

9 (2) the provider of services or supplier (as de-  
10 fined in section 1861 of the Social Security Act (42  
11 U.S.C. 1395x)) does not hold such individual liable  
12 for such requirement.

13 (b) DEFINITION OF SPECIFIED COVID–19 TREAT-  
14 MENT SERVICES.—For purposes of this section, the term  
15 “specified COVID–19 treatment service” means any item  
16 or service furnished to an individual for which payment  
17 may be made under part A or part B of title XVIII of  
18 the Social Security Act (42 U.S.C. 1395 et seq.) if such  
19 item or service is included in a claim with an ICD–10–  
20 CM code relating to COVID–19 (as described in the docu-  
21 ment entitled “ICD–10–CM Official Coding Guidelines -  
22 Supplement Coding encounters related to COVID–19  
23 Coronavirus Outbreak” published on February 20, 2020,  
24 or as otherwise specified by the Secretary).

1 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY  
2 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-  
3 SURANCE COVERAGE.—

4 (1) IN GENERAL.—In the case of any amount  
5 paid by the Secretary pursuant to subsection (a)(1)  
6 that the Secretary determines would otherwise have  
7 been paid by a group health plan or health insurance  
8 issuer (as such terms are defined in section 2791 of  
9 the Public Health Service Act (42 U.S.C. 300gg-  
10 91)), a private entity offering a medicare supple-  
11 mental policy under section 1882 of the Social Secu-  
12 rity Act (42 U.S.C. 1395ss), any other health plan  
13 offering supplemental coverage, a State plan under  
14 title XIX of the Social Security Act, or the Secretary  
15 of Defense under the TRICARE program, such  
16 plan, issuer, private entity, other health plan, State  
17 plan, or Secretary of Defense, as applicable, shall  
18 pay to the Secretary, not later than 1 year after  
19 such plan, issuer, private entity, other health plan,  
20 State plan, or Secretary of Defense receives a notice  
21 under paragraph (3), such amount in accordance  
22 with this subsection.

23 (2) REQUIRED INFORMATION.—Not later than  
24 9 months after the date of the enactment of this  
25 Act, each group health plan, health insurance issuer,

1 private entity, other health plan, State plan, and  
2 Secretary of Defense described in paragraph (1)  
3 shall submit to the Secretary such information as  
4 the Secretary determines necessary for purposes of  
5 carrying out this subsection. Such information so  
6 submitted shall be updated by such plan, issuer, pri-  
7 vate entity, other health plan, State plan, or Sec-  
8 retary of Defense, as applicable, at such time and in  
9 such manner as specified by the Secretary.

10 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

11 The Secretary shall establish a process under which  
12 claims for items and services for which the Secretary  
13 has paid an amount pursuant to subsection (a)(1)  
14 are reviewed for purposes of identifying if such  
15 amount would otherwise have been paid by a plan,  
16 issuer, private entity, other health plan, State plan,  
17 or Secretary of Defense described in paragraph (1).  
18 In the case such a claim is so identified, the Sec-  
19 retary shall determine the amount that would have  
20 been otherwise payable by such plan, issuer, private  
21 entity, other health plan, State plan, or Secretary of  
22 Defense and notify such plan, issuer, private entity,  
23 other health plan, State plan, or Secretary of De-  
24 fense of such amount.

1           (4) ENFORCEMENT.—The Secretary may im-  
2           pose a civil monetary penalty in an amount deter-  
3           mined appropriate by the Secretary in the case of a  
4           plan, issuer, private entity, other health plan, or  
5           State plan that fails to comply with a provision of  
6           this section. The provisions of section 1128A of the  
7           Social Security Act shall apply to a civil monetary  
8           penalty imposed under the previous sentence in the  
9           same manner as such provisions apply to a penalty  
10          or proceeding under subsection (a) or (b) of such  
11          section.

12          (d) FUNDING.—The Secretary shall provide for the  
13          transfer to the Centers for Medicare & Medicaid Program  
14          Management Account from the Federal Hospital Insur-  
15          ance Trust Fund and the Federal Supplementary Trust  
16          Fund (in such portions as the Secretary determines appro-  
17          priate) \$100,000,000 for purposes of carrying out this  
18          section.

19          (e) REPORT.—Not later than 3 years after the date  
20          of the enactment of this Act, the Inspector General of the  
21          Department of Health and Human Services shall submit  
22          to Congress a report containing an analysis of amounts  
23          paid pursuant to subsection (a)(1) compared to amounts  
24          paid to the Secretary pursuant to subsection (c).



1 (f) IMPLEMENTATION.—Notwithstanding any other  
2 provision of law, the Secretary may implement the provi-  
3 sions of this section by program instruction or otherwise.

4 **SEC. 202. ENSURING COMMUNICATIONS ACCESSIBILITY**  
5 **FOR RESIDENTS OF SKILLED NURSING FA-**  
6 **CILITIES DURING THE COVID-19 EMERGENCY**  
7 **PERIOD.**

8 (a) IN GENERAL.—Section 1819(c)(3) of the Social  
9 Security Act (42 U.S.C. 1395i-3(c)(3)) is amended—

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

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

14 (3) by adding at the end the following new sub-  
15 paragraph:

16 “(F) provide for reasonable access to the  
17 use of a telephone, including TTY and TDD  
18 services (as defined for purposes of section  
19 483.10 of title 42, Code of Federal Regulations  
20 (or a successor regulation)), and the internet  
21 (to the extent available to the facility) and in-  
22 form each such resident (or a representative of  
23 such resident) of such access and any changes  
24 in policies or procedures of such facility relating  
25 to limitations on external visitors.”.

1 (b) COVID–19 PROVISIONS.—

2 (1) GUIDANCE.—Not later than 15 days after  
3 the date of the enactment of this Act, the Secretary  
4 of Health and Human Service shall issue guidance  
5 on steps skilled nursing facilities may take to ensure  
6 residents have access to televisitation during the  
7 emergency period defined in section 1135(g)(1)(B)  
8 of the Social Security Act (42 U.S.C. 1320b–  
9 5(g)(1)(B)). Such guidance shall include information  
10 on how such facilities will notify residents of such  
11 facilities, representatives of such residents, and rel-  
12 atives of such residents of the rights of such resi-  
13 dents to such televisitation, and ensure timely and  
14 equitable access to such televisitation.

15 (2) REVIEW OF FACILITIES.—The Secretary of  
16 Health and Human Services shall take such steps as  
17 determined appropriate by the Secretary to ensure  
18 that residents of skilled nursing facilities and rel-  
19 atives of such residents are made aware of the ac-  
20 cess rights described in section 1819(c)(3)(F) of the  
21 Social Security Act (42 U.S.C. 1395i–3(c)(3)(F)).

1 **SEC. 203. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**  
2 **PAYMENT SYSTEM OUTLIER PAYMENTS FOR**  
3 **COVID-19 PATIENTS DURING CERTAIN EMER-**  
4 **GENCY PERIOD.**

5 (a) IN GENERAL.—Section 1886(d)(5)(A) of the So-  
6 cial Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amend-  
7 ed—

8 (1) in clause (ii), by striking “For cases” and  
9 inserting “Subject to clause (vii), for cases”;

10 (2) in clause (iii), by striking “The amount”  
11 and inserting “Subject to clause (vii), the amount”;

12 (3) in clause (iv), by striking “The total  
13 amount” and inserting “Subject to clause (vii), the  
14 total amount”; and

15 (4) by adding at the end the following new  
16 clause:

17 “(vii) For discharges that have a primary or sec-  
18 ondary diagnosis of COVID-19 and that occur during the  
19 period beginning on the date of the enactment of this  
20 clause and ending on the sooner of January 31, 2021, or  
21 the last day of the emergency period described in section  
22 1135(g)(1)(B), the amount of any additional payment  
23 under clause (ii) for a subsection (d) hospital for such a  
24 discharge shall be determined as if—

25 “(I) clause (ii) was amended by striking ‘plus  
26 a fixed dollar amount determined by the Secretary’;

1           “(II) the reference in clause (iii) to ‘approximate the marginal cost of care beyond the cutoff  
2           point applicable under clause (i) or (ii)’ were a reference to ‘approximate the marginal cost of care beyond the cutoff point applicable under clause (i), or,  
3           reference to ‘approximate the marginal cost of care beyond the cutoff point applicable under clause (i), or,  
4           beyond the cutoff point applicable under clause (i), or,  
5           in the case of an additional payment requested  
6           under clause (ii), be equal to 100 percent of the  
7           amount by which the costs of the discharge for  
8           which such additional payment is so requested exceed the applicable DRG prospective payment rate’;  
9           and  
10           and  
11           and

12           “(III) clause (iv) does not apply.”.

13           (b) EXCLUSION FROM REDUCTION IN AVERAGE  
14           STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LOCATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of  
15           the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is  
16           amended by inserting before the period the following: “,  
17           other than additional payments described in clause (vii)  
18           of such paragraph”.

19           (c) IMPLEMENTATION.—Notwithstanding any other  
20           provision of law, the Secretary of Health and Human  
21           Services may implement the amendments made by this  
22           section by program instruction or otherwise.  
23

1 **SEC. 204. COVERAGE OF TREATMENTS FOR COVID-19 AT NO**  
2 **COST SHARING UNDER THE MEDICARE AD-**  
3 **VANTAGE PROGRAM.**

4 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-  
5 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is  
6 amended by adding at the end the following new clause:

7 “(vii) SPECIAL COVERAGE RULES FOR  
8 SPECIFIED COVID-19 TREATMENT SERV-  
9 ICES.—Notwithstanding clause (i), in the  
10 case of a specified COVID-19 treatment  
11 service (as defined in section 201(b) of the  
12 Investing in America’s Health Care During  
13 the COVID-19 Pandemic Act) that is fur-  
14 nished during a plan year occurring during  
15 any portion of the emergency period de-  
16 fined in section 1135(g)(1)(B) beginning  
17 on or after the date of the enactment of  
18 this clause, a Medicare Advantage plan  
19 may not, with respect to such service, im-  
20 pose—

21 “(I) any cost-sharing require-  
22 ment (including a deductible, copay-  
23 ment, or coinsurance requirement);  
24 and

25 “(II) in the case such service is a  
26 critical specified COVID-19 treat-

1                   ment service (including ventilator  
2                   services and intensive care unit serv-  
3                   ices), any prior authorization or other  
4                   utilization management requirement.

5                   A Medicare Advantage plan may not take  
6                   the application of this clause into account  
7                   for purposes of a bid amount submitted by  
8                   such plan under section 1854(a)(6).”.

9           (b) IMPLEMENTATION.—Notwithstanding any other  
10          provision of law, the Secretary of Health and Human  
11          Services may implement the amendments made by this  
12          section by program instruction or otherwise.

13   **SEC. 205. REQUIRING COVERAGE UNDER MEDICARE PDPS**  
14                   **AND MA-PD PLANS, WITHOUT THE IMPOSI-**  
15                   **TION OF COST SHARING OR UTILIZATION**  
16                   **MANAGEMENT REQUIREMENTS, OF DRUGS**  
17                   **INTENDED TO TREAT COVID-19 DURING CER-**  
18                   **TAIN EMERGENCIES.**

19          (a) COVERAGE REQUIREMENT.—

20               (1) IN GENERAL.—Section 1860D-4(b)(3) of  
21          the Social Security Act (42 U.S.C. 1395w-  
22          104(b)(3)) is amended by adding at the end the fol-  
23          lowing new subparagraph:

24                   “(I) REQUIRED INCLUSION OF DRUGS IN-  
25                   TENDED TO TREAT COVID-19.—

1           “(i) IN GENERAL.—Notwithstanding  
2           any other provision of law, a PDP sponsor  
3           offering a prescription drug plan shall,  
4           with respect to a plan year, any portion of  
5           which occurs during the period described  
6           in clause (ii), be required to—

7                       “(I) include in any formulary—

8                               “(aa) all covered part D  
9                               drugs with a medically accepted  
10                              indication (as defined in section  
11                              1860D–2(e)(4)) to treat COVID–  
12                              19 that are marketed in the  
13                              United States; and

14                             “(bb) all drugs authorized  
15                             under section 564 or 564A of the  
16                             Federal Food, Drug, and Cos-  
17                             metic Act to treat COVID–19;  
18                             and

19                           “(II) not impose any prior au-  
20                           thorization or other utilization man-  
21                           agement requirement with respect to  
22                           such drugs described in item (aa) or  
23                           (bb) of subclause (I) (other than such  
24                           a requirement that limits the quantity  
25                           of drugs due to safety).

1           “(ii) PERIOD DESCRIBED.—For pur-  
2           poses of clause (i), the period described in  
3           this clause is the period during which there  
4           exists the public health emergency declared  
5           by the Secretary pursuant to section 319  
6           of the Public Health Service Act on Janu-  
7           ary 31, 2020, entitled ‘Determination that  
8           a Public Health Emergency Exists Nation-  
9           wide as the Result of the 2019 Novel  
10          Coronavirus’ (including any renewal of  
11          such declaration pursuant to such sec-  
12          tion).”.

13          (b) ELIMINATION OF COST SHARING.—

14           (1) ELIMINATION OF COST-SHARING FOR  
15          DRUGS INTENDED TO TREAT COVID-19 UNDER  
16          STANDARD AND ALTERNATIVE PRESCRIPTION DRUG  
17          COVERAGE.—Section 1860D-2 of the Social Security  
18          Act (42 U.S.C. 1395w-102) is amended—

19           (A) in subsection (b)—

20           (i) in paragraph (1)(A), by striking  
21           “The coverage” and inserting “Subject to  
22           paragraph (8), the coverage”;

23           (ii) in paragraph (2)—

24           (I) in subparagraph (A), by in-  
25           serting after “Subject to subpara-



1 graphs (C) and (D)” the following:  
2 “and paragraph (8)”;

3 (II) in subparagraph (C)(i), by  
4 striking “paragraph (4)” and insert-  
5 ing “paragraphs (4) and (8)”;

6 (III) in subparagraph (D)(i), by  
7 striking “paragraph (4)” and insert-  
8 ing “paragraphs (4) and (8)”;

9 (iii) in paragraph (4)(A)(i), by strik-  
10 ing “The coverage” and inserting “Subject  
11 to paragraph (8), the coverage”;

12 (iv) by adding at the end the following  
13 new paragraph:

14 “(8) ELIMINATION OF COST-SHARING FOR  
15 DRUGS INTENDED TO TREAT COVID-19.—The cov-  
16 erage does not impose any deductible, copayment,  
17 coinsurance, or other cost-sharing requirement for  
18 drugs described in section 1860D-4(b)(3)(I)(i)(I)  
19 with respect to a plan year, any portion of which oc-  
20 curs during the period during which there exists the  
21 public health emergency declared by the Secretary  
22 pursuant to section 319 of the Public Health Service  
23 Act on January 31, 2020, entitled ‘Determination  
24 that a Public Health Emergency Exists Nationwide  
25 as the Result of the 2019 Novel Coronavirus’ (in-

1 cluding any renewal of such declaration pursuant to  
2 such section.”; and

3 (B) in subsection (c), by adding at the end  
4 the following new paragraph:

5 “(4) SAME ELIMINATION OF COST-SHARING FOR  
6 DRUGS INTENDED TO TREAT COVID–19.—The cov-  
7 erage is in accordance with subsection (b)(8).”.

8 (2) ELIMINATION OF COST-SHARING FOR  
9 DRUGS INTENDED TO TREAT COVID–19 DISPENSED  
10 TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDI-  
11 VIDUALS.—Section 1860D–14(a) of the Social Secu-  
12 rity Act (42 U.S.C. 1395w–114(a)) is amended—

13 (A) in paragraph (1)—

14 (i) in subparagraph (D)—

15 (I) in clause (ii), by striking “In  
16 the case of” and inserting “Subject to  
17 subparagraph (F), in the case of”;  
18 and

19 (II) in clause (iii), by striking  
20 “In the case of” and inserting “Sub-  
21 ject to subparagraph (F), in the case  
22 of”; and

23 (ii) by adding at the end the following  
24 new subparagraph:

1 “(F) ELIMINATION OF COST-SHARING FOR  
2 DRUGS INTENDED TO TREAT COVID-19.—Cov-  
3 erage that is in accordance with section  
4 1860D-2(b)(8).”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (B), by striking  
7 “A reduction” and inserting “Subject to  
8 subparagraph (F), a reduction”;

9 (ii) in subparagraph (D), by striking  
10 “The substitution” and inserting “Subject  
11 to subparagraph (F), the substitution”;

12 (iii) in subparagraph (E), by inserting  
13 after “Subject to” the following: “subpara-  
14 graph (F) and”; and

15 (iv) by adding at the end the following  
16 new subparagraph:

17 “(F) ELIMINATION OF COST-SHARING FOR  
18 DRUGS INTENDED TO TREAT COVID-19.—Cov-  
19 erage that is in accordance with section  
20 1860D-2(b)(8).”.

21 (c) IMPLEMENTATION.—Notwithstanding any other  
22 provision of law, the Secretary of Health and Human  
23 Services may implement the amendments made by this  
24 section by program instruction or otherwise.

1 **SEC. 206. MEDICARE SPECIAL ENROLLMENT PERIOD FOR**  
2 **INDIVIDUALS RESIDING IN COVID-19 EMER-**  
3 **GENCY AREAS.**

4 (a) IN GENERAL.—Section 1837(i) of the Social Se-  
5 curity Act (42 U.S.C. 1395p(i)) is amended by adding at  
6 the end the following new paragraph:

7 “(5)(A) In the case of an individual who—

8 “(i) is eligible under section 1836 to enroll  
9 in the medical insurance program established by  
10 this part,

11 “(ii) did not enroll (or elected not to be  
12 deemed enrolled) under this section during an  
13 enrollment period, and

14 “(iii) during the emergency period (as de-  
15 scribed in section 1135(g)(1)(B)), resided in an  
16 emergency area (as described in such section),  
17 there shall be a special enrollment period de-  
18 scribed in subparagraph (B).

19 “(B) The special enrollment period re-  
20 ferred to in subparagraph (A) is the period that  
21 begins not later than December 1, 2020, and  
22 ends on the last day of the month in which the  
23 emergency period (as described in section  
24 1135(g)(1)(B)) ends.”.

25 (b) COVERAGE PERIOD FOR INDIVIDUALS  
26 TRANSITIONING FROM OTHER COVERAGE.—Section

1 1838(e) of the Social Security Act (42 U.S.C. 1395q(e))  
2 is amended—

3 (1) by striking “pursuant to section 1837(i)(3)  
4 or 1837(i)(4)(B)—” and inserting the following:  
5 “pursuant to—

6 “(1) section 1837(i)(3) or 1837(i)(4)(B)—”;

7 (2) by redesignating paragraphs (1) and (2) as  
8 subparagraphs (A) and (B), respectively, and mov-  
9 ing the indentation of each such subparagraph 2  
10 ems to the right;

11 (3) by striking the period at the end of the sub-  
12 paragraph (B), as so redesignated, and inserting “;  
13 or”; and

14 (4) by adding at the end the following new  
15 paragraph:

16 “(2) section 1837(i)(5), the coverage period  
17 shall begin on the first day of the month following  
18 the month in which the individual so enrolls.”.

19 (c) FUNDING.—The Secretary of Health and Human  
20 Services shall provide for the transfer from the Federal  
21 Hospital Insurance Trust Fund (as described in section  
22 1817 of the Social Security Act (42 U.S.C. 1395i)) and  
23 the Federal Supplementary Medical Insurance Trust  
24 Fund (as described in section 1841 of such Act (42 U.S.C.  
25 1395t)), in such proportions as determined appropriate by

1 the Secretary, to the Social Security Administration, of  
2 \$30,000,000, to remain available until expended, for pur-  
3 poses of carrying out the amendments made by this sec-  
4 tion.

5 (d) IMPLEMENTATION.—Notwithstanding any other  
6 provision of law, the Secretary of Health and Human  
7 Services may implement the amendments made by this  
8 section by program instruction or otherwise.

9 **SEC. 207. COVID-19 SKILLED NURSING FACILITY PAYMENT**  
10 **INCENTIVE PROGRAM.**

11 (a) IN GENERAL.—Section 1819 of the Social Secu-  
12 rity Act (42 U.S.C. 1395i-3) is amended by adding at the  
13 end the following new subsection:

14 “(k) COVID-19 DESIGNATION PROGRAM.—

15 “(1) IN GENERAL.—Not later than 2 weeks  
16 after the date of the enactment of this subsection,  
17 the Secretary shall establish a program under which  
18 a skilled nursing facility that makes an election de-  
19 scribed in paragraph (2)(A) and meets the require-  
20 ments described in paragraph (2)(B) is designated  
21 (or a portion of such facility is so designated) as a  
22 COVID-19 treatment center and receives incentive  
23 payments under section 1888(e)(13).

24 “(2) DESIGNATION.—

1           “(A) IN GENERAL.—A skilled nursing fa-  
2           cility may elect to be designated (or to have a  
3           portion of such facility designated) as a  
4           COVID–19 treatment center under the program  
5           established under paragraph (1) if the facility  
6           submits to the Secretary, at a time and in a  
7           manner specified by the Secretary, an applica-  
8           tion for such designation that contains such in-  
9           formation as required by the Secretary and  
10          demonstrates that such facility meets the re-  
11          quirements described in subparagraph (B).

12          “(B) REQUIREMENTS.—The requirements  
13          described in this subparagraph with respect to  
14          a skilled nursing facility are the following:

15                 “(i) The facility has a star rating with  
16                 respect to staffing of 4 or 5 on the Nurs-  
17                 ing Home Compare website (as described  
18                 in subsection (i)) and has maintained such  
19                 a rating on such website during the 2-year  
20                 period ending on the date of the submis-  
21                 sion of the application described in sub-  
22                 paragraph (A).

23                 “(ii) The facility has a star rating of  
24                 4 or 5 with respect to health inspections on

1 such website and has maintained such a  
2 rating on such website during such period.

3 “(iii) During such period, the Sec-  
4 retary or a State has not found a defi-  
5 ciency with such facility relating to infec-  
6 tion control that the Secretary or State de-  
7 termined immediately jeopardized the  
8 health or safety of the residents of such fa-  
9 cility (as described in paragraph (1) or  
10 (2)(A) of subsection (h), as applicable).

11 “(iv) The facility provides care at  
12 such facility (or, in the case of an election  
13 made with respect to a portion of such fa-  
14 cility, to provide care in such portion of  
15 such facility) only to eligible individuals.

16 “(v) The facility arranges for and  
17 transfers all residents of such facility (or  
18 such portion of such facility, as applicable)  
19 who are not eligible individuals to other  
20 skilled nursing facilities (or other portions  
21 of such facility, as applicable).

22 “(vi) The facility complies with the  
23 notice requirement described in paragraph  
24 (4).



1 “(vii) The facility meets the reporting  
2 requirement described in paragraph (5).

3 “(viii) Any other requirement deter-  
4 mined appropriate by the Secretary.

5 “(3) DURATION OF DESIGNATION.—

6 “(A) IN GENERAL.—A designation of a  
7 skilled nursing facility (or portion of such facil-  
8 ity) as a COVID–19 treatment center shall  
9 begin on a date specified by the Secretary and  
10 end upon the earliest of the following:

11 “(i) The revocation of such designa-  
12 tion under subparagraph (B).

13 “(ii) The submission of a notification  
14 by such facility to the Secretary that such  
15 facility elects to terminate such designa-  
16 tion.

17 “(iii) The termination of the program  
18 (as specified in paragraph (6)).

19 “(B) REVOCATION.—The Secretary may  
20 revoke the designation of a skilled nursing facil-  
21 ity (or portion of such facility) as a COVID–19  
22 treatment center if the Secretary determines  
23 that the facility is no longer in compliance with  
24 a requirement described in paragraph (2)(B).

1           “(4) RESIDENT NOTICE REQUIREMENT.—For  
2 purposes of paragraph (2)(B)(vi), the notice require-  
3 ment described in this paragraph is that, not later  
4 than 72 hours before the date specified by the Sec-  
5 retary under paragraph (3)(A) with respect to the  
6 designation of a skilled nursing facility (or portion  
7 of such facility) as a COVID–19 treatment center,  
8 the facility provides a notification to each resident of  
9 such facility (and to appropriate representatives or  
10 family members of each such resident, as specified  
11 by the Secretary) that contains the following:

12                   “(A) Notice of such designation.

13                   “(B) In the case such resident is not an el-  
14 igible individual (and, in the case such designa-  
15 tion is made only with respect to a portion of  
16 such facility, resides in such portion of such fa-  
17 cility)—

18                           “(i) a specification of when and where  
19 such resident will be transferred (or moved  
20 within such facility);

21                           “(ii) an explanation that, in lieu of  
22 such transfer or move, such resident may  
23 arrange for transfer to such other setting  
24 (including a home) selected by the resi-  
25 dent; and

1 “(iii) if such resident so arranges to  
2 be transferred to a home, information on  
3 Internet resources for caregivers who elect  
4 to care for such resident at home.

5 “(C) Contact information for the State  
6 long-term care ombudsman (established under  
7 section 307(a)(12) of the Older Americans Act  
8 of 1965) for the applicable State.

9 “(5) REPORTING REQUIREMENT.—

10 “(A) IN GENERAL.—For purposes of para-  
11 graph (2)(B)(vii), the reporting requirement de-  
12 scribed in this paragraph is, with respect to a  
13 skilled nursing facility, that the facility reports  
14 to the Secretary, weekly and in such manner  
15 specified by the Secretary, the following (but  
16 only to the extent the information described in  
17 clauses (i) through (vii) is not otherwise re-  
18 ported to the Secretary weekly):

19 “(i) The number of COVID–19 re-  
20 lated deaths at such facility.

21 “(ii) The number of discharges from  
22 such facility.

23 “(iii) The number of admissions to  
24 such facility.

1           “(iv) The number of beds occupied  
2           and the number of beds available at such  
3           facility.

4           “(v) The number of residents on a  
5           ventilator at such facility.

6           “(vi) The number of clinical and non-  
7           clinical staff providing direct patient care  
8           at such facility.

9           “(vii) Such other information deter-  
10          mined appropriate by the Secretary.

11          “(B) NONAPPLICATION OF PAPERWORK  
12          REDUCTION ACT.—Chapter 35 of title 44,  
13          United States Code (commonly known as the  
14          ‘Paperwork Reduction Act’), shall not apply to  
15          the collection of information under this para-  
16          graph.

17          “(6) DEFINITION.—For purposes of this sub-  
18          section, the term ‘eligible individual’ means an indi-  
19          vidual who, during the 30-day period ending on the  
20          first day on which such individual is a resident of a  
21          COVID–19 treatment center (on or after the date  
22          such center is so designated), was furnished a test  
23          for COVID–19 that came back positive.

24          “(7) TERMINATION.—The program established  
25          under paragraph (1) shall terminate upon the termi-

1 nation of the emergency period described in section  
2 1135(g)(1)(B).

3 “(8) PROHIBITION ON ADMINISTRATIVE AND  
4 JUDICIAL REVIEW.—There shall be no administrative  
5 or judicial review under section 1869, 1878, or oth-  
6 erwise of a designation of a skilled nursing facility  
7 (or portion of such facility) as a COVID–19 treat-  
8 ment center, or revocation of such a designation,  
9 under this subsection.”.

10 (b) PAYMENT INCENTIVE.—Section 1888(e) of the  
11 Social Security Act (42 U.S.C. 1395yy(e)) is amended—

12 (1) in paragraph (1), in the matter preceding  
13 subparagraph (A), by striking “and (12)” and in-  
14 serting “(12), and (13)”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(13) ADJUSTMENT FOR COVID–19 TREATMENT  
18 CENTERS.—In the case of a resident of a skilled  
19 nursing facility that has been designated as a  
20 COVID–19 treatment center under section 1819(k)  
21 (or in the case of a resident who resides in a portion  
22 of such facility that has been so designated), if such  
23 resident is an eligible individual (as defined in para-  
24 graph (5) of such section), the per diem amount of  
25 payment for such resident otherwise applicable shall

1 be increased by 20 percent to reflect increased costs  
2 associated with such residents.”.

3 **SEC. 208. FUNDING FOR STATE STRIKE TEAMS FOR RESI-**  
4 **DENT AND EMPLOYEE SAFETY IN SKILLED**  
5 **NURSING FACILITIES AND NURSING FACILI-**  
6 **TIES.**

7 (a) IN GENERAL.—Of the amounts made available  
8 under subsection (c), the Secretary of Health and Human  
9 Services (referred to in this section as the “Secretary”)  
10 shall allocate such amounts among the States, in a man-  
11 ner that takes into account the percentage of skilled nurs-  
12 ing facilities and nursing facilities in each State that have  
13 residents or employees who have been diagnosed with  
14 COVID–19, for purposes of establishing and implementing  
15 strike teams in accordance with subsection (b).

16 (b) USE OF FUNDS.—A State that receives funds  
17 under this section shall use such funds to establish and  
18 implement a strike team that will be deployed to a skilled  
19 nursing facility or nursing facility in the State with diag-  
20 nosed or suspected cases of COVID–19 among residents  
21 or staff for the purposes of assisting with clinical care,  
22 infection control, or staffing.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—For pur-  
24 poses of carrying out this section, there is authorized to  
25 be appropriated \$500,000,000.

1 (d) DEFINITIONS.—In this section:

2 (1) NURSING FACILITY.—The term “nursing  
3 facility” has the meaning given such term in section  
4 1919(a) of the Social Security Act (42 U.S.C.  
5 1396r(a)).

6 (2) SKILLED NURSING FACILITY.—The term  
7 “skilled nursing facility” has the meaning given such  
8 term in section 1819(a) of the Social Security Act  
9 (42 U.S.C. 1395i–3(a)).

10 **SEC. 209. PROVIDING FOR INFECTION CONTROL SUPPORT**  
11 **TO SKILLED NURSING FACILITIES THROUGH**  
12 **CONTRACTS WITH QUALITY IMPROVEMENT**  
13 **ORGANIZATIONS.**

14 (a) IN GENERAL.—Section 1862(g) of the Social Se-  
15 curity Act (42 U.S.C. 1395y(g)) is amended—

16 (1) by striking “The Secretary” and inserting  
17 “(1) The Secretary”; and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(2)(A) The Secretary shall ensure that at least 1  
21 contract with a quality improvement organization de-  
22 scribed in paragraph (1) entered into on or after the date  
23 of the enactment of this paragraph and before the end  
24 of the emergency period described in section  
25 1135(g)(1)(B) (or in effect as of such date) includes the

1 requirement that such organization provide to skilled  
2 nursing facilities with cases of COVID–19 (or facilities at-  
3 tempting to prevent outbreaks of COVID–19) infection  
4 control support described in subparagraph (B) during  
5 such period.

6 “(B) For purposes of subparagraph (A), the infection  
7 control support described in this subparagraph is, with re-  
8 spect to skilled nursing facilities described in such sub-  
9 paragraph, the development and dissemination to such fa-  
10 cilities of protocols relating to the prevention or mitigation  
11 of COVID–19 at such facilities and the provision of train-  
12 ing materials to such facilities relating to such prevention  
13 or mitigation.”.

14 (b) FUNDING.—The Secretary of Health and Human  
15 Services shall provide for the transfer from the Federal  
16 Supplementary Medical Insurance Trust Fund (as de-  
17 scribed in section 1841 of the Social Security Act (42  
18 U.S.C. 1395t)) and the Federal Hospital Insurance Trust  
19 Fund (as described in section 1817 of such Act (42 U.S.C.  
20 1395i)), in such proportions as determined appropriate by  
21 the Secretary, to the Centers for Medicare & Medicaid  
22 Services Program Management Account, of \$210,000,000,  
23 to remain available until expended, for purposes of enter-  
24 ing into contracts with quality improvement organizations  
25 under part B of title XI of such Act (42 U.S.C. 1320c



1 et seq.). Of the amount transferred pursuant to the pre-  
2 vious sentence, not less than \$110,000,000 shall be used  
3 for purposes of entering into such a contract that includes  
4 the requirement described in section 1862(g)(2)(A) of  
5 such Act (as added by subsection (a)).

6 **SEC. 210. REQUIRING LONG TERM CARE FACILITIES TO RE-**  
7 **PORT CERTAIN INFORMATION RELATING TO**  
8 **COVID-19 CASES AND DEATHS.**

9 (a) IN GENERAL.—The Secretary of Health and  
10 Human Services (in this section referred to as the “Sec-  
11 retary”) shall, as soon as practicable, require that the in-  
12 formation described in paragraph (1) of section 483.80(g)  
13 of title 42, Code of Federal Regulations, or a successor  
14 regulation, be reported by a facility (as defined for pur-  
15 poses of such section).

16 (b) DEMOGRAPHIC INFORMATION.—The Secretary  
17 shall post the following information with respect to skilled  
18 nursing facilities (as defined in section 1819(a) of the So-  
19 cial Security Act (42 U.S.C. 1395i-3(a))) and nursing fa-  
20 cilities (as defined in section 1919(a) of such Act (42  
21 U.S.C. 1396r(a))) on the Nursing Home Compare website  
22 (as described in section 1819(i) of the Social Security Act  
23 (42 U.S.C. 1395i-3(i))), or a successor website, aggre-  
24 gated by State:

1 (1) The age, race/ethnicity, and preferred lan-  
2 guage of the residents of such skilled nursing facili-  
3 ties and nursing facilities with suspected or con-  
4 firmed COVID–19 infections, including residents  
5 previously treated for COVID–19.

6 (2) The age, race/ethnicity, and preferred lan-  
7 guage relating to total deaths and COVID–19  
8 deaths among residents of such skilled nursing facili-  
9 ties and nursing facilities.

10 (c) CONFIDENTIALITY.—Any information reported  
11 under this section that is made available to the public shall  
12 be made so available in a manner that protects the identity  
13 of residents of skilled nursing facilities and nursing facili-  
14 ties.

15 (d) IMPLEMENTATION.—The Secretary may imple-  
16 ment the provisions of this section by program instruction  
17 or otherwise.

18 **SEC. 211. FLOOR ON THE MEDICARE AREA WAGE INDEX**  
19 **FOR HOSPITALS IN ALL-URBAN STATES.**

20 (a) IN GENERAL.—Section 1886(d)(3)(E) of the So-  
21 cial Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amend-  
22 ed—

23 (1) in clause (i), in the first sentence, by strik-  
24 ing “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 dis-  
6                           charges occurring on or after October  
7                           1, 2021, the area wage index applica-  
8                           ble under this subparagraph to any  
9                           hospital in an all-urban State (as de-  
10                           fined in subclause (IV)) may not be  
11                           less than the minimum area wage  
12                           index for the fiscal year for hospitals  
13                           in that State, as established under  
14                           subclause (II).

15                           “(II) MINIMUM AREA WAGE  
16                           INDEX.—For purposes of subclause  
17                           (I), the Secretary shall establish a  
18                           minimum area wage index for a fiscal  
19                           year for hospitals in each all-urban  
20                           State using the methodology described  
21                           in section 412.64(h)(4) of title 42,  
22                           Code of Federal Regulations, as in ef-  
23                           fect for fiscal year 2018.

24                           “(III) WAIVING BUDGET NEU-  
25                           TRALITY.—Pursuant to the fifth sen-

1                   tence of clause (i), this subsection  
2                   shall not be applied in a budget neu-  
3                   tral manner.

4                   “(IV) ALL-URBAN STATE DE-  
5                   FINED.—In this clause, the term ‘all-  
6                   urban State’ means a State in which  
7                   there are no rural areas (as defined in  
8                   paragraph (2)(D)) or a State in which  
9                   there are no hospitals classified as  
10                  rural under this section.”.

11               (b) WAIVING BUDGET NEUTRALITY.—

12                   (1) TECHNICAL AMENDATORY CORRECTION.—  
13                  Section 10324(a)(2) of Public Law 111–148 is  
14                  amended by striking “third sentence” and inserting  
15                  “fifth sentence”.

16                   (2) WAIVER.—Section 1886(d)(3)(E)(i) of the  
17                  Social Security Act (42 U.S.C. 1395ww(d)(3)(E)(i))  
18                  is amended, in the fifth sentence—

19                   (A) by striking “and the amendments” and  
20                   inserting “, the amendments”; and

21                   (B) by inserting “, and the amendments  
22                   made by section 211 of the Investing in Amer-  
23                   ica’s Health Care During the COVID–19 Pan-  
24                   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  
7 the following new subparagraph:

8 “(N)(i) Subject to clause (ii), in the case of a sole  
9 community hospital or a medicare-dependent, small rural  
10 hospital with respect to which a medicare administrative  
11 contractor initially determined and paid a volume decrease  
12 adjustment under subparagraph (D)(ii) or (G)(iii) for a  
13 specified cost reporting period, at the election of the hos-  
14 pital, the Secretary of Health and Human Services shall  
15 replace the volume decrease adjustment subsequently de-  
16 termined for that specified cost reporting period by the  
17 medicare administrative contractor with the volume de-  
18 crease adjustment initially determined and paid by the  
19 medicare administrative contractor for that specified cost  
20 reporting period.

21 “(ii)(I) Clause (i) shall not apply in the case of a sole  
22 community hospital or a medicare-dependent, small rural  
23 hospital for which the medicare administrative contractor  
24 determination of the volume decrease adjustment with re-  
25 spect to a specified cost reporting period of the hospital

1 is administratively final before the date that is three years  
2 before the date of the enactment of this section.

3 “(II) For purposes of subclause (I), the date on which  
4 the medicare administrative contractor determination with  
5 respect to a volume decrease adjustment for a specified  
6 cost reporting period is administratively final is the latest  
7 of the following:

8 “(aa) The date of the contractor determination  
9 (as defined in section 405.1801 of title 42, Code of  
10 Federal Regulations).

11 “(bb) The date of the final outcome of any re-  
12 opening of the medicare administrative contractor  
13 determination under section 405.1885 of title 42,  
14 Code of Federal Regulations.

15 “(cc) The date of the final outcome of the final  
16 appeal filed by such hospital with respect to such  
17 volume decrease adjustment for such specified cost  
18 reporting period.

19 “(iii) For purposes of this subparagraph, the term  
20 ‘specified cost reporting period’ means a cost reporting pe-  
21 riod of a sole community hospital or a medicare-depend-  
22 ent, small rural hospital, as the case may be, that begins  
23 during 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 sub-  
9 section for discharges occurring during the 3-year period  
10 beginning on October 1, 2020, each hospital located in Al-  
11 bany, Saratoga, Schenectady, Montgomery, or Rensselaer  
12 County of New York shall be deemed to be located in the  
13 urban area of Hartford-East Hartford-Middletown, Con-  
14 necticut (CBSA 25540), notwithstanding any other reclas-  
15 sification or redesignation that otherwise would have ap-  
16 plied for purposes of the wage index under this paragraph  
17 or subparagraphs (B) 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  
20 Geographic Classification Review Board for purposes of  
21 paragraph (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  
26 CARES Act (Public Law 116–136; 42 U.S.C. 13951

1 note), section 3713(d) of such Act is amended by inserting  
2 before the period at the end the following: “or authorized  
3 for emergency use under section 564 of the Federal Food,  
4 Drug, and Cosmetic 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(e) of the Patient Protection and  
11 Affordable Care Act (42 U.S.C. 18031(e)) 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  
16 the 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  
24 paragraph:



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 Secu-  
9 rity Act—

10           “(I) which shall begin on the  
11 date that is one week after the date of  
12 the 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(e), shall be an 8-week period;  
17 and

18           “(II) during which any individual  
19 who is otherwise eligible to enroll in a  
20 qualified health plan through the Ex-  
21 change may enroll in such a qualified  
22 health plan; and

23           “(ii) that, in the case of an individual  
24 who enrolls in a qualified health plan  
25 through the Exchange during such enroll-

1                   ment period, the coverage period under  
2                   such plan shall begin on the first day of  
3                   the month following the day the individual  
4                   selects a plan through such special enroll-  
5                   ment period.

6                   “(B) EXCEPTION.—The requirement of  
7                   subparagraph (A) shall not apply to a State-op-  
8                   erated or State-established Exchange if such  
9                   Exchange, prior to the date of the enactment of  
10                  this paragraph, established or otherwise pro-  
11                  vided for a special enrollment period to address  
12                  access to coverage under qualified health plans  
13                  offered through such Exchange during the  
14                  emergency period described in section  
15                  1135(g)(1)(B) of the Social Security Act.”.

16               (b) IMPLEMENTATION.—The Secretary of Health and  
17               Human Services may implement the provisions of (includ-  
18               ing amendments made by) this section through subregu-  
19               latory guidance, program instruction, or otherwise.

20               **SEC. 302. EXPEDITED MEETING OF ACIP FOR COVID-19**  
21                               **VACCINES.**

22               (a) IN GENERAL.—Notwithstanding section 3091 of  
23               the 21st Century Cures Act (21 U.S.C. 360bbb–4 note),  
24               the Advisory Committee on Immunization Practices shall  
25               meet and issue a recommendation with respect to a vac-

1 cine that is intended to prevent or treat COVID–19 not  
2 later than 15 business days after the date on which such  
3 vaccine is licensed under section 351 of the Public Health  
4 Service Act (42 U.S.C. 262).

5 (b) DEFINITION.—In this section, the term “Advisory  
6 Committee on Immunization Practices” means the Advi-  
7 sory Committee on Immunization Practices established by  
8 the Secretary of Health and Human Services pursuant to  
9 section 222 of the Public Health Service Act (42 U.S.C.  
10 217a), acting through the Director of the Centers for Dis-  
11 ease Control and Prevention.

12 **SEC. 303. COVERAGE OF COVID–19 RELATED TREATMENT**  
13 **AT NO COST SHARING.**

14 (a) IN GENERAL.—A group health plan and a health  
15 insurance issuer offering group or individual health insur-  
16 ance coverage (including a grandfathered health plan (as  
17 defined in section 1251(e) of the Patient Protection and  
18 Affordable Care Act)) shall provide coverage, and shall not  
19 impose any cost sharing (including deductibles, copay-  
20 ments, and coinsurance) requirements, for the following  
21 items and services furnished during any portion of the  
22 emergency period defined in paragraph (1)(B) of section  
23 1135(g) of the Social Security Act (42 U.S.C. 1320b–  
24 5(g)) beginning on or after the date of the enactment of  
25 this Act:

1 (1) Medically necessary items and services (in-  
2 cluding in-person or telehealth visits in which such  
3 items and services are furnished) that are furnished  
4 to an individual who has been diagnosed with (or  
5 after provision of the items and services is diagnosed  
6 with) COVID–19 to treat or mitigate the effects of  
7 COVID–19.

8 (2) Medically necessary items and services (in-  
9 cluding in-person or telehealth visits in which such  
10 items and services are furnished) that are furnished  
11 to an individual who is presumed to have COVID–  
12 19 but is never diagnosed as such, if the following  
13 conditions are met:

14 (A) Such items and services are furnished  
15 to the individual to treat or mitigate the effects  
16 of COVID–19 or to mitigate the impact of  
17 COVID–19 on society.

18 (B) Health care providers have taken ap-  
19 propriate steps under the circumstances to  
20 make a diagnosis, or confirm whether a diag-  
21 nosis was made, with respect to such individual,  
22 for COVID–19, if possible.

23 (b) ITEMS AND SERVICES RELATED TO COVID–  
24 19.—For purposes of this section—

1           (1) not later than one week after the date of  
2 the enactment of this section, the Secretary of  
3 Health and Human Services, Secretary of Labor,  
4 and Secretary of the Treasury shall jointly issue  
5 guidance specifying applicable diagnoses and medi-  
6 cally necessary items and services related to  
7 COVID–19; and

8           (2) such items and services shall include all  
9 items or services that are relevant to the treatment  
10 or mitigation of COVID–19, regardless of whether  
11 such items or services are ordinarily covered under  
12 the terms of a group health plan or group or indi-  
13 vidual health insurance coverage offered by a health  
14 insurance issuer.

15 (c) ENFORCEMENT.—

16           (1) APPLICATION WITH RESPECT TO PHSA,  
17 ERISA, AND IRC.—The provisions of this section  
18 shall be applied by the Secretary of Health and  
19 Human Services, Secretary of Labor, and Secretary  
20 of the Treasury to group health plans and health in-  
21 surance issuers offering group or individual health  
22 insurance coverage as if included in the provisions of  
23 part A of title XXVII of the Public Health Service  
24 Act, part 7 of the Employee Retirement Income Se-

1 security Act of 1974, and subchapter B of chapter 100  
2 of the Internal Revenue Code of 1986, as applicable.

3 (2) PRIVATE RIGHT OF ACTION.—An individual  
4 with respect to whom an action is taken by a group  
5 health plan or health insurance issuer offering group  
6 or individual health insurance coverage in violation  
7 of subsection (a) may commence a civil action  
8 against the plan or issuer for appropriate relief. The  
9 previous sentence shall not be construed as limiting  
10 any enforcement mechanism otherwise applicable  
11 pursuant to paragraph (1).

12 (d) IMPLEMENTATION.—The Secretary of Health and  
13 Human Services, Secretary of Labor, and Secretary of the  
14 Treasury may implement the provisions of this section  
15 through sub-regulatory guidance, program instruction or  
16 otherwise.

17 (e) TERMS.—The terms “group health plan”; “health  
18 insurance issuer”; “group health insurance coverage”, and  
19 “individual health insurance coverage” have the meanings  
20 given such terms in section 2791 of the Public Health  
21 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-  
22 ployee Retirement Income Security Act of 1974 (29  
23 U.S.C. 1191b), and section 9832 of the Internal Revenue  
24 Code of 1986, as applicable.

1 **SEC. 304. REQUIRING PRESCRIPTION DRUG REFILL NOTIFI-**  
2 **CATIONS DURING EMERGENCIES.**

3 (a) ERISA.—

4 (1) IN GENERAL.—Subpart B of part 7 of sub-  
5 title B of title I of the Employee Retirement Income  
6 Security Act of 1974 (29 U.S.C. 1185 et seq.) is  
7 amended by adding at the end the following new sec-  
8 tion:

9 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**  
10 **TIFICATIONS DURING EMERGENCIES.**

11 “(a) IN GENERAL.—A group health plan, and a  
12 health insurance issuer offering health insurance coverage  
13 in connection with a group health plan, that provides bene-  
14 fits for prescription drugs under such plan or such cov-  
15 erage shall provide to each participant or beneficiary  
16 under such plan or such coverage who resides in an emer-  
17 gency area during an emergency period—

18 “(1) not later than 5 business days after the  
19 date of the beginning of such period with respect to  
20 such area (or, the case of the emergency period de-  
21 scribed in section 304(d)(2) of the Investing in  
22 America’s Health Care During the COVID–19 Pan-  
23 demic Act, not later than 5 business days after the  
24 date of the enactment of this section), a notification  
25 (written in a manner that is clear and understand-  
26 able to the average participant or beneficiary)—

1           “(A) of whether such plan or coverage will  
2 waive, during such period with respect to such  
3 a participant or beneficiary, any time restric-  
4 tions under such plan or coverage on any au-  
5 thorized refills for such drugs to enable such re-  
6 fills in advance of when such refills would oth-  
7 erwise have been permitted under such plan or  
8 coverage; and

9           “(B) in the case that such plan or coverage  
10 will waive such restrictions during such period  
11 with respect to such a participant or bene-  
12 ficiary, that contains information on how such  
13 a participant or beneficiary may obtain such a  
14 refill; and

15           “(2) in the case such plan or coverage elects to  
16 so waive such restrictions during such period with  
17 respect to such a participant or beneficiary after the  
18 notification described in paragraph (1) has been pro-  
19 vided with respect to such period, not later than 5  
20 business days after such election, a notification of  
21 such election that contains the information described  
22 in subparagraph (B) of such paragraph.

23           “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For  
24 purposes of this section, an ‘emergency area’ is a geo-



1 graphical area in which, and an ‘emergency period’ is the  
2 period during which, there exists—

3 “(1) an emergency or disaster declared by the  
4 President pursuant to the National Emergencies Act  
5 or the Robert T. Stafford Disaster Relief and Emer-  
6 gency Assistance Act; and

7 “(2) a public health emergency declared by the  
8 Secretary pursuant to section 319 of the Public  
9 Health Service Act.”.

10 (2) CLERICAL AMENDMENT.—The table of con-  
11 tents of the Employee Retirement Income Security  
12 Act of 1974 is amended by inserting after the item  
13 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emer-  
gencies.”.

14 (b) PHSA.—Subpart II of part A of title XXVII of  
15 the Public Health Service Act (42 U.S.C. 300gg–11 et  
16 seq.) is amended by adding at the end the following new  
17 section:

18 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**  
19 **NOTIFICATIONS DURING EMERGENCIES.**

20 “(a) IN GENERAL.—A group health plan, and a  
21 health insurance issuer offering group or individual health  
22 insurance coverage, that provides benefits for prescription  
23 drugs under such plan or such coverage shall provide to  
24 each participant, beneficiary, or enrollee enrolled under

1 such plan or such coverage who resides in an emergency  
2 area during an emergency period—

3 “(1) not later than 5 business days after the  
4 date of the beginning of such period with respect to  
5 such area (or, the case of the emergency period de-  
6 scribed in section 304(d)(2) of the Investing in  
7 America’s Health Care During the COVID–19 Pan-  
8 demic Act, not later than 5 business days after the  
9 date of the enactment of this section), a notification  
10 (written in a manner that is clear and understand-  
11 able to the average participant, beneficiary, or en-  
12 rollee)—

13 “(A) of whether such plan or coverage will  
14 waive, during such period with respect to such  
15 a participant, beneficiary, or enrollee, any time  
16 restrictions under such plan or coverage on any  
17 authorized refills for such drugs to enable such  
18 refills in advance of when such refills would  
19 otherwise have been permitted under such plan  
20 or coverage; and

21 “(B) in the case that such plan or coverage  
22 will waive such restrictions during such period  
23 with respect to such a participant, beneficiary,  
24 or enrollee, that contains information on how

1           such a participant, beneficiary, or enrollee may  
2           obtain such a refill; and

3           “(2) in the case such plan or coverage elects to  
4           so waive such restrictions during such period with  
5           respect to such a participant, beneficiary, or enrollee  
6           after the notification described in paragraph (1) has  
7           been provided with respect to such period, not later  
8           than 5 business days after such election, a notifica-  
9           tion of such election that contains the information  
10          described in subparagraph (B) of such paragraph.

11          “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For  
12          purposes of this section, an ‘emergency area’ is a geo-  
13          graphical area in which, and an ‘emergency period’ is the  
14          period during which, there exists—

15                 “(1) an emergency or disaster declared by the  
16                 President pursuant to the National Emergencies Act  
17                 or the Robert T. Stafford Disaster Relief and Emer-  
18                 gency Assistance Act; and

19                 “(2) a public health emergency declared by the  
20                 Secretary pursuant to section 319.”.

21          (c) IRC.—

22                 (1) IN GENERAL.—Subchapter B of chapter  
23                 100 of the Internal Revenue Code of 1986 is amend-  
24                 ed by adding at the end the following new section:

1 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**  
2 **NOTIFICATIONS DURING EMERGENCIES.**

3 “(a) IN GENERAL.—A group health plan that pro-  
4 vides benefits for prescription drugs under such plan shall  
5 provide to each participant or beneficiary enrolled under  
6 such plan who resides in an emergency area during an  
7 emergency period, not later than 5 business days after the  
8 date of the beginning of such period with respect to such  
9 area (or, the case of the emergency period described in  
10 section 304(d)(2) of the Investing in America’s Health  
11 Care During the COVID–19 Pandemic Act, not later than  
12 5 business days after the date of the enactment of this  
13 section)—

14 “(1) a notification (written in a manner that is  
15 clear and understandable to the average participant  
16 or beneficiary)—

17 “(A) of whether such plan will waive, dur-  
18 ing such period with respect to such a partici-  
19 pant or beneficiary, any time restrictions under  
20 such plan on any authorized refills for such  
21 drugs to enable such refills in advance of when  
22 such refills would otherwise have been per-  
23 mitted under such plan; and

24 “(B) in the case that such plan will waive  
25 such restrictions during such period with re-  
26 spect to such a participant or beneficiary, that

1 contains information on how such a participant  
2 or beneficiary may obtain such a refill; and

3 “(2) in the case such plan elects to so waive  
4 such restrictions during such period with respect to  
5 such a participant or beneficiary after the notifica-  
6 tion described in paragraph (1) has been provided  
7 with respect to such period, not later than 5 busi-  
8 ness days after such election, a notification of such  
9 election that contains the information described in  
10 subparagraph (B) of such paragraph.

11 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For  
12 purposes of this section, an ‘emergency area’ is a geo-  
13 graphical area in which, and an ‘emergency period’ is the  
14 period during which, there exists—

15 “(1) an emergency or disaster declared by the  
16 President pursuant to the National Emergencies Act  
17 or the Robert T. Stafford Disaster Relief and Emer-  
18 gency Assistance Act; and

19 “(2) a public health emergency declared by the  
20 Secretary pursuant to section 319 of the Public  
21 Health Service Act.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions for subchapter B of chapter 100 of the Inter-  
24 nal Revenue Code of 1986 is amended by adding at  
25 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emergencies.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to—

3 (1) emergency periods beginning on or after the  
4 date of the enactment of this Act; and

5 (2) the emergency period relating to the public  
6 health emergency declared by the Secretary of  
7 Health and Human Services pursuant to section 319  
8 of the Public Health Service Act on January 31,  
9 2020, entitled “Determination that a Public Health  
10 Emergency Exists Nationwide as the Result of the  
11 2019 Novel Coronavirus”.

12 **SEC. 305. IMPROVEMENT OF CERTAIN NOTIFICATIONS PRO-**  
13 **VIDED TO QUALIFIED BENEFICIARIES BY**  
14 **GROUP HEALTH PLANS IN THE CASE OF**  
15 **QUALIFYING EVENTS.**

16 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT  
17 OF 1974.—

18 (1) IN GENERAL.—Section 606 of the Employee  
19 Retirement Income Security Act of 1974 (29 U.S.C.  
20 1166) is amended—

21 (A) in subsection (a)(4), in the matter fol-  
22 lowing subparagraph (B), by striking “under  
23 this subsection” and inserting “under this part

1 in accordance with the notification requirements  
2 under subsection (c)”; and

3 (B) in subsection (c)—

4 (i) by striking “For purposes of sub-  
5 section (a)(4), any notification” and insert-  
6 ing “For purposes of subsection (a)(4)—

7 “(1) any notification”;

8 (ii) by striking “, whichever is applica-  
9 ble, and any such notification” and insert-  
10 ing “of subsection (a), whichever is appli-  
11 cable;

12 “(2) any such notification”; and

13 (iii) by striking “such notification is  
14 made” and inserting “such notification is  
15 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 Pa-  
20 tient Protection and Affordable Care Act through  
21 which such a qualified beneficiary may be eligible to  
22 enroll in a qualified health plan (as defined in sec-  
23 tion 1301 of the Patient Protection and Affordable  
24 Care Act), including—

1           “(A) the publicly accessible Internet  
2 website address for such Exchange;

3           “(B) the publicly accessible Internet  
4 website address for the Find Local Help direc-  
5 tory maintained by the Department of Health  
6 and Human Services on the healthcare.gov  
7 Internet website (or a successor website);

8           “(C) a clear explanation that—

9           “(i) an individual who is eligible for  
10 continuation coverage may also be eligible  
11 to enroll, with financial assistance, in a  
12 qualified health plan offered through such  
13 Exchange, but, in the case that such indi-  
14 vidual elects to enroll in such continuation  
15 coverage and subsequently elects to termi-  
16 nate such continuation coverage before the  
17 period of such continuation coverage ex-  
18 pires, such individual will not be eligible to  
19 enroll in a qualified health plan offered  
20 through such Exchange during a special  
21 enrollment period; and

22           “(ii) an individual who elects to enroll  
23 in continuation coverage will remain eligi-  
24 ble to enroll in a qualified health plan of-  
25 fered through such Exchange during an



1 open enrollment period and may be eligible  
2 for financial assistance with respect to en-  
3 rolling in such a qualified health plan;

4 “(D) information on consumer protections  
5 with respect to enrolling in a qualified health  
6 plan offered through such Exchange, including  
7 the requirement for such a qualified health plan  
8 to provide coverage for essential health benefits  
9 (as defined in section 1302(b) of the Patient  
10 Protection and Affordable Care Act) and the re-  
11 quirements applicable to such a qualified health  
12 plan under part A of title XXVII of the Public  
13 Health Service Act; and

14 “(E) information on the availability of fi-  
15 nancial assistance with respect to enrolling in a  
16 qualified health plan, including the maximum  
17 income limit for eligibility for a premium tax  
18 credit under section 36B of the Internal Rev-  
19 enue Code of 1986.”.

20 (2) EFFECTIVE DATE.—The amendments made  
21 by paragraph (1) shall apply with respect to quali-  
22 fying events occurring on or after the date that is  
23 14 days after the date of the enactment of this Act.

24 (b) PUBLIC HEALTH SERVICE ACT.—

1 (1) IN GENERAL.—Section 2206 of the Public  
2 Health Service Act (42 U.S.C. 300bb–6) is amend-  
3 ed—

4 (A) by striking “In accordance” and in-  
5 serting the following:

6 “(a) IN GENERAL.—In accordance”;

7 (B) by striking “of such beneficiary’s  
8 rights under this subsection” and inserting “of  
9 such beneficiary’s rights under this title in ac-  
10 cordance with the notification requirements  
11 under subsection (b)”;

12 (C) by striking “For purposes of para-  
13 graph (4),” and all that follows through “such  
14 notification is made.” and inserting the fol-  
15 lowing:

16 “(b) RULES RELATING TO NOTIFICATION OF QUALI-  
17 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For  
18 purposes of subsection (a)(4)—

19 “(1) any notification shall be made within 14  
20 days of the date on which the plan administrator is  
21 notified under paragraph (2) or (3) of subsection  
22 (a), whichever is applicable;

23 “(2) any such notification to an individual who  
24 is a qualified beneficiary as the spouse of the cov-  
25 ered employee shall be treated as notification to all

1 other qualified beneficiaries residing with such  
2 spouse at the time such notification is made; and

3 “(3) any such notification shall, with respect to  
4 each qualified beneficiary with respect to whom such  
5 notification is made, include information regarding  
6 any Exchange established under title I of the Pa-  
7 tient Protection and Affordable Care Act through  
8 which such a qualified beneficiary may be eligible to  
9 enroll in a qualified health plan (as defined in sec-  
10 tion 1301 of the Patient Protection and Affordable  
11 Care Act), including—

12 “(A) the publicly accessible Internet  
13 website address for such Exchange;

14 “(B) the publicly accessible Internet  
15 website address for the Find Local Help direc-  
16 tory maintained by the Department of Health  
17 and Human Services on the healthcare.gov  
18 Internet website (or a successor website);

19 “(C) a clear explanation that—

20 “(i) an individual who is eligible for  
21 continuation coverage may also be eligible  
22 to enroll, with financial assistance, in a  
23 qualified health plan offered through such  
24 Exchange, but, in the case that such indi-  
25 vidual elects to enroll in such continuation

1 coverage and subsequently elects to termi-  
2 nate such continuation coverage before the  
3 period of such continuation coverage ex-  
4 pires, such individual will not be eligible to  
5 enroll in a qualified health plan offered  
6 through such Exchange during a special  
7 enrollment period; and

8 “(ii) an individual who elects to enroll  
9 in continuation coverage will remain eligi-  
10 ble to enroll in a qualified health plan of-  
11 fered through such Exchange during an  
12 open enrollment period and may be eligible  
13 for financial assistance with respect to en-  
14 rolling in such a qualified health plan;

15 “(D) information on consumer protections  
16 with respect to enrolling in a qualified health  
17 plan offered through such Exchange, including  
18 the requirement for such a qualified health plan  
19 to provide coverage for essential health benefits  
20 (as defined in section 1302(b) of the Patient  
21 Protection and Affordable Care Act) and the re-  
22 quirements applicable to such a qualified health  
23 plan under part A of title XXVII; and

24 “(E) information on the availability of fi-  
25 nancial assistance with respect to enrolling in a

1 qualified health plan, including the maximum  
2 income limit for eligibility for a premium tax  
3 credit under section 36B of the Internal Rev-  
4 enue Code of 1986.”.

5 (2) EFFECTIVE DATE.—The amendments made  
6 by paragraph (1) shall apply with respect to quali-  
7 fying events occurring on or after the date that is  
8 14 days after the date of the enactment of this Act.

9 (c) INTERNAL REVENUE CODE OF 1986.—

10 (1) IN GENERAL.—Section 4980B(f)(6) of the  
11 Internal Revenue Code of 1986 is amended—

12 (A) in subparagraph (D)—

13 (i) in clause (ii), by striking “under  
14 subparagraph (C)” and inserting “under  
15 clause (iii)”; and

16 (ii) by redesignating clauses (i) and  
17 (ii) as subclauses (I) and (II), respectively,  
18 and moving the margin of each such sub-  
19 clause, as so redesignated, 2 ems to the  
20 right;

21 (B) by redesignating subparagraphs (A)  
22 through (D) as clauses (i) through (iv), respec-  
23 tively, and moving the margin of each such  
24 clause, as so redesignated, 2 ems to the right;

1 (C) by striking “In accordance” and in-  
2 serting the following:

3 “(A) IN GENERAL.—In accordance”;

4 (D) by inserting after “of such bene-  
5 ficiary’s rights under this subsection” the fol-  
6 lowing: “in accordance with the notification re-  
7 quirements under subparagraph (C)”;

8 (E) by striking “The requirements of sub-  
9 paragraph (B)” and all that follows through  
10 “such notification is made.” and inserting the  
11 following:

12 “(B) ALTERNATIVE MEANS OF COMPLI-  
13 ANCE WITH REQUIREMENT FOR NOTIFICATION  
14 OF MULTIEMPLOYER PLANS BY EMPLOYERS.—  
15 The requirements of subparagraph (A)(ii) shall  
16 be considered satisfied in the case of a multiem-  
17 ployer plan in connection with a qualifying  
18 event described in paragraph (3)(B) if the plan  
19 provides that the determination of the occur-  
20 rence of such qualifying event will be made by  
21 the plan administrator.

22 “(C) RULES RELATING TO NOTIFICATION  
23 OF QUALIFIED BENEFICIARIES BY PLAN ADMIN-  
24 ISTRATOR.—For purposes of subparagraph  
25 (A)(iv)—

1           “(i) any notification shall be made  
2           within 14 days (or, in the case of a group  
3           health plan which is a multiemployer plan,  
4           such longer period of time as may be pro-  
5           vided in the terms of the plan) of the date  
6           on which the plan administrator is notified  
7           under clause (ii) or (iii) of subparagraph  
8           (A), whichever is applicable;

9           “(ii) any such notification to an indi-  
10          vidual who is a qualified beneficiary as the  
11          spouse of the covered employee shall be  
12          treated as notification to all other qualified  
13          beneficiaries residing with such spouse at  
14          the time such notification is made; and

15          “(iii) any such notification shall, with  
16          respect to each qualified beneficiary with  
17          respect to whom such notification is made,  
18          include information regarding any Ex-  
19          change established under title I of the Pa-  
20          tient Protection and Affordable Care Act  
21          through which such a qualified beneficiary  
22          may be eligible to enroll in a qualified  
23          health plan (as defined in section 1301 of  
24          the Patient Protection and Affordable Care  
25          Act), including—

1 “(I) the publicly accessible Inter-  
2 net website address for such Ex-  
3 change;

4 “(II) the publicly accessible  
5 Internet website address for the Find  
6 Local Help directory maintained by  
7 the Department of Health and  
8 Human Services on the healthcare.gov  
9 Internet website (or a successor  
10 website);

11 “(III) a clear explanation that—

12 “(aa) an individual who is  
13 eligible for continuation coverage  
14 may also be eligible to enroll,  
15 with financial assistance, in a  
16 qualified health plan offered  
17 through such Exchange, but, in  
18 the case that such individual  
19 elects to enroll in such continu-  
20 ation coverage and subsequently  
21 elects to terminate such continu-  
22 ation coverage before the period  
23 of such continuation coverage ex-  
24 pires, such individual will not be  
25 eligible to enroll in a qualified



1 health plan offered through such  
2 Exchange during a special enroll-  
3 ment period; and

4 “(bb) an individual who  
5 elects to enroll in continuation  
6 coverage will remain eligible to  
7 enroll in a qualified health plan  
8 offered through such Exchange  
9 during an open enrollment period  
10 and may be eligible for financial  
11 assistance with respect to enroll-  
12 ing in such a qualified health  
13 plan;

14 “(IV) information on consumer  
15 protections with respect to enrolling in  
16 a qualified health plan offered  
17 through such Exchange, including the  
18 requirement for such a qualified  
19 health plan to provide coverage for es-  
20 sential health benefits (as defined in  
21 section 1302(b) of the Patient Protec-  
22 tion and Affordable Care Act) and the  
23 requirements applicable to such a  
24 qualified health plan under part A of

1 title XXVII of the Public Health  
2 Service Act; and

3 “(V) information on the avail-  
4 ability of financial assistance with re-  
5 spect to enrolling in a qualified health  
6 plan, including the maximum income  
7 limit for eligibility for a premium tax  
8 credit under section 36B.”.

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) shall apply with respect to quali-  
11 fying events occurring on or after the date that is  
12 14 days after the date of the enactment of this Act.

13 (d) MODEL NOTICES.—Not later than 14 days after  
14 the date of the enactment of this Act, the Secretary of  
15 the Labor, in consultation with the Secretary of the Treas-  
16 ury and the Secretary of Health and Human Services,  
17 shall—

18 (1) update the model Consolidated Omnibus  
19 Budget Reconciliation Act of 1985 (referred to in  
20 this subsection as “COBRA”) continuation coverage  
21 general notice and the model COBRA continuation  
22 coverage election notice developed by the Secretary  
23 of Labor for purposes of facilitating compliance of  
24 group health plans with the notification require-  
25 ments under section 606 of the Employee Retire-

1       ment Income Security Act of 1974 (29 U.S.C. 1166)  
2       to include the information described in paragraph  
3       (3) of subsection (c) of such section 606, as added  
4       by subsection (a)(1);

5           (2) provide an opportunity for consumer testing  
6       of each such notice, as so updated, to ensure that  
7       each such notice is clear and understandable to the  
8       average participant or beneficiary of a group health  
9       plan; and

10          (3) rename the model COBRA continuation  
11       coverage general notice and the model COBRA con-  
12       tinuation coverage election notice as the “model  
13       COBRA continuation coverage and Affordable Care  
14       Act coverage general notice” and the “model  
15       COBRA continuation coverage and Affordable Care  
16       Act coverage election notice”, respectively.

17 **SEC. 306. SOONER COVERAGE OF TESTING FOR COVID-19.**

18       Section 6001(a) of division F of the Families First  
19       Coronavirus Response Act (42 U.S.C. 1320b-5 note) is  
20       amended by striking “beginning on or after” and inserting  
21       “beginning before, on, or after”.

1 **SEC. 307. CLARIFYING SCOPE OF COVERAGE REQUIRE-**  
2 **MENT FOR ITEMS AND SERVICES RELATING**  
3 **TO COVID-19.**

4 Section 6001 of the Families First Coronavirus Re-  
5 sponse Act (Public Law 116–127) is amended—

6 (1) in subsection (b), by striking “subsection  
7 (a)” and inserting “subsections (a) and (e)”; and

8 (2) by adding at the end the following new sub-  
9 section:

10 “(e) SCOPE OF COVERAGE REQUIREMENT.—A group  
11 health plan and a health insurance issuer offering group  
12 or individual health insurance coverage (including a  
13 grandfathered health plan (as defined in section 1251(e)  
14 of the Patient Protection and Affordable Care Act)) shall  
15 provide coverage, without cost sharing and without prior  
16 authorization or other medical management requirements,  
17 in accordance with subsection (a) for tests, items, and  
18 services described in such subsection and furnished to an  
19 individual during the emergency period defined in para-  
20 graph (1)(B) of section 1135(g) of the Social Security Act  
21 (42 U.S.C. 1320b-5(g)), regardless of—

22 “(1) why such individual sought such tests,  
23 items, and services;

24 “(2) the nature of the clinical assessment that  
25 was associated with such tests, items, and services;

1           “(3) whether such individual was showing  
2 symptoms prior to being furnished such tests, items,  
3 and services;

4           “(4) in the case of such tests, whether or not  
5 such tests were ordered by a provider;

6           “(5) the frequency with which such individual is  
7 furnished such tests, items, and services; and

8           “(6) any other review of the encounters or  
9 events that preceded or followed the furnishing of  
10 such tests, items, and services.”.

11 **SEC. 308. GUIDANCE ON BILLING FOR PROVIDER VISITS AS-**  
12 **SOCIATED WITH COVID-19 TESTING.**

13           The Secretary of Health and Human Services, the  
14 Secretary of Labor, and the Secretary of the Treasury  
15 shall jointly issue guidance not later than 30 days after  
16 the date of enactment of this Act for purposes of clari-  
17 fying—

18           (1) the process for submitting claims for tests,  
19 items, and services described in section 6001(a) of  
20 the Families First Coronavirus Response Act (Public  
21 Law 116–127) to ensure that individuals enrolled in  
22 individual or group health insurance coverage or  
23 group health plans (including grandfathered health  
24 plans (as defined in section 1251(e) of the Patient  
25 Protection and Affordable Care Act)) to whom such

1 tests, items, and services are furnished are not sub-  
2 ject to cost-sharing (including deductibles, copay-  
3 ments, and coinsurance) or prior authorization or  
4 other medical management requirements; and

5 (2) that providers should not collect cost-shar-  
6 ing amounts from such individuals seeking such  
7 tests, items, or services.

8 **SEC. 309. IMPROVEMENTS TO TRANSPARENCY OF THE**  
9 **PRICING OF DIAGNOSTIC TESTING FOR**  
10 **COVID-19.**

11 (a) IN GENERAL.—Section 3202 of the CARES Act  
12 (Public Law 116–136) is amended—

13 (1) in subsection (b)—

14 (A) in the heading, by inserting “AND RE-  
15 LATED ITEMS AND SERVICES” after “DIAG-  
16 NOSTIC TESTING FOR COVID-19”;

17 (B) in paragraph (1)—

18 (i) by striking “a diagnostic test for  
19 COVID-19” and inserting “a test, item, or  
20 service described in section 6001(a) of divi-  
21 sion F of the Families First Coronavirus  
22 Response Act”; and

23 (ii) by striking “such test” and insert-  
24 ing “such test, item, or service”; and

1 (C) in paragraph (2), by striking “a diag-  
2 nostic test for COVID–19” and inserting “a  
3 test, item, or service described in section  
4 6001(a) of division F of the Families First  
5 Coronavirus Response Act”; and

6 (2) by adding at the end the following new sub-  
7 sections:

8 “(c) IMPROVEMENTS TO TRANSPARENCY POLICY.—

9 “(1) IN GENERAL.—Not later than 30 days  
10 after the date of the enactment of this subsection,  
11 the Secretary of Health and Human Services shall  
12 conduct a survey of providers of the items and serv-  
13 ices described in section 6001(a) of division F of the  
14 Families First Coronavirus Response Act (Public  
15 Law 116– 127) regarding the cash prices for such  
16 items and services listed by the providers on a public  
17 internet website of such provider.

18 “(2) REPRESENTATIVE SAMPLE.—In carrying  
19 out paragraph (1), the Secretary shall survey a sam-  
20 ple of providers that is representative of the diver-  
21 sity of sizes, geographic locations, and care settings  
22 (such as hospitals, laboratories, and independent  
23 freestanding emergency department) in which diag-  
24 nostic testing for COVID–19 is performed.

1           “(d) PUBLIC REPORT.—Not later than 60 days after  
2 the date of the enactment of this subsection, the Secretary  
3 of Health and Human Services shall publish on the Inter-  
4 net website of the Department of Health and Human  
5 Services a report on cash prices for items and services  
6 published under subsection (b)(1) during the period begin-  
7 ning on the date of the enactment of this Act and ending  
8 on the date of the enactment of this subsection, which  
9 shall include—

10           “(1) the percentage of providers that comply  
11 with the publication requirement under such sub-  
12 section;

13           “(2) the average cash price for each item and  
14 service described in section 6001(a) of division F of  
15 the Families First Coronavirus Response Act that is  
16 published under such subsection;

17           “(3) with respect to each such item and service,  
18 a comparison of such average cash price to the reim-  
19 bursement rate under the Medicare program under  
20 title XVIII of the Social Security Act (42 U.S.C.  
21 1395 et seq.); and

22           “(4) any cash prices published under such sub-  
23 section that substantially exceed the average cash  
24 price for each such item or service and the name of  
25 each provider that charges such prices.”.



1 **SEC. 310. GRANTS FOR EXCHANGE OUTREACH, EDUCATION,**  
2 **AND ENROLLMENT ASSISTANCE.**

3 (a) OUTREACH AND EDUCATION GRANTS TO STATES  
4 AND NAVIGATOR ENROLLMENT GRANTS TO EXCHANGES  
5 TO ASSIST ELIGIBLE INDIVIDUALS.—

6 (1) OUTREACH AND EDUCATION GRANTS TO  
7 STATES.—

8 (A) IN GENERAL.—The Secretary of  
9 Health and Human Services shall carry out a  
10 program that awards grants to States that pro-  
11 vide outreach and educational activities for pur-  
12 poses of informing individuals of the availability  
13 of coverage under qualified health plans offered  
14 through an Exchange and financial assistance  
15 for coverage under such plans (including the in-  
16 forming of eligible individuals of the availability  
17 of coverage under qualified health plans offered  
18 through an Exchange during the application  
19 process for unemployment compensation under  
20 State or Federal law).

21 (B) CONSIDERATION OF CERTAIN NEEDS  
22 OF POPULATION OF EXCHANGE.—The outreach  
23 and educational activities described in subpara-  
24 graph (A) shall be provided in a manner that  
25 is culturally and linguistically appropriate to  
26 the needs of the populations being served by the

1 Exchange (including hard-to-reach populations,  
2 such as racial and sexual minorities, limited  
3 English proficient populations, and young  
4 adults).

5 (C) APPLICATIONS.—To be eligible to re-  
6 ceive a grant under this paragraph, a State  
7 shall submit to the Secretary an application at  
8 such time, in such manner, and containing such  
9 information as the Secretary may require.

10 (D) LIMITATION ON USE OF FUNDS.—No  
11 funds appropriated under paragraph (4)(A)  
12 shall be used for expenditures for promoting  
13 non-ACA compliant health insurance coverage.

14 (E) GRANT DURATION AND AMOUNT.—

15 (i) DURATION.—Each grant under  
16 this paragraph shall be for a 1-year period  
17 that begins on the date of the enactment  
18 of this Act (which may be renewed for a 1-  
19 year period by the Secretary of Health and  
20 Human Services).

21 (ii) AMOUNT.—

22 (I) IN GENERAL.—The Secretary  
23 of Health and Human Services shall  
24 determine the amount of each grant  
25 under this paragraph.

1 (II) MINIMUM.—Each grant  
2 under this paragraph shall be for an  
3 amount that is at least \$500,000 for  
4 each 1-year period, and if applicable,  
5 at least \$500,000 for any 1-year pe-  
6 riod of renewal.

7 (2) NAVIGATOR ENROLLMENT GRANTS  
8 THROUGH EXCHANGES.—

9 (A) IN GENERAL.—The Secretary of  
10 Health and Human Services shall award grants  
11 to Exchanges described in subparagraph (D)  
12 for purposes of facilitating the enrollment of in-  
13 dividuals in qualified health plans offered  
14 through such Exchanges.

15 (B) USE OF FUNDS.—Funds made avail-  
16 able under a grant made under subparagraph  
17 (A) may only be used by such Exchanges to  
18 carry out the navigator program described in  
19 subsection (i)(1) of such section 1311.

20 (C) APPLICATIONS.—To be eligible to re-  
21 ceive a grant under this paragraph, for pur-  
22 poses of carrying out subparagraph (A), an Ex-  
23 change described in subparagraph (D) shall  
24 submit to the Secretary an application at such

1 time, in such manner, and containing such in-  
2 formation as the Secretary may require.

3 (D) EXCHANGE DESCRIBED.—For pur-  
4 poses of this paragraph, an Exchange described  
5 in this subparagraph is an Exchange that a  
6 State establishes and operates pursuant to sec-  
7 tion 1311(b)(1) of the Patient Protection and  
8 Affordable Care Act (42 U.S.C. 18031(b)(1)).

9 (3) APPROPRIATIONS.—There are appropriated  
10 for each of fiscal years 2021 and 2022, to remain  
11 available through fiscal year 2023—

12 (A) \$100,000,000 to carry out paragraph  
13 (1)(A); and

14 (B) \$100,000,000—

15 (i) to carry out paragraph (2)(A); and

16 (ii) to carry out the navigator pro-  
17 gram described in section 1311(i) of the  
18 Patient Protection and Affordable Care  
19 Act (42 U.S.C. 18031(i)) for Exchanges  
20 operated by the Secretary pursuant to sec-  
21 tion 1321(c)(1) of such Act (42 U.S.C.  
22 18041(c)(1)).

23 (4) DEFINITIONS.—In this subsection:

24 (A) ELIGIBLE INDIVIDUALS.—The term  
25 “eligible individual” means, with respect to an

1 Exchange, an individual who is otherwise eligi-  
2 ble to enroll through such Exchange.

3 (B) EXCHANGE.—The term “Exchange”  
4 means an American Health Benefit Exchange  
5 established under section 1311 of the Patient  
6 Protection and Affordable Care Act (42 U.S.C.  
7 18031).

8 (C) NON-ACA COMPLIANT HEALTH INSUR-  
9 ANCE COVERAGE.—

10 (i) IN GENERAL.—The term “non-  
11 ACA compliant health insurance coverage”  
12 means health insurance coverage, or a  
13 group health plan, that is not a qualified  
14 health plan.

15 (ii) INCLUSION.—Such term includes  
16 the following:

17 (I) An association health plan.

18 (II) Short-term limited duration  
19 insurance.

20 (D) QUALIFIED HEALTH PLAN.—The term  
21 “qualified health plan” has the meaning given  
22 such term in section 1301(a)(1) of the Patient  
23 Protection and Affordable Care Act (42 U.S.C.  
24 18021(a)(1)).

1 (b) IMPLEMENTATION.—The Secretary of Health and  
2 Human Services may implement the provisions of this sec-  
3 tion through subregulatory guidance, program instruction,  
4 or otherwise.

5 **SEC. 311. APPLICATION OF PREMIUM TAX CREDIT IN CASE**  
6 **OF INDIVIDUALS RECEIVING UNEMPLOY-**  
7 **MENT COMPENSATION DURING THE COVID-19**  
8 **PUBLIC HEALTH EMERGENCY.**

9 (a) IN GENERAL.—Section 36B of the Internal Rev-  
10 enue Code of 1986, as amended by the preceding provi-  
11 sions of this Act, is amended by redesignating subsection  
12 (g) as subsection (h) and by inserting after subsection (f)  
13 the following new subsection:

14 “(g) SPECIAL RULE FOR INDIVIDUALS WHO RE-  
15 CEIVE UNEMPLOYMENT COMPENSATION DURING COVID-  
16 19 PUBLIC HEALTH EMERGENCY.—

17 “(1) IN GENERAL.—For purposes of the credit  
18 determined under this section, in the case of a tax-  
19 payer who has received, or has been approved to re-  
20 ceive, unemployment compensation for any week  
21 during the applicable period, for the taxable year in  
22 which such week begins—

23 “(A) such taxpayer shall be treated as an  
24 applicable taxpayer, and

1           “(B) there shall not be taken into account  
2           any household income of the taxpayer in excess  
3           of 133 percent of the poverty line for a family  
4           of the size involved.

5           “(2) APPLICABLE PERIOD.—For purposes of  
6           this section, the applicable period is the period  
7           that—

8                   “(A) begins on the date of the enactment  
9                   of this subsection, and

10                   “(B) ends 60 days after the last day of the  
11                   emergency period described in section  
12                   1135(g)(1)(B) of the Social Security Act.

13           “(3) REASONABLE EVIDENCE OF UNEMPLOY-  
14           MENT COMPENSATION.—For purposes of this sub-  
15           section, a taxpayer shall not be treated as having re-  
16           ceived (or been approved to receive) unemployment  
17           compensation for any week unless such taxpayer  
18           provides documentation which demonstrates such re-  
19           ceipt or approval.

20           “(4) UNEMPLOYMENT COMPENSATION.—For  
21           purposes of this subsection, the term ‘unemployment  
22           compensation’ has the meaning given such term in  
23           section 1311(c)(8)(E) of the Patient Protection and  
24           Affordable Care Act.”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2019.

4 **SEC. 312. INCREASING ACCESSIBILITY AND AFFORD-**  
5 **ABILITY TO QUALIFIED HEALTH PLANS FOR**  
6 **INDIVIDUALS RECEIVING UNEMPLOYMENT**  
7 **COMPENSATION DURING THE COVID-19**  
8 **EMERGENCY PERIOD.**

9 (a) ESTABLISHMENT OF SPECIAL ENROLLMENT PE-  
10 RIODS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT  
11 COMPENSATION.—Section 1311(c) of the Patient Protec-  
12 tion and Affordable Care Act (42 U.S.C. 18031(c)) is  
13 amended—

14 (1) in paragraph (6)—

15 (A) in subparagraph (C), by striking at the  
16 end “and”;

17 (B) in subparagraph (D), by striking the  
18 period at the end and inserting “; and”; and

19 (C) by adding at the end the following new  
20 subparagraph:

21 “(E) special enrollment periods described  
22 in paragraph (8).”; and

23 (2) by adding at the end the following new  
24 paragraph:



1           “(8) SPECIAL ENROLLMENT PERIODS FOR INDI-  
2           VIDUALS RECEIVING UNEMPLOYMENT COMPENSA-  
3           TION.—

4           “(A) IN GENERAL.—The special enroll-  
5           ment period described in this paragraph—

6           “(i) in the case of an individual who  
7           becomes eligible for unemployment com-  
8           pensation on any date before January 1,  
9           2021, is the period beginning on the first  
10          day on or after such date that the indi-  
11          vidual is not eligible for minimum essential  
12          coverage (as defined in section 5000A(f) of  
13          the Internal Revenue Code of 1986) and  
14          ending on the later of—

15                   “(I) December 31, 2020; and

16                   “(II) the day that is 60 days  
17                   after such first day; and

18          “(ii) in the case of an individual who  
19          becomes eligible for unemployment com-  
20          pensation beginning on any date that is on  
21          or after January 1, 2021, is the 60-day pe-  
22          riod beginning on the first day on or after  
23          such date that the individual is not eligible  
24          for minimum essential coverage.

1           “(B) SELF-ATTESTATION.—For purposes  
2 of 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  
11 5000A(f)(1)(C) of the Internal Revenue  
12 Code of 1986; or

13                   “(ii) such individual would not be  
14 treated as eligible for minimum essential  
15 coverage pursuant to section 36B(c)(2)(C)  
16 of such Code.

17           “(D) CLARIFICATION.—Nothing in sub-  
18 paragraph (A) shall be construed to prohibit an  
19 individual described in such subparagraph from  
20 qualifying for multiple special enrollment peri-  
21 ods under such subparagraph.

22           “(E) UNEMPLOYMENT COMPENSATION DE-  
23 FINED.—In this paragraph, the term ‘unem-  
24 ployment compensation’ means, with respect to  
25 an individual—

1 “(i) regular compensation and ex-  
2 tended compensation (as such terms are  
3 defined by section 205 of the Federal-State  
4 Extended Unemployment Compensation  
5 Act of 1970);

6 “(ii) unemployment compensation (as  
7 defined by section 85(b) of the Internal  
8 Revenue Code of 1986) provided under any  
9 program administered by a State under an  
10 agreement with the Secretary;

11 “(iii) pandemic unemployment assist-  
12 ance under section 2102 of the CARES  
13 Act;

14 “(iv) pandemic emergency unemploy-  
15 ment compensation under section 2107 of  
16 the CARES Act;

17 “(v) pandemic emergency unemploy-  
18 ment extension compensation under section  
19 2107A of the CARES Act;

20 “(vi) unemployment benefits under  
21 the Railroad Unemployment Insurance  
22 Act; and

23 “(vii) trade adjustment assistance  
24 under title II of the Trade Act of 1974;

1 for which such individual is eligible for any  
2 week during the period beginning on the first  
3 day of the emergency period described in sec-  
4 tion 1135(g)(1)(B) of the Social Security Act  
5 and ending on December 31, 2021.”.

6 (b) REQUIREMENT FOR FIRST DAY OF COVERAGE  
7 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-  
8 PENSATION ENROLLING DURING SPECIAL ENROLLMENT  
9 PERIODS.—Section 1303 of the Patient Protection and  
10 Affordable Care Act (42 U.S.C. 18023) is amended by  
11 adding at the end the following new subsection:

12 “(e) REQUIREMENT FOR FIRST DAY OF COVERAGE  
13 FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COM-  
14 PENSATION ENROLLING DURING SPECIAL ENROLLMENT  
15 PERIODS.—

16 “(1) IN GENERAL.—In the case of an individual  
17 described in section 1311(c)(8)(A) who enrolls in a  
18 qualified health plan through an Exchange during a  
19 month during a special enrollment period described  
20 in such section, such coverage shall be effective be-  
21 ginning on—

22 “(A) if such individual was enrolled in  
23 minimum essential coverage (other than the  
24 qualified health plan enrolled through such a  
25 special enrollment period) on the first day of

1 such month, the first day of such month on  
2 which the individual is longer so enrolled; and

3 “(B) if such individual was not enrolled in  
4 minimum essential coverage (other than the  
5 qualified health plan enrolled through such a  
6 special enrollment period) on the first day of  
7 such month, the first day of such month.

8 “(2) MINIMUM ESSENTIAL COVERAGE DE-  
9 FINED.—In this subsection, the term ‘minimum es-  
10 sential coverage’ has the meaning given such term in  
11 section 5000A(f) of the Internal Revenue Code of  
12 1986.”.

13 (c) MODEL NOTICE AND PUBLICATION OF INFORMA-  
14 TION RELATING TO SPECIAL ENROLLMENT PERIODS AND  
15 CREDITS FOR INDIVIDUALS RECEIVING UNEMPLOYMENT  
16 COMPENSATION.—

17 (1) MODEL NOTICE.—The Secretary of Health  
18 and Human Services shall make available to States  
19 a model notice (which may be sent by mail, email,  
20 or electronic means upon the receipt of unemploy-  
21 ment compensation (as defined in subparagraph (D)  
22 of section 1311(c)(8) of the Patient Protection and  
23 Affordable Care Act, as added by subsection (a))  
24 that includes information with respect to the eligi-

1 bility of individuals described in subparagraph (A) of  
2 such section—

3 (A) to enroll in a qualified health plan of-  
4 fered through an Exchange during a special en-  
5 rollment period described in section  
6 1311(c)(8)(A) of such Act;

7 (B) for the premium tax credit under sec-  
8 tion 36B of the Internal Revenue Code of 1986;  
9 and

10 (C) for any increase to the premium tax  
11 credit an individual otherwise receives under  
12 section 36B of the Internal Revenue Code of  
13 1986 by reason of subsection (g) of such sec-  
14 tion.

15 (2) PUBLICATION OF INFORMATION .—Section  
16 1311(b) of the Patient Protection and Affordable  
17 Care Act (42 U.S.C. 18031(b)) by adding at the end  
18 the following new paragraph:

19 “(3) PUBLICATION OF INFORMATION RELATING  
20 TO A SPECIAL ENROLLMENT PERIOD AND CRED-  
21 ITS.—An Exchange shall, not later than 7 days after  
22 the date of the enactment of this paragraph, promi-  
23 nently post on the homepage of the Internet website  
24 for such Exchange information with respect to the  
25 special enrollment period described in subsection

1 (c)(8)(A) and hyperlinks to information with respect  
2 to the eligibility of individuals described in such sub-  
3 section—

4 “(A) to enroll in a qualified health plan of-  
5 fered through an Exchange during a special en-  
6 rollment period described in such subsection;

7 “(B) for the premium tax credit under sec-  
8 tion 36B of the Internal Revenue Code of 1986;  
9 and

10 “(C) for any increase to the premium tax  
11 credit an individual otherwise receives under  
12 section 36B of the Internal Revenue Code of  
13 1986 by reason of subsection (g) of such sec-  
14 tion.”.

15 **SEC. 313. TEMPORARY MODIFICATION OF LIMITATIONS ON**  
16 **RECONCILIATION OF TAX CREDITS FOR COV-**  
17 **ERAGE UNDER A QUALIFIED HEALTH PLAN**  
18 **WITH ADVANCE PAYMENTS OF SUCH CREDIT.**

19 (a) IN GENERAL.—Section 36B(f)(2)(B) of the Inter-  
20 nal Revenue Code of 1986 is amended by adding at the  
21 end the following new clause:

22 “(iii) TEMPORARY MODIFICATION OF  
23 LIMITATION ON INCREASE.—In the case of  
24 any taxable year beginning in 2020 or  
25 2021, clause (i) shall be applied—

1 “(I) by substituting ‘600 percent’  
 2 for ‘400 percent’ the first place it ap-  
 3 pears therein, and

4 “(II) by substituting the fol-  
 5 lowing table for the table contained  
 6 therein:

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 500% .....	\$0
At least 500% but less than 550% .....	\$1,600
At least 550% but less than 600% .....	\$2,650

7 The dollar amounts in the table contained  
 8 under this clause shall be increased under  
 9 clause (ii) for taxable years beginning cal-  
 10 endar year 2021 by substituting ‘calendar  
 11 year 2020’ for ‘calendar year 2013’ in sub-  
 12 clause (II) thereof.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
 14 this section shall apply to taxable years beginning after  
 15 December 31, 2019.

16 **SEC. 314. REQUIREMENTS FOR COBRA NOTICES RELATING**  
 17 **TO THE AVAILABILITY OF HEALTH INSUR-**  
 18 **ANCE COVERAGE AND ASSISTANCE.**

19 (a) ADDITIONAL NOTIFICATION REQUIREMENT FOR  
 20 COBRA NOTICES.—

21 (1) IN GENERAL.—In the case of a notice pro-  
 22 vided under section 606(a)(4) of the Employee Re-



1       tirement Income Security Act of 1974 (29 U.S.C.  
2       1166(4)), section 4980B(f)(6)(D) of the Internal  
3       Revenue Code of 1986, or section 2206(4) of the  
4       Public Health Service Act (42 U.S.C. 300bb–6(4)),  
5       with respect to an individual who, during the period  
6       described in paragraph (2), becomes entitled to elect  
7       COBRA continuation coverage, the requirements of  
8       such provisions shall not be treated as met unless  
9       such notice includes an additional written notice ad-  
10      vising such individual, in clear and understandable  
11      language—

12                (A) that such individual may be eligible  
13      for—

14                   (i) a special enrollment period de-  
15                   scribed in section 1311(e)(8)(A) of the Pa-  
16                   tient Protection and Affordable Care Act;  
17                   and

18                   (ii) a premium tax credit under sec-  
19                   tion 36B of the Internal Revenue Code of  
20                   1986 (including a possible increase to such  
21                   credit by reason of subsection (g) of such  
22                   section); and

23                (B) of the existence and potential effects of  
24      the temporary modification of limitations on

1 reconciliation of such credits under section  
2 36B(f)(2)(B)(iii) of such Code.

3 (2) PERIOD DESCRIBED.—For purposes of  
4 paragraph (1), the period described in this para-  
5 graph is the period that—

6 (A) begins 14 days after the date of the  
7 enactment of this Act; and

8 (B) ends 60 days after the last day of the  
9 emergency period described in section  
10 1135(g)(1)(B) of the Social Security Act (42  
11 U.S.C. 1320b–5(g)(1)(B)).

12 (3) FORM.—The requirement of the additional  
13 notification under this subsection may be met by  
14 amendment of existing notice forms or by inclusion  
15 of a separate document with the notice otherwise re-  
16 quired.

17 (4) MODEL NOTICES.—Not later than 14 days  
18 after the date of enactment of this Act, with respect  
19 to any individual described in paragraph (1), the  
20 Secretary of Labor, in consultation with the Sec-  
21 retary of the Treasury and the Secretary of Health  
22 and Human Services, shall prescribe models for the  
23 additional notification required under this sub-  
24 section. Such models shall include an estimate of the  
25 amount of the monthly premium of a silver-level

1 qualified health plan offered through an Exchange  
2 following the application of tax credits under section  
3 36B of the Internal Revenue Code of 1986 for the  
4 average individual eligible for the special enrollment  
5 period described in paragraph (1)(A)(i).

6 (b) OUTREACH BY THE SECRETARY OF LABOR.—The  
7 Secretary of Labor, in consultation with the Secretary of  
8 the Treasury and the Secretary of Health and Human  
9 Services, shall provide outreach consisting of public edu-  
10 cation and enrollment assistance relating to premium as-  
11 sistance, special enrollment periods, and reconciliation  
12 modifications described in subsection (a)(1). Such out-  
13 reach shall target employers, group health plan adminis-  
14 trators, public assistance programs, States, consumers,  
15 and other entities as determined appropriate by such Sec-  
16 retaries. Information on such premium assistance, special  
17 enrollment periods, and reconciliation modifications shall  
18 also be made available on the websites of the Departments  
19 of Labor, Treasury, and Health and Human Services.

20 (c) DEFINITIONS.—In this section:

21 (1) COBRA CONTINUATION COVERAGE.—The  
22 term “COBRA continuation coverage” means con-  
23 tinuation coverage provided pursuant to part 6 of  
24 subtitle B of title I of the Employee Retirement In-  
25 come Security Act of 1974 (other than under section

1       609), title XXII of the Public Health Service Act, or  
2       section 4980B of the Internal Revenue Code of 1986  
3       (other than subsection (f)(1) of such section insofar  
4       as it relates to pediatric vaccines), or under a State  
5       program that provides comparable continuation cov-  
6       erage. Such term does not include coverage under a  
7       health flexible spending arrangement under a cafe-  
8       teria plan within the meaning of section 125 of the  
9       Internal Revenue Code of 1986.

10           (2) EXCHANGE.—The term “Exchange” means  
11       an American Health Benefit Exchange established  
12       under section 1311 of the Patient Protection and  
13       Affordable Care Act.

14           (3) GROUP HEALTH PLAN.—The term “group  
15       health plan” has the meaning given such term in  
16       section 607(1) of the Employee Retirement Income  
17       Security Act of 1974.

18           (4) QUALIFIED HEALTH PLAN.—The term  
19       “qualified health plan” has the meaning given such  
20       term in section 1301(a)(1) of the Patient Protection  
21       and Affordable Care Act.

22           (5) STATE.—The term “State” includes the  
23       District of Columbia, the Commonwealth of Puerto  
24       Rico, the Virgin Islands, Guam, American Samoa,

1 and the Commonwealth of the Northern Mariana Is-  
2 lands.

3 (6) UNEMPLOYMENT COMPENSATION.—The  
4 term “unemployment compensation” means, with re-  
5 spect to an individual—

6 (A) regular compensation and extended  
7 compensation (as such terms are defined by  
8 section 205 of the Federal-State Extended Un-  
9 employment Compensation Act of 1970);

10 (B) unemployment compensation (as de-  
11 fined by section 85(b) of the Internal Revenue  
12 Code of 1986) provided under any program ad-  
13 ministered by a State under an agreement with  
14 the Secretary;

15 (C) pandemic unemployment assistance  
16 under section 2102 of the CARES Act;

17 (D) pandemic emergency unemployment  
18 compensation under section 2107 of the  
19 CARES Act;

20 (E) unemployment benefits under the Rail-  
21 road Unemployment Insurance Act; and

22 (F) trade adjustment assistance under title  
23 II of the Trade Act of 1974;

24 for which such individual is eligible for any week  
25 during the period described in subsection (a)(2).

1           **TITLE IV—APPLICATION TO**  
2           **OTHER HEALTH PROGRAMS**

3   **SEC. 401. PROHIBITION ON COPAYMENTS AND COST SHAR-**  
4                   **ING FOR TRICARE BENEFICIARIES RECEIV-**  
5                   **ING COVID-19 TREATMENT.**

6           (a) **IN GENERAL.**—Section 6006(a) of the Families  
7 First Coronavirus Response Act (Public Law 116–127; 38  
8 U.S.C. 1074 note) is amended by striking “or visits de-  
9 scribed in paragraph (2) of such section” and inserting  
10 “, visits described in paragraph (2) of such section, or  
11 medical care to treat COVID–19”.

12           (b) **EFFECTIVE DATE.**—The amendment made by  
13 subsection (a) shall apply with respect to medical care fur-  
14 nished on or after the date of the enactment of this Act.

15   **SEC. 402. PROHIBITION ON COPAYMENTS AND COST SHAR-**  
16                   **ING FOR VETERANS RECEIVING COVID-19**  
17                   **TREATMENT FURNISHED BY DEPARTMENT**  
18                   **OF VETERANS AFFAIRS.**

19           (a) **IN GENERAL.**—Section 6006(b) of the Families  
20 First Coronavirus Response Act (Public Law 116–127; 38  
21 U.S.C. 1701 note) is amended by striking “or visits de-  
22 scribed in paragraph (2) of such section” and inserting  
23 “, visits described in paragraph (2) of such section, or hos-  
24 pital care or medical services to treat COVID–19”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to hospital care and  
3 medical services furnished on or after the date of the en-  
4 actment of this Act.

5 **SEC. 403. PROHIBITION ON COPAYMENTS AND COST SHAR-**  
6 **ING FOR FEDERAL CIVILIAN EMPLOYEES RE-**  
7 **CEIVING COVID-19 TREATMENT.**

8 (a) IN GENERAL.—Section 6006(c) of the Families  
9 First Coronavirus Response Act (Public Law 116–127; 5  
10 U.S.C. 8904 note) is amended by striking “or visits de-  
11 scribed in paragraph (2) of such section” and inserting  
12 “, visits described in paragraph (2) of such section, or hos-  
13 pital care or medical services to treat COVID–19”.

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall apply with respect to hospital care and  
16 medical services furnished on or after the date of the en-  
17 actment of this Act.

18 **TITLE V—PUBLIC HEALTH**  
19 **POLICIES**

20 **SEC. 501. DEFINITIONS.**

21 In this title:

22 (1) Except as inconsistent with the provisions  
23 of this title, the term “Secretary” means the Sec-  
24 retary of Health and Human Services.

1           (2) The term “State” refers to each of the 50  
2 States and the District of Columbia.

3           (3) The term “Tribal”, with respect to a de-  
4 partment of health (or health department), in-  
5 cludes—

6           (A) Indian Tribes that—

7                   (i) are operating one or more health  
8 facilities pursuant to an agreement under  
9 the Indian Self-Determination and Edu-  
10 cation Assistance Act (25 U.S.C. 5301 et  
11 seq.); or

12                   (ii) receive services from a facility op-  
13 erated by the Indian Health Services; and

14           (B) Tribal organizations and Urban Indian  
15 organizations.

## 16           **Subtitle A—Supply Chain** 17           **Improvements**

### 18   **SEC. 511. MEDICAL SUPPLIES RESPONSE COORDINATOR.**

19           (a) IN GENERAL.—The President shall appoint a  
20 Medical Supplies Response Coordinator to coordinate the  
21 efforts of the Federal Government regarding the supply  
22 and distribution of critical medical supplies and equipment  
23 related to detecting, diagnosing, preventing, and treating  
24 COVID–19, including personal protective equipment, med-  
25 ical devices, drugs, and vaccines.



1 (b) QUALIFICATIONS.—To qualify to be appointed as  
2 the Medical Supplies Response Coordinator, an individual  
3 shall be a senior government official with—

4 (1) health care training, including training re-  
5 lated to infectious diseases or hazardous exposures;  
6 and

7 (2) a familiarity with medical supply chain lo-  
8 gistics.

9 (c) ACTIVITIES.—The Medical Supplies Response Co-  
10 ordinator shall—

11 (1) consult with State, local, territorial, and  
12 Tribal officials to ensure that health care facilities  
13 and health care workers have sufficient personal pro-  
14 tective equipment and other medical supplies;

15 (2) evaluate ongoing needs of States, localities,  
16 territories, Tribes, health care facilities, and health  
17 care workers to determine the need for critical med-  
18 ical supplies and equipment;

19 (3) serve as a point of contact for industry for  
20 procurement and distribution of critical medical sup-  
21 plies and equipment, including personal protective  
22 equipment, medical devices, testing supplies, drugs,  
23 and vaccines;

24 (4) procure and distribute critical medical sup-  
25 plies and equipment, including personal protective

1 equipment, medical devices, testing supplies, drugs,  
2 and vaccines;

3 (5)(A) establish and maintain an up-to-date na-  
4 tional database of hospital capacity, including beds,  
5 ventilators, and supplies, including personal protec-  
6 tive equipment, medical devices, drugs, and vaccines;  
7 and

8 (B) provide weekly reports to the Congress on  
9 gaps in such capacity and progress made toward  
10 closing the gaps;

11 (6) require, as necessary, industry reporting on  
12 production and distribution of personal protective  
13 equipment, medical devices, testing supplies, drugs,  
14 and vaccines and assess financial penalties as may  
15 be specified by the Medical Supplies Response Coor-  
16 dinator for failure to comply with such requirements  
17 for reporting on production and distribution;

18 (7) consult with the Secretary and the Adminis-  
19 trator of the Federal Emergency Management Agen-  
20 cy, as applicable, to ensure sufficient production lev-  
21 els under the Defense Production Act of 1950 (50  
22 U.S.C. 4501 et seq.); and

23 (8) monitor the prices of critical medical sup-  
24 plies and equipment, including personal protective  
25 equipment and medical devices, drugs, and vaccines

1 related to detecting, diagnosing, preventing, and  
2 treating COVID–19 and report any suspected price  
3 gouging of such materials to the Federal Trade  
4 Commission and appropriate law enforcement offi-  
5 cials.

6 **SEC. 512. INFORMATION TO BE INCLUDED IN LIST OF DE-**  
7 **VICES DETERMINED TO BE IN SHORTAGE.**

8 Section 506J(g)(2)(A) of the Federal Food, Drug,  
9 and Cosmetic Act, as added by section 3121 of the  
10 CARES Act (Public Law 116–136), is amended by insert-  
11 ing “, including the device identifier or national product  
12 code for such device, if applicable” before the period at  
13 the end.

14 **SEC. 513. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**  
15 **DEVICES.**

16 (a) IN GENERAL.—The Federal Food, Drug, and  
17 Cosmetic Act is amended by inserting after section 506J  
18 (21 U.S.C. 356j) the following:

19 **“SEC. 506K. EXTENDED SHELF LIFE DATES FOR ESSENTIAL**  
20 **DEVICES.**

21 “(a) IN GENERAL.—A manufacturer of a device sub-  
22 ject to notification requirements under section 506J (in  
23 this section referred to as an ‘essential device’) shall—

24 “(1) submit to the Secretary data and informa-  
25 tion as required by subsection (b)(1);

1           “(2) conduct and submit the results of any  
2 studies required under subsection (b)(3); and

3           “(3) make any labeling change described in  
4 subsection (c) by the date specified by the Secretary  
5 pursuant to such subsection.

6           “(b) NOTIFICATION.—

7           “(1) IN GENERAL.—The Secretary may issue  
8 an order requiring the manufacturer of any essential  
9 device to submit, in such manner as the Secretary  
10 may prescribe, data and information from any stage  
11 of development of the device (including pilot, inves-  
12 tigational, and final product validation) that are  
13 adequate to assess the shelf life of the device to de-  
14 termine the longest supported expiration date.

15           “(2) UNAVAILABLE OR INSUFFICIENT DATA  
16 AND INFORMATION.—If the data and information re-  
17 ferred to in paragraph (1) are not available or are  
18 insufficient, the Secretary may require the manufac-  
19 turer of the device to—

20           “(A) conduct studies adequate to provide  
21 the data and information; and

22           “(B) submit to the Secretary the results,  
23 data, and information generated by such studies  
24 when available.

1           “(c) LABELING.—The Secretary may issue an order  
2 requiring the manufacturer of an essential device to make  
3 by a specified date any labeling change regarding the expi-  
4 ration period that the Secretary determines to be appro-  
5 priate based on the data and information required to be  
6 submitted under this section or any other data and infor-  
7 mation available to the Secretary.

8           “(d) CONFIDENTIALITY.—Nothing in this section  
9 shall be construed as authorizing the Secretary to disclose  
10 any information that is a trade secret or confidential infor-  
11 mation subject to section 552(b)(4) of title 5, United  
12 States Code, or section 1905 of title 18, United States  
13 Code.”.

14           (b) CIVIL MONETARY PENALTY.—Section 303(f) of  
15 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
16 333(f)) is amended by adding at the end the following:

17           “(10) CIVIL MONETARY PENALTY WITH RESPECT  
18 TO EXTENDED SHELF LIFE DATES FOR ESSENTIAL DE-  
19 VICES.—If the manufacturer of a device subject to notifi-  
20 cation requirements under section 506J violates section  
21 506K by failing to submit data and information as re-  
22 quired under section 506K(b)(1), failing to conduct or  
23 submit the results of studies as required under section  
24 506K(b)(3), or failing to make a labeling change as re-  
25 quired under section 506K(c), such manufacturer shall be

1 liable to the United States for a civil penalty in an amount  
2 not to exceed \$10,000 for each such violation.”.

3 (c) EMERGENCY USE ELIGIBLE PRODUCTS.—Sub-  
4 paragraph (A) of section 564A(a)(1) of the Federal Food,  
5 Drug, and Cosmetic Act (21 U.S.C. 360bbb–3a(a)(1)) is  
6 amended to read as follows:

7 “(A) is approved or cleared under this  
8 chapter, otherwise listed as a device pursuant to  
9 section 510(j), conditionally approved under  
10 section 571, or licensed under section 351 of  
11 the Public Health Service Act;”.

12 **SEC. 514. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.**

13 (a) IN GENERAL.—Section 801(a) of the Federal  
14 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is  
15 amended—

16 (1) in the fourth sentence, by inserting “or  
17 counterfeit device” after “counterfeit drug”; and

18 (2) by striking “The Secretary of the Treasury  
19 shall cause the destruction of” and all that follows  
20 through “liable for costs pursuant to subsection  
21 (c).” and inserting the following: “The Secretary of  
22 the Treasury shall cause the destruction of any such  
23 article refused admission unless such article is ex-  
24 ported, under regulations prescribed by the Sec-  
25 retary of the Treasury, within 90 days of the date

1 of notice of such refusal or within such additional  
2 time as may be permitted pursuant to such regula-  
3 tions, except that the Secretary of Health and  
4 Human Services may destroy, without the oppor-  
5 tunity for export, any drug or device refused admis-  
6 sion under this section, if such drug or device is val-  
7 ued at an amount that is \$2,500 or less (or such  
8 higher amount as the Secretary of the Treasury may  
9 set by regulation pursuant to section 498(a)(1) of  
10 the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and  
11 was not brought into compliance as described under  
12 subsection (b). The Secretary of Health and Human  
13 Services shall issue regulations providing for notice  
14 and an opportunity to appear before the Secretary  
15 of Health and Human Services and introduce testi-  
16 mony, as described in the first sentence of this sub-  
17 section, on destruction of a drug or device under the  
18 seventh sentence of this subsection. The regulations  
19 shall provide that prior to destruction, appropriate  
20 due process is available to the owner or consignee  
21 seeking to challenge the decision to destroy the drug  
22 or device. Where the Secretary of Health and  
23 Human Services provides notice and an opportunity  
24 to appear and introduce testimony on the destruc-  
25 tion of a drug or device, the Secretary of Health and

1 Human Services shall store and, as applicable, dis-  
2 pose of the drug or device after the issuance of the  
3 notice, except that the owner and consignee shall re-  
4 main liable for costs pursuant to subsection (c).”.

5 (b) DEFINITION.—Section 201(h) of the Federal  
6 Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is  
7 amended—

8 (1) by redesignating subparagraphs (1), (2),  
9 and (3) as clauses (A), (B), and (C), respectively;  
10 and

11 (2) after making such redesignations—

12 (A) by striking “(h) The term” and insert-  
13 ing “(h)(1) The term”; and

14 (B) by adding at the end the following:

15 “(2) The term ‘counterfeit device’ means a device  
16 which, or the container, packaging, or labeling of which,  
17 without authorization, bears a trademark, trade name, or  
18 other identifying mark, imprint, or symbol, or any likeness  
19 thereof, or is manufactured using a design, of a device  
20 manufacturer, packer, or distributor other than the person  
21 or persons who in fact manufactured, packed, or distrib-  
22 uted such device and which thereby falsely purports or is  
23 represented to be the product of, or to have been packed  
24 or distributed by, such other device manufacturer, packer,  
25 or distributor.



1 “(3) For purposes of subparagraph (2)—

2 “(A) the term ‘manufactured’ refers to any of  
3 the following activities: manufacture, preparation,  
4 propagation, compounding, assembly, or processing;  
5 and

6 “(B) the term ‘manufacturer’ means a person  
7 who is engaged in any of the activities listed in  
8 clause (A).”.

9 **SEC. 515. REPORTING REQUIREMENT FOR DRUG MANUFAC-**  
10 **TURERS.**

11 (a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—  
12 Section 510(i) of the Federal Food, Drug, and Cosmetic  
13 Act (21 U.S.C. 360(i)) is amended by inserting at the end  
14 the following new paragraph:

15 “(5) The requirements of paragraphs (1) and (2)  
16 shall apply to establishments within a foreign country en-  
17 gaged in the manufacture, preparation, propagation,  
18 compounding, or processing of any drug, including the ac-  
19 tive pharmaceutical ingredient, that is required to be listed  
20 pursuant to subsection (j). Such requirements shall apply  
21 regardless of whether the drug or active pharmaceutical  
22 ingredient undergoes further manufacture, preparation,  
23 propagation, compounding, or processing at a separate es-  
24 tablishment or establishments outside the United States

1 prior to being imported or offered for import into the  
2 United States.”.

3 (b) LISTING OF DRUGS.—Section 510(j)(1) of the  
4 Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
5 360(j)(1)) is amended—

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

8 (2) in subparagraph (E), by striking the period  
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(F) in the case of a drug contained in the ap-  
13 plicable list, a certification that the registrant has—

14 “(i) identified every other establishment  
15 where manufacturing is performed for the drug;  
16 and

17 “(ii) notified each known foreign establish-  
18 ment engaged in the manufacture, preparation,  
19 propagation, compounding, or processing of the  
20 drug, including the active pharmaceutical ingre-  
21 dient, of the inclusion of the drug in the list  
22 and the obligation to register.”.

23 (c) QUARTERLY REPORTING ON AMOUNT OF DRUGS  
24 MANUFACTURED.—Section 510(j)(3)(A) of the Federal  
25 Food, Drug, and Cosmetic Act (as added by section 3112

1 of the CARES Act (Public Law 116–136)) is amended  
2 by striking “annually” and inserting “once during the  
3 month of March of each year, once during the month of  
4 June of each year, once during the month of September  
5 of each year, and once during the month of December of  
6 each year”.

7 **SEC. 516. RECOMMENDATIONS TO ENCOURAGE DOMESTIC**  
8 **MANUFACTURING OF CRITICAL DRUGS.**

9 (a) IN GENERAL.—Not later than 14 days after the  
10 date of enactment of this Act, the Secretary shall enter  
11 into an agreement with the National Academies of  
12 Sciences, Engineering, and Medicine (referred to in this  
13 section as the “National Academies”) under which, not  
14 later than 90 days after the date of entering into the  
15 agreement, the National Academies will—

16 (1) establish a committee of experts who are  
17 knowledgeable about drug and device supply issues,  
18 including—

19 (A) sourcing and production of critical  
20 drugs and devices;

21 (B) sourcing and production of active  
22 pharmaceutical ingredients in critical drugs;

23 (C) the raw materials and other compo-  
24 nents for critical drugs and devices; and

1 (D) the public health and national security  
2 implications of the current supply chain for  
3 critical drugs and devices;

4 (2) convene a public symposium to—

5 (A) analyze the impact of United States  
6 dependence on the foreign manufacturing of  
7 critical drugs and devices on patient access and  
8 care, including in hospitals and intensive care  
9 units; and

10 (B) recommend strategies to end United  
11 States dependence on foreign manufacturing to  
12 ensure the United States has a diverse and vital  
13 supply chain for critical drugs and devices to  
14 protect the Nation from natural or hostile oc-  
15 currences; and

16 (3) submit a report on the symposium's pro-  
17 ceedings to the Congress and publish a summary of  
18 such proceedings on the public website of the Na-  
19 tional Academies.

20 (b) SYMPOSIUM.—In carrying out the agreement  
21 under subsection (a), the National Academies shall consult  
22 with—

23 (1) the Department of Health and Human  
24 Services, the Department of Homeland Security, the  
25 Department of Defense, the Department of Com-

1 merce, the Department of State, the Department of  
2 Veterans Affairs, the Department of Justice, and  
3 any other Federal agencies as appropriate; and

4 (2) relevant stakeholders, including drug and  
5 device manufacturers, health care providers, medical  
6 professional societies, State-based societies, public  
7 health experts, State and local public health depart-  
8 ments, State medical boards, patient groups, health  
9 care distributors, wholesalers and group purchasing  
10 organizations, pharmacists, and other entities with  
11 experience in health care and public health, as ap-  
12 propriate.

13 (c) DEFINITIONS.—For the purposes of this section:

14 (1) The term “critical”—

15 (A) with respect to a device, refers to a de-  
16 vice classified by the Food and Drug Adminis-  
17 tration as implantable, life-saving, and life-sus-  
18 taining; or

19 (B) with respect to a drug, refers to a  
20 drug that is described in subsection (a) of sec-  
21 tion 506C of the Federal Food, Drug, and Cos-  
22 metic Act (21 U.S.C. 356c) (relating to notifi-  
23 cation of any discontinuance or interruption in  
24 the production of life-saving drugs).

1           (2) The terms “device” and “drug” have the  
2           meanings given to those terms in section 201 of the  
3           Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
4           321).

5   **SEC. 517. FAILURE TO NOTIFY OF A PERMANENT DIS-**  
6                           **CONTINUANCE OR AN INTERRUPTION.**

7           Section 301 of the Federal Food, Drug, and Cosmetic  
8           Act (21 U.S.C. 331) is amended by adding at the end the  
9           following:

10          “(fff) The failure of a manufacturer of a drug de-  
11          scribed in section 506C(a) or an active pharmaceutical in-  
12          gredient of such a drug, without a reasonable basis as de-  
13          termined by the Secretary, to notify the Secretary of a  
14          permanent discontinuance or an interruption, and the rea-  
15          sons for such discontinuance or interruption, as required  
16          by section 506C.”.

17   **SEC. 518. FAILURE TO DEVELOP RISK MANAGEMENT PLAN.**

18           Section 301 of the Federal Food, Drug, and Cosmetic  
19           Act (21 U.S.C. 331), as amended by section 517, is fur-  
20           ther amended by adding at the end the following:

21          “(ggg) The failure to develop, maintain, and imple-  
22          ment a risk management plan, as required by section  
23          506C(j).”.

1 **SEC. 519. NATIONAL CENTERS OF EXCELLENCE IN CONTIN-**  
2 **UOUS PHARMACEUTICAL MANUFACTURING.**

3 (a) IN GENERAL.—Section 3016 of the 21st Century  
4 Cures Act (21 U.S.C. 399h) is amended to read as follows:

5 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-**  
6 **TINUOUS PHARMACEUTICAL MANUFAC-**  
7 **TURING.**

8 “(a) IN GENERAL.—The Secretary of Health and  
9 Human Services, acting through the Commissioner of  
10 Food and Drugs—

11 “(1) shall solicit and, beginning not later than  
12 1 year after the date of enactment of the Investing  
13 in America’s Health Care During the COVID–19  
14 Pandemic Act receive requests from institutions of  
15 higher education to be designated as a National  
16 Center of Excellence in Continuous Pharmaceutical  
17 Manufacturing (in this section referred to as a ‘Na-  
18 tional Center of Excellence’) to support the advance-  
19 ment and development of continuous manufacturing;  
20 and

21 “(2) shall so designate any institution of higher  
22 education that—

23 “(A) requests such designation; and

24 “(B) meets the criteria specified in sub-  
25 section (c).

1       “(b) REQUEST FOR DESIGNATION.—A request for  
2 designation under subsection (a) shall be made to the Sec-  
3 retary at such time, in such manner, and containing such  
4 information as the Secretary may require. Any such re-  
5 quest shall include a description of how the institution of  
6 higher education meets or plans to meet each of the cri-  
7 teria specified in subsection (c).

8       “(c) CRITERIA FOR DESIGNATION DESCRIBED.—The  
9 criteria specified in this subsection with respect to an in-  
10 stitution of higher education are that the institution has,  
11 as of the date of the submission of a request under sub-  
12 section (a) by such institution—

13           “(1) physical and technical capacity for re-  
14 search and development of continuous manufac-  
15 turing;

16           “(2) manufacturing knowledge-sharing net-  
17 works with other institutions of higher education,  
18 large and small pharmaceutical manufacturers, ge-  
19 neric and nonprescription manufacturers, contract  
20 manufacturers, and other entities;

21           “(3) proven capacity to design and demonstrate  
22 new, highly effective technology for use in contin-  
23 uous manufacturing;



1           “(4) a track record for creating and transfer-  
2           ring knowledge with respect to continuous manufac-  
3           turing;

4           “(5) the potential to train a future workforce  
5           for research on and implementation of advanced  
6           manufacturing and continuous manufacturing; and

7           “(6) experience in participating in and leading  
8           a continuous manufacturing technology partnership  
9           with other institutions of higher education, large and  
10          small pharmaceutical manufacturers (including ge-  
11          neric and nonprescription drug manufacturers), con-  
12          tract manufacturers, and other entities—

13                 “(A) to support companies with continuous  
14                 manufacturing in the United States;

15                 “(B) to support Federal agencies with  
16                 technical assistance, which may include regu-  
17                 latory and quality metric guidance as applica-  
18                 ble, for advanced manufacturing and continuous  
19                 manufacturing;

20                 “(C) with respect to continuous manufac-  
21                 turing, to organize and conduct research and  
22                 development activities needed to create new and  
23                 more effective technology, capture and dissemi-  
24                 nate expertise, create intellectual property, and  
25                 maintain technological leadership;

1           “(D) to develop best practices for design-  
2           ing continuous manufacturing; and

3           “(E) to assess and respond to the work-  
4           force needs for continuous manufacturing, in-  
5           cluding the development of training programs if  
6           needed.

7           “(d) TERMINATION OF DESIGNATION.—The Sec-  
8           retary may terminate the designation of any National Cen-  
9           ter of Excellence designated under this section if the Sec-  
10          retary determines such National Center of Excellence no  
11          longer meets the criteria specified in subsection (c). Not  
12          later than 60 days before the effective date of such a ter-  
13          mination, the Secretary shall provide written notice to the  
14          National Center of Excellence, including the rationale for  
15          such termination.

16          “(e) CONDITIONS FOR DESIGNATION.—As a condi-  
17          tion of designation as a National Center of Excellence  
18          under this section, the Secretary shall require that an in-  
19          stitution of higher education enter into an agreement with  
20          the Secretary under which the institution agrees—

21                 “(1) to collaborate directly with the Food and  
22                 Drug Administration to publish the reports required  
23                 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  
9           this section, if any, a roadmap for developing a con-  
10          tinuous 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 devel-  
14          oping 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  
24                 designated under this section for the purpose of  
25                 studying and recommending improvements to contin-

1 uous manufacturing, including such improvements  
2 as may enable 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 sub-  
9 section, a National Center of Excellence shall agree  
10 to consider any input from the Secretary regarding  
11 the use of funding that would—

12 “(A) help to further the advancement of  
13 continuous manufacturing through the National  
14 Center of Excellence; and

15 “(B) be relevant to the mission of the  
16 Food 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  
22 this section shall be construed as precluding a Na-  
23 tional Center for Excellence designated under this  
24 section from receiving funds under any other provi-  
25 sion of 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 des-  
4 ignation is made under subsection (a), and annually  
5 thereafter, the Secretary shall—

6 “(A) submit to Congress a report describ-  
7 ing the activities, partnerships and collabora-  
8 tions, Federal policy recommendations, previous  
9 and continuing funding, and findings of, and  
10 any other applicable information from, the Na-  
11 tional Centers of Excellence designated under  
12 this section; and

13 “(B) make such report available to the  
14 public in an easily accessible electronic format  
15 on the website of the Food and Drug Adminis-  
16 tration.

17 “(2) REVIEW OF NATIONAL CENTERS OF EX-  
18 CELLENCE AND POTENTIAL DESIGNEES.—The Sec-  
19 retary shall periodically review the National Centers  
20 of Excellence designated under this section to ensure  
21 that such National Centers of Excellence continue to  
22 meet 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-  
4 term vision of the Department of Health and  
5 Human Services on the role of the Food and Drug  
6 Administration in supporting continuous manufac-  
7 turing, including—

8 “(A) a national framework of principles re-  
9 lated to the implementation and regulation of  
10 continuous manufacturing;

11 “(B) a plan for the development of Federal  
12 regulations and guidance for how advanced  
13 manufacturing and continuous manufacturing  
14 can be incorporated into the development of  
15 pharmaceuticals and regulatory responsibilities  
16 of the Food and Drug Administration; and

17 “(C) appropriate feedback solicited from  
18 the public, which may include other institutions,  
19 large and small biopharmaceutical manufactur-  
20 ers, generic and nonprescription manufacturers,  
21 and contract manufacturers.

22 “(h) DEFINITIONS.—In this section:

23 “(1) ADVANCED MANUFACTURING.—The term  
24 ‘advanced manufacturing’ means an approach for  
25 the manufacturing of pharmaceuticals that incor-

1 porates novel technology, or uses an established  
2 technique or technology in a new or innovative way  
3 (such as continuous manufacturing where the input  
4 materials are continuously transformed within the  
5 process by two or more unit operations) that en-  
6 hances drug quality or improves the manufacturing  
7 process.

8 “(2) CONTINUOUS MANUFACTURING.—The  
9 term ‘continuous manufacturing’—

10 “(A) means a process where the input ma-  
11 terials are continuously fed into and trans-  
12 formed within the process, and the processed  
13 output materials are continuously removed from  
14 the system; and

15 “(B) consists of an integrated process that  
16 consists of a series of two or more unit oper-  
17 ations.

18 “(3) INSTITUTION OF HIGHER EDUCATION.—  
19 The term ‘institution of higher education’ has the  
20 meaning given such term in section 101(a) of the  
21 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

22 “(4) SECRETARY.—The term ‘Secretary’ means  
23 the Secretary of Health and Human Services, acting  
24 through the Commissioner of Food and Drugs.”.

1 (b) TRANSITION RULE.—Section 3016 of the 21st  
2 Century Cures Act (21 U.S.C. 399h), as in effect on the  
3 day before the date of the enactment of this section, shall  
4 apply with respect to grants awarded under such section  
5 before such date of enactment.

6 **Subtitle B—Strategic National**  
7 **Stockpile Improvements**

8 **SEC. 531. EQUIPMENT MAINTENANCE.**

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

11 (1) in subsection (a)(3)—

12 (A) in subparagraph (I), by striking “;  
13 and” and inserting a semicolon;

14 (B) in subparagraph (J), by striking the  
15 period at the end and inserting a semicolon;  
16 and

17 (C) by inserting the following new subpara-  
18 graph at the end:

19 “(K) ensure the contents of the stockpile  
20 remain in good working order and, as appro-  
21 priate, conduct maintenance services on such  
22 contents; and”; and

23 (2) in subsection (c)(7)(B), by adding at the  
24 end the following new clause:



1                   “(ix) EQUIPMENT MAINTENANCE  
2                   SERVICE.—In carrying out this section, the  
3                   Secretary may enter into contracts for the  
4                   procurement of equipment maintenance  
5                   services.”.

6 **SEC. 532. SUPPLY CHAIN FLEXIBILITY MANUFACTURING**  
7                   **PILOT.**

8           (a) IN GENERAL.—Section 319F–2(a)(3) of the Pub-  
9 lic Health Service Act (42 U.S.C. 247d–6b(a)(3)), as  
10 amended by section 531, is further amended by adding  
11 at the end the following new subparagraph:

12                   “(L) enhance medical supply chain elas-  
13                   ticity and establish and maintain domestic re-  
14                   serves of critical medical supplies (including  
15                   personal protective equipment, ancillary medical  
16                   supplies, and other applicable supplies required  
17                   for the administration of drugs, vaccines and  
18                   other biological products, and other medical de-  
19                   vices (including diagnostic tests)) by—

20                   “(i) increasing emergency stock of  
21                   critical medical supplies;

22                   “(ii) geographically diversifying pro-  
23                   duction of such medical supplies;

24                   “(iii) purchasing, leasing, or entering  
25                   into joint ventures with respect to facilities

1 and equipment for the production of such  
2 medical supplies; and

3 “(iv) working with distributors of  
4 such medical supplies to manage the do-  
5 mestic reserves established under this sub-  
6 paragraph by refreshing and replenishing  
7 stock of such medical supplies.”.

8 (b) REPORTING; SUNSET.—Section 319F–2(a) of the  
9 Public Health Service Act (42 U.S.C. 247d–6b(a)) is  
10 amended by adding at the end the following:

11 “(6) REPORTING.—Not later than September  
12 30, 2022, the Secretary shall submit to the Com-  
13 mittee on Energy and Commerce of the House of  
14 Representatives and the Committee on Health, Edu-  
15 cation, Labor and Pensions of the Senate a report  
16 on the details of each purchase, lease, or joint ven-  
17 ture entered into under paragraph (3)(L), including  
18 the amount expended by the Secretary on each such  
19 purchase, lease, or joint venture.

20 “(7) SUNSET.—The authority to make pur-  
21 chases, leases, or joint ventures pursuant to para-  
22 graph (3)(L) shall cease to be effective on Sep-  
23 tember 30, 2023.”.

1 (c) FUNDING.—Section 319F–2(f) of the Public  
2 Health Service Act (42 U.S.C. 247d–6b(f)) is amended by  
3 adding at the end the following:

4 “(3) SUPPLY CHAIN ELASTICITY.—

5 “(A) IN GENERAL.—For the purpose of  
6 carrying out subsection (a)(3)(L), there is au-  
7 thorized to be appropriated \$500,000,000 for  
8 each of fiscal years 2020 through 2023, to re-  
9 main available until expended.

10 “(B) RELATION TO OTHER AMOUNTS.—  
11 The amount authorized to be appropriated by  
12 subparagraph (A) for the purpose of carrying  
13 out subsection (a)(3)(L) is in addition to any  
14 other amounts available for such purpose.”.

15 **SEC. 533. REIMBURSABLE TRANSFERS FROM STRATEGIC**  
16 **NATIONAL STOCKPILE.**

17 Section 319F–2(a) of the Public Health Service Act  
18 (42 U.S.C. 247d–6b(a)), as amended, is further amended  
19 by adding at the end the following:

20 “(8) TRANSFERS AND REIMBURSEMENTS.—

21 “(A) IN GENERAL.—Without regard to  
22 chapter 5 of title 40, United States Code, the  
23 Secretary may transfer to any Federal depart-  
24 ment or agency, on a reimbursable basis, any  
25 drugs, vaccines and other biological products,

1 medical devices, and other supplies in the stock-  
2 pile if—

3 “(i) the transferred supplies are less  
4 than 6 months from expiry;

5 “(ii) the stockpile is able to replenish  
6 the supplies, as appropriate; and

7 “(iii) the Secretary decides the trans-  
8 fer is in the best interest of the United  
9 States Government.

10 “(B) USE OF REIMBURSEMENT.—Reim-  
11 bursement derived from the transfer of supplies  
12 pursuant to subparagraph (A) may be used by  
13 the Secretary, without further appropriation  
14 and without fiscal year limitation, to carry out  
15 this section.

16 “(C) REPORT.—Not later than September  
17 30, 2022, the Secretary shall submit to the  
18 Committee on Energy and Commerce of the  
19 House of Representatives and the Committee  
20 on Health, Education, Labor and Pensions of  
21 the Senate a report on each transfer made  
22 under this paragraph and the amount received  
23 by the Secretary in exchange for that transfer.

1           “(D) SUNSET.—The authority to make  
2           transfers under this paragraph shall cease to be  
3           effective on September 30, 2023.”.

4 **SEC. 534. STRATEGIC NATIONAL STOCKPILE ACTION RE-**  
5 **PORTING.**

6           (a) IN GENERAL.—The Assistant Secretary for Pre-  
7           paredness and Response (in this section referred to as the  
8           “Assistant Secretary”), in coordination with the Adminis-  
9           trator of the Federal Emergency Management Agency,  
10          shall—

11           (1) not later than 30 days after the date of en-  
12           actment of this Act, issue a report to the Committee  
13           on Energy and Commerce of the House of Rep-  
14           resentatives and the Committee on Health, Edu-  
15           cation, Labor and Pensions of the Senate regarding  
16           all State, local, Tribal, and territorial requests for  
17           supplies from the Strategic National Stockpile re-  
18           lated to COVID–19; and

19           (2) not less than every 30 days thereafter  
20           through the end of the emergency period (as such  
21           term is defined in section 1135(g)(1)(B) of the So-  
22           cial Security Act (42 U.S.C. 1320b–5(g)(1)(B))),  
23           submit to such committees an updated version of  
24           such report.

25           (b) REPORTING PERIOD.—

1 (1) INITIAL REPORT.—The initial report under  
2 subsection (a) shall address all requests described in  
3 such subsection made during the period—

4 (A) beginning on January 31, 2020; and

5 (B) ending on the date that is 30 days be-  
6 fore the date of submission of the report.

7 (2) UPDATES.—Each update to the report  
8 under subsection (a) shall address all requests de-  
9 scribed in such subsection made during the period—

10 (A) beginning at the end of the previous  
11 reporting period under this section; and

12 (B) ending on the date that is 30 days be-  
13 fore the date of submission of the updated re-  
14 port.

15 (c) CONTENTS OF REPORT.—The report under sub-  
16 section (a) (and updates thereto) shall include—

17 (1) the details of each request described in such  
18 subsection, including—

19 (A) the specific medical countermeasures,  
20 including devices such as personal protective  
21 equipment, and other materials requested; and

22 (B) the amount of such materials re-  
23 quested; and

24 (2) the outcomes of each request described in  
25 subsection (a), including—

1 (A) whether the request was wholly ful-  
2 filled, partially fulfilled, or denied;

3 (B) if the request was wholly or partially  
4 fulfilled, the fulfillment amount; and

5 (C) if the request was partially fulfilled or  
6 denied, a rationale for such outcome.

7 **SEC. 535. IMPROVED, TRANSPARENT PROCESSES FOR THE**  
8 **STRATEGIC NATIONAL STOCKPILE.**

9 (a) IN GENERAL.—Not later than January 1, 2021,  
10 the Secretary, in collaboration with the Assistant Sec-  
11 retary for Preparedness and Response and the Director  
12 of the Centers for Disease Control and Prevention, shall  
13 develop and implement improved, transparent processes  
14 for the use and distribution of drugs, vaccines and other  
15 biological products, medical devices, and other supplies  
16 (including personal protective equipment, ancillary med-  
17 ical supplies, and other applicable supplies required for the  
18 administration of drugs, vaccines and other biological  
19 products, diagnostic tests, and other medical devices ) in  
20 the Strategic National Stockpile under section 319F–2 of  
21 the Public Health Service Act (42 U.S.C. 247d–6b) (in  
22 this section referred to as the “Stockpile”).

23 (b) PROCESSES.—The processes developed under  
24 subsection (a) shall include—

1 (1) the form and manner in which States, local-  
2 ities, Tribes, and territories are required to submit  
3 requests for supplies from the Stockpile;

4 (2) the criteria used by the Secretary in re-  
5 sponding to such requests, including the reasons for  
6 fulfilling or denying such requests;

7 (3) what circumstances result in prioritization  
8 of distribution of supplies from the Stockpile to  
9 States, localities, Tribes, or territories;

10 (4) clear plans for future, urgent communica-  
11 tion between the Secretary and States, localities,  
12 Tribes, and territories regarding the outcome of  
13 such requests; and

14 (5) any differences in the processes developed  
15 under subsection (a) for geographically related emer-  
16 gencies, such as weather events, and national emer-  
17 gencies, such as pandemics.

18 (c) REPORT TO CONGRESS.—Not later than January  
19 1, 2021, the Secretary shall—

20 (1) submit a report to the Committee Energy  
21 and Commerce of the House of Representatives and  
22 the Committee on Health, Education, Labor and  
23 Pensions of the Senate regarding the improved,  
24 transparent processes developed under this section;  
25 and



1 (2) include in such report recommendations for  
2 opportunities for communication (by telebriefing,  
3 phone calls, or in-person meetings) between the Sec-  
4 retary and States, localities, Tribes, and territories  
5 regarding such improved, transparent processes.

6 **SEC. 536. GAO STUDY ON THE FEASIBILITY AND BENEFITS**  
7 **OF A STRATEGIC NATIONAL STOCKPILE USER**  
8 **FEE AGREEMENT.**

9 (a) IN GENERAL.— The Comptroller General of the  
10 United States shall conduct a study to investigate the fea-  
11 sibility of establishing user fees to offset certain Federal  
12 costs attributable to the procurement of single-source ma-  
13 terials for the Strategic National Stockpile under section  
14 319F–2 of the Public Health Service Act (42 U.S.C.  
15 247d–6b) and distributions of such materials from the  
16 Stockpile. In conducting this study, the Comptroller Gen-  
17 eral shall consider, to the extent information is available—

18 (1) whether entities receiving such distributions  
19 generate profits from those distributions;

20 (2) any Federal costs attributable to such dis-  
21 tributions;

22 (3) whether such user fees would provide the  
23 Secretary with funding to potentially offset procure-  
24 ment costs of such materials for the Strategic Na-  
25 tional Stockpile; and

1 (4) any other issues the Comptroller General  
2 identifies as relevant.

3 (b) REPORT.—Not later than February 1, 2023, the  
4 Comptroller General of the United States shall submit to  
5 the Congress a report on the findings and conclusions of  
6 the study under subsection (a).

## 7 **Subtitle C—Testing and Testing** 8 **Infrastructure Improvements**

### 9 **SEC. 541. COVID-19 TESTING STRATEGY.**

10 (a) STRATEGY.—Not later than 30 days after the  
11 date of the enactment of this Act, the Secretary shall up-  
12 date the COVID-19 strategic testing plan under the head-  
13 ing “Department of Health and Human Services—Office  
14 of the Secretary—Public Health and Social Service Emer-  
15 gency Fund” in title I of division B of the Paycheck Pro-  
16 tection Program and Health Care Enhancement Act (Pub-  
17 lic Law 116-139, 134 Stat. 620, 626-627) and submit  
18 to the appropriate congressional committees such updated  
19 national plan identifying—

20 (1) what level of, types of, and approaches to  
21 testing (including predicted numbers of tests, popu-  
22 lations to be tested, and frequency of testing and the  
23 appropriate setting whether a health care setting  
24 (such as hospital-based, high-complexity laboratory,  
25 point-of-care, mobile testing units, pharmacies or

1 community health centers) or non-health care setting  
2 (such as workplaces, schools, or child care centers))  
3 are necessary—

4 (A) to sufficiently monitor and contribute  
5 to the control of the transmission of SARS-  
6 CoV-2 in the United States;

7 (B) to ensure that any reduction in social  
8 distancing efforts, when determined appropriate  
9 by public health officials, can be undertaken in  
10 a manner that optimizes the health and safety  
11 of the people of the United States, and reduces  
12 disparities (including disparities related to race,  
13 ethnicity, sex, age, disability status, socio-  
14 economic status, and geographic location) in the  
15 prevalence of, incidence of, and health outcomes  
16 with respect to, COVID-19; and

17 (C) to provide for ongoing surveillance suf-  
18 ficient to support contact tracing, case identi-  
19 fication, quarantine, and isolation to prevent fu-  
20 ture outbreaks of COVID-19;

21 (2) specific plans and benchmarks, each with  
22 clear timelines, to ensure—

23 (A) such level of, types of, and approaches  
24 to testing as are described in paragraph (1),  
25 with respect to optimizing health and safety;

1 (B) sufficient availability of all necessary  
2 testing materials and supplies, including extrac-  
3 tion and testing kits, reagents, transport media,  
4 swabs, instruments, analysis equipment, per-  
5 sonal protective equipment if necessary for test-  
6 ing (including point-of-care testing), and other  
7 equipment;

8 (C) allocation of testing materials and sup-  
9 plies in a manner that optimizes public health,  
10 including by considering the variable impact of  
11 SARS-CoV-2 on specific States, territories, In-  
12 dian Tribes, Tribal organizations, urban Indian  
13 organizations, communities, industries, and pro-  
14 fessions;

15 (D) sufficient evidence of validation for  
16 tests that are deployed as a part of such strat-  
17 egy;

18 (E) sufficient laboratory and analytical ca-  
19 pacity, including target turnaround time for  
20 test results;

21 (F) sufficient personnel, including per-  
22 sonnel to collect testing samples, conduct and  
23 analyze results, and conduct testing follow-up,  
24 including contact tracing, as appropriate; and

1 (G) enforcement of the Families First  
2 Coronavirus Response Act (Public Law 116–  
3 127) to ensure patients who are tested are not  
4 subject to cost sharing;

5 (3) specific plans to ensure adequate testing in  
6 rural areas, frontier areas, health professional short-  
7 age areas, and medically underserved areas (as de-  
8 fined in section 330I(a) of the Public Health Service  
9 Act (42 U.S.C. 254c–14(a))), and for underserved  
10 populations, Native Americans (including Indian  
11 Tribes, Tribal organizations, and urban Indian orga-  
12 nizations), and populations at increased risk related  
13 to COVID–19;

14 (4) specific plans to ensure accessibility of test-  
15 ing to people with disabilities, older individuals, and  
16 individuals with underlying health conditions or  
17 weakened immune systems; and

18 (5) specific plans for broadly developing and  
19 implementing testing for potential immunity in the  
20 United States, as appropriate, in a manner suffi-  
21 cient—

22 (A) to monitor and contribute to the con-  
23 trol of SARS–CoV–2 in the United States;

24 (B) to ensure that any reduction in social  
25 distancing efforts, when determined appropriate

1 by public health officials, can be undertaken in  
2 a manner that optimizes the health and safety  
3 of the people of the United States; and

4 (C) to reduce disparities (including dispari-  
5 ties related to race, ethnicity, sex, age, dis-  
6 ability status, socioeconomic status, and geo-  
7 graphic location) in the prevalence of, incidence  
8 of, and health outcomes with respect to,  
9 COVID-19.

10 (b) COORDINATION.—The Secretary shall carry out  
11 this section—

12 (1) in coordination with the Administrator of  
13 the Federal Emergency Management Agency;

14 (2) in collaboration with other agencies and de-  
15 partments, as appropriate; and

16 (3) taking into consideration the State plans for  
17 COVID-19 testing prepared as required under the  
18 heading “Department of Health and Human Serv-  
19 ices—Office of the Secretary—Public Health and  
20 Social Service Emergency Fund” in title I of divi-  
21 sion B of the Paycheck Protection Program and  
22 Health Care Enhancement Act (Public Law 116-  
23 139; 134 Stat. 620, 624).

24 (c) UPDATES.—

1           (1) FREQUENCY.—The updated national plan  
2           under subsection (a) shall be updated every 30 days  
3           until the end of the public health emergency first de-  
4           clared by the Secretary under section 319 of the  
5           Public Health Service Act (42 U.S.C. 247d) on Jan-  
6           uary 31, 2020, with respect to COVID–19.

7           (2) RELATION TO OTHER LAW.—Paragraph (1)  
8           applies in lieu of the requirement (for updates every  
9           90 days until funds are expended) in the second to  
10          last proviso under the heading “Department of  
11          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 Pro-  
14          tection Program and Health Care Enhancement Act  
15          (Public Law 116–139; 134 Stat. 620, 627).

16          (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
17          In this section, the term “appropriate congressional com-  
18          mittees” means—

19               (1) the Committee on Appropriations and the  
20               Committee on Energy and Commerce of the House  
21               of Representatives; and

22               (2) the Committee on Appropriations and the  
23               Committee on Health, Education, Labor and Pen-  
24               sions and of the Senate.

1 **SEC. 542. CENTRALIZED TESTING INFORMATION WEBSITE.**

2 The Secretary shall establish and maintain a public,  
3 searchable webpage, to be updated and corrected as nec-  
4 essary through a process established by the Secretary, on  
5 the website of the Department of Health and Human  
6 Services that—

7 (1) identifies all in vitro diagnostic and sero-  
8 logical tests used in the United States to analyze  
9 clinical specimens for detection of SARS-CoV-2 or  
10 antibodies specific to SARS-CoV-2, including—

11 (A) those tests—

12 (i) that are approved, cleared, or au-  
13 thorized under section 510(k), 513, 515, or  
14 564 of the Federal Food, Drug, and Cos-  
15 metic Act (21 U.S.C. 360(k), 360c, 360e,  
16 360bbb-3);

17 (ii) that have been validated by the  
18 test's developers for use on clinical speci-  
19 mens and for which the developer has noti-  
20 fied the Food and Drug Administration of  
21 the developer's intent to market the test  
22 consistent with applicable guidance issued  
23 by the Secretary; or

24 (iii) that have been developed and au-  
25 thorized by a State that has notified the



1 Secretary of the State’s intention to review  
2 tests intended to diagnose COVID–19; and

3 (B) other SARS–CoV–2-related tests that  
4 the Secretary determines appropriate in guid-  
5 ance, which may include tests related to the  
6 monitoring of COVID–19 patient status;

7 (2) provides relevant information, as deter-  
8 mined by the Secretary, on each test identified pur-  
9 suant to paragraph (1), which may include—

10 (A) the name and contact information of  
11 the developer of the test;

12 (B) the date of receipt of notification by  
13 the Food and Drug Administration of the devel-  
14 oper’s intent to market the test;

15 (C) the date of authorization for use of the  
16 test on clinical specimens, where applicable;

17 (D) the letter of authorization for use of  
18 the test on clinical specimens, where applicable;

19 (E) any fact sheets, manufacturer instruc-  
20 tions, and package inserts for the test, includ-  
21 ing information on intended use;

22 (F) sensitivity and specificity of the test;  
23 and

24 (G) in the case of tests distributed by com-  
25 mercial manufacturers, the number of tests dis-

1 tributed and, if available, the number of labora-  
2 tories in the United States with the required  
3 platforms installed to perform the test; and

4 (3) includes—

5 (A) a list of laboratories certified under  
6 section 353 of the Public Health Service Act  
7 (42 U.S.C. 263a; commonly referred to as  
8 “CLIA”) that—

9 (i) meet the regulatory requirements  
10 under such section to perform high- or  
11 moderate-complexity testing; and

12 (ii) are authorized to perform SARS-  
13 CoV-2 diagnostic or serological tests on  
14 clinical specimens; and

15 (B) information on each laboratory identi-  
16 fied pursuant to subparagraph (A), including—

17 (i) the name and address of the lab-  
18 oratory;

19 (ii) the CLIA certificate number;

20 (iii) the laboratory type;

21 (iv) the certificate type; and

22 (v) the complexity level.

1 **SEC. 543. MANUFACTURER REPORTING OF TEST DISTRIBUTION.**  
2

3 (a) IN GENERAL.—A commercial manufacturer of an  
4 in vitro diagnostic or serological COVID–19 test shall, on  
5 a weekly basis, submit a notification to the Secretary re-  
6 garding distribution of each such test, which notifica-  
7 tion—

8 (1) shall include the number of tests distributed  
9 and the entities to which the tests are distributed;  
10 and

11 (2) may include the quantity of such tests dis-  
12 tributed by the manufacturer.

13 (b) CONFIDENTIALITY.—Nothing in this section shall  
14 be construed as authorizing the Secretary to disclose any  
15 information that is a trade secret or confidential informa-  
16 tion subject to section 552(b)(4) of title 5, United States  
17 Code, or section 1905 of title 18, United States Code.

18 (c) FAILURE TO MEET REQUIREMENTS.—If a manu-  
19 facturer fails to submit a notification as required under  
20 subsection (a), the following applies:

21 (1) The Secretary shall issue a letter to such  
22 manufacturer informing such manufacturer of such  
23 failure.

24 (2) Not later than 7 calendar days after the  
25 issuance of a letter under paragraph (1), the manu-

1        factorer to whom such letter is issued shall submit  
2        to the Secretary a written response to such letter—

3                (A) setting forth the basis for noncompli-  
4                ance; and

5                (B) providing information as required  
6                under subsection (a).

7        (3) Not later than 14 calendar days after the  
8        issuance of a letter under paragraph (1), the Sec-  
9        retary shall make such letter and any response to  
10       such letter under paragraph (2) available to the pub-  
11       lic on the internet website of the Food and Drug Ad-  
12       ministration, with appropriate redactions made to  
13       protect information described in subsection (b). The  
14       preceding sentence shall not apply if the Secretary  
15       determines that—

16               (A) the letter under paragraph (1) was  
17               issued in error; or

18               (B) after review of such response, the  
19               manufacturer had a reasonable basis for not  
20               notifying as required under subsection (a).

21       **SEC. 544. STATE TESTING REPORT.**

22       For any State that authorizes (or intends to author-  
23       ize) one or more laboratories in the State to develop and  
24       perform in vitro diagnostic COVID–19 tests, the head of

1 the department or agency of such State with primary re-  
2 sponsibility for health shall—

3 (1) notify the Secretary of such authorization  
4 (or intention to authorize); and

5 (2) provide the Secretary with a weekly re-  
6 port—

7 (A) identifying all laboratories authorized  
8 (or intended to be authorized) by the State to  
9 develop and perform in vitro diagnostic  
10 COVID–19 tests;

11 (B) including relevant information on all  
12 laboratories identified pursuant to subpara-  
13 graph (A), which may include information on  
14 laboratory testing capacity;

15 (C) identifying all in vitro diagnostic  
16 COVID–19 tests developed and approved for  
17 clinical use in laboratories identified pursuant  
18 to subparagraph (A); and

19 (D) including relevant information on all  
20 tests identified pursuant to subparagraph (C),  
21 which may include—

22 (i) the name and contact information  
23 of the developer of any such test;

24 (ii) any fact sheets, manufacturer in-  
25 structions, and package inserts for any

1           such test, including information on in-  
2           tended use; and  
3           (iii) the sensitivity and specificity of  
4           any such test.

5 **SEC. 545. STATE LISTING OF TESTING SITES.**

6       Not later than 14 days after the date of enactment  
7 of this Act, any State receiving funding or assistance  
8 under this Act, as a condition on such receipt, shall estab-  
9 lish and maintain a public, searchable webpage on the offi-  
10 cial website of the State that—

11           (1) identifies all sites located in the State that  
12       provide diagnostic or serological testing for SARS-  
13       CoV-2; and

14           (2) provides appropriate contact information for  
15       SARS-CoV-2 testing sites pursuant to paragraph  
16       (1).

17 **SEC. 546. REPORTING OF COVID-19 TESTING RESULTS.**

18       (a) IN GENERAL.—Every laboratory that performs or  
19 analyzes a test that is intended to detect SARS-CoV-2  
20 or to diagnose a possible case of COVID-19 shall report  
21 daily the number of tests performed and the results from  
22 each such test to the Secretary of Health and Human  
23 Services and to the Secretary of Homeland Security, in  
24 such form and manner as such Secretaries may prescribe.  
25 Such information shall be made available to the public in

1 a searchable, electronic format as soon as is practicable,  
2 and in no case later than one week after such information  
3 is received.

4 (b) **ADDITIONAL REPORTING REQUIREMENTS.**—The  
5 Secretaries specified in subsection (a)—

6 (1) may specify additional reporting require-  
7 ments under this section by regulation, including by  
8 interim final rule, or by guidance; and

9 (2) may issue such regulations or guidance  
10 without regard to the procedures otherwise required  
11 by section 553 of title 5, United States Code.

12 **SEC. 547. GAO REPORT ON DIAGNOSTIC TESTS.**

13 (a) **GAO STUDY.**—Not later than 18 months after  
14 the date of enactment of this Act, the Comptroller General  
15 of the United States shall submit to the Committee on  
16 Energy and Commerce of the House of Representatives  
17 and the Committee on Health, Education, Labor and Pen-  
18 sions of the Senate a report describing the response of  
19 entities described in subsection (b) to the COVID–19 pan-  
20 demic with respect to the development, regulatory evalua-  
21 tion, and deployment of diagnostic tests.

22 (b) **ENTITIES DESCRIBED.**—Entities described in  
23 this subsection include—

24 (1) laboratories, including public health, aca-  
25 demic, clinical, and commercial laboratories;

1 (2) diagnostic test manufacturers;

2 (3) State, local, Tribal, and territorial govern-  
3 ments; and

4 (4) the Food and Drug Administration, the  
5 Centers for Disease Control and Prevention, the  
6 Centers for Medicare & Medicaid Services, the Na-  
7 tional Institutes of Health, and other relevant Fed-  
8 eral agencies, as appropriate.

9 (c) CONTENTS.—The report under subsection (a)  
10 shall include—

11 (1) a description of actions taken by entities de-  
12 scribed in subsection (b) to develop, evaluate, and  
13 deploy diagnostic tests;

14 (2) an assessment of the coordination of Fed-  
15 eral agencies in the development, regulatory evalua-  
16 tion, and deployment of diagnostic tests;

17 (3) an assessment of the standards used by the  
18 Food and Drug Administration to evaluate diag-  
19 nostic tests;

20 (4) an assessment of the clarity of Federal  
21 agency guidance related to testing, including the  
22 ability for individuals without medical training to  
23 understand which diagnostic tests had been evalu-  
24 ated by the Food and Drug Administration;

25 (5) a description of—



1 (A) actions taken and clinical processes  
2 employed by States and territories that have  
3 authorized laboratories to develop and perform  
4 diagnostic tests not authorized, approved, or  
5 cleared by the Food and Drug Administration,  
6 including actions of such States and territories  
7 to evaluate the accuracy and sensitivity of such  
8 tests; and

9 (B) the standards used by States and ter-  
10 ritories when deciding when to authorize labora-  
11 tories to develop or perform diagnostic tests;

12 (6) an assessment of the steps taken by labora-  
13 tories and diagnostic test manufacturers to validate  
14 diagnostic tests, as well as the evidence collected by  
15 such entities to support validation; and

16 (7) based on available reports, an assessment of  
17 the accuracy and sensitivity of a representative sam-  
18 ple of available diagnostic tests.

19 (d) DEFINITION.—In this section, the term “diag-  
20 nostic test” means an in vitro diagnostic product (as de-  
21 fined in section 809.3(a) of title 21, Code of Federal Regu-  
22 lations) for—

23 (1) the detection of SARS-CoV-2;

24 (2) the diagnosis of the virus that causes  
25 COVID-19; or

1 (3) the detection of antibodies specific to  
2 SARS-CoV-2, such as a serological test.

3 **SEC. 548. PUBLIC HEALTH DATA SYSTEM TRANS-**  
4 **FORMATION.**

5 Subtitle C of title XXVIII of the Public Health Serv-  
6 ice Act (42 U.S.C. 300hh-31 et seq.) is amended by add-  
7 ing at the end the following:

8 **“SEC. 2823. PUBLIC HEALTH DATA SYSTEM TRANS-**  
9 **FORMATION.**

10 **“(a) EXPANDING CDC AND PUBLIC HEALTH DE-**  
11 **PARTMENT CAPABILITIES.—**

12 **“(1) IN GENERAL.—**The Secretary, acting  
13 through the Director of the Centers for Disease  
14 Control and Prevention, shall—

15 **“(A)** conduct activities to expand, enhance,  
16 and improve applicable public health data sys-  
17 tems used by the Centers for Disease Control  
18 and Prevention, related to the interoperability  
19 and improvement of such systems (including as  
20 it relates to preparedness for, prevention and  
21 detection of, and response to public health  
22 emergencies); and

23 **“(B)** award grants or cooperative agree-  
24 ments to State, local, Tribal, or territorial pub-  
25 lic health departments for the expansion and

1 modernization of public health data systems, to  
2 assist public health departments in—

3 “(i) assessing current data infrastruc-  
4 ture capabilities and gaps to improve and  
5 increase consistency in data collection,  
6 storage, and analysis and, as appropriate,  
7 to improve dissemination of public health-  
8 related information;

9 “(ii) improving secure public health  
10 data collection, transmission, exchange,  
11 maintenance, and analysis;

12 “(iii) improving the secure exchange  
13 of data between the Centers for Disease  
14 Control and Prevention, State, local, Trib-  
15 al, and territorial public health depart-  
16 ments, public health organizations, and  
17 health care providers, including by public  
18 health officials in multiple jurisdictions  
19 within such State, as appropriate, and by  
20 simplifying and supporting reporting by  
21 health care providers, as applicable, pursu-  
22 ant to State law, including through the use  
23 of health information technology;

24 “(iv) enhancing the interoperability of  
25 public health data systems (including sys-

1           tems created or accessed by public health  
2           departments) with health information tech-  
3           nology, including with health information  
4           technology certified under section  
5           3001(c)(5);

6           “(v) supporting and training data sys-  
7           tems, data science, and informatics per-  
8           sonnel;

9           “(vi) supporting earlier disease and  
10          health condition detection, such as through  
11          near real-time data monitoring, to support  
12          rapid public health responses;

13          “(vii) supporting activities within the  
14          applicable jurisdiction related to the expan-  
15          sion and modernization of electronic case  
16          reporting; and

17          “(viii) developing and disseminating  
18          information related to the use and impor-  
19          tance of public health data.

20          “(2) DATA STANDARDS.—In carrying out para-  
21          graph (1), the Secretary, acting through the Direc-  
22          tor of the Centers for Disease Control and Preven-  
23          tion, shall, as appropriate and in consultation with  
24          the Office of the National Coordinator for Health  
25          Information Technology, designate data and tech-

1 nology standards (including standards for interoper-  
2 ability) for public health data systems, with def-  
3 erence given to standards published by consensus-  
4 based standards development organizations with  
5 public input and voluntary consensus-based stand-  
6 ards bodies.

7 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The  
8 Secretary may develop and utilize public-private  
9 partnerships for technical assistance, training, and  
10 related implementation support for State, local,  
11 Tribal, and territorial public health departments,  
12 and the Centers for Disease Control and Prevention,  
13 on the expansion and modernization of electronic  
14 case reporting and public health data systems, as  
15 applicable.

16 “(b) REQUIREMENTS.—

17 “(1) HEALTH INFORMATION TECHNOLOGY  
18 STANDARDS.—The Secretary may not award a grant  
19 or cooperative agreement under subsection (a)(1)(B)  
20 unless the applicant uses or agrees to use standards  
21 endorsed by the National Coordinator for Health In-  
22 formation Technology pursuant to section  
23 3001(e)(1) or adopted by the Secretary under sec-  
24 tion 3004.

1           “(2) WAIVER.—The Secretary may waive the  
2           requirement under paragraph (1) with respect to an  
3           applicant if the Secretary determines that the activi-  
4           ties under subsection (a)(1)(B) cannot otherwise be  
5           carried out within the applicable jurisdiction.

6           “(3) APPLICATION.—A State, local, Tribal, or  
7           territorial health department applying for a grant or  
8           cooperative agreement under this section shall sub-  
9           mit an application to the Secretary at such time and  
10          in such manner as the Secretary may require. Such  
11          application shall include information describing—

12                   “(A) the activities that will be supported  
13                   by the grant or cooperative agreement; and

14                   “(B) how the modernization of the public  
15                   health data systems involved will support or im-  
16                   pact the public health infrastructure of the  
17                   health department, including a description of  
18                   remaining gaps, if any, and the actions needed  
19                   to address such gaps.

20          “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not  
21          later than 180 days after the date of enactment of this  
22          section, the Secretary, acting through the Director of the  
23          Centers for Disease Control and Prevention, shall submit  
24          to the Committee on Health, Education, Labor and Pen-  
25          sions of the Senate and the Committee on Energy and

1 Commerce of the House of Representatives a coordinated  
2 strategy and an accompanying implementation plan that  
3 identifies and demonstrates the measures the Secretary  
4 will utilize to—

5           “(1) update and improve applicable public  
6 health data systems used by the Centers for Disease  
7 Control and Prevention; and

8           “(2) carry out the activities described in this  
9 section to support the improvement of State, local,  
10 Tribal, and territorial public health data systems.

11       “(d) CONSULTATION.—The Secretary, acting  
12 through the Director of the Centers for Disease Control  
13 and Prevention, shall consult with State, local, Tribal, and  
14 territorial health departments, professional medical and  
15 public health associations, associations representing hos-  
16 pitals or other health care entities, health information  
17 technology experts, and other appropriate public or private  
18 entities regarding the plan and grant program to mod-  
19 ernize public health data systems pursuant to this section.  
20 Activities under this subsection may include the provision  
21 of technical assistance and training related to the ex-  
22 change of information by such public health data systems  
23 used by relevant health care and public health entities at  
24 the local, State, Federal, Tribal, and territorial levels, and  
25 the development and utilization of public-private partner-

1 ships for implementation support applicable to this sec-  
2 tion.

3 “(e) REPORT TO CONGRESS.—Not later than 1 year  
4 after the date of enactment of this section, the Secretary  
5 shall submit a report to the Committee on Health, Edu-  
6 cation, Labor and Pensions of the Senate and the Com-  
7 mittee on Energy and Commerce of the House of Rep-  
8 resentatives that includes—

9 “(1) a description of any barriers to—

10 “(A) public health authorities imple-  
11 menting interoperable public health data sys-  
12 tems and electronic case reporting;

13 “(B) the exchange of information pursuant  
14 to electronic case reporting; or

15 “(C) reporting by health care providers  
16 using such public health data systems, as ap-  
17 propriate, and pursuant to State law;

18 “(2) an assessment of the potential public  
19 health impact of implementing electronic case re-  
20 porting and interoperable public health data sys-  
21 tems; and

22 “(3) a description of the activities carried out  
23 pursuant to this section.

24 “(f) ELECTRONIC CASE REPORTING.—In this sec-  
25 tion, the term ‘electronic case reporting’ means the auto-



1 mated identification, generation, and bilateral exchange of  
2 reports of health events among electronic health record or  
3 health information technology systems and public health  
4 authorities.

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—To  
6 carry out this section, there are authorized to be appro-  
7 priated \$450,000,000 to remain available until ex-  
8 pended.”.

9 **SEC. 549. PILOT PROGRAM TO IMPROVE LABORATORY IN-**  
10 **FRASTRUCTURE.**

11 (a) IN GENERAL.—The Secretary shall award grants  
12 to States and political subdivisions of States to support  
13 the improvement, renovation, or modernization of infra-  
14 structure at clinical laboratories (as defined in section 353  
15 of the Public Health Service Act (42 U.S.C. 263a)) that  
16 will help to improve SARS–CoV–2 and COVID–19 testing  
17 and response activities, including the expansion and en-  
18 hancement of testing capacity at such laboratories.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
20 out this section, there is authorized to be appropriated  
21 \$1,000,000,000 to remain available until expended.

1 **SEC. 550. CORE PUBLIC HEALTH INFRASTRUCTURE FOR**  
2 **STATE, LOCAL, TRIBAL, AND TERRITORIAL**  
3 **HEALTH DEPARTMENTS.**

4 (a) PROGRAM.—The Secretary, acting through the  
5 Director of the Centers for Disease Control and Preven-  
6 tion, shall establish a core public health infrastructure  
7 program consisting of awarding grants under subsection  
8 (b).

9 (b) GRANTS.—

10 (1) AWARD.—For the purpose of addressing  
11 core public health infrastructure needs, the Sec-  
12 retary—

13 (A) shall award a grant to each State  
14 health department; and

15 (B) may award grants on a competitive  
16 basis to State, local, Tribal, or territorial health  
17 departments.

18 (2) ALLOCATION.—Of the total amount of  
19 funds awarded as grants under this subsection for a  
20 fiscal year—

21 (A) not less than 50 percent shall be for  
22 grants to State health departments under para-  
23 graph (1)(A); and

24 (B) not less than 30 percent shall be for  
25 grants to State, local, Tribal, or territorial  
26 health departments under paragraph (1)(B).

1 (c) USE OF FUNDS.—A State, local, Tribal, or terri-  
2 torial health department receiving a grant under sub-  
3 section (b) shall use the grant funds to address core public  
4 health infrastructure needs, including those identified in  
5 the accreditation process under subsection (g).

6 (d) FORMULA GRANTS TO STATE HEALTH DEPART-  
7 MENTS.—In making grants under subsection (b)(1)(A),  
8 the Secretary shall award funds to each State health de-  
9 partment in accordance with—

10 (1) a formula based on population size; burden  
11 of preventable disease and disability; and core public  
12 health infrastructure gaps, including those identified  
13 in the accreditation process under subsection (g);  
14 and

15 (2) application requirements established by the  
16 Secretary, including a requirement that the State  
17 health department submit a plan that demonstrates  
18 to the satisfaction of the Secretary that the State's  
19 health department will—

20 (A) address its highest priority core public  
21 health infrastructure needs; and

22 (B) as appropriate, allocate funds to local  
23 health departments within the State.

24 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-  
25 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In

1 making grants under subsection (b)(1)(B), the Secretary  
2 shall give priority to applicants demonstrating core public  
3 health infrastructure needs identified in the accreditation  
4 process under subsection (g).

5 (f) MAINTENANCE OF EFFORT.—The Secretary may  
6 award a grant to an entity under subsection (b) only if  
7 the entity demonstrates to the satisfaction of the Sec-  
8 retary that—

9 (1) funds received through the grant will be ex-  
10 pended only to supplement, and not supplant, non-  
11 Federal and Federal funds otherwise available to the  
12 entity for the purpose of addressing core public  
13 health infrastructure needs; and

14 (2) with respect to activities for which the grant  
15 is awarded, the entity will maintain expenditures of  
16 non-Federal amounts for such activities at a level  
17 not less than the level of such expenditures main-  
18 tained by the entity for the fiscal year preceding the  
19 fiscal year for which the entity receives the grant.

20 (g) ESTABLISHMENT OF A PUBLIC HEALTH ACCRED-  
21 ITATION PROGRAM.—

22 (1) IN GENERAL.—The Secretary shall—

23 (A) develop, and periodically review and  
24 update, standards for voluntary accreditation of  
25 State, local, Tribal, and territorial health de-

1           partments and public health laboratories for the  
2           purpose of advancing the quality and perform-  
3           ance of such departments and laboratories; and

4                   (B) implement a program to accredit such  
5           health departments and laboratories in accord-  
6           ance with such standards.

7           (2) COOPERATIVE AGREEMENT.—The Secretary  
8           may enter into a cooperative agreement with a pri-  
9           vate nonprofit entity to carry out paragraph (1).

10          (h) REPORT.—The Secretary shall submit to the Con-  
11         gress an annual report on progress being made to accredit  
12         entities under subsection (g), including—

13                 (1) a strategy, including goals and objectives,  
14                 for accrediting entities under subsection (g) and  
15                 achieving the purpose described in subsection  
16                 (g)(1)(A);

17                 (2) identification of gaps in research related to  
18                 core public health infrastructure; and

19                 (3) recommendations of priority areas for such  
20                 research.

21          (i) DEFINITION.—In this section, the term “core pub-  
22         lic health infrastructure” includes—

23                 (1) workforce capacity and competency;

24                 (2) laboratory systems;

1 (3) testing capacity, including test platforms,  
2 mobile testing units, and personnel;

3 (4) health information, health information sys-  
4 tems, and health information analysis;

5 (5) disease surveillance;

6 (6) contact tracing;

7 (7) communications;

8 (8) financing;

9 (9) other relevant components of organizational  
10 capacity; and

11 (10) other related activities.

12 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry  
13 out this section, there are authorized to be appropriated  
14 \$6,000,000,000, to remain available until expended.

15 **SEC. 551. CORE PUBLIC HEALTH INFRASTRUCTURE AND**  
16 **ACTIVITIES FOR CDC.**

17 (a) IN GENERAL.—The Secretary, acting through the  
18 Director of the Centers for Disease Control and Preven-  
19 tion, shall expand and improve the core public health in-  
20 frastructure and activities of the Centers for Disease Con-  
21 trol and Prevention to address unmet and emerging public  
22 health needs.

23 (b) REPORT.—The Secretary shall submit to the Con-  
24 gress an annual report on the activities funded through  
25 this section.

1 (c) DEFINITION.—In this section, the term “core  
2 public health infrastructure” has the meaning given to  
3 such term in section 550.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
5 out this section, there is authorized to be appropriated  
6 \$1,000,000,000, to remain available until expended.

7 **Subtitle D—COVID-19 National**  
8 **Testing and Contact Tracing**  
9 **Initiative**

10 **SEC. 561. NATIONAL SYSTEM FOR COVID-19 TESTING, CON-**  
11 **TACT TRACING, SURVEILLANCE, CONTAIN-**  
12 **MENT, AND MITIGATION.**

13 (a) IN GENERAL.—The Secretary, acting through the  
14 Director of the Centers for Disease Control and Preven-  
15 tion, and in coordination with State, local, Tribal, and ter-  
16 ritorial health departments, shall establish and implement  
17 a nationwide evidence-based system for—

18 (1) testing, contact tracing, surveillance, con-  
19 tainment, and mitigation with respect to COVID-19;

20 (2) offering guidance on voluntary isolation and  
21 quarantine of individuals infected with, or exposed to  
22 individuals infected with, the virus that causes  
23 COVID-19; and

1           (3) public reporting on testing, contact tracing,  
2           surveillance, and voluntary isolation and quarantine  
3           activities with respect to COVID–19.

4           (b) COORDINATION; TECHNICAL ASSISTANCE.—In  
5           carrying out the national system under this section, the  
6           Secretary shall—

7           (1) coordinate State, local, Tribal, and terri-  
8           torial activities related to testing, contact tracing,  
9           surveillance, containment, and mitigation with re-  
10          spect to COVID–19, as appropriate; and

11          (2) provide technical assistance for such activi-  
12          ties, as appropriate.

13          (c) CONSIDERATION.—In establishing and imple-  
14          menting the national system under this section, the Sec-  
15          retary shall take into consideration—

16          (1) the State plans referred to in the heading  
17          “Public Health and Social Services Emergency  
18          Fund” in title I of division B of the Paycheck Pro-  
19          tection Program and Health Care Enhancement Act  
20          (Public Law 116–139); and

21          (2) the testing strategy submitted under section  
22          541.

23          (d) REPORTING.—The Secretary shall—

24          (1) not later than one month after the date of  
25          the enactment of this Act, submit to the Committee



1 on Energy and Commerce of the House of Rep-  
2 resentatives and the Committee on Health, Edu-  
3 cation, Labor and Pensions a preliminary report on  
4 the effectiveness of the activities carried out pursu-  
5 ant to this subtitle; and

6 (2) not later than three months after the end  
7 of the public health emergency declared pursuant to  
8 section 319 of the Public Health Service Act (42  
9 U.S.C. 247d) with respect to COVID-19, submit to  
10 such committees a final report on such effectiveness.

11 **SEC. 562. GRANTS.**

12 (a) IN GENERAL.—To implement the national system  
13 under section 561, the Secretary, acting through the Di-  
14 rector of the Centers for Disease Control and Prevention,  
15 shall, subject to the availability of appropriations, award  
16 grants to State, local, Tribal, and territorial health depart-  
17 ments that seek grants under this section to carry out co-  
18 ordinated testing, contact tracing, surveillance, contain-  
19 ment, and mitigation with respect to COVID-19, includ-  
20 ing—

21 (1) diagnostic and surveillance testing and re-  
22 porting;

23 (2) community-based contact tracing efforts;  
24 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  
7 flexibility for State, local, Tribal, and territorial  
8 health departments to modify, establish, or maintain  
9 evidence-based systems; and

10           (2) local health departments receive funding  
11 from State health departments or directly from the  
12 Centers for Disease Control and Prevention to con-  
13 tribute to 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 pro-  
20 vides a minimum level of funding to each State,  
21 local, Tribal, and territorial health department that  
22 seeks a grant under this section and allocates addi-  
23 tional funding based on the following prioritization:

24           (A) The Secretary shall give highest pri-  
25 ority to applicants proposing to serve popu-

1           lations in one or more geographic regions with  
2           a high burden of COVID–19 based on data pro-  
3           vided by the Centers for Disease Control and  
4           Prevention, or other sources as determined by  
5           the Secretary.

6           (B) The Secretary shall give second high-  
7           est priority to applicants preparing for, or cur-  
8           rently working to mitigate, a COVID–19 surge  
9           in a geographic region that does not yet have  
10          a high number of reported cases of COVID–19  
11          based on data provided by the Centers for Dis-  
12          ease Control and Prevention, or other sources  
13          as determined by the Secretary.

14          (C) The Secretary shall give third highest  
15          priority to applicants proposing to serve high  
16          numbers of low-income and uninsured popu-  
17          lations, including medically underserved popu-  
18          lations (as defined in section 330(b)(3) of the  
19          Public Health Service Act (42 U.S.C.  
20          254b(b)(3))), health professional shortage areas  
21          (as defined under section 332(a) of the Public  
22          Health Service Act (42 U.S.C. 254e(a))), racial  
23          and ethnic minorities, or geographically diverse  
24          areas, as determined by the Secretary.

1           (2) NOTIFICATION.—Not later than the date  
2           that is one week before first awarding grants under  
3           this section, the Secretary shall submit to the Com-  
4           mittee on Energy and Commerce of the House of  
5           Representatives and the Committee on Health, Edu-  
6           cation, Labor and Pensions of the Senate a notifica-  
7           tion detailing the formula established under para-  
8           graph (1) for allocating amounts made available pur-  
9           suant to subsection (a).

10          (d) USE OF FUNDS.—A State, local, Tribal, and ter-  
11          ritorial health department receiving a grant under this  
12          section shall, to the extent possible, use the grant funds  
13          for the following activities, or other activities deemed ap-  
14          propriate by the Director of the Centers for Disease Con-  
15          trol and Prevention:

16               (1) TESTING.—To implement a coordinated  
17               testing system that—

18                       (A) leverages or modernizes existing test-  
19                       ing infrastructure and capacity;

20                       (B) is consistent with the updated testing  
21                       strategy required under section 541;

22                       (C) is coordinated with the State plan for  
23                       COVID–19 testing prepared as required under  
24                       the heading “Department of Health and  
25                       Human Services—Office of the Secretary—

1 Public Health and Social Service Emergency  
2 Fund” in title I of division B of the Paycheck  
3 Protection Program and Health Care Enhance-  
4 ment Act (Public Law 116–139; 134 Stat. 620,  
5 624);

6 (D) is informed by contact tracing and  
7 surveillance activities under this subtitle;

8 (E) is informed by guidelines established  
9 by the Centers for Disease Control and Preven-  
10 tion for which populations should be tested;

11 (F) identifies how diagnostic and sero-  
12 logical tests in such system shall be validated  
13 prior to use;

14 (G) identifies how diagnostic and sero-  
15 logical tests and testing supplies will be distrib-  
16 uted to implement such system;

17 (H) identifies specific strategies for ensur-  
18 ing testing capabilities and accessibility in ra-  
19 cial and ethnic minority populations;

20 (I) identifies specific strategies for ensur-  
21 ing testing capabilities and accessibility in  
22 medically underserved populations (as defined  
23 in section 330(b)(3) of the Public Health Serv-  
24 ice Act (42 U.S.C. 254b(b)(3))), health profes-  
25 sional shortage areas (as defined under section

1 332(a) of the Public Health Service Act (42  
2 U.S.C. 254e(a))), and geographically diverse  
3 areas, as determined by the Secretary;

4 (J) identifies how testing may be used, and  
5 results may be reported, in both health care set-  
6 tings (such as hospitals, laboratories for mod-  
7 erate or high-complexity testing, pharmacies,  
8 mobile testing units, and community health cen-  
9 ters) and non-health care settings (such as  
10 workplaces, schools, childcare centers, or drive-  
11 throughs);

12 (K) allows for testing in sentinel surveil-  
13 lance programs, as appropriate; and

14 (L) supports the procurement and distribu-  
15 tion of diagnostic and serological tests and test-  
16 ing supplies to meet the goals of the system.

17 (2) CONTACT TRACING.—To implement a co-  
18 ordinated contact tracing system that—

19 (A) leverages or modernizes existing con-  
20 tact tracing systems and capabilities, including  
21 community health workers, health departments,  
22 and Federally qualified health centers;

23 (B) is able to investigate cases of COVID-  
24 19, and help to identify other potential cases of

1 COVID-19, through tracing contacts of individ-  
2 uals with positive diagnoses;

3 (C) establishes culturally competent and  
4 multilingual strategies for contact tracing, ad-  
5 dressing the specific needs of racial and ethnic  
6 minority populations, which may include con-  
7 sultation with and support from faith-based,  
8 nonprofit, cultural or civic organizations with  
9 established ties to the community;

10 (D) establishes culturally competent and  
11 multilingual strategies for contact tracing, ad-  
12 dressing the specific needs of medically under-  
13 served populations (as defined in section  
14 330(b)(3) of the Public Health Service Act (42  
15 U.S.C. 254b(b)(3))), health professional short-  
16 age areas (as defined under section 332(a) of  
17 the Public Health Service Act(42 U.S.C. 2324  
18 254e(a)));

19 (E) provides individuals identified under  
20 the contact tracing program with information  
21 and support for containment or mitigation;

22 (F) enables State, local, Tribal, and terri-  
23 torial health departments to work with a non-  
24 governmental, community partner or partners  
25 and State and local workforce development sys-

1           tems (as defined in section 3(67) of Workforce  
2           Innovation and Opportunity Act (29 U.S.C.  
3           3102(67))) receiving grants under section  
4           566(b) of this Act to hire and compensate a lo-  
5           cally-sourced contact tracing workforce, if nec-  
6           essary, to supplement the public health work-  
7           force, to—

8                   (i) identify the number of contact  
9                   tracers needed for the respective State, lo-  
10                  cality, territorial, or Tribal health depart-  
11                  ment to identify all cases of COVID–19  
12                  currently in the jurisdiction and those an-  
13                  ticipated to emerge over the next 18  
14                  months in such jurisdiction;

15                  (ii) outline qualifications necessary for  
16                  contact tracers;

17                  (iii) train the existing and newly hired  
18                  public health workforce on best practices  
19                  related to tracing close contacts of individ-  
20                  uals diagnosed with COVID–19, including  
21                  the protection of individual privacy and cy-  
22                  bersecurity protection; and

23                  (iv) equip the public health workforce  
24                  with tools and resources to enable a rapid  
25                  response to new cases;



1 (G) identifies the level of contact tracing  
2 needed within the State, locality, territory, or  
3 Tribal area to contain and mitigate the trans-  
4 mission of COVID–19; and

5 (H) establishes statewide mechanisms to  
6 integrate regular evaluation to the Centers for  
7 Disease Control and Prevention regarding con-  
8 tact tracing efforts, makes such evaluation pub-  
9 licly available, and to the extent possible pro-  
10 vides for such evaluation at the county level.

11 (3) SURVEILLANCE.—To strengthen the exist-  
12 ing public health surveillance system that—

13 (A) leverages or modernizes existing sur-  
14 veillance systems within the respective State,  
15 local, Tribal, or territorial health department  
16 and national surveillance systems;

17 (B) detects and identifies trends in  
18 COVID–19 at the county level;

19 (C) evaluates State, local, Tribal, and ter-  
20 ritorial health departments in achieving surveil-  
21 lance capabilities with respect to COVID–19;

22 (D) integrates and improves disease sur-  
23 veillance and immunization tracking;

1 (E) identifies specific strategies for ensur-  
2 ing disease surveillance in racial and ethnic mi-  
3 nority populations; and

4 (F) identifies specific strategies for ensur-  
5 ing disease surveillance in medically under-  
6 served populations (as defined in section  
7 330(b)(3) of the Public Health Service Act (42  
8 U.S.C. 254b(b)(3))), health professional short-  
9 age areas (as defined under section 332(a) of  
10 the Public Health Service Act (42 U.S.C.  
11 254e(a))), and geographically diverse areas, as  
12 determined by the Secretary.

13 (4) CONTAINMENT AND MITIGATION.—To im-  
14 plement a coordinated containment and mitigation  
15 system that—

16 (A) leverages or modernizes existing con-  
17 tainment and mitigation strategies within the  
18 respective State, local, Tribal, or territorial gov-  
19 ernments and national containment and mitiga-  
20 tion strategies;

21 (B) may provide for, connect to, and lever-  
22 age existing social services and support for indi-  
23 viduals who have been infected with or exposed  
24 to COVID–19 and who are isolated or quar-  
25 antined in their homes, such as through—

- 1 (i) food assistance programs;
- 2 (ii) guidance for household infection
- 3 control;
- 4 (iii) information and assistance with
- 5 childcare services; and
- 6 (iv) information and assistance per-
- 7 taining to support available under the
- 8 CARES Act (Public Law 116–136) and
- 9 this Act;
- 10 (C) provides guidance on the establishment
- 11 of safe, high-quality, facilities for the voluntary
- 12 isolation of individuals infected with, or quar-
- 13 antine of the contacts of individuals exposed to
- 14 COVID–19, where hospitalization is not re-
- 15 quired, which facilities should—
- 16 (i) be prohibited from making inquir-
- 17 ies relating to the citizenship status of an
- 18 individual isolated or quarantined; and
- 19 (ii) be operated by a non-Federal,
- 20 community partner or partners that—
- 21 (I) have previously established re-
- 22 lationships in localities;
- 23 (II) work with local places of
- 24 worship, community centers, medical

1 facilities, and schools to recruit local  
2 staff for such facilities; and

3 (III) are fully integrated into  
4 State, local, Tribal, or territorial con-  
5 tainment and mitigation efforts;

6 (D) identifies specific strategies for ensur-  
7 ing containment and mitigation activities in ra-  
8 cial and ethnic minority populations; and

9 (E) identifies specific strategies for ensur-  
10 ing containment and mitigation activities in  
11 medically underserved populations (as defined  
12 in section 330(b)(3) of the Public Health Serv-  
13 ice Act (42 U.S.C. 254b(b)(3))), health profes-  
14 sional shortage areas (as defined under section  
15 332(a) of the Public Health Service Act (42  
16 U.S.C. 254e(a))), and geographically diverse  
17 areas, as determined by the Secretary.

18 (e) REPORTING.—The Secretary shall facilitate  
19 mechanisms for timely, standardized reporting by grantees  
20 under this section regarding implementation of the sys-  
21 tems established under this section and coordinated proc-  
22 esses with the reporting as required and under the heading  
23 “Department of Health and Human Services—Office of  
24 the Secretary—Public Health and Social Service Emer-  
25 gency Fund” in title I of division B of the Paycheck Pro-

1 tection Program and Health Care Enhancement Act (Pub-  
2 lic Law 116–139, 134 Stat. 620), including—

3 (1) a summary of county or local health depart-  
4 ment level information from the States receiving  
5 funding, and information from directly funded local-  
6 ities, territories, and Tribal entities, about the activi-  
7 ties that will be undertaken using funding awarded  
8 under this section, including subgrants;

9 (2) any anticipated shortages of required mate-  
10 rials for testing for COVID–19 under subsection (a);  
11 and

12 (3) other barriers in the prevention, mitigation,  
13 or treatment of COVID–19 under this section.

14 (f) PUBLIC LISTING OF AWARDS.—The Secretary  
15 shall—

16 (1) not later than 7 days after first awarding  
17 grants under this section, post in a searchable, elec-  
18 tronic format a list of all awards made by the Sec-  
19 retary under this section, including the recipients  
20 and amounts of such awards; and

21 (2) update such list not less than every 7 days  
22 until all funds made available to carry out this sec-  
23 tion are expended.

1 **SEC. 563. GUIDANCE, TECHNICAL ASSISTANCE, INFORMA-**  
2 **TION, AND COMMUNICATION.**

3 (a) IN GENERAL.— Not later than 14 days after the  
4 date of the enactment of this Act, the Secretary, in coordi-  
5 nation with other Federal agencies, as appropriate, shall  
6 issue guidance, provide technical assistance, and provide  
7 information to States, localities, Tribes, and territories,  
8 with respect to the following:

9 (1) The diagnostic and serological testing of in-  
10 dividuals identified through contact tracing for  
11 COVID–19, including information with respect to  
12 the reduction of duplication related to programmatic  
13 activities, reporting, and billing.

14 (2) Best practices regarding contact tracing, in-  
15 cluding the collection of data with respect to such  
16 contact tracing and requirements related to the  
17 standardization of demographic and syndromic infor-  
18 mation collected as part of contact tracing efforts.

19 (3) Best practices regarding COVID–19 disease  
20 surveillance, including best practices to reduce dupli-  
21 cation in surveillance activities, identifying gaps in  
22 surveillance and surveillance systems, and ways in  
23 which the Secretary plans to effectively support  
24 State, local, Tribal and territorial health depart-  
25 ments in addressing such gaps.

1           (4) Information on ways for State, local, Tribal,  
2           and territorial health departments to establish and  
3           maintain the testing, contact tracing, and surveil-  
4           lance activities described in paragraphs (1) through  
5           (3).

6           (5) The protection of any personally identifiable  
7           health information collected pursuant to this sub-  
8           title.

9           (6) Best practices regarding privacy and cyber-  
10          security protection related to contact tracing, con-  
11          tainment, and mitigation efforts.

12          (7) Best practices related to improving public  
13          compliance for isolation and containment measures  
14          and reaching medically underserved communities.

15          (b) GUIDANCE ON PAYMENT.—Not later than 14  
16          days after the date of the enactment of this Act, the Sec-  
17          retary, in coordination with the Administrator of the Cen-  
18          ters for Medicare & Medicaid Services, the Director of the  
19          Centers for Disease Control and Prevention, and in coordi-  
20          nation with other Federal agencies, as appropriate, shall  
21          develop and issue to State, local, Tribal, and territorial  
22          health departments clear guidance and policies—

23                 (1) with respect to the coordination of claims  
24                 submitted for payment out of the Public Health and  
25                 Social Services Emergency Fund for services fur-

1 nished in a facility referred to in section  
2 562(d)(4)(C);

3 (2) identifying how an individual who is isolated  
4 or quarantined at home or in such a facility—

5 (A) incurs no out-of-pocket costs for any  
6 services furnished to such individual while iso-  
7 lated; and

8 (B) may receive income support for lost  
9 earnings or payments for expenses such as child  
10 care or elder care while such individual is iso-  
11 lated at home or in such a facility;

12 (3) providing information and assistance per-  
13 taining to support available under the CARES Act  
14 (Public Law 116–136) and this Act; and

15 (4) identifying State, local, Tribal, and terri-  
16 torial health departments or partner agencies that  
17 may provide social support services, such as gro-  
18 ceries or meals, health education, internet access,  
19 and behavioral health services, to individuals who  
20 isolated or quarantined at home or in such a facility.

21 (c) GUIDANCE ON TESTING.—Not later than 14 days  
22 after the date of the enactment of this Act, the Secretary,  
23 in coordination with the Commissioner of Food and  
24 Drugs, the Director of the National Institutes of Health,  
25 and the Director of the Centers for Disease Control and



1 Prevention, and in coordination with other Federal agen-  
2 cies as appropriate, shall develop and issue to State, local,  
3 Tribal, and territorial health departments clear guidance  
4 and policies regarding—

5 (1) objective standards to characterize the per-  
6 formance of all diagnostic and serological tests for  
7 COVID–19 in order to independently evaluate tests  
8 continuously over time;

9 (2) protocols for the evaluation of the perform-  
10 ance of diagnostic and serological tests for COVID–  
11 19; and

12 (3) a repository of characterized specimens to  
13 use to evaluate the performance of those tests that  
14 can be made available for appropriate entities to use  
15 to evaluate performance.

16 (d) COMMUNICATION.—The Secretary shall identify  
17 and publicly announce the form and manner for commu-  
18 nication with State, local, Tribal, and territorial health de-  
19 partments for purposes of carrying out the activities ad-  
20 dressed by guidance issued under subsections (a) and (b).

21 (e) AVAILABILITY TO PROVIDERS.—Guidance issued  
22 under subsection (a)(1) shall be issued to health care pro-  
23 viders.

24 (f) ONGOING PROVISION OF GUIDANCE AND TECH-  
25 NICAL ASSISTANCE.—Notwithstanding whether funds are

1 available specifically to carry out this subtitle, guidance  
2 and technical assistance shall continue to be provided  
3 under this section.

4 **SEC. 564. RESEARCH AND DEVELOPMENT.**

5 The Secretary, in coordination with the Director of  
6 the Centers for Disease Control and Prevention and in col-  
7 laboration with the Director of the National Institutes of  
8 Health, the Director of the Agency for Healthcare Re-  
9 search and Quality, the Commissioner of Food and Drugs,  
10 and the Administrator of the Centers for Medicare & Med-  
11 icaid Services, shall support research and development on  
12 more efficient and effective strategies—

13 (1) for the surveillance of SARS-CoV-2 and  
14 COVID-19;

15 (2) for the testing and identification of individ-  
16 uals infected with COVID-19; and

17 (3) for the tracing of contacts of individuals in-  
18 fected with COVID-19.

19 **SEC. 565. AWARENESS CAMPAIGNS.**

20 The Secretary, acting through the Director of the  
21 Centers for Disease Control and Prevention and in coordi-  
22 nation with other offices and agencies, as appropriate,  
23 shall award competitive grants or contracts to one or more  
24 public or private entities, including faith-based organiza-

1 tions, to carry out multilingual and culturally appropriate  
2 awareness campaigns. Such campaigns shall—

3 (1) be based on available scientific evidence;

4 (2) increase awareness and knowledge of  
5 COVID–19, including countering stigma associated  
6 with COVID–19;

7 (3) improve information on the availability of  
8 COVID–19 diagnostic testing; and

9 (4) promote cooperation with contact tracing ef-  
10 forts.

11 **SEC. 566. GRANTS TO STATE AND TRIBAL WORKFORCE**  
12 **AGENCIES.**

13 (a) DEFINITIONS.—In this section:

14 (1) IN GENERAL.—Except as otherwise pro-  
15 vided, the terms in this section have the meanings  
16 given the terms in section 3 of the Workforce Inno-  
17 vation and Opportunity Act (29 U.S.C. 3102).

18 (2) APPRENTICESHIP; APPRENTICESHIP PRO-  
19 GRAM.—The term “apprenticeship” or “apprentice-  
20 ship program” means an apprenticeship program  
21 registered under the Act of August 16, 1937 (com-  
22 monly known as the “National Apprenticeship Act”)  
23 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),  
24 including any requirement, standard, or rule promul-

1 gated under such Act, as such requirement, stand-  
2 ard, or rule was in effect on December 30, 2019.

3 (3) CONTACT TRACING AND RELATED POSI-  
4 TIONS.—The term “contact tracing and related posi-  
5 tions” means employment related to contact tracing,  
6 surveillance, containment, and mitigation activities  
7 as described in paragraphs (2), (3), and (4) of sec-  
8 tion 562(d).

9 (4) ELIGIBLE ENTITY.—The term “eligible enti-  
10 ty” means—

11 (A) a State or territory, including the Dis-  
12 trict of Columbia and Puerto Rico;

13 (B) an Indian Tribe, Tribal organization,  
14 Alaska Native entity, Indian-controlled organi-  
15 zations serving Indians, or Native Hawaiian or-  
16 ganizations;

17 (C) an outlying area; or

18 (D) a local board, if an eligible entity  
19 under subparagraphs (A) through (C) has not  
20 applied with respect to the area over which the  
21 local board has jurisdiction as of the date on  
22 which the local board submits an application  
23 under subsection (c).

24 (5) ELIGIBLE INDIVIDUAL.—Notwithstanding  
25 section 170(b)(2) of the Workforce Innovation and

1 Opportunity Act (29 U.S.C. 3225(b)(2)), the term  
2 “eligible individual” means an individual seeking or  
3 securing employment in contact tracing and related  
4 positions and served by an eligible entity or commu-  
5 nity-based organization receiving funding under this  
6 section.

7 (6) SECRETARY.—The term “Secretary” means  
8 the Secretary of Labor.

9 (b) GRANTS.—

10 (1) IN GENERAL.—Subject to the availability of  
11 appropriations under subsection (g), the Secretary  
12 shall award national dislocated worker grants under  
13 section 170(b)(1)(B) of the Workforce Innovation  
14 and Opportunity Act (29 U.S.C. 3225(b)(1)(B)) to  
15 each eligible entity that seeks a grant to assist local  
16 boards and community-based organizations in car-  
17 rying out activities under subsections (f) and (d), re-  
18 spectively, for the following purposes:

19 (A) To support the recruitment, place-  
20 ment, and training, as applicable, of eligible in-  
21 dividuals seeking employment in contact tracing  
22 and related positions in accordance with the na-  
23 tional system for COVID–19 testing, contact  
24 tracing, surveillance, containment, and mitiga-  
25 tion established under section 561.

1 (B) To assist with the employment transi-  
2 tion to new employment or education and train-  
3 ing of individuals employed under this section  
4 in preparation for and upon termination of such  
5 employment.

6 (2) TIMELINE.—The Secretary of Labor shall—

7 (A) issue application requirements under  
8 subsection (c) not later than 10 days after the  
9 date of enactment of this section; and

10 (B) award grants to an eligible entity  
11 under paragraph (1) not later than 10 days  
12 after the date on which the Secretary receives  
13 an application from such entity.

14 (c) GRANT APPLICATION.—An eligible entity apply-  
15 ing for a grant under this section shall submit an applica-  
16 tion to the Secretary, at such time and in such form and  
17 manner as the Secretary may reasonably require, which  
18 shall include a description of—

19 (1) how the eligible entity will support the re-  
20 cruitment, placement, and training, as applicable, of  
21 eligible individuals seeking employment in contact  
22 tracing and related positions by partnering with—

23 (A) a State, local, Tribal, or territorial  
24 health department; or

1 (B) one or more nonprofit or community-  
2 based organizations partnering with such health  
3 departments;

4 (2) how the activities described in paragraph  
5 (1) will support State efforts to address the demand  
6 for contact tracing and related positions with respect  
7 to—

8 (A) the State plans referred to in the head-  
9 ing “Public Health and Social Services Emer-  
10 gency Fund” in title I of division B of the Pay-  
11 check Protection Program and Health Care En-  
12 hancement Act (Public Law 116–139);

13 (B) the testing strategy submitted under  
14 section 541; and

15 (C) the number of eligible individuals that  
16 the State plans to recruit and train under the  
17 plans and strategies described in subparagraphs  
18 (A) and (B);

19 (3) the specific strategies for recruiting and  
20 placement of eligible individuals from or residing  
21 within the communities in which they will work, in-  
22 cluding—

23 (A) plans for the recruitment of eligible in-  
24 dividuals to serve as contact tracers and related  
25 positions, including dislocated workers, individ-

1 uals with barriers to employment, veterans, new  
2 entrants in the workforce, or underemployed or  
3 furloughed workers, who are from or reside in  
4 or near the local area in which they will serve,  
5 and who, to the extent practicable—

6 (i) have experience or a background in  
7 industry-sectors and occupations such as  
8 public health, social services, customer  
9 service, case management, or occupations  
10 that require related qualifications, skills, or  
11 competencies, such as strong interpersonal  
12 and communication skills, needed for con-  
13 tact tracing and related positions, as de-  
14 scribed in section 562(d)(2)(E)(ii); or

15 (ii) seek to transition to public health  
16 and public health related occupations upon  
17 the conclusion of employment in contact  
18 tracing and related positions; and

19 (B) how such strategies will take into ac-  
20 count the diversity of such community, includ-  
21 ing racial, ethnic, socioeconomic, linguistic, or  
22 geographic diversity;

23 (4) the amount, timing, and mechanisms for  
24 distribution of funds provided to local boards or  
25 through subgrants as described in subsection (d);



1 (5) for eligible entities described in subpara-  
2 graphs (A) through (C) of subsection (a)(4), a de-  
3 scription of how the eligible entity will ensure the eq-  
4 uitable distribution of funds with respect to—

5 (A) geography (such as urban and rural  
6 distribution);

7 (B) medically underserved populations (as  
8 defined in section 33(b)(3) of the Public Health  
9 Service Act (42 U.S.C. 254b(b)));

10 (C) health professional shortage areas (as  
11 defined under section 332(a) of the Public  
12 Health Service Act (42 U.S.C. 254e(a))); and

13 (D) the racial and ethnic diversity of the  
14 area; and

15 (6) for eligible entities who are local boards, a  
16 description of how a grant to such eligible entity  
17 would serve the equitable distribution of funds as de-  
18 scribed in paragraph (5).

19 (d) SUBGRANT AUTHORIZATION AND APPLICATION  
20 PROCESS.—

21 (1) IN GENERAL.—An eligible entity may award  
22 a subgrant to one or more community-based organi-  
23 zations for the purposes of partnering with a State  
24 or local board to conduct outreach and education ac-  
25 tivities to inform potentially eligible individuals

1 about employment opportunities in contact tracing  
2 and related positions.

3 (2) APPLICATION.—A community-based organi-  
4 zation shall submit an application at such time and  
5 in such manner as the eligible entity may reasonably  
6 require, including—

7 (A) a demonstration of the community-  
8 based organization’s established expertise and  
9 effectiveness in community outreach in the local  
10 area that such organization plans to serve;

11 (B) a demonstration of the community-  
12 based organization’s expertise in providing em-  
13 ployment or public health information to the  
14 local areas in which such organization plans to  
15 serve; and

16 (C) a description of the expertise of the  
17 community-based organization in utilizing cul-  
18 turally competent and multilingual strategies in  
19 the provision of services.

20 (e) GRANT DISTRIBUTION.—

21 (1) FEDERAL DISTRIBUTION.—

22 (A) USE OF FUNDS.— The Secretary of  
23 Labor shall use the funds appropriated to carry  
24 out this section as follows:

1 (i) Subject to clause (ii), the Secretary  
2 shall distribute funds among eligible enti-  
3 ties in accordance with a formula to be es-  
4 tablished by the Secretary that provides a  
5 minimum level of funding to each eligible  
6 entity that seeks a grant under this section  
7 and allocates additional funding as follows:

8 (I) The formula shall give first  
9 priority based on the number and pro-  
10 portion of contact tracing and related  
11 positions that the State plans to re-  
12 cruit, place, and train individuals as a  
13 part of the State strategy described in  
14 subsection (c)(2)(A).

15 (II) Subject to subclause (I), the  
16 formula shall give priority in accord-  
17 ance with section 562(c).

18 (ii) Not more than 2 percent of the  
19 funding for administration of the grants  
20 and for providing technical assistance to  
21 recipients of funds under this section.

22 (B) **EQUITABLE DISTRIBUTION.**—If the ge-  
23 ographic region served by one or more eligible  
24 entities overlaps, the Secretary shall distribute  
25 funds among such entities in such a manner

1 that ensures equitable distribution with respect  
2 to the factors under subsection (c)(5).

3 (2) ELIGIBLE ENTITY USE OF FUNDS.—An eli-  
4 gible entity described in subparagraphs (A) through  
5 (C) of subsection (a)(4)—

6 (A) shall, not later than 30 days after the  
7 date on which the entity receives grant funds  
8 under this section, provide not less than 70 per-  
9 cent of grant funds to local boards for the pur-  
10 pose of carrying out activities in subsection (f);

11 (B) may use up to 20 percent of such  
12 funds to make subgrants to community-based  
13 organizations in the service area to conduct out-  
14 reach, to potential eligible individuals, as de-  
15 scribed in subsection (d);

16 (C) in providing funds to local boards and  
17 awarding subgrants under this subsection shall  
18 ensure the equitable distribution with respect to  
19 the factors described in subsection (c)(5); and

20 (D) may use not more than 10 percent of  
21 the funds awarded under this section for the  
22 administrative costs of carrying out the grant  
23 and for providing technical assistance to local  
24 boards and community-based organizations.

1           (3) LOCAL BOARD USE OF FUNDS.—A local  
2 board, or an eligible entity that is a local board,  
3 shall use—

4           (A) not less than 60 percent of the funds  
5 for recruitment and training for COVID–19  
6 testing, contact tracing, surveillance, contain-  
7 ment, and mitigation established under section  
8 561;

9           (B) not less than 30 of the funds to sup-  
10 port the transition of individuals hired as con-  
11 tact tracers and related positions into an edu-  
12 cation or training program, or unsubsidized em-  
13 ployment upon completion of such positions;  
14 and

15           (C) not more than 10 percent of the funds  
16 for administrative costs.

17       (f) ELIGIBLE ACTIVITIES.—The State or local boards  
18 shall use funds awarded under this section to support the  
19 recruitment and placement of eligible individuals, training  
20 and employment transition as related to contact tracing  
21 and related positions, and for the following activities:

22           (1) Establishing or expanding partnerships  
23 with—

24           (A) State, local, Tribal, and territorial  
25 public health departments;

1 (B) community-based health providers, in-  
2 cluding community health centers and rural  
3 health clinics;

4 (C) labor organizations or joint labor man-  
5 agement organizations;

6 (D) two-year and four-year institutions of  
7 higher education (as defined in section 101 of  
8 the Higher Education Act of 1965 (20 U.S.C.  
9 1001)), including institutions eligible to receive  
10 funds under section 371(a) of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1067q(a)); and

12 (E) community action agencies or other  
13 community-based organizations serving local  
14 areas in which there is a demand for contact  
15 tracing and related positions.

16 (2) Providing training for contact tracing and  
17 related positions in coordination with State, local,  
18 Tribal, or territorial health departments that is con-  
19 sistent with the State or territorial testing and con-  
20 tact tracing strategy, and ensuring that eligible indi-  
21 viduals receive compensation while participating in  
22 such training.

23 (3) Providing eligible individuals with—

1 (A) adequate and safe equipment, environ-  
2 ments, and facilities for training and super-  
3 vision, as applicable;

4 (B) information regarding the wages and  
5 benefits related to contact tracing and related  
6 positions, as compared to State, local, and na-  
7 tional averages;

8 (C) supplies and equipment needed by the  
9 eligible individuals to support placement of an  
10 individual in contact tracing and related posi-  
11 tions, as applicable;

12 (D) an individualized employment plan for  
13 each eligible individual, as applicable—

14 (i) in coordination with the entity em-  
15 ploying the eligible individual in a contact  
16 tracing and related positions; and

17 (ii) which shall include providing a  
18 case manager to work with each eligible in-  
19 dividual to develop the plan, which may in-  
20 clude—

21 (I) identifying employment and  
22 career goals, and setting appropriate  
23 achievement objectives to attain such  
24 goals; and

1 (II) exploring career pathways  
2 that lead to in-demand industries and  
3 sectors, including in public health and  
4 related occupations; and

5 (E) services for the period during which  
6 the eligible individual is employed in a contact  
7 tracing and related position to ensure job reten-  
8 tion, which may include—

9 (i) supportive services throughout the  
10 term of employment;

11 (ii) a continuation of skills training as  
12 related to employment in contact tracing  
13 and related positions, that is conducted in  
14 collaboration with the employers of such  
15 individuals;

16 (iii) mentorship services and job re-  
17 tention support for eligible individuals; or

18 (iv) targeted training for managers  
19 and workers working with eligible individ-  
20 uals (such as mentors), and human re-  
21 source representatives;

22 (4) Supporting the transition and placement in  
23 unsubsidized employment for eligible individuals  
24 serving in contact tracing and related positions after



1 such positions are no longer necessary in the State  
2 or local area, including—

3 (A) any additional training and employ-  
4 ment activities as described in section 170(d)(4)  
5 of the Workforce Innovation and Opportunity  
6 Act (29 U.S.C. 3225(d)(4));

7 (B) developing the appropriate combina-  
8 tion of services to enable the eligible individual  
9 to achieve the employment and career goals  
10 identified under paragraph (3)(D)(ii)(I); and

11 (C) services to assist eligible individuals in  
12 maintaining employment for not less than 12  
13 months after the completion of employment in  
14 contact tracing and related positions, as appro-  
15 priate.

16 (5) Any other activities as described in sub-  
17 sections (a)(3) and (b) of section 134 of the Work-  
18 force Innovation and Opportunity Act (29 U.S.C.  
19 3174).

20 (g) LIMITATION.—Notwithstanding section  
21 170(d)(3)(A) of the Workforce Innovation and Oppor-  
22 tunity Act (29 U.S.C. 3225(d)(3)(A)), a person may be  
23 employed in a contact tracing and related positions using  
24 funds under this section for a period not greater than 2  
25 years.

1 (h) REPORTING BY THE DEPARTMENT OF LABOR.—

2 (1) IN GENERAL.—Not later than 120 days of  
3 the enactment of this Act, and once grant funds  
4 have been expended under this section, the Secretary  
5 shall report to the Committee on Education and  
6 Labor of the House of Representatives and the Com-  
7 mittee on Health, Education, Labor and Pensions of  
8 the Senate, and make publicly available a report  
9 containing a description of—

10 (A) the number of eligible individuals re-  
11 cruited, hired, and trained in contact tracing  
12 and related positions;

13 (B) the number of individuals successfully  
14 transitioned to unsubsidized employment or  
15 training at the completion of employment in  
16 contact tracing and related positions using  
17 funds under this subtitle;

18 (C) the number of such individuals who  
19 were unemployed prior to being hired, trained,  
20 or deployed as described in paragraph (1);

21 (D) the performance of each program sup-  
22 ported by funds under this subtitle with respect  
23 to the indicators of performance under section  
24 116 of the Workforce Innovation and Oppor-  
25 tunity Act (29 U.S.C. 3141), as applicable;

1 (E) the number of individuals in unsub-  
2 subsidized employment within six months and 1  
3 year, respectively, of the conclusion of employ-  
4 ment in contact tracing and related positions  
5 and, of those, the number of individuals within  
6 a State, territorial, or local public health de-  
7 partment in an occupation related to public  
8 health;

9 (F) any information on how eligible enti-  
10 ties, local boards, or community-based organiza-  
11 tions that received funding under this sub-  
12 section were able to support the goals of the na-  
13 tional system for COVID–19 testing, contact  
14 tracing, surveillance, containment, and mitiga-  
15 tion established under section 561 of this Act;  
16 and

17 (G) best practices for improving and in-  
18 creasing the transition of individuals employed  
19 in contract tracing and related positions to un-  
20 subsidized employment.

21 (2) DISAGGREGATION.—All data reported under  
22 paragraph (1) shall be disaggregated by race, eth-  
23 nicity, sex, age, and, with respect to individuals with  
24 barriers to employment, subpopulation of such indi-  
25 viduals, except for when the number of participants

1 in a category is insufficient to yield statistically reli-  
2 able information or when the results would reveal  
3 personally identifiable information about an indi-  
4 vidual participant.

5 (i) SPECIAL RULE.—Any funds used for programs  
6 under this section that are used to fund an apprenticeship  
7 or apprenticeship program shall only be used for, or pro-  
8 vided to, an apprenticeship or apprenticeship program  
9 that meets the definition of such term subsection (a) of  
10 this section, including any funds awarded for the purposes  
11 of grants, contracts, or cooperative agreements, or the de-  
12 velopment, implementation, or administration, of an ap-  
13 prenticeship or an apprenticeship program.

14 (j) INFORMATION SHARING REQUIREMENT FOR  
15 HHS.—The Secretary of Health and Human Services,  
16 acting through the Director of the Centers for Disease  
17 Control and Prevention, shall provide the Secretary of  
18 Labor, acting through the Assistant Secretary of the Em-  
19 ployment and Training Administration, with information  
20 on grants under section 562, including—

21 (1) the formula used to award such grants to  
22 State, local, Tribal, and territorial health depart-  
23 ments;

24 (2) the dollar amounts of and scope of the work  
25 funded under such grants;

1 (3) the geographic areas served by eligible enti-  
2 ties that receive such grants; and

3 (4) the number of contact tracers and related  
4 positions to be hired using such grants.

5 (k) AUTHORIZATION OF APPROPRIATIONS.—Of the  
6 amounts appropriated to carry out this subtitle,  
7 \$500,000,000 shall be used by the Secretary of Labor to  
8 carry out subsections (a) through (h) of this section.

9 **SEC. 567. APPLICATION OF THE SERVICE CONTRACT ACT**  
10 **TO CONTRACTS AND GRANTS.**

11 Contracts and grants which include contact tracing  
12 as part of the scope of work and that are awarded under  
13 this subtitle shall require that contract tracers and related  
14 positions are paid not less than the prevailing wage and  
15 fringe rates required under chapter 67 of title 41, United  
16 States Code (commonly known as the “Service Contract  
17 Act”) for the area in which the work is performed. To  
18 the extent that a nonstandard wage determination is re-  
19 quired to establish a prevailing wage for contact tracers  
20 and related positions for purposes of this subtitle, the Sec-  
21 retary of Labor shall issue such determination not later  
22 than 14 days after the date of enactment of this Act,  
23 based on a job description used by the Centers for Disease  
24 Control and Prevention and contractors or grantees per-  
25 forming contact tracing for State public health agencies.

1 **SEC. 568. AUTHORIZATION OF APPROPRIATIONS.**

2 To carry out this subtitle, there are authorized to be  
3 appropriated \$75,000,000,000, to remain available until  
4 expended.

5 **Subtitle E—Demographic Data and**  
6 **Supply Reporting Related to**  
7 **COVID–19**

8 **SEC. 571. COVID–19 REPORTING PORTAL.**

9 (a) IN GENERAL.—Not later than 15 days after the  
10 date of enactment of this Act, the Secretary shall establish  
11 and maintain an online portal for use by eligible health  
12 care entities to track and transmit data regarding their  
13 personal protective equipment and medical supply inven-  
14 tory and capacity related to COVID–19.

15 (b) ELIGIBLE HEALTH CARE ENTITIES.—In this sec-  
16 tion, the term “eligible health care entity” means a li-  
17 censed acute care hospital, hospital system, or long-term  
18 care facility with confirmed cases of COVID–19.

19 (c) SUBMISSION.—An eligible health care entity shall  
20 report using the portal under this section on a biweekly  
21 basis in order to assist the Secretary in tracking usage  
22 and need of COVID–related supplies and personnel in a  
23 regular and real-time manner.

24 (d) INCLUDED INFORMATION.—The Secretary shall  
25 design the portal under this section to include information  
26 on personal protective equipment and medical supply in-

1 venty and capacity related to COVID–19, including with  
2 respect to the following:

3 (1) PERSONAL PROTECTIVE EQUIPMENT.—

4 Total personal protective equipment inventory, in-  
5 cluding, in units, the numbers of N95 masks and  
6 authorized equivalent respirator masks, surgical  
7 masks, exam gloves, face shields, isolation gowns,  
8 and coveralls.

9 (2) MEDICAL SUPPLY.—

10 (A) Total ventilator inventory, including, in  
11 units, the number of universal, adult, pediatric,  
12 and infant ventilators.

13 (B) Total diagnostic and serological test  
14 inventory, including, in units, the number of  
15 test platforms, tests, test kits, reagents, trans-  
16 port media, swabs, and other materials or sup-  
17 plies determined necessary by the Secretary.

18 (3) CAPACITY.—

19 (A) Case count measurements, including  
20 confirmed positive cases and persons under in-  
21 vestigation.

22 (B) Total number of staffed beds, includ-  
23 ing medical surgical beds, intensive care beds,  
24 and critical care beds.

1 (C) Available beds, including medical sur-  
2 gical beds, intensive care beds, and critical care  
3 beds.

4 (D) Total number of COVID–19 patients  
5 currently utilizing a ventilator.

6 (E) Average number of days a COVID–19  
7 patient is utilizing a ventilator.

8 (F) Total number of additionally needed  
9 professionals in each of the following categories:  
10 intensivists, critical care physicians, respiratory  
11 therapists, registered nurses, certified registered  
12 nurse anesthetists, and laboratory personnel.

13 (G) Total number of hospital personnel  
14 currently not working due to self-isolation fol-  
15 lowing a known or presumed COVID–19 expo-  
16 sure.

17 (e) ACCESS TO INFORMATION RELATED TO INVEN-  
18 TORY AND CAPACITY.—The Secretary shall ensure that  
19 relevant agencies and officials, including the Centers for  
20 Disease Control and Prevention, the Assistant Secretary  
21 for Preparedness and Response, and the Federal Emer-  
22 gency Management Agency, have access to information re-  
23 lated to inventory and capacity submitted under this sec-  
24 tion.



1 (f) WEEKLY REPORT TO CONGRESS.—On a weekly  
2 basis, the Secretary shall transmit information related to  
3 inventory and capacity submitted under this section to the  
4 appropriate committees of the House and Senate.

5 **SEC. 572. REGULAR CDC REPORTING ON DEMOGRAPHIC**  
6 **DATA.**

7 Not later than 14 days after the date of enactment  
8 of this Act, the Secretary, in coordination with the Direc-  
9 tor of the Centers for Disease Control and Prevention,  
10 shall amend the reporting under the heading “Department  
11 of Health and Human Services—Office of the Secretary—  
12 Public Health and Social Service Emergency Fund” in  
13 title I of division B of the Paycheck Protection Program  
14 and Health Care Enhancement Act (Public Law 116–139;  
15 134 Stat. 620, 626) on the demographic characteristics,  
16 including race, ethnicity, age, sex, gender, geographic re-  
17 gion, and other relevant factors of individuals tested for  
18 or diagnosed with COVID–19, to include—

19 (1) providing technical assistance to State,  
20 local, and territorial health departments to improve  
21 the collection and reporting of such demographic  
22 data;

23 (2) if such data is not so collected or reported,  
24 the reason why the State, local, or territorial depart-

1       ment of health has not been able to collect or pro-  
2       vide such information; and

3               (3) making a copy of such report available pub-  
4       licly on the website of the Centers for Disease Con-  
5       trol and Prevention.

6   **SEC. 573. FEDERAL MODERNIZATION FOR HEALTH INEQUI-**  
7                               **TIES DATA.**

8       (a) **IN GENERAL.**—The Secretary shall work with  
9       covered agencies to support the modernization of data col-  
10      lection methods and infrastructure at such agencies for  
11      the purpose of increasing data collection related to health  
12      inequities, such as racial, ethnic, socioeconomic, sex, gen-  
13      der, and disability disparities.

14      (b) **COVERED AGENCY DEFINED.**—In this section,  
15      the term “covered agency” means each of the following  
16      Federal agencies:

17               (1) The Agency for Healthcare Research and  
18      Quality.

19               (2) The Centers for Disease Control and Pre-  
20      vention.

21               (3) The Centers for Medicare & Medicaid Serv-  
22      ices.

23               (4) The Food and Drug Administration.

24               (5) The Office of the National Coordinator for  
25      Health Information Technology.

1 (6) The National Institutes of Health.

2 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
3 authorized to be appropriated to each covered agency to  
4 carry out this section \$4,000,000, to remain available  
5 until expended.

6 **SEC. 574. MODERNIZATION OF STATE AND LOCAL HEALTH**  
7 **INEQUITIES DATA.**

8 (a) IN GENERAL.—Not later than 6 months after the  
9 date of enactment of this Act, the Secretary, acting  
10 through the Director of the Centers for Disease Control  
11 and Prevention, shall award grants to State, local, and  
12 territorial health departments in order to support the  
13 modernization of data collection methods and infrastruc-  
14 ture for the purposes of increasing data related to health  
15 inequities, such as racial, ethnic, socioeconomic, sex, gen-  
16 der, and disability disparities. The Secretary shall—

17 (1) provide guidance, technical assistance, and  
18 information to grantees under this section on best  
19 practices regarding culturally competent, accurate,  
20 and increased data collection and transmission; and

21 (2) track performance of grantees under this  
22 section to help improve their health inequities data  
23 collection by identifying gaps and taking effective  
24 steps to support States, localities, and territories in  
25 addressing the gaps.

1 (b) REPORT.—Not later than 1 year after the date  
2 on which the first grant is awarded under this section,  
3 the Secretary shall submit to the Committee on Energy  
4 and Commerce of the House of Representatives and the  
5 Committee on Health, Education, Labor and Pensions of  
6 the Senate an initial report detailing—

7 (1) nationwide best practices for ensuring  
8 States and localities collect and transmit health in-  
9 equities data;

10 (2) nationwide trends which hinder the collec-  
11 tion and transmission of health inequities data;

12 (3) Federal best practices for working with  
13 States and localities to ensure culturally competent,  
14 accurate, and increased data collection and trans-  
15 mission; and

16 (4) any recommended changes to legislative or  
17 regulatory authority to help improve and increase  
18 health inequities data collection.

19 (c) FINAL REPORT.—Not later than three months  
20 after the end of the public health emergency declared pur-  
21 suant to section 319 of the Public Health Service Act (42  
22 U.S.C. 247d) with respect to COVID–19, the Secretary  
23 shall—

24 (1) update and finalize the initial report under  
25 subsection (b); and

1 (2) submit such final report to the committees  
2 specified in such subsection.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to carry out this section  
5 \$100,000,000, to remain available until expended.

6 **SEC. 575. TRIBAL FUNDING TO RESEARCH HEALTH INEQUI-**  
7 **TIES INCLUDING COVID-19.**

8 (a) IN GENERAL.—Not later than 6 months after the  
9 date of enactment of this Act, the Director of the Indian  
10 Health Service, in coordination with Tribal Epidemiology  
11 Centers and other Federal agencies, as appropriate, shall  
12 conduct or support research and field studies for the pur-  
13 poses of improved understanding of Tribal health inequi-  
14 ties among American Indians and Alaska Natives, includ-  
15 ing with respect to—

- 16 (1) disparities related to COVID-19;
- 17 (2) public health surveillance and infrastructure  
18 regarding unmet needs in Indian country and Urban  
19 Indian communities;
- 20 (3) population-based health disparities;
- 21 (4) barriers to health care services;
- 22 (5) the impact of socioeconomic status; and
- 23 (6) factors contributing to Tribal health inequi-  
24 ties.

1 (b) CONSULTATION, CONFER, AND COORDINATION.—

2 In carrying out this section, the Director of the Indian  
3 Health Service shall—

4 (1) consult with Indian Tribes and Tribal orga-  
5 nizations;

6 (2) confer with Urban Indian organizations;  
7 and

8 (3) coordinate with the Director of the Centers  
9 for Disease Control and Prevention and the Director  
10 of the National Institutes of Health.

11 (c) PROCESS.—Not later than 60 days after the date  
12 of enactment of this Act, the Director of the Indian Health  
13 Service shall establish a nationally representative panel to  
14 establish processes and procedures for the research and  
15 field studies conducted or supported under subsection (a).  
16 The Director shall ensure that, at a minimum, the panel  
17 consists of the following individuals:

18 (1) Elected Tribal leaders or their designees.

19 (2) Tribal public health practitioners and ex-  
20 perts from the national and regional levels.

21 (d) DUTIES.—The panel established under subsection  
22 (c) shall, at a minimum—

23 (1) advise the Director of the Indian Health  
24 Service on the processes and procedures regarding  
25 the design, implementation, and evaluation of, and

1 reporting on, research and field studies conducted or  
2 supported under this section;

3 (2) develop and share resources on Tribal pub-  
4 lic health data surveillance and reporting, including  
5 best practices; and

6 (3) carry out such other activities as may be  
7 appropriate to establish processes and procedures for  
8 the research and field studies conducted or sup-  
9 ported under subsection (a).

10 (e) REPORT.—Not later than 1 year after expending  
11 all funds made available to carry out this section, the Di-  
12 rector of the Indian Health Service, in coordination with  
13 the panel established under subsection (c), shall submit  
14 an initial report on the results of the research and field  
15 studies under this section to—

16 (1) the Committee on Energy and Commerce  
17 and the Committee on Natural Resources of the  
18 House of Representatives; and

19 (2) the Committee on Indian Affairs and the  
20 Committee on Health, Education, Labor and Pen-  
21 sions of the Senate.

22 (f) TRIBAL DATA SOVEREIGNTY.—The Director of  
23 the Indian Health Service shall ensure that all research  
24 and field studies conducted or supported under this sec-  
25 tion are tribally-directed and carried out in a manner

1 which ensures Tribal-direction of all data collected under  
2 this section—

3 (1) according to Tribal best practices regarding  
4 research design and implementation, including by  
5 ensuring the consent of the Tribes involved to public  
6 reporting of Tribal data;

7 (2) according to all relevant and applicable  
8 Tribal, professional, institutional, and Federal  
9 standards for conducting research and governing re-  
10 search ethics;

11 (3) with the prior and informed consent of any  
12 Indian Tribe participating in the research or sharing  
13 data for use under this section; and

14 (4) in a manner that respects the inherent sov-  
15 ereignty of Indian Tribes, including Tribal govern-  
16 ance of data and research.

17 (g) FINAL REPORT.—Not later than three months  
18 after the end of the public health emergency declared pur-  
19 suant to section 319 of the Public Health Service Act (42  
20 U.S.C. 247d) with respect to COVID–19, the Director of  
21 the Indian Health Service shall—

22 (1) update and finalize the initial report under  
23 subsection (e); and

24 (2) submit such final report to the committees  
25 specified in such subsection.



1 (h) DEFINITIONS.—In this section:

2 (1) The terms “Indian Tribe” and “Tribal or-  
3 ganization” have the meanings given to such terms  
4 in section 4 of the Indian Self-Determination and  
5 Education Assistance Act (25 U.S.C. 5304).

6 (2) The term “Urban Indian organization” has  
7 the meaning given to such term in section 4 of the  
8 Indian Health Care Improvement Act (25 U.S.C.  
9 1603).

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated to carry out this section  
12 \$25,000,000, to remain available until expended.

13 **SEC. 576. CDC FIELD STUDIES PERTAINING TO SPECIFIC**  
14 **HEALTH INEQUITIES.**

15 (a) IN GENERAL.—Not later than 90 days after the  
16 date of enactment of this Act, the Secretary, acting  
17 through the Centers for Disease Control and Prevention,  
18 in collaboration with State, local, and territorial health de-  
19 partments, shall complete (by the reporting deadline in  
20 subsection (b)) field studies to better understand health  
21 inequities that are not currently tracked by the Secretary.  
22 Such studies shall include an analysis of—

23 (1) the impact of socioeconomic status on  
24 health care access and disease outcomes, including  
25 COVID–19 outcomes;

1           (2) the impact of disability status on health  
2           care access and disease outcomes, including COVID–  
3           19 outcomes;

4           (3) the impact of language preference on health  
5           care access and disease outcomes, including COVID–  
6           19 outcomes;

7           (4) factors contributing to disparities in health  
8           outcomes for the COVID–19 pandemic; and

9           (5) other topics related to disparities in health  
10          outcomes for the COVID–19 pandemic, as deter-  
11          mined by the Secretary.

12          (b) REPORT.—Not later than December 31, 2021,  
13          the Secretary shall submit to the Committee on Energy  
14          and Commerce of the House of Representatives and the  
15          Committee on Health, Education, Labor and Pensions of  
16          the Senate an initial report on the results of the field stud-  
17          ies under this section.

18          (c) FINAL REPORT.—Not later than three months  
19          after the end of the public health emergency declared pur-  
20          suant to section 319 of the Public Health Service Act (42  
21          U.S.C. 247d) with respect to COVID–19, the Secretary  
22          shall—

23                 (1) update and finalize the initial report under  
24                 subsection (b); and

1           (2) submit such final report to the committees  
2           specified in such subsection.

3           (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
4           authorized to be appropriated to carry out this section  
5           \$25,000,000, to remain available until expended.

6   **SEC. 577. ADDITIONAL REPORTING TO CONGRESS ON THE**  
7                   **RACE AND ETHNICITY RATES OF COVID-19**  
8                   **TESTING, HOSPITALIZATIONS, AND MORTALI-**  
9                   **TIES.**

10          (a) IN GENERAL.—Not later than 30 days after the  
11          date of enactment of this Act, the Secretary shall submit  
12          to the Committee on Appropriations and the Committee  
13          on Energy and Commerce of the House of Representatives  
14          and the Committee on Appropriations and the Committee  
15          on Health, Education, Labor and Pensions of the Senate  
16          an initial report—

17               (1) describing the testing, positive diagnoses,  
18               hospitalization, intensive care admissions, and mor-  
19               tality rates associated with COVID-19,  
20               disaggregated by race, ethnicity, age, sex, gender,  
21               geographic region, and other relevant factors as de-  
22               termined by the Secretary;

23               (2) including an analysis of any variances of  
24               testing, positive diagnoses, hospitalizations, and  
25               deaths by demographic characteristics; and

1 (3) including proposals for evidenced-based re-  
2 sponse strategies to reduce disparities related to  
3 COVID–19.

4 (b) FINAL REPORT.—Not later than three months  
5 after the end of the public health emergency declared pur-  
6 suant to section 319 of the Public Health Service Act (42  
7 U.S.C. 247d) with respect to COVID–19, the Secretary  
8 shall—

9 (1) update and finalize the initial report under  
10 subsection (a); and

11 (2) submit such final report to the committees  
12 specified in such subsection.

13 (c) COORDINATION.—In preparing the report sub-  
14 mitted under this section, the Secretary shall take into ac-  
15 count and otherwise coordinate such report with reporting  
16 required under section 572 and under the heading “De-  
17 partment of Health and Human Services—Office of the  
18 Secretary—Public Health and Social Service Emergency  
19 Fund” in title I of division B of the Paycheck Protection  
20 Program and Health Care Enhancement Act (Public Law  
21 116–139; 134 Stat. 620, 626).

## 1                   **Subtitle F—Miscellaneous**

### 2   **SEC. 581. TECHNICAL CORRECTIONS TO AMENDMENTS**

#### 3                   **MADE BY CARES ACT.**

4           (a) The amendments made by this section shall take  
5 effect as if included in the enactment of the CARES Act  
6 (Public Law 116–136).

7           (b) Section 3112 of division A of the CARES Act  
8 (Public Law 116–136) is amended—

9                   (1) in subsection (a)(2)(A), by striking the  
10 comma before “or a permanent”;

11                   (2) in subsection (d)(1), by striking “and sub-  
12 paragraphs (A) and (B)” and inserting “as subpara-  
13 graphs (A) and (B)”; and

14                   (3) in subsection (e), by striking “Drug, Cos-  
15 metic Act” and inserting “Drug, and Cosmetic Act”.

16           (c) Section 6001(a)(1)(D) of division F of the Fami-  
17 lies First Coronavirus Response Act (Public Law 116–  
18 127), as amended by section 3201 of division A of the  
19 CARES Act (Public Law 116–136), is amended by strik-  
20 ing “other test that”.

21           (d) Subsection (k)(9) of section 543 of the Public  
22 Health Service Act (42 U.S.C. 290dd–2), as added by sec-  
23 tion 3221(d) of division A of the CARES Act (Public Law  
24 116–136), is amended by striking “unprotected health in-

1 formation” and inserting “unsecured protected health in-  
2 formation”.

3 (e) Section 3401(2)(D) of division A of the CARES  
4 Act (Public Law 116–136), is amended by striking “Not  
5 Later than” and inserting “Not later than”.

6 (f) Section 831(f) of the Public Health Service Act,  
7 as redesignated by section 3404(a)(6)(E) and amended by  
8 section 3404(a)(6)(G) of division A of the CARES Act  
9 (Public Law 116–136), is amended by striking “a health  
10 care facility, or a partnership of such a school and facil-  
11 ity”.

12 (g) Section 846(i) of the Public Health Service Act,  
13 as amended by section 3404(a)(8)(C) of division A of the  
14 CARES Act (Public Law 116–136), is amended by strik-  
15 ing “871(b),” and inserting “871(b),”.

16 (h) Section 3606(a)(1)(A) of division A of the  
17 CARES Act (Public Law 116–136) is amended by striking  
18 “In general” and inserting “IN GENERAL”.

19 (i) Section 3856(b)(1) of division A of the CARES  
20 Act (Public Law 116–136) is amended to read as follows:

21 “(1) IN GENERAL.—Section 905(b)(4) of the  
22 FDA Reauthorization Act of 2017 (Public Law 115–  
23 52) is amended by striking ‘Section 744H(e)(2)(B)  
24 of the Federal Food, Drug, and Cosmetic Act (21  
25 U.S.C. 379j–52(e)(2)(B))’ and inserting ‘Section

1 744H(f)(2)(B) of the Federal Food, Drug, and Cos-  
2 metic Act, as redesignated by section 403(e)(1) of  
3 this Act,.’’.

4 **TITLE VI—PUBLIC HEALTH**  
5 **ASSISTANCE**

6 **SEC. 601. DEFINITION.**

7 In this title, the term “Secretary” means the Sec-  
8 retary of Health and Human Services.

9 **Subtitle A—Assistance to Providers**  
10 **and Health System**

11 **SEC. 611. HEALTH CARE PROVIDER RELIEF FUND.**

12 (a) IN GENERAL.—Not later than 7 days after the  
13 date of enactment of this Act, the Secretary, acting  
14 through the Administrator of the Health Resources and  
15 Services Administration, shall establish a program under  
16 which the Secretary shall reimburse, through grants or  
17 other mechanisms, eligible health care providers for eligi-  
18 ble expenses or lost revenues occurring during calendar  
19 quarters beginning on or after January 1, 2020, to pre-  
20 vent, prepare for, and respond to COVID–19, in an  
21 amount calculated under subsection (c).

22 (b) QUARTERLY BASIS.—

23 (1) SUBMISSION OF APPLICATIONS.—The Sec-  
24 retary shall give applicants a period of 7 calendar  
25 days after the close of a quarter to submit applica-

1 tions under this section with respect to such quarter,  
2 except that the Secretary shall give applicants a pe-  
3 riod of 7 calendar days after the date of enactment  
4 of this Act to submit applications with respect to the  
5 quarters beginning on January 1 and April 1, 2020,  
6 if the applicant has not previously submitted an ap-  
7 plication with the respect to such quarters.

8 (2) REVIEW AND PAYMENT.—The Secretary  
9 shall—

10 (A) review applications and make awards  
11 of reimbursement under this section on a quar-  
12 terly basis; and

13 (B) award the reimbursements under this  
14 section for a quarter not later than 14 calendar  
15 days after the close of the quarter, except that  
16 the Secretary shall award the reimbursements  
17 under this section for the quarters beginning on  
18 January 1 and April 1, 2020, not later than 14  
19 calendar days after the date of enactment of  
20 this Act.

21 (c) CALCULATION.—

22 (1) IN GENERAL.—The amount of the reim-  
23 bursement to an eligible health care provider under  
24 this section with respect to a calendar quarter shall  
25 equal—



1 (A) the sum of—

2 (i) 100 percent of the eligible ex-  
3 penses, as described in subsection (d), of  
4 the provider during the quarter; and

5 (ii) subject to paragraph (3), 60 per-  
6 cent of the lost revenues, as described in  
7 subsection (e), of the provider during the  
8 quarter; less

9 (B) any funds that are—

10 (i) received by the provider during the  
11 quarter pursuant to the Coronavirus Pre-  
12 paredness and Response Supplemental Ap-  
13 propriations Act, 2020 (Public Law 116-  
14 123), the Families First Coronavirus Re-  
15 sponse Act (Public Law 116-127), the  
16 CARES Act (Public Law 116-136), or the  
17 Paycheck Protection Program and Health  
18 Care Enhancement Act (Public Law 116-  
19 139); and

20 (ii) not required to be repaid.

21 (2) CARRYOVER.—If the amount determined  
22 under paragraph (1)(B) for a calendar quarter with  
23 respect to an eligible health care provider exceeds  
24 the amount determined under paragraph (1)(A) with  
25 respect to such provider and quarter, the amount of

1 such difference shall be applied in making the cal-  
2 culation under this subsection, over each subsequent  
3 calendar quarter for which the eligible health care  
4 provider seeks reimbursement under this section.

5 (3) LOST REVENUE LIMITATION.—If the  
6 amount determined under subsection (e) with re-  
7 spect to the lost revenue of an eligible health care  
8 provider for a calendar quarter does not exceed an  
9 amount that equals 10 percent of the net patient  
10 revenue (as defined in such subsection) of the pro-  
11 vider for the corresponding quarter in 2019, the ad-  
12 dend under paragraph (1)(A)(ii), in making the cal-  
13 culation under paragraph (1), is deemed to be zero.

14 (d) ELIGIBLE EXPENSES.—Subject to subsection  
15 (h)(1), expenses eligible for reimbursement under this sec-  
16 tion include expenses for—

17 (1) building or construction of temporary struc-  
18 tures;

19 (2) leasing of properties;

20 (3) medical supplies and equipment including  
21 personal protective equipment;

22 (4) in vitro diagnostic tests, serological tests, or  
23 testing supplies;

24 (5) increased workforce and trainings;

25 (6) emergency operation centers;

- 1 (7) construction or retrofitting of facilities;
- 2 (8) mobile testing units;
- 3 (9) surge capacity;
- 4 (10) retention of workforce; and
- 5 (11) such other items and services as the Sec-
- 6 retary determines to be appropriate, in consultation
- 7 with relevant stakeholders.

8 (e) LOST REVENUES.—

9 (1) IN GENERAL.—Subject to subsection (h)(1),  
10 for purposes of subsection (c)(1)(A)(ii), the lost rev-  
11 enues of an eligible health care provider, with re-  
12 spect to the calendar quarter involved, shall be equal  
13 to—

14 (A) net patient revenue of the provider for  
15 the corresponding quarter in 2019 minus net  
16 patient revenue of the provider for such quar-  
17 ter; less

18 (B) the savings of the provider during the  
19 calendar quarter involved attributable to fore-  
20 gone wages, payroll taxes, and benefits of per-  
21 sonnel who were furloughed or laid off by the  
22 provider during that quarter.

23 (2) NET PATIENT REVENUE DEFINED.—For  
24 purposes of paragraph (1)(A), the term “net patient

1 revenue”, with respect to an eligible health care pro-  
2 vider and a calendar quarter, means the sum of—

3 (A) 200 percent of the total amount of re-  
4 imbursement received by the provider during  
5 the quarter for all items and services furnished  
6 under a State plan or a waiver of a State plan  
7 under title XIX of the Social Security Act (42  
8 U.S.C. 1396 et seq.);

9 (B) 125 percent of the total amount of re-  
10 imbursement received by the provider during  
11 the quarter for all items and services furnished  
12 under title XVIII of the Social Security Act (42  
13 U.S.C. 1395 et seq.); and

14 (C) 100 percent of the total amount of re-  
15 imbursement not described in subparagraph (A)  
16 or (B) received by the provider during the quar-  
17 ter for all items and services.

18 (f) INSUFFICIENT FUNDS FOR A QUARTER.—If there  
19 are insufficient funds made available to reimburse all eligi-  
20 ble health care providers for all eligible expenses and lost  
21 revenues for a quarter in accordance with this section, the  
22 Secretary shall—

23 (1) prioritize reimbursement of eligible ex-  
24 penses; and

1           (2) using the entirety of the remaining funds,  
2           uniformly reduce the percentage of lost revenues  
3           otherwise applicable under subsection (c)(1)(A)(ii) to  
4           the extent necessary to reimburse a portion of the  
5           lost revenues of all eligible health care providers ap-  
6           plying for reimbursement.

7           (g) APPLICATION.—A health care provider seeking  
8           reimbursement under this section for a calendar quarter  
9           shall submit to the Secretary an application that—

10           (1) provides documentation demonstrating that  
11           the health care provider is an eligible health care  
12           provider;

13           (2) includes a valid tax identification number of  
14           the health care provider or, if the health care pro-  
15           vider does not have a valid tax identification num-  
16           ber, an employer identification number or such other  
17           identification number as the Secretary may accept or  
18           may assign;

19           (3) attests to the eligible expenses and lost rev-  
20           enues of the health care provider, as described in  
21           subsection (d), occurring during the calendar quar-  
22           ter;

23           (4) includes an itemized listing of each such eli-  
24           gible expense, including expenses incurred in pro-  
25           viding uncompensated care;

1 (5) for purposes of subsection (c)(3), attests to  
2 whether the amount determined under subsection (e)  
3 with respect to the lost revenue of an eligible health  
4 care provider for a calendar quarter exceeds an  
5 amount that equals 10 percent of the net patient  
6 revenue (as defined in such subsection) of the pro-  
7 vider for the corresponding quarter in 2019;

8 (6) includes projections of the eligible expenses  
9 and lost revenues of the health care provider, as de-  
10 scribed in subsection (c), for the calendar quarter  
11 that immediately follows the calendar quarter for  
12 which reimbursement is sought; and

13 (7) indicates the dollar amounts described in  
14 each of subparagraphs (A) and (B) of subsection  
15 (e)(1) and subparagraphs (A), (B), and (C) of sub-  
16 section (e)(2) for the calendar quarter and any other  
17 information the Secretary determines necessary to  
18 determine expenses and lost revenue related to  
19 COVID-19.

20 (h) LIMITATIONS.—

21 (1) NO DUPLICATIVE REIMBURSEMENT.—The  
22 Secretary may not provide, and a health care pro-  
23 vider may not accept, reimbursement under this sec-  
24 tion for expenses or losses with respect to which—

1 (A) the eligible health care provider is re-  
2 imbursed from other sources; or

3 (B) other sources are obligated to reim-  
4 burse the provider.

5 (2) NO EXECUTIVE COMPENSATION.—Reim-  
6 bursement for eligible expenses (as described in sub-  
7 section (d)) and lost revenues (as described in sub-  
8 section (e)) shall not include compensation or bene-  
9 fits, including salary, bonuses, awards of stock, or  
10 other financial benefits, for an officer or employee  
11 described in section 4004(a)(2) of the CARES Act  
12 (Public Law 116–136).

13 (i) NO BALANCE BILLING AS CONDITION OF RE-  
14 CEIPT OF FUNDS.—

15 (1) PROTECTING INDIVIDUALS ENROLLED IN  
16 HEALTH PLANS.—As a condition of receipt of reim-  
17 bursement under this section, a health care provider,  
18 in the case such provider furnishes during the emer-  
19 gency period described in section 1135(g)(1)(B) of  
20 the Social Security Act (42 U.S.C. 1320b–  
21 5(g)(1)(B)) (whether before, on, or after, the date  
22 on which the provider submits an application under  
23 this section) a medically necessary item or service  
24 described in subparagraph (A), (B), or (C) of para-  
25 graph (3) to an individual who is described in such

1       subparagraph (A), (B), or (C), respectively, and en-  
2       rolled in a group health plan or group or individual  
3       health insurance coverage offered by a health insur-  
4       ance issuer (including grandfathered health plans as  
5       defined in section 1251(e) of the Patient Protection  
6       and Affordable Care Act (42 U.S.C. 18011(e)) and  
7       such provider is a nonparticipating provider, with re-  
8       spect to such plan or coverage or with respect to  
9       such item or service, and such plan or coverage and  
10      such items and services would otherwise be covered  
11      under such plan if furnished by a participating pro-  
12      vider—

13               (A) may not bill or otherwise hold liable  
14               such individual for a payment amount for such  
15               item or service that is more than the cost-shar-  
16               ing amount that would apply under such plan  
17               or coverage for such item or service if such pro-  
18               vider furnishing such service were a partici-  
19               pating provider with respect to such plan or  
20               coverage;

21               (B) shall reimburse such individual in a  
22               timely manner for any amount for such item or  
23               service paid by the individual to such provider  
24               in excess of such cost-sharing amount;



1 (C) shall submit any claim for such item or  
2 service directly to the plan or coverage; and

3 (D) shall not bill the individual for such  
4 cost-sharing amount until such individual is in-  
5 formed by the plan or coverage of the required  
6 payment amount.

7 (2) PROTECTING UNINSURED INDIVIDUALS.—

8 As a condition of receipt by a health care provider  
9 of reimbursement under this section, if the health  
10 care provider furnishes any medically necessary item  
11 or service described in subparagraph (A), (B), or (C)  
12 of paragraph (3) during the emergency period de-  
13 scribed in section 1135(g)(1)(B) of the Social Secu-  
14 rity Act (42 U.S.C. 1320b-5(g)(1)(B)) (whether be-  
15 fore, on, or after, the date on which the provider  
16 submits an application under this section) to an un-  
17 insured individual who is described in such subpara-  
18 graph (A), (B), or (C), respectively, the health care  
19 provider—

20 (A) shall submit a claim for purposes of  
21 reimbursement, with respect to such item or  
22 service—

23 (i) from the uninsured portal estab-  
24 lished pursuant to the provider relief fund  
25 established through the Public Health and

1 Social Services Emergency Fund under the  
2 Coronavirus Aid, Relief, and Economic Se-  
3 curity Act (Public Law 116–136), or pur-  
4 suant to activities authorized under section  
5 2812 of the Public Health Service Act (42  
6 U.S.C. 300hh–11) under the Public Health  
7 and Social Services Emergency Fund  
8 under the Families First Coronavirus Re-  
9 sponse Act (Public Law 116–127); or

10 (ii) if applicable, under this section  
11 with respect to expenses incurred in pro-  
12 viding uncompensated care (as described in  
13 subsection (g)(4)) with respect to such  
14 medical care); and

15 (B) if such claim is eligible for such reim-  
16 bursement—

17 (i) shall consider the amount of such  
18 reimbursement as payment in full with re-  
19 spect to such item or service so furnished  
20 to such individual;

21 (ii) may not bill or otherwise hold lia-  
22 ble such individual for any payment for  
23 such item or service so furnished to such  
24 individual; and

1 (iii) shall reimburse such individual in  
2 a timely manner for any amount for such  
3 item or service paid by the individual to  
4 such provider.

5 (3) MEDICALLY NECESSARY ITEMS AND SERV-  
6 ICES DESCRIBED.—For purposes of this subsection,  
7 medically necessary items and services described in  
8 this paragraph are—

9 (A) medically necessary items and services  
10 (including in-person or telehealth visits in which  
11 such items and services are furnished) that are  
12 furnished to an individual who has been diag-  
13 nosed with (or after provision of the items and  
14 services is diagnosed with) COVID–19 to treat  
15 or mitigate the effects of COVID–19;

16 (B) medically necessary items and services  
17 (including in-person or telehealth visits in which  
18 such items and services are furnished) that are  
19 furnished to an individual who is presumed, in  
20 accordance with paragraph (4), to have  
21 COVID–19 but is never diagnosed as such; and

22 (C) a diagnostic test (and administration  
23 of such test) as described in section 6001(a) of  
24 division F of the Families First Coronavirus

1           Response Act (42 U.S.C. 1320b–5 note) admin-  
2           istered to an individual.

3           (4) PRESUMPTIVE CASE OF COVID–19.—For  
4           purposes of paragraph (3)(B), an individual shall be  
5           presumed to have COVID–19 if the medical record  
6           documentation of the individual supports a diagnosis  
7           of COVID–19, even if the individual does not have  
8           a positive in vitro diagnostic test result in the med-  
9           ical record of the individual.

10          (5) PENALTY.—In the case of an eligible health  
11          care provider that is paid a reimbursement under  
12          this section and that is in violation of paragraph (1)  
13          or (2), in addition to any other penalties that may  
14          be prescribed by law, the Secretary may recoup from  
15          such provider up to the full amount of reimburse-  
16          ment the provider receives under this section.

17          (6) DEFINITIONS.—In this subsection:

18           (A) NONPARTICIPATING PROVIDER.—The  
19           term “nonparticipating provider” means, with  
20           respect to an item or service and group health  
21           plan or group or individual health insurance  
22           coverage offered by a health insurance issuer, a  
23           health care provider that does not have a con-  
24           tractual relationship directly or indirectly with  
25           the plan or issuer, respectively, for furnishing

1 such an item or service under the plan or cov-  
2 erage.

3 (B) PARTICIPATING PROVIDER.—The term  
4 “participating provider” means, with respect to  
5 an item or service and group health plan or  
6 group or individual health insurance coverage  
7 offered by a health insurance issuer, a health  
8 care provider that has a contractual relation-  
9 ship directly or indirectly with the plan or  
10 issuer, respectively, for furnishing such an item  
11 or service under the plan or coverage.

12 (C) GROUP HEALTH PLAN, HEALTH INSUR-  
13 ANCE COVERAGE.—The terms “group health  
14 plan”, “health insurance issuer”, “group health  
15 insurance coverage”, and “individual health in-  
16 surance coverage” shall have the meanings  
17 given such terms under section 2791 of the  
18 Public Health Service Act (42 U.S.C. 300gg-  
19 91).

20 (D) UNINSURED INDIVIDUAL.—The term  
21 “uninsured individual” shall have the meaning  
22 given such term in the Families First  
23 Coronavirus Response Act (Public Law 116-  
24 127) for purposes of the additional amount  
25 made available under such Act to the Public

1 Health and Social Services Emergency Fund  
2 for activities authorized under section 2812 of  
3 the Public Health Service Act (42 U.S.C.  
4 300hh-11).

5 (j) REPORTS.—

6 (1) AWARD INFORMATION.—In making awards  
7 under this section, the Secretary shall post in a  
8 searchable, electronic format, a list of all recipients  
9 and awards pursuant to funding authorized under  
10 this section.

11 (2) REPORTS BY RECIPIENTS.—Each recipient  
12 of an award under this section shall, as a condition  
13 on receipt of such award, submit reports and main-  
14 tain documentation, in such form, at such time, and  
15 containing such information, as the Secretary deter-  
16 mines is needed to ensure compliance with this sec-  
17 tion.

18 (3) PUBLIC LISTING OF AWARDS.—The Sec-  
19 retary shall—

20 (A) not later than 7 days after the date of  
21 enactment of this Act, post in a searchable,  
22 electronic format, a list of all awards made by  
23 the Secretary under this section, including the  
24 recipients and amounts of such awards; and

1 (B) update such list not less than every 7  
2 days until all funds made available to carry out  
3 this section are expended.

4 (4) INSPECTOR GENERAL REPORT.—

5 (A) IN GENERAL.—Not later than 3 years  
6 after final payments are made under this sec-  
7 tion, the Inspector General of the Department  
8 of Health and Human Services shall transmit a  
9 final report on audit findings with respect to  
10 the program under this section to the Com-  
11 mittee on Energy and Commerce and the Com-  
12 mittee on Appropriations of the House of Rep-  
13 resentatives and the Committee on Health,  
14 Education, Labor and Pensions and the Com-  
15 mittee on Appropriations of the Senate.

16 (B) RULE OF CONSTRUCTION.—Nothing in  
17 this paragraph shall be construed as limiting  
18 the authority of the Inspector General of the  
19 Department of Health and Human Services or  
20 the Comptroller General of the United States to  
21 conduct audits of interim payments earlier than  
22 the deadline described in subparagraph (A).

23 (k) ELIGIBLE HEALTH CARE PROVIDER DEFINED.—

24 In this section:

1           (1) IN GENERAL.—The term “eligible health  
2           care provider” means a health care provider de-  
3           scribed in paragraph (2) that provides diagnostic or  
4           testing services or treatment to individuals with a  
5           confirmed or possible diagnosis of COVID–19.

6           (2) HEALTH CARE PROVIDERS DESCRIBED.—A  
7           health care provider described in this paragraph is  
8           any of the following:

9                   (A) A health care provider enrolled as a  
10                  participating provider under a State plan ap-  
11                  proved under title XIX of the Social Security  
12                  Act (42 U.S.C. 1396 et seq.) (or a waiver of  
13                  such a plan).

14                  (B) A provider of services (as defined in  
15                  subsection (u) of section 1861 of the Social Se-  
16                  curity Act (42 U.S.C. 1395x)) or a supplier (as  
17                  defined in subsection (d) of such section) that  
18                  is enrolled as a participating provider of serv-  
19                  ices or participating supplier under the Medi-  
20                  care program under title XVIII of such Act (42  
21                  U.S.C. 1395 et seq.).

22                  (C) A public entity.

23                  (D) Any other entity not described in this  
24                  paragraph as the Secretary may specify.

25           (1) FUNDING.—



1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for an addi-  
3 tional amount to carry out this section  
4 \$50,000,000,000, to remain available until ex-  
5 pended.

6 (2) HEALTH CARE PROVIDER RELIEF FUND.—

7 (A) USE OF APPROPRIATED FUNDS.—

8 (i) IN GENERAL.—In addition to  
9 amounts authorized to be appropriated  
10 pursuant to paragraph (1), the unobligated  
11 balance of all amounts appropriated to the  
12 Health Care Provider Relief Fund shall be  
13 made available only to carry out this sec-  
14 tion.

15 (ii) AMOUNTS.—For purposes of  
16 clause (i), the following amounts are  
17 deemed to be appropriated to the Health  
18 Care Provider Relief Fund:

19 (I) The unobligated balance of  
20 the appropriation of  
21 \$100,000,000,000 in the third para-  
22 graph under the heading “Depart-  
23 ment of Health and Human Serv-  
24 ices—Office of the Secretary—Public  
25 Health and Social Services Emergency

1 Fund” in division B of the CARES  
2 Act (Public Law 116–136).

3 (II) The unobligated balance of  
4 the appropriation under the heading  
5 “Department of Health and Human  
6 Services—Office of the Secretary—  
7 Public Health and Social Services  
8 Emergency Fund” in division B of the  
9 Paycheck Protection Program and  
10 Health Care Enhancement Act (Pub-  
11 lic Law 116–139).

12 (B) LIMITATION.—Of the unobligated bal-  
13 ances described in subparagraph (A)(ii), the  
14 Secretary may not make available more than  
15 \$5,000,000,000 to reimburse eligible health  
16 care providers for expenses incurred in pro-  
17 viding uncompensated care.

18 (C) FUTURE AMOUNTS.—Any appropria-  
19 tion enacted subsequent to the date of enact-  
20 ment of this Act that is made available for re-  
21 imbursement eligible health care providers as de-  
22 scribed in subsection (a) shall be made available  
23 only to carry out this section.

1 **SEC. 612. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT**  
2 **PROGRAM.**

3 Part D of title III of the Public Health Service Act  
4 (42 U.S.C. 254b et seq.) is amended by adding at the end  
5 the following new subpart:

6 **“Subpart XIII—Public Health Workforce**

7 **“SEC. 340J. LOAN REPAYMENT PROGRAM.**

8 “(a) ESTABLISHMENT.—The Secretary of Health  
9 and Human Services shall establish a program to be  
10 known as the Public Health Workforce Loan Repayment  
11 Program (referred to in this section as the ‘Program’) to  
12 assure an adequate supply of and encourage recruitment  
13 of public health professionals to eliminate critical public  
14 health workforce shortages in local, State, territorial, and  
15 Tribal public health agencies.

16 “(b) ELIGIBILITY.—To be eligible to participate in  
17 the Program, an individual shall—

18 “(1)(A) be accepted for enrollment, or be en-  
19 rolled, as a student in an accredited academic edu-  
20 cational institution in a State or territory in the  
21 final semester or equivalent of a course of study or  
22 program leading to a public health degree, a health  
23 professions degree or certificate, or a degree in com-  
24 puter science, information science, information sys-  
25 tems, information technology, or statistics and have  
26 accepted employment with a local, State, territorial,

1 or Tribal public health agency, or a related training  
2 fellowship, as recognized by the Secretary, to com-  
3 mence upon graduation; or

4 “(B)(i) have graduated, during the preceding  
5 10-year period, from an accredited educational insti-  
6 tution in a State or territory and received a public  
7 health degree, a health professions degree or certifi-  
8 cate, or a degree in computer science, information  
9 science, information systems, information tech-  
10 nology, or statistics; and

11 “(ii) be employed by, or have accepted employ-  
12 ment with, a local, State, territorial, or Tribal public  
13 health agency or a related training fellowship, as  
14 recognized by the Secretary;

15 “(2) be a United States citizen;

16 “(3)(A) submit an application to the Secretary  
17 to participate in the Program; and

18 “(B) execute a written contract as required in  
19 subsection (c); and

20 “(4) not have received, for the same service, a  
21 reduction of loan obligations under section 428K or  
22 428L of the Higher Education Act of 1965 (20  
23 U.S.C. 1078–11, 1078–12).

1 “(c) CONTRACT.—The written contract referred to in  
2 subsection (b)(3)(B) between the Secretary and an indi-  
3 vidual shall contain—

4 “(1) an agreement on the part of the Secretary  
5 that the Secretary will repay, on behalf of the indi-  
6 vidual, loans incurred by the individual in the pur-  
7 suit of the relevant degree or certificate in accord-  
8 ance with the terms of the contract;

9 “(2) an agreement on the part of the individual  
10 that the individual will serve in the full-time employ-  
11 ment of a local, State, or Tribal public health agency  
12 or a related fellowship program in a position related  
13 to the course of study or program for which the con-  
14 tract was awarded for a period of time equal to the  
15 greater of—

16 “(A) 2 years; or

17 “(B) such longer period of time as deter-  
18 mined appropriate by the Secretary and the in-  
19 dividual;

20 “(3) an agreement, as appropriate, on the part  
21 of the individual to relocate to a priority service area  
22 (as determined by the Secretary) in exchange for an  
23 additional loan repayment incentive amount to be  
24 determined by the Secretary;

1           “(4) a provision that any financial obligation of  
2 the United States arising out of a contract entered  
3 into under this section and any obligation of the in-  
4 dividual that is conditioned thereon, is contingent on  
5 funds being appropriated for loan repayments under  
6 this section;

7           “(5) a statement of the damages to which the  
8 United States is entitled, under this section for the  
9 individual’s breach of the contract; and

10           “(6) such other statements of the rights and li-  
11 abilities of the Secretary and of the individual as the  
12 Secretary determines appropriate, not inconsistent  
13 with this section.

14           “(d) PAYMENTS.—

15           “(1) IN GENERAL.—A loan repayment provided  
16 for an individual under a written contract referred  
17 to in subsection (b)(3)(B) shall consist of payment,  
18 in accordance with paragraph (2), for the individual  
19 toward the outstanding principal and interest on  
20 education loans incurred by the individual in the  
21 pursuit of the relevant degree in accordance with the  
22 terms of the contract.

23           “(2) EQUITABLE DISTRIBUTION.—In awarding  
24 contracts under this section, the Secretary shall en-  
25 sure—

1           “(A) a certain percentage of contracts are  
2           awarded to individuals who are not already  
3           working in public health departments;

4           “(B) an equitable distribution of funds  
5           geographically; and

6           “(C) an equitable distribution among  
7           State, local, territorial, and Tribal public health  
8           departments.

9           “(3) PAYMENTS FOR YEARS SERVED.—For  
10          each year of service that an individual contracts to  
11          serve pursuant to subsection (c)(2), the Secretary  
12          may pay not more than \$35,000 on behalf of the in-  
13          dividual for loans described in paragraph (1). With  
14          respect to participants under the Program whose  
15          total eligible loans are less than \$105,000, the Sec-  
16          retary shall pay an amount that does not exceed  $\frac{1}{3}$   
17          of the eligible loan balance for each year of such  
18          service of such individual.

19          “(4) TAX LIABILITY.—For purposes of the In-  
20          ternal Revenue Code of 1986, a payment made  
21          under this section shall be treated in the same man-  
22          ner as an amount received under section 338B(g) of  
23          this Act, as described in section 108(f)(4) of such  
24          Code.

1       “(e) POSTPONING OBLIGATED SERVICE.—With re-  
2 spect to an individual receiving a degree or certificate from  
3 a health professions or other related school, the date of  
4 the initiation of the period of obligated service may be  
5 postponed as approved by the Secretary.

6       “(f) BREACH OF CONTRACT.—An individual who fails  
7 to comply with the contract entered into under subsection  
8 (c) shall be subject to the same financial penalties as pro-  
9 vided for under section 338E of the Public Health Service  
10 Act (42 U.S.C. 254o) for breaches of loan repayment con-  
11 tracts under section 338B of such Act (42 U.S.C. section  
12 254l–1).

13       “(g) DEFINITION.—For purposes of this section, the  
14 term ‘full-time’ means full-time as such term is used in  
15 section 455(m)(3) of the Higher Education Act of 1965.

16       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to carry out this section—

18               “(1) \$100,000,000 for fiscal year 2021; and

19               “(2) \$75,000,000 for fiscal year 2022.”.

20 **SEC. 613. EXPANDING CAPACITY FOR HEALTH OUTCOMES.**

21       (a) IN GENERAL.—The Secretary, acting through the  
22 Administrator of the Health Resources and Services Ad-  
23 ministration, shall award grants to eligible entities to de-  
24 velop and expand the use of technology-enabled collabo-  
25 rative learning and capacity building models to respond



1 to ongoing and real-time learning, health care information  
2 sharing, and capacity building needs related to COVID–  
3 19.

4 (b) ELIGIBLE ENTITIES.—To be eligible to receive a  
5 grant under this section, an entity shall have experience  
6 providing technology-enabled collaborative learning and  
7 capacity building health care services—

8 (1) in rural areas, frontier areas, health profes-  
9 sional shortage areas, or medically underserved area;  
10 or

11 (2) to medically underserved populations or In-  
12 dian Tribes.

13 (c) USE OF FUNDS.—An eligible entity receiving a  
14 grant under this section shall use funds received through  
15 the grant—

16 (1) to advance quality of care in response to  
17 COVID–19, with particular emphasis on rural and  
18 underserved areas and populations;

19 (2) to protect medical personnel and first re-  
20 sponders through sharing real-time learning through  
21 virtual communities of practice;

22 (3) to improve patient outcomes for conditions  
23 affected or exacerbated by COVID–19, including im-  
24 provement of care for patients with complex chronic  
25 conditions; and

1 (4) to support rapid uptake by health care pro-  
2 fessionals of emerging best practices and treatment  
3 protocols around COVID–19.

4 (d) OPTIONAL ADDITIONAL USES OF FUNDS.—An  
5 eligible entity receiving a grant under this section may use  
6 funds received through the grant for—

7 (1) equipment to support the use and expansion  
8 of technology-enabled collaborative learning and ca-  
9 pacity building models, including hardware and soft-  
10 ware that enables distance learning, health care pro-  
11 vider support, and the secure exchange of electronic  
12 health information;

13 (2) the participation of multidisciplinary expert  
14 team members to facilitate and lead technology-en-  
15 abled collaborative learning sessions, and profes-  
16 sionals and staff assisting in the development and  
17 execution of technology-enabled collaborative learn-  
18 ing;

19 (3) the development of instructional program-  
20 ming and the training of health care providers and  
21 other professionals that provide or assist in the pro-  
22 vision of services through technology-enabled collabo-  
23 rative learning and capacity building models; and

24 (4) other activities consistent with achieving the  
25 objectives of the grants awarded under this section.

1 (e) TECHNOLOGY-ENABLED COLLABORATIVE LEARN-  
2 ING AND CAPACITY BUILDING MODEL DEFINED.—In this  
3 section, the term “technology-enabled collaborative learn-  
4 ing and capacity building model” has the meaning given  
5 that term in section 2(7) of the Expanding Capacity for  
6 Health Outcomes Act (Public Law 114–270; 130 Stat.  
7 1395).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$20,000,000, to remain available until expended.

11 **SEC. 614. ADDITIONAL FUNDING FOR MEDICAL RESERVE**  
12 **CORPS.**

13 Section 2813(i) of the Public Health Service Act (42  
14 U.S.C. 300hh–15(i)) is amended by striking “\$11,200,000  
15 for each of fiscal years 2019 through 2023” and inserting  
16 “\$31,200,000 for each of fiscal years 2021 and 2022 and  
17 \$11,200,000 for each of fiscal years 2023 through 2025”.

18 **SEC. 615. GRANTS FOR SCHOOLS OF MEDICINE IN DIVERSE**  
19 **AND UNDERSERVED AREAS.**

20 Subpart II of part C of title VII of the Public Health  
21 Service Act is amended by inserting after section 749B  
22 of such Act (42 U.S.C. 293m) the following:

1 **“SEC. 749C. SCHOOLS OF MEDICINE IN UNDERSERVED**  
2 **AREAS.**

3 “(a) GRANTS.—The Secretary, acting through the  
4 Administrator of the Health Resources and Services Ad-  
5 ministration, may award grants to institutions of higher  
6 education (including multiple institutions of higher edu-  
7 cation applying jointly) for the establishment, improve-  
8 ment, and expansion of an allopathic or osteopathic school  
9 of medicine, or a branch campus of an allopathic or osteo-  
10 pathic school 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 cam-  
16 pus of an allopathic or osteopathic school of medi-  
17 cine, in a combined statistical area with fewer than  
18 200 actively practicing physicians per 100,000 resi-  
19 dents according to the medical board (or boards) of  
20 the State (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  
2 grant 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  
12 branch campus;

13           “(3) hiring faculty and other staff to serve at  
14 an allopathic or osteopathic school of medicine or  
15 branch 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  
21 branch campus;

22           “(6) modernizing infrastructure or curriculum  
23 at an existing allopathic or osteopathic school of  
24 medicine 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  
6 expansion of an allopathic or osteopathic school of  
7 medicine 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  
17 101(a) of the Higher Education Act of 1965.

18           “(e) AUTHORIZATION OF APPROPRIATIONS.—To  
19 carry out this section, there is authorized to be appro-  
20 priated \$1,000,000,000, to remain available until ex-  
21 pended.”.

22 **SEC. 616. GAO STUDY ON PUBLIC HEALTH WORKFORCE.**

23           “(a) IN GENERAL.—The Comptroller General of the  
24 United States shall conduct a study on the public health

1 workforce in the United States during the COVID–19  
2 pandemic.

3 (b) TOPICS.—The study under subsection (a) shall  
4 address—

5 (1) existing gaps in the Federal, State, local,  
6 Tribal, and territorial public health workforce, in-  
7 cluding—

8 (A) epidemiological and disease interven-  
9 tion specialists needed during the pandemic for  
10 contact tracing, laboratory technicians nec-  
11 essary for testing, community health workers  
12 for community supports and services, and other  
13 staff necessary for contact tracing, testing, or  
14 surveillance activities; and

15 (B) other personnel needed during the  
16 COVID–19 pandemic;

17 (2) challenges associated with the hiring, re-  
18 cruitment, and retention of the Federal, State, local,  
19 Tribal, and territorial public health workforce; and

20 (3) recommended steps the Federal Government  
21 should take to improve hiring, recruitment, and re-  
22 tention of the public health workforce.

23 (c) REPORT.—Not later than December 1, 2022, the  
24 Comptroller General shall submit to the Congress a report  
25 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 con-  
9 sultation with the Director of the Centers for Disease Con-  
10 trol and Prevention, shall conduct a longitudinal study,  
11 over not less than 10 years, on the full impact of SARS-  
12 CoV-2 or COVID-19 on infected individuals, including  
13 both short-term and long-term health impacts.

14 “(b) **TIMING.**—The Director of NIH shall begin en-  
15 rolling patients in the study under this section not later  
16 than 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,  
22 comorbidities, and underrepresented populations, in-  
23 cluding pregnant and lactating women;

24 “(3) study individuals with COVID-19 who ex-  
25perienced 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 symp-  
4 toms of individuals with COVID–19, or who had  
5 prenatal exposure to SARS–CoV–2 or COVID–19,  
6 including lung capacity and function, and immune  
7 response, taking into account any pharmaceutical  
8 interventions such individuals may have received;

9 “(5) monitor the mental health outcomes of in-  
10 dividuals 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  
22 NIH shall make public a summary of findings under this  
23 section not less frequently than once every 3 months for  
24 the first 2 years of the study, and not less frequently than  
25 every 6 months thereafter. Such summaries may include

1 information about how the findings of the study under this  
2 section compare with findings from research conducted  
3 abroad.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$200,000,000, to remain available until expended.”.

7 **SEC. 618. RESEARCH ON THE MENTAL HEALTH IMPACT OF**  
8 **COVID-19.**

9 (a) IN GENERAL.—The Secretary, acting through the  
10 Director of the National Institute of Mental Health, shall  
11 conduct or support research on the mental health con-  
12 sequences of SARS-CoV-2 or COVID-19.

13 (b) USE OF FUNDS.—Research under subsection (a)  
14 may include the following:

15 (1) Research on the mental health impact of  
16 SARS-CoV-2 or COVID-19 on health care pro-  
17 viders, including—

18 (A) traumatic stress;

19 (B) psychological distress; and

20 (C) psychiatric disorders.

21 (2) Research on the impact of SARS-CoV-2 or  
22 COVID-19 stressors on mental health over time.

23 (3) Research to strengthen the mental health  
24 response to SARS-CoV-2 or COVID-19, including

1 adapting to and maintaining or providing additional  
2 services for new or increasing mental health needs.

3 (4) Research on the reach, efficiency, effective-  
4 ness, and quality of digital mental health interven-  
5 tions.

6 (5) Research on effectiveness of strategies for  
7 implementation and delivery of evidence-based men-  
8 tal health interventions and services for underserved  
9 populations.

10 (6) Research on suicide prevention.

11 (c) RESEARCH COORDINATION.—The Secretary shall  
12 coordinate activities under this section with similar activi-  
13 ties conducted by national research institutes and centers  
14 of the National Institutes of Health to the extent that  
15 such institutes and centers have responsibilities that are  
16 related to the mental health consequences of SARS-CoV-  
17 2 or COVID-19.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
19 out this section, there is authorized to be appropriated  
20 \$200,000,000, to remain available until expended.

21 **SEC. 619. EMERGENCY MENTAL HEALTH AND SUBSTANCE**  
22 **USE TRAINING AND TECHNICAL ASSISTANCE**  
23 **CENTER.**

24 Subpart 3 of part B of title V of the Public Health  
25 Service Act (42 U.S.C. 290bb-31 et seq.) is amended by

1 inserting after section 520A (42 U.S.C. 290bb–32) the fol-  
2 lowing:

3 **“SEC. 520B. EMERGENCY MENTAL HEALTH AND SUB-**  
4 **STANCE USE TRAINING AND TECHNICAL AS-**  
5 **SISTANCE CENTER.**

6 “(a) ESTABLISHMENT.—The Secretary, acting  
7 through the Assistant Secretary, shall establish or operate  
8 a center to be known as the Emergency Mental Health  
9 and Substance Use Training and Technical Assistance  
10 Center (referred to in this section as the ‘Center’) to pro-  
11 vide technical assistance and support—

12 “(1) to public or nonprofit entities seeking to  
13 establish or expand access to mental health and sub-  
14 stance use prevention, treatment, and recovery sup-  
15 port services, and increase awareness of such serv-  
16 ices; and

17 “(2) to public health professionals, health care  
18 professionals and support staff, essential workers (as  
19 defined by a State, Tribe, locality, or territory), and  
20 members of the public to address the trauma, stress,  
21 and mental health needs associated with an emer-  
22 gency period.

23 “(b) ASSISTANCE AND SUPPORT.—The assistance  
24 and support provided under subsection (a) shall include  
25 assistance and support with respect to—

1           “(1) training on identifying signs of trauma,  
2           stress, and mental health needs;

3           “(2) providing accessible resources to assist in-  
4           dividuals and families experiencing trauma, stress,  
5           or other mental health needs during and after an  
6           emergency period;

7           “(3) providing resources for substance use dis-  
8           order prevention, treatment, and recovery designed  
9           to assist individuals and families during and after an  
10          emergency period;

11          “(4) the provision of language access services,  
12          including translation services, interpretation, or  
13          other such services for individuals with limited  
14          English speaking proficiency or people with disabil-  
15          ities; and

16          “(5) evaluation and improvement, as necessary,  
17          of the effectiveness of such services provided by pub-  
18          lic or nonprofit entities.

19          “(c) BEST PRACTICES.—The Center shall periodi-  
20          cally issue best practices for use by organizations seeking  
21          to provide mental health services or substance use disorder  
22          prevention, treatment, or recovery services to individuals  
23          during and after an emergency period.

1 “(d) EMERGENCY PERIOD.—In this section, the term  
2 ‘emergency period’ has the meaning given such term in  
3 section 1135(g)(1)(A) of the Social Security Act.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$20,000,000 for each of fiscal years 2021 and 2022.”.

7 **SEC. 620. IMPORTANCE OF THE BLOOD AND PLASMA SUP-**  
8 **PLY.**

9 (a) IN GENERAL.—Section 3226 of the CARES Act  
10 (Public Law 116–136) is amended—

11 (1) in the section heading after “**BLOOD**” by  
12 inserting “**AND PLASMA**”; and

13 (2) by inserting after “blood” each time it ap-  
14 pears “and plasma”.

15 (b) CONFORMING AMENDMENT.—The item relating  
16 to section 3226 in the table of contents in section 2 of  
17 the CARES Act (Public Law 116–136) is amended to read  
18 as follows:

“Sec. 3226. Importance of the blood and plasma supply.”.

19 **Subtitle B—Assistance for**  
20 **Individuals and Families**

21 **SEC. 631. REIMBURSEMENT FOR ADDITIONAL HEALTH**  
22 **SERVICES RELATING TO CORONAVIRUS.**

23 Title V of division A of the Families First  
24 Coronavirus Response Act (Public Law 116–127; 134  
25 Stat. 182) is amended under the heading “Department of

1 Health and Human Services—Office of the Secretary—  
2 Public Health and Social Services Emergency Fund” by  
3 inserting “, or treatment related to SARS-CoV-2 or  
4 COVID-19 for uninsured individuals” after “or visits de-  
5 scribed in paragraph (2) of such section for uninsured in-  
6 dividuals”.

7 **SEC. 632. CENTERS FOR DISEASE CONTROL AND PREVEN-**  
8 **TION COVID-19 RESPONSE LINE.**

9 (a) IN GENERAL.—During the public health emer-  
10 gency declared by the Secretary pursuant to section 319  
11 of the Public Health Service Act (42 U.S.C. 247d) on Jan-  
12 uary 31, 2020, with respect to COVID-19, the Secretary,  
13 acting through the Director of the Centers for Disease  
14 Control and Prevention, shall maintain a toll-free tele-  
15 phone number to address public health queries, including  
16 questions concerning COVID-19.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry  
18 out this section, there is authorized to be appropriated  
19 \$10,000,000, to remain available until expended.

20 **SEC. 633. GRANTS TO ADDRESS SUBSTANCE USE DURING**  
21 **COVID-19.**

22 (a) IN GENERAL.—The Assistant Secretary for Men-  
23 tal Health and Substance Use of the Department of  
24 Health and Human Services (in this section referred to  
25 as the “Assistant Secretary”), in consultation with the Di-

1 rector of the Centers for Disease Control and Prevention,  
2 shall award grants to States, political subdivisions of  
3 States, Tribes, Tribal organizations, and community-based  
4 entities to address the harms of drug misuse, including  
5 by—

6 (1) preventing and controlling the spread of in-  
7 fectious diseases, such as HIV/AIDS and viral hepa-  
8 titis, and the consequences of such diseases for indi-  
9 viduals with substance use disorder;

10 (2) connecting individuals at risk for or with a  
11 substance use disorder to overdose education, coun-  
12 seling, and health education; or

13 (3) encouraging such individuals to take steps  
14 to reduce the negative personal and public health  
15 impacts of substance use or misuse during the emer-  
16 gency period.

17 (b) CONSIDERATIONS.—In awarding grants under  
18 this section, the Assistant Secretary shall prioritize grants  
19 to applicants proposing to serve areas with—

20 (1) a high proportion of people who meet cri-  
21 teria for dependence on or abuse of illicit drugs who  
22 have not received any treatment;

23 (2) high drug overdose death rates;

24 (3) high telemedicine infrastructure needs; and



1 (4) high behavioral health and substance use  
2 disorder workforce needs.

3 (c) DEFINITION.—In this section, the term “emer-  
4 gency period” has the meaning given to such term in sec-  
5 tion 1135(g)(1)(B) of the Social Security Act (42 U.S.C.  
6 1320b–5(g)(1)(B)).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry  
8 out this section, there is authorized to be appropriated  
9 \$10,000,000, to remain available until expended.

10 **SEC. 634. GRANTS TO SUPPORT INCREASED BEHAVIORAL**  
11 **HEALTH NEEDS DUE TO COVID-19.**

12 (a) IN GENERAL.—The Secretary, acting through the  
13 Assistant Secretary of Mental Health and Substance Use,  
14 shall award grants to States, political subdivisions of  
15 States, Indian Tribes and Tribal organizations, commu-  
16 nity-based entities, and primary care and behavioral  
17 health organizations to address behavioral health needs  
18 caused by the public health emergency declared pursuant  
19 to section 319 of the Public Health Service Act (42 U.S.C.  
20 247d) with respect to COVID–19.

21 (b) USE OF FUNDS.—An entity that receives a grant  
22 under subsection (a) may use funds received through such  
23 grant to—

24 (1) increase behavioral health treatment and  
25 prevention capacity, including to—

1 (A) promote coordination among local enti-  
2 ties;

3 (B) train the behavioral health workforce,  
4 relevant stakeholders, and community members;

5 (C) upgrade technology to support effective  
6 delivery of health care services through tele-  
7 health modalities;

8 (D) purchase medical supplies and equip-  
9 ment for behavioral health treatment entities  
10 and providers;

11 (E) address surge capacity for behavioral  
12 health needs such as through mobile units; and

13 (F) promote collaboration between primary  
14 care and mental health providers; and

15 (2) support or enhance behavioral health serv-  
16 ices, including—

17 (A) emergency crisis intervention, includ-  
18 ing mobile crisis units, 24/7 crisis call centers,  
19 and medically staffed crisis stabilization pro-  
20 grams;

21 (B) screening, assessment, diagnosis, and  
22 treatment;

23 (C) mental health awareness trainings;

24 (D) evidence-based suicide prevention;

25 (E) evidence-based integrated care models;

1 (F) community recovery supports;

2 (G) outreach to underserved and minority  
3 communities; and

4 (H) for front line health care workers.

5 (c) PRIORITY.—The Secretary shall give priority to  
6 applicants proposing to serve areas with a high number  
7 of COVID–19 cases.

8 (d) EVALUATION.—An entity that receives a grant  
9 under this section shall prepare and submit an evaluation  
10 to the Secretary at such time, in such manner, and con-  
11 taining such information as the Secretary may reasonably  
12 require, including—

13 (1) an evaluation of activities carried out with  
14 funds received through the grant; and

15 (2) a process and outcome evaluation.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry  
17 out this section, there is authorized to be appropriated  
18 \$50,000,000 for each of fiscal years 2021 and 2022, to  
19 remain available until expended.

## 20 **Subtitle C—Assistance to Tribes**

### 21 **SEC. 641. IMPROVING STATE, LOCAL, AND TRIBAL PUBLIC** 22 **HEALTH SECURITY.**

23 Section 319C–1 of the Public Health Service Act (42  
24 U.S.C. 247d–3a) is amended—

1 (1) in the section heading, by striking “**AND**  
2 **LOCAL**” and inserting “**, LOCAL, AND TRIBAL**”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

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

7 (ii) in subparagraph (C), by striking  
8 “and” at the end and inserting “or”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(D) be an Indian Tribe, Tribal organization,  
12 or a consortium of Indian Tribes or Tribal organiza-  
13 tions; and”; and

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara-  
16 graph (A), by inserting “, as applicable”  
17 after “including”;

18 (ii) in subparagraph (A)(viii)—

19 (I) by inserting “and Tribal”  
20 after “with State”;

21 (II) by striking “(as defined in  
22 section 8101 of the Elementary and  
23 Secondary Education Act of 1965)”  
24 and inserting “and Tribal educational  
25 agencies (as defined in sections 8101

1 and 6132, respectively, of the Elemen-  
2 tary and Secondary Education Act of  
3 1965”); and

4 (III) by inserting “and Tribal”  
5 after “and State”;

6 (iii) in subparagraph (G), by striking  
7 “and tribal” and inserting “Tribal, and  
8 urban Indian organization”; and

9 (iv) in subparagraph (H), by inserting  
10 “, Indian Tribes, and urban Indian organi-  
11 zations” after “public health”;

12 (3) in subsection (e), by inserting “Indian  
13 Tribes, Tribal organizations, urban Indian organiza-  
14 tions,” after “local emergency plans,”;

15 (4) in subsection (g)(1), by striking “tribal offi-  
16 cials” and inserting “Tribal officials”;

17 (5) in subsection (h)—

18 (A) in paragraph (1)(A)—

19 (i) by striking “through 2023” and  
20 inserting “and 2020”; and

21 (ii) by inserting before the period “;  
22 and \$690,000,000 for each of fiscal years  
23 2021 through 2024 for awards pursuant to  
24 paragraph (3) (subject to the authority of  
25 the Secretary to make awards pursuant to

1 paragraphs (4) and (5)) and paragraph  
2 (8), of which not less than \$5,000,000  
3 shall be reserved each fiscal year for  
4 awards under paragraph (8)”;

5 (B) in paragraph (2)(B), by striking “trib-  
6 al public” and inserting “Tribal public”;

7 (C) in the heading of paragraph (3), by in-  
8 serting “FOR STATES” after “AMOUNT”; and

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

10 “(8) TRIBAL ELIGIBLE ENTITIES.—

11 “(A) DETERMINATION OF FUNDING  
12 AMOUNT.—

13 “(i) IN GENERAL.—The Secretary  
14 shall award at least 10 cooperative agree-  
15 ments under this section, in amounts not  
16 less than the minimum amount determined  
17 under clause (ii), to eligible entities de-  
18 scribed in subsection (b)(1)(D) that sub-  
19 mits to the Secretary an application that  
20 meets the criteria of the Secretary for the  
21 receipt of such an award and that meets  
22 other reasonable implementation conditions  
23 established by the Secretary, in consulta-  
24 tion with Indian Tribes, for such awards.  
25 If the Secretary receives more than 10 ap-

1            plications under this section from eligible  
2            entities described in subsection (b)(1)(D)  
3            that meet the criteria and conditions de-  
4            scribed in the previous sentence, the Sec-  
5            retary, in consultation with Indian Tribes,  
6            may make additional awards under this  
7            section to such entities.

8            “(ii) MINIMUM AMOUNT.—In deter-  
9            mining the minimum amount of an award  
10           pursuant to clause (i), the Secretary, in  
11           consultation with Indian Tribes, shall first  
12           determine an amount the Secretary con-  
13           siders appropriate for the eligible entity.

14           “(B) AVAILABLE UNTIL EXPENDED.—  
15           Amounts provided to a Tribal eligible entity  
16           under a cooperative agreement under this sec-  
17           tion for a fiscal year and remaining unobligated  
18           at the end of such year shall remain available  
19           to such entity during the entirety of the per-  
20           formance period, for the purposes for which  
21           said funds were provided.

22           “(C) NO MATCHING REQUIREMENT.—Sub-  
23           paragraphs (B), (C), and (D) of paragraph (1)  
24           shall not apply with respect to cooperative  
25           agreements awarded under this section to eligi-

1 ble entities described in subsection (b)(1)(D).”;

2 and

3 (6) by adding at the end the following:

4 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE  
5 ENTITIES.—

6 “(1) MODIFICATIONS.—After consultation with  
7 Indian Tribes, the Secretary may make necessary  
8 and appropriate modifications to the program under  
9 this section to facilitate the use of the cooperative  
10 agreement program by eligible entities described in  
11 subsection (b)(1)(D).

12 “(2) WAIVERS.—

13 “(A) IN GENERAL.—Except as provided in  
14 subparagraph (B), the Secretary may waive or  
15 specify alternative requirements for any provi-  
16 sion of this section (including regulations) that  
17 the Secretary administers in connection with  
18 this section if the Secretary finds that the waiv-  
19 er or alternative requirement is necessary for  
20 the effective delivery and administration of this  
21 program with respect to eligible entities de-  
22 scribed in subsection (b)(1)(D).

23 “(B) EXCEPTION.—The Secretary may not  
24 waive or specify alternative requirements under



1           subparagraph (A) relating to labor standards or  
2           the environment.

3           “(3) CONSULTATION.—The Secretary shall con-  
4           sult with Indian Tribes and Tribal organizations on  
5           the design of this program with respect to such  
6           Tribes and organizations to ensure the effectiveness  
7           of the program in enhancing the security of Indian  
8           Tribes with respect to public health emergencies.

9           “(4) REPORTING.—

10           “(A) IN GENERAL.—Not later than 2 years  
11           after the date of enactment of this subsection,  
12           and as an addendum to the biennial evaluations  
13           required under subsection (k), the Secretary, in  
14           coordination with the Director of the Indian  
15           Health Service, shall—

16           “(i) conduct a review of the implemen-  
17           tation of this section with respect to eligi-  
18           ble entities described in subsection  
19           (b)(1)(D), including any factors that may  
20           have limited its success; and

21           “(ii) submit a report describing the  
22           results of the review described in clause (i)  
23           to—

24           “(I) the Committee on Indian Af-  
25           fairs, the Committee on Health, Edu-

1 cation, Labor and Pensions, and the  
2 Committee on Appropriations of the  
3 Senate; and

4 “(II) the Subcommittee for In-  
5 digenous Peoples of the United States  
6 of the Committee on Natural Re-  
7 sources, the Committee on Energy  
8 and Commerce, and the Committee on  
9 Appropriations of the House of Rep-  
10 resentatives.

11 “(B) ANALYSIS OF TRIBAL PUBLIC  
12 HEALTH EMERGENCY INFRASTRUCTURE LIM-  
13 TATION.—The Secretary shall include in the  
14 initial report submitted under subparagraph (A)  
15 a description of any public health emergency in-  
16 frastructure limitation encountered by eligible  
17 entities described in subsection (b)(1)(D).”.

18 **SEC. 642. PROVISION OF ITEMS TO INDIAN PROGRAMS AND**  
19 **FACILITIES.**

20 (a) STRATEGIC NATIONAL STOCKPILE.—Section  
21 319F–2(a)(3)(G) of the Public Health Service Act (42  
22 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting “, and,  
23 in the case that the Secretary deploys the stockpile under  
24 this subparagraph, ensure, in coordination with the appli-  
25 cable States and programs and facilities, that appropriate

1 drugs, vaccines and other biological products, medical de-  
2 vices, and other supplies are deployed by the Secretary di-  
3 rectly to health programs or facilities operated by the In-  
4 dian Health Service, an Indian Tribe, a Tribal organiza-  
5 tion (as those terms are defined in section 4 of the Indian  
6 Self-Determination and Education Assistance Act (25  
7 U.S.C. 5304)), or an inter-Tribal consortium (as defined  
8 in section 501 of the Indian Self-Determination and Edu-  
9 cation Assistance Act (25 U.S.C. 5381)) or through an  
10 urban Indian organization (as defined in section 4 of the  
11 Indian Health Care Improvement Act), while avoiding du-  
12 plicative distributions to such programs or facilities” be-  
13 fore the semicolon.

14 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-  
15 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the  
16 Public Health Service Act (42 U.S.C. 241 et seq.) is  
17 amended by inserting after section 319F–4 the following:

18 **“SEC. 319F–5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**  
19 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**  
20 **AND FACILITIES.**

21 “In the case that the Secretary distributes qualified  
22 pandemic or epidemic products (as defined in section  
23 319F–3(i)(7)) to States or other entities, the Secretary  
24 shall ensure, in coordination with the applicable States  
25 and programs and facilities, that, as appropriate, such

1 products are distributed directly to health programs or fa-  
2 cilities operated by the Indian Health Service, an Indian  
3 Tribe, a Tribal organization (as those terms are defined  
4 in section 4 of the Indian Self-Determination and Edu-  
5 cation Assistance Act (25 U.S.C. 5304)), or an inter-Trib-  
6 al consortium (as defined in section 501 of the Indian  
7 Self-Determination and Education Assistance Act (25  
8 U.S.C. 5381)) or through an urban Indian organization  
9 (as defined in section 4 of the Indian Health Care Im-  
10 provement Act), while avoiding duplicative distributions to  
11 such programs or facilities.”.

12 **SEC. 643. HEALTH CARE ACCESS FOR URBAN NATIVE VET-**  
13 **ERANS.**

14 Section 405 of the Indian Health Care Improvement  
15 Act (25 U.S.C. 1645) is amended—

16 (1) in subsection (a)(1), by inserting “urban In-  
17 dian organizations,” before “and tribal organiza-  
18 tions”; and

19 (2) in subsection (c)—

20 (A) by inserting “urban Indian organiza-  
21 tion,” before “or tribal organization”; and

22 (B) by inserting “an urban Indian organi-  
23 zation,” before “or a tribal organization”.

1 **SEC. 644. TRIBAL SCHOOL FEDERAL INSURANCE PARITY.**

2 Section 409 of the Indian Health Care Improvement  
3 Act (25 U.S.C. 1647b) is amended by inserting “or the  
4 Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501  
5 et seq.)” after “(25 U.S.C. 450 et seq.)”.

6 **SEC. 645. PRC FOR NATIVE VETERANS.**

7 Section 405(c) of the Indian Health Care Improve-  
8 ment Act (25 U.S.C. 1645) is amended by inserting before  
9 the period at the end the following: “, regardless of wheth-  
10 er such services are provided directly by the Service, an  
11 Indian tribe, or tribal organization, through contract  
12 health services, or through a contract for travel described  
13 in section 213(b)”.

14 **Subtitle D—Public Health**  
15 **Assistance to Essential Workers**

16 **SEC. 651. CONTAINMENT AND MITIGATION FOR ESSENTIAL**  
17 **WORKERS PROGRAM.**

18 (a) PROGRAM.—The Secretary, acting through the  
19 Director of the Centers for Disease Control and Preven-  
20 tion and in consultation with the Director of the National  
21 Institute for Occupational Safety and Health, shall estab-  
22 lish a COVID–19 containment and mitigation for essential  
23 workers program consisting of awarding grants under sub-  
24 section (b).

25 (b) GRANTS.—For the purpose of improving essential  
26 worker safety, the Secretary—

1 (1) shall award a grant to each State health de-  
2 partment; and

3 (2) may award grants on a competitive basis to  
4 State, local, Tribal, or territorial health depart-  
5 ments.

6 (c) USE OF FUNDS.—A State, local, Tribal, or terri-  
7 torial health department receiving a grant under sub-  
8 section (b) shall use the grant funds—

9 (1) to purchase or procure personal protective  
10 equipment and rapid testing equipment and supplies  
11 for distribution to employers of essential workers, in-  
12 cluding public employers; or

13 (2) to support the implementation of other  
14 workplace safety measures for use in containment  
15 and mitigation of COVID–19 transmission among  
16 essential workers in their workplaces, including  
17 workplaces of public employers.

18 (d) FORMULA GRANTS TO STATE HEALTH DEPART-  
19 MENTS.—In making grants under subsection (b)(1), the  
20 Secretary shall award funds to each State health depart-  
21 ment in accordance with a formula based on overall popu-  
22 lation size, essential workers population size, and burden  
23 of COVID–19.

24 (e) COMPETITIVE GRANTS TO STATE, LOCAL, TRIB-  
25 AL, AND TERRITORIAL HEALTH DEPARTMENTS.—In

1 making grants under subsection (b)(2), the Secretary shall  
2 give priority to applicants demonstrating a commitment  
3 to containing and mitigating COVID–19 among racial and  
4 ethnic minority groups who are disproportionately rep-  
5 resented in essential worker settings.

6 (f) NO DUPLICATIVE ASSISTANCE LIMITATION.—

7 The Secretary may not provide, and a State, local, Tribal,  
8 or territorial health department, or employer of essential  
9 workers may not accept, assistance under this section for  
10 containment and mitigation of COVID–19 transmission  
11 among essential workers in their workplaces with respect  
12 to which—

13 (1) the State, local, Tribal, or territorial health  
14 department, or employer of essential workers re-  
15 ceives assistance from other sources for such pur-  
16 poses; or

17 (2) other sources are obligated to provide as-  
18 sistance to such health department or employer for  
19 such purposes.

20 (g) TECHNICAL ASSISTANCE.—In carrying out the  
21 program under this section, the Secretary shall provide  
22 technical assistance to State, local, Tribal, or territorial  
23 health departments.

24 (h) REPORT.—No later than 90 days after the date  
25 of enactment of this Act, and every 90 days thereafter,

1 the Secretary shall submit to the Committee on Energy  
2 and Commerce and the Committee on Education and  
3 Labor of the House of Representatives and the Committee  
4 on Health, Education, Labor, and Pensions of the Senate  
5 a report on the activities funded through this section, in-  
6 cluding—

7 (1) the amount expended and the awardees  
8 under subsection (b)(1);

9 (2) the amount expended and the awardees  
10 under subsection (b)(2);

11 (3) the total amount remaining of the amounts  
12 appropriated or otherwise made available to carry  
13 out this section under subsection (i); and

14 (4) evaluating the progress of State, local, Trib-  
15 al, and territorial health departments in reducing  
16 COVID–19 burden among essential workers.

17 (i) CONSULTATION WITH ESSENTIAL EMPLOYERS,  
18 ESSENTIAL WORKERS, AND EMPLOYEE REPRESENTA-  
19 TIVES OF ESSENTIAL WORKERS.—

20 (1) IN GENERAL.—In developing the strategy  
21 and program under subsection (a) and in deter-  
22 mining criteria for distribution of competitive grants  
23 under this section, the Secretary of Health and  
24 Human Services, acting through the Director of the  
25 Centers for Disease Control and Prevention and in



1 consultation with the Director of the National Insti-  
2 tute for Occupational Safety and Health, shall con-  
3 sult in advance with—

4 (A) employers of essential workers;

5 (B) representatives of essential workers;

6 and

7 (C) labor organizations representing essen-  
8 tial workers.

9 (2) OPTIONAL ADVANCE CONSULTATION.—A  
10 State health department may, before receiving fund-  
11 ing through a grant under this section, consult with  
12 employers of essential workers, representatives of  
13 workers, and labor organizations representing essen-  
14 tial workers in determining—

15 (A) priorities for the use of such funds;

16 and

17 (B) the distribution of COVID–19 contain-  
18 ment and mitigation equipment and supplies.

19 (j) DEFINITIONS.—In this section:

20 (1) The term “essential worker” refers to—

21 (A) the “essential critical infrastructure  
22 workers” identified in the Department of  
23 Homeland Security’s “Advisory Memorandum  
24 on Ensuring Essential Critical Infrastructure  
25 Workers Ability to Work During the COVID–

1 19 Response” released on August 18, 2020 (or  
2 any successor document); and

3 (B) workers included as essential workers  
4 in executive orders issued by the Governor of a  
5 State.

6 (2) The term “containment and mitigation” in-  
7 cludes the use of—

8 (A) personal protective equipment;

9 (B) other protections, including expanding  
10 or improving workplace infrastructure through  
11 engineering and work practice controls, such as  
12 ventilation systems, plexiglass partitions, air fil-  
13 ters, and the use of hand sanitizer or sanitation  
14 supplies;

15 (C) access to medical evaluations, testing  
16 (including rapid testing), and contact tracing;  
17 and

18 (D) other related activities or equipment  
19 recommended or required by the Director of  
20 Centers of Disease Control and Prevention or  
21 required pursuant to the Occupational Safety  
22 and Health Act of 1970 (29 U.S.C. 651 et seq.)  
23 or a State plan approved pursuant to section 18  
24 of that Act (29 U.S.C. 667); and

1 (k) AUTHORIZATION OF APPROPRIATIONS.—To carry  
2 out this section, there is authorized to be appropriated  
3 \$2,000,000,000, to remain available until expended.

4 **TITLE VII—VACCINE DEVELOP-**  
5 **MENT, DISTRIBUTION, ADMIN-**  
6 **ISTRATION, AND AWARENESS**

7 **SEC. 701. DEFINITIONS.**

8 In this title:

9 (1) The term “ancillary medical supplies” in-  
10 cludes—

11 (A) vials;

12 (B) bandages;

13 (C) alcohol swabs;

14 (D) syringes;

15 (E) needles;

16 (F) gloves, masks, and other personal pro-  
17 tective equipment;

18 (G) cold storage equipment; and

19 (H) other products the Secretary deter-  
20 mines necessary for the administration of vac-  
21 cines.

22 (2) The term “Secretary” means the Secretary  
23 of Health and Human Services.

1 **SEC. 702. VACCINE AND THERAPEUTIC DEVELOPMENT AND**  
2 **PROCUREMENT.**

3 (a) ENHANCING DEVELOPMENT, PROCUREMENT AND  
4 MANUFACTURING CAPACITY.—

5 (1) IN GENERAL.—The Secretary shall, as ap-  
6 propriate, award contracts, grants, and cooperative  
7 agreements, and, where otherwise allowed by law,  
8 enter into other transactions, for purposes of—

9 (A) expanding and enhancing COVID–19  
10 and SARS–CoV–2 vaccine and therapeutic de-  
11 velopment and research;

12 (B) procurement of COVID–19 and  
13 SARS–CoV–2 vaccines, therapeutics, and ancil-  
14 lary medical supplies; and

15 (C) expanding and enhancing capacity for  
16 manufacturing vaccines, therapeutics, and ancil-  
17 lary medical supplies to prevent the spread of  
18 COVID–19 and SARS–CoV–2 and .

19 (2) AUTHORIZATION OF APPROPRIATIONS.—To  
20 carry out this subsection, there is authorized to be  
21 appropriated \$20,000,000,000 for the period of fis-  
22 cal years 2021 through 2025, to remain available  
23 until expended.

24 (b) REPORT ON VACCINE MANUFACTURING AND AD-  
25 MINISTRATION CAPACITY.—Not later than December 1,  
26 2020, the Secretary shall submit to the Committee on En-

1 ergy and Commerce and the Committee on Appropriations  
2 of the House of Representatives and the Committee on  
3 Health, Education, Labor and Pensions and the Com-  
4 mittee on Appropriations of the Senate a report detail-  
5 ing—

6 (1) an assessment of the estimated supply of  
7 vaccines and ancillary medical supplies related to  
8 vaccine administration necessary to control and stop  
9 the spread of SARS-CoV-2 and COVID-19, domes-  
10 tically and internationally;

11 (2) an assessment of current and future domes-  
12 tic capacity for manufacturing vaccines or vaccine  
13 candidates to control or stop the spread of SARS-  
14 CoV-2 and COVID-19 and ancillary medical sup-  
15 plies related to the administration of such vaccines,  
16 including—

17 (A) identification of any gaps in capacity  
18 for manufacturing; and

19 (B) the effects of shifting manufacturing  
20 resources to address COVID-19;

21 (3) activities conducted to expand and enhance  
22 capacity for manufacturing vaccines, vaccine can-  
23 didates, and ancillary medical supplies to levels suffi-  
24 cient to control and stop the spread of SARS-CoV-  
25 2 and COVID-19, domestically and internationally,

1 including a list and explanation of all contracts,  
2 grants, and cooperative agreements awarded, and  
3 other transactions entered into, for purposes of such  
4 expansion and enhancement and how such activities  
5 will help to meet future domestic manufacturing ca-  
6 pacity needs;

7 (4) a plan for the ongoing support of enhanced  
8 capacity for manufacturing vaccines, vaccine can-  
9 didates, and ancillary medical supplies sufficient to  
10 control and stop the spread of SARS-CoV-2 and  
11 COVID-19, domestically and internationally; and

12 (5) a plan to support the distribution and ad-  
13 ministration of vaccines approved or authorized by  
14 the Food and Drug Administration to control and  
15 stop the spread of SARS-CoV-2 and COVID-19,  
16 domestically and internationally, including Federal  
17 workforce enhancements necessary to administer  
18 such vaccines.

19 **SEC. 703. VACCINE DISTRIBUTION AND ADMINISTRATION.**

20 (a) IN GENERAL.—The Secretary, acting through the  
21 Director of the Centers for Disease Control and Preven-  
22 tion, shall—

23 (1) conduct activities to enhance, expand, and  
24 improve nationwide COVID-19 and SARS-CoV-2  
25 vaccine distribution and administration, including

1 activities related to distribution of ancillary medical  
2 supplies; and

3 (2) award grants or cooperative agreements to  
4 State, local, Tribal, and territorial public health de-  
5 partments for enhancement of COVID-19 and  
6 SARS-CoV-2 vaccine distribution and administra-  
7 tion capabilities, including—

8 (A) distribution of vaccines approved or  
9 authorized by the Food and Drug Administra-  
10 tion;

11 (B) distribution of ancillary medical sup-  
12 plies;

13 (C) workforce enhancements;

14 (D) information technology and data en-  
15 hancements, including—

16 (i) enhancements for purposes of  
17 maintaining and tracking real-time infor-  
18 mation related to vaccine distribution and  
19 administration; and

20 (ii) enhancements to improve immuni-  
21 zation information systems, including pa-  
22 tient matching capabilities and the inter-  
23 operability of such systems, that are ad-  
24 ministered by State, local, Tribal, and ter-  
25 ritorial public health departments and used

1 by health care providers and health care  
2 facilities; and  
3 (E) facilities enhancements.

4 (b) REPORT TO CONGRESS.—Not later than Decem-  
5 ber 31, 2020, and annually thereafter, the Secretary shall  
6 submit a report to the Committee on Energy and Com-  
7 merce and the Committee on Appropriations of the House  
8 of Representatives and the Committee on Health, Edu-  
9 cation, Labor, and Pensions and the Committee on Appro-  
10 priations of the Senate detailing activities carried out and  
11 grants and cooperative agreements awarded under this  
12 section.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry  
14 out this section, there is authorized to be appropriated  
15 \$7,000,000,000 for the period of fiscal years 2021  
16 through 2025, to remain available until expended.

17 **SEC. 704. STOPPING THE SPREAD OF COVID-19 AND OTHER**  
18 **INFECTIOUS DISEASES THROUGH EVIDENCE-**  
19 **BASED VACCINE AWARENESS.**

20 (a) IN GENERAL.—The Public Health Service Act is  
21 amended by striking section 313 of such Act (42 U.S.C.  
22 245) and inserting the following:



1 **“SEC. 313. PUBLIC AWARENESS CAMPAIGN ON THE IMPOR-**  
2 **TANCE OF VACCINATIONS.**

3 “(a) IN GENERAL.—The Secretary, acting through  
4 the Director of the Centers for Disease Control and Pre-  
5 vention and in coordination with other offices and agen-  
6 cies, as appropriate, shall award competitive grants or  
7 contracts to one or more public or private entities to carry  
8 out a national, evidence-based campaign for increasing  
9 rates of vaccination across all ages, as applicable, particu-  
10 larly in communities with low rates of vaccination, to re-  
11 duce and eliminate vaccine-preventable diseases by—

12 “(1) increasing awareness and knowledge of the  
13 safety and effectiveness of vaccines approved or au-  
14 thorized by the Food and Drug Administration for  
15 the prevention and control of diseases, including  
16 COVID–19;

17 “(2) combating misinformation about vaccines;  
18 and

19 “(3) disseminating scientific and evidence-based  
20 vaccine-related information.

21 “(b) CONSULTATION.—In carrying out the campaign  
22 under this section, the Secretary shall consult with appro-  
23 priate public health and medical experts, including the Na-  
24 tional Academy of Medicine and medical and public health  
25 associations and nonprofit organizations, in the develop-

1 ment, implementation, and evaluation of the campaign  
2 under this section.

3 “(c) REQUIREMENTS.—The campaign under this sec-  
4 tion shall—

5 “(1) be a nationwide, evidence-based media and  
6 public engagement initiative;

7 “(2) include the development of resources for  
8 communities with low rates of vaccination, including  
9 culturally and linguistically appropriate resources, as  
10 applicable;

11 “(3) include the dissemination of vaccine infor-  
12 mation and communication resources to public  
13 health departments, health care providers, and  
14 health care facilities, including such providers and  
15 facilities that provide prenatal and pediatric care;

16 “(4) be complementary to, and coordinated  
17 with, any other Federal, State, local, or Tribal ef-  
18 forts;

19 “(5) assess the effectiveness of communication  
20 strategies to increase rates of vaccination; and

21 “(6) not be used for partisan political purposes,  
22 or to express advocacy in support of or to defeat any  
23 clearly identified candidate, clearly identified ballot  
24 initiative, or clearly identified legislative or regu-  
25 latory proposal.

1           “(d) ADDITIONAL ACTIVITIES.—The campaign under  
2 this section may—

3           “(1) include the use of television, radio, the  
4 internet, and other media and telecommunications  
5 technologies;

6           “(2) include the use of in-person activities;

7           “(3) be focused and directed to address specific  
8 needs of communities and populations with low rates  
9 of vaccination; and

10           “(4) include the dissemination of scientific and  
11 evidence-based vaccine-related information, such  
12 as—

13           “(A) advancements in evidence-based re-  
14 search related to diseases that may be pre-  
15 vented by vaccines and vaccine development;

16           “(B) information on vaccinations for indi-  
17 viduals and communities, including individuals  
18 for whom vaccines are not recommended by the  
19 Advisory Committee for Immunization Prac-  
20 tices, and the effects of low vaccination rates  
21 within a community on such individuals;

22           “(C) information on diseases that may be  
23 prevented by vaccines; and

24           “(D) information on vaccine safety and the  
25 systems in place to monitor vaccine safety.

1 “(e) EVALUATION.—The Secretary shall—

2 “(1) establish benchmarks and metrics to quan-  
3 titatively measure and evaluate the campaign under  
4 this section;

5 “(2) conduct qualitative assessments regarding  
6 the campaign under this section; and

7 “(3) prepare and submit to the Committee on  
8 Energy and Commerce of the House of Representa-  
9 tives and the Committee on Health, Education,  
10 Labor, and Pensions of the Senate an evaluation of  
11 the campaign under this section.

12 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made  
13 available to carry out this section shall be used to supple-  
14 ment and not supplant other Federal, State, local, and  
15 Tribal public funds provided for activities described in this  
16 section.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
18 is authorized to be appropriated to carry out this section  
19 \$200,000,000 for the period of fiscal years 2021 through  
20 2025.”.

21 (b) GRANTS TO ADDRESS VACCINE-PREVENTABLE  
22 DISEASES.—Section 317 of the Public Health Service Act  
23 (42 U.S.C. 247b) is amended—

24 (1) in subsection (k)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (C), by striking “;  
2 and” at the end and inserting a semicolon;

3 (ii) in subparagraph (D), by striking  
4 the period at the end and inserting a semi-  
5 colon; and

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

8 “(E) planning, implementation, and evaluation  
9 of activities to address vaccine-preventable diseases,  
10 including activities—

11 “(i) to identify communities at high risk of  
12 outbreaks related to vaccine-preventable dis-  
13 eases, including through improved data collec-  
14 tion and analysis;

15 “(ii) to pilot innovative approaches to im-  
16 prove vaccination rates in communities and  
17 among populations with low rates of vaccina-  
18 tion;

19 “(iii) to reduce barriers to accessing vac-  
20 cines and evidence-based information about the  
21 health effects of vaccines;

22 “(iv) to partner with community organiza-  
23 tions and health care providers to develop and  
24 deliver evidence-based, culturally and linguis-

1 tically appropriate interventions to increase vac-  
2 cination rates;

3 “(v) to improve delivery of evidence-based  
4 vaccine-related information to parents and oth-  
5 ers; and

6 “(vi) to improve the ability of State, local,  
7 Tribal, and territorial public health depart-  
8 ments to engage communities at high risk for  
9 outbreaks related to vaccine-preventable dis-  
10 eases, including, as appropriate, with local edu-  
11 cational agencies (as defined in section 8101 of  
12 the Elementary and Secondary Education Act  
13 of 1965); and

14 “(F) research related to strategies for improv-  
15 ing awareness of scientific and evidence-based vac-  
16 cine-related information, including for communities  
17 with low rates of vaccination, in order to understand  
18 barriers to vaccination, improve vaccination rates,  
19 and assess the public health outcomes of such strate-  
20 gies.”; and

21 (B) by adding at the end the following:

22 “(5) In addition to amounts authorized to be appro-  
23 priated by subsection (j) to carry out this subsection, there  
24 is authorized to be appropriated to carry out this sub-

1 section \$750,000,000 for the period of fiscal years 2021  
2 through 2025.”; and

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

4 “(n) VACCINATION DATA.—

5 “(1) IN GENERAL.—The Secretary, acting  
6 through the Director of the Centers for Disease  
7 Control and Prevention, shall expand and enhance,  
8 and, as appropriate, establish and improve, pro-  
9 grams and conduct activities to collect, monitor, and  
10 analyze vaccination coverage data to assess levels of  
11 protection from vaccine-preventable diseases includ-  
12 ing COVID–19, including by—

13 “(A) assessing factors contributing to un-  
14 derutilization of vaccines and variations of such  
15 factors; and

16 “(B) identifying communities at high risk  
17 of outbreaks associated with vaccine-preventable  
18 diseases.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out  
21 this section \$50,000,000 for the period of fiscal  
22 years 2021 through 2025.”.

23 (c) SUPPLEMENTAL GRANT FUNDS.—Section  
24 330(d)(1) of the Public Health Service Act (42 U.S.C.  
25 254b(d)(1)) is amended—

1 (1) in subparagraph (F), by striking “and” at  
2 the end;

3 (2) in subparagraph (G), by striking the period  
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(H) improving access to recommended  
7 immunizations.”.

8 (d) UPDATE OF 2015 NVAC REPORT.—The National  
9 Vaccine Advisory Committee established under section  
10 2105 of the Public Health Service Act (42 U.S.C. 300aa–  
11 5) shall, as appropriate, update the report entitled, “As-  
12 sessing the State of Vaccine Confidence in the United  
13 States: Recommendations from the National Vaccine Advi-  
14 sory Committee”, approved by the National Vaccine Advi-  
15 sory Committee on June 10, 2015, with respect to factors  
16 affecting childhood vaccination.

## 17 **TITLE VIII—OTHER MATTERS**

### 18 **SEC. 801. NON-DISCRIMINATION.**

19 (a) IN GENERAL.—Notwithstanding any provision of  
20 a covered law (or an amendment made in any such provi-  
21 sion), no person otherwise eligible shall be excluded from  
22 participation in, denied the benefits of, or subjected to dis-  
23 crimination in the administration of, programs and serv-  
24 ices receiving funding under a covered law (or an amend-  
25 ment made by a provision of such a covered law), based



1 on any factor that is not merit-based, such as age, dis-  
2 ability, sex (including sexual orientation, gender identity,  
3 and pregnancy, childbirth, and related medical condi-  
4 tions), race, color, national origin, immigration status, or  
5 religion.

6 (b) COVERED LAW DEFINED.—In this section, the  
7 term “covered law” includes—

8 (1) this Act (other than this section);

9 (2) title I of division B of the Paycheck Protec-  
10 tion Program and Healthcare Enhancement Act  
11 (Public Law 116–139);

12 (3) subtitles A, D, and E of title III of the  
13 CARES Act (Public Law 116–136);

14 (4) division F of the Families First Coronavirus  
15 Relief Act (Public Law 116–127); and

16 (5) division B of the Coronavirus Preparedness  
17 and Response Supplemental Appropriations Act,  
18 2020 (Public Law 116–123).

1           **DIVISION L—VETERANS AND**  
2           **SERVICEMEMBERS PROVISIONS**

3           **SEC. 101. INCREASE OF AMOUNT OF CERTAIN DEPART-**  
4                           **MENT OF VETERANS AFFAIRS PAYMENTS**  
5                           **DURING EMERGENCY PERIOD RESULTING**  
6                           **FROM COVID-19 PANDEMIC.**

7           (a) IN GENERAL.—During the covered period, the  
8 Secretary of Veterans Affairs shall apply each of the fol-  
9 lowing provisions of title 38, United States Code, by sub-  
10 stituting for each of the dollar amounts in such provision  
11 the amount equal to 125 percent of the dollar amount that  
12 was in effect under such provision on the date of the en-  
13 actment of this Act:

14                   (1) Subsections (l), (m), (r), and (t) of section  
15                   1114.

16                   (2) Paragraph (1)(E) of section 1115.

17                   (3) Subsection (c) of section 1311.

18                   (4) Subsection (g) of section 1315.

19                   (5) Paragraphs (1) and (2) of subsection (d) of  
20                   section 1521.

21                   (6) Paragraphs (2) and (4) of subsection (f) of  
22                   section 1521.

23           (b) TREATMENT OF AMOUNTS.—Any amount payable  
24 to an individual under subsection (a) in excess of the  
25 amount otherwise in effect shall be in addition to any

1 other benefit or any other amount payable to that indi-  
2 vidual under any provision of law referred to in subsection  
3 (a) or any other provision of law administered by the Sec-  
4 retary of Veterans Affairs.

5 (c) COVERED PERIOD.—In this section, the covered  
6 period is the period that begins on the date of the enact-  
7 ment of this Act and ends 60 days after the last day of  
8 the emergency period (as defined in section 1135(g)(1) of  
9 the Social Security Act (42 U.S.C. 1320b-5(g)(1))) result-  
10 ing from the COVID–19 pandemic.

11 **SEC. 102. PROHIBITION ON COPAYMENTS AND COST SHAR-**  
12 **ING FOR VETERANS RECEIVING PREVENTIVE**  
13 **SERVICES RELATING TO COVID–19.**

14 (a) PROHIBITION.—The Secretary of Veterans Af-  
15 fairs may not require any copayment or other cost sharing  
16 under chapter 17 of title 38, United States Code, for  
17 qualifying coronavirus preventive services. The require-  
18 ment described in this subsection shall take effect with  
19 respect to a qualifying coronavirus preventive service on  
20 the specified date.

21 (b) DEFINITIONS.—In this section, the terms “quali-  
22 fying coronavirus preventive service” and “specified date”  
23 have the meaning given those terms in section 3203 of  
24 the CARES Act (Public Law 116–136).

1 **SEC. 103. EMERGENCY TREATMENT FOR VETERANS DUR-**  
2 **ING COVID-19 EMERGENCY PERIOD.**

3 (a) EMERGENCY TREATMENT.—Notwithstanding  
4 section 1725 or 1728 of title 38, United States Code, or  
5 any other provision of law administered by the Secretary  
6 of Veterans Affairs pertaining to furnishing emergency  
7 treatment to veterans at non-Department facilities, during  
8 the period of a covered public health emergency, the Sec-  
9 retary of Veterans Affairs shall furnish to an eligible vet-  
10 eran emergency treatment at a non-Department facility in  
11 accordance with this section.

12 (b) AUTHORIZATION NOT REQUIRED.—The Sec-  
13 retary may not require an eligible veteran to seek author-  
14 ization by the Secretary for emergency treatment fur-  
15 nished to the veteran pursuant to subsection (a).

16 (c) PAYMENT RATES.—

17 (1) DETERMINATION.—The rate paid for emer-  
18 gency treatment furnished to eligible veterans pursu-  
19 ant to subsection (a) shall be equal to the rate paid  
20 by the United States to a provider of services (as de-  
21 fined in section 1861(u) of the Social Security Act  
22 (42 U.S.C. 1395x(u))) or a supplier (as defined in  
23 section 1861(d) of such Act (42 U.S.C. 1395x(d)))  
24 under the Medicare program under title XI or title  
25 XVIII of the Social Security Act (42 U.S.C. 1301 et

1 seq.), including section 1834 of such Act (42 U.S.C.  
2 1395m), for the same treatment.

3 (2) FINALITY.—A payment in the amount pay-  
4 able under paragraph (1) for emergency treatment  
5 furnished to an eligible veteran pursuant to sub-  
6 section (a) shall be considered payment in full and  
7 shall extinguish the veteran’s liability to the provider  
8 of such treatment, unless the provider rejects the  
9 payment and refunds to the United States such  
10 amount by not later than 30 days after receiving the  
11 payment.

12 (d) CLAIMS PROCESSED BY THIRD PARTY ADMINIS-  
13 TRATORS.—

14 (1) REQUIREMENT.—Not later than 30 days  
15 after the date of the enactment of this Act, the Sec-  
16 retary shall seek to award a contract to one or more  
17 entities, or to modify an existing contract, to process  
18 claims for payment for emergency treatment fur-  
19 nished to eligible veterans pursuant to subsection  
20 (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  
4 respect to the transportation of a veteran by ambulance.  
5 In 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  
16 enactment of this Act.

17 (g) DEFINITIONS.—In this section:

18 (1) The term “covered public health emer-  
19 gency” 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  
3 Secretary of Homeland Security, or a State or  
4 local authority.

5 (2) The term “eligible veteran” means a vet-  
6 eran enrolled in the health care system established  
7 under section 1705 of title 38, United States Code.

8 (3) The term “emergency treatment” means  
9 medical care or services rendered in a medical emer-  
10 gency of such nature that a prudent layperson rea-  
11 sonably expects that delay in seeking immediate  
12 medical attention would be hazardous to life or  
13 health.

14 (4) The term “non-Department facility” has  
15 the meaning given that term in section 1701 of title  
16 38, United States Code.

17 **SEC. 104. HUD–VASH PROGRAM.**

18 The Secretary of Housing and Urban Development  
19 shall take such actions with respect to the supported hous-  
20 ing program carried out under section 8(o)(19) of the  
21 United States Housing Act of 1937 (42 U.S.C.  
22 1437f(o)(19)) in conjunction with the Department of Vet-  
23 erans Affairs (commonly referred to as “HUD–VASH”),  
24 and shall require public housing agencies administering  
25 assistance under such program to take such actions, as

1 may be appropriate to facilitate the issuance and utiliza-  
2 tion of vouchers for rental assistance under such program  
3 during the period of the covered public health emergency  
4 (as such term is defined in section 1 of this Act), including  
5 the following actions:

6           (1) Establishing mechanisms and procedures  
7           providing for referral and application documents  
8           used under such program to be received by fax, elec-  
9           tronic mail, drop box, or other means not requiring  
10          in-person contact.

11          (2) Establishing mechanisms and procedures  
12          for processing applications for participation in such  
13          program that do not require identification or  
14          verification of identity by social security number or  
15          photo ID in cases in which closure of governmental  
16          offices prevents confirmation or verification of iden-  
17          tity by such means.

18          (3) Providing for waiver of requirements to con-  
19          duct housing quality standard inspections with re-  
20          spect to dwelling units for which rental assistance is  
21          provided under such program.



1 **SEC. 105. DEFERRAL OF CERTAIN DEBTS ARISING FROM**  
2 **BENEFITS UNDER LAWS ADMINISTERED BY**  
3 **THE SECRETARY OF VETERANS AFFAIRS.**

4 (a) IN GENERAL.—During the covered period, the  
5 Secretary of Veterans Affairs may not—

6 (1) take any action to collect a covered debt (in-  
7 cluding the offset of any payment by the Secretary);

8 (2) record a covered debt;

9 (3) issue notice of a covered debt to a person  
10 or a consumer reporting agency;

11 (4) allow any interest to accrue on a covered  
12 debt; or

13 (5) apply any administrative fee to a covered  
14 debt.

15 (b) EXCEPTION.—Notwithstanding subsection (a),  
16 the Secretary may collect a payment regarding a covered  
17 debt (including interest or any administrative fee) from  
18 a person (or the fiduciary of that person) who elects to  
19 make such a payment during the covered period.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “consumer reporting agency” has  
22 the meaning given that term in section 5701 of title  
23 38, United States Code.

24 (2) The term “covered debt” means a debt—

25 (A) owed by a person (including a fidu-  
26 ciary) to the United States;

1 (B) arising from a benefit under a covered  
2 law; and

3 (C) that is not subject to recovery under—

4 (i) section 3729 of title 31, United  
5 States Code;

6 (ii) section 1729 of title 38, United  
7 States Code; or

8 (iii) Public Law 87–693 (42 U.S.C.  
9 2651).

10 (3) The term “covered law” means any law ad-  
11 ministered by the Secretary of Veterans Affairs  
12 through—

13 (A) the Under Secretary for Health; or

14 (B) the Under Secretary for Benefits.

15 (4) The term “covered period” means—

16 (A) the COVID–19 emergency period; and

17 (B) the 60 days immediately following the  
18 date of the end of the COVID–19 emergency  
19 period.

20 (5) The term “COVID–19 emergency period”  
21 means the emergency period described in section  
22 1135(g)(1)(B) of the Social Security Act (42 U.S.C.  
23 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  
5 and appeals made by a claimant, the covered period shall  
6 be excluded in computing the following:

7 (1) In cases where an individual expresses an  
8 intent 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  
11 on 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 re-  
14 quired to take an action pursuant to section 5104C  
15 of title 38, United States Code.

16 (3) The period in which the claimant is re-  
17 quired to appeal a change in service-connected or  
18 employability status or change in physical condition  
19 described 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 Af-  
4 fairs and the Court of Appeals for Veterans Claims, as  
5 the case may be, shall administer the provisions of title  
6 38, United 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 appli-  
11 cation therefor and the date of the post-  
12 mark or other official proof of mailing date  
13 of the application therefor” for “the date  
14 of receipt of application therefor”; and

15 (ii) in paragraph (3), by substituting  
16 “the earlier of the date of receipt of the  
17 supplemental claim and the date of the  
18 postmark or other official proof of mailing  
19 date of the supplemental claim” for “the  
20 date of receipt of the supplemental claim”;  
21 and

22 (B) in subsection (b)(2)(A), by sub-  
23 stituting “the earlier of the date of receipt of  
24 application and the date of the postmark or  
25 other official proof of mailing date of the appli-

1 cation” for “the date of receipt of the applica-  
2 tion”.

3 (2) In section 7266, without regard to sub-  
4 section (d).

5 (c) DEFINITIONS.—In this section:

6 (1) The term “claimant” has the meaning given  
7 that term in section 5100 of title 38, United States  
8 Code.

9 (2) The term “covered period” means the pe-  
10 riod beginning on the date of the emergency period  
11 (as defined in section 1135(g)(1) of the Social Secu-  
12 rity Act (42 U.S.C. 1320b-5(g)(1))) resulting from  
13 the COVID–19 pandemic and ending 90 days after  
14 the last day of such emergency period.

15 **SEC. 107. PROVISION OF DEPARTMENT OF VETERANS AF-**  
16 **FAIRS HOSPITAL CARE AND MEDICAL SERV-**  
17 **ICES TO CERTAIN VETERANS WHO ARE UN-**  
18 **EMPLOYED OR LOST EMPLOYER-SPONSORED**  
19 **HEALTH CARE COVERAGE BY REASON OF A**  
20 **COVERED PUBLIC HEALTH EMERGENCY.**

21 (a) IN GENERAL.—During the 12-month period be-  
22 ginning on the date on which a covered veteran applies  
23 for hospital care or medical services under this section,  
24 the Secretary of Veterans Affairs shall consider the cov-  
25 ered veteran to be unable to defray the expenses of nec-

1    essary care for purposes of section 1722 of title 38, United  
2    States Code, and shall furnish to such veteran hospital  
3    care and medical services under chapter 17 of title 38,  
4    United States Code.

5           (b) COVERED VETERAN.—For purposes of this sec-  
6    tion, a covered veteran is a veteran—

7           (1) who—

8                (A) is unemployed; or

9                (B) has lost access to a group health plan  
10           or group health insurance coverage by reason of  
11           a covered public health emergency; and

12           (2) whose projected attributable income for the  
13           12-month period beginning on the date of applica-  
14           tion for hospital care or medical services under this  
15           section is not more than the amount in effect under  
16           section 1722(b) of title 38, United States Code.

17           (c) DEFINITIONS.—In this section:

18           (1) The term “covered public health emer-  
19           gency” 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  
3 Secretary of Homeland Security, or State, or  
4 local authority.

5 (2) The terms “group health plan” and “group  
6 health insurance coverage” have the meaning given  
7 such terms in section 2701 of the Public Health  
8 Service Act (42 U.S.C. 300gg-3).

9 **SEC. 108. EXPANSION OF VET CENTER SERVICES TO VET-**  
10 **ERANS AND MEMBERS OF THE ARMED**  
11 **FORCES WHO PERFORM CERTAIN SERVICE IN**  
12 **RESPONSE TO COVERED PUBLIC HEALTH**  
13 **EMERGENCY.**

14 (a) IN GENERAL.—Section 1712A of title 38, United  
15 States Code, is amended—

16 (1) by striking “clauses (i) through (iv)” both  
17 places it appears and inserting “clauses (i) through  
18 (v)”;

19 (2) by striking “in clause (v)” both places it ap-  
20 pears and inserting “in clause (vi)”;

21 (3) in subsection (a)(1)(C)—

22 (A) by redesignating clauses (iv) and (v) as  
23 clauses (v) and (vi), respectively; and

24 (B) by inserting after clause (iii) the fol-  
25 lowing new clause (iv):

1           “(iv) Any individual who is a veteran or mem-  
2           ber of the Armed Forces (including the reserve com-  
3           ponents), who, in response to a covered public health  
4           emergency, performed active service or State active  
5           duty for a period of at least 14 days.”; and

6           (4) in subsection (h), by adding at the end the  
7           following new paragraphs:

8           “(4) The term ‘active service’ has the meaning  
9           given that term in section 101 of title 10.

10          “(5) The term ‘covered public health emer-  
11          gency’ means the declaration—

12               “(A) of a public health emergency, based  
13               on an outbreak of COVID–19, by the Secretary  
14               of Health and Human Services under section  
15               319 of the Public Health Service Act (42  
16               U.S.C. 247d); or

17               “(B) of a domestic emergency, based on an  
18               outbreak of COVID–19, by the President, the  
19               Secretary of Homeland Security, or a State or  
20               local authority.”.

21          (b) CONFORMING AMENDMENT.—Section 201(q)(4)  
22          of the Commander John Scott Hannon Veterans Mental  
23          Health Care Improvement Act of 2019 is amended by  
24          striking “clauses (i) through (iv) of section



1 1712A(a)(1)(C)” and inserting “clauses (i) through (v) of  
2 section 1712A(a)(1)(C)”.

1 **DIVISION M—CONSUMER PRO-**  
2 **TECTION AND TELE-**  
3 **COMMUNICATIONS PROVI-**  
4 **SIONS**

5 **TITLE I—COVID-19 PRICE**  
6 **GOUGING PREVENTION**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “COVID-19 Price  
9 Gouging Prevention Act”.

10 **SEC. 102. PREVENTION OF PRICE GOUGING.**

11 (a) **IN GENERAL.**—For the duration of a public  
12 health emergency declared pursuant to section 319 of the  
13 Public Health Service Act (42 U.S.C. 247d) as a result  
14 of confirmed cases of 2019 novel coronavirus (COVID-  
15 19), including any renewal thereof, it shall be unlawful  
16 for any person to sell or offer for sale a good or service  
17 at a price that—

18 (1) is unconscionably excessive; and

19 (2) indicates the seller is using the cir-  
20 cumstances related to such public health emergency  
21 to increase prices unreasonably.

22 (b) **FACTORS FOR CONSIDERATION.**—In determining  
23 whether a person has violated subsection (a), there shall  
24 be taken into account, with respect to the price at which

1 such person sold or offered for sale the good or service,  
2 factors that include the following:

3 (1) Whether such price grossly exceeds the av-  
4 erage price at which the same or a similar good or  
5 service was sold or offered for sale by such person—

6 (A) during the 90-day period immediately  
7 preceding January 31, 2020; or

8 (B) during the period that is 45 days be-  
9 fore or after the date that is one year before  
10 the date such good or service is sold or offered  
11 for sale under subsection (a).

12 (2) Whether such price grossly exceeds the av-  
13 erage price at which the same or a similar good or  
14 service was readily obtainable from other similarly  
15 situated competing sellers before January 31, 2020.

16 (3) Whether such price reasonably reflects addi-  
17 tional costs, not within the control of such person,  
18 that were paid, incurred, or reasonably anticipated  
19 by such person, or reasonably reflects the profit-  
20 ability of forgone sales or additional risks taken by  
21 such person, to produce, distribute, obtain, or sell  
22 such good or service under the circumstances.

23 (c) ENFORCEMENT.—

24 (1) ENFORCEMENT BY FEDERAL TRADE COM-  
25 MISSION.—

1 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
2 TICES.—A violation of subsection (a) shall be  
3 treated as a violation of a regulation under sec-  
4 tion 18(a)(1)(B) of the Federal Trade Commis-  
5 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding  
6 unfair or deceptive acts or practices.

7 (B) POWERS OF COMMISSION.—The Com-  
8 mission shall enforce subsection (a) in the same  
9 manner, by the same means, and with the same  
10 jurisdiction, powers, and duties as though all  
11 applicable terms and provisions of the Federal  
12 Trade Commission Act (15 U.S.C. 41 et seq.)  
13 were incorporated into and made a part of this  
14 section. Any person who violates such sub-  
15 section shall be subject to the penalties and en-  
16 titled to the privileges and immunities provided  
17 in the Federal Trade Commission Act.

18 (2) EFFECT ON OTHER LAWS.—Nothing in this  
19 section shall be construed in any way to limit the  
20 authority of the Commission under any other provi-  
21 sion of law.

22 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-  
23 ERAL.—

24 (A) IN GENERAL.—If the chief law en-  
25 forcement officer of a State, or an official or

1 agency designated by a State, has reason to be-  
2 lieve that any person has violated or is violating  
3 subsection (a), the attorney general, official, or  
4 agency of the State, in addition to any author-  
5 ity it may have to bring an action in State  
6 court under its laws, may bring a civil action in  
7 any appropriate United States district court or  
8 in any other court of competent jurisdiction, in-  
9 cluding a State court, to—

10 (i) enjoin further such violation by  
11 such person;

12 (ii) enforce compliance with such sub-  
13 section;

14 (iii) obtain civil penalties; and

15 (iv) obtain damages, restitution, or  
16 other compensation on behalf of residents  
17 of the State.

18 (B) NOTICE AND INTERVENTION BY THE  
19 FTC.—The attorney general of a State shall  
20 provide prior written notice of any action under  
21 subparagraph (A) to the Commission and pro-  
22 vide the Commission with a copy of the com-  
23 plaint in the action, except in any case in which  
24 such prior notice is not feasible, in which case  
25 the attorney general shall serve such notice im-

1           mediately upon instituting such action. The  
2           Commission shall have the right—

3                       (i) to intervene in the action;

4                       (ii) upon so intervening, to be heard  
5                       on all matters arising therein; and

6                       (iii) to file petitions for appeal.

7                       (C) LIMITATION ON STATE ACTION WHILE  
8           FEDERAL ACTION IS PENDING.—If the Commis-  
9           sion has instituted a civil action for violation of  
10          this section, no State attorney general, or offi-  
11          cial or agency of a State, may bring an action  
12          under this paragraph during the pendency of  
13          that action against any defendant named in the  
14          complaint of the Commission for any violation  
15          of this section alleged in the complaint.

16                      (D) RELATIONSHIP WITH STATE-LAW  
17          CLAIMS.—If the attorney general of a State has  
18          authority to bring an action under State law di-  
19          rected at acts or practices that also violate this  
20          section, the attorney general may assert the  
21          State-law claim and a claim under this section  
22          in the same civil action.

23                      (4) SAVINGS CLAUSE.—Nothing in this section  
24          shall preempt or otherwise affect any State or local  
25          law.

1 (d) DEFINITIONS.—In this section:

2 (1) COMMISSION.—The term “Commission”  
3 means the Federal Trade Commission.

4 (2) GOOD OR SERVICE.—The term “good or  
5 service” means a good or service offered in com-  
6 merce, including—

7 (A) food, beverages, water, ice, a chemical,  
8 or a personal hygiene product;

9 (B) any personal protective equipment for  
10 protection from or prevention of contagious dis-  
11 eases, filtering facepiece respirators, medical  
12 equipment and supplies (including medical test-  
13 ing supplies), a drug as defined in section  
14 201(g)(1) of the Federal Food, Drug, and Cos-  
15 metic Act (21 U.S.C. 321(g)(1)), cleaning sup-  
16 plies, disinfectants, sanitizers; or

17 (C) any healthcare service, cleaning serv-  
18 ice, or delivery service.

19 (3) STATE.—The term “State” means each of  
20 the several States, the District of Columbia, each  
21 commonwealth, territory, or possession of the United  
22 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  
10 days after the date of the enactment of this Act, the Com-  
11 mission shall promulgate regulations providing for the  
12 provision, from amounts made available from the Emer-  
13 gency Connectivity Fund established under subsection  
14 (j)(1), of support under section 254(h)(1)(B) of the Com-  
15 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an  
16 elementary school, secondary school, or library (including  
17 a Tribal elementary school, Tribal secondary school, or  
18 Tribal library) for the purchase during an emergency pe-  
19 riod described in subsection (f) (including any portion of  
20 such a period occurring before the date of the enactment  
21 of this Act) of equipment described in subsection (c), ad-  
22 vanced telecommunications and information services, or  
23 equipment described in such subsection and advanced tele-  
24 communications and information services, for use by—



1 (1) in the case of a school, students and staff  
2 of such school at locations that include locations  
3 other 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 regula-  
12 tions required by subsection (a) to schools and li-  
13 braries that serve persons who are located on Tribal  
14 lands.

15 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For  
16 purposes of determining the eligibility of a Tribal li-  
17 brary for support under the regulations required by  
18 subsection (a), the portion of paragraph (4) of sec-  
19 tion 254(h) of the Communications Act of 1934 (47  
20 U.S.C. 254(h)) relating to eligibility for assistance  
21 from a State library administrative agency under the  
22 Library Services and Technology Act shall not apply.

23 (c) EQUIPMENT DESCRIBED.—The equipment de-  
24 scribed in this subsection is the following:

25 (1) Wi-Fi hotspots.

1 (2) Modems.

2 (3) Routers.

3 (4) Devices that combine a modem and router.

4 (5) Connected devices.

5 (d) PRIORITIZATION OF SUPPORT.—The Commission  
6 shall provide in the regulations required by subsection (a)  
7 for a mechanism to require a school or library to prioritize  
8 the provision of equipment described in subsection (c), ad-  
9 vanced telecommunications and information services, or  
10 equipment described in such subsection and advanced tele-  
11 communications and information services, for which sup-  
12 port is received under such regulations, to students and  
13 staff or patrons (as the case may be) that the school or  
14 library believes do not have access to equipment described  
15 in subsection (c), do not have access to advanced tele-  
16 communications and information services, or have access  
17 to neither equipment described in subsection (c) nor ad-  
18 vanced telecommunications and information services, at  
19 the residences of such students and staff or patrons.

20 (e) SUPPORT AMOUNT.—

21 (1) REIMBURSEMENT OF 100 PERCENT OF  
22 COSTS.—In providing support under the regulations  
23 required by subsection (a), the Commission shall re-  
24 imburse 100 percent of the costs associated with the  
25 equipment described in subsection (c), advanced tele-

1 communications and information services, or equip-  
2 ment described in such subsection and advanced  
3 telecommunications and information services for  
4 which such support is provided, except that any re-  
5 imbursement of a school or library for the costs as-  
6 sociated with any such equipment may not exceed an  
7 amount that the Commission determines, with re-  
8 spect to the request by such school or library for  
9 such reimbursement, is reasonable.

10 (2) SHORTFALL IN FUNDING.—If requests for  
11 reimbursement for equipment described in sub-  
12 section (c), advanced telecommunications and infor-  
13 mation services, or equipment described in such sub-  
14 section and advanced telecommunications and infor-  
15 mation services exceed amounts available from the  
16 Emergency Connectivity Fund established under  
17 subsection (j)(1), the Commission shall—

18 (A) prioritize reimbursements based on the  
19 assigned discount percentage of each eligible  
20 school or library requesting reimbursement  
21 under subpart F of part 54 of title 47, Code of  
22 Federal Regulations (or any successor regula-  
23 tion), starting with the eligible schools and li-  
24 braries with the highest discount percentage es-  
25 tablished under such subpart; and

1 (B) not later than 2 days after the Com-  
2 mission determines that the shortfall in funding  
3 exists, notify the Committee on Commerce,  
4 Science, and Transportation and the Committee  
5 on Appropriations of the Senate and the Com-  
6 mittee on Energy and Commerce and the Com-  
7 mittee on Appropriations of the House of Rep-  
8 resentatives of such shortfall.

9 (f) EMERGENCY PERIODS DESCRIBED.—An emer-  
10 gency period described in this subsection is a period  
11 that—

12 (1) begins on the date of a determination by the  
13 Secretary of Health and Human Services pursuant  
14 to section 319 of the Public Health Service Act (42  
15 U.S.C. 247d) that a public health emergency exists  
16 as a result of COVID–19; and

17 (2) ends on the June 30 that first occurs after  
18 the date on which such determination (including any  
19 renewal thereof) terminates.

20 (g) TREATMENT OF EQUIPMENT AFTER EMERGENCY  
21 PERIOD.—The Commission shall provide in the regula-  
22 tions required by subsection (a) that, in the case of a  
23 school or library that purchases equipment described in  
24 subsection (c) using support received under such regula-  
25 tions, such school or library—

1           (1) may, after the emergency period with re-  
2           spect to which such support is received, use such  
3           equipment for such purposes as such school or li-  
4           brary considers appropriate, subject to any restric-  
5           tions provided in such regulations (or any successor  
6           regulation); and

7           (2) may not sell or otherwise transfer such  
8           equipment in exchange for any thing (including a  
9           service) of value, except that such school or library  
10          may exchange such equipment for upgraded equip-  
11          ment of the same type.

12          (h) RULE OF CONSTRUCTION.—Nothing in this sec-  
13          tion shall be construed to affect any authority the Com-  
14          mission may have under section 254(h)(1)(B) of the Com-  
15          munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to  
16          allow support under such section to be used for the pur-  
17          poses described in subsection (a) other than as required  
18          by such subsection.

19          (i) PROCEDURAL MATTERS.—

20               (1) PART 54 REGULATIONS.—Nothing in this  
21               section shall be construed to prevent the Commission  
22               from providing that the regulations in part 54 of  
23               title 47, Code of Federal Regulations (or any suc-  
24               cessor regulation), shall apply in whole or in part to  
25               support provided under the regulations required by

1 subsection (a), shall not apply in whole or in part to  
2 such support, or shall be modified in whole or in  
3 part for purposes of application to such support.

4 (2) EXEMPTION FROM CERTAIN RULEMAKING  
5 REQUIREMENTS.—Section 553 of title 5, United  
6 States Code, shall not apply to a regulation promul-  
7 gated under subsection (a) or a rulemaking to pro-  
8 mulgate such a regulation.

9 (3) PAPERWORK REDUCTION ACT EXEMP-  
10 TION.—A collection of information conducted or  
11 sponsored under the regulations required by sub-  
12 section (a), or under section 254 of the Communica-  
13 tions Act of 1934 (47 U.S.C. 254) in connection  
14 with support provided under such regulations, shall  
15 not constitute a collection of information for the  
16 purposes of subchapter I of chapter 35 of title 44,  
17 United States Code (commonly referred to as the  
18 Paperwork Reduction Act).

19 (j) EMERGENCY CONNECTIVITY FUND.—

20 (1) ESTABLISHMENT.—There is established in  
21 the Treasury of the United States a fund to be  
22 known as the Emergency Connectivity Fund.

23 (2) USE OF FUNDS.—Amounts in the Emer-  
24 gency Connectivity Fund shall be available to the

1 Commission to provide support under the regula-  
2 tions required by subsection (a).

3 (3) RELATIONSHIP TO UNIVERSAL SERVICE  
4 CONTRIBUTIONS.—Support provided under the regu-  
5 lations required by subsection (a) shall be provided  
6 from amounts made available under paragraph (2)  
7 and not from contributions under section 254(d) of  
8 the Communications Act of 1934 (47 U.S.C.  
9 254(d)).

10 (k) DEFINITIONS.—In this section:

11 (1) ADVANCED TELECOMMUNICATIONS AND IN-  
12 FORMATION SERVICES.—The term “advanced tele-  
13 communications and information services” means  
14 advanced telecommunications and information serv-  
15 ices, as such term is used in section 254(h) of the  
16 Communications Act of 1934 (47 U.S.C. 254(h)).

17 (2) COMMISSION.—The term “Commission”  
18 means the Federal Communications Commission.

19 (3) CONNECTED DEVICE.—The term “con-  
20 nected device” means a laptop computer, tablet com-  
21 puter, or similar device that is capable of connecting  
22 to advanced telecommunications and information  
23 services.

24 (4) LIBRARY.—The term “library” includes a  
25 library consortium.

1 (5) TRIBAL LAND.—The term “Tribal land”  
2 means—

3 (A) any land located within the boundaries  
4 of—

5 (i) an Indian reservation, pueblo, or  
6 rancheria; or

7 (ii) a former reservation within Okla-  
8 homa;

9 (B) any land not located within the bound-  
10 aries of an Indian reservation, pueblo, or  
11 rancheria, the title to which is held—

12 (i) in trust by the United States for  
13 the benefit of an Indian Tribe or an indi-  
14 vidual Indian;

15 (ii) by an Indian Tribe or an indi-  
16 vidual Indian, subject to restriction against  
17 alienation under laws of the United States;  
18 or

19 (iii) by a dependent Indian commu-  
20 nity;

21 (C) any land located within a region estab-  
22 lished pursuant to section 7(a) of the Alaska  
23 Native Claims Settlement Act (43 U.S.C.  
24 1606(a));



1 (D) Hawaiian Home Lands, as defined in  
2 section 801 of the Native American Housing  
3 Assistance and Self-Determination Act of 1996  
4 (25 U.S.C. 4221); or

5 (E) those areas or communities designated  
6 by the Assistant Secretary of Indian Affairs of  
7 the Department of the Interior that are near,  
8 adjacent, or contiguous to reservations where fi-  
9 nancial assistance and social service programs  
10 are provided to Indians because of their status  
11 as Indians.

12 (6) TRIBAL LIBRARY.—The term “Tribal li-  
13 brary” means, only during an emergency period de-  
14 scribed under subsection (f), a facility owned by an  
15 Indian Tribe, serving Indian Tribes, or serving  
16 American Indians, Alaskan Natives, or Native Ha-  
17 waiian communities, including—

18 (A) a Tribal library or Tribal library con-  
19 sortium; or

20 (B) a Tribal government building, chapter  
21 house, longhouse, community center, or other  
22 similar public building.

23 (7) WI-FI.—The term “Wi-Fi” means a wire-  
24 less networking protocol based on Institute of Elec-

1 trical and Electronics Engineers standard 802.11  
2 (or any successor standard).

3 (8) WI-FI HOTSPOT.—The term “Wi-Fi  
4 hotspot” means a device that is capable of—

5 (A) receiving mobile advanced tele-  
6 communications and information services; and

7 (B) sharing such services with another de-  
8 vice through the use of Wi-Fi.

## 9 **TITLE III—EMERGENCY BENEFIT** 10 **FOR BROADBAND SERVICE**

### 11 **SEC. 301. BENEFIT FOR BROADBAND SERVICE DURING** 12 **EMERGENCY PERIODS RELATING TO COVID-** 13 **19.**

14 (a) PROMULGATION OF REGULATIONS REQUIRED.—  
15 Not later than 7 days after the date of the enactment of  
16 this Act, the Commission shall promulgate regulations im-  
17 plementing this section.

18 (b) REQUIREMENTS.—The regulations promulgated  
19 pursuant to subsection (a) shall establish the following:

20 (1) EMERGENCY BROADBAND BENEFIT.—Dur-  
21 ing an emergency period, a provider shall provide an  
22 eligible household with an internet service offering,  
23 upon request by a member of such household. Such  
24 provider shall discount the price charged to such  
25 household for such internet service offering in an

1 amount equal to the emergency broadband benefit  
2 for such household.

3 (2) VERIFICATION OF ELIGIBILITY.—To verify  
4 whether a household is an eligible household, a pro-  
5 vider shall either—

6 (A) use the National Lifeline Eligibility  
7 Verifier; or

8 (B) rely upon an alternative verification  
9 process of the provider, if the Commission finds  
10 such process to be sufficient to avoid waste,  
11 fraud, and abuse.

12 (3) USE OF NATIONAL LIFELINE ELIGIBILITY  
13 VERIFIER.—The Commission shall—

14 (A) expedite the ability of all providers to  
15 access the National Lifeline Eligibility Verifier  
16 for purposes of determining whether a house-  
17 hold is an eligible household; and

18 (B) ensure that the National Lifeline Eligi-  
19 bility Verifier approves an eligible household to  
20 receive the emergency broadband benefit not  
21 later than two days after the date of the sub-  
22 mission of information necessary to determine if  
23 such household is an eligible household.

24 (4) EXTENSION OF EMERGENCY PERIOD.—An  
25 emergency period may be extended within a State or

1 any portion thereof if the State, or in the case of  
2 Tribal land, a Tribal government, provides written,  
3 public notice to the Commission stipulating that an  
4 extension is necessary in furtherance of the recovery  
5 related to COVID–19. The Commission shall, within  
6 48 hours after receiving such notice, post the notice  
7 on the public website of the Commission.

8 (5) REIMBURSEMENT.—From the Emergency  
9 Broadband Connectivity Fund established in sub-  
10 section (h), the Commission shall reimburse a pro-  
11 vider in an amount equal to the emergency  
12 broadband benefit with respect to an eligible house-  
13 hold that receives such benefit from such provider.

14 (6) REIMBURSEMENT FOR CONNECTED DE-  
15 VICE.—A provider that, in addition to providing the  
16 emergency broadband benefit to an eligible house-  
17 hold, supplies such household with a connected de-  
18 vice may be reimbursed up to \$100 from the Emer-  
19 gency Broadband Connectivity Fund established in  
20 subsection (h) for such connected device, if the  
21 charge to such eligible household is more than \$10  
22 but less than \$50 for such connected device, except  
23 that a provider may receive reimbursement for no  
24 more than one connected device per eligible house-  
25 hold.

1           (7) NO RETROACTIVE REIMBURSEMENT.—A  
2 provider may not receive a reimbursement from the  
3 Emergency Broadband Connectivity Fund for pro-  
4 viding an internet service offering discounted by the  
5 emergency broadband benefit, or for supplying a  
6 connected device, that was provided or supplied (as  
7 the case may be) before the date of the enactment  
8 of this Act.

9           (8) CERTIFICATION REQUIRED.—To receive a  
10 reimbursement under paragraph (5) or (6), a pro-  
11 vider shall certify to the Commission the following:

12           (A) That the amount for which the pro-  
13 vider is seeking reimbursement from the Emer-  
14 gency Broadband Connectivity Fund for an  
15 internet service offering to an eligible household  
16 is not more than the normal rate.

17           (B) That each eligible household for which  
18 a provider is seeking reimbursement for pro-  
19 viding an internet service offering discounted by  
20 the emergency broadband benefit—

21           (i) has not been and will not be  
22 charged—

23           (I) for such offering, if the nor-  
24 mal rate for such offering is less than  
25 or equal to the amount of the emer-

1 agency broadband benefit for such  
2 household; or

3 (II) more for such offering than  
4 the difference between the normal rate  
5 for such offering and the amount of  
6 the emergency broadband benefit for  
7 such household;

8 (ii) will not be required to pay an  
9 early termination fee if such eligible house-  
10 hold elects to enter into a contract to re-  
11 ceive such internet service offering if such  
12 household later terminates such contract;  
13 and

14 (iii) was not subject to a mandatory  
15 waiting period for such internet service of-  
16 fering based on having previously received  
17 broadband internet access service from  
18 such provider.

19 (C) That each eligible household for which  
20 the provider is seeking reimbursement for sup-  
21 plying such household with a connected device  
22 has not been and will not be charged \$10 or  
23 less or \$50 or more for such device.

24 (D) A description of the process used by  
25 the provider to verify that a household is an eli-

1           gible household, if the provider elects an alter-  
2           native verification process under paragraph  
3           (2)(B), and that such verification process was  
4           designed to avoid waste, fraud, and abuse.

5           (9) **AUDIT REQUIREMENTS.**—The Commission  
6           shall adopt audit requirements to ensure that pro-  
7           viders are in compliance with the requirements of  
8           this section and to prevent waste, fraud, and abuse  
9           in the emergency broadband benefit program estab-  
10          lished under this section.

11          (c) **ELIGIBLE PROVIDERS.**—Notwithstanding sub-  
12          section (e) of this section, the Commission shall provide  
13          a reimbursement to a provider under this section without  
14          requiring such provider to be designated as an eligible tele-  
15          communications carrier under section 214(e) of the Com-  
16          munications Act of 1934 (47 U.S.C. 214(e)).

17          (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
18          tion shall affect the collection, distribution, or administra-  
19          tion of the Lifeline Assistance Program governed by the  
20          rules set forth in subpart E of part 54 of title 47, Code  
21          of Federal Regulations (or any successor regulation).

22          (e) **PART 54 REGULATIONS.**—Nothing in this section  
23          shall be construed to prevent the Commission from pro-  
24          viding that the regulations in part 54 of title 47, Code  
25          of Federal Regulations (or any successor regulation), shall

1 apply in whole or in part to support provided under the  
2 regulations required by subsection (a), shall not apply in  
3 whole or in part to such support, or shall be modified in  
4 whole or in part for purposes of application to such sup-  
5 port.

6 (f) ENFORCEMENT.—A violation of this section or a  
7 regulation promulgated under this section, including the  
8 knowing or reckless denial of an internet service offering  
9 discounted by the emergency broadband benefit to an eligi-  
10 ble household that requests such an offering, shall be  
11 treated as a violation of the Communications Act of 1934  
12 (47 U.S.C. 151 et seq.) or a regulation promulgated under  
13 such Act. The Commission shall enforce this section and  
14 the regulations promulgated under this section in the same  
15 manner, by the same means, and with the same jurisdic-  
16 tion, powers, and duties as though all applicable terms and  
17 provisions of the Communications Act of 1934 were incor-  
18 porated into and made a part of this section.

19 (g) EXEMPTIONS.—

20 (1) CERTAIN RULEMAKING REQUIREMENTS.—  
21 Section 553 of title 5, United States Code, shall not  
22 apply to a regulation promulgated under subsection  
23 (a) or a rulemaking to promulgate such a regulation.

24 (2) PAPERWORK REDUCTION ACT REQUIRE-  
25 MENTS.—A collection of information conducted or



1 sponsored under the regulations required by sub-  
2 section (a) shall not constitute a collection of infor-  
3 mation for the purposes of subchapter I of chapter  
4 35 of title 44, United States Code (commonly re-  
5 ferred to as the Paperwork Reduction Act).

6 (h) EMERGENCY BROADBAND CONNECTIVITY  
7 FUND.—

8 (1) ESTABLISHMENT.—There is established in  
9 the Treasury of the United States a fund to be  
10 known as the Emergency Broadband Connectivity  
11 Fund.

12 (2) USE OF FUNDS.—Amounts in the Emer-  
13 gency Broadband Connectivity Fund shall be avail-  
14 able to the Commission for reimbursements to pro-  
15 viders under the regulations required by subsection  
16 (a).

17 (3) RELATIONSHIP TO UNIVERSAL SERVICE  
18 CONTRIBUTIONS.—Reimbursements provided under  
19 the regulations required by subsection (a) shall be  
20 provided from amounts made available under this  
21 subsection and not from contributions under section  
22 254(d) of the Communications Act of 1934 (47  
23 U.S.C. 254(d)), except the Commission may use  
24 such contributions if needed to offset expenses asso-  
25 ciated with the reliance on the National Lifeline Eli-

1           gibility Verifier to determine eligibility of households  
2           to receive the emergency broadband benefit.

3           (i) DEFINITIONS.—In this section:

4                 (1) BROADBAND INTERNET ACCESS SERVICE.—

5           The term “broadband internet access service” has  
6           the meaning given such term in section 8.1(b) of  
7           title 47, Code of Federal Regulations (or any suc-  
8           cessor regulation).

9                 (2) CONNECTED DEVICE.—The term “con-  
10          nected device” means a laptop or desktop computer  
11          or a tablet.

12                (3) ELIGIBLE HOUSEHOLD.—The term “eligible  
13          household” means, regardless of whether the house-  
14          hold or any member of the household receives sup-  
15          port under subpart E of part 54 of title 47, Code  
16          of Federal Regulations (or any successor regulation),  
17          and regardless of whether any member of the house-  
18          hold has any past or present arrearages with a pro-  
19          vider, a household in which—

20                   (A) at least one member of the household  
21                   meets the qualifications in subsection (a) or (b)  
22                   of section 54.409 of title 47, Code of Federal  
23                   Regulations (or any successor regulation);

24                   (B) at least one member of the household  
25                   has applied for and been approved to receive

1 benefits under the free and reduced price lunch  
2 program under the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1751 et seq.) or  
4 the school breakfast program under section 4 of  
5 the Child Nutrition Act of 1966 (42 U.S.C.  
6 1773);

7 (C) at least one member of the household  
8 has experienced a substantial loss of income  
9 since February 29, 2020, documented by layoff  
10 or furlough notice, application for unemploy-  
11 ment insurance benefits, or similar documenta-  
12 tion; or

13 (D) at least one member of the household  
14 has received a Federal Pell Grant under section  
15 401 of the Higher Education Act of 1965 (20  
16 U.S.C. 1070a) in the current award year.

17 (4) EMERGENCY BROADBAND BENEFIT.—The  
18 term “emergency broadband benefit” means a  
19 monthly discount for an eligible household applied to  
20 the normal rate for an internet service offering, in  
21 an amount equal to such rate, but not more than  
22 \$50, or, if an internet service offering is provided to  
23 an eligible household on Tribal land, not more than  
24 \$75.

1 (5) EMERGENCY PERIOD.—The term “emer-  
2 gency period” means a period that—

3 (A) begins on the date of a determination  
4 by the Secretary of Health and Human Services  
5 pursuant to section 319 of the Public Health  
6 Service Act (42 U.S.C. 247d) that a public  
7 health emergency exists as a result of COVID–  
8 19; and

9 (B) ends on the date that is 6 months  
10 after the date on which such determination (in-  
11 cluding any renewal thereof) terminates, except  
12 as such period may be extended under sub-  
13 section (b)(4).

14 (6) INTERNET SERVICE OFFERING.—The term  
15 “internet service offering” means, with respect to a  
16 provider, broadband internet access service provided  
17 by such provider to a household, offered in the same  
18 manner, and on the same terms, as described in any  
19 of such provider’s advertisements for broadband  
20 internet access service to such household, as on Sep-  
21 tember 1, 2020.

22 (7) NORMAL RATE.—The term “normal rate”  
23 means, with respect to an internet service offering  
24 by a provider, the advertised monthly retail rate, as  
25 of September 1, 2020, including any applicable pro-

1 motions and excluding any taxes or other govern-  
2 mental fees.

3 (8) PROVIDER.—The term “provider” means a  
4 provider of broadband internet access service.

5 **SEC. 302. ENHANCED LIFELINE BENEFITS DURING EMER-**  
6 **GENCY PERIODS.**

7 (a) ENHANCED MINIMUM SERVICE STANDARDS FOR  
8 LIFELINE BENEFITS DURING EMERGENCY PERIODS.—  
9 During an emergency period—

10 (1) the minimum service standard for Lifeline  
11 supported mobile voice service shall provide an un-  
12 limited number of minutes per month;

13 (2) the minimum service standard for Lifeline  
14 supported mobile data service shall provide an un-  
15 limited data allowance each month and 4G speeds,  
16 where available; and

17 (3) the Basic Support Amount and Tribal  
18 Lands Support Amount, as described in section  
19 54.403 of title 47, Code of Federal Regulations (or  
20 any successor regulation), shall be increased by an  
21 amount necessary, as determined by the Commis-  
22 sion, to offset any incremental increase in cost asso-  
23 ciated with the requirements in paragraphs (1) and  
24 (2), but at a minimum the Basic Support Amount  
25 shall be not less than \$25 per month and the Tribal

1 Lands Support Amount shall be not less than \$40  
2 per month.

3 (b) EXTENSION OF EMERGENCY PERIOD.—An emer-  
4 gency period may be extended within a State or any por-  
5 tion thereof for a maximum of six months, if the State,  
6 or in the case of Tribal land, a Tribal government, pro-  
7 vides written, public notice to the Commission stipulating  
8 that an extension is necessary in furtherance of the recov-  
9 ery related to COVID–19. The Commission shall, within  
10 48 hours after receiving such notice, post the notice on  
11 the public website of the Commission.

12 (c) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 7 days after  
14 the date of the enactment of this Act, the Commis-  
15 sion shall promulgate regulations implementing this  
16 section.

17 (2) EXEMPTIONS.—

18 (A) CERTAIN RULEMAKING REQUIRE-  
19 MENTS.—Section 553 of title 5, United States  
20 Code, shall not apply to a regulation promul-  
21 gated under paragraph (1) or a rulemaking to  
22 promulgate such a regulation.

23 (B) PAPERWORK REDUCTION ACT RE-  
24 QUIREMENTS.—A collection of information con-  
25 ducted or sponsored under the regulations pro-

1 mulgated under paragraph (1), or under section  
2 254 of the Communications Act of 1934 (47  
3 U.S.C. 254) in connection with support pro-  
4 vided under such regulations, shall not con-  
5 stitute a collection of information for the pur-  
6 poses of subchapter I of chapter 35 of title 44,  
7 United States Code (commonly referred to as  
8 the Paperwork Reduction Act).

9 (d) EMERGENCY PERIOD DEFINED.—In this section,  
10 the term “emergency period” means a period that—

11 (1) begins on the date of a determination by the  
12 Secretary of Health and Human Services pursuant  
13 to section 319 of the Public Health Service Act (42  
14 U.S.C. 247d) that a public health emergency exists  
15 as a result of COVID–19; and

16 (2) ends on the date that is 6 months after the  
17 date on which such determination (including any re-  
18 newal thereof) terminates, except as such period  
19 may be extended under subsection (b).

20 **SEC. 303. GRANTS TO STATES TO STRENGTHEN NATIONAL**  
21 **LIFELINE ELIGIBILITY VERIFIER.**

22 (a) IN GENERAL.—From amounts appropriated to  
23 carry out this section, the Commission shall, not later than  
24 7 days after the date of the enactment of this Act, make  
25 a grant to each State, in an amount in proportion to the

1 population of such State, for the purpose of connecting  
2 the database used by such State for purposes of the sup-  
3 plemental nutrition assistance program under the Food  
4 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the  
5 National Lifeline Eligibility Verifier, so that the receipt  
6 by a household of benefits under such program is reflected  
7 in the National Lifeline Eligibility Verifier.

8 (b) DISBURSEMENT OF GRANT FUNDS.—Funds  
9 under each grant made under subsection (a) shall be dis-  
10 bursed to the State receiving such grant not later than  
11 7 days after the date of the enactment of this Act.

12 (c) CERTIFICATION TO CONGRESS.—Not later than  
13 21 days after the date of the enactment of this Act, the  
14 Commission shall certify to the Committee on Energy and  
15 Commerce of the House of Representatives and the Com-  
16 mittee on Commerce, Science, and Transportation of the  
17 Senate that the grants required by subsection (a) have  
18 been made and that funds have been disbursed as required  
19 by subsection (b).

20 **SEC. 304. DEFINITIONS.**

21 In this title:

22 (1) COMMISSION.—The term “Commission”  
23 means the Federal Communications Commission.

24 (2) NATIONAL LIFELINE ELIGIBILITY  
25 VERIFIER.—The term “National Lifeline Eligibility



1 Verifier” has the meaning given such term in section  
2 54.400 of title 47, Code of Federal Regulations (or  
3 any successor regulation).

4 (3) STATE.—The term “State” has the mean-  
5 ing given such term in section 3 of the Communica-  
6 tions Act of 1934 (47 U.S.C. 153).

## 7 **TITLE IV—CONTINUED**

### 8 **CONNECTIVITY**

#### 9 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

#### 10 **PERIODS RELATING TO COVID-19.**

11 Title VII of the Communications Act of 1934 (47  
12 U.S.C. 601 et seq.) is amended by adding at the end the  
13 following:

#### 14 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**

#### 15 **GENCY PERIODS RELATING TO COVID-19.**

16 “(a) IN GENERAL.—During an emergency period de-  
17 scribed in subsection (c), it shall be unlawful—

18 “(1) for a provider of advanced telecommuni-  
19 cations service or voice service to—

20 “(A) terminate, reduce, or change such  
21 service provided to any individual customer or  
22 small business because of the inability of the in-  
23 dividual customer or small business to pay for  
24 such service if the individual customer or small  
25 business certifies to such provider that such in-

1 ability to pay is a result of disruptions caused  
2 by the public health emergency to which such  
3 emergency period relates; or

4 “(B) impose late fees on any individual  
5 customer or small business because of the in-  
6 ability of the individual customer or small busi-  
7 ness to pay for such service if the individual  
8 customer or small business certifies to such pro-  
9 vider that such inability to pay is a result of  
10 disruptions caused by the public health emer-  
11 gency to which such emergency period relates;

12 “(2) for a provider of advanced telecommuni-  
13 cations service to, during such emergency period—

14 “(A) employ a limit on the amount of data  
15 allotted to an individual customer or small busi-  
16 ness during such emergency period, except that  
17 such provider may engage in reasonable net-  
18 work management; or

19 “(B) charge an individual customer or  
20 small business an additional fee for exceeding  
21 the limit on the data allotted to an individual  
22 customer or small business; or

23 “(3) for a provider of advanced telecommuni-  
24 cations service that had functioning Wi-Fi hotspots  
25 available to subscribers in public places on the day

1 before the beginning of such emergency period to  
2 fail to make service provided by such Wi-Fi hotspots  
3 available to the public at no cost during such emer-  
4 gency period.

5 “(b) WAIVER.—Upon a petition by a provider ad-  
6 vanced telecommunications service or voice service, the  
7 provisions in subsection (a) may be suspended or waived  
8 by the Commission at any time, in whole or in part, for  
9 good cause shown.

10 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-  
11 gency period described in this subsection is any portion  
12 beginning on or after the date of the enactment of this  
13 section of the duration of a public health emergency de-  
14 clared pursuant to section 319 of the Public Health Serv-  
15 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-  
16 ing any renewal thereof.

17 “(d) DEFINITIONS.—In this section:

18 “(1) ADVANCED TELECOMMUNICATIONS SERV-  
19 ICE.—The term ‘advanced telecommunications serv-  
20 ice’ means a service that provides advanced tele-  
21 communications capability (as defined in section 706  
22 of the Telecommunications Act of 1996 (47 U.S.C.  
23 1302)).

24 “(2) BROADBAND INTERNET ACCESS SERV-  
25 ICE.—The term ‘broadband internet access service’

1 has the meaning given such term in section 8.1(b)  
2 of title 47, Code of Federal Regulations (or any suc-  
3 cessor regulation).

4 “(3) INDIVIDUAL CUSTOMER.—The term ‘indi-  
5 vidual customer’ means an individual who contracts  
6 with a mass-market retail provider of advanced tele-  
7 communications service or voice service to provide  
8 service to such individual.

9 “(4) REASONABLE NETWORK MANAGEMENT.—  
10 The term ‘reasonable network management’—

11 “(A) means the use of a practice that—

12 “(i) has a primarily technical network  
13 management justification; and

14 “(ii) is primarily used for and tailored  
15 to achieving a legitimate network manage-  
16 ment purpose, taking into account the par-  
17 ticular network architecture and tech-  
18 nology of the service; and

19 “(B) does not include other business prac-  
20 tices.

21 “(5) SMALL BUSINESS.—The term ‘small busi-  
22 ness’ has the meaning given such term under section  
23 601(3) of title 5, United States Code.

24 “(6) VOICE SERVICE.—The term ‘voice service’  
25 has the meaning given such term under section

1 227(e)(8) of the Communications Act of 1934 (47  
2 U.S.C. 227(e)(8)).

3 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-  
4 less networking protocol based on Institute of Elec-  
5 trical and Electronics Engineers standard 802.11  
6 (or any successor standard).

7 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi  
8 hotspot’ means a device that is capable of—

9 “(A) receiving mobile broadband internet  
10 access service; and

11 “(B) sharing such service with another de-  
12 vice through the use of Wi-Fi.”

## 13 **TITLE V—DON’T BREAK UP THE** 14 **T-BAND**

### 15 **SEC. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND** 16 **AUCTION T-BAND SPECTRUM.**

17 (a) REPEAL.—Section 6103 of the Middle Class Tax  
18 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)  
19 is repealed.

20 (b) CLERICAL AMENDMENT.—The table of contents  
21 in section 1(b) of such Act is amended by striking the  
22 item relating to section 6103.

1 **TITLE VI—COVID-19 COMPAS-**  
2 **SION AND MARTHA WRIGHT**  
3 **PRISON PHONE JUSTICE**

4 **SEC. 601. FINDINGS.**

5 Congress finds the following:

6 (1) Prison, jails, and other confinement facili-  
7 ties in the United States have unique telecommuni-  
8 cations needs due to safety and security concerns.

9 (2) Unjust and unreasonable charges for tele-  
10 phone and advanced communications services in con-  
11 finement facilities negatively impact the safety and  
12 security of communities in the United States by  
13 damaging relationships between incarcerated persons  
14 and their support systems, thereby exacerbating re-  
15 cidivism.

16 (3) The COVID-19 pandemic has greatly inten-  
17 sified these concerns. Jails and prisons have become  
18 epicenters for the spread of the virus, with incarcer-  
19 ated persons concentrated in small, confined spaces  
20 and often without access to adequate health care. At  
21 Cook County jail alone, hundreds of incarcerated  
22 persons and jail staff have tested positive for the  
23 virus since its outbreak.

24 (4) To prevent the spread of the virus, many  
25 jails and prisons across the country suspended pub-

1       lic visitation, leaving confinement facility commu-  
2       nications services as the only way that incarcerated  
3       persons can stay in touch with their families.

4           (5) All people in the United States, including  
5       anyone who pays for confinement facility commu-  
6       nications services, should have access to communica-  
7       tions services at charges that are just and reason-  
8       able.

9           (6) Unemployment has risen sharply as a result  
10       of the COVID–19 pandemic, straining the incomes  
11       of millions of Americans and making it even more  
12       difficult for families of incarcerated persons to pay  
13       the high costs of confinement facility communica-  
14       tions services.

15          (7) Certain markets for confinement facility  
16       communications services are distorted due to reverse  
17       competition, in which the financial interests of the  
18       entity making the buying decision (the confinement  
19       facility) are aligned with the seller (the provider of  
20       confinement facility communications services) and  
21       not the consumer (the incarcerated person or a  
22       member of his or her family). This reverse competi-  
23       tion occurs because site commission payments to the  
24       confinement facility from the provider of confine-  
25       ment facility communications services are the chief

1 criterion many facilities use to select their provider  
2 of confinement facility communications services.

3 (8) Charges for confinement facility commu-  
4 nications services that have been shown to be unjust  
5 and unreasonable are often a result of site commis-  
6 sion payments that far exceed the costs incurred by  
7 the confinement facility in accommodating these  
8 services.

9 (9) Unjust and unreasonable charges have been  
10 assessed for both audio and video services and for  
11 both intrastate and interstate communications from  
12 confinement facilities.

13 (10) Though Congress enacted emergency legis-  
14 lation to allow free communications in Federal pris-  
15 ons during the pandemic, it does not cover commu-  
16 nications to or from anyone incarcerated in State  
17 and local prisons or jails.

18 (11) Mrs. Martha Wright-Reed led a campaign  
19 for just communications rates for incarcerated peo-  
20 ple for over a decade.

21 (12) Mrs. Wright-Reed was the lead plaintiff in  
22 Wright v. Corrections Corporation of America, CA  
23 No. 00–293 (GK) (D.D.C. 2001).



1 (13) That case ultimately led to the Wright Pe-  
2 tition at the Federal Communications Commission,  
3 CC Docket No. 96–128 (November 3, 2003).

4 (14) As a grandmother, Mrs. Wright-Reed was  
5 forced to choose between purchasing medication and  
6 communicating with her incarcerated grandson.

7 (15) Mrs. Wright-Reed passed away on Janu-  
8 ary 18, 2015, before fully realizing her dream of just  
9 communications rates for all people.

10 **SEC. 602. REQUIREMENTS FOR CONFINEMENT FACILITY**  
11 **COMMUNICATIONS SERVICES, DURING THE**  
12 **COVID-19 PANDEMIC AND OTHER TIMES.**

13 (a) IN GENERAL.—Section 276 of the Communica-  
14 tions Act of 1934 (47 U.S.C. 276) is amended by adding  
15 at the end the following:

16 “(e) ADDITIONAL REQUIREMENTS FOR CONFINEMENT FACILITY COMMUNICATIONS SERVICES.—

17 “(1) AUTHORITY.—

18 “(A) IN GENERAL.—All charges, practices,  
19 classifications, and regulations for and in con-  
20 nection with confinement facility communica-  
21 tions services shall be just and reasonable, and  
22 any such charge, practice, classification, or reg-  
23 ulation that is unjust or unreasonable is de-  
24 clared to be unlawful.  
25

1           “(B) RULEMAKING REQUIRED.—Not later  
2 than 18 months after the date of the enactment  
3 of this subsection, the Commission shall issue  
4 rules to adopt, for the provision of confinement  
5 facility communications services, rates and an-  
6 cillary service charges that are just and reason-  
7 able, which shall be the maximum such rates  
8 and charges that a provider of confinement fa-  
9 cility communications services may charge for  
10 such services. In determining rates and charges  
11 that are just and reasonable, the Commission  
12 shall adopt such rates and charges based on the  
13 average industry costs of providing such serv-  
14 ices using data collected from providers of con-  
15 finement facility communications services.

16           “(C) BIENNIAL REVIEW.—Not less fre-  
17 quently than every 2 years following the  
18 issuance of rules under subparagraph (B), the  
19 Commission shall—

20                   “(i) determine whether the rates and  
21 ancillary service charges authorized by the  
22 rules issued under such subparagraph re-  
23 main just and reasonable; and

24                   “(ii) if the Commission determines  
25 under clause (i) that any such rate or

1 charge does not remain just and reason-  
2 able, revise such rules so that such rate or  
3 charge is just and reasonable.

4 “(2) INTERIM RATE CAPS.—Until the Commis-  
5 sion issues the rules required by paragraph (1)(B),  
6 a provider of confinement facility communications  
7 services may not charge a rate for any voice service  
8 communication using confinement facility commu-  
9 nications services that exceeds the following:

10 “(A) For debit calling or prepaid calling,  
11 \$0.04 per minute.

12 “(B) For collect calling, \$0.05 per minute.

13 “(3) ASSESSMENT ON PER-MINUTE BASIS.—Ex-  
14 cept as provided in paragraph (4), a provider of con-  
15 finement facility communications services—

16 “(A) shall assess all charges for a commu-  
17 nication using such services on a per-minute  
18 basis for the actual duration of the communica-  
19 tion, measured from communication acceptance  
20 to termination, rounded up to the next full  
21 minute, except in the case of charges for serv-  
22 ices that the confinement facility offers free of  
23 charge or for amounts below the amounts per-  
24 mitted under this subsection; and

1           “(B) may not charge a per-communication  
2 or per-connection charge for a communication  
3 using such services.

4           “(4) ANCILLARY SERVICE CHARGES.—

5           “(A) GENERAL PROHIBITION.—A provider  
6 of confinement facility communications services  
7 may not charge an ancillary service charge  
8 other than—

9           “(i) if the Commission has not yet  
10 issued the rules required by paragraph  
11 (1)(B), a charge listed in subparagraph  
12 (B) of this paragraph; or

13           “(ii) a charge authorized by the rules  
14 adopted by the Commission under para-  
15 graph (1).

16           “(B) PERMITTED CHARGES AND RATES.—  
17 If the Commission has not yet issued the rules  
18 required by paragraph (1)(B), a provider of  
19 confinement facility communications services  
20 may not charge a rate for an ancillary service  
21 charge in excess of the following:

22           “(i) In the case of an automated pay-  
23 ment fee, 2.9 percent of the total charge  
24 on which the fee is assessed.

1           “(ii) In the case of a fee for single-call  
2           and related services, the exact transaction  
3           fee charged by the third-party provider,  
4           with no markup.

5           “(iii) In the case of a live agent fee,  
6           \$5.95 per use.

7           “(iv) In the case of a paper bill or  
8           statement fee, \$2 per use.

9           “(v) In the case of a third-party fi-  
10          nancial transaction fee, the exact fee, with  
11          no markup, charged by the third party for  
12          the transaction.

13          “(5) PROHIBITION ON SITE COMMISSIONS.—A  
14          provider of confinement facility communications  
15          services may not assess a site commission.

16          “(6) RELATIONSHIP TO STATE LAW.—A State  
17          or political subdivision of a State may not enforce  
18          any law, rule, regulation, standard, or other provi-  
19          sion having the force or effect of law relating to con-  
20          finement facility communications services that allows  
21          for higher rates or other charges to be assessed for  
22          such services than is permitted under any Federal  
23          law or regulation relating to confinement facility  
24          communications services.

25          “(7) DEFINITIONS.—In this subsection:

1           “(A) ANCILLARY SERVICE CHARGE.—The  
2 term ‘ancillary service charge’ means any  
3 charge a consumer may be assessed for the set-  
4 ting up or use of a confinement facility commu-  
5 nications service that is not included in the per-  
6 minute charges assessed for individual commu-  
7 nications.

8           “(B) AUTOMATED PAYMENT FEE.—The  
9 term ‘automated payment fee’ means a credit  
10 card payment, debit card payment, or bill proc-  
11 essing fee, including a fee for a payment made  
12 by means of interactive voice response, the  
13 internet, or a kiosk.

14           “(C) COLLECT CALLING.—The term ‘col-  
15 lect calling’ means an arrangement whereby a  
16 credit-qualified party agrees to pay for charges  
17 associated with a communication made to such  
18 party using confinement facility communica-  
19 tions services and originating from within a  
20 confinement facility.

21           “(D) CONFINEMENT FACILITY.—The term  
22 ‘confinement facility’—

23                   “(i) means a jail or a prison; and

24                   “(ii) includes any juvenile, detention,  
25 work release, or mental health facility that

1 is used primarily to hold individuals who  
2 are—

3 “(I) awaiting adjudication of  
4 criminal charges or an immigration  
5 matter; or

6 “(II) serving a sentence for a  
7 criminal conviction.

8 “(E) CONFINEMENT FACILITY COMMU-  
9 NICATIONS SERVICE.—The term ‘confinement  
10 facility communications service’ means a service  
11 that allows incarcerated persons to make elec-  
12 tronic communications (whether intrastate,  
13 interstate, or international and whether made  
14 using video, audio, or any other communicative  
15 method, including advanced communications  
16 services) to individuals outside the confinement  
17 facility, or to individuals inside the confinement  
18 facility, where the incarcerated person is being  
19 held, regardless of the technology used to de-  
20 liver the service.

21 “(F) CONSUMER.—The term ‘consumer’  
22 means the party paying a provider of confine-  
23 ment facility communications services.

24 “(G) DEBIT CALLING.—The term ‘debit  
25 calling’ means a presubscription or comparable

1 service which allows an incarcerated person, or  
2 someone acting on an incarcerated person's be-  
3 half, to fund an account set up through a pro-  
4 vider that can be used to pay for confinement  
5 facility communications services originated by  
6 the incarcerated person.

7 “(H) FEE FOR SINGLE-CALL AND RE-  
8 LATED SERVICES.—The term ‘fee for single-call  
9 and related services’ means a billing arrange-  
10 ment whereby communications made by an in-  
11 carcerated person using collect calling are billed  
12 through a third party on a per-communication  
13 basis, where the recipient does not have an ac-  
14 count with the provider of confinement facility  
15 communications services.

16 “(I) INCARCERATED PERSON.—The term  
17 ‘incarcerated person’ means a person detained  
18 at a confinement facility, regardless of the du-  
19 ration of the detention.

20 “(J) JAIL.—The term ‘jail’—

21 “(i) means a facility of a law enforce-  
22 ment agency of the Federal Government or  
23 of a State or political subdivision of a  
24 State that is used primarily to hold indi-  
25 viduals who are—



1                   “(I) awaiting adjudication of  
2 criminal charges;

3                   “(II) post-conviction and com-  
4 mitted to confinement for sentences of  
5 one year or less; or

6                   “(III) post-conviction and await-  
7 ing transfer to another facility; and

8                   “(ii) includes—

9                   “(I) city, county, or regional fa-  
10 cilities that have contracted with a  
11 private company to manage day-to-  
12 day operations;

13                   “(II) privately-owned and oper-  
14 ated facilities primarily engaged in  
15 housing city, county, or regional in-  
16 carcerated persons; and

17                   “(III) facilities used to detain in-  
18 dividuals pursuant to a contract with  
19 U.S. Immigration and Customs En-  
20 forcement.

21                   “(K) LIVE AGENT FEE.—The term ‘live  
22 agent fee’ means a fee associated with the op-  
23 tional use of a live operator to complete a con-  
24 finement facility communications service trans-  
25 action.

1 “(L) PAPER BILL OR STATEMENT FEE.—

2 The term ‘paper bill or statement fee’ means a  
3 fee associated with providing a consumer an op-  
4 tional paper billing statement.

5 “(M) PER-COMMUNICATION OR PER-CON-  
6 NECTION CHARGE.—The term ‘per-communica-  
7 tion or per-connection charge’ means a one-time  
8 fee charged to a consumer at the initiation of  
9 a communication.

10 “(N) PREPAID CALLING.—The term ‘pre-  
11 paid calling’ means a calling arrangement that  
12 allows a consumer to pay in advance for a spec-  
13 ified amount of confinement facility commu-  
14 nications services.

15 “(O) PRISON.—The term ‘prison’—

16 “(i) means a facility operated by a  
17 State or Federal agency that is used pri-  
18 marily to confine individuals convicted of  
19 felonies and sentenced to terms in excess  
20 of one year; and

21 “(ii) includes—

22 “(I) public and private facilities  
23 that provide outsource housing to  
24 State or Federal agencies such as

1 State Departments of Correction and  
2 the Federal Bureau of Prisons; and

3 “(II) facilities that would other-  
4 wise be jails but in which the majority  
5 of incarcerated persons are post-con-  
6 viction or are committed to confine-  
7 ment for sentences of longer than one  
8 year.

9 “(P) PROVIDER OF CONFINEMENT FACIL-  
10 ITY COMMUNICATIONS SERVICES.—The term  
11 ‘provider of confinement facility communica-  
12 tions services’ means any communications serv-  
13 ice provider that provides confinement facility  
14 communications services, regardless of the tech-  
15 nology used.

16 “(Q) SITE COMMISSION.—The term ‘site  
17 commission’ means any monetary payment, in-  
18 kind payment, gift, exchange of services or  
19 goods, fee, technology allowance, or product  
20 that a provider of confinement facility commu-  
21 nications services or an affiliate of a provider of  
22 confinement facility communications services  
23 may pay, give, donate, or otherwise provide  
24 to—

1 “(i) an entity that operates a confine-  
2 ment facility;

3 “(ii) an entity with which the provider  
4 of confinement facility communications  
5 services enters into an agreement to pro-  
6 vide confinement facility communications  
7 services;

8 “(iii) a governmental agency that  
9 oversees a confinement facility;

10 “(iv) the State or political subdivision  
11 of a State where a confinement facility is  
12 located; or

13 “(v) an agent or other representative  
14 of an entity described in any of clauses (i)  
15 through (iv).

16 “(R) THIRD-PARTY FINANCIAL TRANS-  
17 ACTION FEE.—The term ‘third-party financial  
18 transaction fee’ means the exact fee, with no  
19 markup, that a provider of confinement facility  
20 communications services is charged by a third  
21 party to transfer money or process a financial  
22 transaction to facilitate the ability of a con-  
23 sumer to make an account payment via a third  
24 party.

1           “(S) VOICE SERVICE.—The term ‘voice  
2           service’—

3                   “(i) means any service that is inter-  
4                   connected with the public switched tele-  
5                   phone network and that furnishes voice  
6                   communications to an end user using re-  
7                   sources from the North American Num-  
8                   bering Plan or any successor to the North  
9                   American Numbering Plan adopted by the  
10                  Commission under section 251(e)(1); and

11                  “(ii) includes—

12                          “(I) transmissions from a tele-  
13                          phone facsimile machine, computer, or  
14                          other device to a telephone facsimile  
15                          machine; and

16                          “(II) without limitation, any  
17                          service that enables real-time, two-way  
18                          voice communications, including any  
19                          service that requires internet protocol-  
20                          compatible customer premises equip-  
21                          ment (commonly known as ‘CPE’)  
22                          and permits out-bound calling, wheth-  
23                          er or not the service is one-way or  
24                          two-way voice over internet protocol.”.

1 (b) CONFORMING AMENDMENT.—Section 276(d) of  
2 the Communications Act of 1934 (47 U.S.C. 276(d)) is  
3 amended by striking “inmate telephone service in correc-  
4 tional institutions” and inserting “confinement facility  
5 communications services (as defined in subsection  
6 (e)(7))”.

7 (c) EXISTING CONTRACTS.—

8 (1) IN GENERAL.—In the case of a contract  
9 that was entered into and under which a provider of  
10 confinement facility communications services was  
11 providing such services at a confinement facility on  
12 or before the date of the enactment of this Act—

13 (A) paragraphs (1) through (5) of sub-  
14 section (e) of section 276 of the Communica-  
15 tions Act of 1934, as added by subsection (a)  
16 of this section, shall apply to the provision of  
17 confinement facility communications services by  
18 such provider at such facility beginning on the  
19 earlier of—

20 (i) the date that is 60 days after such  
21 date of enactment; or

22 (ii) the date of the termination of the  
23 contract; and

1 (B) the terms of such contract may not be  
2 extended after such date of enactment, whether  
3 by exercise of an option or otherwise.

4 (2) DEFINITIONS.—In this subsection, the  
5 terms “confinement facility”, “confinement facility  
6 communications service”, and “provider of confine-  
7 ment facility communications services” have the  
8 meanings given such terms in paragraph (7) of sub-  
9 section (e) of section 276 of the Communications  
10 Act of 1934, as added by subsection (a) of this sec-  
11 tion.

12 **SEC. 603. AUTHORITY.**

13 Section 2(b) of the Communications Act of 1934 (47  
14 U.S.C. 152(b)) is amended by inserting “section 276,”  
15 after “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  
10      by the Secretary of Health and Human Services  
11      under section 319 of the Public Health Services Act  
12      (42 U.S.C. 247d) on January 31, 2020, with respect  
13      to COVID–19 (including any renewal of that dec-  
14      laration).

15          (3) The term “Secretary” means the Secretary  
16      of 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  
22      by inserting after section 317 (7 U.S.C. 217a) the fol-  
23      lowing new section:

24   **“SEC. 318. STATUTORY TRUST ESTABLISHED; DEALER.**

25       “(a) ESTABLISHMENT.—



1           “(1) IN GENERAL.—All livestock purchased by  
2           a dealer in cash sales and all inventories of, or re-  
3           ceivables or proceeds from, such livestock shall be  
4           held by such dealer in trust for the benefit of all un-  
5           paid cash sellers of such livestock until full payment  
6           has been received by such unpaid cash sellers.

7           “(2) EXEMPTION.—Any dealer whose average  
8           annual purchases of livestock do not exceed  
9           \$100,000 shall be exempt from the provisions of this  
10          section.

11          “(3) EFFECT OF DISHONORED INSTRU-  
12          MENTS.—For purposes of determining full payment  
13          under paragraph (1), a payment to an unpaid cash  
14          seller shall not be considered to have been made if  
15          the unpaid cash seller receives a payment instrument  
16          that is dishonored.

17          “(b) PRESERVATION OF TRUST.—An unpaid cash  
18          seller shall lose the benefit of a trust under subsection (a)  
19          if the unpaid cash seller has not preserved the trust by  
20          giving written notice to the dealer involved and filing such  
21          notice with the Secretary—

22                 “(1) within 30 days of the final date for mak-  
23                 ing a payment under section 409 in the event that  
24                 a payment instrument has not been received; or

1           “(2) within 15 business days after the date on  
2           which the seller receives notice that the payment in-  
3           strument promptly presented for payment has been  
4           dishonored.

5           “(c) NOTICE TO LIEN HOLDERS.—When a dealer re-  
6           ceives notice under subsection (b) of the unpaid cash sell-  
7           er’s intent to preserve the benefits of the trust, the dealer  
8           shall, within 15 business days, give notice to all persons  
9           who have recorded a security interest in, or lien on, the  
10          livestock held in such trust.

11          “(d) CASH SALES DEFINED.—For the purpose of  
12          this section, a cash sale means a sale in which the seller  
13          does not expressly extend credit to the buyer.

14          “(e) PURCHASE OF LIVESTOCK SUBJECT TO  
15          TRUST.—

16                 “(1) IN GENERAL.—A person purchasing live-  
17                 stock subject to a dealer trust shall receive good title  
18                 to the livestock if the person receives the livestock—

19                         “(A) in exchange for payment of new  
20                         value; and

21                         “(B) in good faith without notice that the  
22                         transfer is a breach of trust.

23                 “(2) DISHONORED PAYMENT INSTRUMENT.—  
24          Payment shall not be considered to have been made

1 if a payment instrument given in exchange for the  
2 livestock is dishonored.

3 “(3) TRANSFER IN SATISFACTION OF ANTE-  
4 CEDENT DEBT.—A transfer of livestock subject to a  
5 dealer trust is not for value if the transfer is in sat-  
6 isfaction of an antecedent debt or to a secured party  
7 pursuant to a security agreement.

8 “(f) ENFORCEMENT.—Whenever the Secretary has  
9 reason to believe that a dealer subject to this section has  
10 failed to perform the duties required by this section or  
11 whenever the Secretary has reason to believe that it will  
12 be in the best interest of unpaid cash sellers, the Secretary  
13 shall do one or more of the following—

14 “(1) Appoint an independent trustee to carry  
15 out the duties required by this section, preserve  
16 trust assets, and enforce the trust.

17 “(2) Serve as independent trustee, preserve  
18 trust assets, and enforce the trust.

19 “(3) File suit in the United States district  
20 court for the district in which the dealer resides to  
21 enjoin the dealer’s failure to perform the duties re-  
22 quired by this section, preserve trust assets, and to  
23 enforce the trust. Attorneys employed by the Sec-  
24 retary may, with the approval of the Attorney Gen-  
25 eral, represent the Secretary in any such suit. Noth-

1       ing herein shall preclude unpaid sellers from filing  
2       suit to preserve or enforce the trust.”.

3   **SEC. 102. EMERGENCY ASSISTANCE FOR MARKET-READY**  
4                   **LIVESTOCK AND POULTRY LOSSES.**

5       (a) IN GENERAL.—The Secretary shall make pay-  
6       ments to covered producers to offset the losses of income  
7       related to the intentional depopulation of market-ready  
8       livestock and poultry due to insufficient regional access  
9       to meat and poultry processing related to the COVID–19  
10      public health emergency, as determined by the Secretary.

11      (b) PAYMENT RATE FOR COVERED PRODUCERS.—

12              (1) PAYMENTS FOR FIRST 30-DAY PERIOD.—

13      For a period of 30 days beginning, with respect to  
14      a covered producer, on the initial date of depopula-  
15      tion described in subsection (a) of the market-ready  
16      livestock or poultry of the covered producer, the Sec-  
17      retary shall reimburse such covered producer for 85  
18      percent of the value of losses as determined under  
19      subsection (c).

20              (2) SUBSEQUENT 30-DAY PERIODS.—For each

21      30-day period subsequent to the 30-day period de-  
22      scribed in paragraph (1), the Secretary shall reduce  
23      the value of the losses as determined under sub-  
24      section (c) with respect to a covered producer by 10  
25      percent.

1 (c) VALUATION.—In calculating the amount of losses  
2 for purposes of the payment rates under subsection (b),  
3 the Secretary shall use the average fair market value, as  
4 determined by the Secretary in collaboration with the  
5 Chief Economist of the Department of Agriculture and the  
6 Administrator of the Agricultural Marketing Service, for  
7 market-ready livestock, where applicable, and market-  
8 ready poultry, where applicable, during the period begin-  
9 ning on March 1, 2020, and ending on the date of the  
10 enactment of this section. In no case shall a payment  
11 made under subsection (b) and compensation received  
12 from any other source exceed the average market value  
13 of market-ready livestock or poultry on the date of de-  
14 population.

15 (d) PACKER-OWNED ANIMALS EXCLUDED.—The Sec-  
16 retary may not make payments under this section for the  
17 actual losses of livestock owned by a packer or poultry  
18 owned by a live poultry dealer.

19 (e) DEFINITIONS.—In this section:

20 (1) COVERED PRODUCER.—The term “covered  
21 producer” means a person or legal entity that as-  
22 sumes the production and market risks associated  
23 with the agricultural production of livestock and  
24 poultry (as such terms are defined in section 2(a) of

1 the Packers and Stockyards Act, 1921 (7 U.S.C.  
2 182(a)).

3 (2) PACKER.—The term “packer” has the  
4 meaning given the term in section 201 of the Pack-  
5 ers and Stockyards Act, 1921 (7 U.S.C. 191).

6 (3) LIVE POULTRY DEALER.—The term “live  
7 poultry dealer” has the meaning given the term in  
8 section 2(a) of the Packers and Stockyards Act,  
9 1921 (7 U.S.C. 182(a)).

10 (4) INTENTIONAL DEPOPULATION.—The term  
11 “intentional depopulation” means—

12 (A) the destruction of livestock or poultry;

13 and

14 (B) the transfer of livestock or poultry to  
15 a noncommercial interest.

16 (f) FUNDING.—Out of any amounts of the Treasury  
17 not otherwise appropriated, there is appropriated to carry  
18 out this section such sums as may be necessary, to remain  
19 available until expended.

20 **SEC. 103. ANIMAL DISEASE PREVENTION AND MANAGE-**  
21 **MENT RESPONSE.**

22 Out of any amounts in the Treasury not otherwise  
23 appropriated, there is appropriated to carry out section  
24 10409A of the Animal Health Protection Act (7 U.S.C.  
25 8308A) \$300,000,000, to remain available until expended.

1 **SEC. 104. GRANTS FOR IMPROVEMENTS TO MEAT AND**  
2 **POULTRY FACILITIES TO ALLOW FOR INTER-**  
3 **STATE SHIPMENT.**

4 (a) IN GENERAL.—The Secretary, acting through the  
5 Administrator of the Agricultural Marketing Service and  
6 in consultation with the Administrator of the Food Safety  
7 Inspection Service, shall make grants to meat and poultry  
8 processing facilities (including facilities operating under  
9 State inspection or facilities that are exempt from Federal  
10 inspection) in operation as of the date on which an appli-  
11 cation for such a grant is made to assist such facilities  
12 with respect to costs incurred in making improvements to  
13 such facilities and carrying out other planning activities  
14 necessary to be subject to inspection under the Federal  
15 Meat Inspection Act (21 U.S.C. 601 et seq.), or the Poul-  
16 try Products Inspection Act (21 U.S.C. 451 et seq.).

17 (b) GRANT AMOUNT.—The amount of a grant under  
18 this section shall not exceed \$100,000.

19 (c) CONDITION.—As a condition on receipt of a grant  
20 under this section, a grant recipient shall agree that if  
21 the recipient is not subject to inspection or making a good  
22 faith effort to be subject to inspection under the Federal  
23 Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poul-  
24 try Products Inspection Act (21 U.S.C. 451 et seq.) within  
25 36 months of receiving such grant, the grant recipient

1 shall make a payment (or payments) to the Secretary in  
2 an amount equal to the amount of the grant.

3 (d) MATCHING FUNDS.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), the Secretary shall require a grant recipi-  
6 ent under this section to provide matching non-Fed-  
7 eral funds in an amount equal to the amount of a  
8 grant.

9 (2) EXCEPTION.—The Secretary shall not re-  
10 quire any recipient of a grant under this section to  
11 provide matching funds with respect to a grant  
12 awarded in fiscal year 2021.

13 (e) REPORTS.—

14 (1) REPORTS ON GRANTS MADE.—Beginning  
15 not later than one year after the date on which the  
16 first grant is awarded under this section, and annu-  
17 ally thereafter, the Secretary shall submit to the  
18 Committee on Agriculture and the Committee on  
19 Appropriations of the House of Representatives and  
20 the Committee on Agriculture, Nutrition, and For-  
21 estry and the Committee on Appropriations of the  
22 Senate a report on grants made under this section  
23 and any facilities that were upgraded using such  
24 funds during the year covered by the report.



1           (2) REPORT ON THE COOPERATIVE INTERSTATE  
2 SHIPMENT PROGRAM.—Beginning not later than one  
3 year after the date of the enactment of this section,  
4 the Secretary shall submit to the Committee on Ag-  
5 riculture and the Committee on Appropriations of  
6 the House of Representatives and the Committee on  
7 Agriculture, Nutrition, and Forestry and the Com-  
8 mittee on Appropriations of the Senate a report of  
9 any recommendations, developed in consultation with  
10 all States, for possible improvements to the coopera-  
11 tive interstate shipment programs under section 501  
12 of the Federal Meat Inspection Act (21 U.S.C. 683)  
13 and section 31 of the Poultry Products Inspection  
14 Act (21 U.S.C. 472).

15       (f) FUNDING.—Of the funds of the Treasury not oth-  
16 erwise appropriated, there is appropriated to carry out  
17 this section \$100,000,000 for the period of fiscal years  
18 2021 through 2023.

19 **SEC. 105. PAYMENTS TO CONTRACT PRODUCERS.**

20       (a) IN GENERAL.—The Secretary shall make pay-  
21 ments to contract growers of livestock or poultry to cover  
22 revenue losses in response to the COVID–19 pandemic.

23       (b) LIVESTOCK AND POULTRY LOSSES NOT COV-  
24 ERED BY THE FIRST OR SECOND CORONAVIRUS FOOD AS-  
25 SISTANCE PROGRAM.—In the case of livestock or poultry

1 related revenue losses for which a contract grower is ineli-  
2 gible to receive direct payments under the first coronavirus  
3 food assistance program or the second coronavirus food  
4 assistance program, the Secretary shall base payments re-  
5 quired under subsection (a), per commodity, by com-  
6 paring—

7           (1) the revenue losses for the period beginning  
8           on January 15, 2020, and ending on December 31,  
9           2020; and

10           (2) historical revenue.

11       (c) ADJUSTED GROSS INCOME LIMITATIONS.—A  
12 payment under this section shall be deemed to be a cov-  
13 ered benefit under section 1001D(b)(2) of the Food Secu-  
14 rity Act of 1985 (7 U.S.C. 1308–3a(b)(2)), unless at least  
15 75 percent of the adjusted gross income of the recipient  
16 of the payment is derived from activities related to farm-  
17 ing, ranching, or forestry.

18       (d) PAYMENTS.—The Secretary shall begin making  
19 payments under subsection (a) not later than 60 days  
20 after the date of the enactment of this section.

21       (e) FUNDING.—There is appropriated, out of any  
22 funds in the Treasury not otherwise appropriated, to carry  
23 out this section \$1,250,000,000, to remain available until  
24 expended.

25       (f) DEFINITIONS.—In this section:

1 (1) CFAP DEFINITIONS.—

2 (A) FIRST CORONAVIRUS FOOD ASSIST-  
3 ANCE PROGRAM.—The term “first coronavirus  
4 food assistance program” means the first  
5 coronavirus food assistance program (CFAP1)  
6 of the Department of Agriculture under sec-  
7 tions 9.101 and 9.102 of title 7, Code of Fed-  
8 eral Regulations.

9 (B) SECOND CORONAVIRUS FOOD ASSIST-  
10 ANCE PROGRAM.—The term “second  
11 coronavirus food assistance program” means  
12 the second coronavirus food assistance program  
13 (CFAP2) of the Department of Agriculture  
14 under sections 9.201 and 9.202 of title 7, Code  
15 of Federal Regulations.

16 (2) CONTRACT GROWER.—The term “contract  
17 grower” means a grower of livestock or poultry, in-  
18 cluding poultry used for egg production, and does  
19 not include a packer, live poultry dealer, processor,  
20 integrator, or any other business entity relating to  
21 livestock or poultry production that does not raise  
22 livestock or poultry.

23 (3) LIVE POULTRY DEALER.—The term “live  
24 poultry dealer” has the meaning given the term in

1 section 2(a) of the Packers and Stockyards Act,  
2 1921 (7 U.S.C. 182(a)).

3 (4) PACKER.— The term “packer” has the  
4 meaning given the term in section 201 of the Pack-  
5 ers and Stockyards Act, 1921 (7 U.S.C. 191).

6 (5) REVENUE.—The term “revenue” means in-  
7 come derived only from contract livestock or poultry  
8 production.

9 **SEC. 106. REPORTS AND OUTREACH RELATED TO MEAT**  
10 **AND POULTRY PROCESSING.**

11 (a) STUDY AND REPORT ON PROCESSING CAPACITY  
12 REQUIRED.—

13 (1) STUDY REQUIRED.—The Secretary shall  
14 conduct a study on covered processing facilities,  
15 which shall assess with respect to such facilities in  
16 each State and region—

17 (A) the available monthly and annual  
18 slaughter capacity of such facilities,  
19 disaggregated by type of facility and whether  
20 that capacity is sufficient to meet the national,  
21 State, and regional need, including on a local  
22 basis;

23 (B) the available cold storage capacity of  
24 such facilities, disaggregated by type of facility;

1 (C) the number and age of established  
2 processing facilities, disaggregated by type of  
3 facility;

4 (D) the ownership demographics of covered  
5 processing facilities, including—

6 (i) whether such facilities are foreign  
7 or domestically-owned; and

8 (ii) the business structure of such  
9 processing facilities;

10 (E) the available slaughter capacity for  
11 livestock and poultry not grown under contract,  
12 disaggregated by type of facility and species so  
13 slaughtered;

14 (F) with respect to each species slaugh-  
15 tered at covered processing facilities, the esti-  
16 mated distance between livestock and poultry  
17 production and processing and the transpor-  
18 tation costs associated with such processing;

19 (G) any opportunities to support new or  
20 innovative processing partnerships that would  
21 increase resiliency and flexibility of slaughter  
22 and processing capacity; and

23 (H) the barriers to increasing the avail-  
24 ability of slaughter and processing of meat and  
25 poultry, including with respect to—

- 1 (i) expanding existing facilities;
- 2 (ii) creating additional facilities; and
- 3 (iii) reactivating closed facilities.

4 (2) COVERED PROCESSING FACILITY DE-  
5 FINED.—In this section, the term “covered proc-  
6 essing facility” means a facility that slaughters or  
7 otherwise processes meat or poultry in the United  
8 States, including the following types of facilities:

9 (A) Facilities subject to Federal inspection  
10 under the Federal Meat Inspection Act (21  
11 U.S.C. 601 et seq.) or the Poultry Products In-  
12 spection Act (21 U.S.C. 451 et seq.), as appli-  
13 cable.

14 (B) Facilities subject to State inspection  
15 under a meat and poultry inspection program  
16 agreement.

17 (C) Custom facilities exempt from inspec-  
18 tion under the Acts referred to in subparagraph

19 (A).

20 (3) REPORT TO CONGRESS.—Not later than 1  
21 year after the date of the enactment of this section,  
22 the Secretary shall submit to the Committee on Ag-  
23 riculture of the House of Representatives and the  
24 Committee on Agriculture, Nutrition, and Forestry

1 of the Senate a report that includes the results of  
2 the study conducted under paragraph (1).

3 (b) STUDY AND REPORT ON FINANCIAL ASSISTANCE  
4 AVAILABILITY.—

5 (1) STUDY REQUIRED.—The Secretary shall  
6 conduct a study on the availability and effectiveness  
7 of—

8 (A) Federal loan programs, Federal loan  
9 guarantee programs, and grant programs for  
10 which—

11 (i) facilities that slaughter or other-  
12 wise process meat and poultry in the  
13 United States, which are in operation and  
14 subject to inspection under the Federal  
15 Meat Inspection Act (21 U.S.C. 601 et  
16 seq.) or the Poultry Products Inspection  
17 Act (21 U.S.C. 451 et seq.), as of the date  
18 of the enactment of this section, and

19 (ii) entities seeking to establish such a  
20 facility in the United States,  
21 may be eligible; and

22 (B) Federal grant programs intended to  
23 support—

1 (i) business activities relating to in-  
2 creasing the slaughter or processing capac-  
3 ity in the United States; and

4 (ii) feasibility or marketing studies on  
5 the practicality and viability of specific new  
6 or expanded projects to support additional  
7 slaughter or processing capacity in the  
8 United States.

9 (2) REPORT TO CONGRESS.—Not later than 60  
10 days after the date of the enactment of this section,  
11 the Secretary, in consultation with applicable Fed-  
12 eral agencies, shall submit a report to the Com-  
13 mittee on Agriculture of the House of Representa-  
14 tives and the Committee on Agriculture, Nutrition,  
15 and Forestry of the Senate that includes the results  
16 of the study required under paragraph (1).

17 (3) PUBLICATION.—Not later than 90 days  
18 after the date of the enactment of this section, the  
19 Secretary shall make publicly available on the  
20 website of the Food Safety and Inspection Service of  
21 the Department of Agriculture a list of each loan  
22 program, loan guarantee program, and grant pro-  
23 gram identified under paragraph (1).

24 (c) OUTREACH ACTIVITIES.—



1           (1) IN GENERAL.—To the maximum extent  
2           practicable, the Secretary shall conduct outreach and  
3           education activities to inform the current or prospec-  
4           tive owners and operators of facilities or other enti-  
5           ties described in subsection (b)(1)(A), producer  
6           groups, and institutions of higher education, of the  
7           availability of each loan program, loan guarantee  
8           program, and grant program identified under para-  
9           graph (1).

10           (2) FEASIBILITY OR MARKETING STUDIES.—In  
11           carrying out paragraph (1), the Secretary may enter  
12           into cooperative agreements with eligible entities to  
13           conduct feasibility or marketing studies to determine  
14           the practicality and viability of specific projects to  
15           support additional slaughter or processing capacity  
16           in the United States.

17           (3) MAXIMUM AMOUNT.—The amount of assist-  
18           ance provided through a cooperative agreement  
19           under paragraph (2) with respect to a particular  
20           project may not exceed \$75,000.

21           (4) REPORTING.—The Secretary shall publish  
22           (and update as necessary) on the public website of  
23           the Department of Agriculture, an accounting of  
24           outreach activities conducted pursuant to this sub-  
25           section, including a description of each such activity

1 and the amount of Federal funds expended to con-  
2 duct each such activity.

3 (d) FUNDING.—To carry out this section, there is ap-  
4 propriated, out of the funds of the Treasury not otherwise  
5 appropriated—

6 (1) \$2,000,000 to carry out subsection (a);

7 (2) \$2,000,000 to carry out subsection (b); and

8 (3) \$16,000,000 to carry out subsection (c).

## 9 **TITLE II—DAIRY**

### 10 **SEC. 201. DAIRY DIRECT DONATION PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) ELIGIBLE DAIRY ORGANIZATION.—The term  
13 “eligible dairy organization” is defined in section  
14 1431(a) of the Agricultural Act of 2014 (7 U.S.C.  
15 9071(a)).

16 (2) ELIGIBLE DAIRY PRODUCTS.—The term  
17 “eligible dairy products” means products primarily  
18 made from milk.

19 (3) ELIGIBLE DISTRIBUTOR.—The term “eligi-  
20 ble distributor” means a public or private nonprofit  
21 organization that distributes donated eligible dairy  
22 products to recipient individuals and families.

23 (4) ELIGIBLE PARTNERSHIP.—The term “eligi-  
24 ble partnership” means a partnership between an el-  
25 ible dairy organization and an eligible distributor.

1 (b) ESTABLISHMENT AND PURPOSES.—Not later  
2 than 45 days after the date of the enactment of this Act,  
3 the Secretary shall establish and administer a direct dairy  
4 donation program for the purposes of—

5 (1) facilitating the timely donation of eligible  
6 dairy products; and

7 (2) preventing and minimizing food waste.

8 (c) DONATION AND DISTRIBUTION PLANS.—

9 (1) IN GENERAL.—To be eligible to receive re-  
10 imbursement under this section, an eligible partner-  
11 ship shall submit to the Secretary a donation and  
12 distribution plan that describes the process that the  
13 eligible partnership will use for the donation, proc-  
14 essing, transportation, temporary storage, and dis-  
15 tribution of eligible dairy products.

16 (2) REVIEW AND APPROVAL.—No later than 15  
17 business days after receiving a plan described in  
18 paragraph (1), the Secretary shall—

19 (A) review such plan; and

20 (B) issue an approval or disapproval of  
21 such plan.

22 (d) REIMBURSEMENT.—

23 (1) IN GENERAL.—On receipt of appropriate  
24 documentation under paragraph (2), the Secretary  
25 shall reimburse an eligible dairy organization at a

1 rate equal to the raw milk cost for the product as  
2 priced in the Federal milk marketing orders multi-  
3 plied by the volume of milk required to make the do-  
4 nated product.

5 (2) DOCUMENTATION.—

6 (A) IN GENERAL.—An eligible dairy orga-  
7 nization shall submit to the Secretary such doc-  
8 umentation as the Secretary may require to  
9 demonstrate the eligible dairy product produc-  
10 tion and donation to the eligible distributor.

11 (B) VERIFICATION.—The Secretary may  
12 verify the accuracy of documentation submitted  
13 under subparagraph (A).

14 (3) RETROACTIVE REIMBURSEMENT.—In pro-  
15 viding reimbursements under paragraph (1), the  
16 Secretary may provide reimbursements for milk  
17 costs incurred before the date on which the donation  
18 and distribution plan for the applicable participating  
19 partnership was approved by the Secretary.

20 (e) PROHIBITION ON RESALE OF PRODUCTS.—

21 (1) IN GENERAL.—An eligible distributor that  
22 receives eligible dairy products donated under this  
23 section may not sell the products into commercial  
24 markets.

1           (2) PROHIBITION ON FUTURE PARTICIPA-  
2           TION.—An eligible distributor that the Secretary de-  
3           termines has violated paragraph (1) shall not be eli-  
4           gible for any future participation in the program es-  
5           tablished under this section.

6           (f) REVIEWS.—The Secretary shall conduct appro-  
7           priate reviews or audits to ensure the integrity of the pro-  
8           gram established under this section.

9           (g) PUBLICATION OF DONATION ACTIVITY.—The  
10          Secretary, acting through the Administrator of the Agri-  
11          cultural Marketing Service, shall publish on the publicly  
12          accessible website of the Agricultural Marketing Service  
13          periodic reports containing donation activity under this  
14          section.

15          (h) SUPPLEMENTAL REIMBURSEMENTS.—

16               (1) IN GENERAL.—The Secretary may make a  
17               supplemental reimbursement to an eligible dairy or-  
18               ganization for an approved donation and distribution  
19               plan in accordance with the milk donation program  
20               established under section 1431 of the Agricultural  
21               Act of 2014 (7 U.S.C. 9071).

22               (2) REIMBURSEMENT CALCULATION.—A sup-  
23               plemental reimbursement described in paragraph (1)  
24               shall be equal to the value of—

1 (A) raw milk cost for the product as priced  
2 in the Federal milk marketing orders, less any  
3 reimbursement provided under section 1431 of  
4 the Agricultural Act of 2014, multiplied by

5 (B) the volume of eligible dairy products  
6 under such approved donation plan.

7 (i) FUNDING.—Out of any amounts of the Treasury  
8 not otherwise appropriated, there is appropriated to carry  
9 out this section \$500,000,000, to remain available until  
10 expended.

11 (j) AUTHORITY TO CARRY OUT SECTION.—The Sec-  
12 retary may only carry out this section during a period in  
13 which—

14 (1) a public health emergency is—

15 (A) declared under section 319 of the Pub-  
16 lic Health Services Act (42 U.S.C. 247d); or

17 (B) renewed under such section; or

18 (2) a disaster is designated by the Secretary.

19 **SEC. 202. SUPPLEMENTAL DAIRY MARGIN COVERAGE PAY-**  
20 **MENTS.**

21 (a) IN GENERAL.—The Secretary shall provide sup-  
22 plemental dairy margin coverage payments to eligible  
23 dairy operations described in subsection (b)(1) whenever  
24 the average actual dairy production margin (as defined in  
25 section 1401 of the Agricultural Act of 2014 (7 U.S.C.

1 9051)) for a month is less than the coverage level thresh-  
2 old selected by such eligible dairy operation under section  
3 1406 of such Act (7 U.S.C. 9056).

4 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—

5 (1) IN GENERAL.—An eligible dairy operation  
6 described in this subsection is a dairy operation  
7 that—

8 (A) is located in the United States; and

9 (B) during a calendar year in which such  
10 dairy operation is a participating dairy oper-  
11 ation (as defined in section 1401 of the Agricul-  
12 tural Act of 2014 (7 U.S.C. 9051)), has a pro-  
13 duction history established under the dairy  
14 margin coverage program under section 1405 of  
15 the Agricultural Act of 2014 (7 U.S.C. 9055)  
16 of less than 5 million pounds, as determined in  
17 accordance with subsection (c) of such section  
18 1405.

19 (2) LIMITATION ON ELIGIBILITY.—An eligible  
20 dairy operation shall only be eligible for payments  
21 under this section during a calendar year in which  
22 such eligible dairy operation is enrolled in dairy mar-  
23 gin coverage (as defined in section 1401 of the Agri-  
24 cultural Act of 2014 (7 U.S.C. 9051)).

1 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-  
2 CULATION.—For purposes of determining the production  
3 history of an eligible dairy operation under this section,  
4 such dairy operation’s production history shall be equal  
5 to—

6 (1) the production volume of such dairy oper-  
7 ation for the 2019 milk marketing year; minus

8 (2) the dairy margin coverage production his-  
9 tory of such dairy operation established under sec-  
10 tion 1405 of the Agricultural Act of 2014 (7 U.S.C.  
11 9055).

12 (d) COVERAGE PERCENTAGE.—

13 (1) IN GENERAL.—For purposes of calculating  
14 payments to be issued under this section during a  
15 calendar year, an eligible dairy operation’s coverage  
16 percentage shall be equal to the coverage percentage  
17 selected by such eligible dairy operation with respect  
18 to such calendar year under section 1406 of the Ag-  
19 ricultural Act of 2014 (7 U.S.C. 9056).

20 (2) 5-MILLION POUND LIMITATION.—

21 (A) IN GENERAL.—The Secretary shall not  
22 provide supplemental dairy margin coverage on  
23 an eligible dairy operation’s actual production  
24 for a calendar year such that the total covered



1 production history of such dairy operation ex-  
2 ceeds 5 million pounds.

3 (B) DETERMINATION OF AMOUNT.—In cal-  
4 culating the total covered production history of  
5 an eligible dairy operation under subparagraph  
6 (A), the Secretary shall multiply the coverage  
7 percentage selected by such operation under  
8 section 1406 of the Agricultural Act of 2014 (7  
9 U.S.C. 9056) by the sum of—

10 (i) the supplemental production his-  
11 tory calculated under subsection (c) with  
12 respect to such dairy operation; and

13 (ii) the dairy margin coverage produc-  
14 tion history described in subsection (c)(2)  
15 with respect to such dairy operation.

16 (e) PREMIUM COST.—The premium cost for an eligi-  
17 ble dairy operation under this section for a calendar year  
18 shall be equal to the product of multiplying—

19 (1) the Tier I premium cost calculated with re-  
20 spect to such dairy operation for such year under  
21 section 1407(b) of the Agricultural Act of 2014 (7  
22 U.S.C. 9057(b)); by

23 (2) the production history calculation with re-  
24 spect to such dairy operation determined under sub-

1 section (c) (such that total covered production his-  
2 tory does not exceed 5 million pounds).

3 (f) REGULATIONS.—Not later than 45 days after the  
4 date of the enactment of this section, the Secretary shall  
5 issue regulations to carry out this section.

6 (g) PROHIBITION WITH RESPECT TO DAIRY MARGIN  
7 COVERAGE ENROLLMENT.—The Secretary may not re-  
8 open or otherwise provide a special enrollment for dairy  
9 margin coverage (as defined in section 1401 of the Agri-  
10 cultural Act of 2014 (7 U.S.C. 9051)) for purposes of es-  
11 tablishing eligibility for supplemental dairy margin cov-  
12 erage payments under this section.

13 (h) RETROACTIVE APPLICATION FOR CALENDAR  
14 YEAR 2020.—The Secretary shall make payments under  
15 this section to eligible dairy operations described in sub-  
16 section (b)(1) for months after and including January,  
17 2020.

18 (i) SUNSET.—The authority to make payments under  
19 this section shall terminate on December 31, 2023.

20 (j) FUNDING.—There is appropriated, out of any  
21 funds in the Treasury not otherwise appropriated, to carry  
22 out this section such sums as necessary, to remain avail-  
23 able until the date specified in subsection (i).

1 **SEC. 203. RECOURSE LOAN PROGRAM FOR COMMERCIAL**  
2 **PROCESSORS OF DAIRY PRODUCTS.**

3 (a) IN GENERAL.—The Secretary shall make re-  
4 course loans available to qualified applicants during the  
5 COVID–19 pandemic.

6 (b) AMOUNT OF LOAN.—

7 (1) IN GENERAL.—A recourse loan made under  
8 this section shall be provided to qualified applicants  
9 up to the value of the eligible dairy product inven-  
10 tory of the applicant as determined by the Secretary  
11 and in accordance with subsection (c).

12 (2) VALUATION.—For purposes of making re-  
13 course loans under this section, the Secretary shall  
14 conduct eligible dairy product valuations to provide,  
15 to the maximum extent practicable, funds to con-  
16 tinue the operations of qualified applicants.

17 (c) INVENTORY USED AS COLLATERAL.—Eligible  
18 dairy product inventory used as collateral for the recourse  
19 loan program under this section shall be pledged on a ro-  
20 tating basis to prevent spoilage of perishable products.

21 (d) TERM OF LOAN.—A recourse loan under this sec-  
22 tion may be made for a period as determined by the Sec-  
23 retary, except that no such recourse loan may end after  
24 the date that is 24 months after the date of the enactment  
25 of this section.

1 (e) FUNDING.—Out of any amounts in the Treasury  
2 not otherwise appropriated, there is appropriated to carry  
3 out this section \$500,000,000.

4 (f) DEFINITIONS.—In this section:

5 (1) ELIGIBLE DAIRY PRODUCTS.—The term  
6 “eligible dairy products” means all dairy products  
7 whether in base commodity or finished product form.

8 (2) QUALIFIED APPLICANT.—The term “quali-  
9 fied applicant” means any commercial processor,  
10 packager, or merchandiser of eligible dairy products  
11 that is impacted by COVID–19.

12 **SEC. 204. DAIRY MARGIN COVERAGE PREMIUM DISCOUNT**  
13 **FOR A 3-YEAR SIGNUP.**

14 The Secretary shall provide a 15 percent discount for  
15 the premiums described in subsections (b) and (c) of sec-  
16 tion 1407 of the Agricultural Act of 2014 (7 U.S.C. 9051)  
17 and the premium described in section 202(e) for a dairy  
18 operation (as defined in section 1401 of the Agricultural  
19 Act of 2014 (7 U.S.C. 9051)) that makes a 1-time, 3-  
20 year election to enroll in dairy margin coverage under part  
21 I of subtitle D of such Act for calendar years 2021  
22 through 2024.

1       **TITLE III—SPECIALTY CROPS**  
2       **AND OTHER COMMODITIES**

3       **SEC. 301. SUPPORT FOR SPECIALTY CROP SECTOR.**

4           Section 101(l) of the Specialty Crops Competitiveness  
5 Act of 2004 (7 U.S.C. 1621 note) is amended by adding  
6 at the end the following:

7                   “(3) COVID–19 OUTBREAK SUPPORT.—

8                           “(A) IN GENERAL.—The Secretary shall  
9                           make grants to States eligible to receive a grant  
10                           under this section to assist State efforts to sup-  
11                           port the specialty crop sector for impacts re-  
12                           lated to the COVID–19 public health emer-  
13                           gency.

14                           “(B) FUNDING.—There is appropriated,  
15                           out of any funds in the Treasury not otherwise  
16                           appropriated, to carry out subparagraph (A)  
17                           not less than \$500,000,000, to remain available  
18                           until expended.”.

19       **SEC. 302. SUPPORT FOR LOCAL AGRICULTURAL MARKETS.**

20           Section 210A(i) of the Agricultural Marketing Act of  
21 1946 (7 U.S.C. 1627c(i)) is amended by adding at the  
22 end the following:

23                   “(4) GRANTS FOR COVID–19 ASSISTANCE.—

24                           “(A) IN GENERAL.—In addition to grants  
25                           made under the preceding provisions of this

1 subsection, the Secretary shall make grants to  
2 eligible entities specified in paragraphs (5)(B)  
3 and (6)(B) of subsection (d) to provide assist-  
4 ance in response to the COVID–19 pandemic.

5 “(B) MATCHING FUNDS APPLICABILITY.—  
6 The Secretary may not require a recipient of a  
7 grant under subparagraph (A) to provide any  
8 non-Federal matching funds.

9 “(C) FUNDING.—There is appropriated,  
10 out of any funds in the Treasury not otherwise  
11 appropriated, to carry out this paragraph,  
12 \$350,000,000, to remain available until ex-  
13 pended.”.

14 **SEC. 303. SUPPORT FOR FARMING OPPORTUNITIES TRAIN-**  
15 **ING AND OUTREACH.**

16 Section 2501 of the Food, Agriculture, Conservation,  
17 and Trade Act of 1990 (7 U.S.C. 2279) is amended by  
18 adding at the end the following:

19 “(m) ADDITIONAL FUNDING.—

20 “(1) IN GENERAL.—The Secretary shall make  
21 grants to, or enter into cooperative agreements or  
22 contracts with, eligible entities specified in sub-  
23 section (e)(1) or entities eligible for grants under  
24 subsection (d) to provide training, outreach, and  
25 technical assistance on operations, financing, and

1 marketing, including identifying Federal, State, or  
2 local assistance available, to beginning farmers and  
3 ranchers, socially disadvantaged farmers and ranch-  
4 ers, and veteran farmers and ranchers in response to  
5 the COVID–19 pandemic.

6 “(2) MATCHING FUNDS APPLICABILITY.—The  
7 Secretary may not require a recipient of a grant  
8 under this subsection to provide any non-Federal  
9 matching funds.

10 “(3) FUNDING.—There is appropriated, out of  
11 any funds in the Treasury not otherwise appro-  
12 priated, to carry out this subsection, \$50,000,000, to  
13 remain available until expended.”.

14 **SEC. 304. SUPPORT FOR FARM STRESS PROGRAMS.**

15 (a) IN GENERAL.—The Secretary shall make grants  
16 to State departments of agriculture (or such equivalent  
17 department) to expand or sustain stress assistance pro-  
18 grams for individuals who are engaged in farming, ranch-  
19 ing, and other agriculture-related occupations, including—

20 (1) programs that meet the criteria specified in  
21 section 7522(b)(1) of the Food, Conservation, and  
22 Energy Act of 2008 (7 U.S.C. 5936(b)(1)); and

23 (2) any State initiatives carried out as of the  
24 date of the enactment of this Act that provide stress  
25 assistance for such individuals.

1 (b) GRANT TIMING AND AMOUNT.—In making grants  
2 under subsection (a), not later than 60 days after the date  
3 of the enactment of this Act and subject to subsection (c),  
4 the Secretary shall—

5 (1) make awards to States submitting State  
6 plans that meet the criteria specified in paragraph  
7 (1) of subsection (c) within the time period specified  
8 by the Secretary, in an amount not to exceed  
9 \$1,500,000 for each State; and

10 (2) of the amounts made available under sub-  
11 section (f) and remaining after awards to States  
12 under paragraph (1), allocate among such States, an  
13 amount to be determined by the Secretary.

14 (c) STATE PLAN.—

15 (1) IN GENERAL.—A State department of agri-  
16 culture seeking a grant under subsection (b) shall  
17 submit to the Secretary a State plan to expand or  
18 sustain stress assistance programs described in sub-  
19 section (a) that includes—

20 (A) a description of each activity and the  
21 estimated amount of funding to support each  
22 program and activity carried out through such  
23 a program;

24 (B) an estimated timeline for the operation  
25 of each such program and activity;



1 (C) the total amount of funding sought;  
2 and

3 (D) an assurance that the State depart-  
4 ment of agriculture will comply with the report-  
5 ing requirement under subsection (e).

6 (2) GUIDANCE.—Not later than 20 days after  
7 the date of the enactment of this Act, the Secretary  
8 shall issue guidance for States with respect to the  
9 submission of a State plan under paragraph (1) and  
10 the allocation criteria under subsection (b).

11 (3) REALLOCATION.—If, after the first grants  
12 are awarded pursuant to allocation made under sub-  
13 section (b), any funds made available under sub-  
14 section (f) to carry out this subsection remain unob-  
15 ligated, the Secretary shall—

16 (A) inform States that submit plans as de-  
17 scribed in subsection (b), of such availability;  
18 and

19 (B) reallocate such funds among such  
20 States, as the Secretary determines to be ap-  
21 propriate and equitable.

22 (d) COLLABORATION.—The Secretary may issue  
23 guidance to encourage State departments of agriculture  
24 to use funds provided under this section to support pro-  
25 grams described in subsection (a) that are operated by—

1 (1) Indian tribes (as defined in section 4 of the  
2 Indian Self-Determination and Education Assistance  
3 Act (25 U.S.C. 5304));

4 (2) State cooperative extension services; and

5 (3) nongovernmental organizations.

6 (e) REPORTING.—Not later than 180 days after the  
7 COVID–19 public health emergency ends, each State re-  
8 ceiving additional grants under subsection (b) shall submit  
9 a report to the Secretary describing—

10 (1) the activities conducted using such funds;

11 (2) the amount of funds used to support each  
12 such activity; and

13 (3) the estimated number of individuals served  
14 by each such activity.

15 (f) FUNDING.—Out of the funds of the Treasury not  
16 otherwise appropriated, there is appropriated to carry out  
17 this section \$84,000,000, to remain available until ex-  
18 pended.

19 (g) STATE DEFINED.—In this section, the term  
20 “State” means—

21 (1) a State;

22 (2) the District of Columbia;

23 (3) the Commonwealth of Puerto Rico; and

24 (4) any other territory or possession of the  
25 United States.

1 **SEC. 305. SUPPORT FOR PROCESSED COMMODITIES.**

2 (a) RENEWABLE FUEL REIMBURSEMENT PRO-  
3 GRAM.—

4 (1) IN GENERAL.—The Secretary shall make  
5 payments in accordance with this subsection to eligi-  
6 ble entities that experienced unexpected market  
7 losses as a result of the COVID–19 pandemic during  
8 the applicable period.

9 (2) DEFINITIONS.—In this section:

10 (A) APPLICABLE PERIOD.—The term “ap-  
11 plicable period” means January 1, 2020,  
12 through May 1, 2020.

13 (B) ELIGIBLE ENTITY.—The term “eligible  
14 entity” means any domestic entity or facility  
15 that produced any qualified fuel in the calendar  
16 year 2019.

17 (C) QUALIFIED FUEL.—The term “quali-  
18 fied fuel” means any advanced biofuel, biomass-  
19 based diesel, cellulosic biofuel, conventional  
20 biofuel, or renewable fuel, as such terms are de-  
21 fined in section 211(o)(1) of the Clean Air Act  
22 (42 U.S.C. 7545(o)(1)), that is produced in the  
23 United States.

24 (3) AMOUNT OF PAYMENT.—The amount of the  
25 payment payable to an eligible entity shall be the  
26 sum of—

1 (A) \$0.45 multiplied by the number of gal-  
2 lons of qualified fuel produced by the eligible  
3 entity during the applicable period; and

4 (B) if the Secretary determines that the el-  
5 igible entity was unable to produce any quali-  
6 fied fuel throughout 1 or more calendar months  
7 during the applicable period due to the  
8 COVID-19 pandemic, \$0.45 multiplied by 50  
9 percent of the number of gallons produced by  
10 the eligible entity in the corresponding month  
11 or months in calendar year 2019.

12 (4) REPORT.—Not later than 180 days after  
13 the date of the enactment of this Act, the Secretary  
14 shall submit to the Committee on Agriculture of the  
15 House of Representatives and the Committee on Ag-  
16 riculture, Nutrition, and Forestry of the Senate a  
17 report on the payments made under this subsection,  
18 including the identity of each payment recipient and  
19 the amount of the payment paid to the payment re-  
20 cipient.

21 (5) FUNDING.—There is appropriated, out of  
22 any funds in the Treasury not otherwise appro-  
23 priated, to carry out this subsection such sums as  
24 necessary, to remain available until expended.

25 (6) ADMINISTRATION.—

1 (A) IN GENERAL.—The Secretary may use  
2 the facilities and authorities of the Commodity  
3 Credit Corporation to carry out this subsection.

4 (B) REGULATIONS.—

5 (i) IN GENERAL.—Except as otherwise  
6 provided in this subsection, not later than  
7 30 days after the date of the enactment of  
8 this Act, the Secretary and the Commodity  
9 Credit Corporation, as appropriate, shall  
10 prescribe such regulations as are necessary  
11 to carry out this subsection.

12 (ii) PROCEDURE.—The promulgation  
13 of regulations under, and administration  
14 of, this subsection shall be made without  
15 regard to—

16 (I) the notice and comment pro-  
17 visions of section 553 of title 5,  
18 United States Code; and

19 (II) chapter 35 of title 44,  
20 United States Code (commonly known  
21 as the “Paperwork Reduction Act”).

22 (b) EMERGENCY ASSISTANCE FOR TEXTILE  
23 MILLS.—

24 (1) IN GENERAL.—The Secretary shall make  
25 emergency assistance available to domestic users of

1 upland cotton and extra long staple cotton in the  
2 form of a payment in an amount determined under  
3 paragraph (2), regardless of the origin of such up-  
4 land cotton or extra long staple cotton, during the  
5 10-month period beginning on March 1, 2020.

6 (2) CALCULATION OF ASSISTANCE.—The  
7 amount of the assistance provided under paragraph  
8 (1) to a domestic user described in such paragraph  
9 shall be equal to 10 multiplied by the product of—

10 (A) the domestic user’s historical monthly  
11 average consumption; and

12 (B) 6 cents per pound so consumed.

13 (3) ALLOWABLE USE.—Any emergency assist-  
14 ance provided under this section shall be made avail-  
15 able only to domestic users of upland cotton and  
16 extra long staple cotton that certify that the assist-  
17 ance shall be used only for operating expenses.

18 (4) HISTORICAL MONTHLY AVERAGE CONSUMP-  
19 TION DEFINED.—The term “historical monthly aver-  
20 age consumption” means the average consumption  
21 for each month occurring during the period begin-  
22 ning on January 1, 2017, and ending on December  
23 31, 2019.

24 (5) FUNDING.—There is appropriated, out of  
25 any funds in the Treasury not otherwise appro-

1        priated, to carry out this subsection, such sums as  
2        necessary, to remain available until expended.

3        **TITLE IV—COMMODITY CREDIT**  
4        **CORPORATION**

5        **SEC. 401. EMERGENCY ASSISTANCE.**

6        Section 5 of the Commodity Credit Corporation Char-  
7        ter Act (15 U.S.C. 714c) is amended—

8                (1) by redesignating subsection (h) as sub-  
9        section (i); and

10               (2) by inserting after subsection (g) the fol-  
11        lowing:

12               “(h) Remove and dispose of or aid in the removal or  
13        disposition of surplus livestock and poultry due to signifi-  
14        cant supply chain interruption during an emergency pe-  
15        riod.”.

16        **SEC. 402. CONGRESSIONAL NOTIFICATION AND REPORT.**

17               (a) NOTIFICATION.—The Commodity Credit Cor-  
18        poration Charter Act (15 U.S.C. 714 et seq.) is amended  
19        by adding at the end the following new section:

20        **“SEC. 20. CONGRESSIONAL NOTIFICATION.**

21               “(a) IN GENERAL.—The Secretary shall notify in  
22        writing, by first-class mail and electronic mail, the Com-  
23        mittee on Agriculture of the House of Representatives and  
24        the Committee on Agriculture, Nutrition, and Forestry of

1 the Senate in advance of any obligation or expenditure au-  
2 thorized under this Act.

3 “(b) WRITTEN NOTICE.—A written notice required  
4 under subsection (a) shall specify the commodities that  
5 will be affected, the maximum financial benefit per com-  
6 modity, the expected legal entities or individuals that  
7 would receive financial benefits, the intended policy goals,  
8 and the projected impacts to commodity markets.

9 “(c) EXCEPTION TO THE WRITTEN NOTICE RE-  
10 QUIREMENT.—Subsection (a) shall not apply if, prior to  
11 obligating or spending any funding described in such sub-  
12 section, the Secretary obtains approval in writing from  
13 each of the following individuals—

14 “(1) the Chair of the Committee on Agriculture  
15 of the House of Representatives;

16 “(2) the Ranking Member of the Committee on  
17 Agriculture of the House of Representatives;

18 “(3) the Chair of the Committee on Agri-  
19 culture, Nutrition, and Forestry of the Senate; and

20 “(4) the Ranking Member of the Committee on  
21 Agriculture, Nutrition, and Forestry of the Senate.

22 “(d) EXCLUSION FOR PREEXISTING AUTHORIZA-  
23 TIONS.—This section shall not apply to obligations and ex-  
24 penditures authorized under the Agriculture Improvement  
25 Act of 2018 (Public Law 115–334).”.



1 (b) CLARIFICATION.—Section 3003 of the Federal  
2 Reports Elimination and Sunset Act of 1995 (31 U.S.C.  
3 1113 note) shall not apply to the second sentence of sec-  
4 tion 13 of the Commodity Credit Corporation Charter Act  
5 (15 U.S.C. 714k).

## 6 **TITLE V—CONSERVATION**

### 7 **SEC. 501. EMERGENCY SOIL HEALTH AND INCOME PROTEC-** 8 **TION PILOT PROGRAM.**

9 (a) DEFINITION OF ELIGIBLE LAND.—In this sec-  
10 tion, the term “eligible land” means cropland that—

11 (1) is selected by the owner or operator of the  
12 land for proposed enrollment in the pilot program  
13 under this section; and

14 (2) as determined by the Secretary, had a crop-  
15 ping history or was considered to be planted during  
16 each of the 3 crop years preceding enrollment.

17 (b) ESTABLISHMENT.—

18 (1) IN GENERAL.—The Secretary shall establish  
19 a voluntary emergency soil health and income pro-  
20 tection pilot program under which eligible land is en-  
21 rolled through the use of contracts to assist owners  
22 and operators of eligible land to conserve and im-  
23 prove the soil, water, and wildlife resources of the el-  
24 igible land.

1           (2) DEADLINE FOR PARTICIPATION.—Eligible  
2 land may be enrolled in the program under this sec-  
3 tion through December 31, 2021.

4           (c) CONTRACTS.—

5           (1) REQUIREMENTS.—A contract described in  
6 subsection (b) shall—

7           (A) be entered into by the Secretary, the  
8 owner of the eligible land, and (if applicable)  
9 the operator of the eligible land; and

10           (B) provide that, during the term of the  
11 contract—

12           (i) the lowest practicable cost peren-  
13 nial conserving use cover crop for the eligi-  
14 ble land, as determined by the applicable  
15 State conservationist after considering the  
16 advice of the applicable State technical  
17 committee, shall be planted on the eligible  
18 land;

19           (ii) subject to paragraph (4), the eligi-  
20 ble land may be harvested for seed, hayed,  
21 or grazed outside the primary nesting sea-  
22 son established for the applicable county;

23           (iii) the eligible land may be eligible  
24 for a walk-in access program of the appli-  
25 cable State, if any; and

1 (iv) a nonprofit wildlife organization  
2 may provide to the owner or operator of  
3 the eligible land a payment in exchange for  
4 an agreement by the owner or operator not  
5 to harvest the conserving use cover.

6 (2) PAYMENTS.—

7 (A) RENTAL RATE.—Except as provided in  
8 paragraph (4)(B)(ii), the annual rental rate for  
9 a payment under a contract described in sub-  
10 section (b) shall be \$70 per acre.

11 (B) ADVANCE PAYMENT.—At the request  
12 of the owner and (if applicable) the operator of  
13 the eligible land, the Secretary shall make all  
14 rental payments under a contract entered into  
15 under this section within 30 days of entering  
16 into such contract.

17 (C) COST SHARE PAYMENTS.—A contract  
18 described in subsection (b) shall provide that,  
19 during the term of the contract, the Secretary  
20 shall pay, of the actual cost of establishment of  
21 the conserving use cover crop under paragraph  
22 (1)(B)(i), not more than \$30 per acre.

23 (3) TERM.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), each contract described in  
3 subsection (b) shall be for a term of 3 years.

4 (B) EARLY TERMINATION.—

5 (i) SECRETARY.—The Secretary may  
6 terminate a contract described in sub-  
7 section (b) before the end of the term de-  
8 scribed in subparagraph (A) if the Sec-  
9 retary determines that the early termi-  
10 nation of the contract is appropriate.

11 (ii) OWNERS AND OPERATORS.—An  
12 owner and (if applicable) an operator of el-  
13 igible land enrolled in the pilot program  
14 under this section may terminate a con-  
15 tract described in subsection (b) before the  
16 end of the term described in subparagraph  
17 (A) if the owner and (if applicable) the op-  
18 erator pay to the Secretary an amount  
19 equal to the amount of rental payments re-  
20 ceived under the contract.

21 (4) HARVESTING, HAYING, AND GRAZING OUT-  
22 SIDE APPLICABLE PERIOD.—The harvesting for  
23 seed, haying, or grazing of eligible land under para-  
24 graph (1)(B)(ii) outside of the primary nesting sea-

1 son established for the applicable county shall be  
2 subject to the conditions that—

3 (A) with respect to eligible land that is so  
4 hayed or grazed, adequate stubble height shall  
5 be 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 eligi-  
12 ble to be insured or reinsured under the  
13 Federal Crop Insurance Act (7 U.S.C.  
14 1501 et seq.); 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  
19 5,000,000 total acres of eligible land may be enrolled  
20 under the pilot 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.

1                   **TITLE VI—NUTRITION**

2   **SEC. 601. DEFINITION OF SUPPLEMENTAL NUTRITION AS-**  
3                   **SISTANCE PROGRAM.**

4           In this title, the term “supplemental nutrition assist-  
5   ance program” has the meaning given such term in section  
6   3(t) of the Food and Nutrition Act of 2008 (7 U.S.C.  
7   2012(t)).

8   **SEC. 602. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**  
9                   **GRAM.**

10          (a) **VALUE OF BENEFITS.**—Notwithstanding any  
11   other provision of law, beginning on November 1, 2020,  
12   and for each subsequent month through September 30,  
13   2021, the value of benefits determined under section 8(a)  
14   of the Food and Nutrition Act of 2008 (7 U.S.C.  
15   2017(a)), and consolidated block grants for Puerto Rico  
16   and American Samoa determined under section 19(a) of  
17   such Act (7 U.S.C. 2028(a)), shall be calculated using 115  
18   percent of the June 2020 value of the thrifty food plan  
19   (as defined in section 3 of such Act (7 U.S.C. 2012)) if  
20   the value of the benefits and block grants would be greater  
21   under that calculation than in the absence of this sub-  
22   section.

23          (b) **MINIMUM AMOUNT.**—

24                  (1) **IN GENERAL.**—The minimum value of bene-  
25   fits determined under section 8(a) of the Food and

1 Nutrition Act of 2008 (7 U.S.C. 2017(a)) for a  
2 household 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  
12 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))  
13 to apply to any errors in the implementation of this  
14 section without regard to the 120-day limit described  
15 in that section;

16 (4) disregard the additional amount of benefits  
17 that a household receives as a result of this section  
18 in determining the amount of overissuances under  
19 section 13 of the Food and Nutrition Act of 2008  
20 (7 U.S.C. 2022); and

21 (5) set the tolerance level for excluding small  
22 errors for the purposes of section 16(c) of the Food  
23 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at  
24 \$50 through September 30, 2021.

25 (d) ADMINISTRATIVE EXPENSES.—

1           (1) IN GENERAL.—For the costs of State ad-  
2           ministrative expenses associated with carrying out  
3           this section and administering the supplemental nu-  
4           trition assistance program established under the  
5           Food and Nutrition Act of 2008 (7 U.S.C. 2011 et  
6           seq.), the Secretary shall make available  
7           \$200,000,000 for fiscal year 2021 and  
8           \$100,000,000 for fiscal year 2022.

9           (2) TIMING FOR FISCAL YEAR 2021.—Not later  
10          than 60 days after the date of the enactment of this  
11          Act, the Secretary shall make available to States  
12          amounts for fiscal year 2021 under paragraph (1).

13          (3) ALLOCATION OF FUNDS.—Funds described  
14          in paragraph (1) shall be made available as grants  
15          to State agencies for each fiscal year as follows:

16                (A) 75 percent of the amounts available  
17                for each fiscal year shall be allocated to States  
18                based on the share of each State of households  
19                that participate in the supplemental nutrition  
20                assistance program as reported to the Depart-  
21                ment of Agriculture for the most recent 12-  
22                month period for which data are available, ad-  
23                justed by the Secretary (as of the date of the  
24                enactment of this Act) for participation in dis-  
25                aster programs under section 5(h) of the Food



1 and Nutrition Act of 2008 (7 U.S.C. 2014(h));  
2 and

3 (B) 25 percent of the amounts available  
4 for each fiscal year shall be allocated to States  
5 based on the increase in the number of house-  
6 holds that participate in the supplemental nu-  
7 trition assistance program as reported to the  
8 Department of Agriculture over the most recent  
9 12-month period for which data are available,  
10 adjusted by the Secretary (as of the date of the  
11 enactment of this Act) for participation in dis-  
12 aster programs under section 5(h) of the Food  
13 and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

14 (e) PROVISIONS FOR IMPACTED WORKERS.—Not-  
15 withstanding any other provision of law, the requirements  
16 of subsections (d)(1)(A)(ii) and (o) of section 6 of the  
17 Food and Nutrition Act of 2008 (7 U.S.C. 2015) shall  
18 not be in effect during the period beginning on November  
19 1, 2020, and ending 1 year after the date of enactment  
20 of this Act.

21 (f) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A  
22 Federal pandemic unemployment compensation payment  
23 made to an individual under section 2104 of the  
24 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
25 lic Law 116–136) shall not be regarded as income and

1 shall not be regarded as a resource for the month of re-  
2 ceipt and the following 9 months, for the purpose of deter-  
3 mining eligibility of such individual or any other individual  
4 for benefits or assistance, or the amount of benefits or  
5 assistance, under any programs authorized under the  
6 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

7 (g) PUBLIC AVAILABILITY.—Not later than 10 days  
8 after the date of the receipt or issuance of each document  
9 listed below, the Secretary shall make publicly available  
10 on the website of the Department of Agriculture the fol-  
11 lowing documents:

12 (1) Any State agency request to participate in  
13 the supplemental nutrition assistance program on-  
14 line program under section 7(k) of the Food and  
15 Nutrition Act of 2008 (7 U.S.C. 2016(k)).

16 (2) Any State agency request to waive, adjust,  
17 or modify statutory or regulatory requirements of  
18 the Food and Nutrition Act of 2008 related to the  
19 COVID–19 outbreak.

20 (3) The Secretary’s approval or denial of each  
21 such request under paragraphs (1) or (2).

22 (h) PROVISIONS FOR IMPACTED STUDENTS.—

23 (1) IN GENERAL.—Notwithstanding any other  
24 provision of law, not later than 20 days after the  
25 date of the enactment of this Act, eligibility for sup-

1 supplemental nutrition assistance program benefits shall  
2 not be limited under section 6(e) of the Food and  
3 Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an in-  
4 dividual who—

5 (A) is enrolled at least half-time in an in-  
6 stitution of higher education; and

7 (B) is eligible to participate in a State or  
8 federally financed work study program during  
9 the regular school year as determined by the in-  
10 stitution of higher education.

11 (2) SUNSET.—

12 (A) INITIAL APPLICATIONS.—The eligi-  
13 bility standards authorized under paragraph (1)  
14 shall be in effect for initial applications for the  
15 supplemental nutrition assistance program until  
16 90 days after the COVID–19 public health  
17 emergency is lifted.

18 (B) RECERTIFICATIONS.—The eligibility  
19 standards authorized under paragraph (1) shall  
20 be in effect until the first recertification of a  
21 household beginning no earlier than 90 days  
22 after the COVID–19 public health emergency is  
23 lifted.

24 (3) GUIDANCE.—

1 (A) IN GENERAL.—Not later than 10 days  
2 after the date of enactment of this Act, the Sec-  
3 retary shall issue guidance to State agencies on  
4 the temporary student eligibility requirements  
5 established under this subsection.

6 (B) COORDINATION WITH THE DEPART-  
7 MENT OF EDUCATION.—The Secretary of Edu-  
8 cation, in consultation with the Secretary of Ag-  
9 riculture and institutions of higher education,  
10 shall carry out activities to inform applicants  
11 for Federal student financial aid under the  
12 Higher Education Act of 1965 (20 U.S.C. 1001  
13 et seq.) and students at institutions of higher  
14 education of the temporary student eligibility  
15 requirements established under this subsection.

16 (i) FUNDING.—There are hereby appropriated to the  
17 Secretary, out of any money not otherwise appropriated,  
18 such sums as may be necessary to carry out this section.

19 **SEC. 603. SNAP HOT FOOD PURCHASES.**

20 During the period beginning 10 days after the date  
21 of the enactment of this Act and ending on the termi-  
22 nation date of the COVID–19 public health emergency,  
23 the term “food”, as defined in section 3 of the Food and  
24 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed  
25 to exclude “hot foods or hot food products ready for imme-

1 diate consumption other than those authorized pursuant  
2 to clauses (3), (4), (5), (7), (8), and (9) of this sub-  
3 section,” for purposes of such Act, except that such exclu-  
4 sion shall be limited to retail food stores authorized to ac-  
5 cept and redeem supplemental nutrition assistance pro-  
6 gram benefits as of the date of enactment of this Act.

7 **SEC. 604. SNAP NUTRITION EDUCATION FLEXIBILITY.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, the Secretary may issue nationwide guidance  
10 to allow funds allocated under section 28 of the Food and  
11 Nutrition Act (7 U.S.C. 2036a) to be used for individuals  
12 distributing food in a non-congregate setting under com-  
13 modity distribution programs and child nutrition pro-  
14 grams administered by the Food and Nutrition Service of  
15 the Department of Agriculture in States affected by the  
16 COVID–19 outbreak, provided that any individuals who  
17 distribute school meals under—

18 (1) the school lunch program established under  
19 the Richard B. Russell National School Lunch Act  
20 (42 U.S.C. 1751 et seq.); and

21 (2) the school breakfast program established  
22 under section 4 of the Child Nutrition Act of 1966  
23 (42 U.S.C. 1773);

24 using funds allocated under section 28 of the Food and  
25 Nutrition Act of 2008 (7 U.S.C. 2036a) supplement, not

1 supplant, individuals who are employed by local edu-  
2 cational authorities as of the date of enactment of this  
3 Act.

4 (b) SUNSET.—The authority provided in this section  
5 shall expire 30 days after the COVID–19 public health  
6 emergency is terminated.

7 **SEC. 605. FLEXIBILITIES FOR SENIOR FARMERS' MARKET**  
8 **NUTRITION PROGRAM.**

9 (a) AUTHORITY TO MODIFY OR WAIVE RULES.—  
10 Notwithstanding any other provision of law and if re-  
11 quested by a State agency, the Secretary may modify or  
12 waive any rule issued under section 4402 of the Farm Se-  
13 curity and Rural Investment Act of 2002 (7 U.S.C. 3007)  
14 that applies to such State agency if the Secretary deter-  
15 mines that—

16 (1) such State agency is unable to comply with  
17 such rule as a result of COVID–19; and

18 (2) the requested modification or waiver is nec-  
19 essary to enable such State agency to provide assist-  
20 ance to low-income seniors under such section.

21 (b) PUBLIC AVAILABILITY.—Not later than 10 days  
22 after the date of the receipt or issuance of each document  
23 listed in paragraphs (1) and (2) of this subsection, the  
24 Secretary shall make publicly available on the website of  
25 the Department of Agriculture the following documents:

1 (1) Any request submitted by State agencies  
2 under subsection (a).

3 (2) The Secretary's approval or denial of each  
4 such request.

5 (c) DEFINITION OF STATE AGENCY.—The term  
6 “State agency” has the meaning given such term in sec-  
7 tion 249.2 of title 7 of the Code of Federal Regulations.

8 (d) EFFECTIVE PERIOD.—Subsection (a) shall be in  
9 effect during the period that begins on the date of the  
10 enactment of this Act and ends 30 days after the termi-  
11 nation of the COVID–19 public health emergency.

12 **SEC. 606. FLEXIBILITIES FOR THE FOOD DISTRIBUTION**  
13 **PROGRAM ON INDIAN RESERVATIONS.**

14 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-  
15 MENT.—Funds provided in division B of the Coronavirus  
16 Aid, Relief, and Economic Security Act (Public Law 116–  
17 136) for the food distribution program on Indian reserva-  
18 tions authorized by section 4(b) of the Food and Nutrition  
19 Act of 2008 (7 U.S.C. 2013(b)) shall not be subject to  
20 the payment of the non-Federal share requirement de-  
21 scribed in section 4(b)(4)(A) of such Act (7 U.S.C.  
22 2013(b)(4)(A)).

23 (b) FLEXIBILITIES FOR CERTAIN HOUSEHOLDS.—

24 (1) IN GENERAL.—Notwithstanding any other  
25 provision of law, the Secretary of Agriculture may

1 issue guidance to waive or adjust section 4(b)(2)(C)  
2 of the Food and Nutrition Act of 2008 (7 U.S.C.  
3 2013(b)(2)(C) for any Tribal organization (as de-  
4 fined in section 3(v) of such Act (7 U.S.C. 2012(v)),  
5 or for an appropriate State agency administering the  
6 program established under section 4(b) of such Act  
7 (7 U.S.C. 2013(b)), to ensure that households on  
8 the Indian reservation who are participating in the  
9 supplemental nutrition assistance program and who  
10 are unable to access approved retail food stores due  
11 to the outbreak of COVID–19 have access to com-  
12 modities distributed under section 4(b) of such Act.

13 (2) PUBLIC AVAILABILITY.—The Secretary  
14 shall make available the guidance document issued  
15 under paragraph (1) on the public website of the  
16 Department of Agriculture not later than 10 days  
17 after the date of the issuance of such guidance.

18 (3) SUNSET.—The authority under this sub-  
19 section shall expire 30 days after the termination of  
20 the COVID–19 public health emergency.

## 21 **TITLE VII—RURAL**

## 22 **DEVELOPMENT**

### 23 **SEC. 701. ASSISTANCE FOR RURAL UTILITIES SERVICE**

### 24 **BORROWERS.**

25 (a) DEFINITIONS.—In this section:



1 (1) ELIGIBLE LOAN.—The term “eligible loan”  
2 means a loan made by the Secretary under section  
3 4 or 201 of the Rural Electrification Act of 1936 (7  
4 U.S.C. 904 or 922), or made by the Federal Finance-  
5 ing Bank and guaranteed by the Secretary under  
6 section 306 of such Act (7 U.S.C. 936).

7 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
8 ty” means a borrower to whom an eligible loan is  
9 made.

10 (3) RATEPAYER.—The term “ratepayer” means  
11 an individual who receives utility services from an  
12 entity to whom the Rural Utilities Service has made  
13 a loan.

14 (b) IN GENERAL.—

15 (1) ESTABLISHMENT.—The Secretary shall  
16 make grants on a competitive basis to eligible enti-  
17 ties to mitigate the effects of the COVID–19 pan-  
18 demic and support their continued or expanded de-  
19 livery of critical services (as defined by the Sec-  
20 retary), including covering the cost of forgiving or  
21 refinancing ratepayer debt outstanding as of such  
22 date of enactment.

23 (2) TIMELINE.—

24 (A) NOTICE OF FUNDING AVAILABILITY.—

25 Within 60 days after the date of the enactment

1 of this Act, the Secretary shall publish a Notice  
2 of Funding Availability to solicit applications  
3 for a grant under this section.

4 (B) GRANT AWARDS.—The Secretary shall  
5 announce the grants awarded under this section  
6 no later than 60 days after the publication of  
7 the Notice of Funding Availability pursuant to  
8 subparagraph (A).

9 (3) MAXIMUM GRANT AMOUNT.—The amount of  
10 the grant awarded to an eligible entity under this  
11 section shall not exceed \$1,000,000.

12 (c) APPLICATION.—To be eligible to receive a grant  
13 under this section, an eligible entity shall submit to the  
14 Secretary an application containing such information as  
15 the Secretary may require.

16 (d) SELECTION CRITERIA.—In awarding grants  
17 under this section, the Secretary shall consider—

18 (1) the degree to which applicants who are eli-  
19 gible entities are experiencing economic hardship due  
20 to reduced or delayed payments from ratepayers;

21 (2) whether applicants who are eligible entities  
22 are using eligible loans to provide services primarily  
23 to socially disadvantaged groups, as defined in sec-  
24 tion 355(e) of the Consolidated Farm and Rural De-  
25 velopment Act; and

1           (3) the degree to which applicants who are eli-  
2           gible entities are using eligible loans in providing  
3           services in persistent poverty counties, as defined by  
4           the Secretary.

5           (e) REPORT TO THE CONGRESS.—Not later than 1  
6           year after the date of the enactment of this Act, the Sec-  
7           retary shall submit to the Committee on Agriculture of  
8           the House of Representatives and the Committee on Agri-  
9           culture, Nutrition, and Forestry of the Senate a report  
10          detailing, for each eligible entity awarded a grant under  
11          this section, the name of the eligible entity and the geo-  
12          graphic areas benefitting from the grant.

13          (f) AUTHORIZATION OF APPROPRIATIONS.—To carry  
14          out this section, there is authorized to be appropriated not  
15          more than \$2,600,000,000 for fiscal year 2021, to remain  
16          available through fiscal year 2022.



1 (B) Personal protective equipment, includ-  
2 ing face shields, N-95 respirator masks, and  
3 any other masks determined by the Secretary of  
4 Health and Human Services to be needed to re-  
5 spond to the COVID-19 pandemic, and the ma-  
6 terials to produce such equipment.

7 (C) Medical ventilators, the components  
8 necessary to make such ventilators, and medi-  
9 cines needed to use a ventilator as a treatment  
10 for any individual who is hospitalized for  
11 COVID-19.

12 (D) Pharmaceuticals and any medicines  
13 determined by the Food and Drug Administra-  
14 tion or another Government agency to be effec-  
15 tive in treating COVID-19 (including vaccines  
16 for COVID-19) and any materials necessary to  
17 produce or use such pharmaceuticals or medi-  
18 cines (including self-injection syringes or other  
19 delivery systems).

20 (E) Any other medical equipment or sup-  
21 plies determined by the Secretary of Health and  
22 Human Services or the Secretary of Homeland  
23 Security to be scarce and critical materials es-  
24 sential to the national defense for purposes of

1 section 101 of the Defense Production Act of  
2 1950 (50 U.S.C. 4511).

3 (2) EXERCISE OF TITLE I AUTHORITIES IN RE-  
4 LATION TO CONTRACTS BY STATE AND LOCAL GOV-  
5 ERNMENTS.—In exercising authorities under title I  
6 of the Defense Production Act of 1950 (50 U.S.C.  
7 4511 et seq.) during the COVID–19 emergency pe-  
8 riod, the President (and any officer or employee of  
9 the United States to which authorities under such  
10 title I have been delegated)—

11 (A) may exercise the prioritization or allo-  
12 cation authority provided in such title I to ex-  
13 clude any materials described in paragraph (1)  
14 ordered by a State or local government that are  
15 scheduled to be delivered within 15 days of the  
16 time at which—

17 (i) the purchase order or contract by  
18 the Federal Government for such materials  
19 is made; or

20 (ii) the materials are otherwise allo-  
21 cated by the Federal Government under  
22 the authorities contained in such Act; and

23 (B) shall, within 24 hours of any exercise  
24 of the prioritization or allocation authority pro-  
25 vided in such title I—

1 (i) notify any State or local govern-  
2 ment if the exercise of such authorities  
3 would delay the receipt of such materials  
4 ordered by such government; and

5 (ii) take such steps as may be nec-  
6 essary to ensure that such materials or-  
7 dered by such government are delivered in  
8 the shortest possible period.

9 (3) UPDATE TO THE FEDERAL ACQUISITION  
10 REGULATION.—Not later than 15 days after the  
11 date of the enactment of this Act, the Federal Ac-  
12 quisition Regulation shall be revised to reflect the  
13 requirements of paragraph (2)(A).

14 (b) ENGAGEMENT WITH THE PRIVATE SECTOR.—

15 (1) SENSE OF CONGRESS.—The Congress—

16 (A) appreciates the willingness of private  
17 companies not traditionally involved in pro-  
18 ducing items for the health sector to volunteer  
19 to use their expertise and supply chains to  
20 produce essential medical supplies and equip-  
21 ment;

22 (B) encourages other manufacturers to re-  
23 view their existing capacity and to develop ca-  
24 pacity to produce essential medical supplies,

1 medical equipment, and medical treatments to  
2 address the COVID–19 emergency; and

3 (C) commends and expresses deep appre-  
4 ciation to individual citizens who have been pro-  
5 ducing personal protective equipment and other  
6 materials for, in particular, use at hospitals in  
7 their community.

8 (2) OUTREACH REPRESENTATIVE.—

9 (A) DESIGNATION.—Consistent with the  
10 authorities in title VII of the Defense Produc-  
11 tion Act of 1950 (50 U.S.C. 4551 et seq.), the  
12 Administrator of the Federal Emergency Man-  
13 agement Agency, in consultation with the Sec-  
14 retary of Health and Human Services, shall  
15 designate or shall appoint, pursuant to section  
16 703 of such Act (50 U.S.C. 4553), an indi-  
17 vidual to be known as the “Outreach Rep-  
18 resentative”. Such individual shall—

19 (i) be appointed from among individ-  
20 uals with substantial experience in the pri-  
21 vate sector in the production of medical  
22 supplies or equipment; and

23 (ii) act as the Government-wide single  
24 point of contact during the COVID–19  
25 emergency for outreach to manufacturing



1 companies and their suppliers who may be  
2 interested in producing medical supplies or  
3 equipment, including the materials de-  
4 scribed under subsection (a).

5 (B) ENCOURAGING PARTNERSHIPS.—The  
6 Outreach Representative shall seek to develop  
7 partnerships between companies, in coordina-  
8 tion with the Supply Chain Stabilization Task  
9 Force or any overall coordinator appointed by  
10 the President to oversee the response to the  
11 COVID–19 emergency, including through the  
12 exercise of the authorities under section 708 of  
13 the Defense Production Act of 1950 (50 U.S.C.  
14 4558).

15 (c) ENHANCEMENT OF SUPPLY CHAIN PRODUC-  
16 TION.—In exercising authority under title III of the De-  
17 fense Production Act of 1950 (50 U.S.C. 4531 et seq.)  
18 with respect to materials described in subsection (a), the  
19 President shall seek to ensure that support is provided to  
20 companies that comprise the supply chains for reagents,  
21 components, raw materials, and other materials and items  
22 necessary to produce or use the materials described in sub-  
23 section (a).

24 (d) OVERSIGHT OF CURRENT ACTIVITY AND  
25 NEEDS.—

1 (1) RESPONSE TO IMMEDIATE NEEDS.—

2 (A) IN GENERAL.—Not later than 7 days  
3 after the date of the enactment of this Act, the  
4 President, in coordination with the National  
5 Response Coordination Center of the Federal  
6 Emergency Management Agency, the Adminis-  
7 trator of the Defense Logistics Agency, the Sec-  
8 retary of Health and Human Services, the Sec-  
9 retary of Veterans Affairs, and heads of other  
10 Federal agencies (as appropriate), shall submit  
11 to the appropriate congressional committees a  
12 report assessing the immediate needs described  
13 in subparagraph (B) to combat the COVID–19  
14 pandemic and the plan for meeting those imme-  
15 diate needs.

16 (B) ASSESSMENT.—The report required by  
17 this paragraph shall include—

18 (i) an assessment of the needs for  
19 medical supplies or equipment necessary to  
20 address the needs of the population of the  
21 United States infected by the virus SARS–  
22 CoV–2 that causes COVID–19 and to pre-  
23 vent an increase in the incidence of  
24 COVID–19 throughout the United States,  
25 including diagnostic tests, serological tests,

1 medicines that have been approved by the  
2 Food and Drug Administration to treat  
3 COVID–19, and ventilators and medicines  
4 needed to employ ventilators;

5 (ii) based on meaningful consultations  
6 with relevant stakeholders, an identifica-  
7 tion of the target rate of diagnostic testing  
8 for each State and an assessment of the  
9 need for personal protective equipment and  
10 other supplies (including diagnostic tests)  
11 required by—

12 (I) health professionals, health  
13 workers, and hospital staff including  
14 supplies needed for worst case sce-  
15 narios for surges of COVID–19 infec-  
16 tions and hospitalizations;

17 (II) workers in industries and  
18 sectors described in the “Advisory  
19 Memorandum on Identification of Es-  
20 sential Critical Infrastructure Work-  
21 ers during the COVID–19 Response”  
22 issued by the Director of Cybersecu-  
23 rity and Infrastructure Security Agen-  
24 cy of the Department of Homeland  
25 Security on April 17, 2020 (and any

1 expansion of industries and sectors in-  
2 cluded in updates to such advisory  
3 memorandum);

4 (III) students, teachers, and ad-  
5 ministrators at primary and secondary  
6 schools; and

7 (IV) other workers determined to  
8 be essential based on such consulta-  
9 tion;

10 (iii) an assessment of the quantities of  
11 equipment and supplies in the Strategic  
12 National Stockpile (established under sec-  
13 tion 319F-2 of the Public Health Service  
14 Act ((42 U.S.C. 247d-6b(a)(1))) as of the  
15 date of the report, and the projected gap  
16 between the quantities of equipment and  
17 supplies identified as needed in the assess-  
18 ment under clauses (i) and (ii) and the  
19 quantities in the Strategic National Stock-  
20 pile;

21 (iv) an identification of the industry  
22 sectors and manufacturers most ready to  
23 fulfill purchase orders for such equipment  
24 and supplies (including manufacturers that  
25 may be incentivized) through the exercise

1 of authority under section 303(e) of the  
2 Defense Production Act of 1950 (50  
3 U.S.C. 4533(e)) to modify, expand, or im-  
4 prove production processes to manufacture  
5 such equipment and supplies to respond  
6 immediately to a need identified in clause  
7 (i) or (ii);

8 (v) an identification of Government-  
9 owned and privately-owned stockpiles of  
10 such equipment and supplies not included  
11 in the Strategic National Stockpile that  
12 could be repaired or refurbished;

13 (vi) an identification of previously dis-  
14 tributed critical supplies that can be redis-  
15 tributed based on current need;

16 (vii) a description of any exercise of  
17 the authorities described under paragraph  
18 (1)(E) or (2)(A) of subsection (a); and

19 (viii) an identification of critical areas  
20 of need, by county and by areas identified  
21 by the Indian Health Service, in the  
22 United States and the metrics and criteria  
23 for identification as a critical area.

24 (C) PLAN.—The report required by this  
25 paragraph shall include a plan for meeting the

1 immediate needs to combat the COVID–19 pan-  
2 demic, including the needs described in sub-  
3 paragraph (B). Such plan shall include—

4 (i) each contract the Federal Govern-  
5 ment has entered into to meet such needs,  
6 including the purpose of each contract, the  
7 type and amount of equipment, supplies, or  
8 services to be provided under the contract,  
9 the entity performing such contract, and  
10 the dollar amount of each contract;

11 (ii) each contract that the Federal  
12 Government intends to enter into within  
13 14 days after submission of such report,  
14 including the information described in sub-  
15 paragraph (B) for each such contract; and

16 (iii) whether any of the contracts de-  
17 scribed in clause (i) or (ii) have or will  
18 have a priority rating under the Defense  
19 Production Act of 1950 (50 U.S.C. 4501  
20 et seq.), including purchase orders pursu-  
21 ant to Department of Defense Directive  
22 4400.1 (or any successor directive), sub-  
23 part A of part 101 of title 45, Code of  
24 Federal Regulations, or any other applica-  
25 ble authority.

1 (D) ADDITIONAL REQUIREMENTS.—The  
2 report required by this paragraph, and each up-  
3 date required by subparagraph (E), shall in-  
4 clude—

5 (i) any requests for equipment and  
6 supplies from State or local governments  
7 and Indian Tribes, and an accompanying  
8 list of the employers and unions consulted  
9 in developing these requests;

10 (ii) any modeling or formulas used to  
11 determine allocation of equipment and sup-  
12 plies, and any related chain of command  
13 issues on making final decisions on alloca-  
14 tions;

15 (iii) the amount and destination of  
16 equipment and supplies delivered;

17 (iv) an explanation of why any portion  
18 of any contract described under subpara-  
19 graph (C), whether to replenish the Stra-  
20 tegic National Stockpile or otherwise, will  
21 not be filled;

22 (v) of products procured under such  
23 contract, the percentage of such products  
24 that are used to replenish the Strategic  
25 National Stockpile, that are targeted to

1 COVID–19 hotspots, and that are used for  
2 the commercial market;

3 (vi) a description of the range of  
4 prices for goods described in subsection  
5 (a), or other medical supplies and equip-  
6 ment that are subject to shortages, pur-  
7 chased by the United States Government,  
8 transported by the Government, or other-  
9 wise known to the Government, which shall  
10 also identify all such prices that exceed the  
11 prevailing market prices of such goods  
12 prior to March 1, 2020, and any actions  
13 taken by the Government under section  
14 102 of the Defense Production Act of 1950  
15 or similar provisions of law to prevent  
16 hoarding of such materials and charging of  
17 such increased prices between March 1,  
18 2020, and the date of the submission of  
19 the first report required by this paragraph,  
20 and, for all subsequent reports, within each  
21 reporting period;

22 (vii) metrics, formulas, and criteria  
23 used to determine COVID–19 hotspots or  
24 areas of critical need for a State, county,



1 or an area identified by the Indian Health  
2 Service;

3 (viii) production and procurement  
4 benchmarks, where practicable; and

5 (ix) results of the consultation with  
6 the relevant stakeholders required by sub-  
7 paragraph (B)(ii).

8 (E) UPDATES.—The President, in coordi-  
9 nation with the National Response Coordination  
10 Center of the Federal Emergency Management  
11 Agency, the Administrator of the Defense Lo-  
12 gistics Agency, the Secretary of Health and  
13 Human Services, the Secretary of Veterans Af-  
14 fairs, and heads of other Federal agencies (as  
15 appropriate), shall update such report every 14  
16 days.

17 (F) PUBLIC AVAILABILITY.—The President  
18 shall make the report required by this para-  
19 graph and each update required by subpara-  
20 graph (E) available to the public, including on  
21 a Government website.

22 (2) RESPONSE TO LONGER-TERM NEEDS.—

23 (A) IN GENERAL.—Not later than 14 days  
24 after the date of enactment of this Act, the  
25 President, in coordination with the National

1 Response Coordination Center of the Federal  
2 Emergency Management Agency, the Adminis-  
3 trator of the Defense Logistics Agency, the Sec-  
4 retary of Health and Human Services, the Sec-  
5 retary of Veterans Affairs, and heads of other  
6 Federal agencies (as appropriate), shall submit  
7 to the appropriate congressional committees a  
8 report containing an assessment of the needs  
9 described in subparagraph (B) to combat the  
10 COVID-19 pandemic and the plan for meeting  
11 such needs during the 6-month period begin-  
12 ning on the date of submission of the report.

13 (B) ASSESSMENT.—The report required by  
14 this paragraph shall include—

15 (i) an assessment of the elements de-  
16 scribe in clauses (i) through (v) and clause  
17 (viii) of paragraph (1)(B);

18 (ii) an assessment of needs related to  
19 COVID-19 vaccines;

20 (iii) an assessment of the manner in  
21 which the Defense Production Act of 1950  
22 could be exercised to increase services re-  
23 lated to health surveillance to ensure that  
24 the appropriate level of contact tracing re-  
25 lated to detected infections is available

1 throughout the United States to prevent  
2 future outbreaks of COVID–19 infections;  
3 and

4 (iv) an assessment of any additional  
5 services needed to address the COVID–19  
6 pandemic.

7 (C) PLAN.—The report required by this  
8 paragraph shall include a plan for meeting the  
9 longer-term needs to combat the COVID–19  
10 pandemic, including the needs described in sub-  
11 paragraph (B). This plan shall include—

12 (i) a plan to exercise authorities under  
13 the Defense Production Act of 1950 (50  
14 U.S.C. 4501 et seq.) necessary to increase  
15 the production of the medical equipment,  
16 supplies, and services that are essential to  
17 meeting the needs identified in subpara-  
18 graph (B), including the number of N–95  
19 respirator masks and other personal pro-  
20 tective equipment needed, based on mean-  
21 ingful consultations with relevant stake-  
22 holders, by the private sector to resume  
23 economic activity and by the public and  
24 nonprofit sectors to significantly increase  
25 their activities;

1 (ii) results of the consultations with  
2 the relevant stakeholders required by  
3 clause (i);

4 (iii) an estimate of the funding and  
5 other measures necessary to rapidly ex-  
6 pand manufacturing production capacity  
7 for such equipment and supplies, includ-  
8 ing—

9 (I) any efforts to expand, retool,  
10 or reconfigure production lines;

11 (II) any efforts to establish new  
12 production lines through the purchase  
13 and installation of new equipment; or

14 (III) the issuance of additional  
15 contracts, purchase orders, purchase  
16 guarantees, or other similar measures;

17 (iv) each contract the Federal Govern-  
18 ment has entered into to meet such needs  
19 or expand such production, the purpose of  
20 each contract, the type and amount of  
21 equipment, supplies, or services to be pro-  
22 vided under the contract, the entity per-  
23 forming such contract, and the dollar  
24 amount of each contract;

1 (v) each contract that the Federal  
2 Government intends to enter into within  
3 14 days after submission of such report,  
4 including the information described in  
5 clause (iv) for each such contract;

6 (vi) whether any of the contracts de-  
7 scribed in clause (iv) or (v) have or will  
8 have a priority rating under the Defense  
9 Production Act of 1950 (50 U.S.C. 4501  
10 et seq.), including purchase orders pursu-  
11 ant to Department of Defense Directive  
12 4400.1 (or any successor directive), sub-  
13 part A of part 101 of title 45, Code of  
14 Federal Regulations, or any other applica-  
15 ble authority; and

16 (vii) the manner in which the Defense  
17 Production Act of 1950 (50 U.S.C. 4501  
18 et seq.) could be used to increase services  
19 necessary to combat the COVID-19 pan-  
20 demic, including services described in sub-  
21 paragraph (B)(ii).

22 (D) UPDATES.—The President, in coordi-  
23 nation with the National Response Coordination  
24 Center of the Federal Emergency Management  
25 Agency, the Administrator of the Defense Lo-

1           gistics Agency, the Secretary of Health and  
2           Human Services, the Secretary of Veterans Af-  
3           fairs, and heads of other Federal agencies (as  
4           appropriate), shall update such report every 14  
5           days.

6           (E) PUBLIC AVAILABILITY.—The Presi-  
7           dent shall make the report required by this sub-  
8           section and each update required by subpara-  
9           graph (D) available to the public, including on  
10          a Government 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  
19           submit to the appropriate congressional com-  
20           mittees a report on the exercise of authorities  
21           under titles I, III, and VII of the Defense Pro-  
22           duction Act of 1950 (50 U.S.C. 4501 et seq.)  
23           prior to the date of such report.

24           (B) CONTENTS.—The report required  
25           under subparagraph (A) and each update re-

1           required under subparagraph (C) shall include,  
2           with respect to each exercise of such author-  
3           ity—

4                   (i) an explanation of the purpose of  
5                   the applicable contract, purchase order, or  
6                   other exercise of authority (including an  
7                   allocation of materials, services, and facili-  
8                   ties under section 101(a)(2) of the Defense  
9                   Production Act of 1950 (50 U.S.C.  
10                  4511(a)(2));

11                  (ii) the cost of such exercise of au-  
12                  thority; and

13                  (iii) if applicable—

14                           (I) the amount of goods that  
15                           were purchased or allocated;

16                           (II) an identification of the entity  
17                           awarded a contract or purchase order  
18                           or that was the subject of the exercise  
19                           of authority; and

20                           (III) an identification of any en-  
21                           tity that had shipments delayed by the  
22                           exercise of any authority under the  
23                           Defense Production Act of 1950 (50  
24                           U.S.C. 4501 et seq.).

1 (C) UPDATES.—The President shall up-  
2 date the report required under subparagraph  
3 (A) every 14 days.

4 (D) PUBLIC AVAILABILITY.—The Presi-  
5 dent shall make the report required by this sub-  
6 section and each update required by subpara-  
7 graph (C) available to the public, including on  
8 a Government website.

9 (4) QUARTERLY REPORTING.—The President  
10 shall submit to Congress, and make available to the  
11 public (including on a Government website), a quar-  
12 terly report detailing all expenditures made pursuant  
13 to titles I, III, and VII of the Defense Production  
14 Act of 1950 (50 U.S.C. 4501 et seq.).

15 (5) EXERCISE OF LOAN AUTHORITIES.—

16 (A) IN GENERAL.—Any loan made pursu-  
17 ant to section 302 or 303 of the Defense Pro-  
18 duction Act of 1950, carried out by the Inter-  
19 national Development Finance Corporation pur-  
20 suant to the authorities delegated by Executive  
21 Order 13922, shall be subject to the notification  
22 requirements contained in section 1446 of the  
23 BUILD Act of 2018 (22 U.S.C. 9656).

24 (B) APPROPRIATE CONGRESSIONAL COM-  
25 MITTEES.—For purposes of the notifications re-



1           required by subparagraph (A), the term “appro-  
2           priate congressional committees”, as used sec-  
3           tion 1446 of the BUILD Act of 2018, shall be  
4           deemed to include the Committee on Financial  
5           Services of the House of Representatives and  
6           the Committee on Banking, Housing and  
7           Urban Development of the Senate.

8           (6) SUNSET.—The requirements of this sub-  
9           section shall terminate on the later of—

10                   (A) December 31, 2021; or

11                   (B) the end of the COVID–19 emergency  
12           period.

13           (e) ENHANCEMENTS TO THE DEFENSE PRODUCTION  
14           ACT OF 1950.—

15                   (1) HEALTH EMERGENCY AUTHORITY.—Section  
16           107 of the Defense Production Act of 1950 (50  
17           U.S.C. 4517) is amended by adding at the end the  
18           following:

19           “(c) HEALTH EMERGENCY AUTHORITY.—With re-  
20           spect to a public health emergency declaration by the Sec-  
21           retary of Health and Human Services under section 319  
22           of the Public Health Service Act, or preparations for such  
23           a health emergency, the Secretary of Health and Human  
24           Services and the Administrator of the Federal Emergency  
25           Management Agency are authorized to carry out the au-

1 thorties provided under this section to the same extent  
2 as the President.”.

3 (2) EMPHASIS ON BUSINESS CONCERNS OWNED  
4 BY WOMEN, MINORITIES, VETERANS, AND NATIVE  
5 AMERICANS.—Section 108 of the Defense Produc-  
6 tion Act of 1950 (50 U.S.C. 4518) is amended—

7 (A) in the heading, by striking “**MOD-**  
8 **ERNIZATION OF SMALL BUSINESS SUP-**  
9 **PLIERS**” and inserting “**SMALL BUSINESS**  
10 **PARTICIPATION AND FAIR INCLUSION**”;

11 (B) by amending subsection (a) to read as  
12 follows:

13 “(a) PARTICIPATION AND INCLUSION.—

14 “(1) IN GENERAL.—In providing any assistance  
15 under this Act, the President shall accord a strong  
16 preference for subcontractors and suppliers that  
17 are—

18 “(A) small business concerns; or

19 “(B) businesses of any size owned by  
20 women, minorities, veterans, and the disabled.

21 “(2) SPECIAL CONSIDERATION.—To the max-  
22 imum extent practicable, the President shall accord  
23 the preference described under paragraph (1) to  
24 small business concerns and businesses described in  
25 paragraph (1)(B) that are located in areas of high

1 unemployment or areas that have demonstrated a  
2 continuing pattern of economic decline, as identified  
3 by the Secretary of Labor.”; and

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

5 “(c) MINORITY DEFINED.—In this section, the term  
6 ‘minority’—

7 “(1) has the meaning given the term in section  
8 308(b) of the Financial Institutions Reform, Recov-  
9 ery, and Enforcement Act of 1989; and

10 “(2) includes any indigenous person in the  
11 United States, including any territories of the  
12 United States.”.

13 (3) ADDITIONAL INFORMATION IN ANNUAL RE-  
14 PORT.—Section 304(f)(3) of the Defense Production  
15 Act of 1950 (50 U.S.C. 4534(f)(3)) is amended by  
16 striking “year.” and inserting “year, including the  
17 percentage of contracts awarded using Fund  
18 amounts to each of the groups described in section  
19 108(a)(1)(B) (and, with respect to minorities,  
20 disaggregated by ethnic group), and the percentage  
21 of the total amount expended during such fiscal year  
22 on such contracts.”.

23 (4) DEFINITION OF NATIONAL DEFENSE.—Sec-  
24 tion 702(14) of the Defense Production Act of 1950  
25 is amended by striking “and critical infrastructure

1 protection and restoration” and inserting “, critical  
2 infrastructure protection and restoration, and health  
3 emergency preparedness and response activities”.

4 (f) SECURING ESSENTIAL MEDICAL MATERIALS.—

5 (1) STATEMENT OF POLICY.—Section 2(b) of  
6 the Defense Production Act of 1950 (50 U.S.C.  
7 4502) is amended—

8 (A) by redesignating paragraphs (3)  
9 through (8) as paragraphs (4) through (9), re-  
10 spectively; and

11 (B) by inserting after paragraph (2) the  
12 following:

13 “(3) authorities under this Act should be used  
14 when appropriate to ensure the availability of med-  
15 ical materials essential to national defense, including  
16 through measures designed to secure the drug sup-  
17 ply chain, and taking into consideration the impor-  
18 tance of United States competitiveness, scientific  
19 leadership and cooperation, and innovative capac-  
20 ity;”.

21 (2) STRENGTHENING DOMESTIC CAPABILITY.—

22 Section 107 of the Defense Production Act of 1950  
23 (50 U.S.C. 4517) is amended—

1 (A) in subsection (a), by inserting “(in-  
2 cluding medical materials)” after “materials”;  
3 and

4 (B) in subsection (b)(1), by inserting “(in-  
5 cluding medical materials such as drugs to di-  
6 agnose, cure, mitigate, treat, or prevent disease  
7 that essential to national defense)” after “es-  
8 sential materials”.

9 (3) STRATEGY ON SECURING SUPPLY CHAINS  
10 FOR MEDICAL ARTICLES.—Title I of the Defense  
11 Production Act of 1950 (50 U.S.C. 4511 et seq.) is  
12 amended by adding at the end the following:

13 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**  
14 **MEDICAL MATERIALS.**

15 “(a) IN GENERAL.—Not later than 180 days after  
16 the date of the enactment of this section, the President,  
17 in consultation with the Secretary of Health and Human  
18 Services, the Secretary of Commerce, the Secretary of  
19 Homeland Security, and the Secretary of Defense, shall  
20 transmit a strategy to the appropriate Members of Con-  
21 gress that includes the following:

22 “(1) A detailed plan to use the authorities  
23 under this title and title III, or any other provision  
24 of law, to ensure the supply of medical materials (in-  
25 cluding drugs to diagnose, cure, mitigate, treat, or

1 prevent disease) essential to national defense, to the  
2 extent necessary for the purposes of this Act.

3 “(2) An analysis of vulnerabilities to existing  
4 supply chains for such medical articles, and rec-  
5 ommendations to address the vulnerabilities.

6 “(3) Measures to be undertaken by the Presi-  
7 dent to diversify such supply chains, as appropriate  
8 and as required for national defense; and

9 “(4) A discussion of—

10 “(A) any significant effects resulting from  
11 the plan and measures described in this sub-  
12 section on the production, cost, or distribution  
13 of vaccines or any other drugs (as defined  
14 under section 201 of the Federal Food, Drug,  
15 and Cosmetic Act (21 U.S.C. 321));

16 “(B) a timeline to ensure that essential  
17 components of the supply chain for medical ma-  
18 terials are not under the exclusive control of a  
19 foreign government in a manner that the Presi-  
20 dent determines could threaten the national de-  
21 fense of the United States; and

22 “(C) efforts to mitigate any risks resulting  
23 from the plan and measures described in this  
24 subsection to United States competitiveness,  
25 scientific leadership, and innovative capacity,

1 including efforts to cooperate and proactively  
2 engage with United States allies.

3 “(b) PROGRESS REPORT.—Following submission of  
4 the strategy under subsection (a), the President shall sub-  
5 mit to the appropriate Members of Congress an annual  
6 progress report evaluating the implementation of the  
7 strategy, and may include updates to the strategy as ap-  
8 propriate. The strategy and progress reports shall be sub-  
9 mitted in unclassified form but may contain a classified  
10 annex.

11 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
12 term ‘appropriate Members of Congress’ means the  
13 Speaker, majority leader, and minority leader of the  
14 House of Representatives, the majority leader and minor-  
15 ity leader of the Senate, the Chairman and Ranking Mem-  
16 ber of the Committees on Armed Services and Financial  
17 Services of the House of Representatives, and the Chair-  
18 man and Ranking Member of the Committees on Armed  
19 Services and Banking, Housing, and Urban Affairs of the  
20 Senate.”.

21 (g) GAO REPORT.—

22 (1) IN GENERAL.—Not later than 270 days  
23 after the date of the enactment of this Act, and an-  
24 nually thereafter, the Comptroller General of the  
25 United States shall submit to the appropriate con-

1 gressional committees a report on ensuring that the  
2 United States Government has access to the medical  
3 supplies and equipment necessary to respond to fu-  
4 ture pandemics and public health emergencies, in-  
5 cluding recommendations with respect to how to en-  
6 sure that the United States supply chain for diag-  
7 nostic tests (including serological tests), personal  
8 protective equipment, vaccines, and therapies is bet-  
9 ter equipped to respond to emergencies, including  
10 through the use of funds in the Defense Production  
11 Act Fund under section 304 of the Defense Produc-  
12 tion Act of 1950 (50 U.S.C. 4534) to address short-  
13 ages in that supply chain.

14 (2) REVIEW OF ASSESSMENT AND PLAN.—

15 (A) IN GENERAL.—Not later than 30 days  
16 after each of the submission of the reports de-  
17 scribed in paragraphs (1) and (2) of subsection  
18 (d), the Comptroller General of the United  
19 States shall submit to the appropriate congress-  
20 sional committees an assessment of such re-  
21 ports, including identifying any gaps and pro-  
22 viding any recommendations regarding the sub-  
23 ject matter in such reports.

24 (B) MONTHLY REVIEW.—Not later than a  
25 month after the submission of the assessment



1 under subparagraph (A), and monthly there-  
2 after, the Comptroller General shall issue a re-  
3 port to the appropriate congressional commit-  
4 tees with respect to any updates to the reports  
5 described in paragraph (1) and (2) of sub-  
6 section (d) that were issued during the previous  
7 1-month period, containing an assessment of  
8 such updates, including identifying any gaps  
9 and providing any recommendations regarding  
10 the subject matter in such updates.

11 (h) DEFINITIONS.—In this section:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
13 TEES.—The term “appropriate congressional com-  
14 mittees” means the Committees on Appropriations,  
15 Armed Services, Energy and Commerce, Financial  
16 Services, Homeland Security, and Veterans’ Affairs  
17 of the House of Representatives and the Committees  
18 on Appropriations, Armed Services, Banking, Hous-  
19 ing, and Urban Affairs, Health, Education, Labor,  
20 and Pensions, Homeland Security and Governmental  
21 Affairs, and Veterans’ Affairs of the Senate.

22 (2) COVID–19 EMERGENCY PERIOD.—The  
23 term “COVID–19 emergency period” means the pe-  
24 riod beginning on the date of enactment of this Act  
25 and ending after the end of the incident period for

1 the emergency declared on March 13, 2020, by the  
2 President under Section 501 of the Robert T. Staf-  
3 ford Disaster Relief and Emergency Assistance Act  
4 (42 U.S.C. 4121 et seq.) relating to the Coronavirus  
5 Disease 2019 (COVID–19) pandemic.

6 (3) RELEVANT STAKEHOLDER.—The term “rel-  
7 evant stakeholder” means—

8 (A) representative private sector entities;

9 (B) representatives of the nonprofit sector;

10 (C) representatives of primary and sec-  
11 ondary school systems; and

12 (D) representatives of labor organizations  
13 representing workers, including unions that rep-  
14 resent health workers, manufacturers, teachers,  
15 other public sector employees, and service sec-  
16 tor workers.

17 (4) STATE.—The term “State” means each of  
18 the several States, the District of Columbia, the  
19 Commonwealth of Puerto Rico, and any territory or  
20 possession of the United States.

1 **TITLE II—PROTECTING RENT-**  
2 **ERS AND HOMEOWNERS**  
3 **FROM EVICTIONS AND FORE-**  
4 **CLOSURES**

5 **SEC. 201. EMERGENCY RENTAL ASSISTANCE AND RENTAL**  
6 **MARKET STABILIZATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) INDIAN TRIBE.—The term “Indian tribe”  
9 has the meaning given the such term in section 4 of  
10 the Native American Housing Assistance and Self-  
11 Determination Act of 1996 (25 U.S.C. 4103).

12 (2) PUBLIC HOUSING AGENCY.—The term  
13 “public housing agency” has the meaning given such  
14 term in section 3(b) of the United States Housing  
15 Act of 1937 (42 U.S.C. 1437a(b)).

16 (3) SECRETARY .—The term “Secretary”  
17 means the Secretary of Housing and Urban Develop-  
18 ment.

19 (4) TRIBALLY DESIGNATED HOUSING ENTI-  
20 TY.—The term “tribally designated housing entity”  
21 has the meaning given such term in section 4 of the  
22 Native American Housing Assistance and Self-De-  
23 termination Act of 1996 (25 U.S.C. 4103).

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to the Secretary

1 \$50,000,000,000 for an additional amount for grants  
2 under the Emergency Solutions Grants program under  
3 subtitle B of title IV of the McKinney-Vento Homeless As-  
4 sistance Act (42 U.S.C. 11371 et seq.), to remain available  
5 until expended (subject to subsection (e) of this section),  
6 to be used for providing short- or medium-term assistance  
7 with rent and rent-related costs (including tenant-paid  
8 utility costs, utility- and rent-arrears, fees charged for  
9 those arrears, and security and utility deposits) in accord-  
10 ance with paragraphs (4) and (5) of section 415(a) of such  
11 Act (42 U.S.C. 11374(a)) and this section.

12 (c) DEFINITION OF AT RISK OF HOMELESSNESS.—  
13 Notwithstanding section 401(1) of the McKinney-Vento  
14 Homeless Assistance Act (42 U.S.C. 11360(1)), for pur-  
15 poses of assistance made available with amounts made  
16 available pursuant to subsection (b), the term “at risk of  
17 homelessness” means, with respect to an individual or  
18 family, that the individual or family—

19 (1) except as provided in subsection (d)(1)(C),  
20 has an income below 80 percent of the median in-  
21 come for the area as determined by the Secretary;  
22 and

23 (2) has an inability to attain or maintain hous-  
24 ing stability or has insufficient resources to pay for  
25 rent or utilities.

1 (d) INCOME TARGETING AND CALCULATION.—For  
2 purposes of assistance made available with amounts made  
3 available pursuant to subsection (b)—

4 (1) each recipient of such amounts shall use—

5 (A) not less than 40 percent of the  
6 amounts received only for providing assistance  
7 to individuals or families experiencing homeless-  
8 ness, or for persons or families at risk of home-  
9 lessness who have incomes not exceeding 30  
10 percent of the median income for the area as  
11 determined by the Secretary;

12 (B) not less than 70 percent of the  
13 amounts received only for providing assistance  
14 to individuals or families experiencing homeless-  
15 ness, or for persons or families at risk of home-  
16 lessness who have incomes not exceeding 50  
17 percent of the median income for the area as  
18 determined by the Secretary; and

19 (C) the remainder of the amounts received  
20 only for providing assistance to individuals or  
21 families experiencing homelessness, or for per-  
22 sons or families at risk of homelessness who  
23 have incomes not exceeding 80 percent of the  
24 median income for the area as determined by  
25 the Secretary, except that the recipient may es-

1           tabish a higher percentage limit for purposes of  
2           subsection (c)(1), which shall not in any case  
3           exceed 120 percent of the area median income,  
4           provided that the recipient—

5                   (i) proposes to permit such assistance  
6                   to individuals and households in its plan to  
7                   carry out activities under this section; and

8                   (ii) solicits public comment on the  
9                   proposal; and

10           (2) in determining the income of a household  
11           for homelessness prevention assistance—

12                   (A) the calculation of income performed at  
13                   the time of application for the assistance, in-  
14                   cluding arrearages, shall consider only income  
15                   that the household is receiving at the time of  
16                   the application, and any income recently termi-  
17                   nated shall not be included;

18                   (B) any subsequent calculation of income  
19                   performed with respect to households receiving  
20                   ongoing assistance shall consider only the in-  
21                   come that the household is receiving at the time  
22                   of the review; and

23                   (C) the calculation of income performed  
24                   with respect to households receiving assistance  
25                   for arrearages shall consider only the income

1           that the household was receiving at the time the  
2           arrearages were incurred.

3       (e) 3-YEAR AVAILABILITY.—

4           (1) IN GENERAL.—Each recipient of amounts  
5       made available pursuant to subsection (b) shall—

6           (A) expend not less than 60 percent of the  
7           grant amounts within 2 years of the date on  
8           which the funds became available to the recipi-  
9           ent for obligation; and

10          (B) expend 100 percent of the grant  
11       amounts within 3 years of the date on which  
12       the funds became available to the recipient for  
13       obligation.

14       (2) REALLOCATION AFTER 2 YEARS.—

15           (A) IN GENERAL.—The Secretary may re-  
16       capture any amounts not expended in compli-  
17       ance with paragraph (1)(A) and reallocate those  
18       amounts to recipients in compliance with the  
19       formula described in subsection (i) and this  
20       paragraph.

21           (B) STATES, METROPOLITAN CITIES, AND  
22       URBAN COUNTIES.—Funds recaptured under  
23       subparagraph (A) with respect to a recipient  
24       described in subsection (i)(1)(B) shall be reallo-

1           cated to other participating recipients of funds  
2           described in subsection (i)(1)(B).

3           (C) INDIAN TRIBES, TRIBALLY DES-  
4           IGNATED HOUSING ENTITIES, AND DEPART-  
5           MENT OF HAWAIIAN HOME LANDS.—Funds re-  
6           captured under subparagraph (A) with respect  
7           to a recipient described in subsection  
8           (i)(1)(A)(i)(I) shall be reallocated to other par-  
9           ticipating recipients of funds described in sub-  
10          section (i)(1)(A)(i)(I).

11          (D) INSULAR AREAS.—Funds recaptured  
12          under subparagraph (A) with respect to a re-  
13          cipient described in subsection (i)(1)(A)(i)(II)  
14          shall be reallocated to other participating recipi-  
15          ents of funds described in subsection  
16          (i)(1)(A)(i)(II).

17          (f) RENT RESTRICTIONS.—

18           (1) INAPPLICABILITY.—Section 576.106(d) of  
19           title 24, Code of Federal Regulations, or any suc-  
20           cessor regulation, shall not apply with respect to  
21           homelessness prevention assistance made available  
22           with amounts made available pursuant to subsection  
23           (b).

24           (2) AMOUNT OF RENTAL ASSISTANCE.—In pro-  
25           viding homelessness prevention assistance with



1 amounts made available pursuant to subsection (b),  
2 the maximum amount of rental assistance that may  
3 be provided shall be the greater of—

4 (A) 120 percent of the higher of—

5 (i) the fair market rent established by  
6 the Secretary for the metropolitan area or  
7 county; or

8 (ii) the applicable small area fair mar-  
9 ket rent established by the Secretary; or

10 (iii) such higher amount as the Sec-  
11 retary shall determine is needed to cover  
12 market rents in the area.

13 (g) SUBLEASES.—A recipient of amounts made avail-  
14 able pursuant to subsection (b) shall not be prohibited  
15 from providing assistance authorized under subsection (b)  
16 with respect to subleases that are valid under State law.

17 (h) UTILITY PAYMENT AND RENTAL ARREAR-  
18 AGES.—In providing assistance with amounts made avail-  
19 able pursuant to subsection (b) of this section—

20 (1) sections 576.105(a)(5) and 576.106(a)(3)  
21 of title 24, Code of Federal Regulations, shall each  
22 be applied by substituting “12 months” for “6  
23 months”; and

24 (2) notwithstanding section 576.106(g) of title  
25 24, Code of Federal Regulations, where such assist-

1           ance is solely with respect to rental arrears, the re-  
2           cipient shall not be required to provide a written  
3           lease or evidence of an oral agreement.

4           (i) ALLOCATION OF ASSISTANCE.—

5                 (1) IN GENERAL.—In allocating amounts made  
6           available pursuant to subsection (b), the Secretary  
7           shall—

8                 (A)(i) for any purpose authorized in this  
9           section—

10                         (I) allocate 2 percent of such amount  
11                         for Indian tribes and tribally designated  
12                         housing entities under the formula estab-  
13                         lished under section 302 of the Native  
14                         American Housing Assistance and Self-De-  
15                         termination Act of 1996 (25 U.S.C. 4152),  
16                         except that 0.3 percent of the amount allo-  
17                         cated under this subclause shall be allo-  
18                         cated for the Department of Hawaiian  
19                         Home Lands; and

20                         (II) allocate 0.3 percent of such  
21                         amount for the Virgin Islands, Guam,  
22                         American Samoa, and the Northern Mar-  
23                         iana Islands; and

24                         (ii) not later than 30 days after the date  
25           of enactment of this Act, obligate and disburse

1 the amounts allocated under clause (i) in ac-  
2 cordance with those allocations and provide the  
3 recipients with any necessary guidance for use  
4 of the funds; and

5 (B)(i) not later than 7 days after the date  
6 of enactment of this Act and after setting aside  
7 amounts under subparagraph (A)—

8 (I) allocate 50 percent of any such re-  
9 maining amounts under the formula speci-  
10 fied in subsections (a), (b), and (e) of sec-  
11 tion 414 of the McKinney-Vento Homeless  
12 Assistance Act (42 U.S.C. 11373) for each  
13 State, metropolitan city, and urban county  
14 that is to receive a direct grant of such  
15 amounts;

16 (II) allocate 50 percent of any such  
17 remaining amounts through the formula  
18 used by the Secretary to distribute the sec-  
19 ond allocation of grants in accordance with  
20 the formula described in the matter under  
21 the heading “Department of Housing and  
22 Urban Development—Community Plan-  
23 ning and Development—Homeless Assist-  
24 ance Grants” in title XII of division B of  
25 the CARES Act (Public Law 116–136) for

1 each State, metropolitan city, and urban  
2 county that is to receive a direct grant of  
3 such amounts; and

4 (III) notify each direct grantee of the  
5 total amount to be allocated under this  
6 clause; and

7 (ii) not later than 30 days after the date  
8 of enactment of this Act, obligate and disburse  
9 the amounts allocated under clause (i) in ac-  
10 cordance with those allocations and provide the  
11 recipient with any necessary guidance for use of  
12 the funds.

13 (2) ALLOCATIONS TO STATES.—

14 (A) IN GENERAL.—Notwithstanding sec-  
15 tion 414(a) of the McKinney-Vento Homeless  
16 Assistance Act (42 U.S.C. 11373(a)) and sec-  
17 tion 576.202(a) of title 24, Code of Federal  
18 Regulations, or any successor regulation, a  
19 State recipient of an allocation under this sec-  
20 tion may elect to use up to 100 percent of its  
21 allocation to carry out activities eligible under  
22 this section directly.

23 (B) REQUIREMENT.—Any State recipient  
24 making an election described in subparagraph  
25 (A) shall serve households throughout the entire

1 State, including households in rural commu-  
2 nities and small towns.

3 (3) ELECTION NOT TO ADMINISTER.—

4 (A) METROPOLITAN CITIES AND URBAN  
5 COUNTIES.—If a recipient under paragraph  
6 (1)(B) other than a State elects not to receive  
7 funds under this section, such funds shall be al-  
8 located to the State recipient in which the re-  
9 cipient is located.

10 (B) INDIAN TRIBES, TRIBALLY DES-  
11 IGNATED HOUSING ENTITIES, AND DEPART-  
12 MENT OF HAWAIIAN HOMELANDS.—If a recipi-  
13 ent under paragraph (1)(A)(i)(I) elects not to  
14 receive funds under this section, such funds  
15 shall be allocated to other participating recipi-  
16 ents of funds under paragraph (1)(A)(i)(I).

17 (C) INSULAR AREAS.—If a recipient under  
18 paragraph (1)(A)(i)(II) elects not to receive  
19 funds under this section, such funds shall be al-  
20 located to other participating recipients of  
21 funds under paragraph (1)(A)(i)(II).

22 (D) PARTNERSHIPS, SUBGRANTS, AND  
23 CONTRACTS.—A recipient of a grant under this  
24 section may distribute funds through partner-  
25 ships, subgrants, or contracts with an entity,

1           such as a public housing agency, that is capable  
2           of carrying out activities under this section.

3           (j) INAPPLICABILITY OF MATCHING REQUIRE-  
4 MENT.—Section 416(a) of the McKinney-Vento Homeless  
5 Assistance Act (42 U.S.C. 11375(a)) shall not apply to  
6 any amounts made available pursuant to subsection (b)  
7 of this section.

8           (k) REIMBURSEMENT OF ELIGIBLE ACTIVITIES.—  
9 Amounts made available pursuant to subsection (b) may  
10 be used by a recipient to reimburse expenditures incurred  
11 for eligible activities under this section carried out after  
12 the date of enactment of this Act.

13          (l) PROHIBITION ON PREREQUISITES.—None of the  
14 funds made available under this section may be used to  
15 require any individual or household receiving assistance  
16 under this section to receive treatment or perform any  
17 other prerequisite activities as a condition for receiving  
18 such assistance.

19          (m) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

20           (1) IN GENERAL.—

21           (A) AUTHORITY.—In administering the  
22 amounts made available pursuant to subsection  
23 (b), the Secretary may waive, or specify alter-  
24 native requirements for, any provision of any  
25 statute or regulation that the Secretary admin-

1           isters in connection with the obligation by the  
2           Secretary or the use by the recipient of such  
3           amounts (except for requirements related to fair  
4           housing, nondiscrimination, labor standards,  
5           prohibition on prerequisites, minimum data re-  
6           porting, and the environment), if the Secretary  
7           finds that good cause exists for the waiver or  
8           alternative requirement and such waiver or al-  
9           ternative requirement is necessary to expedite  
10          the use of funds made available pursuant to  
11          this section, to respond to public health orders  
12          or conditions related to the COVID-19 emer-  
13          gency, or to ensure that eligible individuals can  
14          attain or maintain housing stability.

15                (B) PUBLIC NOTICE.—The Secretary shall  
16                notify the public through the Federal Register  
17                or other appropriate means of any waiver or al-  
18                ternative requirement under this paragraph,  
19                and that such public notice shall be provided, at  
20                a minimum, on the internet at the appropriate  
21                Government website or through other electronic  
22                media, as determined by the Secretary.

23                (C) ELIGIBILITY REQUIREMENTS.—Eligi-  
24                bility for rental assistance or housing relocation  
25                and stabilization services shall not be restricted

1 based upon the prior receipt of assistance under  
2 the program during the preceding three years.

3 (D) INSPECTIONS OF CURRENT HOUSING  
4 UNITS.—A recipient of funds made available  
5 pursuant to subsection (b) may elect not to con-  
6 duct inspections for minimum habitability  
7 standards described in section 576.403 of title  
8 24, Code of Federal Regulations, or any suc-  
9 cessor regulation, for any assistance under this  
10 section that is provided on behalf of an indi-  
11 vidual or household who will continue to reside  
12 in the same housing unit in which they resided  
13 immediately before receiving the assistance.

14 (2) PUBLIC HEARINGS.—

15 (A) INAPPLICABILITY OF IN-PERSON HEAR-  
16 ING REQUIREMENTS DURING THE COVID-19  
17 EMERGENCY.—

18 (i) IN GENERAL.—A recipient under  
19 this section shall not be required to hold  
20 in-person public hearings in connection  
21 with its citizen participation plan, but shall  
22 provide citizens with notice, including pub-  
23 lication of its plan for carrying out this  
24 section on the internet, and a reasonable



1 opportunity to comment of not less than 5  
2 days.

3 (ii) RESUMPTION OF IN-PERSON  
4 HEARING REQUIREMENTS.—After the pe-  
5 riod beginning on the date of enactment of  
6 this Act and ending on the date of the ter-  
7 mination by the Federal Emergency Man-  
8 agement Agency of the emergency declared  
9 on March 13, 2020, by the President  
10 under the Robert T. Stafford Disaster Re-  
11 lief and Emergency Assistance Act (42  
12 U.S.C. 4121 et seq.) relating to the  
13 Coronavirus Disease 2019 (COVID–19)  
14 pandemic, and after the period described  
15 in subparagraph (B)(i), the Secretary shall  
16 direct recipients under this section to re-  
17 sume pre-crisis public hearing require-  
18 ments.

19 (B) VIRTUAL PUBLIC HEARINGS.—

20 (i) IN GENERAL.—During the period  
21 that national or local health authorities  
22 recommend social distancing and limiting  
23 public gatherings for public health reasons,  
24 a recipient may fulfill applicable public  
25 hearing requirements for all grants from

1 funds made available pursuant to this sec-  
2 tion by carrying out virtual public hear-  
3 ings.

4 (ii) REQUIREMENTS.—Any virtual  
5 hearings held under clause (i) by a recipi-  
6 ent under this section shall provide reason-  
7 able notification and access for citizens in  
8 accordance with the recipient's certifi-  
9 cations, timely responses from local offi-  
10 cials to all citizen questions and issues,  
11 and public access to all questions and re-  
12 sponses.

13 (n) CONSULTATION.—In addition to any other citizen  
14 participation and consultation requirements, in developing  
15 and implementing a plan to carry out this section, each  
16 recipient of funds made available pursuant to this section  
17 shall consult with—

18 (1) the applicable Continuum or Continuums of  
19 Care for the area served by the recipient;

20 (2) organizations representing underserved  
21 communities and populations; and

22 (3) organizations with expertise in affordable  
23 housing, fair housing, and services for people with  
24 disabilities.

25 (o) ADMINISTRATION.—

1 (1) BY SECRETARY.—Of any amounts made  
2 available pursuant to subsection (b)—

3 (A) not more than the lesser of 0.5 per-  
4 cent, or \$15,000,000, may be used by the Sec-  
5 retary for staffing, training, technical assist-  
6 ance, technology, monitoring, research, and  
7 evaluation activities necessary to carry out the  
8 program carried out under this section, and  
9 such amounts shall remain available until Sep-  
10 tember 30, 2024; and

11 (B) not more than \$2,000,000 shall be  
12 available to the Office of the Inspector General  
13 of the Department of Housing and Urban De-  
14 velopment for audits and investigations of the  
15 program authorized under this section.

16 (2) BY RECIPIENTS.—Notwithstanding section  
17 576.108 of title 24 of the Code of Federal Regula-  
18 tions, or any successor regulation, with respect to  
19 amounts made available pursuant to subsection (b),  
20 a recipient may use up to 10 percent of funds re-  
21 ceived for payment of administrative costs related to  
22 the planning and execution of eligible activities car-  
23 ried out under this section.

24 **SEC. 202. HOMEOWNER ASSISTANCE FUND.**

25 (a) DEFINITIONS.—In this section:

1           (1) FUND.—The term “Fund” means the  
2 Homeowner Assistance Fund established under sub-  
3 section (b).

4           (2) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Treasury.

6           (3) STATE.—The term “State” means any  
7 State of the United States, the District of Columbia,  
8 any territory of the United States, Puerto Rico,  
9 Guam, American Samoa, the Virgin Islands, and the  
10 Northern Mariana Islands.

11          (b) ESTABLISHMENT OF FUND.—There is estab-  
12 lished at the Department of the Treasury a Homeowner  
13 Assistance Fund to provide such funds as are made avail-  
14 able under subsection (g) to State housing finance agen-  
15 cies for the purpose of preventing homeowner mortgage  
16 defaults, foreclosures, and displacements of individuals  
17 and families experiencing financial hardship after January  
18 21, 2020.

19          (c) ALLOCATION OF FUNDS.—

20           (1) ADMINISTRATION.—Of any amounts made  
21 available for the Fund, the Secretary of the Treas-  
22 ury may allocate, in the aggregate, an amount not  
23 exceeding 5 percent—

24                   (A) to the Office of Financial Stability es-  
25 tablished under section 101(a) of the Emer-

1           agency Economic Stabilization Act of 2008 (12  
2           U.S.C. 5211(a)) to administer and oversee the  
3           Fund, and to provide technical assistance to  
4           States for the creation and implementation of  
5           State programs to administer assistance from  
6           the Fund; and

7                   (B) to the Inspector General of the De-  
8           partment of the Treasury for oversight of the  
9           program under this section.

10           (2) FOR STATES.—The Secretary shall establish  
11           such criteria as are necessary to allocate the funds  
12           available within the Fund for each State. The Sec-  
13           retary shall allocate such funds among all States  
14           taking into consideration the number of unemploy-  
15           ment claims within a State relative to the nationwide  
16           number of unemployment claims.

17           (3) SMALL STATE MINIMUM.—The amount allo-  
18           cated for each State shall not be less than  
19           \$80,000,000.

20           (4) SET-ASIDE FOR INSULAR AREAS.—Notwith-  
21           standing any other provision of this section, of the  
22           amounts appropriated under subsection (g), the Sec-  
23           retary shall reserve \$65,000,000 to be disbursed to  
24           Guam, American Samoa, the Virgin Islands, and the  
25           Northern Mariana Islands based on each such terri-

1 tory's share of the combined total population of all  
2 such territories, as determined by the Secretary. For  
3 the purposes of this paragraph, population shall be  
4 determined based on the most recent year for which  
5 data are available from the United States Census  
6 Bureau.

7 (5) SET-ASIDE FOR INDIAN TRIBES AND NATIVE  
8 HAWAIIANS.—

9 (A) INDIAN TRIBES.—Notwithstanding any  
10 other provision of this section, of the amounts  
11 appropriated under subsection (g), the Sec-  
12 retary shall use 5 percent to make grants in ac-  
13 cordance with subsection (f) to eligible recipi-  
14 ents for the purposes described in subsection  
15 (e)(1).

16 (B) NATIVE HAWAIIANS.—Of the funds set  
17 aside under subparagraph (A), the Secretary  
18 shall use 0.3 percent to make grants to the De-  
19 partment of Hawaiian Home Lands in accord-  
20 ance with subsection (f) for the purposes de-  
21 scribed in subsection (e)(1).

22 (d) DISBURSEMENT OF FUNDS.—

23 (1) ADMINISTRATION.—Except for amounts  
24 made available for assistance under subsection (f),  
25 State housing finance agencies shall be primarily re-

1       sponsible for administering amounts disbursed from  
2       the Fund, but may delegate responsibilities and sub-  
3       allocate amounts to community development finan-  
4       cial institutions and State agencies that administer  
5       Low-Income Home Energy Assistance Program of  
6       the Department of Health and Human Services.

7           (2) NOTICE OF FUNDING.—The Secretary shall  
8       provide public notice of the amounts that will be  
9       made available to each State and the method used  
10      for determining such amounts not later than the ex-  
11      piration of the 14-day period beginning on the date  
12      of the enactment of this Act of enactment.

13           (3) SHFA PLANS.—

14           (A) ELIGIBILITY.—To be eligible to receive  
15      funding allocated for a State under the section,  
16      a State housing finance agency for the State  
17      shall submit to the Secretary a plan for the im-  
18      plementation of State programs to administer,  
19      in part or in full, the amount of funding the  
20      state is eligible to receive, which shall provide  
21      for the commencement of receipt of applications  
22      by homeowners for assistance, and funding of  
23      such applications, not later than the expiration  
24      of the 6-month period beginning upon the ap-  
25      proval under this paragraph of such plan.

1 (B) MULTIPLE PLANS.— A State housing  
2 finance agency may submit multiple plans, each  
3 covering a separate portion of funding for  
4 which the State is eligible.

5 (C) TIMING.—The Secretary shall approve  
6 or disapprove a plan within 30 days after the  
7 plan’s submission and, if disapproved, explain  
8 why the plan could not be approved.

9 (D) DISBURSEMENT UPON APPROVAL.—  
10 The Secretary shall disburse to a State housing  
11 finance agency the appropriate amount of fund-  
12 ing upon approval of the agency’s plan.

13 (E) AMENDMENTS.—A State housing fi-  
14 nance agency may subsequently amend a plan  
15 that has previously been approved, provided  
16 that any plan amendment shall be subject to  
17 the approval of the Secretary. The Secretary  
18 shall approve any plan amendment or dis-  
19 approve such amendment explain why the plan  
20 amendment could not be approved within 45  
21 days after submission to the Secretary of such  
22 amendment.

23 (F) TECHNICAL ASSISTANCE.—The Sec-  
24 retary shall provide technical assistance for any



1 State housing finance agency that twice fails to  
2 have a submitted plan approved.

3 (4) PLAN TEMPLATES.—The Secretary shall,  
4 not later than 30 days after the date of the enact-  
5 ment of this Act, publish templates that States may  
6 utilize in drafting the plans required under para-  
7 graph (3)(A). The template plans shall include  
8 standard program terms and requirements, as well  
9 as any required legal language, which State housing  
10 finance agencies may modify with the consent of the  
11 Secretary.

12 (e) PERMISSIBLE USES OF FUND.—

13 (1) IN GENERAL.—Funds made available to  
14 State housing finance agencies pursuant to this sec-  
15 tion may be used for the purposes established under  
16 subsection (b), which may include—

17 (A) mortgage payment assistance, includ-  
18 ing financial assistance to allow a borrower to  
19 reinstate their mortgage or to achieve a more  
20 affordable mortgage payment, which may in-  
21 clude principal reduction or rate reduction, pro-  
22 vided that any mortgage payment assistance is  
23 tailored to a borrower's needs and their ability  
24 to repay, and takes into consideration the loss  
25 mitigation options available to the borrower;

1 (B) assistance with payment of taxes, haz-  
2 ard insurance, flood insurance, mortgage insur-  
3 ance, or homeowners' association fees;

4 (C) utility payment assistance, including  
5 electric, gas, water, and internet service, includ-  
6 ing broadband internet access service (as such  
7 term is defined in section 8.1(b) of title 47,  
8 Code of Federal Regulations (or any successor  
9 regulation));

10 (D) reimbursement of funds expended by a  
11 State or local government during the period be-  
12 ginning on January 21, 2020, and ending on  
13 the date that the first funds are disbursed by  
14 the State under the Fund, for the purpose of  
15 providing housing or utility assistance to indi-  
16 viduals or otherwise providing funds to prevent  
17 foreclosure or eviction of a homeowner or pre-  
18 vent mortgage delinquency or loss of housing or  
19 critical utilities as a response to the coronavirus  
20 disease 2019 (COVID-19) pandemic; and

21 (E) any other assistance for homeowners  
22 to prevent eviction, mortgage delinquency or de-  
23 fault, foreclosure, or the loss of essential utility  
24 services.

25 (2) TARGETING.—

1 (A) REQUIREMENT.—Not less than 60 per-  
2 cent of amounts made available for each State  
3 or other entity allocated amounts under sub-  
4 section (c) shall be used for activities under  
5 paragraph (1) that assist homeowners having  
6 incomes equal to or less than 80 percent of the  
7 area median income.

8 (B) DETERMINATION OF INCOME.—In de-  
9 termining the income of a household for pur-  
10 poses of this paragraph, income shall be consid-  
11 ered to include only income that the household  
12 is receiving at the time of application for assist-  
13 ance from the Fund and any income recently  
14 terminated shall not be included, except that for  
15 purposes of households receiving assistance for  
16 arrearages income shall include only the income  
17 that the household was receiving at the time  
18 such arrearages were incurred.

19 (C) LANGUAGE ASSISTANCE.—Each State  
20 housing finance agency or other entity allocated  
21 amounts under subsection (c) shall make avail-  
22 able to each applicant for assistance from  
23 amounts from the Fund language assistance in  
24 any language for which such language assist-  
25 ance is available to the State housing finance

1 agency or entity in and shall provide notice to  
2 each such applicant that such language assist-  
3 ance is available.

4 (3) ADMINISTRATIVE EXPENSES.—Not more  
5 than 15 percent of the amount allocated to a State  
6 pursuant to subsection (c) may be used by a State  
7 housing financing agency for administrative ex-  
8 penses. Any amounts allocated to administrative ex-  
9 penses that are no longer necessary for administra-  
10 tive expenses may be used in accordance with para-  
11 graph (1).

12 (f) TRIBAL AND NATIVE HAWAIIAN ASSISTANCE.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) DEPARTMENT OF HAWAIIAN HOME  
15 LANDS.—The term “Department of Hawaiian  
16 Home Lands” has the meaning given the term  
17 in section 801 of the Native American Housing  
18 Assistance and Self-Determination Act of 1996  
19 (42 U.S.C. 4221).

20 (B) ELIGIBLE RECIPIENT.—The term “eli-  
21 gible recipient” means any entity eligible to re-  
22 ceive a grant under section 101 of the Native  
23 American Housing Assistance and Self-Deter-  
24 mination Act of 1996 (25 U.S.C. 4111).

25 (2) REQUIREMENTS.—

1 (A) ALLOCATION.—Except for the funds  
2 set aside under subsection (c)(5)(B), the Sec-  
3 retary shall allocate the funds set aside under  
4 subsection (c)(5)(A) using the allocation for-  
5 mula described in subpart D of part 1000 of  
6 title 24, Code of Federal Regulations (or any  
7 successor regulations).

8 (B) NATIVE HAWAIIANS.—The Secretary  
9 shall use the funds made available under sub-  
10 section (c)(5)(B) in accordance with part 1006  
11 of title 24, Code of Federal Regulations (or suc-  
12 cessor regulations).

13 (3) TRANSFER.—The Secretary shall transfer  
14 any funds made available under subsection (c)(5)  
15 that have not been allocated by an eligible recipient  
16 or the Department of Hawaiian Home Lands, as ap-  
17 plicable, to provide the assistance described in sub-  
18 section (e)(1) by December 31, 2030, to the Sec-  
19 retary of Housing and Urban Development to carry  
20 out the Native American Housing Assistance and  
21 Self-Determination Act of 1996 (25 U.S.C. 4101 et  
22 seq.).

23 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
24 authorized to be appropriated to the Homeowner Assist-

1 ance Fund established under subsection (b),  
2 \$21,000,000,000, to remain available until expended.

3 (h) USE OF HOUSING FINANCE AGENCY INNOVATION  
4 FUND FOR THE HARDEST HIT HOUSING MARKETS  
5 FUNDS.—A State housing finance agency may reallocate  
6 any administrative or programmatic funds it has received  
7 as an allocation from the Housing Finance Agency Inno-  
8 vation Fund for the Hardest Hit Housing Markets created  
9 pursuant to section 101(a) of the Emergency Economic  
10 Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have  
11 not been otherwise allocated or disbursed as of the date  
12 of enactment of this Act to supplement any administrative  
13 or programmatic funds received from the Housing Assist-  
14 ance Fund. Such reallocated funds shall not be considered  
15 when allocating resources from the Housing Assistance  
16 Fund using the process established under subsection (c)  
17 and shall remain available for the uses permitted and  
18 under the terms and conditions established by the contract  
19 with Secretary created pursuant to subsection (d)(1) and  
20 the terms of subsection (i).

21 (i) REPORTING REQUIREMENTS.—The Secretary  
22 shall provide public reports not less frequently than quar-  
23 terly regarding the use of funds provided by the Home-  
24 owner Assistance Fund. Such reports shall include the fol-  
25 lowing data by State and by program within each State,

1 both for the past quarter and throughout the life of the  
2 program—

3 (1) the amount of funds allocated;

4 (2) the amount of funds disbursed;

5 (3) the number of households and individuals  
6 assisted;

7 (4) the acceptance rate of applicants;

8 (5) the type or types of assistance provided to  
9 each household;

10 (6) whether the household assisted had a feder-  
11 ally backed loan and identification of the Federal en-  
12 tity backing such loan;

13 (7) the average amount of funding provided per  
14 household receiving assistance and per type of as-  
15 sistance provided;

16 (8) the average number of monthly payments  
17 that were covered by the funding amount that a  
18 household received, as applicable, disaggregated by  
19 type of assistance provided;

20 (9) the income level of each household receiving  
21 assistance; and

22 (10) the outcome 12 months after the house-  
23 hold has received assistance.

24 Each report under this subsection shall disaggregate the  
25 information provided under paragraphs (3) through (10)

1 by State, zip code, racial and ethnic composition of the  
2 household, and whether or not the person from the house-  
3 hold applying for assistance speaks English as a second  
4 language.

5 **SEC. 203. PROTECTING RENTERS AND HOMEOWNERS FROM**  
6 **EVICTIONS AND FORECLOSURES.**

7 (a) **EVICTION MORATORIUM.**—The CARES Act is  
8 amended by striking section 4024 (15 U.S.C. 9058; Public  
9 Law 116–136; 134 Stat. 492) and inserting the following  
10 new section:

11 **“SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**  
12 **INGS.**

13 “(a) **CONGRESSIONAL FINDINGS.**—The Congress  
14 finds that—

15 “(1) according to the 2018 American Commu-  
16 nity Survey, 36 percent of households in the United  
17 States—more than 43 million households—are rent-  
18 ers;

19 “(2) in 2019 alone, renters in the United States  
20 paid \$512 billion in rent;

21 “(3) according to the Joint Center for Housing  
22 Studies of Harvard University, 20.8 million renters  
23 in the United States spent more than 30 percent of  
24 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  
5 unemployment since the COVID–19 pandemic  
6 began;

7 “(5) the impacts of the spread of COVID–19,  
8 which is now considered a global pandemic, are ex-  
9 pected to negatively impact the incomes of poten-  
10 tially millions of renter households, making it dif-  
11 ficult for them to pay their rent on time; and

12 “(6) evictions in the current environment would  
13 increase homelessness and housing instability which  
14 would be counterproductive towards the public  
15 health goals of keeping individuals in their homes to  
16 the greatest extent possible.

17 “(b) MORATORIUM.—During the period beginning on  
18 the date of the enactment of this Act and ending 12  
19 months after such date of enactment, the lessor of a cov-  
20 ered dwelling located in such State may not—

21 “(1) make, or cause to be made, any filing with  
22 the court of jurisdiction to initiate a legal action to  
23 recover possession of the covered dwelling from the  
24 tenant for nonpayment of rent or other fees or  
25 charges; or

1           “(2) charge fees, penalties, or other charges to  
2           the 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  
15 Act (42 U.S.C. 3603(b)).

16           “(d) NOTICE TO VACATE AFTER MORATORIUM EXPI-  
17 RATION DATE.—After the expiration of the period de-  
18 scribed in subsection (b), the lessor of a covered dwelling  
19 may not require the tenant to vacate the covered dwelling  
20 by reason of nonpayment of rent or other fees or charges  
21 before the expiration of the 30-day period that begins  
22 upon the provision by the lessor to the tenant, after the  
23 expiration of the period described in subsection (b), of a  
24 notice to vacate the covered dwelling.”.

25           (b) MORTGAGE RELIEF.—

1           (1) FORBEARANCE AND FORECLOSURE MORA-  
2           TORIUM FOR COVERED MORTGAGE LOANS.—Section  
3           4022 of the CARES Act (15 U.S.C. 9056) is  
4           amended—

5                   (A) by striking “Federally backed mort-  
6                   gage loan” each place that term appears and  
7                   inserting “covered mortgage loan”; and

8                   (B) in subsection (a)—

9                           (i) by amending paragraph (2) to read  
10                           as follows:

11                           “(2) COVERED MORTGAGE LOAN.—The term  
12                           ‘covered mortgage loan’—

13                                   “(A) means any credit transaction that is  
14                                   secured by a mortgage, deed of trust, or other  
15                                   equivalent consensual security interest on a 1-  
16                                   to 4-unit dwelling or on residential real prop-  
17                                   erty that includes a 1- to 4-unit dwelling; and

18                                   “(B) does not include a credit transaction  
19                                   under an open end credit plan other than a re-  
20                                   verse mortgage.”; and

21                                   (ii) by adding at the end the fol-  
22                                   lowing:

23                           “(3) COVERED PERIOD.—With respect to a  
24                           loan, the term ‘covered period’ means the period be-

1       ginning on the date of enactment of this Act and  
2       ending 12 months after such date of enactment.”.

3           (2) AUTOMATIC FORBEARANCE FOR DELIN-  
4       QUENT BORROWERS.—Section 4022(c) of the  
5       CARES Act (15 U.S.C. 9056(c)), as amended by  
6       paragraph (5) of this subsection, is further amended  
7       by adding at the end the following:

8           “(9) AUTOMATIC FORBEARANCE FOR DELIN-  
9       QUENT BORROWERS OF COVERED MORTGAGE LOANS  
10       THAT ARE NOT FEDERALLY-INSURED REVERSE  
11       MORTGAGE LOANS.—

12           “(A) IN GENERAL.—Notwithstanding any  
13       other law governing forbearance relief, with re-  
14       spect to any covered mortgage loan that is not  
15       a federally-insured reverse mortgage loan—

16           “(i) any borrower whose covered mort-  
17       gage loan became 60 days delinquent be-  
18       tween March 13, 2020, and the date of en-  
19       actment of this paragraph, and who has  
20       not already received a forbearance under  
21       subsection (b), shall automatically be  
22       granted a 60-day forbearance that begins  
23       on the date of enactment of this para-  
24       graph, provided that a borrower shall not  
25       be considered delinquent for purposes of

1 this paragraph while making timely pay-  
2 ments or otherwise performing under a  
3 trial modification or other loss mitigation  
4 agreement; and

5 “(ii) any borrower whose covered  
6 mortgage loan becomes 60 days delinquent  
7 between the date of enactment of this  
8 paragraph and the end of the covered pe-  
9 riod, and who has not already received a  
10 forbearance under subsection (b), shall  
11 automatically be granted a 60-day forbear-  
12 ance that begins on the 60th day of delin-  
13 quency, provided that a borrower shall not  
14 be considered delinquent for purposes of  
15 this paragraph while making timely pay-  
16 ments or otherwise performing under a  
17 trial modification or other loss mitigation  
18 agreement.

19 “(B) INITIAL EXTENSION.—An automatic  
20 forbearance provided under subparagraph (A)  
21 shall be extended for up to an additional 120  
22 days upon the request of the borrower, oral or  
23 written, submitted to the servicer of the bor-  
24 rower affirming that the borrower is experi-  
25 encing a financial hardship that prevents the

1 borrower from making timely payments on the  
2 covered mortgage loan due, directly or indi-  
3 rectly, to the COVID–19 emergency.

4 “(C) SUBSEQUENT EXTENSION.—A for-  
5 bearance extended under subparagraph (B)  
6 shall be further extended by the servicer, for  
7 the period or periods requested, for a total for-  
8 bearance period of up to 12 months (including  
9 the period of automatic forbearance), upon the  
10 borrower’s request, oral or written, submitted to  
11 the borrower’s servicer affirming that the bor-  
12 rower is experiencing a financial hardship that  
13 prevents the borrower from making timely pay-  
14 ments on the covered mortgage loan due, di-  
15 rectly or indirectly, to the COVID–19 emer-  
16 gency.

17 “(D) RIGHT TO ELECT TO CONTINUE MAK-  
18 ING PAYMENTS.—

19 “(i) IN GENERAL.—With respect to a  
20 forbearance provided under this paragraph,  
21 the borrower of the covered mortgage loan  
22 may elect to continue making regular pay-  
23 ments on the covered mortgage loan.

24 “(ii) LOSS MITIGATION.—A borrower  
25 who makes an election described in clause

1 (i) shall be offered a loss mitigation option  
2 pursuant to subsection (d) within 30 days  
3 of resuming regular payments to address  
4 any payment deficiency during the forbear-  
5 ance.

6 “(E) RIGHT TO SHORTEN FORBEAR-  
7 ANCE.—

8 “(i) IN GENERAL.—At the request of  
9 a borrower, any period of forbearance pro-  
10 vided to the borrower under this paragraph  
11 may be shortened.

12 “(ii) LOSS MITIGATION.—A borrower  
13 who makes a request under clause (i) shall  
14 be offered a loss mitigation option pursu-  
15 ant to subsection (d) within 30 days of re-  
16 suming regular payments to address any  
17 payment deficiency during the forbearance.

18 “(10) AUTOMATIC EXTENSION OF DUE AND  
19 PAYABLE STATUS FOR CERTAIN REVERSE MORTGAGE  
20 LOANS.—

21 “(A) IN GENERAL.—When any covered  
22 mortgage loan that is also a federally-insured  
23 reverse mortgage loan, during the covered pe-  
24 riod, is due and payable due to the death of the  
25 last surviving borrower but the property to

1           which the covered mortgage loan relates is not  
2           vacant or abandoned, or the covered mortgage  
3           loan is eligible to be called due and payable due  
4           to a property charge default, or if the borrower  
5           defaults on a property charge repayment plan,  
6           or if the borrower defaults for failure to com-  
7           plete property repairs, or if an obligation of the  
8           borrower under the Security Instrument is not  
9           performed, the mortgagee automatically shall be  
10          granted a 180-day extension of—

11                   “(i) the mortgagee’s deadline to re-  
12                   quest due and payable status from the De-  
13                   partment of Housing and Urban Develop-  
14                   ment, where applicable;

15                   “(ii) the mortgagee’s deadline to send  
16                   notification to the mortgagor or his or her  
17                   heirs that the loan is due and payable;

18                   “(iii) the deadline to initiate fore-  
19                   closure;

20                   “(iv) any reasonable diligence period  
21                   related to foreclosure or the Mortgagee Op-  
22                   tional Election;

23                   “(v) any deadline relevant to estab-  
24                   lishing that a non-borrowing spouse may  
25                   be eligible for a deferral period;



1           “(vi) if applicable, the deadline to ob-  
2           tain the due and payable appraisal; and

3           “(vii) any claim submission deadline,  
4           including the 6-month acquired property  
5           marketing period.

6           “(B) LENGTH OF EXTENSION OF DUE AND  
7           PAYABLE STATUS.—The mortgagee shall not re-  
8           quest due and payable status from the Sec-  
9           retary of Housing and Urban Development nor  
10          initiate or continue a foreclosure action during  
11          this 180-day period described in subparagraph  
12          (A), which shall be considered a forbearance pe-  
13          riod.

14          “(C) EXTENSION.—A forbearance provided  
15          under subparagraph (B) and related deadline  
16          extension authorized under subparagraph (A)  
17          shall be extended for the period or periods re-  
18          quested, for a total forbearance period of up to  
19          12 months upon—

20                 “(i) the request of the borrower, oral  
21                 or written, submitted to the servicer of the  
22                 borrower affirming that the borrower is ex-  
23                 periencing a financial hardship that pre-  
24                 vents the borrower from making payments  
25                 on property charges, completing property

1 repairs, or performing an obligation of the  
2 borrower under the Security Instrument  
3 due, directly or indirectly, to the COVID-  
4 19 emergency;

5 “(ii) the request of a non-borrowing  
6 spouse, oral or written, submitted to the  
7 servicer affirming that the non-borrowing  
8 spouse has been unable to satisfy all cri-  
9 teria for the Mortgagee Optional Election  
10 program due, directly or indirectly, to the  
11 COVID-19 emergency, or to perform all  
12 actions necessary to become an eligible  
13 non-borrowing spouse following the death  
14 of all borrowers; or

15 “(iii) the request of a successor-in-in-  
16 terest of the borrower, oral or written, sub-  
17 mitted to the servicer affirming the dif-  
18 ficulty of the heir in satisfying the reverse  
19 mortgage loan due, directly or indirectly,  
20 to the COVID-19 emergency.

21 “(D) CURTAILMENT OF DEBENTURE IN-  
22 TEREST.—Where any covered mortgage loan  
23 that is also a federally insured reverse mortgage  
24 loan is in default during the covered period and  
25 subject to a prior event which provides for cur-

1 tailment of debenture interest in connection  
2 with a claim for insurance benefits, the curtail-  
3 ment of debenture interest shall be suspended  
4 during any forbearance period provided here-  
5 in.”.

6 (3) ADDITIONAL FORECLOSURE AND REPOSSES-  
7 SION PROTECTIONS.—Section 4022(c) of the  
8 CARES Act (15 U.S.C. 9056(c)) is amended—

9 (A) in paragraph (2), by striking “may not  
10 initiate any judicial or non-judicial foreclosure  
11 process, move for a foreclosure judgment or  
12 order of sale, or execute a foreclosure-related  
13 eviction or foreclosure sale for not less than the  
14 60-day period beginning on March 18, 2020”  
15 and inserting “may not initiate or proceed with  
16 any judicial or non-judicial foreclosure process,  
17 schedule a foreclosure sale, move for a fore-  
18 closure judgment or order of sale, execute a  
19 foreclosure related eviction or foreclosure sale  
20 for the 6-month period beginning on the date of  
21 enactment of the COVID–19 HERO Act”; and

22 (B) by adding at the end the following:

23 “(3) REPOSSESSION MORATORIUM.—In the case  
24 of personal property, including any recreational or  
25 motor vehicle, used as a dwelling, no person may use

1 any judicial or non-judicial procedure to repossess or  
2 otherwise take possession of the property for the 6-  
3 month period beginning on the date of enactment of  
4 this paragraph.”.

5 (4) MORTGAGE FORBEARANCE REFORMS.—Sec-  
6 tion 4022 of the CARES Act (15 U.S.C. 9056) is  
7 amended—

8 (A) in subsection (b), by striking para-  
9 graphs (1), (2), and (3) and inserting the fol-  
10 lowing:

11 “(1) IN GENERAL.—During the covered period,  
12 a borrower with a covered mortgage loan who has  
13 not obtained automatic forbearance pursuant to this  
14 section and who is experiencing a financial hardship  
15 that prevents the borrower from making timely pay-  
16 ments on the covered mortgage loan due, directly or  
17 indirectly, to the COVID–19 emergency may request  
18 forbearance on the covered mortgage loan, regard-  
19 less of delinquency status, by—

20 “(A) submitting a request, orally or in  
21 writing, to the servicer of the covered mortgage  
22 loan; and

23 “(B) affirming that the borrower is experi-  
24 encing a financial hardship that prevents the  
25 borrower from making timely payments on the

1 covered mortgage loan due, directly or indi-  
2 rectly, to the COVID–19 emergency.

3 “(2) DURATION OF FORBEARANCE.—

4 “(A) IN GENERAL.—Upon a request by a  
5 borrower to a servicer for forbearance under  
6 paragraph (1), the forbearance shall be granted  
7 by the servicer for the period requested by the  
8 borrower, up to an initial length of 180 days,  
9 the length of which shall be extended by the  
10 servicer, at the request of the borrower for the  
11 period or periods requested, for a total forbear-  
12 ance period of not more than 12 months.

13 “(B) MINIMUM FORBEARANCE  
14 AMOUNTS.—For purposes of granting a forbear-  
15 ance under this paragraph, a servicer may  
16 grant an initial forbearance with a term of not  
17 less than 90 days, provided that it is automati-  
18 cally extended for an additional 90 days unless  
19 the servicer confirms the borrower does not  
20 want to renew the forbearance or that the bor-  
21 rower is no longer experiencing a financial  
22 hardship that prevents the borrower from mak-  
23 ing timely mortgage payments due, directly or  
24 indirectly, to the COVID–19 emergency.

1                   “(C) RIGHT TO SHORTEN FORBEAR-  
2 ANCE.—

3                   “(i) IN GENERAL.—At the request of  
4 a borrower, any period of forbearance de-  
5 scribed under this paragraph may be  
6 shortened.

7                   “(ii) LOSS MITIGATION.—A borrower  
8 who makes a request under clause (i) shall  
9 be offered a loss mitigation option pursu-  
10 ant to subsection (d) within 30 days of re-  
11 suming regular payments to address any  
12 payment deficiency during the forbearance.

13                   “(3) ACCRUAL OF INTEREST OR FEES.—A  
14 servicer shall not charge a borrower any fees, pen-  
15 alties, or interest (beyond the amounts scheduled or  
16 calculated as if the borrower made all contractual  
17 payments on time and in full under the terms of the  
18 mortgage contract) in connection with a forbearance,  
19 provided that a servicer may offer the borrower a  
20 modification option at the end of a forbearance pe-  
21 riod granted hereunder that includes the capitaliza-  
22 tion of past due principal and interest and escrow  
23 payments as long as the principal and interest pay-  
24 ment of the borrower under such modification re-  
25 mains at or below the contractual principal and in-

1 interest payments owed under the terms of the mort-  
2 gage contract before such forbearance period except  
3 as the result of a change in the index of an adjust-  
4 able rate mortgage, or, in the case of loans insured  
5 by the Federal Housing Administration, except in a  
6 modification compliant with applicable Federal  
7 Housing Administration policies.

8 “(4) COMMUNICATION WITH SERVICERS.—Any  
9 communication between a borrower and a servicer  
10 described in this section may be made in writing or  
11 orally, at the election of the borrower.

12 “(5) COMMUNICATION WITH BORROWERS WITH  
13 A DISABILITY.—

14 “(A) IN GENERAL.—Upon request from a  
15 borrower, servicers shall communicate with bor-  
16 rowers who have a disability in the preferred  
17 method of communication of the borrower.

18 “(B) DEFINITION.—In this paragraph, the  
19 term ‘disability’ has the meaning given the term  
20 ‘handicap’ in section 802 of the Fair Housing  
21 Act (42 U.S.C. 3602).”; and

22 (B) in subsection (c), by amending para-  
23 graph (1) to read as follows:

24 “(1) NO DOCUMENTATION REQUIRED.—A  
25 servicer of a covered mortgage loan shall not require

1 any documentation with respect to a forbearance  
2 under this section other than the oral or written af-  
3 firmation of the borrower to a financial hardship  
4 that prevents the borrower from making timely pay-  
5 ments on the covered mortgage loan due, directly or  
6 indirectly, to the COVID–19 emergency. An oral re-  
7 quest for forbearance and oral affirmation of hard-  
8 ship by the borrower shall be sufficient for the bor-  
9 rower to obtain or extend a forbearance.”.

10 (5) OTHER SERVICER REQUIREMENTS DURING  
11 FORBEARANCE.—Section 4022(c) of the CARES Act  
12 (15 U.S.C. 9056(c)), as amended by paragraph (3)  
13 of this subsection, is amended by adding at the end  
14 the following:

15 “(4) FORBEARANCE TERMS NOTICE.—Within  
16 30 days of a servicer of a covered mortgage loan  
17 providing forbearance to a borrower under sub-  
18 section (b) or paragraph (9) or (10), or 10 days if  
19 the forbearance is for a term of less than 60 days,  
20 but only where the forbearance was provided in re-  
21 sponse to a request by the borrower for forbearance  
22 or when an automatic forbearance was initially pro-  
23 vided under paragraph (9) or (10), and not when an  
24 existing forbearance is automatically extended, the



1 servicer shall provide the borrower with a notice in  
2 accordance with the terms in paragraph (5).

3 “(5) CONTENTS OF NOTICE.—The written no-  
4 tice required under paragraph (4) shall state in  
5 plain language—

6 “(A) the specific terms of the forbearance;

7 “(B) the beginning and ending dates of the  
8 forbearance;

9 “(C) that the borrower is eligible for not  
10 more than 12 months of forbearance;

11 “(D) that the borrower may request an ex-  
12 tension of the forbearance unless the borrower  
13 will have reached the maximum period at the  
14 end of the forbearance;

15 “(E) that the borrower may request that  
16 the initial or extended period be shortened at  
17 any time;

18 “(F) that the borrower should contact the  
19 servicer before the end of the forbearance pe-  
20 riod;

21 “(G) a description of the loss mitigation  
22 options that may be available to the borrower at  
23 the end of the forbearance period based on the  
24 specific covered mortgage loan of the borrower;

1           “(H) information on how to find a housing  
2           counseling agency approved by the Department  
3           of Housing and Urban Development;

4           “(I) in the case of a forbearance provided  
5           pursuant to paragraph (9) or (10), that the for-  
6           bearance was automatically provided and how  
7           to contact the servicer to make arrangements  
8           for further assistance, including any renewal;  
9           and

10           “(J) where applicable, that the forbearance  
11           is subject to an automatic extension, including  
12           the terms of any such automatic extensions and  
13           when any further extension would require a bor-  
14           rower request.

15           “(6) TREATMENT OF ESCROW ACCOUNTS.—  
16           During any forbearance provided under this section,  
17           a servicer shall pay or advance funds to make dis-  
18           bursements in a timely manner from any escrow ac-  
19           count established on the covered mortgage loan.

20           “(7) NOTIFICATION FOR BORROWERS.—During  
21           the period beginning on the date that is 90 days  
22           after the date of the enactment of this paragraph  
23           and ending on the last day of the covered period,  
24           each servicer of a covered mortgage loan shall be re-  
25           quired to—

1           “(A) make available in a clear and con-  
2           spicuous manner on their web page accurate in-  
3           formation, in English and Spanish, for bor-  
4           rowers regarding the availability of forbearance  
5           as provided under subsection (b);

6           “(B) notify every borrower whose pay-  
7           ments on a covered mortgage loan are or be-  
8           come 31 days delinquent in any oral commu-  
9           nication with or to the borrower that the bor-  
10          rower may be eligible to request forbearance as  
11          provided under subsection (b), except that such  
12          notice shall not be required if the borrower al-  
13          ready has requested forbearance under sub-  
14          section (b); and

15          “(C) provide in writing, in both English  
16          and Spanish, to any borrower whose payments  
17          on the covered mortgage loan are or become 31  
18          days delinquent, a notification that—

19                 “(i) the borrower may be eligible for  
20                 forbearance under this section;

21                 “(ii) the borrower can seek language  
22                 assistance and general help through a  
23                 housing counseling agency certified by the  
24                 Department of Housing and Urban Devel-  
25                 opment;

1                   “(iii) provides information on how to  
2                   find a counseling agency described in  
3                   clause (ii); and

4                   “(iv) shall be provided not later than  
5                   the 45th day of the delinquency of the bor-  
6                   rower.

7                   “(8) CERTAIN TREATMENT UNDER RESPA.—  
8                   During any period of time that a borrower is in for-  
9                   bearance, has not yet received an offer under sub-  
10                  section (d)(2) or a notice of the determination of the  
11                  servicer under subsection (d)(3), as applicable, or  
12                  whose first payment due under an offer under sub-  
13                  section (d)(2) is not yet past due—

14                  “(A) for purposes of section 1024.41 of  
15                  title 12, Code of Federal Regulations (or any  
16                  successor regulation), any delinquency on the  
17                  mortgage loan shall be tolled; and

18                  “(B) the servicer shall not initiate or pro-  
19                  ceed with any judicial or non-judicial fore-  
20                  closure process, schedule a foreclosure sale,  
21                  move for a foreclosure judgment or order of  
22                  sale, execute a foreclosure related eviction or  
23                  foreclosure sale, including charging, assessing,  
24                  or incurring any foreclosure related fees, such

1 as attorney fees, property inspection fees, or  
2 title fees.”.

3 (6) POST-FORBEARANCE LOSS MITIGATION.—

4 (A) AMENDMENT TO THE CARES ACT.—

5 Section 4022 of the CARES Act (15 U.S.C.  
6 9056) is amended by adding at the end the fol-  
7 lowing:

8 “(d) POST-FORBEARANCE LOSS MITIGATION.—

9 “(1) NOTICE OF AVAILABILITY OF ADDITIONAL  
10 FORBEARANCE.—With respect to any covered mort-  
11 gage loan as to which forbearance under this section  
12 has been granted and not otherwise extended, in-  
13 cluding by automatic extension, a servicer shall, not  
14 later than 30 days before the end of the forbearance  
15 period, in writing, notify the borrower that addi-  
16 tional forbearance may be available and how to re-  
17 quest such forbearance, except that no such notice  
18 is required where the borrower already has requested  
19 an extension of the forbearance period, is subject to  
20 automatic extension pursuant to subsection  
21 (b)(2)(B), or no additional forbearance is available.

22 “(2) LOSS MITIGATION OFFER BEFORE EXPIRA-  
23 TION OF FORBEARANCE ON A COVERED MORTGAGE  
24 LOAN OTHER THAN A FEDERALLY INSURED RE-  
25 VERSE MORTGAGE LOAN.—

1           “(A) IN GENERAL.—For any covered mort-  
2           gage loan that is not a federally insured reverse  
3           mortgage loan, not later than 30 days before  
4           the end of any forbearance period that has not  
5           been extended or 30 days after a request by a  
6           borrower to terminate the forbearance, which  
7           time shall be before the servicer initiates or en-  
8           gages in any foreclosure activity listed in sub-  
9           section (c)(2), including incurring or charging  
10          to a borrower any fees or corporate advances  
11          related to a foreclosure, the servicer shall, in  
12          writing—

13                 “(i) offer the borrower a loss mitiga-  
14                 tion option, without the charging of any  
15                 fees or penalties other than interest, such  
16                 that the principal and interest payment of  
17                 the borrower remains the same as it was  
18                 prior to the forbearance, subject to any ad-  
19                 justment of the index pursuant to the  
20                 terms of an adjustable rate mortgage, and  
21                 that—

22                 “(I) defers the payment of total  
23                 arrearages, including any escrow ad-  
24                 vances, to the end of the existing term  
25                 of the loan, without the charging or

1 collection of any additional interest on  
2 the deferred amounts; or

3 “(II) extends the term of the  
4 mortgage loan, and capitalizes, defers,  
5 or forgives all escrow advances and  
6 other arrearages;

7 “(ii) concurrent with the loss mitiga-  
8 tion offer in clause (i), notify the borrower  
9 that the borrower has the right to be eval-  
10 uated for other loss mitigation options if  
11 the borrower is not able to make the pay-  
12 ment under the option offered in clause (i).

13 “(B) EXCEPTION.—Notwithstanding sub-  
14 paragraph (A)(i), a servicer may offer a bor-  
15 rower of a covered mortgage loan described in  
16 subparagraph (A) a loss mitigation option that  
17 reduces the principal and interest payment on  
18 the covered mortgage loan and capitalizes, de-  
19 fers, or forgives all escrow advances or arrear-  
20 ages if the servicer has information indicating  
21 that the borrower cannot resume the pre-for-  
22 bearance mortgage payments.

23 “(3) EVALUATION FOR LOSS MITIGATION PRIOR  
24 TO FORECLOSURE INITIATION FOR ANY COVERED  
25 MORTGAGE LOAN THAT IS NOT A FEDERALLY IN-

1       SURED REVERSE MORTGAGE LOAN.—Before a  
2       servicer may initiate or engage in any foreclosure ac-  
3       tivity listed in subsection (c)(2) for any covered  
4       mortgage loan that is not a federally insured reverse  
5       mortgage loan, including incurring or charging to a  
6       borrower any fees or corporate advances related to  
7       a foreclosure on the basis that the borrower has  
8       failed to perform under the loss mitigation offer in  
9       paragraph (2)(A) within the first 90 days after the  
10      option is offered, including a failure to accept the  
11      loss mitigation offer in paragraph (2)(A), the  
12      servicer shall—

13               “(A) unless the borrower has already sub-  
14               mitted a complete application that the servicer  
15               is reviewing—

16                       “(i) notify the borrower in writing of  
17                       the documents and information, if any,  
18                       needed by the servicer to enable the  
19                       servicer to consider the borrower for all  
20                       available loss mitigation options; and

21                       “(ii) exercise reasonable diligence to  
22                       obtain the documents and information  
23                       needed to complete the loss mitigation ap-  
24                       plication of the borrower; and



1           “(B) upon receipt of a complete applica-  
2           tion or if, despite the exercise by the servicer of  
3           reasonable diligence, the loss mitigation applica-  
4           tion remains incomplete 60 days after the no-  
5           tice in paragraph (2)(A) is sent—

6                   “(i) conduct an evaluation of the com-  
7                   plete or incomplete loss mitigation applica-  
8                   tion without reference to whether the bor-  
9                   rower has previously submitted a complete  
10                  loss mitigation application; and

11                   “(ii) offer the borrower all available  
12                   loss mitigation options for which the bor-  
13                   rower qualifies under applicable investor  
14                   guidelines, including guidelines regarding  
15                   required documentation.

16           “(4) EFFECT ON FUTURE REQUESTS FOR LOSS  
17           MITIGATION REVIEW FOR BORROWERS WITH COV-  
18           ERED MORTGAGE LOANS THAT ARE NOT FEDERALLY  
19           INSURED REVERSE MORTGAGE LOANS.—An applica-  
20           tion, offer, or evaluation for loss mitigation under  
21           this section for a covered mortgage loan that is not  
22           a federally insured reverse mortgage loan shall not  
23           be the basis for the denial of an application of a bor-  
24           rower as duplicative or for a reduction in the appeal  
25           rights of the borrower under Regulation X in part

1 1024 of title 12, Code of Federal Regulations, in re-  
2 gard to any loss mitigation application submitted  
3 after the servicer has complied with the require-  
4 ments of paragraphs (2) and (3),

5 “(5) SAFE HARBOR.—For any covered mort-  
6 gage loan that is not a federally insured reverse  
7 mortgage loan, any loss mitigation option authorized  
8 by the Federal National Mortgage Association, the  
9 Federal Home Loan Corporation, or the Federal  
10 Housing Administration shall be deemed to comply  
11 with the requirements of paragraph (2)(A) if the  
12 loss mitigation option—

13 “(A) defers the payment of total arrear-  
14 ages, including any escrow advances, to the end  
15 of the existing term of the loan, without the  
16 charging or collection of any additional interest  
17 on the deferred amounts; or

18 “(B) extends the term of the mortgage  
19 loan, and capitalizes, defers, or forgives all es-  
20 crow advances and other arrearages, without  
21 the charging of any fees or penalties beyond in-  
22 terest on any amount capitalized into the loan  
23 principal.

24 “(6) HOME RETENTION OPTIONS FOR CERTAIN  
25 REVERSE MORTGAGE LOANS.—

1           “(A) IN GENERAL.—For a covered mort-  
2           gage loan that is also a federally insured re-  
3           verse mortgage loan, the conduct of a servicer  
4           shall be deemed to comply with this section,  
5           provided that if the loan is eligible to be called  
6           due and payable due to a property charge de-  
7           fault, the mortgagee shall, as a precondition to  
8           sending a due and payable request to the Sec-  
9           retary or initiating or continuing a foreclosure  
10          process—

11                   “(i) make a good faith effort to com-  
12                   municate with the borrower regarding  
13                   available home retention options to cure  
14                   the property charge default, including en-  
15                   couraging the borrower to apply for home  
16                   retention options; and

17                   “(ii) consider the borrower for all  
18                   available home retention options as allowed  
19                   by the Secretary.

20          “(B) PERMISSIBLE REPAYMENT PLANS.—  
21          The Secretary shall amend the allowable home  
22          retention options of the Secretary to permit a  
23          repayment plan of not more than 120 months  
24          in length, and to permit a repayment plan with-

1 out regard to prior defaults on repayment  
2 plans.

3 “(C) LIMITATION ON INTEREST CURTAIL-  
4 MENT.—The Secretary may not curtail interest  
5 paid to mortgagees who engage in loss mitiga-  
6 tion or home retention actions through interest  
7 curtailment during such loss mitigation or home  
8 retention review or during the period when a  
9 loss mitigation or home retention plan is in ef-  
10 fect and ending 90 days after any such plan  
11 terminates.”.

12 (B) AMENDMENT TO HOUSING ACT OF  
13 1949.—

14 (i) IN GENERAL.—Section 505 of the  
15 Housing Act of 1949 (42 U.S.C. 1475) is  
16 amended—

17 (I) by striking the section head-  
18 ing and inserting “LOSS MITIGA-  
19 TION AND FORECLOSURE PRO-  
20 CEDURES”;

21 (II) in subsection (a), by striking  
22 the section designation and all that  
23 follows through “During any” and in-  
24 serting the following:

1           “(a) MORATORIUM.—(1) In determining the eligi-  
2 bility of a borrower for relief, the Secretary shall make  
3 all eligibility decisions based on the household income, ex-  
4 penses, and circumstances of the borrower.

5           “(2) During any”;

6                                 (III) by redesignating subsection

7                                 (b) as subsection (c); and

8                                 (IV) by inserting after subsection

9                                 (a) the following new subsection:

10          “(b) LOAN MODIFICATION.—(1) Notwithstanding  
11 any other provision of this title, for any loan made under  
12 section 502 or 504, the Secretary may modify the interest  
13 rate and extend the term of such loan for up to 30 years  
14 from the date of such modification.

15                 “(2) At the end of any moratorium period  
16 granted under this section or under this Act, the  
17 Secretary shall reset the principal and interest pay-  
18 ments of the borrower—

19                         “(A) based on a reasonable assessment of  
20 the ability of the household of the borrower to  
21 make principal and interest payments; and

22                         “(B) in accordance with paragraphs (1)  
23 and (2) of subsection (a) and paragraphs (1)  
24 and (3) of this subsection.

1           “(3) The amount of the principal and interest  
2           payment that is reset under paragraph (2) may not  
3           exceed the amount of the principal and interest pay-  
4           ment of the borrower before the moratorium.”.

5                   (ii) RULES.—

6                           (I) INTERIM FINAL RULE.—Not  
7                           later than 60 days after the date of  
8                           enactment of this Act, the Secretary  
9                           of Agriculture shall promulgate an in-  
10                          terim final rule to carry out the  
11                          amendments made by this subpara-  
12                          graph.

13                           (II) FINAL RULE.—Not later  
14                           than 180 days after the date of enact-  
15                           ment of this Act, the Secretary of Ag-  
16                           riculture shall promulgate a final rule  
17                           to carry out the amendments made by  
18                           this subparagraph.

19                   (7) MULTIFAMILY MORTGAGE FORBEARANCE.—  
20           Section 4023 of the CARES Act (15 U.S.C. 9057)  
21           is amended—

22                           (A) in the section heading, by striking  
23                           “with federally backed loans”;

24                           (B) by striking “Federally backed multi-  
25                           family mortgage loan” each place that term ap-

1           pears and inserting “multifamily mortgage  
2           loan”;

3           (C) in subsection (b), by striking “during”  
4           and inserting “due, directly or indirectly, to”;

5           (D) in subsection (c)(1)—

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

8           (ii) by striking subparagraphs (B) and  
9           (C) and inserting the following:

10           “(B) provide the forbearance for up to the  
11           end of the period described in section  
12           4024(b).”;

13           (E) by redesignating subsection (f) as sub-  
14           section (g);

15           (F) by inserting after subsection (e) the  
16           following:

17           “(f) TREATMENT AFTER FORBEARANCE.—With re-  
18           spect to a multifamily mortgage loan provided a forbear-  
19           ance under this section, the servicer of such loan—

20           “(1) shall provide the borrower with not less  
21           than a 12-month period beginning at the end of the  
22           forbearance to become current on the payments  
23           under such loan;

24           “(2) may not charge any late fees, penalties, or  
25           other charges with respect to payments on the loan

1 that were due during the forbearance period, if the  
2 payments are made before the end of the repayment  
3 period under paragraph (1); and

4 “(3) may not report any adverse information to  
5 a credit rating agency (as defined in section 603 of  
6 the Fair Credit Reporting Act (12 U.S.C. 1681a))  
7 with respect to any payments on the loan that were  
8 due during the forbearance period, if the payments  
9 are made before the end of the repayment period  
10 under paragraph (1).”; and

11 (G) in subsection (g), as so redesignated—

12 (i) in paragraph (2)—

13 (I) in the paragraph heading, by  
14 striking “FEDERALLY BACKED  
15 MULTIFAMILY” and inserting  
16 “MULTIFAMILY”;

17 (II) by striking “that—” and all  
18 that follows through “(A) is secured  
19 by” and inserting “that is secured  
20 by”;

21 (III) by striking “; and” and in-  
22 serting a period; and

23 (IV) by striking subparagraph  
24 (B); and



1 (ii) by amending paragraph (5) to  
2 read as follows:

3 “(5) COVERED PERIOD.—The term ‘covered pe-  
4 riod’ has the meaning given the term in section  
5 4022(a)(3).”.

6 (8) RENTER PROTECTIONS DURING FORBEAR-  
7 ANCE PERIOD.—A borrower that receives a forbear-  
8 ance pursuant to section 4022 or 4023 of the  
9 CARES Act (15 U.S.C. 9056, 9057) may not, for  
10 the duration of the forbearance—

11 (A) evict or initiate the eviction of a tenant  
12 solely for nonpayment of rent or other fees or  
13 charges; or

14 (B) charge any late fees, penalties, or  
15 other charges to a tenant for late payment of  
16 rent.

17 (9) EXTENSION OF GSE PATCH.—

18 (A) NON-APPLICABILITY OF EXISTING  
19 SUNSET.—Section 1026.43(e)(4)(iii)(B) of title  
20 12, Code of Federal Regulations, shall have no  
21 force or effect.

22 (B) EXTENDED SUNSET.—The special  
23 rules in section 1026.43(e)(4) of title 12, Code  
24 of Federal Regulations, shall apply to covered  
25 transactions consummated prior to June 1,

1           2022, or such later date as the Director of the  
2           Bureau of Consumer Financial Protection may  
3           determine, by rule.

4           (10) SERVICER SAFE HARBOR FROM INVESTOR  
5           LIABILITY.—

6           (A) SAFE HARBOR.—

7                   (i) IN GENERAL.—A servicer of cov-  
8                   ered mortgage loans or multifamily mort-  
9                   gage loans—

10                           (I) shall be deemed not to have  
11                           violated any duty or contractual obli-  
12                           gation owed to investors or other par-  
13                           ties regarding those mortgage loans  
14                           on account of offering or imple-  
15                           menting in good faith forbearance  
16                           during the covered period or offering  
17                           or implementing in good faith post-  
18                           forbearance loss mitigation (including  
19                           after the expiration of the covered pe-  
20                           riod) in accordance with the terms of  
21                           sections 4022 and 4023 of the  
22                           CARES Act (15 U.S.C. 9056, 9057)  
23                           to borrowers, respectively, on covered  
24                           mortgage loans or multifamily mort-

1 gage loans that the servicer services;  
2 and

3 (II) shall not be liable to any  
4 party who is owed such a duty or obli-  
5 gation or subject to any injunction,  
6 stay, or other equitable relief to such  
7 party on account of such offer or im-  
8 plementation of forbearance or post-  
9 forbearance loss mitigation.

10 (ii) OTHER PERSONS.—Any person,  
11 including a trustee of a securitization vehi-  
12 cle or other party involved in a  
13 securitization or other investment vehicle,  
14 who in good faith cooperates with a  
15 servicer of covered mortgage loans or mul-  
16 tifamily mortgage loans held by that  
17 securitization or investment vehicle to com-  
18 ply with the terms of section 4022 and  
19 4023 of the CARES Act (15 U.S.C. 9056,  
20 9057), respectively, to borrowers on cov-  
21 ered or multifamily mortgage loans owned  
22 by the securitization or other investment  
23 vehicle shall not be liable to any party who  
24 is owed such a duty or obligation or sub-  
25 ject to any injunction, stay, or other equi-

1 table relief to such party on account of the  
2 cooperation of the servicer with an offer or  
3 implementation of forbearance during the  
4 covered period or post-forbearance loss  
5 mitigation, including after the expiration of  
6 the covered period.

7 (B) STANDARD INDUSTRY PRACTICE.—  
8 During the covered period, notwithstanding any  
9 contractual restrictions, it is deemed to be  
10 standard industry practice for a servicer to  
11 offer forbearance (or in the case of a reverse  
12 mortgage, an extension of the due and payable  
13 period) or loss mitigation options in accordance  
14 with the terms of sections 4022 and 4023 of  
15 the CARES Act (15 U.S.C. 9056, 9057) to bor-  
16 rowers, respectively, on all covered mortgage  
17 loans or multifamily mortgage loans serviced by  
18 the servicer.

19 (C) RULE OF CONSTRUCTION.—Nothing in  
20 this paragraph may be construed as affecting  
21 the liability of a servicer or other person for ac-  
22 tual fraud in the servicing of a mortgage loan  
23 or for the violation of a State or Federal law.

24 (D) DEFINITIONS.—In this paragraph:

1 (i) COVERED MORTGAGE LOAN.—The  
2 term “covered mortgage loan” has the  
3 meaning given the term in section 4022(a)  
4 of the CARES Act (15 U.S.C. 9056(a)).

5 (ii) COVERED PERIOD.—The term  
6 “covered period” has the meaning given  
7 the term in section 4023(g) of the CARES  
8 Act (15 U.S.C. 9057(g)).

9 (iii) MULTIFAMILY MORTGAGE  
10 LOAN.—The term “multifamily mortgage  
11 loan” has the meaning given the term in  
12 section 4023(g) of the CARES Act (15  
13 U.S.C. 9057(g)).

14 (iv) SERVICER.—The term  
15 “servicer”—

16 (I) has the meaning given the  
17 term in section 6(i) of the Real Estate  
18 Settlement Procedures Act of 1974  
19 (12 U.S.C. 2605(i)); and

20 (II) means a master servicer and  
21 a subservicer, as those terms are de-  
22 fined in section 1024.31 of title 12,  
23 Code of Federal Regulations.

24 (v) SECURITIZATION VEHICLE.—The  
25 term “securitization vehicle” has the

1 meaning given that term in section  
2 129A(f) of the Truth in Lending Act (15  
3 U.S.C. 1639a(f)).

4 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—  
5 Section 306(g)(1) of the National Housing Act (12 U.S.C.  
6 1721(g)(1)) is amended—

7 (1) in the fifth sentence, by inserting after  
8 “issued” the following: “, subject to any pledge or  
9 grant of security interest of the Federal Reserve  
10 under section 4003(b)(4) of the CARES Act (15  
11 U.S.C. 9042(b)(4))) related to any such mortgage or  
12 mortgages or any interest therein and the proceeds  
13 thereon, which the Association may elect to ap-  
14 prove”; 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  
22 the CARES Act (15 U.S.C. 9042(b)(4)) related  
23 to any such mortgage or mortgages or any in-  
24 terest 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  
5 period that begins 5 days after the date of the en-  
6 actment of this Act and ends 60 days after the expi-  
7 ration of the covered period with respect to the  
8 mortgage, notwithstanding any other provision of  
9 law, an enterprise may not refuse to purchase any  
10 single-family mortgage originated on or after Feb-  
11 ruary 1, 2020, that otherwise would have been eligi-  
12 ble for purchase by such enterprise, solely due to the  
13 fact that the borrower has, for the borrower's pre-  
14 vious mortgage or on the mortgage being pur-  
15 chased—

16 (A) entered into forbearance as a result of  
17 a financial hardship due, directly or indirectly,  
18 to the COVID–19 emergency;

19 (B) requested forbearance as a result of a  
20 financial hardship due, directly or indirectly, to  
21 the COVID–19 emergency; or

22 (C) inquired as to options related to for-  
23 bearance as a result of a financial hardship  
24 due, directly or indirectly, to the COVID–19  
25 emergency.

1           (2) PROHIBITION ON RESTRICTIONS.—With re-  
2       spect to purchase of single-family mortgages de-  
3       scribed in paragraph (1) and specified in any of sub-  
4       paragraphs (A) through (C) of such paragraph, an  
5       enterprise may not—

6           (A) establish additional restrictions that  
7       are not applicable to similarly situated mort-  
8       gages under which the borrower is not in for-  
9       bearance;

10          (B) charge a higher guarantee fee (within  
11       the meaning provided such term in section 1327  
12       of the Housing and Community Development  
13       Act of 1992 (12 U.S.C. 4547)), or loan level  
14       pricing adjustment, or otherwise alter pricing  
15       for such mortgages, relative to similarly situ-  
16       ated mortgages under which the borrower is not  
17       in forbearance;

18          (C) apply repurchase requirements to such  
19       mortgages that are more restrictive than repur-  
20       chase requirements applicable to similarly situ-  
21       ated mortgages under which the borrower is not  
22       in forbearance; or

23          (D) require lender indemnification of such  
24       mortgages, solely due to the fact that the bor-  
25       rower is in forbearance.



1           (3) FRAUD DETECTION.—This subsection may  
2 not be construed to prevent an enterprise from con-  
3 ducting oversight and review of single-family mort-  
4 gages purchased when a borrower is in forbearance  
5 on the borrower’s previous mortgage, or on the  
6 mortgage being purchased, for purposes of detecting  
7 fraud. An enterprise shall report any fraud detected  
8 to the Director of the Federal Housing Finance  
9 Agency.

10           (4) ENTERPRISE CAPITAL.—During the period  
11 that begins 5 days after the date of the enactment  
12 of this Act and ends 60 days after the expiration of  
13 the covered period with respect to a mortgage, not-  
14 withstanding any other provision of law, a forbear-  
15 ance on such mortgage shall not be considered to be  
16 a delinquency under such mortgage for purposes of  
17 calculating capital of an enterprise for any purpose  
18 under title XIII of the Housing and Community De-  
19 velopment Act of 1992 (12 U.S.C. 4501 et seq.).

20           (5) RULES OF CONSTRUCTION.—

21           (A) PURCHASE PARAMETERS.—This sub-  
22 section may not be construed to require an en-  
23 terprise to purchase single-family mortgages  
24 that do not meet existing or amended purchase  
25 parameters, other than parameters related to

1 borrower forbearance, established by such en-  
2 terprise.

3 (B) EMPLOYMENT; INCOME.—This sub-  
4 section may not be construed to prevent an en-  
5 terprise from establishing additional require-  
6 ments to ensure that a borrower has not lost  
7 their job or income prior to a mortgage closing.

8 (6) IMPLEMENTATION.—The Director may  
9 issue any guidance, orders, and regulations nec-  
10 essary to carry out this subsection.

11 (b) FHA.—

12 (1) PROHIBITION ON RESTRICTIONS.—During  
13 the period that begins 5 days after the date of the  
14 enactment of this Act and ends 60 days after the ex-  
15 piration of the covered period with respect to the  
16 mortgage, notwithstanding any other provision of  
17 law, the Secretary of Housing and Urban Develop-  
18 ment may not deny the provision of mortgage insur-  
19 ance for a single-family mortgage originated on or  
20 after February 1, 2020, may not implement addi-  
21 tional premiums or otherwise alter pricing for such  
22 a mortgage, may not require mortgagee indemnifica-  
23 tion, and may not establish additional restrictions on  
24 such a mortgagor, solely due to the fact that the  
25 borrower has—

1 (A) entered into forbearance as a result of  
2 a financial hardship due, directly or indirectly,  
3 to the COVID–19 emergency;

4 (B) requested forbearance as a result of a  
5 financial hardship due, directly or indirectly, to  
6 the COVID–19 emergency; or

7 (C) inquired as to options related to for-  
8 bearance as a result of a financial hardship  
9 due, directly or indirectly, to the COVID–19  
10 emergency.

11 (2) RULES OF CONSTRUCTION.—

12 (A) INSURANCE.—This subsection may not  
13 be construed to require the Secretary of Hous-  
14 ing and Urban Development to provide insur-  
15 ance on single-family mortgages that do not  
16 meet existing or amended insurance param-  
17 eters, other than parameters related to bor-  
18 rower forbearance, established by the Secretary.

19 (B) EMPLOYMENT; INCOME.—This sub-  
20 section may not be construed to prevent the  
21 Secretary of Housing and Urban Development  
22 from establishing additional requirements re-  
23 garding insurance on single-family mortgages to  
24 ensure that a borrower has not lost their job or  
25 income prior to a mortgage closing.

1 (c) REPORTING REQUIREMENTS.—

2 (1) FHFA ACTIONS.—During the COVID–19  
3 emergency, the Director may not increase guarantee  
4 fees, loan level pricing adjustments, or any other  
5 fees or implement any restrictions on access to cred-  
6 it unless the Director provides 48-hour advance no-  
7 tice of such increase or restrictions to the Committee  
8 on Financial Services of the House of Representa-  
9 tives and the Committee on Banking, Housing, and  
10 Urban Affairs of the Senate together with a detailed  
11 report of the policy rationale for the decision, includ-  
12 ing any and all data considered in making such deci-  
13 sion.

14 (2) QUARTERLY REPORTS BY ENTERPRISES  
15 AND FHA.—

16 (A) REQUIREMENT.—Each enterprise and  
17 the Secretary of Housing and Urban Develop-  
18 ment, with respect to the FHA mortgage insur-  
19 ance programs, shall provide reports to the  
20 Congress, and make such reports publicly avail-  
21 able, not less frequently than quarterly regard-  
22 ing the impact of COVID–19 pandemic on the  
23 such enterprises' and program's ability to meet  
24 their charter requirements, civil rights respon-  
25 sibilities, mandates under the CARES Act

1 (Public Law 116–136), and other laws enacted  
2 in response to the COVID–19 pandemic, and  
3 other requirements under law. The first such  
4 report shall be submitted not later than the ex-  
5 piration of the 3-month period beginning upon  
6 the date of the enactment of this Act and the  
7 requirement under this subparagraph to submit  
8 such reports shall terminate upon the expiration  
9 of the 2-year period beginning upon the termi-  
10 nation of the COVID–19 emergency.

11 (B) CONTENT.—Each report required  
12 under subparagraph (A) shall include the fol-  
13 lowing information for the most recent quarter  
14 for which data is available:

15 (i) ENTERPRISES.—For each report  
16 required by an enterprise:

17 (I) The number of single-family  
18 and multi-family residential mortgage  
19 loans purchased by the enterprise and  
20 the unpaid principal balance of such  
21 mortgage loans purchased,  
22 disaggregated by—

23 (aa) mortgage loans made to  
24 low- and moderate-income bor-  
25 rowers;

1622

1 (bb) mortgage loans made  
2 for properties in low- and mod-  
3 erate-income census tracts; and

4 (cc) mortgage loans made  
5 for properties in central cities,  
6 rural areas, and underserved  
7 areas.

8 (II) In the single-family residen-  
9 tial mortgage market—

10 (aa) the total number, un-  
11 paid principal balance, and  
12 length of forbearances provided  
13 to borrowers, including whether  
14 or not the forbearance was re-  
15 quested by the borrower;

16 (bb) a detailed breakdown of  
17 the loan modifications offered to  
18 borrowers and whether the bor-  
19 rowers accepted the offer includ-  
20 ing the total number and unpaid  
21 principal balance of loan modi-  
22 fications ultimately made to bor-  
23 rowers;

24 (cc) a detailed breakdown of  
25 the home retention options of-

1                   ferred to borrowers and whether  
2                   the borrowers accepted the offer,  
3                   including the total number and  
4                   unpaid principal balance of other  
5                   home retention options ultimately  
6                   made to borrowers; and

7                   (dd) the total number of  
8                   outcomes that included short-  
9                   sales, deed-in-lieu of foreclosure,  
10                  and foreclosure sales.

11                  (III) A description of any efforts  
12                  by the enterprise to provide assistance  
13                  and support to consumers who are not  
14                  proficient in English.

15                  (IV) A description of any other  
16                  efforts by the enterprise to provide as-  
17                  sistance to low- and moderate-income  
18                  communities, central cities, rural  
19                  areas, and other underserved areas,  
20                  such as financial literacy and edu-  
21                  cation or support of fair housing and  
22                  housing counseling agencies.

23                  (V) A description of any other  
24                  assistance provided by the enterprise

1 to consumers in response to the  
2 COVID–19 pandemic.

3 (ii) FHA.—For each report required  
4 with respect to the FHA mortgage insur-  
5 ance programs:

6 (I) The number and unpaid prin-  
7 cipal balance for all residential mort-  
8 gage loans, disaggregated by type, in-  
9 sured under such programs.

10 (II) The total number, unpaid  
11 principal balance, and length of  
12 forbearances provided to borrowers,  
13 including whether or not the forbear-  
14 ance was requested by the borrower.

15 (III) A detailed breakdown of the  
16 loan modifications 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 loan modifications ultimately made  
21 to borrowers.

22 (IV) A detailed breakdown of the  
23 home retention options offered to bor-  
24 rowers and whether the borrowers ac-  
25 cepted the offer including the total



1 number and unpaid principal balance  
2 of other home retention options ulti-  
3 mately made to borrowers.

4 (V) A description of any efforts  
5 under such programs to provide as-  
6 sistance and support to consumers  
7 who are not proficient in English.

8 (VI) A description of any other  
9 efforts under such programs to pro-  
10 vide assistance to low- and moderate-  
11 income communities, central cities,  
12 rural areas, and other underserved  
13 areas, such as financial literacy and  
14 education or support of fair housing  
15 and housing counseling agencies.

16 (VII) A description of any other  
17 assistance provided under such pro-  
18 grams to consumers in response to the  
19 COVID–19 pandemic.

20 (iii) PROVISIONS TO BE INCLUDED IN  
21 ALL REPORTS.—Each report required  
22 under subparagraph (A) shall include, to  
23 the degree reasonably possible, the fol-  
24 lowing information:

1 (I) An analysis of all loan level  
2 data required by clauses (i) and (ii) of  
3 this subparagraph disaggregated by  
4 race, national origin, gender, disability  
5 status, whether or not the borrower  
6 seeking or obtaining assistance speaks  
7 English as a second language, the  
8 preferred language of the borrower,  
9 debt-to-income level of the borrower,  
10 loan-to-value ratio of the loan, and  
11 credit score of the borrower.

12 (II) A geographical analysis at  
13 the census tract level, but if informa-  
14 tion is not available at the census  
15 tract level for any of the items re-  
16 quired by clauses (i) and (ii), the geo-  
17 graphical analysis shall be provided at  
18 the zip code level for the item for  
19 which a census tract analysis was not  
20 possible.

21 (III) A description of any policy  
22 changes made by the enterprise or  
23 Secretary of Housing and Urban De-  
24 velopment, as appropriate, in response  
25 to the COVID-19 pandemic and anal-

1                   ysis of actions taken to ensure that  
2                   such policy changes were in compli-  
3                   ance with all relevant civil rights re-  
4                   sponsibilities, including the Fair  
5                   Housing Act, including the Affirma-  
6                   tively Furthering Fair Housing provi-  
7                   sion, the Equal Credit Opportunity  
8                   Act, the Community Reinvestment Act  
9                   of 1977, the Federal Housing Enter-  
10                  prises Financial Safety and Sound-  
11                  ness Act of 1992, the Housing and  
12                  Economic Recovery Act of 2008, Fed-  
13                  eral Home Loan Bank Act, Executive  
14                  Orders 11063 and 12892, the Federal  
15                  National Mortgage Association Char-  
16                  ter Act, and the Federal Home Loan  
17                  Mortgage Corporation Act.

18                  (3) REPORT BY GAO.—Not later than the expi-  
19                  ration of the 120-day period that begins upon the  
20                  termination of the COVID–19 emergency, the  
21                  Comptroller General of the United States shall sub-  
22                  mit to the Congress and make public available a re-  
23                  port on—

24                               (A) the extent to which the enterprises and  
25                  the FHA mortgage insurance programs pro-

1 vided loan products, forbearances, loan modi-  
2 fications, and COVID–19-related assistance to  
3 consumers;

4 (B) the availability and type of any such  
5 assistance provided post-forbearance; and

6 (C) the overall ability of the enterprises  
7 and the FHA mortgage insurance programs to  
8 successfully meet their charter requirements,  
9 civil rights responsibilities, and other require-  
10 ments under law.

11 (d) DEFINITIONS.—For purposes of this Act, the fol-  
12 lowing definitions shall apply:

13 (1) COVERED PERIOD.—The term “covered pe-  
14 riod” means, with respect to a federally backed  
15 mortgage loan, the period of time during which the  
16 borrower under such loan may request forbearance  
17 on the loan under section 4022(b) of the CARES  
18 Act (15 U.S.C. 9056; Public Law 116–136; 134  
19 Stat. 490).

20 (2) COVID-19 EMERGENCY.—The term  
21 “COVID–19 emergency” has the meaning given  
22 such term in section 4022 of the CARES Act (15  
23 U.S.C. 9056; Public Law 116–136; 134 Stat. 490).

1           (3) DIRECTOR.—The term “Director” means  
2           the Director of the Federal Housing Finance Agen-  
3           cy.

4           (4) ENTERPRISE.—The term “enterprise” has  
5           the meaning given such term in section 1303 of the  
6           Housing and Community Development Act of 1992  
7           (12 U.S.C. 4502).

8   **SEC. 205. LIQUIDITY FOR MORTGAGE SERVICERS AND RESI-**  
9                                   **DENTIAL RENTAL PROPERTY OWNERS.**

10          (a) IN GENERAL.—Section 4003 of the CARES Act  
11          (15 U.S.C. 9042), is amended by adding at the end the  
12          following:

13                                   “(i) LIQUIDITY FOR MORTGAGE  
14                                   SERVICERS.—

15                  “(1) IN GENERAL.—Subject to paragraph (2),  
16                  the Secretary shall ensure that servicers of covered  
17                  mortgage loans (as defined under section 4022) and  
18                  multifamily mortgage loans (as defined under sec-  
19                  tion 4023) are provided the opportunity to partici-  
20                  pate in the loans, loan guarantees, or other invest-  
21                  ments made by the Secretary under this section. The  
22                  Secretary shall ensure that servicers are provided  
23                  with access to such opportunities under equitable  
24                  terms and conditions regardless of their size.

1           “(2) MORTGAGE SERVICER ELIGIBILITY.—In  
2 order to receive assistance under subsection (b)(4),  
3 a mortgage servicer shall—

4           “(A) demonstrate that the mortgage  
5 servicer has established policies and procedures  
6 to use such funds only to replace funds used for  
7 borrower assistance, including to advance funds  
8 as a result of forbearance or other loss mitiga-  
9 tion provided to borrowers;

10           “(B) demonstrate that the mortgage  
11 servicer has established policies and procedures  
12 to provide forbearance, post-forbearance loss  
13 mitigation, and other assistance to borrowers in  
14 compliance with the terms of section 4022 or  
15 4023, as applicable;

16           “(C) demonstrate that the mortgage  
17 servicer has established policies and procedures  
18 to ensure that forbearance and post-forbearance  
19 assistance is available to all borrowers in a non-  
20 discriminatory fashion and in compliance with  
21 the Fair Housing Act, the Equal Credit Oppor-  
22 tunity Act, and other applicable fair housing  
23 and fair lending laws; and

24           “(D) comply with the limitations on com-  
25 pensation set forth in section 4004.

1           “(3) MORTGAGE SERVICER REQUIREMENTS.—A  
2 mortgage servicer receiving assistance under sub-  
3 section (b)(4) may not, while the servicer is under  
4 any obligation to repay funds provided or guaran-  
5 teed under this section—

6           “(A) pay dividends with respect to the  
7 common stock of the mortgage servicer or pur-  
8 chase an equity security of the mortgage  
9 servicer or any parent company of the mortgage  
10 servicer if the security is listed on a national se-  
11 curities exchange, except to the extent required  
12 under a contractual obligation that is in effect  
13 on the date of enactment of this subsection; or

14           “(B) prepay any debt obligation.”.

15           (b) CREDIT FACILITY FOR RESIDENTIAL RENTAL  
16 PROPERTY OWNERS.—

17           (1) IN GENERAL.—The Board of Governors of  
18 the Federal Reserve System shall—

19           (A) establish a facility, using amounts  
20 made available under section 4003(b)(4) of the  
21 CARES Act (15 U.S.C. 9042(b)(4)), to make  
22 long-term, low-cost loans to residential rental  
23 property owners as to temporarily compensate  
24 such owners for documented financial losses  
25 caused by reductions in rent payments; and

1 (B) defer such owners' required payments  
2 on such loans until after six months after the  
3 date of enactment of this Act.

4 (2) REQUIREMENTS.—A borrower that receives  
5 a loan under this subsection may not, for the dura-  
6 tion of the loan—

7 (A) evict or initiate the eviction of a tenant  
8 solely for nonpayment of rent or other fees or  
9 charges;

10 (B) charge any late fees, penalties, or  
11 other charges to a tenant for late payment of  
12 rent; and

13 (C) with respect to a person or entity de-  
14 scribed under paragraph (4), discriminate on  
15 the basis of source of income.

16 (3) REPORT ON RESIDENTIAL RENTAL PROP-  
17 erty owners.—The Board of Governors shall issue  
18 reports to the Congress on a monthly basis con-  
19 taining the following, with respect to each property  
20 owner receiving a loan under this subsection:

21 (A) The number of borrowers that received  
22 assistance under this subsection.

23 (B) The average total loan amount that  
24 each borrower received.



1 (C) The total number of rental units that  
2 each borrower owned.

3 (D) The average rent charged by each bor-  
4 rower.

5 (4) REPORT ON LARGE RESIDENTIAL RENTAL  
6 PROPERTY OWNERS.—The Board of Governors shall  
7 issue reports to the Congress on a monthly basis  
8 that identify any person or entity that in aggregate  
9 owns or holds a controlling interest in any entity  
10 that, in aggregate, owns—

11 (A) more than 100 rental units that are lo-  
12 cated within in a single Metropolitan Statistical  
13 Area;

14 (B) more than 1,000 rental units nation-  
15 wide; or

16 (C) rental units in three or more States.

17 (c) AMENDMENTS TO NATIONAL HOUSING ACT.—  
18 Section 306(g)(1) of the National Housing Act (12 U.S.C.  
19 1721(a)) is amended—

20 (1) in the fifth sentence, by inserting after  
21 “issued” the following: “, subject to any pledge or  
22 grant of security interest of the Federal Reserve  
23 under section 4003(a) of the CARES Act (Public  
24 Law 116–136; 134 Stat. 470; 15 U.S.C. 9042(a))  
25 and to any such mortgage or mortgages or any in-

1       terest therein and the proceeds thereon, which the  
2       Association may elect to approve”; and

3               (2) in the sixth sentence—

4                       (A) by striking “or (C)” and inserting  
5                       “(C)”; and

6                       (B) by inserting before the period the fol-  
7       lowing: “, or (D) its approval and honoring of  
8       any pledge or grant of security interest of the  
9       Federal Reserve under section 4003(a) of the  
10      CARES Act and to any such mortgage or mort-  
11     gages or any interest therein and proceeds  
12     thereon as”.

13 **SEC. 206. SUPPLEMENTAL FUNDING FOR SUPPORTIVE**  
14                       **HOUSING FOR THE ELDERLY AND PERSONS**  
15                       **WITH DISABILITIES.**

16       (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
17     authorized to be appropriated \$500,000,000 for fiscal year  
18     2021 for additional assistance for supportive housing for  
19     the elderly, of which—

20               (1) \$200,000,000 shall be for rental assistance  
21     under section 202 of the Housing Act of 1959 (12  
22     U.S.C. 1701q) or section 8 of the United States  
23     Housing Act of 1937 (42 U.S.C. 1437f), as appro-  
24     priate, and for hiring additional staff and for serv-  
25     ices and costs, including acquiring personal protec-

1       tive equipment, to prevent, prepare for, or respond  
2       to the public health emergency relating to  
3       Coronavirus Disease 2019 (COVID–19) pandemic;  
4       and

5               (2) \$300,000,000 shall be for grants under sec-  
6       tion 676 of the Housing and Community Develop-  
7       ment Act of 1992 (42 U.S.C. 13632) for costs of  
8       providing service coordinators for purposes of coordi-  
9       nating services to prevent, prepare for, or respond to  
10      the public health emergency relating to Coronavirus  
11      Disease 2019 (COVID–19).

12 Any provisions of, and waivers and alternative require-  
13 ments issued by the Secretary pursuant to, the heading  
14 “Department of Housing and Urban Development—Hous-  
15 ing Programs—Housing for the Elderly” in title XII of  
16 division B of the CARES Act (Public Law 116–136) shall  
17 apply with respect to amounts made available pursuant  
18 to this subsection.

19               (b) ELIGIBILITY OF SUPPORTIVE HOUSING FOR PER-  
20      SONS WITH DISABILITIES.—Subsection (a) of section 676  
21      of the Housing and Community Development Act of 1992  
22      (42 U.S.C. 13632(a)) shall be applied, for purposes of  
23      subsection (a) of this section, by substituting “(G), and  
24      (H)” for “ and (G)”.

25               (c) SERVICE COORDINATORS.—

1           (1) HIRING.—In the hiring of staff using  
2           amounts made available pursuant to this section for  
3           costs of providing service coordinators, grantees  
4           shall consider and hire, at all levels of employment  
5           and to the greatest extent possible, a diverse staff,  
6           including by race, ethnicity, gender, and disability  
7           status. Each grantee shall submit a report to the  
8           Secretary of Housing and Urban Development de-  
9           scribing compliance with the preceding sentence not  
10          later than the expiration of the 120-day period that  
11          begins upon the termination of the emergency de-  
12          clared on March 13, 2020, by the President under  
13          the Robert T. Stafford Disaster Relief and Emer-  
14          gency Assistance Act (42 U.S.C. 4121 et seq.) relat-  
15          ing to the Coronavirus Disease 2019 (COVID–19)  
16          pandemic.

17          (2) ONE-TIME GRANTS.—Grants made using  
18          amounts made available pursuant to subsection (a)  
19          for costs of providing service coordinators shall not  
20          be renewable.

21          (3) ONE-YEAR AVAILABILITY.—Any amounts  
22          made available pursuant to this section for costs of  
23          providing service coordinators that are allocated for  
24          a grantee and remain unexpended upon the expira-

1           tion of the 12-month period beginning upon such al-  
2           location shall be recaptured by the Secretary.

3 **SEC. 207. FAIR HOUSING.**

4           (a) DEFINITION OF COVID–19 EMERGENCY PE-  
5 RIOD.—For purposes of this Act, the term “COVID–19  
6 emergency period” means the period that begins upon the  
7 date of the enactment of this Act and ends upon the date  
8 of the termination by the Federal Emergency Manage-  
9 ment Agency of the emergency declared on March 13,  
10 2020, by the President under the Robert T. Stafford Dis-  
11 aster Relief and Emergency Assistance Act (42 U.S.C.  
12 4121 et seq.) relating to the Coronavirus Disease 2019  
13 (COVID–19) pandemic.

14           (b) FAIR HOUSING ACTIVITIES.—

15           (1) AUTHORIZATION OF APPROPRIATIONS.—To  
16           ensure existing grantees have sufficient resource for  
17           fair housing activities and for technology and equip-  
18           ment needs to deliver services through use of the  
19           Internet or other electronic or virtual means in re-  
20           sponse to the public health emergency related to the  
21           Coronavirus Disease 2019 (COVID–19) pandemic,  
22           there is authorized to be appropriated \$4,000,000  
23           for Fair Housing Organization Initiative grants  
24           through the Fair Housing Initiatives Program under

1 section 561 of the Housing and Community Development  
2 Act of 1987 (42 U.S.C. 3616a).

3 (2) 3-YEAR AVAILABILITY.—Any amounts made  
4 available pursuant paragraph (1) that are allocated  
5 for a grantee and remain unexpended upon the expi-  
6 ration of the 3-year period beginning upon such allo-  
7 cation shall be recaptured by the Secretary.

8 (c) FAIR HOUSING EDUCATION.—There is authorized  
9 to be appropriated \$10,000,000 for the Office of Fair  
10 Housing and Equal Opportunity of the Department of  
11 Housing and Urban Development to carry out a national  
12 media campaign and local education and outreach to edu-  
13 cate the public of increased housing rights during  
14 COVID–19 emergency period, that provides that informa-  
15 tion and materials used in such campaign are available—

16 (1) in the languages used by communities with  
17 limited English proficiency; and

18 (2) to persons with disabilities.

19 **TITLE III—PROTECTING PEOPLE**  
20 **EXPERIENCING HOMELESSNESS**

21 **SEC. 301. HOMELESS ASSISTANCE FUNDING.**

22 (a) EMERGENCY HOMELESS ASSISTANCE.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated under the  
25 Emergency Solutions Grants program under subtitle

1 B of title IV of the McKinney-Vento Homeless As-  
2 sistance Act (42 U.S.C. 11371 et seq.)  
3 \$5,000,000,000 for grants under such subtitle in ac-  
4 cordance with this subsection to respond to needs  
5 arising from the public health emergency relating to  
6 Coronavirus Disease 2019 (COVID-19).

7 (2) FORMULA.—Notwithstanding sections 413  
8 and 414 of the McKinney-Vento Homeless Assist-  
9 ance Act (42 U.S.C. 11372, 11373), the Secretary  
10 of Housing and Urban Development (in this Act re-  
11 ferred to as the “Secretary”) shall allocate any  
12 amounts remaining after amounts are allocated pur-  
13 suant to paragraph (1) in accordance with a formula  
14 to be established by the Secretary that takes into  
15 consideration the following factors:

16 (A) Risk of transmission of coronavirus in  
17 a jurisdiction.

18 (B) Whether a jurisdiction has a high  
19 number or rate of sheltered and unsheltered  
20 homeless individuals and families.

21 (C) Economic and housing market condi-  
22 tions in a jurisdiction.

23 (3) ELIGIBLE ACTIVITIES.—In addition to eligi-  
24 ble activities under section 415(a) of the McKinney-  
25 Vento Homeless Assistance Act (42 U.S.C.

1 11374(a), amounts made available pursuant to para-  
2 graph (1) may also be used for costs of the following  
3 activities:

4 (A) Providing training on infectious dis-  
5 ease prevention and mitigation.

6 (B) Providing hazard pay, including for  
7 time worked before the effectiveness of this sub-  
8 paragraph, for staff working directly to prevent  
9 and mitigate the spread of coronavirus or  
10 COVID-19 among people experiencing or at  
11 risk of homelessness.

12 (C) Reimbursement of costs for eligible ac-  
13 tivities (including activities described in this  
14 paragraph) relating to preventing, preparing  
15 for, or responding to the coronavirus or  
16 COVID-19 that were accrued before the date of  
17 the enactment of this Act.

18 (D) Notwithstanding 24 C.F.R.  
19 576.102(a)(3), providing a hotel or motel  
20 voucher for a homeless individual or family.

21 Use of such amounts for activities described in this  
22 paragraph shall not be considered use for adminis-  
23 trative purposes for purposes of section 418 of the  
24 McKinney-Vento Homeless Assistance Act (42  
25 U.S.C. 11377).



1           (4) INAPPLICABILITY OF PROCUREMENT  
2 STANDARDS.—To the extent amounts made available  
3 pursuant to paragraph (1) are used to procure goods  
4 and services relating to activities to prevent, prepare  
5 for, or respond to the coronavirus or COVID–19, the  
6 standards and requirements regarding procurement  
7 that are otherwise applicable shall not apply.

8           (5) INAPPLICABILITY OF HABITABILITY AND  
9 ENVIRONMENTAL REVIEW STANDARDS.—Any Fed-  
10 eral standards and requirements regarding habit-  
11 ability and environmental review shall not apply with  
12 respect to any emergency shelter that is assisted  
13 with amounts made available pursuant to paragraph  
14 (1) and has been determined by a State or local  
15 health official, in accordance with such requirements  
16 as the Secretary shall establish, to be necessary to  
17 prevent and mitigate the spread of coronavirus or  
18 COVID–19, such shelters.

19           (6) INAPPLICABILITY OF CAP ON EMERGENCY  
20 SHELTER ACTIVITIES.—Subsection (b) of section  
21 415 of the McKinney-Vento Homeless Assistance  
22 Act (42 U.S.C. 11374) shall not apply to any  
23 amounts made available pursuant to paragraph (1)  
24 of this subsection.

1           (7) INITIAL ALLOCATION OF ASSISTANCE.—Sec-  
2           tion 417(b) of the McKinney-Vento Homeless Assist-  
3           ance Act (42 U.S.C. 11376(b)) shall be applied with  
4           respect to amounts made available pursuant to para-  
5           graph (1) of this subsection by substituting “30-  
6           day” for “60-day”.

7           (8) WAIVERS AND ALTERNATIVE REQUIRE-  
8           MENTS.—

9           (A) AUTHORITY.—In administering  
10           amounts made available pursuant to paragraph  
11           (1), the Secretary may waive, or specify alter-  
12           native requirements for, any provision of any  
13           statute or regulation (except for any require-  
14           ments related to fair housing, nondiscrimina-  
15           tion, labor standards, and the environment)  
16           that the Secretary administers in connection  
17           with the obligation or use by the recipient of  
18           such amounts, if the Secretary finds that good  
19           cause exists for the waiver or alternative re-  
20           quirement and such waiver or alternative re-  
21           quirement is consistent with the purposes de-  
22           scribed in this subsection.

23           (B) NOTIFICATION.—The Secretary shall  
24           notify the public through the Federal Register  
25           or other appropriate means 5 days before the

1 effective date of any such waiver or alternative  
2 requirement, and any such public notice may be  
3 provided on the Internet at the appropriate  
4 Government web site or through other elec-  
5 tronic media, as determined by the Secretary.

6 (C) EXEMPTION.—The use of amounts  
7 made available pursuant to paragraph (1) shall  
8 not be subject to the consultation, citizen par-  
9 ticipation, or match requirements that other-  
10 wise apply to the Emergency Solutions Grants  
11 program, except that a recipient shall publish  
12 how it has and will utilize its allocation at a  
13 minimum on the Internet at the appropriate  
14 Government web site or through other elec-  
15 tronic media.

16 (9) INAPPLICABILITY OF MATCHING REQUIRE-  
17 MENT.—Subsection (a) of section 416 of the McKin-  
18 ney-Vento Homeless Assistance Act (42 U.S.C.  
19 11375(a)) shall not apply to any amounts made  
20 available pursuant to paragraph (1) of this sub-  
21 section.

22 (10) PROHIBITION ON PREREQUISITES.—None  
23 of the funds authorized under this subsection may  
24 be used to require people experiencing homelessness  
25 to receive treatment or perform any other pre-

1 requisite activities as a condition for receiving shel-  
2 ter, housing, or other services.

3 (b) RENEWAL OF CONTINUUM OF CARE  
4 PROJECTS.—

5 (1) IN GENERAL.—In allocating and awarding  
6 amounts provided for the Continuum of Care pro-  
7 gram under subtitle C of title IV of the McKinney-  
8 Vento Homeless Assistance Act (42 U.S.C. 11381 et  
9 seq.), the Secretary of Housing and Urban Develop-  
10 ment shall renew for one 12-month period, without  
11 additional competition, all projects with existing  
12 grants expiring during calendar year 2021, including  
13 shelter plus care projects expiring during calendar  
14 year 2021, notwithstanding any inconsistent provi-  
15 sions in subtitle C of title IV of the McKinney-Vento  
16 Homeless Assistance Act or any other Act.

17 (2) PLANNING AND UNIFIED FUNDING AGENCY  
18 AWARDS.—Continuum of Care planning and unified  
19 funding agency awards expiring in calendar year  
20 2021 may also be renewed and the continuum of  
21 care may designate a new collaborative applicant to  
22 receive the award in accordance with the existing  
23 process established by the Secretary of Housing and  
24 Urban Development.

1           (3) NOTICE.—The Secretary of Housing and  
2           Urban Development shall publish a notice that iden-  
3           tifies and lists all projects and awards eligible for  
4           such noncompetitive renewal, prescribes the format  
5           and process by which the projects and awards from  
6           the list will be renewed, makes adjustments to the  
7           renewal amount based on changes to the fair market  
8           rent, and establishes a maximum amount for the re-  
9           newal of planning and unified funding agency  
10          awards notwithstanding the requirement that such  
11          maximum amount be established in a notice of fund-  
12          ing availability.

13           (4) YOUTH HOMELESS DEMONSTRATION  
14          PROJECTS AND DOMESTIC VIOLENCE BONUS  
15          PROJECTS.— Subsection (a) shall not apply to youth  
16          homeless demonstration projects and domestic vio-  
17          lence bonus projects under the Continuum of Care  
18          program.

19          (c) HOUSING TRUST FUND.—Notwithstanding any  
20          other provision of law, subparagraph (B) of section  
21          1338(c)(10) of the Housing and Community Development  
22          Act of 1992 (12 U.S.C. 4568(c)(10)(B)), and any regula-  
23          tions implementing such subparagraph, shall not apply  
24          during the 12-month period beginning upon the date of  
25          the enactment of this Act.

1 **TITLE IV—SUSPENDING NEGA-**  
2 **TIVE CREDIT REPORTING**  
3 **AND STRENGTHENING CON-**  
4 **SUMER AND INVESTOR PRO-**  
5 **TECTIONS**

6 **SEC. 401. REPORTING OF INFORMATION DURING MAJOR**  
7 **DISASTERS.**

8 (a) IN GENERAL.—The CARES Act (Public Law  
9 116–136) is amended by striking section 4021 and insert-  
10 ing the following:

11 **“SEC. 4021. REPORTING OF INFORMATION DURING MAJOR**  
12 **DISASTERS.**

13 “(a) PURPOSE.—The purpose of this section, and the  
14 amendments made by this section, is to protect consumers’  
15 credit from negative impacts as a result of financial hard-  
16 ship due to the coronavirus disease (COVID–19) outbreak  
17 and future major disasters.

18 “(b) REPORTING OF INFORMATION DURING MAJOR  
19 DISASTERS.—

20 “(1) IN GENERAL.—The Fair Credit Reporting  
21 Act is amended by inserting after section 605B the  
22 following:

23 **“§ 605C. Reporting of information during major dis-**  
24 **asters**

25 “(a) DEFINITIONS.—In this section:

1           “(1) CONSUMER.—With respect to a covered  
2 period, the term “consumer” shall only include a  
3 consumer who is a resident of the affected area cov-  
4 ered by the applicable disaster or emergency declara-  
5 tion.

6           “(2) COVERED MAJOR DISASTER PERIOD.—  
7 The term “covered major disaster period” means the  
8 period—

9           “(A) beginning on the date on which a  
10 major disaster is declared by the President  
11 under—

12           “(i) section 401 of the Robert T.  
13 Stafford Disaster Relief and Emergency  
14 Assistance Act (42 U.S.C. 5170), under  
15 which assistance is authorized under sec-  
16 tion 408 of such Act (42 U.S.C. 5174); or

17           “(ii) section 501 of such Act; and

18           “(B) ending on the date that is 120 days  
19 after the end of the incident period for such  
20 disaster.

21           “(3) COVERED PERIOD.—The term “covered  
22 period” means the COVID–19 emergency period or  
23 a covered major disaster period.

24           “(4) COVID–19 EMERGENCY PERIOD.—The  
25 term “COVID–19 emergency period” means the pe-

1       riod beginning on March 13, 2020 (the date the  
2       President declared the emergency under section 501  
3       of the Robert T. Stafford Disaster Relief and Emer-  
4       gency Assistance Act (42 U.S.C. 4121 et seq.) relat-  
5       ing to the Coronavirus Disease 2019 (COVID–19)  
6       pandemic) and ending on the later of—

7               “(A) 120 days after the date of enact-  
8               ment of this section; or

9               “(B) 120 days after the end of the inci-  
10              dent period for such emergency.

11             “(5) MAJOR DISASTER.—The term “major dis-  
12             aster” means a major disaster declared by the Presi-  
13             dent under—

14               “(A) section 401 of the Robert T. Staf-  
15               ford Disaster Relief and Emergency Assistance  
16               Act (42 U.S.C. 5170), under which assistance  
17               is authorized under section 408 of such Act (42  
18               U.S.C. 5174); or

19               “(B) section 501 of such Act.

20             “(b) MORATORIUM ON FURNISHING ADVERSE IN-  
21             FORMATION DURING COVERED PERIOD.—No person may  
22             furnish any adverse item of information (except informa-  
23             tion related to a felony criminal conviction) relating to a  
24             consumer that was the result of any action or inaction that  
25             occurred during a covered period.



1           “(c) INFORMATION EXCLUDED FROM CONSUMER  
2 REPORTS.—In addition to the information described in  
3 section 605(a), no consumer reporting agency may make  
4 any consumer report containing an adverse item of infor-  
5 mation (except information related to a felony criminal  
6 conviction) relating to a consumer that was the result of  
7 any action or inaction that occurred during a covered pe-  
8 riod.

9           “(d) SUMMARY OF RIGHTS.—Not later than 60 days  
10 after the date of enactment of this section, the Director  
11 of the Bureau shall update the model summary of rights  
12 under section 609(c)(1) to include a description of the  
13 right of a consumer to—

14                 “(1) request the deletion of adverse items of  
15 information under subsection (e); and

16                 “(2) request a consumer report or score, with-  
17 out charge to the consumer, under subsection (f).

18           “(e) DELETION OF ADVERSE ITEMS OF INFORMA-  
19 TION RESULTING FROM THE CORONAVIRUS DISEASE  
20 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

21                 “(1) REPORTING.—

22                         “(A) IN GENERAL.—Not later than 60  
23 days after the date of enactment of this sub-  
24 section, the Director of the Bureau shall create  
25 a website for consumers to report, under pen-

1 alty of perjury, economic hardship as a result of  
2 the coronavirus disease (COVID–19) outbreak  
3 or a major disaster for the purpose of providing  
4 credit report protections under this subsection.

5 “(B) DOCUMENTATION.—The Director of  
6 the Bureau shall—

7 “(i) not require any documentation  
8 from a consumer to substantiate the eco-  
9 nomic hardship; and

10 “(ii) provide notice to the consumer  
11 that a report under subparagraph (A) is  
12 under penalty of perjury.

13 “(C) REPORTING PERIOD.—A consumer  
14 may report economic hardship under subpara-  
15 graph (A) during a covered period and for 60  
16 days thereafter.

17 “(2) DATABASE.—The Director of the Bureau  
18 shall establish and maintain a secure database  
19 that—

20 “(A) is accessible to each consumer re-  
21 porting agency described in section 603(p) and  
22 nationwide specialty consumer reporting agency  
23 for purposes of fulfilling their duties under  
24 paragraph (3) to check and automatically delete  
25 any adverse item of information (except infor-

1           mation related to a felony criminal conviction)  
2           reported that occurred during a covered period  
3           with respect 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  
8           AND NATIONWIDE SPECIALTY CONSUMER REPORT-  
9           ING AGENCIES.—

10           “(A) IN GENERAL.—Each consumer re-  
11           porting agency described in section 603(p) and  
12           each nationwide specialty consumer reporting  
13           agency shall, using the information contained in  
14           the database established under paragraph (2),  
15           delete from the file of each consumer named in  
16           the database each adverse item of information  
17           (except 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  
21           covered 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  
4           established 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  
9           Bureau may submit a request, without charge  
10          to the consumer, to a consumer reporting agen-  
11          cy described in section 603(p) or nationwide  
12          specialty consumer reporting agency to delete  
13          from the consumer’s file an adverse item of in-  
14          formation (except information related to a fel-  
15          ony criminal conviction) that was a result of an  
16          action or inaction that occurred during a cov-  
17          ered period or in the 270-day period following  
18          the end of a covered 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.—  
24          Upon receiving a request under this paragraph  
25          to delete an adverse item of information, a con-

1 consumer reporting agency described in section  
2 603(p) or nationwide specialty consumer report-  
3 ing agency 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  
9 furnisher of the adverse item of informa-  
10 tion of 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  
15 consumer 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.  
21 Such a consumer reporting agency shall also supply  
22 a consumer, upon request and without charge, with  
23 a credit score that—

24 “(A) is derived from a credit scoring  
25 model that is widely distributed to users by the

1 consumer reporting agency for the purpose of  
2 any extension of credit or other transaction des-  
3 igned 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  
12 request is received if the request is made by  
13 mail; 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-  
25 19) outbreak or a major disaster (except to verify

1 that the consumer is a resident of the affected area  
2 covered by the applicable disaster or emergency dec-  
3 laration) as a condition of receiving the file disclo-  
4 sure or score.

5 “(g) POSTING OF RIGHTS.—Not later than 30 days  
6 after the date of enactment of this section, each consumer  
7 reporting agency described under section 603(p) and each  
8 nationwide specialty consumer reporting agency shall  
9 prominently post and maintain a direct link on the home-  
10 page of the public website of the consumer reporting agen-  
11 cy information relating to the right of consumers to—

12 “(1) request the deletion of adverse items of  
13 information (except information related to a felony  
14 criminal conviction) under subsection (e); and

15 “(2) request consumer file disclosures and  
16 scores, without charge to the consumer, under sub-  
17 section (f).

18 “(h) BAN ON REPORTING MEDICAL DEBT INFOR-  
19 MATION RELATED TO COVID-19 OR A MAJOR DIS-  
20 ASTER.—

21 “(1) FURNISHING BAN.—No person shall fur-  
22 nish adverse information to a consumer reporting  
23 agency related to medical debt if such medical debt  
24 is with respect to medical expenses related to treat-  
25 ments arising from COVID-19 or a major disaster

1 (whether or not the expenses were incurred during  
2 a covered period).

3 ““(2) CONSUMER REPORT BAN.—No consumer  
4 reporting agency may make a consumer report con-  
5 taining adverse information related to medical debt  
6 if such medical debt is with respect to medical ex-  
7 penses related to treatments arising from COVID-  
8 19 or a major disaster (whether or not the expenses  
9 were incurred during a covered period).

10 ““(i) CREDIT SCORING MODELS.—A person that cre-  
11 ates and implements credit scoring models may not treat  
12 the absence, omission, or deletion of any information pur-  
13 suant to this section as a negative factor or negative value  
14 in credit scoring models created or implemented by such  
15 person.’.

16 ““(2) TECHNICAL AND CONFORMING AMEND-  
17 MENT.—The table of contents for the Fair Credit  
18 Reporting Act is amended by inserting after the  
19 item relating to section 605B the following:

“‘605C. Reporting of information during major disasters.’.

20 **“SEC. 4021A. LIMITATIONS ON NEW CREDIT SCORING MOD-**  
21 **ELS DURING THE COVID-19 EMERGENCY AND**  
22 **MAJOR DISASTERS.**

23 “‘The Fair Credit Reporting Act (15 U.S.C. 1681 et  
24 seq.) is amended—

25 ““(1) by adding at the end the following:



1 **“§ 630. Limitations on new credit scoring models**  
2 **during the COVID-19 emergency and**  
3 **major 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  
7 or implement a new credit scoring model (including a revi-  
8 sion to an existing scoring model) if the new credit scoring  
9 model would identify a significant percentage of con-  
10 sumers as being less creditworthy when compared to the  
11 previous credit scoring models created or implemented by  
12 such person.’; and

13 “(2) in the table of contents for such Act, by  
14 adding at the end the following new item:

“‘630. Limitations on new credit scoring models during the COVID-19 emer-  
gency and major disasters.’”

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 2 of the CARES Act is amended by striking  
17 the item relating to section 4021 and inserting the fol-  
18 lowing:

“Sec. 4021. Reporting of information during major disasters.

“Sec. 4021A. Limitations on new credit scoring models during the COVID-19  
emergency and major disasters.”

19 (c) CONFORMING AMENDMENT.—Subparagraph (F)  
20 of section 623(a)(1) of the Fair Credit Reporting Act (15  
21 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 Prac-  
5 tices Act (15 U.S.C. 1692 et seq.) is amended by inserting  
6 after 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 en-  
12 actment of this section and ending 120 days after  
13 the end of the incident period for the emergency de-  
14 clared on March 13, 2020, by the President under  
15 section 501 of the Robert T. Stafford Disaster Relief  
16 and Emergency Assistance Act (42 U.S.C. 4121 et  
17 seq.) relating to the Coronavirus Disease 2019  
18 (COVID–19) pandemic.

19 “(2) CREDITOR.—The term ‘creditor’ means  
20 any person—

21 “(A) who offers or extends credit creating  
22 a 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 aris-  
4           ing out of a credit agreement entered into after  
5           the effective date of this section, that arises out  
6           of a 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 en-  
10          tity that engages in the collection of debt, including  
11          the Federal Government and a State government, ir-  
12          respective of whether the applicable debt is allegedly  
13          owed to or assigned to such creditor, person, or enti-  
14          ty.

15          “(5) MORTGAGE LOAN.—The term ‘mortgage  
16          loan’ means a covered mortgage loan (as defined  
17          under section 4022 of the CARES Act) and a multi-  
18          family mortgage loan (as defined under section 4023  
19          of the CARES Act).

20          “(b) PROHIBITIONS.—

21                 “(1) IN GENERAL.—Notwithstanding any other  
22                 provision of law, no debt collector may, during a cov-  
23                 ered period—

1           “(A) enforce a security interest securing a  
2           debt through repossession, limitation of use, or  
3           foreclosure;

4           “(B) take or threaten to take any action to  
5           deprive an individual of their liberty as a result  
6           of nonpayment of or nonappearance at any  
7           hearing relating to an obligation owed by a con-  
8           sumer;

9           “(C) collect any debt, by way of garnish-  
10          ment, attachment, assignment, deduction, off-  
11          set, or other seizure, from—

12                 “(i) wages, income, benefits, bank,  
13                 prepaid or other asset accounts; or

14                 “(ii) any assets of, or other amounts  
15                 due to, a consumer;

16          “(D) commence or continue an action to  
17          evict a consumer from real or personal property  
18          for nonpayment;

19          “(E) disconnect or terminate service from  
20          a utility service, including electricity, natural  
21          gas, telecommunications or broadband, water,  
22          or sewer, for nonpayment; or

23          “(F) threaten to take any of the foregoing  
24          actions.

1           “(2) RULE OF CONSTRUCTION.—Nothing in  
2           this section may be construed to prohibit a consumer  
3           from voluntarily paying, in whole or in part, a debt.

4           “(c) LIMITATION ON FEES AND INTEREST.—After  
5           the expiration of a covered period, a debt collector may  
6           not add to any past due debt any interest on unpaid inter-  
7           est, higher rate of interest triggered by the nonpayment  
8           of the debt, or fee triggered prior to the expiration of the  
9           covered period by the nonpayment of the debt.

10          “(e) VIOLATIONS.—Any person or government entity  
11          that violates this section shall be liable to the applicable  
12          consumer as provided under section 813, except that, for  
13          purposes of applying section 813—

14                 “(1) such person or government entity shall be  
15                 deemed a debt collector, as such term is defined for  
16                 purposes of section 813; and

17                 “(2) each dollar figure in such section shall be  
18                 deemed to be 10 times the dollar figure specified.

19          “(f) TOLLING.—Any applicable time limitations for  
20          exercising an action prohibited under subsection (b) shall  
21          be tolled during a covered period.

22          “(g) PREDISPUTE ARBITRATION AGREEMENTS.—  
23          Notwithstanding any other provision of law, no predispute  
24          arbitration agreement or predispute joint-action waiver  
25          shall be valid or enforceable with respect to a dispute

1 brought under this section, including a dispute as to the  
2 applicability of this section, which shall be determined  
3 under Federal law.”.

4 (b) CLERICAL AMENDMENT.—The table of contents  
5 for the Fair Debt Collection Practices Act is amended by  
6 inserting after the item relating to section 812 the fol-  
7 lowing:

“812A. Restrictions on collections of consumer debt during a national disaster  
or emergency.”.

8 **SEC. 403. REPAYMENT PERIOD AND FORBEARANCE FOR**  
9 **CONSUMERS.**

10 Section 812A of the Fair Debt Collection Practices  
11 Act (15 U.S.C. 1692 et seq.), as added by section 110402,  
12 is amended—

13 (1) by inserting after subsection (c) the fol-  
14 lowing:

15 “(d) REPAYMENT PERIOD.—After the expiration of  
16 a covered period, a debt collector shall comply with the  
17 following:

18 “(1) DEBT ARISING FROM CREDIT WITH A DE-  
19 FINED PAYMENT PERIOD.—For any debt arising  
20 from credit with a defined term, the debt collector  
21 shall extend the time period to repay any past due  
22 balance of the debt by—

23 “(A) 1 payment period for each payment  
24 that a consumer missed during the covered pe-

1           riod, with the payments due in the same  
2           amounts and at the same intervals as the pre-  
3           existing payment schedule; and

4                   “(B) 1 payment period in addition to the  
5           payment periods described under subparagraph  
6           (A).

7           “(2) DEBT ARISING FROM AN OPEN END CRED-  
8           IT PLAN.—For debt arising from an open end credit  
9           plan, as defined in section 103 of the Truth in  
10          Lending Act (15 U.S.C. 1602), the debt collector  
11          shall allow the consumer to repay the past-due bal-  
12          ance in a manner that does not exceed the amounts  
13          permitted by the methods described in section  
14          171(c) of the Truth in Lending Act (15 U.S.C.  
15          1666i–1(c)) and regulations promulgated under that  
16          section.

17          “(3) DEBT ARISING FROM OTHER CREDIT.—

18                   “(A) IN GENERAL.—For debt not de-  
19           scribed under paragraph (2) or (3), the debt  
20           collector shall—

21                           “(i) allow the consumer to repay the  
22                           past-due balance of the debt in substan-  
23                           tially equal payments over time; and

24                           “(ii) provide the consumer with—

1                   “(I) for past due balances of  
2                   \$2,000 or less, 12 months to repay, or  
3                   such longer period as the debt col-  
4                   lector may allow;

5                   “(II) for past due balances be-  
6                   tween \$2,001 and \$5,000, 24 months  
7                   to repay, or such longer period as the  
8                   debt collector may allow; or

9                   “(III) for past due balances  
10                   greater than \$5,000, 36 months to  
11                   repay, or such longer period as the  
12                   debt collector may allow.

13                   “(B) ADDITIONAL PROTECTIONS.—The Di-  
14                   rector of the Bureau may issue rules to provide  
15                   greater repayment protections to consumers  
16                   with debts described under subparagraph (A).

17                   “(C) RELATION TO STATE LAW.—This  
18                   paragraph shall not preempt any State law that  
19                   provides for greater consumer protections than  
20                   this paragraph.”; and

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

22                   “(h) FORBEARANCE FOR AFFECTED CONSUMERS.—

23                   “(1) FORBEARANCE PROGRAM.—Each debt col-  
24                   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  
4 UPON REQUEST.—Under a forbearance program re-  
5 quired under paragraph (1), upon the request of a  
6 consumer experiencing a financial hardship due, di-  
7 rectly or indirectly, to COVID–19, the debt collector  
8 shall grant a forbearance on payment of debt for  
9 such time as needed until the end of the covered pe-  
10 riod, with no additional documentation required  
11 other than the borrower’s attestation to a financial  
12 hardship caused by COVID–19 and with no fees,  
13 penalties, or interest (beyond the amounts scheduled  
14 or calculated as if the borrower made all contractual  
15 payments on time and in full under the terms of the  
16 loan contract) charged to the borrower in connection  
17 with the forbearance.

18 “(3) EXCEPTION FOR CERTAIN MORTGAGE  
19 LOANS SUBJECT TO THE CARES ACT.—This sub-  
20 section shall not apply to a mortgage loan subject to  
21 section 4022 or 4023 of the CARES Act.”.

22 **SEC. 404. CREDIT FACILITY.**

23 Section 812A(h) of the Fair Debt Collection Prac-  
24 tices Act (15 U.S.C. 1692 et seq.), as added by section  
25 110403, is amended by adding at the end the following:

1           “(4) CREDIT FACILITY.—The Board of Gov-  
2           ernors of the Federal Reserve System shall—

3                   “(A) establish a facility, using amounts  
4                   made available under section 4003(b)(4) of the  
5                   CARES Act (15 U.S.C. 9042(b)(4)), to make  
6                   long-term, low-cost loans to debt collectors to  
7                   temporarily compensate such debt collectors for  
8                   documented financial losses caused by forbear-  
9                   ance of debt payments under this subsection;  
10                  and

11                   “(B) defer debt collectors’ required pay-  
12                   ments on such loans until after consumers’ debt  
13                   payments resume.”.

14   **TITLE V—PROTECTING STUDENT**  
15                   **BORROWERS**

16   **SEC. 501. PAYMENTS FOR PRIVATE EDUCATION LOAN BOR-**  
17                   **ROWERS AS A RESULT OF THE COVID-19 NA-**  
18                   **TIONAL EMERGENCY.**

19           (a) IN GENERAL.—Section 140 of the Truth in Lend-  
20           ing Act (15 U.S.C. 1650) is amended by adding at the  
21           end the following new subsection:

22                   “(h) COVID-19 NATIONAL EMERGENCY PRIVATE  
23           EDUCATION LOAN REPAYMENT ASSISTANCE.—

24                   “(1) AUTHORITY.—

1           “(A) IN GENERAL.—Effective on the date  
2           of the enactment of this section, until February  
3           1, 2021, the Secretary of the Treasury shall,  
4           for each borrower of a private education loan,  
5           pay the total amount due for such month on  
6           the loan, based on the payment plan selected by  
7           the borrower or the borrower’s loan status.

8           “(B) LIMITATION ON PAYMENTS.—The  
9           maximum amount of aggregate payments that  
10          the Secretary of the Treasury may make under  
11          subparagraph (A) with respect to an individual  
12          borrower is \$10,000.

13          “(2) NO CAPITALIZATION OF INTEREST.—With  
14          respect to any loan in repayment until February 1,  
15          2021, interest due on a private education loan dur-  
16          ing such period shall not be capitalized at any time  
17          until after February 1, 2021.

18          “(3) REPORTING TO CONSUMER REPORTING  
19          AGENCIES.—Until February 1, 2021—

20                 “(A) during the period in which the Sec-  
21                 retary of the Treasury is making payments on  
22                 a loan under paragraph (1), the Secretary shall  
23                 ensure that, for the purpose of reporting infor-  
24                 mation about the loan to a consumer reporting  
25                 agency, any payment made by the Secretary is

1 treated as if it were a regularly scheduled pay-  
2 ment made by a borrower; and

3 “(B) no adverse credit information may be  
4 furnished to a consumer reporting agency for  
5 any private education loan.

6 “(4) NOTICE OF PAYMENTS AND PROGRAM.—  
7 Not later than 15 days following the date of enact-  
8 ment of this subsection, and monthly thereafter until  
9 February 1, 2021, the Secretary of the Treasury  
10 shall provide a notice to all borrowers of private edu-  
11 cation loans—

12 “(A) informing borrowers of the actions  
13 taken under this subsection;

14 “(B) providing borrowers with an easily  
15 accessible method to opt out of the benefits pro-  
16 vided under this subsection; and

17 “(C) notifying the borrower that the pro-  
18 gram under this subsection is a temporary pro-  
19 gram and will end on February 1, 2021.

20 “(5) SUSPENSION OF INVOLUNTARY COLLEC-  
21 TION.—Until February 1, 2021, the holder of a pri-  
22 vate education loan shall immediately take action to  
23 halt all involuntary collection related to the loan.

24 “(6) MANDATORY FORBEARANCE.—During the  
25 period in which the Secretary of the Treasury is

1 making payments on a loan under paragraph (1),  
2 the servicer of such loan shall grant the borrower  
3 forbearance as follows:

4 “(A) A temporary cessation of all pay-  
5 ments on the loan other than the payments of  
6 interest and principal on the loan that are made  
7 under paragraph (1).

8 “(B) For borrowers who are delinquent  
9 but who are not yet in default before the date  
10 on which the Secretary begins making payments  
11 under paragraph (1), the retroactive application  
12 of forbearance to address any delinquency.

13 “(7) DATA TO IMPLEMENT.—Holders and  
14 servicers of private education loans shall report, to  
15 the satisfaction of the Secretary of the Treasury, the  
16 information necessary to calculate the amount to be  
17 paid under this subsection.

18 “(8) APPLICATION ONLY TO ECONOMICALLY  
19 DISTRESSED BORROWERS.—

20 “(A) IN GENERAL.—This subsection shall  
21 only apply to a borrower of a private education  
22 loan who is an economically distressed bor-  
23 rower.

24 “(B) ECONOMICALLY DISTRESSED BOR-  
25 ROWER DEFINED.—In this paragraph, the term

1 ‘economically distressed borrower’ means a bor-  
2 rower of a private education loan who, as of  
3 March 12, 2020—

4 “(i) based on financial state or other  
5 conditions, would be otherwise eligible, if  
6 the borrower instead had a Federal stu-  
7 dent loan, of having a monthly payment  
8 due on such loan of \$0 pursuant to an in-  
9 come-contingent repayment plan under sec-  
10 tion 455(d)(1)(D) of the Higher Education  
11 Act of 1965 (20 U.S.C. 1087e(d)(1)(D))  
12 or an income-based repayment plan under  
13 section 493C of such Act (20 U.S.C.  
14 1098e);

15 “(ii) was in default on such loan;

16 “(iii) had a payment due on such loan  
17 that was at least 90 days past due; or

18 “(iv) based on financial state or other  
19 conditions, was in forbearance or  
20 deferment.

21 “(C) RULEMAKING.—Not later than 7  
22 days after the date of enactment of this para-  
23 graph, the Director of the Bureau, in consulta-  
24 tion with the Secretary of Education, shall issue  
25 rules to implement this paragraph, including

1 providing a detailed description of how a bor-  
2 rower of a private education loan will be consid-  
3 ered an economically distressed borrower as de-  
4 fined under each clause of subparagraph (B).”.

5 (b) APPROPRIATION.—There is appropriated to the  
6 Secretary of the Treasury, out of amounts in the Treasury  
7 not otherwise appropriated, \$5,000,000,000 to carry out  
8 this title and the amendments made by this title.

9 **SEC. 502. ADDITIONAL PROTECTIONS FOR PRIVATE STU-**  
10 **DENT LOAN BORROWERS.**

11 (a) IN GENERAL.—

12 (1) REPAYMENT PLAN AND FORGIVENESS  
13 TERMS.—Each private education loan holder who re-  
14 ceives a monthly payment pursuant to section  
15 140(h) of the Truth in Lending Act shall modify all  
16 private education loan contracts that it holds to pro-  
17 vide for the same repayment plan and forgiveness  
18 terms available to Direct Loans borrowers under  
19 section 685.209(c) of title 34, Code of Federal Reg-  
20 ulations, in effect as of January 1, 2020.

21 (2) TREATMENT OF STATE STATUTES OF LIM-  
22 TATION.—For a borrower who has defaulted on a  
23 private education loan under the terms of the prom-  
24 issory note prior to any loan payment made or for-  
25 bearance granted under section 140(h) of the Truth

1 in Lending Act, no payment made or forbearance  
2 granted under such section 140(h) shall be consid-  
3 ered an event that impacts the calculation of the ap-  
4 plicable State statutes of limitation.

5 (3) PROHIBITION ON PRESSURING BOR-  
6 ROWERS.—

7 (A) IN GENERAL.—A private education  
8 loan debt collector or creditor may not pressure  
9 a borrower to elect to apply any amount re-  
10 ceived pursuant to subsection (b) to any private  
11 education loan.

12 (B) VIOLATIONS.—A violation of this para-  
13 graph is deemed—

14 (i) an unfair, deceptive, or abusive act  
15 or practice under Federal law in connec-  
16 tion with any transaction with a consumer  
17 for a consumer financial product or service  
18 under section 1031 of the Consumer Fi-  
19 nancial Protection Act of 2010 (12 U.S.C.  
20 5531); and

21 (ii) with respect to a violation by a  
22 debt collector, an unfair or unconscionable  
23 means to collect or attempt to collect any  
24 debt under section 808 of the Federal



1 Debt Collection Practices Act (15 U.S.C.  
2 1692f).

3 (C) PRESSURE DEFINED.—In this para-  
4 graph, the term “pressure” means any commu-  
5 nication, recommendation, or other similar com-  
6 munication, other than providing basic informa-  
7 tion about a borrower’s options, urging a bor-  
8 rower to make an election described under sub-  
9 section (b).

10 (b) RELIEF FOR PRIVATE STUDENT LOAN BOR-  
11 ROWERS AS A RESULT OF THE COVID–19 NATIONAL  
12 EMERGENCY.—

13 (1) STUDENT LOAN RELIEF AS A RESULT OF  
14 THE COVID–19 NATIONAL EMERGENCY.—Not later  
15 than 90 days after February 1, 2021, the Secretary  
16 of the Treasury shall carry out a program under  
17 which a borrower, with respect to the private edu-  
18 cation loans of such borrower, shall receive in ac-  
19 cordance with paragraph (3) an amount equal to the  
20 lesser of—

21 (A) the total amount of each private edu-  
22 cation loan of the borrower; or

23 (B) \$10,000, reduced by the aggregate  
24 amount of all payments made by the Secretary  
25 of the Treasury with respect to such borrower

1 under section 140(h) of the Truth in Lending  
2 Act.

3 (2) NOTIFICATION OF BORROWERS.—Not later  
4 than 90 days after February 1, 2021, the Secretary  
5 of the Treasury shall notify each borrower of a pri-  
6 vate education loan of—

7 (A) the requirements to provide loan relief  
8 to such borrower under this section; and

9 (B) the opportunity for such borrower to  
10 make an election under paragraph (3)(A) with  
11 respect to the application of such loan relief to  
12 the private education loans of such borrower.

13 (3) DISTRIBUTION OF FUNDING.—

14 (A) ELECTION BY BORROWER.—Not later  
15 than 45 days after a notice is sent under para-  
16 graph (2), a borrower may elect to apply the  
17 amount determined with respect to such bor-  
18 rower under paragraph (1) to any private edu-  
19 cation loan of the borrower.

20 (B) AUTOMATIC PAYMENT.—

21 (i) IN GENERAL.—In the case of a  
22 borrower who does not make an election  
23 under subparagraph (A) before the date  
24 described in such subparagraph, the Sec-  
25 retary of the Treasury shall apply the

1 amount determined with respect to such  
2 borrower under paragraph (1) in order of  
3 the private education loan of the borrower  
4 with the highest interest rate.

5 (ii) EQUAL INTEREST RATES.—In  
6 case of two or more private education loans  
7 described in clause (i) with equal interest  
8 rates, the Secretary of the Treasury shall  
9 apply the amount determined with respect  
10 to such borrower under paragraph (1) first  
11 to the loan with the highest principal.

12 (c) APPLICATION ONLY TO ECONOMICALLY DIS-  
13 TRESSED BORROWERS.—This section shall only apply to  
14 a borrower of a private education loan who is an economi-  
15 cally distressed borrower.

16 (d) DEFINITIONS.—In this section:

17 (1) FAIR DEBT COLLECTION PRACTICES ACT  
18 TERMS.—The terms “creditor” and “debt collector”  
19 have the meaning given those terms, respectively,  
20 under section 803 of the Fair Debt Collection Prac-  
21 tices Act (15 U.S.C. 1692a).

22 (2) PRIVATE EDUCATION LOAN.—The term  
23 “private education loan” has the meaning given the  
24 term in section 140 of the Truth in Lending Act (15  
25 U.S.C. 1650).

1           (3) ECONOMICALLY DISTRESSED BORROWER  
2       DEFINED.—The term “economically distressed bor-  
3       rower” has the meaning given that term under sec-  
4       tion 140(h)(8) of the Truth in Lending Act, as  
5       added by section 501.

6       **TITLE VI—STANDING UP FOR**  
7       **SMALL BUSINESSES, MINOR-**  
8       **ITY-OWNED BUSINESSES, AND**  
9       **NON-PROFITS**

10       **SEC. 601. RESTRICTIONS ON COLLECTIONS OF SMALL BUSI-**  
11                               **NESS AND NONPROFIT DEBT DURING A NA-**  
12                               **TIONAL DISASTER OR EMERGENCY.**

13       (a) IN GENERAL.—The Fair Debt Collection Prac-  
14       tices Act (15 U.S.C. 1692 et seq.), as amended by section  
15       110402, is further amended by inserting after section  
16       812A the following:

17       **“§ 812B. Restrictions on collections of small business**  
18                               **and nonprofit debt during a national dis-**  
19                               **aster or emergency**

20       “(a) DEFINITIONS.—In this section:

21               “(1) COVERED PERIOD.—The term ‘covered pe-  
22       riod’ means the period beginning on the date of en-  
23       actment of this section and ending 120 days after  
24       the end of the incident period for the emergency de-  
25       clared on March 13, 2020, by the President under

1 section 501 of the Robert T. Stafford Disaster Relief  
2 and Emergency Assistance Act (42 U.S.C. 4121 et  
3 seq.) relating to the Coronavirus Disease 2019  
4 (COVID–19) pandemic.

5 “(2) CREDITOR.—The term ‘creditor’ means  
6 any person—

7 “(A) who offers or extends credit creating  
8 a debt or to whom a debt is owed; or

9 “(B) to whom any obligation for payment  
10 is owed.

11 “(3) DEBT.—The term ‘debt’—

12 “(A) means any obligation or alleged obli-  
13 gation that is or during the covered period be-  
14 comes past due, other than an obligation aris-  
15 ing out of a credit agreement entered into after  
16 the effective date of this section, that arises out  
17 of a transaction with a nonprofit organization  
18 or small business; and

19 “(B) does not include a mortgage loan.

20 “(4) DEBT COLLECTOR.—The term ‘debt col-  
21 lector’ means a creditor and any other person or en-  
22 tity that engages in the collection of debt, including  
23 the Federal Government and a State government, ir-  
24 respective of whether the applicable debt is allegedly

1       owed to or assigned to such creditor, person, or enti-  
2       ty.

3           “(5) MORTGAGE LOAN.—The term ‘mortgage  
4       loan’ means a covered mortgage loan (as defined  
5       under section 4022 of the CARES Act) and a multi-  
6       family mortgage loan (as defined under section 4023  
7       of the CARES Act).

8           “(6) NONPROFIT ORGANIZATION.—The term  
9       ‘nonprofit organization’ means an organization that  
10      is described in section 501(c)(3) of the Internal Rev-  
11      enue Code of 1986 and that is exempt from taxation  
12      under section 501(a) of such Code.

13          “(7) SMALL BUSINESS.—The term ‘small busi-  
14      ness’ has the meaning given the term ‘small business  
15      concern’ in section 3 of the Small Business Act (15  
16      U.S.C. 632).

17          “(b) PROHIBITIONS.—

18           “(1) IN GENERAL.—Notwithstanding any other  
19      provision of law, no debt collector may, during a cov-  
20      ered period—

21           “(A) enforce a security interest securing a  
22      debt through repossession, limitation of use, or  
23      foreclosure;

24           “(B) take or threaten to take any action to  
25      deprive an individual of their liberty as a result

1 of nonpayment of or nonappearance at any  
2 hearing relating to an obligation owed by a  
3 small business or nonprofit organization;

4 “(C) collect any debt, by way of garnish-  
5 ment, attachment, assignment, deduction, off-  
6 set, or other seizure, from—

7 “(i) wages, income, benefits, bank,  
8 prepaid or other asset accounts; or

9 “(ii) any assets of, or other amounts  
10 due to, a small business or nonprofit orga-  
11 nization;

12 “(D) commence or continue an action to  
13 evict a small business or nonprofit organization  
14 from real or personal property for nonpayment;

15 “(E) disconnect or terminate service from  
16 a utility service, including electricity, natural  
17 gas, telecommunications or broadband, water,  
18 or sewer, for nonpayment; or

19 “(F) threaten to take any of the foregoing  
20 actions.

21 “(2) RULE OF CONSTRUCTION.—Nothing in  
22 this section may be construed to prohibit a small  
23 business or nonprofit organization from voluntarily  
24 paying, in whole or in part, a debt.

1       “(c) LIMITATION ON FEES AND INTEREST.—After  
2 the expiration of a covered period, a debt collector may  
3 not add to any past due debt any interest on unpaid inter-  
4 est, higher rate of interest triggered by the nonpayment  
5 of the debt, or fee triggered prior to the expiration of the  
6 covered period 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 small business or nonprofit organization as provided under  
10 section 813, except that, for purposes of applying section  
11 813—

12               “(1) such person or government entity shall be  
13 deemed a debt collector, as such term is defined for  
14 purposes of section 813; and

15               “(2) such small business or nonprofit organiza-  
16 tion shall be deemed a consumer, as such term is de-  
17 fined for purposes of section 813.

18       “(f) TOLLING.—Any applicable time limitations for  
19 exercising an action prohibited under subsection (b) shall  
20 be tolled during a covered period.

21       “(g) PREDISPUTE ARBITRATION AGREEMENTS.—  
22 Notwithstanding any other provision of law, no predispute  
23 arbitration agreement or predispute joint-action waiver  
24 shall be valid or enforceable with respect to a dispute  
25 brought under this section, including a dispute as to the



1 applicability of this section, which shall be determined  
2 under Federal law.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 for the Fair Debt Collection Practices Act, as amended  
5 by section 110402, is further amended by inserting after  
6 the item relating to section 812A the following:

“812B. Restrictions on collections of small business and nonprofit debt during  
a national disaster or emergency.”.

7 **SEC. 602. REPAYMENT PERIOD AND FORBEARANCE FOR**  
8 **SMALL BUSINESSES AND NONPROFIT ORGA-**  
9 **NIZATIONS.**

10 Section 812B of the Fair Debt Collection Practices  
11 Act (15 U.S.C. 1692 et seq.), as added by section 110601,  
12 is amended—

13 (1) by inserting after subsection (c) the fol-  
14 lowing:

15 “(d) REPAYMENT PERIOD.—After the expiration of  
16 a covered period, a debt collector shall comply with the  
17 following:

18 “(1) DEBT ARISING FROM CREDIT WITH A DE-  
19 FINED PAYMENT PERIOD.—For any debt arising  
20 from credit with a defined term, the debt collector  
21 shall extend the time period to repay any past due  
22 balance of the debt by—

23 “(A) 1 payment period for each payment  
24 that a small business or nonprofit organization

1 missed during the covered period, with the pay-  
2 ments due in the same amounts and at the  
3 same intervals as the pre-existing payment  
4 schedule; and

5 “(B) 1 payment period in addition to the  
6 payment periods described under subparagraph  
7 (A).

8 “(2) DEBT ARISING FROM AN OPEN END CRED-  
9 IT PLAN.—For debt arising from an open end credit  
10 plan, as defined in section 103 of the Truth in  
11 Lending Act (15 U.S.C. 1602), the debt collector  
12 shall allow the small business or nonprofit organiza-  
13 tion to repay the past-due balance in a manner that  
14 does not exceed the amounts permitted by the meth-  
15 ods described in section 171(c) of the Truth in  
16 Lending Act (15 U.S.C. 1666i–1(c)) and regulations  
17 promulgated under that section.

18 “(3) DEBT ARISING FROM OTHER CREDIT.—

19 “(A) IN GENERAL.—For debt not de-  
20 scribed under paragraph (2) or (3), the debt  
21 collector shall—

22 “(i) allow the small business or non-  
23 profit organization to repay the past-due  
24 balance of the debt in substantially equal  
25 payments over time; and

1 “(ii) provide the small business or  
2 nonprofit organization with—

3 “(I) for past due balances of  
4 \$2,000 or less, 12 months to repay, or  
5 such longer period as the debt col-  
6 lector may allow;

7 “(II) for past due balances be-  
8 tween \$2,001 and \$5,000, 24 months  
9 to repay, or such longer period as the  
10 debt collector may allow; or

11 “(III) for past due balances  
12 greater than \$5,000, 36 months to  
13 repay, or such longer period as the  
14 debt collector may allow.

15 “(B) ADDITIONAL PROTECTIONS.—The Di-  
16 rector of the Bureau may issue rules to provide  
17 greater repayment protections to small busi-  
18 nesses and nonprofit organizations with debts  
19 described under subparagraph (A).

20 “(C) RELATION TO STATE LAW.—This  
21 paragraph shall not preempt any State law that  
22 provides for greater small business or nonprofit  
23 organization protections than this paragraph.”;  
24 and

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

1       “(h) FORBEARANCE FOR AFFECTED SMALL BUSI-  
2 NESSES AND NONPROFIT ORGANIZATIONS.—

3           “(1) FORBEARANCE PROGRAM.—Each debt col-  
4 lector that makes use of the credit facility described  
5 in paragraph (4) shall establish a forbearance pro-  
6 gram for debts available during the covered period.

7           “(2) AUTOMATIC GRANT OF FORBEARANCE  
8 UPON REQUEST.—Under a forbearance program re-  
9 quired under paragraph (1), upon the request of a  
10 small business or nonprofit organization experi-  
11 encing a financial hardship due, directly or indi-  
12 rectly, to COVID–19, the debt collector shall grant  
13 a forbearance on payment of debt for such time as  
14 needed until the end of the covered period, with no  
15 additional documentation required other than the  
16 small business or nonprofit organization’s attestation  
17 to a financial hardship caused by COVID–19 and  
18 with no fees, penalties, or interest (beyond the  
19 amounts scheduled or calculated as if the borrower  
20 made all contractual payments on time and in full  
21 under the terms of the loan contract) charged to the  
22 borrower in connection with the forbearance.

23           “(3) EXCEPTION FOR CERTAIN MORTGAGE  
24 LOANS SUBJECT TO THE CARES ACT.—This sub-

1 section shall not apply to a mortgage loan subject to  
2 section 4022 or 4023 of the CARES Act.”.

3 **SEC. 603. CREDIT FACILITY.**

4 Section 812B(h) of the Fair Debt Collection Prac-  
5 tices Act (15 U.S.C. 1692 et seq.), as added by section  
6 110602, is amended by adding at the end the following:

7 “(4) CREDIT FACILITY.—The Board of Gov-  
8 ernors of the Federal Reserve System shall—

9 “(A) establish a facility, using amounts  
10 made available under section 4003(b)(4) of the  
11 CARES Act (15 U.S.C. 9042(b)(4)), to make  
12 long-term, low-cost loans to debt collectors to  
13 temporarily compensate such debt collectors for  
14 documented financial losses caused by forbear-  
15 ance of debt payments under this subsection;  
16 and

17 “(B) defer debt collectors’ required pay-  
18 ments on such loans until after small businesses  
19 or nonprofit organizations’ debt payments re-  
20 sume.”.

21 **SEC. 604. MAIN STREET LENDING PROGRAM REQUIRE-**  
22 **MENTS.**

23 (a) IN GENERAL.—Section 4003(c)(3)(D)(ii) of the  
24 CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)) is amended—

1 (1) by striking “Nothing in this subparagraph  
2 shall limit the discretion of the Board of Governors  
3 of the Federal Reserve System to” and inserting the  
4 following:

5 “(I) IN GENERAL.—The Board of Gov-  
6 ernors of the Federal Reserve System shall”;  
7 and

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

9 “(II) REQUIREMENTS.—In car-  
10 rying out subclause (I), the Board of  
11 Governors of the Federal Reserve Sys-  
12 tem—

13 “(aa) shall make non-profit  
14 organizations and institutions of  
15 higher education (as such term is  
16 defined in section 101(a) of the  
17 Higher Education Act of 1965  
18 (20 U.S.C. 1001(a)) eligible for  
19 any program or facility estab-  
20 lished under such subclause;

21 “(bb) shall create a low-cost  
22 loan option tailored to the unique  
23 needs of non-profit organizations,  
24 including the ability to defer pay-

1687

1                   ments without capitalization of  
2                   interest;

3                   “(cc) shall make any  
4                   501(c)(4) organization (as de-  
5                   fined in section 501(c)(4) of the  
6                   Internal Revenue Code of 1986)  
7                   eligible for any facility provided  
8                   that such 501(c)(4) organization  
9                   has not made and will not make  
10                  a contribution, expenditure, inde-  
11                  pendent expenditure, or election-  
12                  eering communication within the  
13                  meaning of the Federal Election  
14                  Campaign Act, and has not un-  
15                  dertaken and will not undertake  
16                  similar campaign finance activi-  
17                  ties in state and local elections,  
18                  during the election cycle which  
19                  ends on the date of the general  
20                  election in this calendar year;

21                  “(dd) shall ensure loans  
22                  made available to all eligible bor-  
23                  rowers have a maturity of no less  
24                  than seven years; and

1                   “(ee) shall prohibit eligible  
2 lenders from requiring additional  
3 collateral beyond minimum collat-  
4 eral requirements the Board of  
5 Governors of the Federal Reserve  
6 System may require.”.

7           (b) DEADLINE.—Not later than the end of the 5-day  
8 period beginning on the date of enactment of this Act, the  
9 Board of Governors of the Federal Reserve System shall  
10 issue such rules or take such other actions as may be nec-  
11 essary to implement the requirements made by the amend-  
12 ments made by this section.

13 **SEC. 605. OPTIONS FOR SMALL BUSINESSES AND NON-**  
14 **PROFITS UNDER THE MAIN STREET LENDING**  
15 **PROGRAM.**

16           (a) IN GENERAL.—Section 4003(c)(3)(D)(ii)(II) of  
17 the CARES Act (15 U.S.C. 9042(c)(3)(D)(ii)(II)), as  
18 added by section 110604, is further amended by adding  
19 at the end the following:

20           “(cc) shall provide at least one low-cost loan option  
21 that small businesses, small non-profits, and small institu-  
22 tions of higher education (as such term is defined in sec-  
23 tion 101(a) of the Higher Education Act of 1965 (20  
24 U.S.C. 1001(a)) are eligible for that does not have a min-



1 imum loan size and includes the ability to defer payments,  
2 without capitalization of interest.”.

3 (b) DEADLINE.—Not later than the end of the 5-day  
4 period beginning on the date of enactment of this Act, the  
5 Board of Governors of the Federal Reserve System shall  
6 issue such rules or take such other actions as may be nec-  
7 essary to implement the requirements made by the amend-  
8 ments made by this section.

9 **SEC. 606. SAFE BANKING.**

10 (a) SHORT TITLE; PURPOSE.—

11 (1) SHORT TITLE.—This section may be cited  
12 as the “Secure And Fair Enforcement Banking Act  
13 of 2020” or the “SAFE Banking Act of 2020”.

14 (2) PURPOSE.—The purpose of this section is  
15 to increase public safety by ensuring access to finan-  
16 cial services to cannabis-related legitimate businesses  
17 and service providers and reducing the amount of  
18 cash at such businesses.

19 (b) SAFE HARBOR FOR DEPOSITORY INSTITU-  
20 TIONS.—

21 (1) IN GENERAL.—A Federal banking regulator  
22 may not—

23 (A) terminate or limit the deposit insur-  
24 ance or share insurance of a depository institu-  
25 tion under the Federal Deposit Insurance Act

1 (12 U.S.C. 1811 et seq.), the Federal Credit  
2 Union Act (12 U.S.C. 1751 et seq.), or take  
3 any other adverse action against a depository  
4 institution under section 8 of the Federal De-  
5 posit Insurance Act (12 U.S.C. 1818) solely be-  
6 cause the depository institution provides or has  
7 provided financial services to a cannabis-related  
8 legitimate business or service provider;

9 (B) prohibit, penalize, or otherwise dis-  
10 courage a depository institution from providing  
11 financial services to a cannabis-related legiti-  
12 mate business or service provider or to a State,  
13 political subdivision of a State, or Indian Tribe  
14 that exercises jurisdiction over cannabis-related  
15 legitimate businesses;

16 (C) recommend, incentivize, or encourage a  
17 depository institution not to offer financial serv-  
18 ices to an account holder, or to downgrade or  
19 cancel the financial services offered to an ac-  
20 count holder solely because—

21 (i) the account holder is a cannabis-  
22 related legitimate business or service pro-  
23 vider, or is an employee, owner, or oper-  
24 ator of a cannabis-related legitimate busi-  
25 ness or service provider;

1 (ii) the account holder later becomes  
2 an employee, owner, or operator of a can-  
3 nabis-related legitimate business or service  
4 provider; or

5 (iii) the depository institution was not  
6 aware that the account holder is an em-  
7 ployee, owner, or operator of a cannabis-re-  
8 lated legitimate business or service pro-  
9 vider;

10 (D) take any adverse or corrective super-  
11 visory action on a loan made to—

12 (i) a cannabis-related legitimate busi-  
13 ness or service provider, solely because the  
14 business is a cannabis-related legitimate  
15 business or service provider;

16 (ii) an employee, owner, or operator of  
17 a cannabis-related legitimate business or  
18 service provider, solely because the em-  
19 ployee, owner, or operator is employed by,  
20 owns, or operates a cannabis-related legiti-  
21 mate business or service provider, as appli-  
22 cable; or

23 (iii) an owner or operator of real es-  
24 tate or equipment that is leased to a can-  
25 nabis-related legitimate business or service

1 provider, solely because the owner or oper-  
2 ator of the real estate or equipment leased  
3 the equipment or real estate to a cannabis-  
4 related legitimate business or service pro-  
5 vider, as applicable; or

6 (E) prohibit or penalize a depository insti-  
7 tution (or entity performing a financial service  
8 for or in association with a depository institu-  
9 tion) for, or otherwise discourage a depository  
10 institution (or entity performing a financial  
11 service for or in association with a depository  
12 institution) from, engaging in a financial service  
13 for a cannabis-related legitimate business or  
14 service provider.

15 (2) SAFE HARBOR APPLICABLE TO DE NOVO IN-  
16 STITUTIONS.—Paragraph (1) shall apply to an insti-  
17 tution applying for a depository institution charter  
18 to the same extent as such subsection applies to a  
19 depository institution.

20 (c) PROTECTIONS FOR ANCILLARY BUSINESSES.—  
21 For the purposes of sections 1956 and 1957 of title 18,  
22 United States Code, and all other provisions of Federal  
23 law, the proceeds from a transaction involving activities  
24 of a cannabis-related legitimate business or service pro-

1 vider shall not be considered proceeds from an unlawful  
2 activity solely because—

3 (1) the transaction involves proceeds from a  
4 cannabis-related legitimate business or service pro-  
5 vider; or

6 (2) the transaction involves proceeds from—

7 (A) cannabis-related activities described in  
8 subsection (n)(4)(B) conducted by a cannabis-  
9 related legitimate business; or

10 (B) activities described in subsection  
11 (n)(13)(A) conducted by a service provider.

12 (d) PROTECTIONS UNDER FEDERAL LAW.—

13 (1) IN GENERAL.—With respect to providing a  
14 financial service to a cannabis-related legitimate  
15 business or service provider within a State, political  
16 subdivision of a State, or Indian country that allows  
17 the cultivation, production, manufacture, sale, trans-  
18 portation, display, dispensing, distribution, or pur-  
19 chase of cannabis pursuant to a law or regulation of  
20 such State, political subdivision, or Indian Tribe  
21 that has jurisdiction over the Indian country, as ap-  
22 plicable, a depository institution, entity performing a  
23 financial service for or in association with a deposi-  
24 tory institution, or insurer that provides a financial  
25 service to a cannabis-related legitimate business or

1 service provider, and the officers, directors, and em-  
2 ployees of that depository institution, entity, or in-  
3 surer may not be held liable pursuant to any Federal  
4 law or regulation—

5 (A) solely for providing such a financial  
6 service; or

7 (B) for further investing any income de-  
8 rived from such a financial service.

9 (2) PROTECTIONS FOR FEDERAL RESERVE  
10 BANKS AND FEDERAL HOME LOAN BANKS.—With  
11 respect to providing a service to a depository institu-  
12 tion that provides a financial service to a cannabis-  
13 related legitimate business or service provider (where  
14 such financial service is provided within a State, po-  
15 litical subdivision of a State, or Indian country that  
16 allows the cultivation, production, manufacture, sale,  
17 transportation, display, dispensing, distribution, or  
18 purchase of cannabis pursuant to a law or regulation  
19 of such State, political subdivision, or Indian Tribe  
20 that has jurisdiction over the Indian country, as ap-  
21 plicable), a Federal reserve bank or Federal Home  
22 Loan Bank, and the officers, directors, and employ-  
23 ees of the Federal reserve bank or Federal Home  
24 Loan Bank, may not be held liable pursuant to any  
25 Federal law or regulation—

1 (A) solely for providing such a service; or

2 (B) for further investing any income de-  
3 rived from such a service.

4 (3) PROTECTIONS FOR INSURERS.—With re-  
5 spect to engaging in the business of insurance within  
6 a State, political subdivision of a State, or Indian  
7 country that allows the cultivation, production, man-  
8 ufacture, sale, transportation, display, dispensing,  
9 distribution, or purchase of cannabis pursuant to a  
10 law or regulation of such State, political subdivision,  
11 or Indian Tribe that has jurisdiction over the Indian  
12 country, as applicable, an insurer that engages in  
13 the business of insurance with a cannabis-related le-  
14 gitimate business or service provider or who other-  
15 wise engages with a person in a transaction permis-  
16 sible under State law related to cannabis, and the  
17 officers, directors, and employees of that insurer  
18 may not be held liable pursuant to any Federal law  
19 or regulation—

20 (A) solely for engaging in the business of  
21 insurance; or

22 (B) for further investing any income de-  
23 rived from the business of insurance.

24 (4) FORFEITURE.—

1 (A) DEPOSITORY INSTITUTIONS.—A depos-  
2 itory institution that has a legal interest in the  
3 collateral for a loan or another financial service  
4 provided to an owner, employee, or operator of  
5 a cannabis-related legitimate business or service  
6 provider, or to an owner or operator of real es-  
7 tate or equipment that is leased or sold to a  
8 cannabis-related legitimate business or service  
9 provider, shall not be subject to criminal, civil,  
10 or administrative forfeiture of that legal inter-  
11 est pursuant to any Federal law for providing  
12 such loan or other financial service.

13 (B) FEDERAL RESERVE BANKS AND FED-  
14 ERAL HOME LOAN BANKS.—A Federal reserve  
15 bank or Federal Home Loan Bank that has a  
16 legal interest in the collateral for a loan or an-  
17 other financial service provided to a depository  
18 institution that provides a financial service to a  
19 cannabis-related legitimate business or service  
20 provider, or to an owner or operator of real es-  
21 tate or equipment that is leased or sold to a  
22 cannabis-related legitimate business or service  
23 provider, shall not be subject to criminal, civil,  
24 or administrative forfeiture of that legal inter-



1 est pursuant to any Federal law for providing  
2 such loan or other financial service.

3 (e) RULES OF CONSTRUCTION.—

4 (1) NO REQUIREMENT TO PROVIDE FINANCIAL  
5 SERVICES.—Nothing in this section shall require a  
6 depository institution, entity performing a financial  
7 service for or in association with a depository insti-  
8 tution, or insurer to provide financial services to a  
9 cannabis-related legitimate business, service pro-  
10 vider, or any other business.

11 (2) GENERAL EXAMINATION, SUPERVISORY,  
12 AND ENFORCEMENT AUTHORITY.—Nothing in this  
13 section may be construed in any way as limiting or  
14 otherwise restricting the general examination, super-  
15 visory, and enforcement authority of the Federal  
16 banking regulators, provided that the basis for any  
17 supervisory or enforcement action is not the provi-  
18 sion of financial services to a cannabis-related legiti-  
19 mate business or service provider.

20 (f) REQUIREMENTS FOR FILING SUSPICIOUS ACTIV-  
21 ITY REPORTS.—Section 5318(g) of title 31, United States  
22 Code, is amended by adding at the end the following:

23 “(5) REQUIREMENTS FOR CANNABIS-RELATED  
24 LEGITIMATE BUSINESSES.—

1           “(A) IN GENERAL.—With respect to a fi-  
2           nancial institution or any director, officer, em-  
3           ployee, or agent of a financial institution that  
4           reports a suspicious transaction pursuant to  
5           this subsection, if the reason for the report re-  
6           lates to a cannabis-related legitimate business  
7           or service provider, the report shall comply with  
8           appropriate guidance issued by the Financial  
9           Crimes Enforcement Network. The Secretary  
10          shall ensure that the guidance is consistent with  
11          the purpose and intent of the SAFE Banking  
12          Act of 2020 and does not significantly inhibit  
13          the provision of financial services to a cannabis-  
14          related legitimate business or service provider in  
15          a State, political subdivision of a State, or In-  
16          dian country that has allowed the cultivation,  
17          production, manufacture, transportation, dis-  
18          play, dispensing, distribution, sale, or purchase  
19          of cannabis pursuant to law or regulation of  
20          such State, political subdivision, or Indian  
21          Tribe that has jurisdiction over the Indian  
22          country.

23           “(B) DEFINITIONS.—For purposes of this  
24          paragraph:

1           “(i) CANNABIS.—The term ‘cannabis’  
2           has the meaning given the term ‘mari-  
3           huana’ in section 102 of the Controlled  
4           Substances Act (21 U.S.C. 802).

5           “(ii) CANNABIS-RELATED LEGITIMATE  
6           BUSINESS.—The term ‘cannabis-related le-  
7           gitimate business’ has the meaning given  
8           that term in subsection (n) of the SAFE  
9           Banking Act of 2020.

10           “(iii) INDIAN COUNTRY.—The term  
11           ‘Indian country’ has the meaning given  
12           that term in section 1151 of title 18.

13           “(iv) INDIAN TRIBE.—The term ‘In-  
14           dian Tribe’ has the meaning given that  
15           term in section 102 of the Federally Rec-  
16           ognized Indian Tribe List Act of 1994 (25  
17           U.S.C. 479a).

18           “(v) FINANCIAL SERVICE.—The term  
19           ‘financial service’ has the meaning given  
20           that term in subsection (n) of the SAFE  
21           Banking Act of 2020.

22           “(vi) SERVICE PROVIDER.—The term  
23           ‘service provider’ has the meaning given  
24           that term in subsection (n) of the SAFE  
25           Banking Act of 2020.

1           “(vii) STATE.—The term ‘State’  
2           means each of the several States, the Dis-  
3           trict of Columbia, Puerto Rico, and any  
4           territory or possession of the United  
5           States.”.

6           (g) GUIDANCE AND EXAMINATION PROCEDURES.—  
7           Not later than 180 days after the date of enactment of  
8           this Act, the Financial Institutions Examination Council  
9           shall develop uniform guidance and examination proce-  
10          dures for depository institutions that provide financial  
11          services to cannabis-related legitimate businesses and  
12          service providers.

13          (h) ANNUAL DIVERSITY AND INCLUSION REPORT.—  
14          The Federal banking regulators shall issue an annual re-  
15          port to Congress containing—

16                (1) information and data on the availability of  
17                access to financial services for minority-owned and  
18                women-owned cannabis-related legitimate businesses;  
19                and

20                (2) any regulatory or legislative recommenda-  
21                tions for expanding access to financial services for  
22                minority-owned and women-owned cannabis-related  
23                legitimate businesses.

24          (i) GAO STUDY ON DIVERSITY AND INCLUSION.—

1           (1) STUDY.—The Comptroller General of the  
2 United States shall carry out a study on the barriers  
3 to marketplace entry, including in the licensing proc-  
4 ess, and the access to financial services for potential  
5 and existing minority-owned and women-owned can-  
6 nabis-related legitimate businesses.

7           (2) REPORT.—The Comptroller General shall  
8 issue a report to the Congress—

9                   (A) containing all findings and determina-  
10 tions made in carrying out the study required  
11 under paragraph (1); and

12                   (B) containing any regulatory or legislative  
13 recommendations for removing barriers to mar-  
14 ketplace entry, including in the licensing proc-  
15 ess, and expanding access to financial services  
16 for potential and existing minority-owned and  
17 women-owned cannabis-related legitimate busi-  
18 nesses.

19           (j) GAO STUDY ON EFFECTIVENESS OF CERTAIN  
20 REPORTS ON FINDING CERTAIN PERSONS.—Not later  
21 than 2 years after the date of the enactment of this Act,  
22 the Comptroller General of the United States shall carry  
23 out a study on the effectiveness of reports on suspicious  
24 transactions filed pursuant to section 5318(g) of title 31,  
25 United States Code, at finding individuals or organiza-

1 tions suspected or known to be engaged with transnational  
2 criminal organizations and whether any such engagement  
3 exists in a State, political subdivision, or Indian Tribe that  
4 has jurisdiction over Indian country that allows the cul-  
5 tivation, production, manufacture, sale, transportation,  
6 display, dispensing, distribution, or purchase of cannabis.  
7 The study shall examine reports on suspicious trans-  
8 actions as follows:

9 (1) During the period of 2014 until the date of  
10 the enactment of this Act, reports relating to mari-  
11 juana-related businesses.

12 (2) During the 1-year period after date of the  
13 enactment of this Act, reports relating to cannabis-  
14 related legitimate businesses.

15 (k) BANKING SERVICES FOR HEMP BUSINESSES.—

16 (1) FINDINGS.—The Congress finds that—

17 (A) the Agriculture Improvement Act of  
18 2018 (Public Law 115–334) legalized hemp by  
19 removing it from the definition of “marihuana”  
20 under the Controlled Substances Act;

21 (B) despite the legalization of hemp, some  
22 hemp businesses (including producers, manufac-  
23 turers, and retailers) continue to have difficulty  
24 gaining access to banking products and serv-  
25 ices; and

1 (C) businesses involved in the sale of  
2 hemp-derived cannabidiol (“CBD”) products  
3 are particularly affected, due to confusion about  
4 their legal status.

5 (2) FEDERAL BANKING REGULATOR HEMP  
6 BANKING GUIDANCE.—Not later than the end of the  
7 90-day period beginning on the date of enactment of  
8 this Act, the Federal banking regulators shall jointly  
9 issue guidance to financial institutions—

10 (A) confirming the legality of hemp, hemp-  
11 derived CBD products, and other hemp-derived  
12 cannabinoid products, and the legality of engag-  
13 ing in financial services with businesses selling  
14 hemp, hemp-derived CBD products, and other  
15 hemp-derived cannabinoid products, after the  
16 enactment of the Agriculture Improvement Act  
17 of 2018; and

18 (B) to provide recommended best practices  
19 for financial institutions to follow when pro-  
20 viding financial services and merchant proc-  
21 essing services to businesses involved in the sale  
22 of hemp, hemp-derived CBD products, and  
23 other hemp-derived cannabinoid products.

1           (3) FINANCIAL INSTITUTION DEFINED.—In this  
2           section, the term “financial institution” means any  
3           person providing financial services.

4           (1) APPLICATION OF SAFE HARBORS TO HEMP AND  
5           CBD PRODUCTS.—

6           (1) IN GENERAL.—Except as provided under  
7           paragraph (2), the provisions of this section (other  
8           than subsections (f) and (j)) shall apply to hemp (in-  
9           cluding hemp-derived cannabidiol and other hemp-  
10          derived cannabinoid products) in the same manner  
11          as such provisions apply to cannabis.

12          (2) RULE OF APPLICATION.—In applying the  
13          provisions of this section described under paragraph  
14          (1) to hemp, the definition of “cannabis-related le-  
15          gitimate business” shall be treated as excluding any  
16          requirement to engage in activity pursuant to the  
17          law of a State or political subdivision thereof.

18          (3) HEMP DEFINED.—In this subsection, the  
19          term “hemp” has the meaning given that term  
20          under section 297A of the Agricultural Marketing  
21          Act of 1946 (7 U.S.C. 1639o).

22          (m) REQUIREMENTS FOR DEPOSIT ACCOUNT TERMI-  
23          NATION REQUESTS AND ORDERS.—

24          (1) TERMINATION REQUESTS OR ORDERS MUST  
25          BE VALID.—



1 (A) IN GENERAL.—An appropriate Federal  
2 banking agency may not formally or informally  
3 request or order a depository institution to ter-  
4minate a specific customer account or group of  
5 customer accounts or to otherwise restrict or  
6 discourage a depository institution from enter-  
7ing into or maintaining a banking relationship  
8 with a specific customer or group of customers  
9 unless—

10 (i) the agency has a valid reason for  
11 such request or order; and

12 (ii) such reason is not based solely on  
13 reputation risk.

14 (B) TREATMENT OF NATIONAL SECURITY  
15 THREATS.—If an appropriate Federal banking  
16 agency believes a specific customer or group of  
17 customers is, or is acting as a conduit for, an  
18 entity which—

19 (i) poses a threat to national security;

20 (ii) is involved in terrorist financing;

21 (iii) is an agency of the Government  
22 of Iran, North Korea, Syria, or any coun-  
23 try listed from time to time on the State  
24 Sponsors of Terrorism list;

1 (iv) is located in, or is subject to the  
2 jurisdiction of, any country specified in  
3 clause (iii); or

4 (v) does business with any entity de-  
5 scribed in clause (iii) or (iv), unless the ap-  
6 propriate Federal banking agency deter-  
7 mines that the customer or group of cus-  
8 tomers has used due diligence to avoid  
9 doing business with any entity described in  
10 clause (iii) or (iv),

11 such belief shall satisfy the requirement under  
12 subparagraph (A).

13 (2) NOTICE REQUIREMENT.—

14 (A) IN GENERAL.—If an appropriate Fed-  
15 eral banking agency formally or informally re-  
16 quests or orders a depository institution to ter-  
17 minate a specific customer account or a group  
18 of customer accounts, the agency shall—

19 (i) provide such request or order to  
20 the institution in writing; and

21 (ii) accompany such request or order  
22 with a written justification for why such  
23 termination is needed, including any spe-  
24 cific laws or regulations the agency believes

1 are being violated by the customer or  
2 group of customers, if any.

3 (B) JUSTIFICATION REQUIREMENT.—A  
4 justification described under subparagraph  
5 (A)(ii) may not be based solely on the reputa-  
6 tion risk to the depository institution.

7 (3) CUSTOMER NOTICE.—

8 (A) NOTICE REQUIRED.—Except as pro-  
9 vided under subparagraph (B) or as otherwise  
10 prohibited from being disclosed by law, if an ap-  
11 propriate Federal banking agency orders a de-  
12 pository institution to terminate a specific cus-  
13 tomer account or a group of customer accounts,  
14 the depository institution shall inform the spe-  
15 cific customer or group of customers of the jus-  
16 tification for the customer's account termi-  
17 nation described under paragraph (2).

18 (B) NOTICE PROHIBITED.—

19 (i) NOTICE PROHIBITED IN CASES OF  
20 NATIONAL SECURITY.—If an appropriate  
21 Federal banking agency requests or orders  
22 a depository institution to terminate a spe-  
23 cific customer account or a group of cus-  
24 tomer accounts based on a belief that the  
25 customer or customers pose a threat to na-

1 tional security, or are otherwise described  
2 under subsection (a)(2), neither the deposi-  
3 tory institution nor the appropriate Fed-  
4 eral banking agency may inform the cus-  
5 tomer or customers of the justification for  
6 the customer's account termination.

7 (ii) NOTICE PROHIBITED IN OTHER  
8 CASES.—If an appropriate Federal banking  
9 agency determines that the notice required  
10 under subparagraph (A) may interfere  
11 with an authorized criminal investigation,  
12 neither the depository institution nor the  
13 appropriate Federal banking agency may  
14 inform the specific customer or group of  
15 customers of the justification for the cus-  
16 tomer's account termination.

17 (4) REPORTING REQUIREMENT.—Each appro-  
18 priate Federal banking agency shall issue an annual  
19 report to the Congress stating—

20 (A) the aggregate number of specific cus-  
21 tomer accounts that the agency requested or or-  
22 dered a depository institution to terminate dur-  
23 ing the previous year; and

24 (B) the legal authority on which the agen-  
25 cy relied in making such requests and orders

1 and the frequency on which the agency relied  
2 on each such authority.

3 (5) DEFINITIONS.—For purposes of this sub-  
4 section:

5 (A) APPROPRIATE FEDERAL BANKING  
6 AGENCY.—The term “appropriate Federal  
7 banking agency” means—

8 (i) the appropriate Federal banking  
9 agency, as defined under section 3 of the  
10 Federal Deposit Insurance Act (12 U.S.C.  
11 1813); and

12 (ii) the National Credit Union Admin-  
13 istration, in the case of an insured credit  
14 union.

15 (B) DEPOSITORY INSTITUTION.—The term  
16 “depository institution” means—

17 (i) a depository institution, as defined  
18 under section 3 of the Federal Deposit In-  
19 surance Act (12 U.S.C. 1813); and

20 (ii) an insured credit union.

21 (n) DEFINITIONS.—In this section:

22 (1) BUSINESS OF INSURANCE.—The term  
23 “business of insurance” has the meaning given such  
24 term in section 1002 of the Dodd-Frank Wall Street

1 Reform and Consumer Protection Act (12 U.S.C.  
2 5481).

3 (2) CANNABIS.—The term “cannabis” has the  
4 meaning given the term “marihuana” in section 102  
5 of the Controlled Substances Act (21 U.S.C. 802).

6 (3) CANNABIS PRODUCT.—The term “cannabis  
7 product” means any article which contains cannabis,  
8 including an article which is a concentrate, an edi-  
9 ble, a tincture, a cannabis-infused product, or a top-  
10 ical.

11 (4) CANNABIS-RELATED LEGITIMATE BUSI-  
12 NESS.—The term “cannabis-related legitimate busi-  
13 ness” means a manufacturer, producer, or any per-  
14 son or company that—

15 (A) engages in any activity described in  
16 subparagraph (B) pursuant to a law established  
17 by a State or a political subdivision of a State,  
18 as determined by such State or political subdivi-  
19 sion; and

20 (B) participates in any business or orga-  
21 nized activity that involves handling cannabis or  
22 cannabis products, including cultivating, pro-  
23 ducing, manufacturing, selling, transporting,  
24 displaying, dispensing, distributing, or pur-  
25 chasing cannabis or cannabis products.

1 (5) DEPOSITORY INSTITUTION.—The term “de-  
2 pository institution” means—

3 (A) a depository institution as defined in  
4 section 3(c) of the Federal Deposit Insurance  
5 Act (12 U.S.C. 1813(c));

6 (B) a Federal credit union as defined in  
7 section 101 of the Federal Credit Union Act  
8 (12 U.S.C. 1752); or

9 (C) a State credit union as defined in sec-  
10 tion 101 of the Federal Credit Union Act (12  
11 U.S.C. 1752).

12 (6) FEDERAL BANKING REGULATOR.—The  
13 term “Federal banking regulator” means each of the  
14 Board of Governors of the Federal Reserve System,  
15 the Bureau of Consumer Financial Protection, the  
16 Federal Deposit Insurance Corporation, the Federal  
17 Housing Finance Agency, the Financial Crimes En-  
18 forcement Network, the Office of Foreign Asset  
19 Control, the Office of the Comptroller of the Cur-  
20 rency, the National Credit Union Administration,  
21 the Department of the Treasury, or any Federal  
22 agency or department that regulates banking or fi-  
23 nancial services, as determined by the Secretary of  
24 the Treasury.

1 (7) FINANCIAL SERVICE.—The term “financial  
2 service”—

3 (A) means a financial product or service,  
4 as defined in section 1002 of the Dodd-Frank  
5 Wall Street Reform and Consumer Protection  
6 Act (12 U.S.C. 5481);

7 (B) includes the business of insurance;

8 (C) includes, whether performed directly or  
9 indirectly, the authorizing, processing, clearing,  
10 settling, billing, transferring for deposit, trans-  
11 mitting, delivering, instructing to be delivered,  
12 reconciling, collecting, or otherwise effectuating  
13 or facilitating of payments or funds, where such  
14 payments or funds are made or transferred by  
15 any means, including by the use of credit cards,  
16 debit cards, other payment cards, or other ac-  
17 cess devices, accounts, original or substitute  
18 checks, or electronic funds transfers;

19 (D) includes acting as a money transmit-  
20 ting business which directly or indirectly makes  
21 use of a depository institution in connection  
22 with effectuating or facilitating a payment for  
23 a cannabis-related legitimate business or service  
24 provider in compliance with section 5330 of



1 title 31, United States Code, and any applicable  
2 State law; and

3 (E) includes acting as an armored car  
4 service for processing and depositing with a de-  
5 pository institution or a Federal reserve bank  
6 with respect to any monetary instruments (as  
7 defined under section 1956(e)(5) of title 18,  
8 United States Code.

9 (8) INDIAN COUNTRY.—The term “Indian coun-  
10 try” has the meaning given that term in section  
11 1151 of title 18.

12 (9) INDIAN TRIBE.—The term “Indian Tribe”  
13 has the meaning given that term in section 102 of  
14 the Federally Recognized Indian Tribe List Act of  
15 1994 (25 U.S.C. 479a).

16 (10) INSURER.—The term “insurer” has the  
17 meaning given that term under section 313(r) of  
18 title 31, United States Code.

19 (11) MANUFACTURER.—The term “manufac-  
20 turer” means a person who manufactures, com-  
21 pounds, converts, processes, prepares, or packages  
22 cannabis or cannabis products.

23 (12) PRODUCER.—The term “producer” means  
24 a person who plants, cultivates, harvests, or in any  
25 way facilitates the natural growth of cannabis.

1 (13) SERVICE PROVIDER.—The term “service  
2 provider”—

3 (A) means a business, organization, or  
4 other person that—

5 (i) sells goods or services to a can-  
6 nabis-related legitimate business; or

7 (ii) provides any business services, in-  
8 cluding the sale or lease of real or any  
9 other property, legal or other licensed serv-  
10 ices, or any other ancillary service, relating  
11 to cannabis; and

12 (B) does not include a business, organiza-  
13 tion, or other person that participates in any  
14 business or organized activity that involves han-  
15 dling cannabis or cannabis products, including  
16 cultivating, producing, manufacturing, selling,  
17 transporting, displaying, dispensing, distrib-  
18 uting, or purchasing cannabis or cannabis prod-  
19 ucts.

20 (14) STATE.—The term “State” means each of  
21 the several States, the District of Columbia, Puerto  
22 Rico, and any territory or possession of the United  
23 States.

24 (o) DISCRETIONARY SURPLUS FUNDS.—Section  
25 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C.

1 289(a)(3)(A) is amended by striking “\$6,825,000,000”  
2 and inserting “\$6,821,000,000”.

3 **SEC. 607. SUPPORT FOR RESTAURANTS.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “Real Economic Support That Acknowledges Unique Res-  
6 taurant Assistance Needed To Survive Act of 2020” or  
7 the “RESTAURANTS Act of 2020”.

8 (b) **DEFINITIONS.**—In this section:

9 (1) **COVERED PERIOD.**—The term “covered pe-  
10 riod” means the period beginning on February 15,  
11 2020, and ending on June 30, 2021.

12 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-  
13 ty”—

14 (A) means a restaurant, food stand, food  
15 truck, food cart, caterer, saloon, inn, tavern,  
16 bar, lounge, brewpub, tasting room, taproom, li-  
17 censed facility, or premise of a beverage alcohol  
18 producer where the public may taste, sample or  
19 purchase products, or other similar place of  
20 business—

21 (i) in which the public or patrons as-  
22 semble for the primary purpose of being  
23 served food or drink; and

24 (ii) that, as of March 13, 2020, is not  
25 part of a chain or franchise with more

1 than 20 locations doing business under the  
2 same name, regardless of the type of own-  
3 ership of the locations;

4 (B) means an entity that is located in an  
5 airport terminal and that, as of March 13,  
6 2020, sold any food and beverage, if, as of  
7 March 13, 2020, the entity is not part of a  
8 chain or franchise with more than 20 locations  
9 doing business under the same name, regardless  
10 of the type of ownership of the locations; and

11 (C) does not include an entity described in  
12 subparagraph (A) or (B) that is—

13 (i) publicly-traded, including a sub-  
14 sidiary or affiliate thereof; or

15 (ii) part of a State or local govern-  
16 ment facility, not including an airport.

17 (3) FUND.—The term “Fund” means the Res-  
18 taurant Revitalization Fund established under sec-  
19 tion subsection (c).

20 (4) IMMEDIATE FAMILY MEMBER.—With re-  
21 spect to an individual, the term “immediate family  
22 member” means any parent or child of the indi-  
23 vidual.

24 (5) PAYROLL COSTS.—The term “payroll costs”  
25 has the meaning given the term in section

1 7(a)(36)(A) of the Small Business Act (15 U.S.C.  
2 636(a)(36)(A)).

3 (6) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Treasury.

5 (c) ESTABLISHMENT OF A RESTAURANT REVITAL-  
6 IZATION FUND.—

7 (1) IN GENERAL.—There is established in the  
8 Treasury of the United States a fund to be known  
9 as the Restaurant Revitalization Fund.

10 (2) APPROPRIATIONS.—

11 (A) IN GENERAL.—There is appropriated  
12 to the Fund, out of amounts in the Treasury  
13 not otherwise appropriated, \$120,000,000,000,  
14 to remain available until June 30, 2021.

15 (B) REMAINDER TO TREASURY.—Any  
16 amounts remaining in the Fund after June 30,  
17 2021 shall be deposited in the general fund of  
18 the Treasury.

19 (3) USE OF FUNDS.—The Secretary shall use  
20 amounts in the Fund to make grants described in  
21 section subsection (d).

22 (d) RESTAURANT REVITALIZATION GRANTS.—

23 (1) IN GENERAL.—The Secretary shall award  
24 grants to eligible entities in the order in which the  
25 application is received by the Secretary.

1           (2) REGISTRATION.—The Secretary shall reg-  
2           ister each grant awarded under this subsection using  
3           the employer identification number of the eligible en-  
4           tity.

5           (3) APPLICATION.—

6                   (A) IN GENERAL.—An eligible entity desir-  
7                   ing a grant under this subsection shall submit  
8                   to the Secretary an application at such time, in  
9                   such manner, and containing such information  
10                  as the Secretary may require.

11                  (B) CERTIFICATION.—An eligible entity  
12                  applying for a grant under this subsection shall  
13                  make a good faith certification—

14                           (i) that the uncertainty of current eco-  
15                           nomic conditions makes necessary the  
16                           grant request to support the ongoing oper-  
17                           ations of the eligible entity;

18                           (ii) acknowledging that funds will be  
19                           used to retain workers, for payroll costs,  
20                           and for other allowable expenses described  
21                           in paragraph (5) and not for any other  
22                           purposes;

23                           (iii) that the eligible entity does not  
24                           have an application pending for a grant  
25                           under subsection (a)(36) or (b)(2) of sec-

1                   tion 7 of the Small Business Act (15  
2                   U.S.C. 636) for the same purpose and that  
3                   is duplicative of amounts applied for or re-  
4                   ceived under this section; and

5                   (iv) during the covered period, that  
6                   the eligible entity has not received amounts  
7                   under subsection (a)(36) or (b)(2) of sec-  
8                   tion 7 of the Small Business Act (15  
9                   U.S.C. 636) for the same purpose and that  
10                  is duplicative of amounts applied for or re-  
11                  ceived under this section.

12                  (C) HOLD HARMLESS.—An eligible entity  
13                  applying for a grant under this subsection shall  
14                  not be ineligible for a grant if the eligible entity  
15                  is able to document—

16                  (i) an inability to rehire individuals  
17                  who were employees of the eligible entity  
18                  on February 15, 2020; and

19                  (ii) an inability to hire similarly quali-  
20                  fied employees for unfilled positions on or  
21                  before June 30, 2021.

22                  (4) PRIORITY IN AWARDING GRANTS.—During  
23                  the initial 14-day period in which the Secretary  
24                  awards grants under this subsection, the Secretary  
25                  shall—

1 (A) prioritize awarding grants to  
2 marginalized and underrepresented commu-  
3 nities, with a focus on women- and minority-  
4 owned, and women- and minority-operated eligi-  
5 ble entities; and

6 (B) only award grants to eligible entities  
7 with annual revenues of less than \$1,500,000.

8 (5) GRANT AMOUNT.—

9 (A) DETERMINATION OF GRANT  
10 AMOUNT.—

11 (i) IN GENERAL.—The amount of a  
12 grant made to an eligible entity under this  
13 subsection shall be equal to—

14 (I) the sum of the revenues or es-  
15 timated revenues of the eligible entity  
16 during each calendar quarter in 2020  
17 subtracted from the sum of such reve-  
18 nues during the same calendar quar-  
19 ter in 2019, if such sum is greater  
20 than zero; and

21 (II) if applicable, the additional  
22 amount required to pay for sick leave  
23 described under clause (ii).

24 (ii) SICK LEAVE.—An eligible entity  
25 applying for a grant under this section—



1 (I) may request an additional  
2 grant amount based on the amount  
3 required to provide 10 days of paid  
4 sick leave to each employee of the en-  
5 tity to—

6 (aa) care for themselves or  
7 an immediate family member who  
8 is ill; or

9 (bb) provide care for chil-  
10 dren when schools or childcare  
11 providers are shut down due to  
12 COVID-19; and

13 (II) shall, if provided a grant  
14 under this section that includes an ad-  
15 ditional amount for sick leave de-  
16 scribed under subclause (I), provide  
17 each employee of the entity with such  
18 10 days of paid sick leave.

19 (iii) VERIFICATION.—An eligible enti-  
20 ty shall submit to the Secretary such rev-  
21 enue verification documentation as the  
22 Secretary may require to determine the  
23 amount of a grant under clause (i).

24 (iv) REPAYMENT.—Any amount of a  
25 grant made under this subsection to an eli-

1           eligible entity based on estimated revenues in  
2           a calendar quarter in 2020 that is greater  
3           than the actual revenues of the eligible en-  
4           tity during that calendar quarter shall be  
5           converted to a loan that has—

6                           (I) an interest rate of 1 percent;

7                           and

8                           (II) a maturity date of 10 years  
9                           beginning on January 1, 2021.

10           (B) REDUCTION BASED ON PPP FORGIVE-  
11           NESS OR EIDL EMERGENCY GRANT.—If an eligi-  
12           ble entity has, at the time of application for a  
13           grant under this subsection, received an ad-  
14           vance under section 1110(e) of the CARES Act  
15           (15 U.S.C. 9009(e)) or loan forgiveness under  
16           section 1106 of such Act (15 U.S.C. 9005) re-  
17           lated to expenses incurred during the covered  
18           period, the maximum amount of a grant award-  
19           ed to the eligible entity under this subsection  
20           shall be reduced by the amount of funds ex-  
21           pended by or forgiven for the eligible entity for  
22           those expenses using amounts received under  
23           such section 1110(e) or forgiven under such  
24           section 1106.

1 (C) LIMITATION.—An eligible entity may  
2 not receive more than 1 grant under this sub-  
3 section.

4 (6) USE OF FUNDS.—

5 (A) IN GENERAL.—During the covered pe-  
6 riod, an eligible entity that receives a grant  
7 under this subsection may use the grant funds  
8 for—

9 (i) payroll costs;

10 (ii) payments of principal or interest  
11 on any mortgage obligation;

12 (iii) rent payments, including rent  
13 under a lease agreement;

14 (iv) utilities;

15 (v) maintenance, including construc-  
16 tion to accommodate outdoor seating;

17 (vi) supplies, including protective  
18 equipment and cleaning materials;

19 (vii) food, beverage, and operational  
20 expenses that are within the scope of the  
21 normal business practice of the eligible en-  
22 tity before the covered period;

23 (viii) debt obligations to suppliers that  
24 were incurred before the covered period;

1 (ix) costs associated with providing  
2 employees with 10 days of sick leave, as  
3 described under paragraph (5)(A)(ii); and

4 (x) any other expenses that the Sec-  
5 retary determines to be essential to main-  
6 taining the eligible entity.

7 (B) RETURNING FUNDS.—If an eligible en-  
8 tity that receives a grant under this subsection  
9 permanently ceases operations on or before  
10 June 30, 2021, the eligible entity shall return  
11 to the Treasury any funds that the eligible enti-  
12 ty did not use for the allowable expenses under  
13 subparagraph (A).

14 (C) CONVERSION TO LOAN.—Any grant  
15 amounts received by an eligible entity under  
16 this subsection that are unused after June 30,  
17 2021, shall be immediately converted to a loan  
18 with—

19 (i) an interest rate of 1 percent; and

20 (ii) a maturity date of 10 years.

21 (7) REGULATIONS.—Not later than 15 days  
22 after the date of enactment of this Act, the Sec-  
23 retary shall issue regulations to carry out this sub-  
24 section without regard to the notice and comment

1 requirements under section 553 of title 5, United  
2 States Code.

3 (8) APPROPRIATIONS FOR STAFFING AND AD-  
4 MINISTRATIVE EXPENSES.—

5 (A) IN GENERAL.—Of the amounts pro-  
6 vided by paragraph (2)(A), \$300,000,000 shall  
7 be for staffing and administrative expenses re-  
8 lated to administering grants awarded under  
9 this subsection.

10 (B) SET ASIDE.—Of amounts provided  
11 under subparagraph (A), \$60,000,000 shall be  
12 allocated for outreach to traditionally  
13 marginalized and underrepresented commu-  
14 nities, with a focus on women, veteran, and mi-  
15 nority-owned and operated eligible entities, in-  
16 cluding the creation of a resource center tar-  
17 geted toward these communities.

18 (e) LIMITATION WITH RESPECT TO PRIVATE  
19 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  
23 fees, interest payments, or any other fees, expenses,  
24 or 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,  
13 directly or indirectly, received amounts under this  
14 title may pay any distributions, dividends, consulting  
15 fees, advisory fees, interest payments, or any other  
16 fees, expenses, or charges in excess of 10 percent of  
17 such company's net operating profits for the cal-  
18 endar year ending December 31, 2020 (and for each  
19 successive year until the covered period has ended  
20 and all loans created under this section have been  
21 repaid) to—

22 (A) a person registered as an investment  
23 adviser under the Investment Advisers Act of  
24 1940 who advises a private fund;

25 (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 execu-  
22 tive 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 FIND.—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  
8 seq.), but for section 3(c)(1) or 3(c)(7) of that  
9 Act.

10 (f) DEMOGRAPHIC DATA AND TRANSPARENCY.—

11 (1) DEMOGRAPHIC DATA.—In establishing an  
12 application process for carrying out this section, the  
13 Secretary shall include a voluntary request for cer-  
14 tain demographic data with respect to the majority  
15 ownership of eligible entities, including race, eth-  
16 nicity, gender, and veteran-status.

17 (2) MONTHLY REPORTS.—Not later than the  
18 end of the first month in which initial grants are  
19 disbursed under this section, and every month there-  
20 after until the date on which the last grant has been  
21 disbursed under this section, the Secretary shall sub-  
22 mit to the Committee on Financial Services of the  
23 House of Representatives and the Committee on  
24 Banking, Housing, and Urban Affairs of the Senate  
25 a report providing the number and dollar amount of



1 grants approved for or disbursed to all eligible enti-  
2 ties, including a list of eligible entities with the  
3 grant amount they received, and a breakout of the  
4 number and dollar of grants by State, congressional  
5 district, demographics (including race, ethnicity,  
6 gender, and veteran-status), and business type.

7 (3) QUARTERLY REPORTS.— Beginning on Jan-  
8 uary 1, 2021, and every subsequent quarter until  
9 the last grant that was converted to a loan under  
10 this section is repaid, the Secretary shall submit to  
11 the Committee on Financial Services of the House of  
12 Representatives and the Committee on Banking,  
13 Housing, and Urban Affairs of the Senate a report  
14 on the number and dollar amount of grants ap-  
15 proved for or disbursed to all eligible entities, includ-  
16 ing a breakout of grants by State, congressional dis-  
17 trict, demographics (including race, ethnicity, gen-  
18 der, and veteran-status), and business type, as well  
19 as the number and dollar amount of grants that con-  
20 verted to loans under this section, including a break-  
21 out of outstanding loans by State, congressional dis-  
22 trict, demographics (including race, ethnicity, gen-  
23 der, and veteran-status), and business type.

24 (4) DATA TRANSPARENCY.—Not later than 30  
25 days after the date of enactment of this Act, the

1 Secretary shall make available on a publicly available  
2 website in a standardized and downloadable format,  
3 and update on a monthly basis, any data contained  
4 in a report submitted under this section.

5 **SEC. 608. CODIFICATION OF THE MINORITY BUSINESS DE-**  
6 **VELOPMENT ADMINISTRATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATION.—The term “Administra-  
9 tion” means the Minority Business Development Ad-  
10 ministration.

11 (2) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the Minority  
13 Business Development Administration.

14 (3) COVERED ENTITY.—The term “covered en-  
15 tity” means a private nonprofit organization that—

16 (A) is described in section 501(c)(3) of the  
17 Internal Revenue Code of 1986 and exempt  
18 from tax under section 501(a) of such Code;

19 (B) can demonstrate to the Administration  
20 that—

21 (i) the primary mission of the organi-  
22 zation is to provide services to minority  
23 business enterprises, whether through edu-  
24 cation, making grants, or other similar ac-  
25 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  
7                   compared with the year preceding the year in  
8                   which this Act is enacted, including through  
9                   events or 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 per-  
14                  son in the United States or the territories of the  
15                  United States.

16                  (5) MINORITY BUSINESS DEVELOPMENT CEN-  
17                  TER.—The term “minority business development  
18                  center” means a Business Center of the Administra-  
19                  tion, including its Specialty Center Program.

20                  (6) MINORITY BUSINESS ENTERPRISE.—The  
21                  term “minority business enterprise” means a for-  
22                  profit 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  
2 operations of which are controlled by 1 or more  
3 minority individuals.

4 (b) MINORITY BUSINESS DEVELOPMENT ADMINIS-  
5 TRATION.—

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 Depart-  
14 ment of Commerce shall be functions of the Ad-  
15 ministration.

16 (C) TRANSFER OF ASSETS.—So much of  
17 the personnel, property, records, and unex-  
18 pended balances of appropriations, allocations,  
19 and other funds employed, used, held, available,  
20 or to be made available in connection with a  
21 function transferred under subparagraph (B)  
22 shall be available to the Administration for use  
23 in connection 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 docu-  
2           ment of or pertaining to the Minority Business  
3           Development Agency of the Department of  
4           Commerce is deemed to refer to the Adminis-  
5           tration.

6           (2) ADMINISTRATOR.—

7                 (A) APPOINTMENT AND DUTIES.—The Ad-  
8           ministration shall be headed by an Adminis-  
9           trator, who shall be—

10                         (i) appointed by the President, by and  
11                         with the advice and consent of the Senate;

12                         and

13                         (ii) except as otherwise expressly pro-  
14                         vided, responsible for the administration of  
15                         this Act.

16                 (B) COMPENSATION.—The Administrator  
17           shall be compensated at an annual rate of basic  
18           pay prescribed for level IV of the Executive  
19           Schedule under section 5315 of title 5, United  
20           States Code.

21                 (C) TRANSITION PERIOD.—The individual  
22           serving as the Director of the Minority Busi-  
23           ness Development Agency on the day before the  
24           date of enactment of this Act shall serve as the  
25           Administrator 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  
4 120 days after the date of enactment of this Act, the  
5 Administrator shall submit to Congress a report that  
6 describes the organizational structure of the Admin-  
7 istration.

8 (4) ADMINISTRATIVE POWERS AND OTHER POW-  
9 ERS OF THE ADMINISTRATION; MISCELLANEOUS  
10 PROVISIONS.—

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  
15 take testimony as the Administrator may  
16 determine 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  
2 Offices of Small and Disadvantaged Busi-  
3 ness 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  
7 Federal agencies in direct support of the  
8 development of minority business enter-  
9 prises 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  
22 or 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  
20           SUPPORT 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 desir-  
9 ing a grant under this subsection shall submit  
10 to the Administration an application at such  
11 time, in such manner, and containing such in-  
12 formation as the Administration may require.

13 (B) PRIORITY.—The Administration  
14 shall—

15 (i) establish selection criteria to en-  
16 sure that, if the amounts made available to  
17 carry out this subsection are not sufficient  
18 to make a grant under this subsection to  
19 every covered entity that submits an appli-  
20 cation under subparagraph (A), the cov-  
21 ered entities that are the most severely af-  
22 fected by the effects of COVID–19 receive  
23 priority with respect to those grants; and

24 (ii) give priority with respect to the  
25 grants made under this subsection to a

1 covered entity that proposes to use the  
2 grant funds for—

3 (I) providing paid sick leave to  
4 employees of the covered entity who  
5 are unable to work due to the direct  
6 effects 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 nomic disruption with respect to  
11 COVID–19;

12 (III) making rent or mortgage  
13 payments with respect to obligations  
14 of 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  
22 this subsection shall be in an amount that is  
23 not 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  
7 the 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  
12 establish procedures to discourage and prevent  
13 waste, fraud, and abuse by applicants for, and re-  
14 cipients of, grants made under this subsection.

15 (6) NON-DUPLICATION.—The Administration  
16 shall ensure that covered entities do not receive  
17 grants under both this subsection and section 1108  
18 of the CARES Act.

19 (7) GAO AUDIT.—Not later than 180 days  
20 after the date on which the Administration begins  
21 making grants under this subsection, the Comp-  
22 troller General 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  
2           the 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  
6           30 days after the date of enactment of this Act, and  
7           once every 30 days thereafter until the date de-  
8           scribed in paragraph (11), the Administrator shall  
9           submit to 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  
15           of 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 Administra-  
22           tion shall conduct outreach to the business center  
23           network of the Administration to provide guidance  
24           to those centers regarding other Federal programs  
25           that are available to provide support to minority

1 business enterprises, including programs at the De-  
2 partment of the Treasury, the Small Business Ad-  
3 ministration, and the Economic Development Ad-  
4 ministration of the Department of Commerce.

5 (2) OUTREACH TO NATIVE COMMUNITIES.—

6 (A) IN GENERAL.—In carrying out this  
7 subsection, the Administration shall ensure that  
8 outreach is conducted in American Indian,  
9 Alaska Native, and Native Hawaiian commu-  
10 nities.

11 (B) DIRECT OUTREACH TO CERTAIN MI-  
12 NORITY BUSINESS ENTERPRISES.—If the Ad-  
13 ministrator determines that a particular Amer-  
14 ican Indian, Alaska Native, or Native Hawaiian  
15 community does not receive sufficient grant  
16 amounts under subsection (c) or section 1108  
17 of the CARES Act, the Administrator shall  
18 carry out additional outreach directly to minor-  
19 ity business enterprises located in that commu-  
20 nity to provide guidance regarding Federal pro-  
21 grams that are available to provide support to  
22 minority business enterprises.

23 (3) USE OF APPROPRIATED FUNDS.—If, after  
24 carrying out this subsection, there are remaining  
25 funds made available to carry out this subsection

1 from the amount appropriated under subsection (e),  
2 the Administration may use those remaining funds  
3 to carry out other responsibilities of the Administra-  
4 tion under subsection (c).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to the Administration, in  
7 additional to any other amounts so authorized, for the fis-  
8 cal year ending September 30, 2020, to remain available  
9 until September 30, 2021, \$60,000,000, of which—

10 (1) \$10,000,000 are authorized for carrying out  
11 subsection (c);

12 (2) \$5,000,000 are authorized for carrying out  
13 subsection (d); and

14 (3) \$10,000,000 are authorized to be allocated  
15 to the White House Initiative on Asian Americans  
16 and Pacific Islanders.

17 (f) AUDITS.—

18 (1) RECORDKEEPING REQUIREMENT.—Each re-  
19 cipient of assistance under this section shall keep  
20 such records as the Administrator shall prescribe,  
21 including records that fully disclose, with respect to  
22 the assistance received by the recipient under this  
23 section—

24 (A) the amount and nature of that assist-  
25 ance;

1 (B) the disposition by the recipient of the  
2 proceeds of that assistance;

3 (C) the total cost of the undertaking for  
4 which the assistance is given or used;

5 (D) the amount and nature of the portion  
6 of the cost of the undertaking described in sub-  
7 paragraph (C) that is supplied by a source  
8 other than the Administration; and

9 (E) any other records that will facilitate an  
10 effective audit of the assistance.

11 (2) ACCESS BY GOVERNMENT OFFICIALS.—The  
12 Administrator and the Comptroller General of the  
13 United States shall have access, for the purpose of  
14 audit, investigation, and examination, to any book,  
15 document, paper, record, or other material of a re-  
16 cipient of assistance.

17 (g) REVIEW AND REPORT BY COMPTROLLER GEN-  
18 ERAL.—Not later than 4 years after the date of enactment  
19 of this Act, the Comptroller General of the United States  
20 shall—

21 (1) conduct a thorough review of the programs  
22 carried out under this section; and

23 (2) submit to Congress a detailed report of the  
24 findings of the Comptroller General under the review

1 carried out under paragraph (1), which shall in-  
2 clude—

3 (A) an evaluation of the effectiveness of  
4 the programs in achieving the purposes of this  
5 section;

6 (B) a description of any failure by any re-  
7 cipient of assistance under this section to com-  
8 ply with the requirements under this section;  
9 and

10 (C) recommendations for any legislative or  
11 administrative action that should be taken to  
12 improve the achievement of the purposes of this  
13 section.

14 (h) ANNUAL REPORTS; RECOMMENDATIONS.—

15 (1) ANNUAL REPORT.—Not later than 90 days  
16 after the last day of each fiscal year, the Adminis-  
17 trator shall submit to Congress, and publish on the  
18 website of the Administration, a report of each activ-  
19 ity of the Administration carried out under this sec-  
20 tion during the fiscal year preceding the date on  
21 which the report is submitted.

22 (2) RECOMMENDATIONS.—The Administrator  
23 shall periodically submit to Congress and the Presi-  
24 dent recommendations for legislation or other ac-  
25 tions that the Administrator determines to be nec-



1        essary or appropriate to promote the purposes of  
2        this section.

3        (i) EXECUTIVE ORDER 11625.—The powers and du-  
4        ties of the Administration shall be determined—

5                (1) in accordance with this section and the re-  
6        quirements of this section; and

7                (2) without regard to Executive Order 11625  
8        (36 Fed. Reg. 19967; relating to prescribing addi-  
9        tional arrangements for developing and coordinating  
10       a national program for minority business enter-  
11       prise).

12       (j) AMENDMENT TO THE FEDERAL ACQUISITION  
13       STREAMLINING ACT OF 1994.—Section 7104(c) of the  
14       Federal Acquisition Streamlining Act of 1994 (15 U.S.C.  
15       644a(c)) is amended by striking paragraph (2) and insert-  
16       ing the following:

17               “(2) The Administrator of the Minority Busi-  
18       ness Development Administration.”.

19       **SEC. 609. EMERGENCY GRANTS TO MINORITY BUSINESS EN-**  
20       **TERPRISES.**

21       (a) GRANTS DURING THE COVID–19 PANDEMIC.—  
22       The Minority Business Development Agency shall provide  
23       grants to address the needs of minority business enter-  
24       prises impacted by the COVID–19 pandemic.

1 (b) RECIPIENTS.—The Agency may make grants  
2 through non-profit organizations or directly to minority  
3 business enterprises.

4 (c) PRIORITY AREAS.—In providing grants pursuant  
5 to subsection (a), the Agency shall prioritize providing as-  
6 sistance to—

7 (1) minority business enterprises that have been  
8 unable to obtain loans from the Small Business Ad-  
9 ministration’s Paycheck Protection Program and  
10 other programs established under the CARES Act;

11 (2) minority business enterprises located in low-  
12 income areas or areas that have been significantly  
13 impacted by the COVID–19 pandemic; and

14 (3) minority business enterprises that do not  
15 have access to capital and whose business is sub-  
16 stantially impaired because of the impact of stay-at-  
17 home orders implemented by State and local govern-  
18 ments due to the COVID–19 pandemic.

19 (d) TERMS AND CONDITIONS.—

20 (1) IN GENERAL.—The Secretary of Commerce,  
21 acting through the Minority Business Development  
22 Agency, shall set such terms and conditions for the  
23 grants made under this section as the Secretary de-  
24 termines appropriate.

1           (2) NOTIFICATION.—No later than 15 days  
2 prior to making any grants under this section, the  
3 Secretary, acting through the Agency, shall provide  
4 the terms and conditions for grants made under this  
5 section to the Committee on Financial Services of  
6 the House of Representatives and the Committee on  
7 Banking, Housing, and Urban Affairs of the Senate.

8           (e) GAO OVERSIGHT.—Not later than six months  
9 after the date of enactment of this Act, the Comptroller  
10 General of the United States shall provide a report on the  
11 effectiveness of the grants made under this section, includ-  
12 ing the manner in which the Agency implemented the pri-  
13 orities described in subsection (c).

14           (f) DEFINITIONS.—In this section:

15           (1) MINORITY.—The term “minority” has the  
16 meaning given the term in section 308(b) of the Fi-  
17 nancial Institutions Reform, Recovery, and Enforce-  
18 ment Act of 1989 and includes any indigenous per-  
19 son in the United States or the territories of the  
20 United States.

21           (2) MINORITY BUSINESS ENTERPRISE.—The  
22 term “minority business enterprise” means a for-  
23 profit business enterprise—

24                   (A) that is not less than 51 percent-owned  
25                   by 1 or more minority individuals; and

1 (B) the management and daily business  
2 operations of which are controlled by 1 or more  
3 minority individuals.

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated \$3,000,000,000 to carry  
6 out this section. Such funds are authorized to be appro-  
7 priated to remain available until expended.

8 **TITLE VII—PROMOTING AND AD-**  
9 **VANCING COMMUNITIES OF**  
10 **COLOR THROUGH INCLUSIVE**  
11 **LENDING**

12 **SEC. 701. SHORT TITLE.**

13 This title may be cited as the “Promoting and Ad-  
14 vancing Communities of Color through Inclusive Lending  
15 Act”.

16 **SEC. 702. FINDINGS; SENSE OF CONGRESS.**

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The Coronavirus 2019 (COVID–19) pan-  
19 demic and the resulting recession have led to more  
20 than 4.8 million cases and at least 157,000 deaths  
21 in the United States as of August 6, 2020; a 7.6  
22 percent increase in the unemployment rate from  
23 February to June, or approximately 12 million more  
24 persons who have lost their job; and an estimated 36

1 percent of renters and 4.1 million homeowners who  
2 are struggling to pay their rent and mortgages.

3 (2) According to the Centers for Disease Con-  
4 trol, “long-standing systemic health and social in-  
5 equities have put some members of racial and ethnic  
6 minority groups at increased risk of getting COVID-  
7 19 or experiencing severe illness”.

8 (3) Minority-owned businesses are also facing  
9 more difficult economic circumstances than others as  
10 a result of the COVID-19 pandemic. In April 2020,  
11 the Federal Reserve Bank of New York reported  
12 that minority- and women-owned businesses were  
13 not only more likely to show signs of limited finan-  
14 cial health, but also twice as likely to be classified  
15 as “at risk” or “distressed” than their non-minority  
16 counterparts.

17 (4) During the Coronavirus 2019 (COVID-19)  
18 pandemic, community development financial institu-  
19 tions (CDFIs) and minority depository institutions  
20 (MDIs) have delivered needed capital and relief to  
21 underserved communities, many of which have borne  
22 a disproportionate impact of the COVID-19 pan-  
23 demic. Through August 8, 2020, CDFIs and MDIs  
24 have provided more than \$16.4 billion in Paycheck  
25 Protection Program (PPP) loans to small businesses

1 with a smaller median loan size of about \$74,000  
2 compared to the overall program median loan size of  
3 \$101,000.

4 (5) In addition to establishing relief funds and  
5 services for local businesses and individuals experi-  
6 encing loss of income, CDFIs and MDIs have pro-  
7 vided mortgage forbearances, loan deferments, and  
8 modifications to help address the needs of their bor-  
9 rowers. CDFIs and MDIs are reaching underserved  
10 communities and minority-owned businesses at a  
11 critical time.

12 (6) The Community Development Financial In-  
13 stitutions Fund (CDFI Fund) is an agency of the  
14 U.S. Department of the Treasury and was estab-  
15 lished by the Riegle Community Development and  
16 Regulatory Improvement Act of 1994. The mission  
17 of the CDFI Fund is “to expand economic oppor-  
18 tunity for underserved people and communities by  
19 supporting the growth and capacity of a national  
20 network of community development lenders, inves-  
21 tors, and financial service providers”. As of Sep-  
22 tember 15, 2020, there were 1,137 certified CDFIs  
23 in all 50 States, District of Columbia, Guam, and  
24 Puerto Rico.

1           (7) Following the 2008 financial crisis and the  
2           disproportionate impact the Great Recession had on  
3           minority communities, the number of MDI banks fell  
4           more than 30 percent over the following decade, to  
5           143 as of the second quarter of 2020. Meanwhile,  
6           MDI credit unions have seen similar declines, with  
7           more than one-third of such institutions dis-  
8           appearing since 2013.

9           (b) SENSE OF CONGRESS.—The following is the sense  
10          of the Congress:

11           (1) The Department of the Treasury, Board of  
12           Governors of the Federal Reserve System, Small  
13           Business Administration (SBA), Office of the Comp-  
14           troller of the Currency, Federal Deposit Insurance  
15           Corporation, National Credit Union Administration,  
16           and other Federal agencies should take steps to sup-  
17           port, engage with, and utilize minority depository in-  
18           stitutions and community development financial in-  
19           stitutions in the near term, especially as they carry  
20           out programs to respond to the COVID–19 pan-  
21           demic, and the long term.

22           (2) The Board of Governors of the Federal Re-  
23           serve System should, consistent with its mandates,  
24           work to increase lending by minority depository in-  
25           stitutions and community development financial in-

1       stitutions to underserved communities, and when ap-  
2       propriate, should work with the Department of the  
3       Treasury to increase lending by minority depository  
4       institutions and community development financial  
5       institutions to underserved communities.

6           (3) The Department of the Treasury and pru-  
7       dential regulators should establish a strategic plan  
8       identifying concrete steps that they can take to sup-  
9       port existing minority depository institutions, as well  
10      as the formation of new minority depository institu-  
11      tions consistent with the goals established in the Fi-  
12      nancial Institutions Reform, Recovery, and Enforce-  
13      ment Act of 1989 (FIRREA) to preserve and pro-  
14      mote minority depository institutions.

15          (4) Congress should increase funding and make  
16      other enhancements, including those provided by this  
17      legislation, to enhance the effectiveness of the CDFI  
18      Fund, especially reforms to support minority-owned  
19      and minority led CDFIs in times of crisis and be-  
20      yond.

21          (5) Congress should conduct robust and ongo-  
22      ing oversight of the Department of the Treasury,  
23      CDFI Fund, Federal prudential regulators, SBA,  
24      and other Federal agencies to ensure they fulfill  
25      their obligations under the law as well as implement



1 this title and other laws in a manner that supports  
2 and fully utilizes minority depository institutions  
3 and community development financial intuitions, as  
4 appropriate.

5 (6) The investments made by the Secretary of  
6 the Treasury under this title and the amendments  
7 made by this title should be designed to maximize  
8 the benefit to low- and moderate-income and minor-  
9 ity communities and contemplate losses to capital of  
10 the Treasury.

11 **SEC. 703. PURPOSE.**

12 The purpose of this title is to—

13 (1) establish programs to revitalize and provide  
14 long-term financial products and service availability  
15 for, and provide investments in, low- and moderate-  
16 income and minority communities;

17 (2) respond to the unprecedented loss of Black-  
18 owned businesses and unemployment; and

19 (3) otherwise enhance the stability, safety and  
20 soundness of community financial institutions that  
21 support low- and moderate-income and minority  
22 communities.

1 **SEC. 704. CONSIDERATIONS; REQUIREMENTS FOR CREDI-**  
2 **TORS.**

3 (a) IN GENERAL.—In exercising the authorities  
4 under this title and the amendments made by this title,  
5 the Secretary of the Treasury shall take into consider-  
6 ation—

7 (1) increasing the availability of affordable  
8 credit for consumers, small businesses, and nonprofit  
9 organizations, including for projects supporting af-  
10 fordable housing, community-serving real estate, and  
11 other projects, that provide direct benefits to low-  
12 and moderate-income communities, low-income and  
13 underserved individuals, and minorities;

14 (2) providing funding to minority-owned or mi-  
15 nority-led eligible institutions and other eligible insti-  
16 tutions that have a strong track record of serving  
17 minority small businesses;

18 (3) protecting and increasing jobs in the United  
19 States;

20 (4) increasing the opportunity for small busi-  
21 ness, affordable housing and community develop-  
22 ment in geographic areas and demographic segments  
23 with poverty and high unemployment rates that ex-  
24 ceed the average in the United States;

25 (5) ensuring that all low- and moderate-income  
26 community financial institutions may apply to par-



1 (1) in section 4002 (15 U.S.C. 9041)—

2 (A) by redesignating paragraphs (7)  
3 through (10) as paragraphs (9) through (12),  
4 respectively; and

5 (B) by inserting after paragraph (6) the  
6 following:

7 “(7) LOW- AND MODERATE-INCOME COMMU-  
8 NITY FINANCIAL INSTITUTION.—The term ‘low- and  
9 moderate-income community financial institution’  
10 means any financial institution that is—

11 “(A) a community development financial  
12 institution, as defined in section 103 of the Rie-  
13 gle Community Development and Regulatory  
14 Improvement Act of 1994 (12 U.S.C. 4702); or

15 “(B) a minority depository institution.

16 “(8) MINORITY DEPOSITORY INSTITUTION.—  
17 The term ‘minority depository institution’—

18 “(A) has the meaning given that term  
19 under section 308 of the Financial Institutions  
20 Reform, Recovery, and Enforcement Act of  
21 1989 (12 U.S.C. 1463 note);

22 “(B) means an entity considered to be a  
23 minority depository institution by—

24 “(i) the appropriate Federal banking  
25 agency (as such term is defined under sec-

1                   tion 3 of the Federal Deposit Insurance  
2                   Act); or

3                   “(ii) the National Credit Union Ad-  
4                   ministration, in the case of an insured  
5                   credit union; and

6                   “(C) means an entity listed in the Federal  
7                   Deposit Insurance Corporation’s Minority De-  
8                   pository Institutions List published for the Sec-  
9                   ond Quarter 2020.”;

10                  (2) in section 4003 (15 U.S.C. 9042), by add-  
11                  ing at the end the following:

12                  “(i) NEIGHBORHOOD CAPITAL INVESTMENT PRO-  
13                  GRAM.—

14                  “(1) DEFINITIONS.—In this subsection—

15                         “(A) the term ‘community development fi-  
16                         nancial institution’ has the meaning given the  
17                         term in section 103 of the Riegle Community  
18                         Development and Regulatory Improvement Act  
19                         of 1994 (12 U.S.C. 4702);

20                         “(B) the term ‘Fund’ means the Commu-  
21                         nity Development Financial Institutions Fund  
22                         established under section 104(a) of the Riegle  
23                         Community Development and Regulatory Im-  
24                         provement Act of 1994 (12 U.S.C. 4703(a));

1           “(C) the term ‘minority’ means any Black  
2           American, Native American, Hispanic Amer-  
3           ican, or Asian American;

4           “(D) the term ‘Program’ means the Neigh-  
5           borhood Capital Investment Program estab-  
6           lished under paragraph (2); and

7           “(E) the ‘Secretary’ means the Secretary  
8           of the Treasury.

9           “(2) ESTABLISHMENT.—The Secretary of the  
10          Treasury shall establish a Neighborhood Capital In-  
11          vestment Program (the ‘Program’) to support the ef-  
12          forts of low- and moderate-income community finan-  
13          cial institutions to, among other things, provide  
14          loans and forbearance for small businesses, minority-  
15          owned businesses, and consumers, especially in low-  
16          income and underserved communities, by providing  
17          direct capital investments in low- and moderate-in-  
18          come community financial institutions.

19          “(3) APPLICATION.—

20                 “(A) ACCEPTANCE.—The Secretary shall  
21                 begin accepting applications for capital invest-  
22                 ments under the Program not later than the  
23                 end of the 30-day period beginning on the date  
24                 of enactment of this subsection, with priority in  
25                 distribution given to low- and moderate-income

1 community financial institutions that are mi-  
2 nority lending institutions, as defined under  
3 section 103 of the Community Development  
4 Banking and Financial Institutions Act of 1994  
5 (12 U.S.C. 4702).

6 “(B) REQUIREMENT TO PROVIDE A NEIGH-  
7 BORHOOD INVESTMENT LENDING PLAN.—

8 “(i) IN GENERAL.—At the time that  
9 an applicant submits an application to the  
10 Secretary for a capital investment under  
11 the Program, the applicant shall provide  
12 the Secretary, along with the appropriate  
13 Federal banking agency, an investment  
14 and lending plan that—

15 “(I) demonstrates that not less  
16 than 30 percent of the lending of the  
17 applicant over the past 2 fiscal years  
18 was made directly to low- and mod-  
19 erate income borrowers, to borrowers  
20 that create direct benefits for low- and  
21 moderate-income populations, to other  
22 targeted populations as defined by the  
23 Fund, or any combination thereof, as  
24 measured by the total number and  
25 dollar amount of loans;

1 “(II) describes how the business  
2 strategy and operating goals of the  
3 applicant will address community de-  
4 velopment needs, which includes the  
5 needs of small businesses, consumers,  
6 nonprofit organizations, community  
7 development, and other projects pro-  
8 viding direct benefits to low- and mod-  
9 erate-income communities, low-income  
10 individuals, and minorities within the  
11 minority, rural, and urban low-income  
12 and underserved areas served by the  
13 applicant;

14 “(III) includes a plan to provide  
15 linguistically and culturally appro-  
16 priate outreach, where appropriate;

17 “(IV) includes an attestation by  
18 the applicant that the applicant does  
19 not own, service, or offer any financial  
20 products at an annual percentage rate  
21 of more than 36 percent interest, as  
22 defined in section 987(i)(4) of title  
23 10, United States Code, and is com-  
24 pliant with State interest rate laws;  
25 and



1                   “(V) includes details on how the  
2                   applicant plans to expand or maintain  
3                   significant lending or investment ac-  
4                   tivity in low- or moderate-income mi-  
5                   nority communities, to historically dis-  
6                   advantaged borrowers, and to minori-  
7                   ties that have significant unmet cap-  
8                   ital or financial services needs.

9                   “(ii) COMMUNITY DEVELOPMENT  
10                  LOAN FUNDS.—An applicant that is not an  
11                  insured community development financial  
12                  institution or otherwise regulated by a  
13                  Federal financial regulator shall submit  
14                  the plan described in clause (i) only to the  
15                  Secretary.

16                  “(iii) DOCUMENTATION.—In the case  
17                  of an applicant that is certified as a com-  
18                  munity development financial institution as  
19                  of the date of enactment of this subsection,  
20                  for purposes of clause (i)(I), the Secretary  
21                  may rely on documentation submitted the  
22                  Fund as part of certification compliance  
23                  reporting.

24                  “(4) INCENTIVES TO INCREASE LENDING AND  
25                  PROVIDE AFFORDABLE CREDIT.—

1           “(A) REQUIREMENTS ON PREFERRED  
2 STOCK AND OTHER FINANCIAL INSTRUMENT.—  
3 Any financial instrument issued to Treasury by  
4 a low- and moderate-income community finan-  
5 cial institution under the Program shall provide  
6 the following:

7           “(i) No dividends, interest or other  
8 payments shall exceed 2 percent per  
9 annum.

10           “(ii) After the first 24 months from  
11 the date of the capital investment under  
12 the Program, annual payments may be re-  
13 quired, as determined by the Secretary and  
14 in accordance with this section, and ad-  
15 justed downward based on the amount of  
16 affordable credit provided by the low- and  
17 moderate-income community financial in-  
18 stitution to borrowers in minority, rural,  
19 and urban low-income and underserved  
20 communities.

21           “(iii) During any calendar quarter  
22 after the initial 24-month period referred  
23 to in clause (ii), the annual payment rate  
24 of a low- and moderate-income community  
25 financial institution shall be adjusted

1 downward to reflect the following schedule,  
2 based on lending by the institution relative  
3 to the baseline period:

4 “(I) If the institution in the most  
5 recent annual period prior to the in-  
6 vestment provides significant lending  
7 or investment activity in low- or mod-  
8 erate-income minority communities,  
9 historically disadvantaged borrowers,  
10 and to minorities that have significant  
11 unmet capital or financial services,  
12 the annual payment rate shall not ex-  
13 ceed 0.5 percent per annum.

14 “(II) If the amount of lending  
15 within minority, rural, and urban low-  
16 income and underserved communities  
17 and to low- and moderate-income bor-  
18 rowers has increased dollar for dollar  
19 based on the amount of the capital in-  
20 vestment, the annual payment rate  
21 shall not exceed 1 percent per annum.

22 “(III) If the amount of lending  
23 within minority, rural, and urban low-  
24 income and underserved communities  
25 and to low- and moderate-income bor-

1                   rowers has increased by twice the  
2                   amount of the capital investment, the  
3                   annual payment rate shall not exceed  
4                   0.5 percent per annum.

5                   “(B) CONTINGENCY OF PAYMENTS BASED  
6                   ON CERTAIN FINANCIAL CRITERIA.—

7                   “(i) DEFERRAL.—Any annual pay-  
8                   ments under this subsection shall be de-  
9                   ferred in any quarter or payment period if  
10                  any of the following is true:

11                  “(I) The low- and moderate-in-  
12                  come community institution fails to  
13                  meet the Tier 1 capital ratio or simi-  
14                  lar ratio as determined by the Sec-  
15                  retary.

16                  “(II) The low- and moderate-in-  
17                  come community financial institution  
18                  fails to achieve positive net income for  
19                  the quarter or payment period.

20                  “(III) The low- and moderate-in-  
21                  come community financial institution  
22                  determines that the payment would be  
23                  detrimental to the financial health of  
24                  the institution.

1           “(ii) TESTING DURING NEXT PAY-  
2           MENT PERIOD.—Any deferred annual pay-  
3           ment under this subsection shall be tested  
4           against the metrics described in clause (i)  
5           at the beginning of the next payment pe-  
6           riod, and such payments shall continue to  
7           be deferred until the metrics described in  
8           that clause are no longer applicable.

9           “(5) RESTRICTIONS.—

10           “(A) IN GENERAL.—Each low- and mod-  
11           erate-income community financial institution  
12           may only issue financial instruments or senior  
13           preferred stock under this subsection with an  
14           aggregate principal amount that is—

15           “(i) not more than 15 percent of risk-  
16           weighted assets for an institution with as-  
17           sets of more than \$2,000,000,000;

18           “(ii) not more than 25 percent of  
19           risk-weighted assets for an institution with  
20           assets of not less than \$500,000,000 and  
21           not more than \$2,000,000,000; and

22           “(iii) not more than 30 percent of  
23           risk-weighted assets for an institution with  
24           assets of less than \$500,000,000.

1           “(B) HOLDING OF INSTRUMENTS.—Hold-  
2           ing any instrument of a low- and moderate-in-  
3           come community financial institution described  
4           in subparagraph (A) shall not give the Treasury  
5           or any successor that owns the instrument any  
6           rights over the management of the institution.

7           “(C) SALE OF INTEREST.—With respect to  
8           a capital investment made into a low- and mod-  
9           erate-income community financial institution  
10          under this subsection, the Secretary—

11           “(i) except as provided in clause (iv),  
12           during the 10-year period following the in-  
13           vestment, may not sell the interest of the  
14           Secretary in the capital investment to a  
15           third party;

16           “(ii) shall provide the low- and mod-  
17           erate-income community financial institu-  
18           tion a right of first refusal to buy back the  
19           investment under terms that do not exceed  
20           a value as determined by an independent  
21           third party; and

22           “(iii) shall not sell more than a 5 per-  
23           cent ownership interest in the capital in-  
24           vestment to a single third party; and

1           “(iv) with the permission of the insti-  
2           tution, may gift or sell the interest of the  
3           Secretary in the capital investment for a  
4           de minimus amount to a mission aligned  
5           nonprofit affiliate of an applicant that is  
6           an insured community development finan-  
7           cial institution, as defined in section 103 of  
8           the Riegle Community Development and  
9           Regulatory Improvement Act of 1994 (12  
10          U.S.C. 4702).

11           “(v) CALCULATION OF OWNERSHIP  
12          FOR MINORITY DEPOSITORY INSTITU-  
13          TIONS.—The calculation and determination  
14          of ownership thresholds for a depository  
15          institution to qualify as a minority depository  
16          institution described in section  
17          4002(7)(B) shall exclude any dilutive effect  
18          of equity investments by the Federal Gov-  
19          ernment, including under the Program or  
20          through the Fund.

21           “(6) AVAILABLE AMOUNTS.—In carrying out  
22          the Program, the Secretary shall use not more than  
23          \$13,000,000,000, from amounts appropriated under  
24          section 4027, and shall use not less than

1       \$7,000,000,000 of such amount for direct capital in-  
2       vestments under the Program.

3           “(7) TREATMENT OF CAPITAL INVESTMENTS.—  
4       In making any capital investment under the Pro-  
5       gram, the Secretary shall ensure that the terms of  
6       the investment are designed to ensure the invest-  
7       ment receives Tier 1 capital treatment.

8           “(8) OUTREACH TO MINORITIES.—The Sec-  
9       retary shall require low- and moderate-income com-  
10      munity financial institutions receiving capital invest-  
11      ments under the Program to provide linguistically  
12      and culturally appropriate outreach and advertising  
13      describing the availability and application process of  
14      receiving loans made possible by the Program  
15      through organizations, trade associations, and indi-  
16      viduals that represent or work within or are mem-  
17      bers of minority communities.

18           “(9) RESTRICTIONS.—

19           “(A) IN GENERAL.—Not later than the  
20      end of the 30-day period beginning on the date  
21      of enactment of this subsection, the Secretary  
22      of the Treasury shall issue rules setting restric-  
23      tions on executive compensation, share  
24      buybacks, and dividend payments for recipients  
25      of capital investments under the Program.



1           “(B) RULE OF CONSTRUCTION.—The pro-  
2           visions of section 4019 apply to investments  
3           made under the Program.

4           “(10) TERMINATION OF INVESTMENT AUTHOR-  
5           ITY.—The authority to make capital investments in  
6           low- and moderate-income community financial insti-  
7           tutions, including commitments to purchase pre-  
8           ferred stock or other instruments, provided under  
9           the Program shall terminate on the date that is 36  
10          months after the date of enactment of this sub-  
11          section.

12          “(11) COLLECTION OF DATA.—Notwithstanding  
13          the Equal Credit Opportunity Act (15 U.S.C. 1691  
14          et seq.)—

15                 “(A) any low- and moderate-income com-  
16                 munity financial institution may collect data de-  
17                 scribed in section 701(a)(1) of that Act (15  
18                 U.S.C. 1691(a)(1)) from borrowers and appli-  
19                 cants for credit for the purpose of monitoring  
20                 compliance under the plan required under para-  
21                 graph (4)(B); and

22                 “(B) a low- and moderate-income commu-  
23                 nity financial institution that collects the data  
24                 described in subparagraph (A) shall not be sub-  
25                 ject to adverse action related to that collection

1 by the Bureau of Consumer Financial Protec-  
2 tion or any other Federal agency.

3 “(12) DEPOSIT OF FUNDS.—All funds received  
4 by the Secretary in connection with purchases made  
5 pursuant this subsection, including interest pay-  
6 ments, dividend payments, and proceeds from the  
7 sale of any financial instrument, shall be deposited  
8 into the Fund and used to provide financial and  
9 technical assistance pursuant to section 108 of the  
10 Riegle Community Development and Regulatory Im-  
11 provement Act of 1994 (12 U.S.C. 4707), except  
12 that subsection (e) of that section shall be waived.

13 “(13) EQUITY EQUIVALENT INVESTMENT OP-  
14 TION.—

15 “(A) IN GENERAL.—The Secretary shall  
16 establish an Equity Equivalent Investment Op-  
17 tion, under which, with respect to a specific in-  
18 vestment in a low- and moderate-income com-  
19 munity financial institution—

20 “(i) 80 percent of such investment is  
21 made by the Secretary under the Program;  
22 and

23 “(ii) 20 percent of such investment if  
24 made by a banking institution.

1           “(B) REQUIREMENT TO FOLLOW SIMILAR  
2           TERMS AND CONDITIONS.—The terms and con-  
3           ditions applicable to investments made by the  
4           Secretary under the Program shall apply to any  
5           investment made by a banking institution under  
6           this paragraph.

7           “(C) LIMITATIONS.—The amount of a spe-  
8           cific investment described under subparagraph  
9           (A) may not exceed \$10,000,000, but the re-  
10          ceipt of an investment under subparagraph (A)  
11          shall not preclude the recipient from being eligi-  
12          ble for other assistance under the Program.

13          “(D) BANKING INSTITUTION DEFINED.—  
14          In this paragraph, the term ‘banking institu-  
15          tion’ means any entity with respect to which  
16          there is an appropriate Federal banking agency  
17          under section 3 of the Federal Deposit Insur-  
18          ance Act.

19          “(j) APPLICATION OF THE MILITARY LENDING  
20          ACT.—

21          “(1) IN GENERAL.—No low- and moderate-in-  
22          come community financial institution that receives  
23          an equity investment under subsection (i) shall, for  
24          so long as the investment or participation continues,  
25          make any loan at an annualized percentage rate

1 above 36 percent, as determined in accordance with  
2 section 987(b) of title 10, United States Code (com-  
3 monly known as the ‘Military Lending Act’).

4 “(2) NO EXEMPTIONS PERMITTED.—The ex-  
5 emption authority of the Bureau under section  
6 105(f) of the Truth in Lending Act (15 U.S.C.  
7 1604(f)) shall not apply with respect to this sub-  
8 section.”.

9 **SEC. 706. EMERGENCY SUPPORT FOR CDFIS AND COMMU-**  
10 **NITIES.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to the Community Develop-  
13 ment Financial Institutions Fund \$2,000,000,000 for fis-  
14 cal year 2021, for providing financial assistance and tech-  
15 nical assistance under subparagraphs (A) and (B) of sec-  
16 tion 108(a)(1) of the Community Development Banking  
17 and Financial Institutions Act of 1994 (12 U.S.C.  
18 4707(a)(1)), except that subsections (d) and (e) of such  
19 section 108 shall not apply to the provision of such assist-  
20 ance, for the Bank Enterprise Award program, and for  
21 financial assistance, technical assistance, training, and  
22 outreach programs designed to benefit Native American,  
23 Native Hawaiian, and Alaska Native communities and  
24 provided primarily through qualified community develop-  
25 ment lender organizations with experience and expertise

1 in community development banking and lending in Indian  
2 country, Native American organizations, Tribes and Trib-  
3 al organizations, and other suitable providers.

4 (b) SET ASIDES.—Of the amounts appropriated pur-  
5 suant to the authorization under subsection (a), the fol-  
6 lowing amounts shall be set aside:

7 (1) Up to \$400,000,000, to remain available  
8 until expended, to provide grants to community de-  
9 velopment financial institutions—

10 (A) to expand lending or investment activ-  
11 ity in low- or moderate-income minority commu-  
12 nities and to minorities that have significant  
13 unmet capital or financial services needs, of  
14 which not less than \$10,000,000 may be for  
15 grants to benefit Native American, Native Ha-  
16 waiian, and Alaska Native communities; and

17 (B) using a formula that takes into ac-  
18 count criteria such as certification status, finan-  
19 cial and compliance performance, portfolio and  
20 balance sheet strength, a diversity of commu-  
21 nity development financial institution business  
22 model types, and program capacity, as well as  
23 experience making loans and investments to  
24 those areas and populations identified in this  
25 paragraph.

1           (2) Up to \$160,000,000, to remain available  
2           until expended, for technical assistance, technology,  
3           and training under sections 108(a)(1)(B) and 109,  
4           respectively, of the Riegle Community Development  
5           and Regulatory Improvement Act of 1994 (12  
6           U.S.C. 4707(a)(1)(B), 4708), with a preference for  
7           minority lending institutions.

8           (3) Up to \$800,000,000, to remain available  
9           until expended, shall be for providing financial as-  
10          sistance, technical assistance, awards, training, and  
11          outreach programs described under subsection (a) to  
12          recipients that are minority lending institutions.

13          (c) ADMINISTRATIVE EXPENSES.—Funds appro-  
14          priated pursuant to the authorization under subsection (a)  
15          may be used for administrative expenses, including admin-  
16          istration of Fund programs and the New Markets Tax  
17          Credit Program under section 45D of the Internal Rev-  
18          enue Code.

19          (d) DEFINITIONS.—In this section:

20                (1) CDFI.—The term “CDFI” means a com-  
21                munity development financial institution, as defined  
22                in section 103 of the Riegle Community Develop-  
23                ment and Regulatory Improvement Act of 1994 (12  
24                U.S.C. 4702).

1           (2) **FUND.**—The term “Fund” means the Com-  
2           munity Development Financial Institutions Fund es-  
3           tablished under section 104(a) of the Riegle Commu-  
4           nity Development and Regulatory Improvement Act  
5           of 1994 (12 U.S.C. 4703(a)).

6           (3) **MINORITY; MINORITY LENDING INSTITU-**  
7           **TION.**—The terms “minority” and “minority lending  
8           institution” have the meaning given those terms, re-  
9           spectively, under section 103 of the Community De-  
10          velopment Banking and Financial Institutions Act of  
11          1994 (12 U.S.C. 4702).

12 **SEC. 707. ENSURING DIVERSITY IN COMMUNITY BANKING.**

13          (a) **SENSE OF CONGRESS ON FUNDING THE LOAN-**  
14 **LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.**—The  
15          sense of Congress is the following:

16               (1) The Community Development Financial In-  
17               stitutions Fund (the “CDFI Fund”) is an agency of  
18               the Department of the Treasury, and was estab-  
19               lished by the Riegle Community Development and  
20               Regulatory Improvement Act of 1994. The mission  
21               of the CDFI Fund is “to expand economic oppor-  
22               tunity for underserved people and communities by  
23               supporting the growth and capacity of a national  
24               network of community development lenders, inves-  
25               tors, and financial service providers”. A community

1 development financial institution (a “CDFI”) is a  
2 specialized financial institution serving low-income  
3 communities and a Community Development Entity  
4 (a “CDE”) is a domestic corporation or partnership  
5 that is an intermediary vehicle for the provision of  
6 loans, investments, or financial counseling in low-in-  
7 come communities. The CDFI Fund certifies CDFIs  
8 and CDEs. Becoming a certified CDFI or CDE al-  
9 lows organizations to participate in various CDFI  
10 Fund programs as follows:

11 (A) The Bank Enterprise Award Program,  
12 which provides FDIC-insured depository institu-  
13 tions awards for a demonstrated increase in  
14 lending and investments in distressed commu-  
15 nities and CDFIs.

16 (B) The CDFI Program, which provides  
17 Financial and Technical Assistance awards to  
18 CDFIs to reinvest in the CDFI, and to build  
19 the capacity of the CDFI, including financing  
20 product development and loan loss reserves.

21 (C) The Native American CDFI Assistance  
22 Program, which provides CDFIs and spon-  
23 soring entities Financial and Technical Assist-  
24 ance awards to increase lending and grow the



1 number of CDFIs owned by Native Americans  
2 to help build capacity of such CDFIs.

3 (D) The New Market Tax Credit Program,  
4 which provides tax credits for making equity in-  
5 vestments in CDEs that stimulate capital in-  
6 vestments in low-income communities.

7 (E) The Capital Magnet Fund, which pro-  
8 vides awards to CDFIs and nonprofit affordable  
9 housing organizations to finance affordable  
10 housing solutions and related economic develop-  
11 ment activities.

12 (F) The Bond Guarantee Program, a  
13 source of long-term, patient capital for CDFIs  
14 to expand lending and investment capacity for  
15 community and economic development purposes.

16 (2) The Department of the Treasury is author-  
17 ized to create multi-year grant programs designed to  
18 encourage low-to-moderate income individuals to es-  
19 tablish accounts at federally insured banks, and to  
20 improve low-to-moderate income individuals' access  
21 to such accounts on reasonable terms.

22 (3) Under this authority, grants to participants  
23 in CDFI Fund programs may be used for loan-loss  
24 reserves and to establish small-dollar loan programs  
25 by subsidizing related losses. These grants also allow

1 for the providing recipients with the financial coun-  
2 seling and education necessary to conduct trans-  
3 actions and manage their accounts. These loans pro-  
4 vide low-cost alternatives to payday loans and other  
5 nontraditional forms of financing that often impose  
6 excessive interest rates and fees on borrowers, and  
7 lead millions of Americans to fall into debt traps.  
8 Small-dollar loans can only be made pursuant to  
9 terms, conditions, and practices that are reasonable  
10 for the individual consumer obtaining the loan.

11 (4) Program participation is restricted to eligi-  
12 ble institutions, which are limited to organizations  
13 listed in section 501(c)(3) of the Internal Revenue  
14 Code and exempt from tax under 501(a) of such  
15 Code, federally insured depository institutions, com-  
16 munity development financial institutions and State,  
17 local, or Tribal government entities.

18 (5) Since its founding, the CDFI Fund has  
19 awarded over \$3,300,000,000 to CDFIs and CDEs,  
20 allocated \$54,000,000,000 in tax credits, and  
21 \$1,510,000,000 in bond guarantees. According to  
22 the CDFI Fund, some programs attract as much as  
23 \$10 in private capital for every \$1 invested by the  
24 CDFI Fund. The Administration and the Congress  
25 should prioritize appropriation of funds for the loan

1 loss reserve fund and technical assistance programs  
2 administered by the Community Development Finan-  
3 cial Institution Fund.

4 (b) DEFINITIONS.—In this section:

5 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-  
6 STITUTION.—The term “community development fi-  
7 nancial institution” has the meaning given under  
8 section 103 of the Riegle Community Development  
9 and Regulatory Improvement Act of 1994 (12  
10 U.S.C. 4702).

11 (2) MINORITY DEPOSITORY INSTITUTION.—The  
12 term “minority depository institution” has the  
13 meaning given under section 308 of the Financial  
14 Institutions Reform, Recovery, and Enforcement Act  
15 of 1989 (12 U.S.C. 1463 note).

16 (c) ESTABLISHMENT OF IMPACT BANK DESIGNA-  
17 TION.—

18 (1) IN GENERAL.—Each Federal banking agen-  
19 cy shall establish a program under which a deposi-  
20 tory institution with total consolidated assets of less  
21 than \$10,000,000,000 may elect to be designated as  
22 an impact bank if the total dollar value of the loans  
23 extended by such depository institution to low-in-  
24 come borrowers is greater than or equal to 50 per-  
25 cent of the assets of such bank.

1           (2) NOTIFICATION OF ELIGIBILITY.—Based on  
2 data obtained through examinations of depository in-  
3 stitutions, the appropriate Federal banking agency  
4 shall notify a depository institution if the institution  
5 is eligible to be designated as an impact bank.

6           (3) APPLICATION.—Regardless of whether or  
7 not it has received a notice of eligibility under para-  
8 graph (2), a depository institution may submit an  
9 application to the appropriate Federal banking agen-  
10 cy—

11                   (A) requesting to be designated as an im-  
12 pact bank; and

13                   (B) demonstrating that the depository in-  
14 stitution meets the applicable qualifications.

15           (4) LIMITATION ON ADDITIONAL DATA RE-  
16 QUIREMENTS.—The Federal banking agencies may  
17 only impose additional data collection requirements  
18 on a depository institution under this subsection if  
19 such data is—

20                   (A) necessary to process an application  
21 submitted by the depository institution to be  
22 designated an impact bank; or

23                   (B) with respect to a depository institution  
24 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  
7 appropriate Federal banking agency shall rescind  
8 the designation and notify the depository institution  
9 of such rescission.

10 (6) RECONSIDERATION OF DESIGNATION; AP-  
11 PEALS.—Under such procedures as the Federal  
12 banking agencies may establish, a depository institu-  
13 tion may—

14 (A) submit to the appropriate Federal  
15 banking agency a request to reconsider a deter-  
16 mination that such depository institution no  
17 longer 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  
22 out the requirements of this subsection, including by  
23 providing 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  
5 institution”, “appropriate Federal banking agency”,  
6 and “Federal banking agency” have the meanings  
7 given such terms, respectively, in section 3 of the  
8 Federal 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  
17 by section 308 of the Financial Institutions Reform,  
18 Recovery, and Enforcement Act of 1989 (12 U.S.C.  
19 1463 note) to preserve the present number of cov-  
20 ered minority institutions, preserve the minority  
21 character of minority-owned institutions in cases in-  
22 volving mergers or acquisitions, provide technical as-  
23 sistance, and encourage the creation of new covered  
24 minority institutions. The scope of the work of each  
25 such Minority Depositories Advisory Committee shall

1 include an assessment of the current condition of  
2 covered minority institutions, what regulatory  
3 changes or other steps the respective agencies may  
4 be able to take to fulfill the requirements of such  
5 section 308, and other issues of concern to covered  
6 minority institutions.

7 (3) MEMBERSHIP.—

8 (A) IN GENERAL.—Each Minority Depository  
9 Advisory Committee shall consist of no  
10 more than 10 members, who—

11 (i) shall serve for one two-year term;

12 (ii) shall serve as a representative of  
13 a depository institution or an insured credit  
14 union with respect to which the respec-  
15 tive covered regulator is the covered regu-  
16 lator of such depository institution or in-  
17 sured credit union; and

18 (iii) shall not receive pay by reason of  
19 their service on the advisory committee,  
20 but may receive travel or transportation  
21 expenses in accordance with section 5703  
22 of title 5, United States Code.

23 (B) DIVERSITY.—To the extent prac-  
24 ticable, each covered regulator shall ensure that  
25 the members of the Minority Depositories Advi-

1           sory Committee of such agency reflect the di-  
2           versity of covered minority institutions.

3           (4) MEETINGS.—

4                 (A) IN GENERAL.—Each Minority Deposi-  
5           tories Advisory Committee shall meet not less  
6           frequently 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  
11           and the Committee on Banking, Housing,  
12           and Urban Affairs of the Senate in ad-  
13           vance of each meeting of the Minority De-  
14           positories Advisory Committee; and

15                    (ii) invite the attendance at each  
16           meeting of the Minority Depositories Advi-  
17           sory 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  
4 of 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  
13 “covered regulator” means the Comptroller of  
14 the Currency, the Board of Governors of the  
15 Federal Reserve System, the Federal Deposit  
16 Insurance Corporation, and the National Credit  
17 Union Administration.

18 (B) COVERED MINORITY INSTITUTION.—  
19 The term “covered minority institution” means  
20 a minority depository institution (as defined in  
21 section 308(b) of the Financial Institutions Re-  
22 form, Recovery, and Enforcement Act of 1989  
23 (12 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 Insur-  
2 ance Act (12 U.S.C. 1813).

3 (D) INSURED CREDIT UNION.—The term  
4 “insured credit union” has the meaning given  
5 in section 101 of the Federal Credit Union Act  
6 (12 U.S.C. 1752).

7 (7) TECHNICAL AMENDMENT.—Section 308(b)  
8 of the Financial Institutions Reform, Recovery, and  
9 Enforcement 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 sured 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  
19 INSTITUTIONS.—

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 Fed-  
7 eral 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 fol-  
10                      lowing 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 sec-  
14                     tion 707(c) of the Promoting and Advancing Com-  
15                     munities of Color through Inclusive Lending Act.”.

16                     (2) TECHNICAL AMENDMENTS.—Section 308 of  
17                     the Financial Institutions Reform, Recovery, and  
18                     Enforcement 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 “sec-  
22                     tion:”; 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 Finan-  
3 cial Institutions Reform, Recovery, and Enforcement  
4 Act of 1989 (12 U.S.C. 1811 note) is amended to  
5 read as 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 depos-  
17 itory institution or credit union is a minority  
18 depository 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  
2 agencies;

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  
10 current certification from the Secretary of the  
11 Treasury stating that such depository institution or  
12 credit union is a minority depository institution shall  
13 be included on the list described under paragraph  
14 (2)(B).

15 “(b) EXPANDED USE AMONG FEDERAL DEPART-  
16 MENTS 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 de-  
3           scribed in subsection (a), and annually thereafter,  
4           the head of each Federal department or agency shall  
5           submit to Congress a report on the actions taken to  
6           increase the use of minority depository institutions  
7           to hold the deposits of each such department or  
8           agency.

9           “(c) DEFINITIONS.—For purposes of this section:

10           “(1) CREDIT UNION.—The term ‘credit union’  
11           has the meaning given the term ‘insured credit  
12           union’ in section 101 of the Federal Credit Union  
13           Act (12 U.S.C. 1752).

14           “(2) DEPOSITORY INSTITUTION.—The term ‘de-  
15           pository institution’ has the meaning given in section  
16           3 of the Federal Deposit Insurance Act (12 U.S.C.  
17           1813).

18           “(3) MINORITY DEPOSITORY INSTITUTION.—  
19           The term ‘minority depository institution’ has the  
20           meaning given that term under section 308 of this  
21           Act.”.

22           (2) CONFORMING AMENDMENTS.—The fol-  
23           lowing provisions are amended by striking  
24           “1204(c)(3)” and inserting “1204(c)”:

1 (A) Section 808(b)(3) of the Community  
2 Reinvestment Act of 1977 (12 U.S.C.  
3 2907(b)(3)).

4 (B) Section 40(g)(1)(B) of the Federal De-  
5 posit Insurance Act (12 U.S.C.  
6 1831q(g)(1)(B)).

7 (C) Section 704B(h)(4) of the Equal Cred-  
8 it Opportunity Act (15 U.S.C. 1691e-2(h)(4)).

9 (g) DIVERSITY REPORT AND BEST PRACTICES.—

10 (1) ANNUAL REPORT.—Each covered regulator  
11 shall submit to Congress an annual report on diver-  
12 sity including the following:

13 (A) Data, based on voluntary self-identi-  
14 fication, on the racial, ethnic, and gender com-  
15 position of the examiners of each covered regu-  
16 lator, disaggregated by length of time served as  
17 an examiner.

18 (B) The status of any examiners of cov-  
19 ered regulators, based on voluntary self-identi-  
20 fication, as a veteran.

21 (C) Whether any covered regulator, as of  
22 the date on which the report required under  
23 this section is submitted, has adopted a policy,  
24 plan, or strategy to promote racial, ethnic, and

1 gender diversity among examiners of the cov-  
2 ered regulator.

3 (D) Whether any special training is devel-  
4 oped and provided for examiners related specifi-  
5 cally to working with depository institutions  
6 and credit unions that serve communities that  
7 are predominantly minorities, low income, or  
8 rural, and the key focus of such training.

9 (2) BEST PRACTICES.—Each Office of Minority  
10 and Women Inclusion of a covered regulator shall  
11 develop, provide to the head of the covered regulator,  
12 and make publicly available best practices—

13 (A) for increasing the diversity of can-  
14 didates applying for examiner positions, includ-  
15 ing through outreach efforts to recruit diverse  
16 candidate to apply for entry-level examiner posi-  
17 tions; and

18 (B) for retaining and providing fair consid-  
19 eration for promotions within the examiner  
20 staff for purposes of achieving diversity among  
21 examiners.

22 (3) COVERED REGULATOR DEFINED.—In this  
23 subsection, the term “covered regulator” means the  
24 Comptroller of the Currency, the Board of Gov-  
25 ernors of the Federal Reserve System, the Federal



1       Deposit Insurance Corporation, and the National  
2       Credit Union Administration.

3       (h) INVESTMENTS IN MINORITY DEPOSITORY INSTI-  
4       TUTIONS AND IMPACT BANKS.—

5               (1) CONTROL FOR CERTAIN INSTITUTIONS.—

6       Section 7(j)(8)(B) of the Federal Deposit Insurance  
7       Act (12 U.S.C. 1817(j)(8)(B)) is amended to read  
8       as follows:

9               “(B) ‘control’ means the power, directly or indi-  
10       rectly—

11               “(i) to direct the management or policies  
12       of an insured depository institution; or

13               “(ii)(I) to vote 25 per centum or more of  
14       any class of voting securities of an insured de-  
15       pository institution; or

16               “(II) with respect to an insured depository  
17       institution that is an impact bank (as des-  
18       ignated pursuant to section 707(c) of the Pro-  
19       moting and Advancing Communities of Color  
20       through Inclusive Lending Act) or a minority  
21       depository institution (as defined in section  
22       308(b) of the Financial Institutions Reform,  
23       Recovery, and Enforcement Act of 1989), of an  
24       individual to vote 30 percent or more of any

1 class of voting securities of such an impact  
2 bank or a minority depository institution.”.

3 (2) RULEMAKING.—The Federal banking agen-  
4 cies (as defined in section 3 of the Federal Deposit  
5 Insurance Act (12 U.S.C. 1813)) shall jointly issue  
6 rules for de novo minority depository institutions to  
7 allow 3 years to meet the capital requirements other-  
8 wise applicable to minority depository institutions.

9 (3) REPORT.—Not later than 1 year after the  
10 date of the enactment of this Act, the Federal bank-  
11 ing agencies shall jointly submit to Congress a re-  
12 port on—

13 (A) the principal causes for the low num-  
14 ber of de novo minority depository institutions  
15 during the 10-year period preceding the date of  
16 the report;

17 (B) the main challenges to the creation of  
18 de novo minority depository institutions; and

19 (C) regulatory and legislative consider-  
20 ations to promote the establishment of de novo  
21 minority depository institutions.

22 (i) REPORT ON COVERED MENTOR-PROTEGE PRO-  
23 GRAMS.—

24 (1) REPORT.—Not later than 6 months after  
25 the date of the enactment of this Act and annually

1 thereafter, the Secretary of the Treasury shall sub-  
2 mit to Congress a report on participants in a cov-  
3 ered mentor-protege program, including—

4 (A) an analysis of outcomes of such pro-  
5 gram;

6 (B) the number of minority depository in-  
7 stitutions that are eligible to participate in such  
8 program but do not have large financial institu-  
9 tion mentors; and

10 (C) recommendations for how to match  
11 such minority depository institutions with large  
12 financial institution mentors.

13 (2) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-  
15 GRAM.—The term “covered mentor-protege pro-  
16 gram” means a mentor-protege program estab-  
17 lished by the Secretary of the Treasury pursu-  
18 ant to section 45 of the Small Business Act (15  
19 U.S.C. 657r).

20 (B) LARGE FINANCIAL INSTITUTION.—The  
21 term “large financial institution” means any  
22 entity—

23 (i) regulated by the Comptroller of the  
24 Currency, the Board of Governors of the  
25 Federal Reserve System, the Federal De-

1                   posit Insurance Corporation, or the Na-  
2                   tional Credit Union Administration; and

3                   (ii) that has total consolidated assets  
4                   greater than or equal to \$50,000,000,000.

5           (j) CUSTODIAL DEPOSIT PROGRAM FOR COVERED  
6 MINORITY DEPOSITORY INSTITUTIONS AND IMPACT  
7 BANKS.—

8           (1) IN GENERAL.—Not later than one year  
9           after the date of the enactment of this Act, the Sec-  
10          retary of the Treasury shall issue rules establishing  
11          a custodial deposit program under which a covered  
12          bank may receive deposits from a qualifying account.

13          (2) REQUIREMENTS.—In issuing rules under  
14          paragraph (1), the Secretary of the Treasury shall—

15               (A) consult with the Federal banking agen-  
16               cies;

17               (B) ensure each covered bank participating  
18               in the program established under this sub-  
19               section—

20                   (i) has appropriate policies relating to  
21                   management of assets, including measures  
22                   to ensure the safety and soundness of each  
23                   such covered bank; and

24                   (ii) is compliant with applicable law;  
25                   and

1 (C) ensure, to the extent practicable that  
2 the rules do not conflict with goals described in  
3 section 308(a) of the Financial Institutions Re-  
4 form, Recovery, and Enforcement Act of 1989  
5 (12 U.S.C. 1463 note).

6 (3) LIMITATIONS.—

7 (A) DEPOSITS.—With respect to the funds  
8 of an individual qualifying account, an entity  
9 may not deposit an amount greater than the in-  
10 sured amount in a single covered bank.

11 (B) TOTAL DEPOSITS.—The total amount  
12 of funds deposited in a covered bank under the  
13 custodial deposit program described under this  
14 subsection may not exceed the lesser of—

15 (i) 10 percent of the average amount  
16 of deposits held by such covered bank in  
17 the previous quarter; or

18 (ii) \$100,000,000 (as adjusted for in-  
19 flation).

20 (4) REPORT.—Each quarter, the Secretary of  
21 the Treasury shall submit to Congress a report on  
22 the implementation of the program established under  
23 this subsection including information identifying  
24 participating covered banks and the total amount of

1 deposits received by covered banks under the pro-  
2 gram.

3 (5) DEFINITIONS.—In this subsection:

4 (A) COVERED BANK.—The term “covered  
5 bank” means—

6 (i) a minority depository institution  
7 that is well capitalized, as defined by the  
8 appropriate Federal banking agency; or

9 (ii) a depository institution designated  
10 pursuant to subsection (c) that is well cap-  
11 italized, as defined by the appropriate Fed-  
12 eral banking agency.

13 (B) INSURED AMOUNT.—The term “in-  
14 sured amount” means the amount that is the  
15 greater of—

16 (i) the standard maximum deposit in-  
17 surance amount (as defined in section  
18 11(a)(1)(E) of the Federal Deposit Insur-  
19 ance Act (12 U.S.C. 1821(a)(1)(E))); or

20 (ii) such higher amount negotiated be-  
21 tween the Secretary of the Treasury and  
22 the Federal Deposit Insurance Corporation  
23 under which the Corporation will insure all  
24 deposits of such higher amount.

1 (C) FEDERAL BANKING AGENCIES.—The  
2 terms “appropriate Federal banking agency”  
3 and “Federal banking agencies” have the mean-  
4 ing given those terms, respectively, under sec-  
5 tion 3 of the Federal Deposit Insurance Act.

6 (D) QUALIFYING ACCOUNT.—The term  
7 “qualifying account” means any account estab-  
8 lished in the Department of the Treasury  
9 that—

10 (i) is controlled by the Secretary; and

11 (ii) is expected to maintain a balance  
12 greater than \$200,000,000 for the fol-  
13 lowing 24-month period.

14 (k) STREAMLINED COMMUNITY DEVELOPMENT FI-  
15 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

16 (1) APPLICATION PROCESSES.—Not later than  
17 12 months after the date of the enactment of this  
18 Act and with respect to any person having assets  
19 under \$3,000,000,000 that submits an application  
20 for deposit insurance with the Federal Deposit In-  
21 surance Corporation that could also become a com-  
22 munity development financial institution, the Fed-  
23 eral Deposit Insurance Corporation, in consultation  
24 with the Administrator of the Community Develop-  
25 ment Financial Institutions Fund, shall—

1 (A) develop systems and procedures to  
2 record necessary information to allow the Ad-  
3 ministrator to conduct preliminary analysis for  
4 such person to also become a community devel-  
5 opment financial institution; and

6 (B) develop procedures to streamline the  
7 application and annual certification processes  
8 and to reduce costs for such person to become,  
9 and maintain certification as, a community de-  
10 velopment financial institution.

11 (2) IMPLEMENTATION REPORT.—Not later than  
12 18 months after the date of the enactment of this  
13 Act, the Federal Deposit Insurance Corporation  
14 shall submit to Congress a report describing the sys-  
15 tems and procedures required under paragraph (1).

16 (3) ANNUAL REPORT.—

17 (A) IN GENERAL.—Section 17(a)(1) of the  
18 Federal Deposit Insurance Act (12 U.S.C.  
19 1827(a)(1)) is amended—

20 (i) in subparagraph (E), by striking  
21 “and” at the end;

22 (ii) by redesignating subparagraph  
23 (F) as subparagraph (G);

24 (iii) by inserting after subparagraph  
25 (E) the following new subparagraph:



1           “(F) applicants for deposit insurance that  
2           could also become a community development fi-  
3           nancial institution (as defined in section 103 of  
4           the Riegle Community Development and Regu-  
5           latory Improvement Act of 1994), a minority  
6           depository institution (as defined in section 308  
7           of the Financial Institutions Reform, Recovery,  
8           and Enforcement Act of 1989), or an impact  
9           bank (as designated pursuant to section 707(c)  
10          of the Promoting and Advancing Communities  
11          of Color through Inclusive Lending Act); and”.

12           (B) APPLICATION.—The amendment made  
13          by this paragraph shall apply with respect to  
14          the first report to be submitted after the date  
15          that is 2 years after the date of the enactment  
16          of this Act.

17          (I) TASK FORCE ON LENDING TO SMALL BUSINESS  
18          CONCERNS.—

19           (1) IN GENERAL.—Not later than 6 months  
20          after the date of the enactment of this Act, the Ad-  
21          ministrator of the Small Business Administration  
22          shall establish a task force to examine methods for  
23          improving relationships between the Small Business  
24          Administration and community development finan-  
25          cial institutions, minority depository institutions,

1 and Impact Banks to increase the volume of loans  
2 provided by such institutions to small business con-  
3 cerns (as defined under section 3 of the Small Busi-  
4 ness Act (15 U.S.C. 632)).

5 (2) REPORT TO CONGRESS.—Not later than 18  
6 months after the establishment of the task force de-  
7 scribed in paragraph (1), the Administrator of the  
8 Small Business Administration shall submit to Con-  
9 gress a report on the findings of such task force.

10 **SEC. 708. ESTABLISHMENT OF FINANCIAL AGENT PART-**  
11 **NERSHIP PROGRAM.**

12 (a) IN GENERAL.—Section 308 of the Financial In-  
13 stitutions Reform, Recovery, and Enforcement Act of  
14 1989 (12 U.S.C. 1463 note), as amended by section  
15 706(e), is further amended by adding at the end the fol-  
16 lowing new subsection:

17 “(e) FINANCIAL AGENT PARTNERSHIP PROGRAM.—

18 “(1) IN GENERAL.—The Secretary of the  
19 Treasury shall establish a program to be known as  
20 the ‘Financial Agent Partnership Program’ (in this  
21 subsection referred to as the ‘Program’) under which  
22 a financial agent designated by the Secretary or a  
23 large financial institution may serve as a mentor,  
24 under guidance or regulations prescribed by the Sec-

1       retary, to a small financial institution to allow such  
2       small financial institution—

3               “(A) to be prepared to perform as a finan-  
4       cial agent; or

5               “(B) to improve capacity to provide serv-  
6       ices to the customers of the small financial in-  
7       stitution.

8               “(2) OUTREACH.—The Secretary shall hold  
9       outreach events to promote the participation of fi-  
10      nancial agents, large financial institutions, and small  
11      financial institutions in the Program at least once a  
12      year.

13              “(3) FINANCIAL PARTNERSHIPS.—

14              “(A) IN GENERAL.—Any large financial in-  
15      stitution participating in a program with the  
16      Department of the Treasury, if not already re-  
17      quired to include a small financial institution,  
18      shall offer not more than 5 percent of every  
19      contract under that program to a small finan-  
20      cial institution.

21              “(B) ACCEPTANCE OF RISK.—As a re-  
22      quirement of participation in a contract de-  
23      scribed under subparagraph (A), a small finan-  
24      cial institution shall accept the risk of the

1 transaction equivalent to the percentage of any  
2 fee the institution receives under the contract.

3 “(C) PARTNER.—A large financial institu-  
4 tion partner may work with small financial in-  
5 stitutions, if necessary, to train professionals to  
6 understand any risks involved in a contract  
7 under the Program.

8 “(D) INCREASED LIMIT FOR CERTAIN IN-  
9 STITUTIONS.—With respect to a program de-  
10 scribed under subparagraph (A), if the Sec-  
11 retary of the Treasury determines that it would  
12 be appropriate and would encourage capacity  
13 building, the Secretary may alter the require-  
14 ments under subparagraph (A) to require  
15 both—

16 “(i) a higher percentage of the con-  
17 tract be offered to a small financial institu-  
18 tion; and

19 “(ii) require the small financial insti-  
20 tution to be a community development fi-  
21 nancial institution or a minority depository  
22 institution.

23 “(4) EXCLUSION.—The Secretary shall issue  
24 guidance or regulations to establish a process under  
25 which a financial agent, large financial institution,

1 or small financial institution may be excluded from  
2 participation in the Program.

3 “(5) REPORT.—The Office of Minority and  
4 Women Inclusion of the Department of the Treasury  
5 shall include in the report submitted to Congress  
6 under section 342(e) of the Dodd-Frank Wall Street  
7 Reform and Consumer Protection Act information  
8 pertaining to the Program, including—

9 “(A) the number of financial agents, large  
10 financial institutions, and small financial insti-  
11 tutions participating in such Program; and

12 “(B) the number of outreach events de-  
13 scribed in paragraph (2) held during the year  
14 covered by such report.

15 “(6) DEFINITIONS.—In this subsection:

16 “(A) COMMUNITY DEVELOPMENT FINAN-  
17 CIAL INSTITUTION.—The term ‘community de-  
18 velopment financial institution’ has the meaning  
19 given that term under section 103 of the Riegle  
20 Community Development and Regulatory Im-  
21 provement Act of 1994 (12 U.S.C. 4702).

22 “(B) FINANCIAL AGENT.—The term ‘fi-  
23 nancial agent’ means any national banking as-  
24 sociation designated by the Secretary of the

1 Treasury to be employed as a financial agent of  
2 the Government.

3 “(C) LARGE FINANCIAL INSTITUTION.—  
4 The term ‘large financial institution’ means any  
5 entity regulated by the Comptroller of the Cur-  
6 rency, the Board of Governors of the Federal  
7 Reserve System, the Federal Deposit Insurance  
8 Corporation, or the National Credit Union Ad-  
9 ministration that has total consolidated assets  
10 greater than or equal to \$50,000,000,000.

11 “(D) SMALL FINANCIAL INSTITUTION.—  
12 The term ‘small financial institution’ means—

13 “(i) any entity regulated by the  
14 Comptroller of the Currency, the Board of  
15 Governors of the Federal Reserve System,  
16 the Federal Deposit Insurance Corpora-  
17 tion, or the National Credit Union Admin-  
18 istration that has total consolidated assets  
19 lesser than or equal to \$2,000,000,000; or

20 “(ii) a minority depository institu-  
21 tion.”.

22 (b) EFFECTIVE DATE.—This section and the amend-  
23 ments made by this section shall take effect 90 days after  
24 the date of the enactment of this Act.

1 **SEC. 709. STRENGTHENING MINORITY LENDING INSTITU-**  
2 **TIONS.**

3 (a) MINORITY LENDING INSTITUTION SET-ASIDE IN  
4 PROVIDING ASSISTANCE.—

5 (1) IN GENERAL.—Section 108 of the Commu-  
6 nity Development Banking and Financial Institu-  
7 tions Act of 1994 (12 U.S.C. 4707) is amended by  
8 adding at the end the following:

9 “(i) MINORITY LENDING INSTITUTION SET-ASIDE IN  
10 PROVIDING ASSISTANCE.—Notwithstanding any other  
11 provision of law, in providing any assistance, the Fund  
12 shall reserve 40 percent of such assistance for minority  
13 lending institutions.”.

14 (2) DEFINITIONS.—

15 (A) IN GENERAL.—Section 103 of the  
16 Community Development Banking and Finan-  
17 cial Institutions Act of 1994 (12 U.S.C. 4702)  
18 is amended by adding at the end the following:

19 “(22) MINORITY LENDING INSTITUTION DEFI-  
20 NITIONS.—

21 “(A) MINORITY.—The term ‘minority’  
22 means any Black American, Hispanic Amer-  
23 ican, Asian American, Native American, Native  
24 Alaskan, Native Hawaiian, or Pacific Islander.

1           “(B) MINORITY LENDING INSTITUTION.—  
2           The term ‘minority lending institution’ means a  
3           community development financial institution—

4                   “(i) with respect to which a majority  
5                   of the total number of loans and a major-  
6                   ity of the value of investments of the com-  
7                   munity development financial institution  
8                   are directed at minorities and other tar-  
9                   geted populations;

10                   “(ii) that is a minority depository in-  
11                   stitution, as defined under section 308 of  
12                   the Financial Institutions Reform, Recov-  
13                   ery, and Enforcement Act of 1989 (12  
14                   U.S.C. 1463 note), or otherwise considered  
15                   to be a minority depository institution by  
16                   the appropriate Federal banking agency; or

17                   “(iii) that is 51 percent owned by one  
18                   or more socially and economically dis-  
19                   advantaged individuals.

20           “(C) ADDITIONAL DEFINITIONS.—In this  
21           paragraph, the terms ‘other targeted popu-  
22           lations’ and ‘socially and economically disadvan-  
23           taged individual’ shall have the meaning given  
24           those terms by the Administrator.”.



1 (B) TEMPORARY SAFE HARBOR FOR CER-  
2 TAIN INSTITUTIONS.—A community develop-  
3 ment financial institution that is a minority de-  
4 pository institution listed in the Federal De-  
5 posit Insurance Corporation’s Minority Deposi-  
6 tory Institutions List published for the Second  
7 Quarter 2020 shall be deemed a “minority lend-  
8 ing institution” under section 103(22) of the  
9 Community Development Banking and Finan-  
10 cial Institutions Act of 1994 for purposes of—

11 (i) any program carried out using ap-  
12 propriations authorized for the Community  
13 Development Financial Institutions Fund  
14 under section 706; and

15 (ii) the Neighborhood Capital Invest-  
16 ment Program established under section  
17 4003(i) of the CARES Act.

18 (b) OFFICE OF MINORITY LENDING INSTITU-  
19 TIONS.—Section 104 of the Community Development  
20 Banking and Financial Institutions Act of 1994 (12  
21 U.S.C. 4703) is amended by adding at the end the fol-  
22 lowing:

23 “(1) OFFICE OF MINORITY LENDING INSTITU-  
24 TIONS.—

1           “(1) ESTABLISHMENT.—There is established  
2           within the Fund an Office of Minority Lending In-  
3           stitutions, which shall oversee assistance provided by  
4           the Fund to minority lending institutions.

5           “(2) DEPUTY DIRECTOR.—The head of the Of-  
6           fice shall be the Deputy Director of Minority Lend-  
7           ing Institutions, who shall report directly to the Ad-  
8           ministrators of the Fund.”.

9           (c) REPORTING ON MINORITY LENDING INSTITU-  
10          TIONS.—Section 117 of the Community Development  
11          Banking and Financial Institutions Act of 1994 (12  
12          U.S.C. 4716) is amended by adding at the end the fol-  
13          lowing:

14          “(g) REPORTING ON MINORITY LENDING INSTITU-  
15          TIONS.—Each report required under subsection (a) shall  
16          include a description of the extent to which assistance  
17          from the Fund are provided to minority lending institu-  
18          tions.”.

19          (d) SUBMISSION OF DATA RELATING TO DIVERSITY  
20          BY COMMUNITY DEVELOPMENT FINANCIAL INSTITU-  
21          TIONS.—Section 104 of the Riegle Community Develop-  
22          ment and Regulatory Improvement Act of 1994 (12  
23          U.S.C. 4703) is amended by adding at the end the fol-  
24          lowing:

1       “(1) SUBMISSION OF DATA RELATING TO DIVER-  
2     SITY.—

3               “(1) DEFINITIONS.—In this subsection—

4                       “(A) the term ‘executive officer’ has the  
5     meaning given the term in section 230.501(f) of  
6     title 17, Code of Federal Regulations, as in ef-  
7     fect on the date of enactment of this subsection;  
8     and

9                       “(B) the term ‘veteran’ has the meaning  
10    given the term in section 101 of title 38, United  
11    States Code.

12               “(2) SUBMISSION OF DISCLOSURE.—Each Fund  
13    applicant and recipient shall provide the following:

14                       “(A) Data, based on voluntary self-identi-  
15    fication, on the racial, ethnic, and gender com-  
16    position of—

17                               “(i) the board of directors of the insti-  
18    tution;

19                               “(ii) nominees for the board of direc-  
20    tors of the institution; and

21                               “(iii) the executive officers of the in-  
22    stitution.

23                       “(B) The status of any member of the  
24    board of directors of the institution, any nomi-  
25    nee for the board of directors of the institution,

1 or any executive officer of the institution, based  
2 on voluntary self-identification, as a veteran.

3 “(C) Whether the board of directors of the  
4 institution, or any committee of that board of  
5 directors, has, as of the date on which the insti-  
6 tution makes a disclosure under this paragraph,  
7 adopted any policy, plan, or strategy to promote  
8 racial, ethnic, and gender diversity among—

9 “(i) the board of directors of the insti-  
10 tution;

11 “(ii) nominees for the board of direc-  
12 tors of the institution; or

13 “(iii) the executive officers of the in-  
14 stitution.

15 “(3) ANNUAL REPORT.—Not later than 18  
16 months after the date of enactment of this sub-  
17 section, and annually thereafter, the Fund shall sub-  
18 mit to the Committee on Banking, Housing, and  
19 Urban Affairs of the Senate and the Committee on  
20 Financial Services of the House of Representatives,  
21 and make publicly available on the website of the  
22 Fund, a report—

23 “(A) on the data and trends of the diver-  
24 sity information made available pursuant to  
25 paragraph (2); and

1           “(B) containing all administrative or legis-  
2           lative recommendations of the Fund to enhance  
3           the implementation of this title or to promote  
4           diversity and inclusion within community devel-  
5           opment financial institutions.”.

6 **SEC. 710. CDFI BOND GUARANTEE REFORM.**

7           Effective October 1, 2020, section 114A(e)(2)(B) of  
8           the Riegle Community Development and Regulatory Im-  
9           provement Act of 1994 (12 U.S.C. 4713a(e)(2)(B)) is  
10          amended by striking “\$100,000,000” and inserting  
11          “\$50,000,000”.

12 **SEC. 711. REPORTS.**

13          (a) IN GENERAL.—The Secretary of the Treasury  
14          shall provide to the appropriate committees of Congress—

15               (1) within 30 days of the end of each month  
16               commencing with the first month in which trans-  
17               actions are made under a program established under  
18               this title or the amendments made by this title, a  
19               written report describing all of the transactions  
20               made during the reporting period pursuant to the  
21               authorities granted under this title or the amend-  
22               ments made by this title; and

23               (2) after the end of March and the end of Sep-  
24               tember, commencing March 31, 2021, a written re-  
25               port on all projected costs and liabilities, all oper-

1       ating expenses, including compensation for financial  
2       agents, and all transactions made by the Community  
3       Development Financial Institutions Fund, including  
4       participating institutions and amounts each institu-  
5       tion has received under each program described in  
6       paragraph (1).

7       (b) BREAKDOWN OF FUNDS.—Each report required  
8       under subsection (a) shall specify the amount of funds  
9       under each program described under subsection (a)(1)  
10      that went to—

11           (1) minority depository institutions that are de-  
12           pository institutions;

13           (2) minority depository institutions that are  
14           credit unions;

15           (3) minority lending institutions;

16           (4) community development financial institution  
17           loan funds;

18           (5) community development financial institu-  
19           tions that are depository institutions; and

20           (6) community development financial institu-  
21           tions that are credit unions.

22      (c) DEFINITIONS.—In this section:

23           (1) APPROPRIATE COMMITTEES OF CON-  
24           GRESS.—The term “appropriate committees of Con-  
25           gress” means the Committee on Financial Services

1 of the House of Representatives and the Committee  
2 on Banking, Housing, and Urban Affairs of the Sen-  
3 ate.

4 (2) COMMUNITY DEVELOPMENT FINANCIAL IN-  
5 STITUTION.—The term “community development fi-  
6 nancial institution” has the meaning given that term  
7 under section 103 of the Riegle Community Develop-  
8 ment and Regulatory Improvement Act of 1994.

9 (3) CREDIT UNION.—The term “credit union”  
10 means a State credit union or a Federal credit  
11 union, as such terms are defined, respectively, under  
12 section 101 of the Federal Credit Union Act.

13 (4) DEPOSITORY INSTITUTION.—The term “de-  
14 pository institution” has the meaning given that  
15 term under section 3 of the Federal Deposit Insur-  
16 ance Act.

17 (5) MINORITY DEPOSITORY INSTITUTION.—The  
18 term “minority depository institution” has the  
19 meaning given under section 308 of the Financial  
20 Institutions Reform, Recovery, and Enforcement Act  
21 of 1989 .

22 (6) MINORITY LENDING INSTITUTION.—The  
23 term “minority lending institution” has the meaning  
24 given that term under section 103 of the Community

1 Development Banking and Financial Institutions Act  
2 of 1994.

3 **SEC. 712. INSPECTOR GENERAL OVERSIGHT.**

4 (a) IN GENERAL.—The Inspector General of the De-  
5 partment of the Treasury shall conduct, supervise, and co-  
6 ordinate audits and investigations of any program estab-  
7 lished under this title or the amendments made by this  
8 title.

9 (b) REPORTING.—The Inspector General of the De-  
10 partment of the Treasury shall issue a report not less fre-  
11 quently than 2 times per year to Congress and the Sec-  
12 retary of the Treasury relating to the oversight provided  
13 by the Office of the Inspector General, including any rec-  
14 ommendations for improvements to the programs de-  
15 scribed in subsection (a).

16 **SEC. 713. STUDY AND REPORT WITH RESPECT TO IMPACT**  
17 **OF PROGRAMS ON LOW- AND MODERATE-IN-**  
18 **COME AND MINORITY COMMUNITIES.**

19 (a) STUDY.—The Secretary of the Treasury shall  
20 conduct a study of the impact of the programs established  
21 under this title or any amendment made by this title on  
22 low- and moderate-income and minority communities.

23 (b) REPORT.—Not later than 18 months after the  
24 date of enactment of this Act, the Secretary shall submit  
25 to Congress a report on the results of the study conducted



1 pursuant to subsection (a), which shall include, to the ex-  
2 tent possible, the results of the study disaggregated by  
3 ethnic group.

4 (c) INFORMATION PROVIDED TO THE SECRETARY.—  
5 Eligible institutions that participate in any of the pro-  
6 grams described in subsection (a) shall provide the Sec-  
7 retary of the Treasury with such information as the Sec-  
8 retary may require to carry out the study required by this  
9 section.

10 **TITLE VIII—PROVIDING ASSIST-**  
11 **ANCE FOR STATE, TERRI-**  
12 **TORY, TRIBAL, AND LOCAL**  
13 **GOVERNMENTS**

14 **SEC. 801. EMERGENCY RELIEF FOR STATE, TERRITORIAL,**  
15 **TRIBAL, AND LOCAL GOVERNMENTS.**

16 (a) PURCHASE OF COVID-19 RELATED MUNICIPAL  
17 ISSUANCES.—Section 14(b) of the Federal Reserve Act  
18 (12 U.S.C. 355) is amended by adding at the end the fol-  
19 lowing new paragraph:

20 “(3) UNUSUAL AND EXIGENT CIR-  
21 CUMSTANCES.—Under unusual and exigent cir-  
22 cumstances, to buy any bills, notes, revenue bonds,  
23 and warrants issued by any State, county, district,  
24 political subdivision, municipality, or entity that is a  
25 combination of any of the several States, the District

1 of Columbia, or any of the territories and posses-  
2 sions of the United States. In this paragraph, the  
3 term ‘State’ means each of the several States, the  
4 District of Columbia, each territory and possession  
5 of the United States, and each federally recognized  
6 Indian Tribe.”.

7 (b) FEDERAL RESERVE AUTHORIZATION TO PUR-  
8 CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—  
9 Within 7 days after the date of the enactment of this sub-  
10 section, the Board of Governors of the Federal Reserve  
11 System shall modify the Municipal Liquidity Facility (es-  
12 tablished on April 9, 2020, pursuant to section 13(3) of  
13 the Federal Reserve Act (12 U.S.C. 343(3))) to—

14 (1) ensure such facility is operational until Feb-  
15 ruary 1, 2021;

16 (2) allow for the purchase of bills, notes, bonds,  
17 and warrants with maximum maturity of 10 years  
18 from the date of such purchase;

19 (3) ensure that any purchases made are at an  
20 interest rate equal to the discount window primary  
21 credit interest rate most recently published on the  
22 Federal Reserve Statistical Release on selected inter-  
23 est rates (daily or weekly), commonly referred to as  
24 the “H.15 release” or the “Federal funds rate”;

1 (4) ensure that an eligible issuer does not need  
2 to attest to an inability to secure credit elsewhere;  
3 and

4 (5) include in the list of eligible issuers for such  
5 purchases—

6 (A) any of the territories and possessions  
7 of the United States;

8 (B) a political subdivision of a State with  
9 a population of more than 50,000 residents;  
10 and

11 (C) an entity that is a combination of any  
12 of the several States, the District of Columbia,  
13 or any of the territories and possessions of the  
14 United States.

15 **SEC. 802. COMMUNITY DEVELOPMENT BLOCK GRANTS.**

16 (a) FUNDING AND ALLOCATIONS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated  
19 \$5,000,000,000 for assistance in accordance with  
20 this section under the community development block  
21 grant program under title I of the Housing and  
22 Community Development Act of 1974 (42 U.S.C.  
23 5301 et seq.), which shall remain available until  
24 September 30, 2023.

1           (2) ALLOCATION.—Amounts made available  
2           pursuant to paragraph (1) shall be distributed pur-  
3           suant to section 106 of such Act (42 U.S.C. 5306)  
4           to grantees and such allocations shall be made with-  
5           in 30 days after the date of the enactment of this  
6           Act.

7           (b) TIME LIMITATION ON EMERGENCY GRANT PAY-  
8           MENTS.—Paragraph (4) of section 570.207(b) of the Sec-  
9           retary’s regulations (24 C.F.R. 570.207(b)(4)) shall be  
10          applied with respect to grants with amounts made avail-  
11          able pursuant to subsection (a), by substituting “12 con-  
12          secutive months” for “3 consecutive months”.

13          (c) MATCHING OF AMOUNTS USED FOR ADMINISTRA-  
14          TIVE COSTS.—Any requirement for a State to match or  
15          supplement amounts expended for program administration  
16          of State grants under section 106(d) of the Housing and  
17          Community Development Act of 1974 (42 U.S.C.  
18          5306(d)) shall not apply with respect to amounts made  
19          available pursuant to subsection (a).

20          (d) CAPER INFORMATION.—During the period that  
21          begins on the date of enactment of this Act and ends on  
22          the date of the termination by the Federal Emergency  
23          Management Agency of the emergency declared on March  
24          13, 2020, by the President under the Robert T. Stafford  
25          Disaster Relief and Emergency Assistance Act (42 U.S.C.

1 4121 et seq.) relating to the Coronavirus Disease 2019  
2 (COVID–19) pandemic, the Secretary shall make all infor-  
3 mation included in Consolidated Annual Performance and  
4 Evaluation Reports relating to assistance made available  
5 pursuant to this section publicly available on its website  
6 on a quarterly basis.

7 (e) AUTHORITY; WAIVERS.—Any provisions of, and  
8 waivers and alternative requirements issued by the Sec-  
9 retary pursuant to, the heading “Department of Housing  
10 and Urban Development—Community Planning and De-  
11 velopment —Community Development Fund” in title XII  
12 of division B of the CARES Act (Public Law 116–136)  
13 shall apply with respect to amounts made available pursu-  
14 ant to subsection (a) of this section.

15 **TITLE IX—SUPPORT FOR A RO-**  
16 **BUST GLOBAL RESPONSE TO**  
17 **THE COVID–19 PANDEMIC**

18 **SEC. 901. UNITED STATES POLICIES.**

19 (a) UNITED STATES POLICIES AT THE INTER-  
20 NATIONAL FINANCIAL INSTITUTIONS.—

21 (1) IN GENERAL.—The Secretary of the Treas-  
22 ury shall instruct the United States Executive Direc-  
23 tor at each international financial institution (as de-  
24 fined in section 1701(c)(2) of the International Fi-  
25 nancial Institutions Act (22 U.S.C. 262r(c)(2))) to

1 use the voice and vote of the United States at the  
2 respective institution—

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 fi-  
12 nancing from the institution, in response  
13 to the 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 spend-  
17 ing or in any other spending that would impede  
18 the ability of any country to prevent or contain  
19 the spread of, or treat persons who are or may  
20 be infected 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  
24 are emerging markets or developing countries,  
25 based on confirmation of implementable trans-

1           parenthood mechanisms or protocols to ensure the  
2           allocations are used for the public good and in  
3           response the global pandemic.

4           (2) IMF ISSUANCE OF SPECIAL DRAWING  
5           RIGHTS.—It is the policy of the United States to  
6           support the issuance of a special allocation of not  
7           less than 2,000,000,000,000 Special Drawing Rights  
8           so 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 Treas-  
11          ury shall use the voice and vote of the United States  
12          to support the issuance, and shall instruct the  
13          United States Executive Director at the Inter-  
14          national Monetary 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  
19          of its current stock, and any future allocation of,  
20          Special Drawing Rights to the Poverty Reduction  
21          and Growth Facility (PRGF) or a similar special  
22          purpose vehicle at the International Monetary Fund  
23          to help developing and low-income countries respond  
24          to the health and economic impacts of the COVID–  
25          19 pandemic.

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 re-  
6           spect to implementing the policy goals of the United  
7           States set forth in paragraphs (2) and (3), and shall  
8           post the instruction on the website of the Depart-  
9           ment of the Treasury.

10          (b) UNITED STATES POLICY AT THE G20.—The Sec-  
11         retary of the Treasury shall commence immediate efforts  
12         to 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  
15         world’s 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 to-  
21         ward advancing the policies described in subsection (a) of  
22         this section.

23          (d) TERMINATION.—Subsections (a) and (c) shall  
24         have 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  
6 the Committee on Financial Services of the House of  
7 Representatives a report stating that the SARS-  
8 CoV-2 virus is no longer a serious threat to public  
9 health in 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.—Sec-  
15 tion 4026(b)(1)(A)(iii) of the CARES Act (Public Law  
16 116–136) 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  
23 the 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  
9                   each such loan or loan guarantee, in-  
10                  cluding—

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 re-  
20                           spect to employee compensation,  
21                           distribution of dividends, or any  
22                           other corporate decision in ex-  
23                           change for the assistance; and

24                           “(ee) the expected costs to  
25                           the Federal Government with re-

1 spect to such loans or loan guar-  
2 antees.”.

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  
8 shall submit to the Special Inspector General, the Com-  
9 mittee on Financial Services of the House of Representa-  
10 tives, and the Committee on Banking, Housing, and  
11 Urban Affairs of the Senate a report that includes the in-  
12 formation specified in subparagraphs (A) through (E) of  
13 subsection (c)(1) with respect to the making, purchase,  
14 management, and sale of loans, loan guarantees, and other  
15 investments made by the Secretary under any program es-  
16 tablished by the Secretary 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 CON-  
21 GRESS.—In addition to the reports required under  
22 paragraph (2), the Oversight Commission may sub-  
23 mit other reports to Congress at such time, in such  
24 manner, and containing such information as the  
25 Oversight Commission 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)  
7 through (D) as subparagraphs (D) through (F), re-  
8 spectively; 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)  
19 through (G) as subparagraphs (D) through (I), re-  
20 spectively; 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 Cur-  
22 rency;

23 (4) the Board of Governors of the Federal Re-  
24 serve System;

25 (5) the National Credit Union Administration;

1 (6) the Bureau of Consumer Financial Protec-  
2 tion;

3 (7) the Department of Housing and Urban De-  
4 velopment;

5 (8) the Department of Agriculture, Rural Hous-  
6 ing Service;

7 (9) the Securities and Exchange Commission;  
8 and

9 (10) the Federal Housing Finance Agency.

10 (b) REPORT.—The Inspector General of each covered  
11 agency shall include in each semiannual report submitted  
12 by the Inspector General the findings of the Inspector  
13 General on the effectiveness of—

14 (1) rulemaking by the covered agency related to  
15 COVID–19; and

16 (2) supervision and oversight by the covered  
17 agency of institutions and entities that participate in  
18 COVID–19-related relief, funding, lending, or other  
19 programs of the covered agency.

20 (c) SUBMISSION.—The Inspector General of each cov-  
21 ered agency shall submit the information required to be  
22 included in each semiannual report under subsection (b)  
23 to—

- 1           (1) the Special Inspector General for Pandemic
- 2           Recovery appointed under section 4018 of division A
- 3           of the CARES Act (Public Law 116–136);
- 4           (2) the Pandemic Response Accountability
- 5           Committee established under section 15010 of divi-
- 6           sion B of the CARES Act (Public Law 116–136);
- 7           and
- 8           (3) the Congressional Oversight Commission es-
- 9           tablished under section 4020 of division A of the
- 10          CARES Act (Public Law 116–136).

1           **DIVISION P—ACCESS ACT**

2   **SEC. 101. SHORT TITLE.**

3           This Act may be cited as the “American Coronavirus/  
4 COVID–19 Election Safety and Security Act” or the “AC-  
5 CESS Act”.

6   **SEC. 102. REQUIREMENTS FOR FEDERAL ELECTION CON-**  
7                   **TINGENCY PLANS IN RESPONSE TO NATURAL**  
8                   **DISASTERS AND EMERGENCIES.**

9           (a) IN GENERAL.—

10           (1) ESTABLISHMENT.—Not later than 90 days  
11 after the date of the enactment of this Act, each  
12 State and each jurisdiction in a State which is re-  
13 sponsible for administering elections for Federal of-  
14 fice shall establish and make publicly available a  
15 contingency plan to enable individuals to vote in  
16 elections for Federal office during a state of emer-  
17 gency, public health emergency, or national emer-  
18 gency which has been declared for reasons includ-  
19 ing—

20                   (A) a natural disaster; or

21                   (B) an infectious disease.

22           (2) UPDATING.—Each State and jurisdiction  
23 shall update the contingency plan established under  
24 this subsection not less frequently than every 5  
25 years.



1 (b) REQUIREMENTS RELATING TO SAFETY.—The  
2 contingency plan established under subsection (a) shall in-  
3 clude initiatives to provide equipment and resources need-  
4 ed to protect the health and safety of poll workers and  
5 voters when voting in person.

6 (c) REQUIREMENTS RELATING TO RECRUITMENT OF  
7 POLL WORKERS.—The contingency plan established  
8 under subsection (a) shall include initiatives by the chief  
9 State election official and local election officials to recruit  
10 poll workers from resilient or unaffected populations,  
11 which may include—

12 (1) employees of other State and local govern-  
13 ment offices; and

14 (2) in the case in which an infectious disease  
15 poses significant increased health risks to elderly in-  
16 dividuals, students of secondary schools and institu-  
17 tions of higher education in the State.

18 (d) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL.—The Attorney Gen-  
20 eral may bring a civil action against any State or ju-  
21 risdiction in an appropriate United States District  
22 Court for such declaratory and injunctive relief (in-  
23 cluding a temporary restraining order, a permanent  
24 or temporary injunction, or other order) as may be

1 necessary to carry out the requirements of this sec-  
2 tion.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—In the case of a viola-  
5 tion of this section, any person who is aggrieved  
6 by such violation may provide written notice of  
7 the violation to the chief election official of the  
8 State involved.

9 (B) RELIEF.—If the violation is not cor-  
10 rected within 20 days after receipt of a notice  
11 under subparagraph (A), or within 5 days after  
12 receipt of the notice if the violation occurred  
13 within 120 days before the date of an election  
14 for Federal office, the aggrieved person may, in  
15 a civil action, obtain declaratory or injunctive  
16 relief with respect to the violation.

17 (C) SPECIAL RULE.—If the violation oc-  
18 curred within 5 days before the date of an elec-  
19 tion for Federal office, the aggrieved person  
20 need not provide notice to the chief election of-  
21 ficial of the State involved under subparagraph  
22 (A) before bringing a civil action under sub-  
23 paragraph (B).

24 (e) DEFINITIONS.—

1           (1) ELECTION FOR FEDERAL OFFICE.—For  
2 purposes of this section, the term “election for Fed-  
3 eral office” means a general, special, primary, or  
4 runoff election for the office of President or Vice  
5 President, or of Senator or Representative in, or  
6 Delegate or Resident Commissioner to, the Con-  
7 gress.

8           (2) STATE.—For purposes of this section, the  
9 term “State” includes the District of Columbia, the  
10 Commonwealth of Puerto Rico, Guam, American  
11 Samoa, the United States Virgin Islands, and the  
12 Commonwealth of the Northern Mariana Islands.

13          (f) EFFECTIVE DATE.—This section shall apply with  
14 respect to the regularly scheduled general election for Fed-  
15 eral office held in November 2020 and each succeeding  
16 election for Federal office.

17 **SEC. 103. EARLY VOTING AND VOTING BY MAIL.**

18          (a) REQUIREMENTS.—Title III of the Help America  
19 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
20 by adding at the end the following new subtitle:

21 **“Subtitle C—Other Requirements**

22 **“SEC. 321. EARLY VOTING.**

23          “(a) REQUIRING ALLOWING VOTING PRIOR TO DATE  
24 OF ELECTION.—

1           “(1) IN GENERAL.—Each State shall allow indi-  
2           viduals to vote in an election for Federal office dur-  
3           ing an early voting period which occurs prior to the  
4           date of the election, in the same manner as voting  
5           is allowed on such date.

6           “(2) LENGTH OF PERIOD.—The early voting  
7           period required under this subsection with respect to  
8           an election shall consist of a period of consecutive  
9           days (including weekends) which begins on the 15th  
10          day before the date of the election (or, at the option  
11          of the State, on a day prior to the 15th day before  
12          the date of the election) and ends on the date of the  
13          election.

14          “(b) MINIMUM EARLY VOTING REQUIREMENTS.—  
15          Each polling place which allows voting during an early vot-  
16          ing period under subsection (a) shall—

17                 “(1) allow such voting for no less than 10 hours  
18                 on each day;

19                 “(2) have uniform hours each day for which  
20                 such voting occurs; and

21                 “(3) allow such voting to be held for some pe-  
22                 riod of time prior to 9:00 a.m (local time) and some  
23                 period of time after 5:00 p.m. (local time).

24          “(c) LOCATION OF POLLING PLACES.—

1           “(1) PROXIMITY TO PUBLIC TRANSPOR-  
2           TATION.—To the greatest extent practicable, a State  
3           shall ensure that each polling place which allows vot-  
4           ing during an early voting period under subsection  
5           (a) is located within walking distance of a stop on  
6           a public transportation route.

7           “(2) AVAILABILITY IN RURAL AREAS.—The  
8           State shall ensure that polling places which allow  
9           voting during an early voting period under sub-  
10          section (a) will be located in rural areas of the State,  
11          and shall ensure that such polling places are located  
12          in communities which will provide the greatest op-  
13          portunity for residents of rural areas to vote during  
14          the early voting period.

15          “(d) STANDARDS.—

16               “(1) IN GENERAL.—The Commission shall issue  
17               standards for the administration of voting prior to  
18               the day scheduled for a Federal election. Such  
19               standards shall include the nondiscriminatory geo-  
20               graphic placement of polling places at which such  
21               voting occurs.

22               “(2) DEVIATION.—The standards described in  
23               paragraph (1) shall permit States, upon providing  
24               adequate public notice, to deviate from any require-  
25               ment in the case of unforeseen circumstances such

1 as a natural disaster, terrorist attack, or a change  
2 in voter turnout.

3 “(e) **BALLOT PROCESSING AND SCANNING REQUIRE-**  
4 **MENTS.—**

5 “(1) **IN GENERAL.—**The State shall begin proc-  
6 essing and scanning ballots cast during early voting  
7 for tabulation at least 14 days prior to the date of  
8 the election involved.

9 “(2) **LIMITATION.—**Nothing in this subsection  
10 shall be construed to permit a State to tabulate bal-  
11 lots in an election before the closing of the polls on  
12 the date of the election.

13 “(f) **EFFECTIVE DATE.—**This section shall apply  
14 with respect to the regularly scheduled general election for  
15 Federal office held in November 2020 and each succeeding  
16 election for Federal office.

17 **“SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
18 **MAIL.**

19 “(a) **UNIFORM AVAILABILITY OF ABSENTEE VOTING**  
20 **TO ALL VOTERS.—**

21 “(1) **IN GENERAL.—**If an individual in a State  
22 is eligible to cast a vote in an election for Federal  
23 office, the State may not impose any additional con-  
24 ditions or requirements on the eligibility of the indi-

1           vidual to cast the vote in such election by absentee  
2           ballot by mail.

3           “(2) ADMINISTRATION OF VOTING BY MAIL.—

4                   “(A) PROHIBITING IDENTIFICATION RE-  
5                   QUIREMENT AS CONDITION OF OBTAINING BAL-  
6                   LOT.—A State may not require an individual to  
7                   provide any form of identification as a condition  
8                   of obtaining an absentee ballot, except that  
9                   nothing in this paragraph may be construed to  
10                  prevent a State from requiring a signature of  
11                  the individual or similar affirmation as a condi-  
12                  tion of obtaining an absentee ballot.

13                   “(B) PROHIBITING REQUIREMENT TO PRO-  
14                   VIDE NOTARIZATION OR WITNESS SIGNATURE  
15                   AS CONDITION OF OBTAINING OR CASTING BAL-  
16                   LOT.—A State may not require notarization or  
17                   witness signature or other formal authentica-  
18                   tion (other than voter attestation) as a condi-  
19                   tion of obtaining or casting an absentee ballot.

20                   “(C) DEADLINE FOR RETURNING BAL-  
21                   LOT.—A State may impose a deadline for re-  
22                   questing the absentee ballot and related voting  
23                   materials from the appropriate State or local  
24                   election official and for returning the ballot to  
25                   the appropriate State or local election official.

1           “(3) APPLICATION FOR ALL FUTURE ELEC-  
2           TIONS.—At the option of an individual, a State shall  
3           treat the individual’s application to vote by absentee  
4           ballot by mail in an election for Federal office as an  
5           application to vote by absentee ballot by mail in all  
6           subsequent Federal elections held in the State.

7           “(b) DUE PROCESS REQUIREMENTS FOR STATES  
8           REQUIRING SIGNATURE VERIFICATION.—

9           “(1) REQUIREMENT.—

10           “(A) IN GENERAL.—A State may not im-  
11           pose a signature verification requirement as a  
12           condition of accepting and counting an absentee  
13           ballot submitted by any individual with respect  
14           to an election for Federal office unless the  
15           State meets the due process requirements de-  
16           scribed in paragraph (2).

17           “(B) SIGNATURE VERIFICATION REQUIRE-  
18           MENT DESCRIBED.—In this subsection, a ‘sig-  
19           nature verification requirement’ is a require-  
20           ment that an election official verify the identi-  
21           fication of an individual by comparing the indi-  
22           vidual’s signature on the absentee ballot with  
23           the individual’s signature on the official list of  
24           registered voters in the State or another official



1 record or other document used by the State to  
2 verify the signatures of voters.

3 “(2) DUE PROCESS REQUIREMENTS.—

4 “(A) NOTICE AND OPPORTUNITY TO CURE  
5 DISCREPANCY.—If an individual submits an ab-  
6 sentee ballot and the appropriate State or local  
7 election official determines that a discrepancy  
8 exists between the signature on such ballot and  
9 the signature of such individual on the official  
10 list of registered voters in the State or other of-  
11 ficial record or document used by the State to  
12 verify the signatures of voters, such election of-  
13 ficial, prior to making a final determination as  
14 to the validity of such ballot, shall—

15 “(i) make a good faith effort to imme-  
16 diately notify the individual by mail, tele-  
17 phone, and (if available) electronic mail  
18 that—

19 “(I) a discrepancy exists between  
20 the signature on such ballot and the  
21 signature of the individual on the offi-  
22 cial list of registered voters in the  
23 State, and

24 “(II) if such discrepancy is not  
25 cured prior to the expiration of the

1 10-day period which begins on the  
2 date the official notifies the individual  
3 of the discrepancy, such ballot will not  
4 be counted; and

5 “(ii) cure such discrepancy and count  
6 the ballot if, prior to the expiration of the  
7 10-day period described in clause (i)(II),  
8 the individual provides the official with in-  
9 formation to cure such discrepancy, either  
10 in person, by telephone, or by electronic  
11 methods.

12 “(B) NOTICE AND OPPORTUNITY TO PRO-  
13 VIDE MISSING SIGNATURE.—If an individual  
14 submits an absentee ballot without a signature,  
15 the appropriate State or local election official,  
16 prior to making a final determination as to the  
17 validity of the 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) the ballot did not include a  
23 signature, and

24 “(II) if the individual does not  
25 provide the missing signature prior to

1 the expiration of the 10-day period  
2 which begins on the date the official  
3 notifies the individual that the ballot  
4 did not include a signature, such bal-  
5 lot will not be counted; and

6 “(ii) count the ballot if, prior to the  
7 expiration of the 10-day period described  
8 in clause (i)(II), the individual provides the  
9 official with the missing signature on a  
10 form proscribed by the State.

11 “(C) OTHER REQUIREMENTS.—An election  
12 official may not make a determination that a  
13 discrepancy exists between the signature on an  
14 absentee ballot and the signature of the indi-  
15 vidual who submits the ballot on the official list  
16 of registered voters in the State or other official  
17 record or other document used by the State to  
18 verify the signatures of voters unless—

19 “(i) at least 2 election officials make  
20 the determination; and

21 “(ii) each official who makes the de-  
22 termination has received training in proce-  
23 dures used to verify signatures.

24 “(3) REPORT.—

1           “(A) IN GENERAL.—Not later than 120  
2 days after the end of a Federal election cycle,  
3 each chief State election official shall submit to  
4 Congress a report containing the following in-  
5 formation for the applicable Federal election  
6 cycle in the State:

7                   “(i) The number of ballots invalidated  
8 due to a discrepancy under this subsection.

9                   “(ii) Description of attempts to con-  
10 tact voters to provide notice as required by  
11 this subsection.

12                   “(iii) Description of the cure process  
13 developed by such State pursuant to this  
14 subsection, including the number of ballots  
15 determined valid as a result of such proc-  
16 ess.

17           “(B) FEDERAL ELECTION CYCLE DE-  
18 FINED.—For purposes of this subsection, the  
19 term ‘Federal election cycle’ means the period  
20 beginning on January 1 of any odd numbered  
21 year and ending on December 31 of the fol-  
22 lowing year.

23           “(c) METHODS AND TIMING FOR TRANSMISSION OF  
24 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

1           “(1) METHOD FOR REQUESTING BALLOT.—In  
2           addition to such other methods as the State may es-  
3           tablish for an individual to request an absentee bal-  
4           lot, the State shall permit an individual to submit a  
5           request for an absentee ballot online. The State shall  
6           be considered to meet the requirements of this para-  
7           graph if the website of the appropriate State or local  
8           election official allows an absentee ballot request ap-  
9           plication to be completed and submitted online and  
10          if the website permits the individual—

11                   “(A) to print the application so that the  
12                   individual may complete the application and re-  
13                   turn it to the official; or

14                   “(B) request that a paper copy of the ap-  
15                   plication be transmitted to the individual by  
16                   mail or electronic mail so that the individual  
17                   may complete the application and return it to  
18                   the official.

19          “(2) ENSURING DELIVERY PRIOR TO ELEC-  
20          TION.—If an individual requests to vote by absentee  
21          ballot in an election for Federal office, the appro-  
22          priate State or local election official shall ensure  
23          that the ballot and relating voting materials are re-  
24          ceived by the individual prior to the date of the elec-  
25          tion so long as the individual’s request is received by

1 the official not later than 5 days (excluding Satur-  
2 days, Sundays, and legal public holidays) before the  
3 date of the election, except that nothing in this para-  
4 graph shall preclude a State or local jurisdiction  
5 from allowing for the acceptance and processing of  
6 ballot requests submitted or received after such re-  
7 quired period.

8 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-  
9 ABILITIES.—The State shall ensure that all absentee bal-  
10 lots and related voting materials in elections for Federal  
11 office are accessible to individuals with disabilities in a  
12 manner that provides the same opportunity for access and  
13 participation (including with privacy and independence) as  
14 for other voters.

15 “(e) UNIFORM DEADLINE FOR ACCEPTANCE OF  
16 MAILED BALLOTS.—

17 “(1) IN GENERAL.—A State may not refuse to  
18 accept or process a ballot submitted by an individual  
19 by mail with respect to an election for Federal office  
20 in the State on the grounds that the individual did  
21 not meet a deadline for returning the ballot to the  
22 appropriate State or local election official if—

23 “(A) the ballot is postmarked, signed, or  
24 otherwise indicated by the United States Postal

1 Service to have been mailed on or before the  
2 date of the election; and

3 “(B) the ballot is received by the appro-  
4 priate election official prior to the expiration of  
5 the 10-day period which begins on the date of  
6 the election.

7 “(2) RULE OF CONSTRUCTION.—Nothing in  
8 this subsection shall be construed to prohibit a State  
9 from having a law that allows for counting of ballots  
10 in an election for Federal office that are received  
11 through the mail after the date that is 10 days after  
12 the date of the election.

13 “(f) ALTERNATIVE METHODS OF RETURNING BAL-  
14 LOTS.—

15 “(1) IN GENERAL.—In addition to permitting  
16 an individual to whom a ballot in an election was  
17 provided under this section to return the ballot to an  
18 election official by mail, the State shall permit the  
19 individual to cast the ballot by delivering the ballot  
20 at such times and to such locations as the State may  
21 establish, 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 poll-  
25 ing place; and

1           “(B) permitting the individual to deliver  
2           the ballot to a designated ballot drop-off loca-  
3           tion.

4           “(2) PERMITTING VOTERS TO DESIGNATE  
5           OTHER PERSON TO RETURN BALLOT.—The State—

6           “(A) shall permit a voter to designate any  
7           person to return a voted and sealed absentee  
8           ballot to the post office, a ballot drop-off loca-  
9           tion, tribally designated building, or election of-  
10          fice so long as the person designated to return  
11          the ballot does not receive any form of com-  
12          pensation based on the number of ballots that  
13          the person has returned and no individual,  
14          group, or organization provides compensation  
15          on this basis; and

16          “(B) may not put any limit on how many  
17          voted and sealed absentee ballots any des-  
18          ignated person can return to the post office, a  
19          ballot drop off location, tribally designated  
20          building, or election office.

21          “(g) BALLOT PROCESSING AND SCANNING REQUIRE-  
22          MENTS.—

23          “(1) IN GENERAL.—The State shall begin proc-  
24          essing and scanning ballots cast by mail for tabula-



1 tion at least 14 days prior to the date of the election  
2 involved.

3 “(2) LIMITATION.—Nothing in this subsection  
4 shall be construed to permit a State to tabulate bal-  
5 lots in an election before the closing of the polls on  
6 the date of the election.

7 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
8 tion shall be construed to affect the authority of States  
9 to conduct elections for Federal office through the use of  
10 polling places at which individuals cast ballots.

11 “(i) NO EFFECT ON BALLOTS SUBMITTED BY AB-  
12 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in  
13 this section may be construed to affect the treatment of  
14 any ballot submitted by an individual who is entitled to  
15 vote by absentee ballot under the Uniformed and Overseas  
16 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

17 “(j) EFFECTIVE DATE.—This section shall apply  
18 with respect to the regularly scheduled general election for  
19 Federal office held in November 2020 and each succeeding  
20 election for Federal office.

21 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

22 “(a) REQUIREMENT.—Each State shall carry out a  
23 program to track and confirm the receipt of absentee bal-  
24 lots in an election for Federal office under which the State  
25 or local election official responsible for the receipt of voted

1 absentee ballots in the election carries out procedures to  
2 track and confirm the receipt of such ballots, and makes  
3 information on the receipt of such ballots available to the  
4 individual who cast the ballot, by means of online access  
5 using the Internet site of the official's office.

6       “(b) INFORMATION ON WHETHER VOTE WAS  
7 COUNTED.—The information referred to under subsection  
8 (a) with respect to the receipt of an absentee ballot shall  
9 include information regarding whether the vote cast on the  
10 ballot was counted, and, in the case of a vote which was  
11 not counted, the reasons therefor.

12       “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY  
13 OFFICIALS WITHOUT INTERNET SITE.—A program estab-  
14 lished by a State or local election official whose office does  
15 not have an Internet site may meet the requirements of  
16 subsection (a) if the official has established a toll-free tele-  
17 phone number that may be used by an individual who cast  
18 an absentee ballot to obtain the information on the receipt  
19 of the voted absentee ballot as provided under such sub-  
20 section.

21       “(d) EFFECTIVE DATE.—This section shall begin to  
22 apply on that date that is 90 days after the date of the  
23 enactment of this section.

1 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

2 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-  
3 LOTS.—

4 “(1) IN GENERAL.—For purposes of section  
5 302(a)(4), notwithstanding the precinct or polling  
6 place at which a provisional ballot is cast within the  
7 State, the appropriate election official shall count  
8 each vote on such ballot for each election in which  
9 the individual who cast such ballot is eligible to vote.

10 “(2) EFFECTIVE DATE.—This subsection shall  
11 apply with respect to the regularly scheduled general  
12 election for Federal office held in November 2020  
13 and each succeeding election for Federal office.

14 “(b) UNIFORM AND NONDISCRIMINATORY STAND-  
15 ARDS.—

16 “(1) IN GENERAL.—Consistent with the re-  
17 quirements of section 302, each State shall establish  
18 uniform and nondiscriminatory standards for the  
19 issuance, handling, and counting of provisional bal-  
20 lots.

21 “(2) EFFECTIVE DATE.—This subsection shall  
22 apply with respect to the regularly scheduled general  
23 election for Federal office held in November 2020  
24 and each succeeding election for Federal office.

1 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**  
2 **MARIANA ISLANDS.**

3 “In this subtitle, the term ‘State’ includes the Com-  
4 monwealth of the Northern Mariana Islands.

5 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**  
6 **ABILITY OF INDIVIDUALS TO VOTE.**

7 “The requirements of this subtitle are minimum re-  
8 quirements, and nothing in this subtitle may be construed  
9 to prevent a State from establishing standards which pro-  
10 mote the ability of individuals to vote in elections for Fed-  
11 eral office, so long as such standards are not inconsistent  
12 with the requirements of this subtitle or other Federal  
13 laws.”.

14 (b) CONFORMING AMENDMENT RELATING TO  
15 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
16 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
17 U.S.C. 21101(b)) is amended—

18 (1) by striking “and” at the end of paragraph

19 (2);

20 (2) by striking the period at the end of para-  
21 graph (3) and inserting “; and”; and

22 (3) by adding at the end the following new  
23 paragraph:

24 “(4) in the case of the recommendations with  
25 respect to subtitle C, June 30, 2020.”.

26 (c) ENFORCEMENT.—

1           (1) COVERAGE UNDER EXISTING ENFORCE-  
2           MENT PROVISIONS.—Section 401 of such Act (52  
3           U.S.C. 21111) is amended by striking “and 303”  
4           and inserting “303, and subtitle C of title III”.

5           (2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
6           TION.—Title IV of such (52 U.S.C. 21111 et seq.)  
7           is amended by adding at the end the following new  
8           section:

9           **“SEC. 403. PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF**  
10           **CERTAIN REQUIREMENTS.**

11           “(a) IN GENERAL.—In the case of a violation of sub-  
12           title C of title III, section 402 shall not apply and any  
13           person who is aggrieved by such violation may provide  
14           written notice of the violation to the chief election official  
15           of the State involved.

16           “(b) RELIEF.—If the violation is not corrected within  
17           20 days after receipt of a notice under subsection (a), or  
18           within 5 days after receipt of the notice if the violation  
19           occurred within 120 days before the date of an election  
20           for Federal office, the aggrieved person may, in a civil ac-  
21           tion, obtain declaratory or injunctive relief with respect  
22           to the violation.

23           “(c) SPECIAL RULE.—If the violation occurred within  
24           5 days before the date of an election for Federal office,  
25           the aggrieved person need not provide notice to the chief

1 election official of the State involved under subsection (a)  
2 before bringing a civil action under subsection (b).”.

3 (d) CLERICAL AMENDMENT.—The table of contents  
4 of such Act is amended—

5 (1) by adding at the end of the items relating  
6 to title III the following:

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.

“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;  
and

7 (2) by adding at the end of the items relating  
8 to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

9 **SEC. 104. PERMITTING USE OF SWORN WRITTEN STATE-**  
10 **MENT TO MEET IDENTIFICATION REQUIRE-**  
11 **MENTS FOR VOTING.**

12 (a) PERMITTING USE OF STATEMENT.—Subtitle C of  
13 title III of the Help America Vote Act of 2002, as added  
14 by section 160003(a), is amended—

15 (1) by redesignating sections 325 and 326 as  
16 sections 326 and 327; and

17 (2) by inserting after section 324 the following  
18 new section:

1 **“SEC. 325. PERMITTING USE OF SWORN WRITTEN STATE-**  
2 **MENT TO MEET IDENTIFICATION REQUIRE-**  
3 **MENTS.**

4 “(a) USE OF STATEMENT.—

5 “(1) IN GENERAL.—Except as provided in sub-  
6 section (c), if a State has in effect a requirement  
7 that an individual present identification as a condi-  
8 tion of casting a ballot in an election for Federal of-  
9 fice, the State shall permit the individual to meet  
10 the requirement—

11 “(A) in the case of an individual who de-  
12 sires to vote in person, by presenting the appro-  
13 priate State or local election official with a  
14 sworn written statement, signed by the indi-  
15 vidual under penalty of perjury, attesting to the  
16 individual’s identity and attesting that the indi-  
17 vidual is eligible to vote in the election; or

18 “(B) in the case of an individual who de-  
19 sires to vote by mail, by submitting with the  
20 ballot the statement described in subparagraph  
21 (A).

22 “(2) DEVELOPMENT OF PRE-PRINTED VERSION  
23 OF STATEMENT BY COMMISSION.—The Commission  
24 shall develop a pre-printed version of the statement  
25 described in paragraph (1)(A) which includes a  
26 blank space for an individual to provide a name and

1 signature for use by election officials in States which  
2 are subject to paragraph (1).

3 “(3) PROVIDING PRE-PRINTED COPY OF STATE-  
4 MENT.—A State which is subject to paragraph (1)  
5 shall—

6 “(A) make copies of the pre-printed  
7 version of the statement described in paragraph  
8 (1)(A) which is prepared by the Commission  
9 available at polling places for election officials  
10 to distribute to individuals who desire to vote in  
11 person; and

12 “(B) include a copy of such pre-printed  
13 version of the statement with each blank absen-  
14 tee or other ballot transmitted to an individual  
15 who desires to vote by mail.

16 “(b) REQUIRING USE OF BALLOT IN SAME MANNER  
17 AS INDIVIDUALS PRESENTING IDENTIFICATION.—An in-  
18 dividual who presents or submits a sworn written state-  
19 ment in accordance with subsection (a)(1) shall be per-  
20 mitted to cast a ballot in the election in the same manner  
21 as an individual who presents identification.

22 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-  
23 ISTERING BY MAIL.—Subsections (a) and (b) do not apply  
24 with respect to any individual described in paragraph (1)



1 of section 303(b) who is required to meet the requirements  
2 of paragraph (2) of such section.”.

3 (b) REQUIRING STATES TO INCLUDE INFORMATION  
4 ON USE OF SWORN WRITTEN STATEMENT IN VOTING IN-  
5 FORMATION MATERIAL POSTED AT POLLING PLACES.—  
6 Section 302(b)(2) of such Act (52 U.S.C. 21082(b)(2)),  
7 is amended—

8 (1) by striking “and” at the end of subpara-  
9 graph (E);

10 (2) by striking the period at the end of sub-  
11 paragraph (F) and inserting “; and”; and

12 (3) by adding at the end the following new sub-  
13 paragraph:

14 “(G) in the case of a State that has in ef-  
15 fect a requirement that an individual present  
16 identification as a condition of casting a ballot  
17 in an election for Federal office, information on  
18 how an individual may meet such requirement  
19 by presenting a sworn written statement in ac-  
20 cordance with section 303A.”.

21 (c) CLERICAL AMENDMENT.—The table of contents  
22 of such Act, as amended by section 160003, is amended—

23 (1) by redesignating the items relating to sec-  
24 tions 325 and 326 as relating to sections 326 and  
25 327; and

1           (2) by inserting after the item relating to sec-  
2           tion 324 the following new item:

          “Sec. 325. Permitting use of sworn written statement to meet identification re-  
          quirements.”.

3           (d) **EFFECTIVE DATE.**—The amendments made by  
4 this section shall apply with respect to elections occurring  
5 on or after the date of the enactment of this Act.

6 **SEC. 105. VOTING MATERIALS POSTAGE.**

7           (a) **PREPAYMENT OF POSTAGE ON RETURN ENVE-**  
8 **LOPES.**—

9           (1) **IN GENERAL.**—Subtitle C of title III of the  
10 Help America Vote Act of 2002, as added by section  
11 160003(a) and as amended by section 160004(a), is  
12 further amended—

13                   (A) by redesignating sections 326 and 327  
14 as sections 327 and 328; and

15                   (B) by inserting after section 325 the fol-  
16 lowing new section:

17 **“SEC. 326. PREPAYMENT OF POSTAGE ON RETURN ENVE-**  
18 **LOPES FOR VOTING MATERIALS.**

19           “(a) **PROVISION OF RETURN ENVELOPES.**—The ap-  
20 propriate State or local election official shall provide a  
21 self-sealing return envelope with—

22                   “(1) any voter registration application form  
23 transmitted to a registrant by mail;

1           “(2) any application for an absentee ballot  
2           transmitted to an applicant by mail; and

3           “(3) any blank absentee ballot transmitted to a  
4           voter by mail.

5           “(b) PREPAYMENT OF POSTAGE.—Consistent with  
6 regulations of the United States Postal Service, the State  
7 or the unit of local government responsible for the admin-  
8 istration of the election involved shall prepay the postage  
9 on any envelope provided under subsection (a).

10          “(c) NO EFFECT ON BALLOTS OR BALLOTING MATE-  
11 RIALS TRANSMITTED TO ABSENT MILITARY AND OVER-  
12 SEAS VOTERS.—Nothing in this section may be construed  
13 to affect the treatment of any ballot or balloting materials  
14 transmitted to an individual who is entitled to vote by ab-  
15 sentee ballot under the Uniformed and Overseas Citizens  
16 Absentee Voting Act (52 U.S.C. 20301 et seq.).

17          “(d) EFFECTIVE DATE.—This section shall take ef-  
18 fect on the date that is 90 days after the date of the enact-  
19 ment of this section, except that—

20           “(1) State and local jurisdictions shall make ar-  
21 rangements with the United States Postal Service to  
22 pay for all postage costs that such jurisdictions  
23 would be required to pay under this section if this  
24 section took effect on the date of enactment; and

1           “(2) States shall take all reasonable efforts to  
2           provide self-sealing return envelopes as provided in  
3           this section.”.

4           (2) CLERICAL AMENDMENT.—The table of con-  
5           tents of such Act, as amended by section 160004(c),  
6           is amended—

7                   (A) by redesignating the items relating to  
8                   sections 326 and 327 as relating to sections  
9                   327 and 328; and

10                   (B) by inserting after the item relating to  
11                   section 325 the following new item:

          “Sec. 326. Prepayment of postage on return envelopes for voting materials”.

12           (b) ROLE OF UNITED STATES POSTAL SERVICE.—

13                   (1) IN GENERAL.—Chapter 34 of title 39,  
14                   United States Code, is amended by adding after sec-  
15                   tion 3406 the following:

16   **“§ 3407. Voting materials**

17           “(a) Any voter registration application, absentee bal-  
18           lot application, or absentee ballot with respect to any elec-  
19           tion for Federal office shall be carried expeditiously, with  
20           postage on the return envelope prepaid by the State or  
21           unit of local government responsible for the administration  
22           of the election.

23           “(b) As used in this section—

24                   “(1) the term ‘absentee ballot’ means any ballot  
25                   transmitted by a voter by mail in an election for

1 Federal office, but does not include any ballot cov-  
2 ered by section 3406; and

3 “(2) the term ‘election for Federal office’ means  
4 a general, special, primary, or runoff election for the  
5 office of President or Vice President, or of Senator  
6 or Representative in, or Delegate or Resident Com-  
7 missioner to, the Congress.

8 “(c) Nothing in this section may be construed to af-  
9 fect the treatment of any ballot or balloting materials  
10 transmitted to an individual who is entitled to vote by ab-  
11 sentee ballot under the Uniformed and Overseas Citizens  
12 Absentee Voting Act (52 U.S.C. 20301 et seq.).”

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions for chapter 34 of such title is amended by in-  
15 serting after the item relating to section 3406 the  
16 following:

“3407. Voting materials.”

17 **SEC. 106. REQUIRING TRANSMISSION OF BLANK ABSENTEE**  
18 **BALLOTS UNDER UOCAVA TO CERTAIN VOT-**  
19 **ERS.**

20 (a) IN GENERAL.—The Uniformed and Overseas  
21 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)  
22 is amended by inserting after section 103B the following  
23 new section:

1 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**  
2 **TO CERTAIN OTHER VOTERS.**

3 “(a) IN GENERAL.—

4 “(1) STATE RESPONSIBILITIES.—Subject to the  
5 provisions of this section, each State shall transmit  
6 blank absentee ballots electronically to qualified indi-  
7 viduals who request such ballots in the same manner  
8 and under the same terms and conditions under  
9 which the State transmits such ballots electronically  
10 to absent uniformed services voters and overseas vot-  
11 ers under the provisions of section 102(f), except  
12 that no such marked ballots shall be returned elec-  
13 tronically.

14 “(2) REQUIREMENTS.—Any blank absentee bal-  
15 lot transmitted to a qualified individual under this  
16 section—

17 “(A) must comply with the language re-  
18 quirements under section 203 of the Voting  
19 Rights Act of 1965 (52 U.S.C. 10503); and

20 “(B) must comply with the disability re-  
21 quirements under section 508 of the Rehabilita-  
22 tion Act of 1973 (29 U.S.C. 794d).

23 “(3) AFFIRMATION.—The State may not trans-  
24 mit a ballot to a qualified individual under this sec-  
25 tion unless the individual provides the State with a  
26 signed affirmation in electronic form that—

1           “(A) the individual is a qualified individual  
2           (as defined in subsection (b));

3           “(B) the individual has not and will not  
4           cast another ballot with respect to the election;  
5           and

6           “(C) acknowledges that a material  
7           misstatement of fact in completing the ballot  
8           may constitute grounds for conviction of per-  
9           jury.

10          “(4) CLARIFICATION REGARDING FREE POST-  
11          AGE.—An absentee ballot obtained by a qualified in-  
12          dividual under this section shall be considered bal-  
13          lotting materials as defined in section 107 for pur-  
14          poses of section 3406 of title 39, United States  
15          Code.

16          “(5) PROHIBITING REFUSAL TO ACCEPT BAL-  
17          LOT FOR FAILURE TO MEET CERTAIN REQUIRE-  
18          MENTS.—A State shall not refuse to accept and  
19          process any otherwise valid blank absentee ballot  
20          which was transmitted to a qualified individual  
21          under this section and used by the individual to vote  
22          in the election solely on the basis of the following:

23                 “(A) Notarization or witness signature re-  
24                 quirements.

1           “(B) Restrictions on paper type, including  
2           weight and size.

3           “(C) Restrictions on envelope type, includ-  
4           ing weight and size.

5           “(b) QUALIFIED INDIVIDUAL.—

6           “(1) IN GENERAL.—In this section, except as  
7           provided in paragraph (2), the term ‘qualified indi-  
8           vidual’ means any individual who is otherwise quali-  
9           fied to vote in an election for Federal office and who  
10          meets any of the following requirements:

11          “(A) The individual—

12           “(i) has previously requested an ab-  
13           sentee ballot from the State or jurisdiction  
14           in which such individual is registered to  
15           vote; and

16           “(ii) has not received such absentee  
17           ballot at least 2 days before the date of the  
18           election.

19          “(B) The individual—

20           “(i) resides in an area of a State with  
21           respect to which an emergency or public  
22           health emergency has been declared by the  
23           chief executive of the State or of the area  
24           involved within 5 days of the date of the  
25           election under the laws of the State due to



1 reasons including a natural disaster, in-  
2 cluding severe weather, or an infectious  
3 disease; and

4 “(ii) has not previously requested an  
5 absentee ballot.

6 “(C) The individual expects to be absent  
7 from such individual’s jurisdiction on the date  
8 of the election due to professional or volunteer  
9 service in response to a natural disaster or  
10 emergency as described in subparagraph (B).

11 “(D) The individual is hospitalized or ex-  
12 pects to be hospitalized on the date of the elec-  
13 tion.

14 “(E) The individual is an individual with a  
15 disability (as defined in section 3 of the Ameri-  
16 cans with Disabilities Act of 1990 (42 U.S.C.  
17 12102)) and resides in a State which does not  
18 offer voters the ability to use secure and acces-  
19 sible remote ballot marking. For purposes of  
20 this subparagraph, a State shall permit an indi-  
21 vidual to self-certify that the individual is an in-  
22 dividual with a disability.

23 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-  
24 ICES AND OVERSEAS VOTERS.—The term ‘qualified

1 individual' shall not include an absent uniformed  
2 services voter or an overseas voter.

3 “(c) STATE.—For purposes of this section, the term  
4 ‘State’ includes the District of Columbia, the Common-  
5 wealth of Puerto Rico, Guam, American Samoa, the  
6 United States Virgin Islands, and the Commonwealth of  
7 the Northern Mariana Islands.

8 “(d) EFFECTIVE DATE.—This section shall apply  
9 with respect to the regularly scheduled general election for  
10 Federal office held in November 2020 and each succeeding  
11 election for Federal office.”.

12 (b) CONFORMING AMENDMENT.—Section 102(a) of  
13 such Act (52 U.S.C. 20302(a)) is amended—

14 (1) by striking “and” at the end of paragraph  
15 (10);

16 (2) by striking the period at the end of para-  
17 graph (11) and inserting “; and”; and

18 (3) by adding at the end the following new  
19 paragraph:

20 “(12) meet the requirements of section 103C  
21 with respect to the provision of blank absentee bal-  
22 lots for the use of qualified individuals described in  
23 such section.”.

1 (c) CLERICAL AMENDMENTS.—The table of contents  
2 of such Act is amended by inserting the following after  
3 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots  
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

4 **SEC. 107. VOTER REGISTRATION.**

5 (a) REQUIRING AVAILABILITY OF INTERNET FOR  
6 VOTER REGISTRATION.—

7 (1) REQUIRING AVAILABILITY OF INTERNET  
8 FOR REGISTRATION.—The National Voter Registra-  
9 tion Act of 1993 (52 U.S.C. 20501 et seq.) is  
10 amended by inserting after section 6 the following  
11 new section:

12 **“SEC. 6A. INTERNET REGISTRATION.**

13 “(a) REQUIRING AVAILABILITY OF INTERNET FOR  
14 ONLINE REGISTRATION.—

15 “(1) AVAILABILITY OF ONLINE REGISTRATION  
16 AND CORRECTION OF EXISTING REGISTRATION IN-  
17 FORMATION.—Each State, acting through the chief  
18 State election official, shall ensure that the following  
19 services are available to the public at any time on  
20 the official public websites of the appropriate State  
21 and local election officials in the State, in the same  
22 manner and subject to the same terms and condi-

1 tions as the services provided by voter registration  
2 agencies under section 7(a):

3 “(A) Online application for voter registra-  
4 tion.

5 “(B) Online assistance to applicants in ap-  
6 plying to register to vote.

7 “(C) Online completion and submission by  
8 applicants of the mail voter registration applica-  
9 tion form prescribed by the Election Assistance  
10 Commission pursuant to section 9(a)(2), includ-  
11 ing assistance with providing a signature as re-  
12 quired under subsection (c).

13 “(D) Online receipt of completed voter reg-  
14 istration applications.

15 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

16 A State shall accept an online voter registration applica-  
17 tion provided by an individual under this section, and en-  
18 sure that the individual is registered to vote in the State,  
19 if—

20 “(1) the individual meets the same voter reg-  
21 istration requirements applicable to individuals who  
22 register to vote by mail in accordance with section  
23 6(a)(1) using the mail voter registration application  
24 form prescribed by the Election Assistance Commis-  
25 sion pursuant to section 9(a)(2); and

1           “(2) the individual meets the requirements of  
2           subsection (c) to provide a signature in electronic  
3           form (but only in the case of applications submitted  
4           during or after the second year in which this section  
5           is in effect in the State).

6           “(c) SIGNATURE REQUIREMENTS.—

7           “(1) IN GENERAL.—For purposes of this sec-  
8           tion, an individual meets the requirements of this  
9           subsection as follows:

10           “(A) In the case of an individual who has  
11           a signature on file with a State agency, includ-  
12           ing the State motor vehicle authority, that is  
13           required to provide voter registration services  
14           under this Act or any other law, the individual  
15           consents to the transfer of that electronic signa-  
16           ture.

17           “(B) If subparagraph (A) does not apply,  
18           the individual submits with the application an  
19           electronic copy of the individual’s handwritten  
20           signature through electronic means.

21           “(C) If subparagraph (A) and subpara-  
22           graph (B) do not apply, the individual executes  
23           a computerized mark in the signature field on  
24           an online voter registration application, in ac-  
25           cordance with reasonable security measures es-

1           tablished by the State, but only if the State ac-  
2           cepts such mark from the individual.

3           “(2) TREATMENT OF INDIVIDUALS UNABLE TO  
4           MEET REQUIREMENT.—If an individual is unable to  
5           meet the requirements of paragraph (1), the State  
6           shall—

7                   “(A) permit the individual to complete all  
8                   other elements of the online voter registration  
9                   application;

10                   “(B) permit the individual to provide a sig-  
11                   nature at the time the individual requests a bal-  
12                   lot in an election (whether the individual re-  
13                   quests the ballot at a polling place or requests  
14                   the ballot by mail); and

15                   “(C) if the individual carries out the steps  
16                   described in subparagraph (A) and subpara-  
17                   graph (B), ensure that the individual is reg-  
18                   istered to vote in the State.

19           “(3) NOTICE.—The State shall ensure that in-  
20           dividuals applying to register to vote online are noti-  
21           fied of the requirements of paragraph (1) and of the  
22           treatment of individuals unable to meet such re-  
23           quirements, as described in paragraph (2).

24           “(d) CONFIRMATION AND DISPOSITION.—

1           “(1) CONFIRMATION OF RECEIPT.—Upon the  
2 online submission of a completed voter registration  
3 application by an individual under this section, the  
4 appropriate State or local election official shall send  
5 the individual a notice confirming the State’s receipt  
6 of the application and providing instructions on how  
7 the individual may check the status of the applica-  
8 tion.

9           “(2) NOTICE OF DISPOSITION.—Not later than  
10 7 days after the appropriate State or local election  
11 official has approved or rejected an application sub-  
12 mitted by an individual under this section, the offi-  
13 cial shall send the individual a notice of the disposi-  
14 tion of the application.

15           “(3) METHOD OF NOTIFICATION.—The appro-  
16 priate State or local election official shall send the  
17 notices required under this subsection by regular  
18 mail and—

19           “(A) in the case of an individual who has  
20 provided the official with an electronic mail ad-  
21 dress, by electronic mail; and

22           “(B) at the option of an individual, by text  
23 message.

24           “(e) PROVISION OF SERVICES IN NONPARTISAN  
25 MANNER.—The services made available under subsection

1 (a) shall be provided in a manner that ensures that, con-  
2 sistent with section 7(a)(5)—

3 “(1) the online application does not seek to in-  
4 fluence an applicant’s political preference or party  
5 registration; and

6 “(2) there is no display on the website pro-  
7 moting any political preference or party allegiance,  
8 except that nothing in this paragraph may be con-  
9 strued to prohibit an applicant from registering to  
10 vote as a member of a political party.

11 “(f) PROTECTION OF SECURITY OF INFORMATION.—  
12 In meeting the requirements of this section, the State shall  
13 establish appropriate technological security measures to  
14 prevent to the greatest extent practicable any unauthor-  
15 ized access to information provided by individuals using  
16 the services made available under subsection (a).

17 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-  
18 sure that the services made available under this section  
19 are made available to individuals with disabilities to the  
20 same extent as services are made available to all other in-  
21 dividuals.

22 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-  
23 TEM.—A State shall make the services made available on-  
24 line under subsection (a) available through the use of an  
25 automated telephone-based system, subject to the same



1 terms and conditions applicable under this section to the  
2 services made available online, in addition to making the  
3 services available online in accordance with the require-  
4 ments of this section.

5 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-  
6 ERS USING MAIL AND ONLINE REGISTRATION.—In car-  
7 rying out this Act, the Help America Vote Act of 2002,  
8 or any other Federal, State, or local law governing the  
9 treatment of registered voters in the State or the adminis-  
10 tration of elections for public office in the State, a State  
11 shall treat a registered voter who registered to vote online  
12 in accordance with this section in the same manner as the  
13 State treats a registered voter who registered to vote by  
14 mail.”.

15 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS  
16 USING ONLINE REGISTRATION.—

17 (A) TREATMENT AS INDIVIDUALS REG-  
18 ISTERING TO VOTE BY MAIL FOR PURPOSES OF  
19 FIRST-TIME VOTER IDENTIFICATION REQUIRE-  
20 MENTS.—Section 303(b)(1)(A) of the Help  
21 America Vote Act of 2002 (52 U.S.C.  
22 21083(b)(1)(A)) is amended by striking “by  
23 mail” and inserting “by mail or online under  
24 section 6A of the National Voter Registration  
25 Act of 1993”.

1 (B) REQUIRING SIGNATURE FOR FIRST-  
2 TIME VOTERS IN JURISDICTION.—Section  
3 303(b) of such Act (52 U.S.C. 21083(b)) is  
4 amended—

5 (i) by redesignating paragraph (5) as  
6 paragraph (6); and

7 (ii) by inserting after paragraph (4)  
8 the following new paragraph:

9 “(5) SIGNATURE REQUIREMENTS FOR FIRST-  
10 TIME VOTERS USING ONLINE REGISTRATION.—

11 “(A) IN GENERAL.—A State shall, in a  
12 uniform and nondiscriminatory manner, require  
13 an individual to meet the requirements of sub-  
14 paragraph (B) if—

15 “(i) the individual registered to vote  
16 in the State online under section 6A of the  
17 National Voter Registration Act of 1993;  
18 and

19 “(ii) the individual has not previously  
20 voted in an election for Federal office in  
21 the State.

22 “(B) REQUIREMENTS.—An individual  
23 meets the requirements of this subparagraph  
24 if—

1 “(i) in the case of an individual who  
2 votes in person, the individual provides the  
3 appropriate State or local election official  
4 with a handwritten signature; or

5 “(ii) in the case of an individual who  
6 votes by mail, the individual submits with  
7 the ballot a handwritten signature.

8 “(C) INAPPLICABILITY.—Subparagraph  
9 (A) does not apply in the case of an individual  
10 who is—

11 “(i) entitled to vote by absentee ballot  
12 under the Uniformed and Overseas Citi-  
13 zens Absentee Voting Act (52 U.S.C.  
14 20302 et seq.);

15 “(ii) provided the right to vote other-  
16 wise than in person under section  
17 3(b)(2)(B)(ii) of the Voting Accessibility  
18 for the Elderly and Handicapped Act (52  
19 U.S.C. 20102(b)(2)(B)(ii)); or

20 “(iii) entitled to vote otherwise than  
21 in person under any other Federal law.”.

22 (C) CONFORMING AMENDMENT RELATING  
23 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of  
24 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-  
25 ed by striking “Each State” and inserting “Ex-

1 cept as provided in subsection (b)(5), each  
2 State”.

3 (3) CONFORMING AMENDMENTS.—

4 (A) TIMING OF REGISTRATION.—Section  
5 8(a)(1) of the National Voter Registration Act  
6 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

7 (i) by striking “and” at the end of  
8 subparagraph (C);

9 (ii) by redesignating subparagraph  
10 (D) as subparagraph (E); and

11 (iii) by inserting after subparagraph  
12 (C) the following new subparagraph:

13 “(D) in the case of online registration  
14 through the official public website of an election  
15 official under section 6A, if the valid voter reg-  
16 istration application is submitted online not  
17 later than the lesser of 28 days, or the period  
18 provided by State law, before the date of the  
19 election (as determined by treating the date on  
20 which the application is sent electronically as  
21 the date on which it is submitted); and”.

22 (B) INFORMING APPLICANTS OF ELIGI-  
23 BILITY REQUIREMENTS AND PENALTIES.—Sec-  
24 tion 8(a)(5) of such Act (52 U.S.C.

1           20507(a)(5)) is amended by striking “and 7”  
2           and inserting “6A, and 7”.

3           (4) EFFECTIVE DATE.—The amendments made  
4           by this subsection shall take effect on the date that  
5           is 90 days after the date of the enactment of this  
6           subsection.

7           (b) USE OF INTERNET TO UPDATE REGISTRATION  
8           INFORMATION.—

9           (1) UPDATES TO INFORMATION CONTAINED ON  
10          COMPUTERIZED STATEWIDE VOTER REGISTRATION  
11          LIST.—

12           (A) IN GENERAL.—Section 303(a) of the  
13          Help America Vote Act of 2002 (52 U.S.C.  
14          21083(a)) is amended by adding at the end the  
15          following new paragraph:

16          “(6) USE OF INTERNET BY REGISTERED VOT-  
17          ERS TO UPDATE INFORMATION.—

18           “(A) IN GENERAL.—The appropriate State  
19          or local election official shall ensure that any  
20          registered voter on the computerized list may at  
21          any time update the voter’s registration infor-  
22          mation, including the voter’s address and elec-  
23          tronic mail address, online through the official  
24          public website of the election official responsible  
25          for the maintenance of the list, so long as the

1 voter attests to the contents of the update by  
2 providing a signature in electronic form in the  
3 same manner required under section 6A(c) of  
4 the National Voter Registration Act of 1993.

5 “(B) PROCESSING OF UPDATED INFORMA-  
6 TION BY ELECTION OFFICIALS.—If a registered  
7 voter updates registration information under  
8 subparagraph (A), the appropriate State or  
9 local election official shall—

10 “(i) revise any information on the  
11 computerized list to reflect the update  
12 made by the voter; and

13 “(ii) if the updated registration infor-  
14 mation affects the voter’s eligibility to vote  
15 in an election for Federal office, ensure  
16 that the information is processed with re-  
17 spect to the election if the voter updates  
18 the information not later than the lesser of  
19 7 days, or the period provided by State  
20 law, before the date of the election.

21 “(C) CONFIRMATION AND DISPOSITION.—

22 “(i) CONFIRMATION OF RECEIPT.—  
23 Upon the online submission of updated  
24 registration information by an individual  
25 under this paragraph, the appropriate

1 State or local election official shall send  
2 the individual a notice confirming the  
3 State's receipt of the updated information  
4 and providing instructions on how the indi-  
5 vidual may check the status of the update.

6 “(ii) NOTICE OF DISPOSITION.—Not  
7 later than 7 days after the appropriate  
8 State or local election official has accepted  
9 or rejected updated information submitted  
10 by an individual under this paragraph, the  
11 official shall send the individual a notice of  
12 the disposition of the update.

13 “(iii) METHOD OF NOTIFICATION.—  
14 The appropriate State or local election offi-  
15 cial shall send the notices required under  
16 this subparagraph by regular mail and—

17 “(I) in the case of an individual  
18 who has requested that the State pro-  
19 vide voter registration and voting in-  
20 formation through electronic mail, by  
21 electronic mail; and

22 “(II) at the option of an indi-  
23 vidual, by text message.”.

24 (B) CONFORMING AMENDMENT RELATING  
25 TO EFFECTIVE DATE.—Section 303(d)(1)(A) of

1 such Act (52 U.S.C. 21083(d)(1)(A)) is amend-  
2 ed by striking “subparagraph (B),” and insert-  
3 ing “subparagraph (B) and subsection (a)(6),”.

4 (2) ABILITY OF REGISTRANT TO USE ONLINE  
5 UPDATE TO PROVIDE INFORMATION ON RESI-  
6 DENCE.—Section 8(d)(2)(A) of the National Voter  
7 Registration Act of 1993 (52 U.S.C.  
8 20507(d)(2)(A)) is amended—

9 (A) in the first sentence, by inserting after  
10 “return the card” the following: “or update the  
11 registrant’s information on the computerized  
12 Statewide voter registration list using the online  
13 method provided under section 303(a)(6) of the  
14 Help America Vote Act of 2002”; and

15 (B) in the second sentence, by striking  
16 “returned,” and inserting the following: “re-  
17 turned or if the registrant does not update the  
18 registrant’s information on the computerized  
19 Statewide voter registration list using such on-  
20 line method,”.

21 (c) SAME DAY REGISTRATION.—

22 (1) IN GENERAL.—Subtitle C of title III of the  
23 Help America Vote Act of 2002, as added by section  
24 160003(a) and as amended by sections 160004(a)  
25 and 160005(a), is further amended—



1 (A) by redesignating sections 327 and 328  
2 as sections 328 and 329; and

3 (B) by inserting after section 326 the fol-  
4 lowing new section:

5 **“SEC. 327. SAME DAY REGISTRATION.**

6 “(a) IN GENERAL.—

7 “(1) REGISTRATION.—Each State shall permit  
8 any eligible individual on the day of a Federal elec-  
9 tion and on any day when voting, including early  
10 voting, is permitted for a Federal election—

11 “(A) to register to vote in such election at  
12 the polling place using a form that meets the  
13 requirements under section 9(b) of the National  
14 Voter Registration Act of 1993 (or, if the indi-  
15 vidual is already registered to vote, to revise  
16 any of the individual’s voter registration infor-  
17 mation); and

18 “(B) to cast a vote in such election.

19 “(2) EXCEPTION.—The requirements under  
20 paragraph (1) shall not apply to a State in which,  
21 under a State law in effect continuously on and after  
22 the date of the enactment of this section, there is no  
23 voter registration requirement for individuals in the  
24 State with respect to elections for Federal office.

1       “(b) ELIGIBLE INDIVIDUAL.—For purposes of this  
2 section, the term ‘eligible individual’ means, with respect  
3 to any election for Federal office, an individual who is oth-  
4 erwise qualified to vote in that election.

5       “(c) EFFECTIVE DATE.—Each State shall be re-  
6 quired to comply with the requirements of subsection (a)  
7 for the regularly scheduled general election for Federal of-  
8 fice occurring in November 2020 and for any subsequent  
9 election for Federal office.”.

10           (2) CLERICAL AMENDMENT.—The table of con-  
11 tents of such Act, as added by section 160003 and  
12 as amended by sections 160004 and 160005, is fur-  
13 ther amended—

14           (A) by redesignating the items relating to  
15 sections 327 and 328 as relating to sections  
16 328 and 329; and

17           (B) by inserting after the item relating to  
18 section 326 the following new item:

“Sec. 327. Same day registration.”.

19       (d) PROHIBITING STATE FROM REQUIRING APPLI-  
20 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-  
21 CIAL SECURITY NUMBER.—

22           (1) FORM INCLUDED WITH APPLICATION FOR  
23 MOTOR VEHICLE DRIVER’S LICENSE.—Section  
24 5(c)(2)(B)(ii) of the National Voter Registration Act  
25 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended

1 by striking the semicolon at the end and inserting  
2 the following: “, and to the extent that the applica-  
3 tion requires the applicant to provide a Social Secu-  
4 rity number, may not require the applicant to pro-  
5 vide more than the last 4 digits of such number;”.

6 (2) NATIONAL MAIL VOTER REGISTRATION  
7 FORM.—Section 9(b)(1) of such Act (52 U.S.C.  
8 20508(b)(1)) is amended by striking the semicolon  
9 at the end and inserting the following: “, and to the  
10 extent that the form requires the applicant to pro-  
11 vide a Social Security number, the form may not re-  
12 quire the applicant to provide more than the last 4  
13 digits of such number;”.

14 (3) EFFECTIVE DATE.—The amendments made  
15 by this subsection shall apply with respect to the  
16 regularly scheduled general election for Federal of-  
17 fice held in November 2020 and each succeeding  
18 election for Federal office.

19 **SEC. 108. ACCOMMODATIONS FOR VOTERS RESIDING IN IN-**  
20 **DIAN LANDS.**

21 (a) ACCOMMODATIONS DESCRIBED.—

22 (1) DESIGNATION OF BALLOT PICKUP AND COL-  
23 LECTION LOCATIONS.—Given the widespread lack of  
24 residential mail delivery in Indian Country, an In-  
25 dian Tribe may designate buildings as ballot pickup

1 and collection locations with respect to an election  
2 for Federal office at no cost to the Indian Tribe. An  
3 Indian Tribe may designate one building per pre-  
4 cinct located within Indian lands. The applicable  
5 State or political subdivision shall collect ballots  
6 from those locations. The applicable State or polit-  
7 ical subdivision shall provide the Indian Tribe with  
8 accurate precinct maps for all precincts located with-  
9 in Indian lands 60 days before the election.

10 (2) PROVISION OF MAIL-IN AND ABSENTEE  
11 BALLOTS.—The State or political subdivision shall  
12 provide mail-in and absentee ballots with respect to  
13 an election for Federal office to each individual who  
14 is registered to vote in the election who resides on  
15 Indian lands in the State or political subdivision in-  
16 volved without requiring a residential address or a  
17 mail-in or absentee ballot request.

18 (3) USE OF DESIGNATED BUILDING AS RESI-  
19 DENTIAL AND MAILING ADDRESS.—The address of a  
20 designated building that is a ballot pickup and col-  
21 lection location with respect to an election for Fed-  
22 eral office may serve as the residential address and  
23 mailing address for voters living on Indian lands if  
24 the tribally designated building is in the same pre-  
25 cinct as that voter. If there is no tribally designated

1 building within a voter's precinct, the voter may use  
2 another tribally designated building within the In-  
3 dian lands where the voter is located. Voters using  
4 a tribally designated building outside of the voter's  
5 precinct may use the tribally designated building as  
6 a mailing address and may separately designate the  
7 voter's appropriate precinct through a description of  
8 the voter's address, as specified in section  
9 9428.4(a)(2) of title 11, Code of Federal Regula-  
10 tions.

11 (4) LANGUAGE ACCESSIBILITY.—In the case of  
12 a State or political subdivision that is a covered  
13 State or political subdivision under section 203 of  
14 the Voting Rights Act of 1965 (52 U.S.C. 10503),  
15 that State or political subdivision shall provide ab-  
16 sentee or mail-in voting materials with respect to an  
17 election for Federal office in the language of the ap-  
18 plicable minority group as well as in the English lan-  
19 guage, bilingual election voting assistance, and writ-  
20 ten translations of all voting materials in the lan-  
21 guage of the applicable minority group, as required  
22 by section 203 of the Voting Rights Act of 1965 (52  
23 U.S.C. 10503), as amended by subsection (b).

24 (5) CLARIFICATION.—Nothing in this section  
25 alters the ability of an individual voter residing on

1 Indian lands to request a ballot in a manner avail-  
2 able to all other voters in the State.

3 (6) DEFINITIONS.—In this section:

4 (A) ELECTION FOR FEDERAL OFFICE.—

5 The term “election for Federal office” means a  
6 general, special, primary or runoff election for  
7 the office of President or Vice President, or of  
8 Senator or Representative in, or Delegate or  
9 Resident Commissioner to, the Congress.

10 (B) INDIAN.—The term “Indian” has the  
11 meaning given the term in section 4 of the In-  
12 dian Self-Determination and Education Assist-  
13 ance Act (25 U.S.C. 5304).

14 (C) INDIAN LANDS.—The term “Indian  
15 lands” includes—

16 (i) any Indian country of an Indian  
17 Tribe, as defined under section 1151 of  
18 title 18, United States Code;

19 (ii) any land in Alaska owned, pursu-  
20 ant to the Alaska Native Claims Settle-  
21 ment Act (43 U.S.C. 1601 et seq.), by an  
22 Indian Tribe that is a Native village (as  
23 defined in section 3 of that Act (43 U.S.C.  
24 1602)) or by a Village Corporation that is  
25 associated with an Indian Tribe (as de-

1                    fined in section 3 of that Act (43 U.S.C.  
2                    1602));

3                    (iii) any land on which the seat of the  
4                    Tribal Government is located; and

5                    (iv) any land that is part or all of a  
6                    Tribal designated statistical area associ-  
7                    ated with an Indian Tribe, or is part or all  
8                    of an Alaska Native village statistical area  
9                    associated with an Indian Tribe, as defined  
10                   by the Census Bureau for the purposes of  
11                   the most recent decennial census.

12                   (D) INDIAN TRIBE.—The term “Indian  
13                   Tribe” has the meaning given the term “Indian  
14                   tribe” in section 4 of the Indian Self-Deter-  
15                   mination and Education Assistance Act (25  
16                   U.S.C. 5304).

17                   (E) TRIBAL GOVERNMENT.—The term  
18                   “Tribal Government” means the recognized  
19                   governing body of an Indian Tribe.

20                   (7) ENFORCEMENT.—

21                   (A) ATTORNEY GENERAL.—The Attorney  
22                   General may bring a civil action in an appro-  
23                   priate district court for such declaratory or in-  
24                   junctive relief as is necessary to carry out this  
25                   subsection.

1 (B) PRIVATE RIGHT OF ACTION.—

2 (i) A person or Tribal Government  
3 who is aggrieved by a violation of this sub-  
4 section may provide written notice of the  
5 violation to the chief election official of the  
6 State involved.

7 (ii) An aggrieved person or Tribal  
8 Government may bring a civil action in an  
9 appropriate district court for declaratory  
10 or injunctive relief with respect to a viola-  
11 tion of this subsection, if—

12 (I) that person or Tribal Govern-  
13 ment provides the notice described in  
14 clause (i); and

15 (II)(aa) in the case of a violation  
16 that occurs more than 120 days be-  
17 fore the date of an election for Fed-  
18 eral office, the violation remains and  
19 90 days or more have passed since the  
20 date on which the chief election offi-  
21 cial of the State receives the notice  
22 under clause (i); or

23 (bb) in the case of a violation  
24 that occurs 120 days or less before  
25 the date of an election for Federal of-



1                    fice, the violation remains and 20  
2                    days or more have passed since the  
3                    date on which the chief election offi-  
4                    cial of the State receives the notice  
5                    under clause (i).

6                    (iii) In the case of a violation of this  
7                    section that occurs 30 days or less before  
8                    the date of an election for Federal office,  
9                    an aggrieved person or Tribal Government  
10                   may bring a civil action in an appropriate  
11                   district court for declaratory or injunctive  
12                   relief with respect to the violation without  
13                   providing notice to the chief election offi-  
14                   cial of the State under clause (i).

15                   (b) BILINGUAL ELECTION REQUIREMENTS.—Section  
16 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)  
17 is amended—

18                   (1) in subsection (b)(3)(C), by striking “1990”  
19                   and inserting “2010”; and

20                   (2) by striking subsection (e) and inserting the  
21                   following:

22                   “(c) PROVISION OF VOTING MATERIALS IN THE LAN-  
23                   GUAGE OF A MINORITY GROUP.—

24                   “(1) IN GENERAL.—Whenever any State or po-  
25                   litical subdivision subject to the prohibition of sub-

1 section (b) of this section provides any registration  
2 or voting notices, forms, instructions, assistance, or  
3 other materials or information relating to the elec-  
4 toral process, including ballots, it shall provide them  
5 in the language of the applicable minority group as  
6 well as in the English language.

7 “(2) EXCEPTIONS.—

8 “(A) In the case of a minority group that  
9 is not American Indian or Alaska Native and  
10 the language of that minority group is oral or  
11 unwritten, the State or political subdivision  
12 shall only be required to furnish, in the covered  
13 language, oral instructions, assistance, trans-  
14 lation of voting materials, or other information  
15 relating to registration and voting.

16 “(B) In the case of a minority group that  
17 is American Indian or Alaska Native, the State  
18 or political subdivision shall only be required to  
19 furnish in the covered language oral instruc-  
20 tions, assistance, or other information relating  
21 to registration and voting, including all voting  
22 materials, if the Tribal Government of that mi-  
23 nority group has certified that the language of  
24 the applicable American Indian or Alaska Na-  
25 tive language is presently unwritten or the

1 Tribal Government does not want written trans-  
2 lations in the minority language.

3 “(3) WRITTEN TRANSLATIONS FOR ELECTION  
4 WORKERS.—Notwithstanding paragraph (2), the  
5 State or political division may be required to provide  
6 written translations of voting materials, with the  
7 consent of any applicable Indian Tribe, to election  
8 workers to ensure that the translations from English  
9 to the language of a minority group are complete,  
10 accurate, and uniform.”.

11 (c) EFFECTIVE DATE.—This section and the amend-  
12 ments made by this section shall apply with respect to the  
13 regularly scheduled general election for Federal office held  
14 in November 2020 and each succeeding election for Fed-  
15 eral office.

16 **SEC. 109. PAYMENTS BY ELECTION ASSISTANCE COMMIS-**  
17 **SION TO STATES TO ASSIST WITH COSTS OF**  
18 **COMPLIANCE.**

19 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
20 II of the Help America Vote Act of 2002 (52 U.S.C.  
21 21001 et seq.) is amended by adding at the end the fol-  
22 lowing new part:

1 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**  
2 **COMPLIANCE WITH ACCESS ACT**

3 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**  
4 **ANCE WITH ACCESS ACT.**

5 “(a) AVAILABILITY AND USE OF PAYMENTS.—

6 “(1) IN GENERAL.—The Commission shall  
7 make a payment to each eligible State to assist the  
8 State with the costs of complying with the American  
9 Coronavirus/COVID–19 Election Safety and Secu-  
10 rity Act and the amendments made by such Act, in-  
11 cluding the provisions of such Act and such amend-  
12 ments which require States to pre-pay the postage  
13 on absentee ballots and balloting materials.

14 “(2) PUBLIC EDUCATION CAMPAIGNS.—For  
15 purposes of this part, the costs incurred by a State  
16 in carrying out a campaign to educate the public  
17 about the requirements of the American  
18 Coronavirus/COVID–19 Election Safety and Secu-  
19 rity Act and the amendments made by such Act  
20 shall be included as the costs of complying with such  
21 Act and such amendments.

22 “(b) PRIMARY ELECTIONS.—

23 “(1) PAYMENTS TO STATES.—In addition to  
24 any payments under subsection (a), the Commission  
25 shall make a payment to each eligible State to assist  
26 the State with the costs incurred in voluntarily elect-

1 ing to comply with the American Coronavirus/  
2 COVID–19 Election Safety and Security Act and  
3 the amendments made by such Act with respect to  
4 primary elections for Federal office held in the State  
5 in 2020.

6 “(2) STATE PARTY-RUN PRIMARIES.—In addi-  
7 tion to any payments under paragraph (1), the Com-  
8 mission shall make payments to each eligible polit-  
9 ical party of the State for costs incurred by such  
10 parties to send absentee ballots and return envelopes  
11 with prepaid postage to eligible voters participating  
12 in such primaries during 2020.

13 “(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-  
14 TIONS.—

15 “(1) IN GENERAL.—If a State receives a pay-  
16 ment under this part for costs that include costs in-  
17 curred by a local jurisdiction or Tribal government  
18 within the State, the State shall pass through to  
19 such local jurisdiction or Tribal government a por-  
20 tion of such payment that is equal to the amount of  
21 the costs incurred by such local jurisdiction or Trib-  
22 al government.

23 “(2) TRIBAL GOVERNMENT DEFINED.—In this  
24 subsection, the term ‘Tribal Government’ means the  
25 recognized governing body of an Indian tribe (as de-

1        fined in section 4 of the Indian Self-Determination  
2        and Education Assistance Act (25 U.S.C. 5304).

3        “(d) SCHEDULE OF PAYMENTS.—As soon as prac-  
4        ticable after the date of the enactment of this part and  
5        not less frequently than once each calendar year there-  
6        after, the Commission shall make payments under this  
7        part.

8        “(e) COVERAGE OF COMMONWEALTH OF NORTHERN  
9        MARIANA ISLANDS.—In this part, the term ‘State’ in-  
10       cludes the Commonwealth of the Northern Mariana Is-  
11       lands.

12       “(f) LIMITATION.—No funds may be provided to a  
13       State under this part for costs attributable to the elec-  
14       tronic return of marked ballots by any voter.

15       **“SEC. 297A. AMOUNT OF PAYMENT.**

16       “(a) IN GENERAL.—The amount of a payment made  
17       to an eligible State for a year under this part shall be  
18       determined by the Commission.

19       “(b) CONTINUING AVAILABILITY OF FUNDS AFTER  
20       APPROPRIATION.—A payment made to an eligible State  
21       or eligible unit of local government under this part shall  
22       be available without fiscal year limitation.

23       **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

24       “(a) APPLICATION.—Each State that desires to re-  
25       ceive a payment under this part for a fiscal year, and each

1 political party of a State that desires to receive a payment  
2 under section 297(b)(2), shall submit an application for  
3 the payment to the Commission at such time and in such  
4 manner and containing such information as the Commis-  
5 sion shall require.

6 “(b) CONTENTS OF APPLICATION.—Each application  
7 submitted under subsection (a) shall—

8 “(1) describe the activities for which assistance  
9 under this part is sought; and

10 “(2) provide such additional information and  
11 certifications as the Commission determines to be es-  
12 sential to ensure compliance with the requirements  
13 of this part.

14 **“SEC. 297C. AUTHORIZATION OF APPROPRIATIONS.**

15 “There are authorized to be appropriated for pay-  
16 ments under this part such sums as may be necessary for  
17 fiscal year 2021.

18 **“SEC. 297D. REPORTS.**

19 “(a) REPORTS BY RECIPIENTS.—Not later than 6  
20 months after the end of each fiscal year for which an eligi-  
21 ble State received a payment under this part, the State  
22 shall submit a report to the Commission on the activities  
23 conducted with the funds provided during the year.

24 “(b) REPORTS BY COMMISSION TO COMMITTEES.—  
25 With respect to each fiscal year for which the Commission

1 makes payments under this part, the Commission shall  
2 submit a report on the activities carried out under this  
3 part to the Committee on House Administration of the  
4 House of Representatives and the Committee on Rules  
5 and Administration of the Senate.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 of such Act is amended by adding at the end of the items  
8 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH  
ACCESS ACT

“Sec. 297. Payments to assist with costs of compliance with Access Act.

“Sec. 297A. Amount of payment.

“Sec. 297B. Requirements for eligibility.

“Sec. 297C. Authorization of appropriations.

“Sec. 297D. Reports.”.

9 **SEC. 110. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**  
10 **ITING AUDITS OF RESULTS OF ELECTIONS.**

11 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
12 II of the Help America Vote Act of 2002 (52 U.S.C.  
13 21001 et seq.), as amended by section 160009(a), is fur-  
14 ther amended by adding at the end the following new part:

15 **“PART 8—GRANTS FOR CONDUCTING RISK-**  
16 **LIMITING AUDITS OF RESULTS OF ELECTIONS**  
17 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
18 **DITS OF RESULTS OF ELECTIONS.**

19 “(a) AVAILABILITY OF GRANTS.—The Commission  
20 shall make a grant to each eligible State to conduct risk-  
21 limiting audits as described in subsection (b) with respect  
22 to the regularly scheduled general elections for Federal of-



1 fice held in November 2020 and each succeeding election  
2 for Federal office.

3 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this  
4 part, a ‘risk-limiting audit’ is a post-election process—

5 “(1) which is conducted in accordance with  
6 rules and procedures established by the chief State  
7 election official of the State which meet the require-  
8 ments of subsection (c); and

9 “(2) under which, if the reported outcome of  
10 the election is incorrect, there is at least a predeter-  
11 mined percentage chance that the audit will replace  
12 the incorrect outcome with the correct outcome as  
13 determined by a full, hand-to-eye tabulation of all  
14 votes validly cast in that election that ascertains  
15 voter intent manually and directly from voter-  
16 verifiable paper records.

17 “(c) REQUIREMENTS FOR RULES AND PROCE-  
18 DURES.—The rules and procedures established for con-  
19 ducting a risk-limiting audit shall include the following  
20 elements:

21 “(1) Rules for ensuring the security of ballots  
22 and documenting that prescribed procedures were  
23 followed.

1           “(2) Rules and procedures for ensuring the ac-  
2           curacy of ballot manifests produced by election agen-  
3           cies.

4           “(3) Rules and procedures for governing the  
5           format of ballot manifests, cast vote records, and  
6           other data involved in the audit.

7           “(4) Methods to ensure that any cast vote  
8           records used in the audit are those used by the vot-  
9           ing system to tally the election results sent to the  
10          chief State election official and made public.

11          “(5) Procedures for the random selection of  
12          ballots to be inspected manually during each audit.

13          “(6) Rules for the calculations and other meth-  
14          ods to be used in the audit and to determine wheth-  
15          er and when the audit of an election is complete.

16          “(7) Procedures and requirements for testing  
17          any software used to conduct risk-limiting audits.

18          “(d) DEFINITIONS.—In this part, the following defi-  
19          nitions apply:

20                 “(1) The term ‘ballot manifest’ means a record  
21                 maintained by each election agency that meets each  
22                 of the following requirements:

23                         “(A) The record is created without reliance  
24                         on any part of the voting system used to tab-  
25                         ulate votes.

1           “(B) The record functions as a sampling  
2 frame for conducting a risk-limiting audit.

3           “(C) The record contains the following in-  
4 formation with respect to the ballots cast and  
5 counted in the election:

6                   “(i) The total number of ballots cast  
7 and counted by the agency (including  
8 undervotes, overvotes, and other invalid  
9 votes).

10                   “(ii) The total number of ballots cast  
11 in each election administered by the agency  
12 (including undervotes, overvotes, and other  
13 invalid votes).

14                   “(iii) A precise description of the  
15 manner in which the ballots are physically  
16 stored, including the total number of phys-  
17 ical groups of ballots, the numbering sys-  
18 tem for each group, a unique label for each  
19 group, and the number of ballots in each  
20 such group.

21           “(2) The term ‘incorrect outcome’ means an  
22 outcome that differs from the outcome that would be  
23 determined by a full tabulation of all votes validly  
24 cast in the election, determining voter intent manu-  
25 ally, directly from voter-verifiable paper records.

1           “(3) The term ‘outcome’ means the winner of  
2           an election, whether a candidate or a position.

3           “(4) The term ‘reported outcome’ means the  
4           outcome of an election which is determined accord-  
5           ing to the canvass and which will become the official,  
6           certified outcome unless it is revised by an audit, re-  
7           count, or other legal process.

8   **“SEC. 298A. ELIGIBILITY OF STATES.**

9           “A State is eligible to receive a grant under this part  
10          if the State submits to the Commission, at such time and  
11          in such form as the Commission may require, an applica-  
12          tion containing—

13               “(1) a certification that, not later than 5 years  
14               after receiving the grant, the State will conduct risk-  
15               limiting audits of the results of elections for Federal  
16               office held in the State as described in section 298;

17               “(2) a certification that, not later than one year  
18               after the date of the enactment of this section, the  
19               chief State election official of the State has estab-  
20               lished or will establish the rules and procedures for  
21               conducting the audits which meet the requirements  
22               of section 298(c);

23               “(3) a certification that the audit shall be com-  
24               pleted not later than the date on which the State  
25               certifies the results of the election;

1           “(4) a certification that, after completing the  
2           audit, the State shall publish a report on the results  
3           of the audit, together with such information as nec-  
4           essary to confirm that the audit was conducted prop-  
5           erly;

6           “(5) a certification that, if a risk-limiting audit  
7           conducted under this part leads to a full manual  
8           tally of an election, State law requires that the State  
9           or election agency shall use the results of the full  
10          manual tally as the official results of the election;  
11          and

12          “(6) such other information and assurances as  
13          the Commission may require.

14   **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

15          “There are authorized to be appropriated for grants  
16          under this part \$20,000,000 for fiscal year 2021, to re-  
17          main available until expended.”.

18          (b) CLERICAL AMENDMENT.—The table of contents  
19          of such Act, as amended by section 160009(b), is further  
20          amended by adding at the end of the items relating to  
21          subtitle D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS  
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-  
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

22          (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

1           (1) ANALYSIS.—Not later than 6 months after  
2 the first election for Federal office is held after  
3 grants are first awarded to States for conducting  
4 risk-limiting audits under part 8 of subtitle D of  
5 title II of the Help America Vote Act of 2002 (as  
6 added by subsection (a)) for conducting risk-limiting  
7 audits of elections for Federal office, the Comp-  
8 troller General of the United States shall conduct an  
9 analysis of the extent to which such audits have im-  
10 proved the administration of such elections and the  
11 security of election infrastructure in the States re-  
12 ceiving such grants.

13           (2) REPORT.—The Comptroller General of the  
14 United States shall submit a report on the analysis  
15 conducted under subsection (a) to the appropriate  
16 congressional committees.

17 **SEC. 111. ADDITIONAL APPROPRIATIONS FOR THE ELEC-**  
18 **TION ASSISTANCE COMMISSION.**

19           (a) IN GENERAL.—In addition to any funds other-  
20 wise appropriated to the Election Assistance Commission  
21 for fiscal year 2021, there is authorized to be appropriated  
22 \$3,000,000 for fiscal year 2021 in order for the Commis-  
23 sion to provide additional assistance and resources to  
24 States for improving the administration of elections.

1 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
2 priated pursuant to the authorization under this sub-  
3 section shall remain available without fiscal year limita-  
4 tion.

5 **SEC. 112. DEFINITION.**

6 (a) DEFINITION OF ELECTION FOR FEDERAL OF-  
7 FICE.—Title IX of the Help America Vote Act of 2002  
8 (52 U.S.C. 21141 et seq.) is amended by adding at the  
9 end the following new section:

10 **“SEC. 907. ELECTION FOR FEDERAL OFFICE DEFINED.**

11 “For purposes of titles I through III, the term ‘elec-  
12 tion for Federal office’ means a general, special, primary,  
13 or runoff election for the office of President or Vice Presi-  
14 dent, or of Senator or Representative in, or Delegate or  
15 Resident Commissioner to, the Congress.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 of such Act is amended by adding at the end of the items  
18 relating 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  
10 this 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,  
15 provisions and related supplies for delivery, and the  
16 delivery of such items, directly to aircraft or to a lo-  
17 cation on or near airport property for subsequent  
18 delivery 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; se-  
8 curity; 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  
16 an air carrier or a contractor; and

17 (5) the term “Secretary” means the Secretary  
18 of 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  
24 financial assistance that shall exclusively be used for the

1 continuation of payment of employee wages, salaries, and  
2 benefits 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  
18 provide 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 Regu-  
21 lations, as of March 27, 2020, in an amount equal  
22 to—

23 (A) the amount such air carrier received  
24 under section 4113 of the CARES Act (15  
25 U.S.C. 9073); or

1 (B) at the request of such air carrier, or  
2 in the event such an air carrier did not receive  
3 assistance under section 4113 of the CARES  
4 Act (15 U.S.C. 9073), the amount of the sala-  
5 ries and benefits reported by the air carrier to  
6 the Department of Transportation pursuant to  
7 such part 241, for the period from October 1,  
8 2019, 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,  
11 in an amount equal to—

12 (A) the amount such air carrier received  
13 under section 4113 of the CARES Act (15  
14 U.S.C. 9073), plus an additional 15 percent of  
15 such amount; or

16 (B) at the request of such air carrier, or  
17 in the event such an air carrier did not receive  
18 assistance under section 4113 of the CARES  
19 Act (15 U.S.C. 9073), an amount that such an  
20 air 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,  
3 through 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  
7 U.S.C. 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  
16 from October 1, 2019, through March 31,  
17 2020.

18 (b) DEADLINES AND PROCEDURES.—

19 (1) IN GENERAL.—

20 (A) FORMS; TERMS AND CONDITIONS.—Fi-  
21 nancial assistance provided to an air carrier or  
22 contractor under this title shall—

23 (i) be in such form, on such terms  
24 and conditions (including requirements for  
25 audits and the clawback of any financial

1 assistance provided upon failure by a pas-  
2 senger air carrier, cargo air carrier, or con-  
3 tractor to honor the assurances specified in  
4 section 105 of this division), as agreed to  
5 by the Secretary and the recipient for as-  
6 sistance received under section 4113 of the  
7 CARES Act (15 U.S.C. 9073), except  
8 where inconsistent with this title; or

9 (ii) in the event such an air carrier or  
10 contractor did not receive assistance under  
11 section 4113 of the CARES Act (15  
12 U.S.C. 9073), be in such form, on such  
13 terms and conditions (including require-  
14 ments for audits and the clawback of any  
15 financial assistance provided upon failure  
16 by a passenger air carrier, cargo air car-  
17 rier, or contractor to honor the assurances  
18 specified in section 105 of this division), as  
19 the Secretary determines appropriate.

20 (B) PROCEDURES.—The Secretary shall  
21 publish streamlined and expedited procedures  
22 not later than 5 days after the date of enact-  
23 ment of this title for air carriers and contrac-  
24 tors to submit requests for financial assistance  
25 under this title.

1           (2) DEADLINE FOR IMMEDIATE PAYROLL AS-  
2           SISTANCE.—Not later than 10 days after the date of  
3           enactment of this title, the Secretary shall make ini-  
4           tial payments to air carriers and contractors that  
5           submit requests for financial assistance approved by  
6           to the Secretary.

7           (d) PRO RATA REDUCTIONS.—The amounts under  
8           subsections (a)(1)(B) and (a)(2)(B) shall, to the max-  
9           imum extent practicable, be subject to the same pro rata  
10          reduction applied by the Secretary to air carriers or con-  
11          tractors, as applicable, that received assistance under sec-  
12          tion 4113 of the CARES Act (15 U.S.C. 9073).

13          (e) AUDITS.—The Inspector General of the Depart-  
14          ment of the Treasury shall audit certifications made under  
15          subsection (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  
19          enter into an agreement with the Secretary, or otherwise  
20          certify in such form and manner as the Secretary shall  
21          prescribe, 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 list-  
10 ed 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  
18 shall not pay dividends, or make other capital dis-  
19 tributions, with respect to common stock (or equiva-  
20 lent interest) of the air carrier or contractor  
21 through—

22 (A) with respect to air carriers, March 31,  
23 2022; or

24 (B) with respect to contractors, March 31,  
25 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  
10                  for loans, loan guarantees, other investments,  
11                  or financial assistance under title IV of the  
12                  CARES Act (Public Law 116–136) and the  
13                  date the air carrier or contractor enters into an  
14                  agreement with the Secretary for financial as-  
15                  sistance under 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  
20                  enactment of this title and the date the air car-  
21                  rier or contractor enters into an agreement with  
22                  the 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  
9 employees of the air carrier or contractor under the Rail-  
10 way Labor Act (45 U.S.C. 151 et seq.) or the National  
11 Labor Relations Act (29 U.S.C. 151 et seq.), regarding  
12 pay or 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 con-  
23 tractor is first issued such financial assistance and ending  
24 on March 31, 2021, or until the date on which all funds  
25 are expended, whichever is later.

1 **SEC. 107. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**  
2 **TION.**

3 (a) IN GENERAL.—The Secretary may only provide  
4 financial assistance under this title to an air carrier or  
5 contractor after such carrier or contractor enters into an  
6 agreement with the Secretary which provides that, during  
7 the 2-year period beginning October 1, 2020, and ending  
8 October 1, 2022, no officer or employee of the air carrier  
9 or contractor whose total compensation exceeded  
10 \$425,000 in calendar year 2019 (other than an employee  
11 whose compensation is determined through an existing col-  
12 lective bargaining agreement entered into prior to enact-  
13 ment of this title)—

14 (1) will receive from the air carrier or con-  
15 tractor total compensation which exceeds, during  
16 any 12 consecutive months of such 2-year period,  
17 the total compensation received by the officer or em-  
18 ployee from the air carrier or contractor in calendar  
19 year 2019;

20 (2) will receive from the air carrier or con-  
21 tractor severance pay or other benefits upon termi-  
22 nation of employment with the air carrier or con-  
23 tractor which exceeds twice the maximum total com-  
24 pensation received by the officer or employee from  
25 the air carrier or contractor in calendar year 2019;  
26 and

1           (3) no officer or employee of the air carrier or  
2           contractor whose total compensation exceeded  
3           \$3,000,000 in calendar year 2019 may receive dur-  
4           ing any 12 consecutive months of such period total  
5           compensation in excess of the sum of—

6                   (A) \$3,000,000; and

7                   (B) 50 percent of the excess over  
8           \$3,000,000 of the total compensation received  
9           by the officer or employee from the air carrier  
10          or contractor in calendar year 2019.

11          (b) **TOTAL COMPENSATION DEFINED.**—In this sec-  
12          tion, the term “total compensation” includes salary, bo-  
13          nuses, awards of stock, and other financial benefits pro-  
14          vided by an air carrier or contractor to an officer or em-  
15          ployee of the air carrier or contractor.

16          **SEC. 108. MINIMUM AIR SERVICE GUARANTEES.**

17          (a) **IN GENERAL.**—The Secretary of Transportation  
18          is authorized to require, to the extent reasonable and prac-  
19          ticable, an air carrier provided financial assistance under  
20          this title to maintain scheduled air transportation, as the  
21          Secretary of Transportation determines necessary, to en-  
22          sure services to any point served by that air carrier before  
23          March 1, 2020, continues to receive a basic level of air  
24          service.

1 (b) REQUIRED CONSIDERATIONS.—When considering  
2 whether to exercise the authority provided by this section,  
3 the Secretary of Transportation shall take into consider-  
4 ation the air transportation needs of small and remote  
5 communities, the need to maintain well-functioning health  
6 care supply chains, including medical devices and supplies,  
7 and pharmaceutical supply chains, and such other matters  
8 as the public interest requires.

9 (c) SUNSET.—The authority provided under this sec-  
10 tion shall terminate on September 1, 2022, and any re-  
11 quirements issued by the Secretary of Transportation  
12 under this section shall cease to apply after that date.

13 **SEC. 109. TAX PAYER PROTECTION.**

14 (a) CARES ACT ASSISTANCE RECIPIENTS.—With re-  
15 spect to a recipient of assistance under section 4113 of  
16 the CARES Act (15 U.S.C. 9073) that receives assistance  
17 under this title, the Secretary may receive warrants, op-  
18 tions, preferred stock, debt securities, notes, or other fi-  
19 nancial instruments issued by such recipient in the same  
20 form and amount, and under the same terms and condi-  
21 tions, as agreed to by the Secretary and the recipient for  
22 assistance received under such section 4113 to provide ap-  
23 propriate compensation to the Federal Government for the  
24 provision of the financial assistance under this title.

1 (b) OTHER APPLICANTS.—With respect to an appli-  
2 cant that did not receive assistance under such section  
3 4113, the Secretary may receive warrants, options, pre-  
4 ferred stock, debt securities, notes, or other financial in-  
5 struments issued by an applicant that receives assistance  
6 under this title in a form and amount that are, to the  
7 maximum extent practicable, the same as the terms and  
8 conditions as agreed to by the Secretary and similarly situ-  
9 ated recipients of assistance under such section 4113 to  
10 provide appropriate compensation to the Federal Govern-  
11 ment for the provision of the financial assistance under  
12 this title.

13 **SEC. 110. REPORTS.**

14 (a) REPORT.—Not later than May 1, 2021, the Sec-  
15 retary shall update and submit to the Committee on  
16 Transportation and Infrastructure and the Committee on  
17 Financial Services of the House of Representatives and  
18 the Committee on Commerce, Science, and Transportation  
19 and the Committee on Banking, Housing, and Urban Af-  
20 fairs of the Senate a report on the financial assistance  
21 provided to air carriers and contractors under this title,  
22 which includes—

23 (1) a description of any financial assistance  
24 provided to air carrier and contractors under this  
25 title;

1           (2) any audits of air carriers or contractors re-  
2           ceiving financial assistance under this title;

3           (3) any reports filed by air carriers or contrac-  
4           tors receiving financial assistance under this title;

5           (4) any non-compliances by air carriers or con-  
6           tractors receiving financial assistance under this title  
7           with the terms and conditions of this title or agree-  
8           ments entered into with the Secretary to receive  
9           such financial assistance; and

10          (5) information relating to any clawback of any  
11          financial assistance provided to air carriers or con-  
12          tractors under this title.

13          (b) INTERNET UPDATES.—The Secretary shall up-  
14          date the website of the Department of the Treasury on  
15          a daily basis as necessary to reflect new or revised dis-  
16          tributions of financial assistance under this title with re-  
17          spect to each air carrier or contractor that receives such  
18          assistance, the identification of any applicant that applied  
19          for financial assistance under this title, and the date of  
20          application.

21          (c) SUPPLEMENTAL UPDATE.—Not later than the  
22          last day of the 1-year period following the date of enact-  
23          ment of this title, the Secretary shall update and submit  
24          to the Committee on Transportation and Infrastructure  
25          and the Committee on Financial Services of the House of

1 Representatives and the Committee on Commerce,  
2 Science, and Transportation and the Committee on Bank-  
3 ing, Housing, and Urban Affairs of the Senate, the report  
4 submitted under subsection (a).

5 **SEC. 111. COORDINATION.**

6 In implementing this title, the Secretary shall coordi-  
7 nate with the Secretary of Transportation.

8 **SEC. 112. DIRECT APPROPRIATION.**

9 Notwithstanding any other provision of law, there is  
10 appropriated, out of amounts in the Treasury not other-  
11 wise appropriated, \$28,300,000,000 to carry out this title.

12 **SEC. 113. TECHNICAL CORRECTIONS AND CLARIFICATION.**

13 (a) Section 4003(c)(1)(B) of the CARES Act (15  
14 U.S.C. 9042(c)(1)(B)) is amended—

15 (1) by striking “As soon” and inserting the fol-  
16 lowing:

17 “(i) IN GENERAL.—Subject to clause  
18 (ii), as soon”; and

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

20 “(ii) REQUIREMENT.—The procedures  
21 and any related guidance issued under  
22 clause (i) shall not prohibit any air carrier  
23 from applying for or receiving a loan or  
24 loan guarantee under paragraph (1), (2),  
25 or (3) of subsection (b) based on the

1 amount of the loan or loan guarantee re-  
2 quested.”; and

3 (b) Section 4113(c) of the CARES Act (15 U.S.C.  
4 9073(c)) is amended by striking “ section 4112” and in-  
5 serting “subsection (a)”.

6 (c) Section 4114 of the CARES Act (15 U.S.C. 9074)  
7 is amended by adding at the end the following new sub-  
8 sections:

9 “(c) CONTINUED APPLICATION.—

10 “(1) IN GENERAL.—If, after September 30,  
11 2020, a contractor expends funds made available  
12 pursuant to section 4112 and distributed pursuant  
13 to section 4113, the assurances under this section  
14 shall continue to apply until all funds are expended,  
15 notwithstanding the time limits included in para-  
16 graphs (1) through (3) of subsection (a), or section  
17 4115 or 4116.

18 “(2) SPECIAL RULE.—Not later than January  
19 5, 2021, each contractor that has received funds  
20 pursuant to such section 4112 shall report to the  
21 Secretary on the amount of such funds that the con-  
22 tractor has expended through December 31, 2020. If  
23 the contractor has expended an amount that is less  
24 than 50 percent of the total amount of funds the  
25 contractor received under such section, the Secretary



1 shall initiate an action to recover any funds that re-  
2 main unexpended as of January 31, 2021.

3 “(d) CLAWBACK OF ASSISTANCE.—Any contractor  
4 that conducted involuntary furloughs or reduced pay rates  
5 and benefits, between March 27, 2020, and the date on  
6 which the contractor entered into an agreement with the  
7 Secretary related to financial assistance under this sub-  
8 title, shall attempt in good faith to rehire employees who  
9 were involuntary furloughed, or the Secretary shall claw  
10 back such financial assistance, as necessary.”.

11 **SEC. 114. NATIONAL AVIATION PREPAREDNESS PLAN.**

12 (a) IN GENERAL.—Not later than 1 year after the  
13 date of enactment of this section, the Secretary of Trans-  
14 portation, in coordination with the Secretary of Health  
15 and Human Services, the Secretary of Homeland Security,  
16 and the heads of such other Federal departments or agen-  
17 cies as the Secretary considers appropriate, shall develop  
18 and regularly update a national aviation preparedness  
19 plan to ensure the aviation system is prepared to respond  
20 to epidemics and pandemics of infectious diseases.

21 (b) CONTENTS OF PLAN.—A plan developed under  
22 subsection (a) shall, at a minimum—

23 (1) provide airports and air carriers with an  
24 adaptable and scalable framework with which to  
25 align the individual plans of such airports and air

1 carriers and provide appropriate guidance as to each  
2 individual plan;

3 (2) improve coordination among airports, air  
4 carriers, U.S. Customs and Border Protection, the  
5 Centers for Disease Control and Prevention, other  
6 appropriate Federal entities, and State and local  
7 governments or health agencies on developing poli-  
8 cies that increase the effectiveness of screening,  
9 quarantining, and contact-tracing with respect to in-  
10 bound international passengers;

11 (3) ensure that at-risk employees are equipped  
12 with appropriate personal protective equipment to  
13 reduce the likelihood of exposure to pathogens in the  
14 event of a pandemic;

15 (4) ensure aircraft and enclosed facilities  
16 owned, operated, or used by an air carrier or airport  
17 are cleaned, disinfected, and sanitized frequently in  
18 accordance with Centers for Disease Control and  
19 Prevention guidance; and

20 (5) incorporate all elements referenced in the  
21 recommendation of the Comptroller General of the  
22 United States to the Secretary of Transportation  
23 contained in the report titled “Air Travel and Com-  
24 municable Diseases: Comprehensive Federal Plan

1 Needed for U.S. Aviation System’s Preparedness”  
2 issued in December 2015 (GAO–16–127).

3 (c) CONSULTATION.—When developing a plan under  
4 subsection (a), the Secretary of Transportation shall con-  
5 sult with aviation industry and labor stakeholders, includ-  
6 ing representatives of—

7 (1) air carriers;

8 (2) small, medium, and large hub airports;

9 (3) labor organizations that represent airline pi-  
10 lots, flight attendants, air carrier airport customer  
11 service representatives, and air carrier maintenance,  
12 repair, and overhaul workers;

13 (4) the labor organization certified under sec-  
14 tion 7111 of title 5, United States Code, as the ex-  
15 clusive bargaining representative of air traffic con-  
16 trollers of the Federal Aviation Administration;

17 (5) the labor organization certified under such  
18 section as the exclusive bargaining representative of  
19 airway transportation systems specialists and avia-  
20 tion safety inspectors of the Federal Aviation Ad-  
21 ministration; and

22 (6) such other stakeholders as the Secretary  
23 considers appropriate.

1 (d) REPORT.—Not later than 30 days after the plan  
2 is developed under subsection (a), the Secretary shall sub-  
3 mit to the appropriate committees of Congress such plan.

4 (e) DEFINITION OF AT-RISK EMPLOYEES.—In this  
5 section, the term “at-risk employees” means—

6 (1) individuals whose job duties require inter-  
7 action with air carrier passengers on a regular and  
8 continuing basis that are employees of—

9 (A) air carriers;

10 (B) air carrier contractors;

11 (C) airports; and

12 (D) Federal departments or agencies; and

13 (2) air traffic controllers and systems safety  
14 specialists of the Federal Aviation Administration.

## 15 **TITLE II—FEDERAL EMERGENCY** 16 **MANAGEMENT AGENCY**

### 17 **SEC. 201. COST SHARE.**

18 (a) TEMPORARY FEDERAL SHARE.—Notwith-  
19 standing sections 403(b), 403(c)(4), 404(a), 406(b),  
20 408(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert  
21 T. Stafford Disaster Relief and Emergency Assistance Act  
22 (42 U.S.C. 5121 et seq.), for any emergency or major dis-  
23 aster declared by the President under such Act during the  
24 period beginning on January 1, 2020 and ending on De-  
25 cember 31, 2020, the Federal share of assistance provided

1 under such sections shall be not less than 90 percent of  
2 the eligible cost of such assistance.

3 (b) COST SHARE UNDER COVID EMERGENCY DEC-  
4 LARATION.—Notwithstanding subsection (a), assistance  
5 provided under the emergency declaration issued by the  
6 President on March 13, 2020, pursuant to section 501(b)  
7 of the Robert T. Stafford Disaster Relief and Emergency  
8 Assistance Act (42 U.S.C. 5191(b)), and under any subse-  
9 quent major disaster declaration under section 401 of such  
10 Act (42 U.S.C. 5170) that supersedes such emergency  
11 declaration, shall be at a 100 percent Federal cost share.

12 **SEC. 202. CLARIFICATION OF ASSISTANCE.**

13 (a) IN GENERAL.—For the emergency declared on  
14 March 13, 2020 by the President under section 501 of  
15 the Robert T. Stafford Disaster Relief and Emergency As-  
16 sistance Act (42 U.S.C. 5191), the President may provide  
17 assistance for activities, costs, and purchases of States,  
18 Indian tribal governments, or local governments, includ-  
19 ing—

20 (1) activities eligible for assistance under sec-  
21 tions 301, 415, 416, and 426 of the Robert T. Staf-  
22 ford Disaster Relief and Emergency Assistance Act  
23 (42 U.S.C. 5141, 5182, 5183, 5189d);

24 (2) backfill costs for first responders and other  
25 essential employees who are ill or quarantined;

1           (3) increased operating costs for essential gov-  
2           ernment services due to such emergency, including  
3           costs for implementing continuity plans, and shel-  
4           tering or housing for first responders, emergency  
5           managers, health providers and other essential em-  
6           ployees;

7           (4) costs of providing guidance and information  
8           to the public and for call centers to disseminate such  
9           guidance and information, including private non-  
10          profit organizations;

11          (5) costs associated with establishing and oper-  
12          ating virtual services;

13          (6) costs for establishing and operating remote  
14          test sites, including comprehensive community based  
15          testing;

16          (7) training provided specifically in anticipation  
17          of or in response to the event on which such emer-  
18          gency declaration is predicated;

19          (8) personal protective equipment and other  
20          critical supplies and services for first responders and  
21          other essential employees, including individuals  
22          working in public schools, courthouses, and public  
23          transit systems;

1 (9) medical equipment, regardless of whether  
2 such equipment is used for emergency or inpatient  
3 care;

4 (10) public health costs, including provision and  
5 distribution of medicine and medical supplies;

6 (11) costs associated with maintaining alternate  
7 care facilities or related facilities currently inactive  
8 but related to future needs tied to the ongoing pan-  
9 demic event;

10 (12) costs of establishing and operating shelters  
11 and providing services, including transportation, that  
12 help alleviate the need of individuals for shelter; and

13 (13) costs, including costs incurred by private  
14 nonprofit organizations, of procuring and distrib-  
15 uting food to individuals affected by the pandemic  
16 through networks established by State, local, or  
17 Tribal governments, or other organizations, includ-  
18 ing restaurants and farms, and for the purchase of  
19 food directly from food producers and farmers.

20 (b) APPLICATION TO SUBSEQUENT MAJOR DIS-  
21 ASTER.—The activities described in subsection (a) may  
22 also be eligible for assistance under any major disaster de-  
23 clared by the President under section 401 of such Act (42  
24 U.S.C. 5170) that supersedes the emergency declaration  
25 described in such subsection.

1 (c) FINANCIAL ASSISTANCE FOR FUNERAL EX-  
2 PENSES.—For any emergency or major disaster described  
3 in subsection (a) or (b), the President shall provide finan-  
4 cial assistance to an individual or household to meet dis-  
5 aster-related funeral expenses under section 408(e)(1) of  
6 such Act (42 U.S.C. 5174(e)).

7 (d) ADVANCED ASSISTANCE.—

8 (1) IN GENERAL.—In order to facilitate activities  
9 under this section, the President, acting through the Ad-  
10 ministrator of the Federal Emergency Management Agen-  
11 cy, may provide assistance in advance to an eligible appli-  
12 cant if a failure to do so would prevent the applicant from  
13 carrying out such activities.

14 (2) ANNUAL REPORT.—The Administrator shall sub-  
15 mit to the Committee on Transportation and Infrastruc-  
16 ture of the House of Representatives and the Committee  
17 on Homeland Security and Governmental Affairs of the  
18 Senate a report on assistance provided in advance pursu-  
19 ant to paragraph (1).

20 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
21 tion shall be construed to make ineligible any assistance  
22 that would otherwise be eligible under section 403, 408,  
23 or 502 of such Act (42 U.S.C. 5170b, 5192).

24 (f) STATE; INDIAN TRIBAL GOVERNMENT; LOCAL  
25 GOVERNMENT DEFINED.—In this section, the terms



1 “State”, “Indian tribal government”, and “local govern-  
2 ment” have the meanings given such terms in section 102  
3 of the Robert T. Stafford Disaster Relief and Emergency  
4 Assistance Act (42 U.S.C. 5122).

5 **SEC. 203. HAZARD MITIGATION APPROVAL.**

6 For all States or Indian tribal governments, as such  
7 terms are defined in section 102 of the Robert T. Stafford  
8 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
9 5122), receiving an emergency declaration on March 13,  
10 2020 by the President under section 501 of the Robert  
11 T. Stafford Disaster Relief and Emergency Assistance Act  
12 (42 U.S.C. 5191), and a major disaster declared by the  
13 President under section 401 of such Act (42 U.S.C. 5170)  
14 that supersedes such emergency declaration, the President  
15 shall approve the availability of hazard mitigation assist-  
16 ance pursuant to section 404 of the Robert T. Stafford  
17 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
18 5170c) as part of such major disaster declarations, if re-  
19 quested, and the President may contribute up to 100 per-  
20 cent of hazard mitigation measures authorized under sec-  
21 tion 404(a) of such Act.

1           **TITLE III—OTHER MATTERS**

2   **SEC. 301. REQUIREMENTS FOR OWNERS AND OPERATORS**  
3                   **OF EQUIPMENT OR FACILITIES USED BY PAS-**  
4                   **SENGER OR FREIGHT TRANSPORTATION EM-**  
5                   **PLOYERS.**

6           (a) DEFINITIONS.—In this section:

7                   (1) AT-RISK EMPLOYEE.—The term “at-risk  
8                   employee” means an employee (including a Federal  
9                   employee) or contractor of a passenger or freight  
10                  transportation employer—

11                           (A) whose job responsibilities involve inter-  
12                           action with—

13                                   (i) passengers;

14                                   (ii) the public; or

15                                   (iii) coworkers who interact with the  
16                           public;

17                           (B) who handles items which are handled  
18                           or will be handled by the public; or

19                           (C) who works in locations where social  
20                           distancing and other preventative measures  
21                           with respect to the Coronavirus Disease 2019  
22                           (COVID–19) are not possible.

23                   (2) PASSENGER OR FREIGHT TRANSPORTATION  
24                  EMPLOYER.—The term “passenger or freight trans-  
25                  portation employer” includes—

1 (A) the owner, charterer, managing oper-  
2 ator, master, or other individual in charge of a  
3 passenger vessel (as defined in section 2101 of  
4 title 46, United States Code);

5 (B) an air carrier (as defined in section  
6 40102 of title 49, United States Code);

7 (C) a commuter authority (as defined in  
8 section 24102 of title 49, United State Code);

9 (D) an entity that provides intercity rail  
10 passenger transportation (as defined in section  
11 24102 of title 49, United States Code);

12 (E) a rail carrier (as defined in section  
13 10102 of title 49, United States Code);

14 (F) a regional transportation authority (as  
15 defined in section 24102 of title 49, United  
16 States Code);

17 (G) a provider of public transportation (as  
18 defined in section 5302 of title 49, United  
19 States Code);

20 (H) a provider of motorcoach services (as  
21 defined in section 32702 of the Motorcoach En-  
22 hanced Safety Act of 2012 (49 U.S.C. 31136  
23 note; Public Law 112–141));

24 (I) a motor carrier that owns or operates  
25 more than 100 motor vehicles (as those terms

1 are defined in section 390.5 of title 49, Code of  
2 Federal Regulations (or successor regulations));

3 (J) a sponsor, owner, or operator of a pub-  
4 lic-use airport (as defined in section 47102 of  
5 title 49, United States Code);

6 (K) a marine terminal operator (as defined  
7 in section 40102 of title 46, United States  
8 Code) and the relevant authority or operator of  
9 a port or harbor;

10 (L) the Transportation Security Adminis-  
11 tration, exclusively with respect to Transpor-  
12 tation Security Officers; and

13 (M) a marine terminal operator (as defined  
14 in section 40102 of title 46, United States  
15 Code) and the relevant authority or operator of  
16 a port or harbor, or any other employer of indi-  
17 viduals covered under section 2(3) of the  
18 Longshore and Harbor Workers' Compensation  
19 Act (33 U.S.C. 902(3)).

20 (b) REQUIREMENTS.—For the purposes of respond-  
21 ing to, or for purposes relating to operations during the  
22 national emergency declared by the President under the  
23 National Emergencies Act (50 U.S.C. 1601 et seq.) re-  
24 lated to the pandemic of SARS-CoV-2 or coronavirus  
25 disease 2019 (COVID-19), the Secretary shall require—

1 (1) the owners or operators of equipment, sta-  
2 tions, or facilities used by passenger or freight  
3 transportation employers, as applicable—

4 (A) to clean, disinfect, and sanitize, in ac-  
5 cordance with guidance issued by the Centers  
6 for Disease Control and Prevention or the safe-  
7 ty alert for operators issued by the Federal  
8 Aviation Administration on May 11, 2020,  
9 numbered SAFO 20009 (including any similar  
10 successor safety alert or applicable guidance),  
11 the equipment and facilities, including, as appli-  
12 cable—

13 (i) buses and transit vehicles;

14 (ii) commercial motor vehicles;

15 (iii) freight and passenger rail loco-  
16 motives;

17 (iv) freight and passenger rail cars;

18 (v) vessels;

19 (vi) airports;

20 (vii) fleet vehicles used for the trans-  
21 portation of workers to job sites;

22 (viii) aircraft, including the cockpit  
23 and the cabin; and

24 (ix) other equipment and facilities;

1 (B) to ensure that stations and facilities,  
2 including enclosed facilities, owned, operated,  
3 and used by passenger or freight transportation  
4 employers, including facilities used for employee  
5 training or the performance of indoor or out-  
6 door maintenance, repair, or overhaul work, are  
7 disinfected and sanitized frequently in accord-  
8 ance with guidance issued by the Centers for  
9 Disease Control and Prevention or the safety  
10 alert for operators issued by the Federal Avia-  
11 tion Administration on May 11, 2020, num-  
12 bered SAFO 20009 (including any similar suc-  
13 cessor safety alert or applicable guidance);

14 (C) to provide to at-risk employees—  
15 (i) masks or protective face coverings;  
16 (ii) gloves;  
17 (iii) hand sanitizer;  
18 (iv) sanitizing wipes with sufficient al-  
19 cohol content; and  
20 (v) training on the proper use of per-  
21 sonal protective equipment and sanitizing  
22 equipment;

23 (D) to ensure that employees whose job re-  
24 sponsibilities include the cleaning, disinfecting,

1 or sanitizing described in subparagraph (A) or  
2 (B) are provided—

3 (i) masks or protective face coverings;

4 (ii) gloves;

5 (iii) hand sanitizer; and

6 (iv) sanitizing wipes with sufficient al-  
7cohol content;

8 (E) to establish guidelines, or adhere to  
9 any existing applicable guidelines, including the  
10 safety alert for operators issued by the Federal  
11 Aviation Administration on May 11, 2020,  
12 numbered SAFO 20009 (including any similar  
13 successor safety alert or applicable guidance),  
14 for notifying an employee of the owner or oper-  
15 ator of a confirmed diagnosis of the  
16 Coronavirus Disease 2019 (COVID–19) with  
17 respect to any other employee of the owner or  
18 operator with whom the notified employee had  
19 physical contact or a physical interaction during  
20 the 48-hour period preceding the time at which  
21 the diagnosed employee developed symptoms;

22 (F) to require the wearing of masks or  
23 protective face coverings, subject to the require-  
24 ments of the Americans with Disabilities Act of  
25 1990 (42 U.S.C. 12101 et seq.), section 41705

1936

1 of title 49, United States Code, (commonly  
2 known as the “Air Carrier Access Act of  
3 1986”), and section 501 of the Rehabilitation  
4 Act of 1973 (29 U.S.C. 791), as applicable,  
5 by—

6 (i) passengers traveling on transpor-  
7 tation provided by a passenger or freight  
8 transportation employer; and

9 (ii) employees of passenger or freight  
10 transportation employers when—

11 (I) interacting with passengers,  
12 the public, or coworkers who interact  
13 with the public; or

14 (II) working in locations where  
15 social distancing and other preventa-  
16 tive measures with respect to the  
17 Coronavirus Disease 2019 (COVID-  
18 19) are not possible;

19 (G) to require each flight crew member to  
20 wear a mask or protective face covering while  
21 on board an aircraft and outside the flight  
22 deck; and

23 (H) ensure that each contractor of an  
24 owner or operator identified under this para-  
25 graph provides masks or protective face cov-



1 erings, gloves, hand sanitizer, and sanitizing  
2 wipes with sufficient alcohol content, to employ-  
3 ees of such contractor whose job responsibilities  
4 include the cleaning, disinfecting, or sanitizing  
5 described in subparagraph (A) or (B); and

6 (2) an air carrier to submit to the Adminis-  
7 trator of the Federal Aviation Administration a pro-  
8 posal to permit flight crew members to wear masks  
9 or protective face coverings in the flight deck, in-  
10 cluding a safety risk assessment with respect to that  
11 proposal.

12 (c) MARKET UNAVAILABILITY OF NECESSARY  
13 ITEMS.—

14 (1) NOTICE OF MARKET UNAVAILABILITY.—

15 (A) IN GENERAL.—If an owner or operator  
16 described in paragraph (1) of subsection (b) is  
17 unable to acquire 1 or more items necessary to  
18 comply with the requirements prescribed under  
19 that paragraph due to market unavailability of  
20 the items, the owner or operator shall—

21 (i) not later than 7 days after the  
22 date on which the owner or operator is un-  
23 able to acquire each applicable item, sub-  
24 mit to the Secretary a written notice ex-  
25 plaining the efforts made and obstacles

1           faced by the owner or operator to acquire  
2           that item; and

3                   (ii) continue making efforts to acquire  
4           that item until the item is acquired.

5           (B) UPDATED NOTICE WITH RESPECT TO  
6           THE SAME ITEM.—If an owner or operator is  
7           unable to acquire an item described in a notice  
8           submitted under subparagraph (A) by the date  
9           described in paragraph (4)(B)(ii) with respect  
10          to the notice, the owner or operator may submit  
11          an updated notice with respect to that item.

12          (2) REASONABLE EFFORT DETERMINATION.—  
13          With respect to each notice submitted under para-  
14          graph (1), the Secretary shall determine whether the  
15          owner or operator submitting the notice has made  
16          reasonable efforts to acquire the item described in  
17          the notice.

18          (3) NOTICE OF COMPLIANCE.—Not later than 7  
19          days after the date on which an owner or operator  
20          acquires an item described in a notice submitted by  
21          that owner or operator under paragraph (1) in a  
22          quantity sufficient to comply with the requirements  
23          prescribed under subsection (b)(1), the owner or op-  
24          erator shall submit to the Secretary a written notice  
25          of compliance with those requirements.

1           (4) LISTS OF OWNERS AND OPERATORS MAKING  
2 REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE  
3 ITEMS.—

4           (A) IN GENERAL.—The Secretary shall  
5 publish on a public website of the Department  
6 of Transportation a list that, with respect to  
7 each notice submitted to the Secretary under  
8 paragraph (1) for which the Secretary has  
9 made a positive determination under paragraph  
10 (2)—

11           (i) identifies the owner or operator  
12 that submitted the notice;

13           (ii) identifies the item that the owner  
14 or operator was unable to acquire; and

15           (iii) describes the reasonable efforts  
16 made by the owner or operator to acquire  
17 that item.

18           (B) REMOVAL FROM LIST.—The Secretary  
19 shall remove each entry on the list described in  
20 subparagraph (A) on the earlier of—

21           (i) the date on which the applicable  
22 owner or operator submits to the Secretary  
23 a notice of compliance under paragraph (3)  
24 with respect to the item that is the subject  
25 of the entry; and

1 (ii) the date that is 90 days after the  
2 date on which the entry was added to the  
3 list.

4 (d) PROTECTION OF CERTAIN FEDERAL AVIATION  
5 ADMINISTRATION EMPLOYEES.—

6 (1) IN GENERAL.—For the purposes of re-  
7 sponding to, or for purposes relating to operations  
8 during the national emergency declared by the Presi-  
9 dent under the National Emergencies Act (50  
10 U.S.C. 1601 et seq.) related to the pandemic of  
11 SARS-CoV-2 or coronavirus disease 2019  
12 (COVID-19), in order to maintain the safe and effi-  
13 cient operation of the air traffic control system, the  
14 Administrator of the Federal Aviation Administra-  
15 tion shall—

16 (A) provide any air traffic controller and  
17 airway transportation systems specialist of the  
18 Federal Aviation Administration with masks or  
19 protective face coverings, gloves, and hand sani-  
20 tizer and wipes of sufficient alcohol content,  
21 and provide training on the proper use of per-  
22 sonal protective equipment and sanitizing  
23 equipment;

24 (B) ensure that each air traffic control fa-  
25 cility is cleaned, disinfected, and sanitized fre-

1           quently in accordance with Centers for Disease  
2           Control and Prevention guidance; and

3           (C) provide any employee of the Federal  
4           Aviation Administration whose job responsibil-  
5           ities involve cleaning, disinfecting, and sani-  
6           tizing a facility described in subparagraph (B)  
7           with masks or protective face coverings and  
8           gloves, and ensure that each contractor of the  
9           Federal Aviation Administration provides any  
10          employee of the contractor with those materials.

11          (2) SOURCE OF EQUIPMENT.—The items de-  
12          scribed in paragraph (1)(A) may be procured or pro-  
13          vided under that paragraph through any source  
14          available to the Administrator of the Federal Avia-  
15          tion Administration.

16 **SEC. 302. PROPERTY DISPOSITION FOR AFFORDABLE**  
17 **HOUSING.**

18          Section 5334(h)(1) of title 49, United States Code,  
19 is amended to read as follows:

20               “(1) IN GENERAL.—If a recipient of assistance  
21               under this chapter decides an asset acquired under  
22               this chapter at least in part with that assistance is  
23               no longer needed for the purpose for which such  
24               asset was acquired, the Secretary may authorize the  
25               recipient to transfer such asset to—

1           “(A) a local governmental authority to be  
2           used for a public purpose with no further obli-  
3           gation to the Government if the Secretary de-  
4           cides—

5                   “(i) the asset will remain in public use  
6                   for at least 5 years after the date the asset  
7                   is transferred;

8                   “(ii) there is no purpose eligible for  
9                   assistance under this chapter for which the  
10                  asset should be used;

11                  “(iii) the overall benefit of allowing  
12                  the transfer is greater than the interest of  
13                  the Government in liquidation and return  
14                  of the financial interest of the Government  
15                  in the asset, after considering fair market  
16                  value and other factors; and

17                  “(iv) through an appropriate screen-  
18                  ing or survey process, that there is no in-  
19                  terest in acquiring the asset for Govern-  
20                  ment use if the asset is a facility or land;  
21                  or

22                  “(B) a local governmental authority, non-  
23                  profit organization, or other third party entity  
24                  to be used for the purpose of transit-oriented

1 development with no further obligation to the  
2 Government if the Secretary decides—

3 “(i) the asset is a necessary compo-  
4 nent of a proposed transit-oriented devel-  
5 opment project;

6 “(ii) the transit-oriented development  
7 project will increase transit ridership;

8 “(iii) at least 40 percent of the hous-  
9 ing units offered in the transit-oriented de-  
10 velopment , including housing units owned  
11 by nongovernmental entities, are legally  
12 binding affordability restricted to tenants  
13 with incomes at or below 60 percent of the  
14 area median income and/or owners with in-  
15 comes at or below 60 percent the area me-  
16 dian income;

17 “(iv) the asset will remain in use as  
18 described in this section for at least 30  
19 years after the date the asset is trans-  
20 ferred; and

21 “(v) with respect to a transfer to a  
22 third party entity—

23 “(I) a local government authority  
24 or nonprofit organization is unable to  
25 receive the property;

1944

1 “(II) the overall benefit of allow-  
2 ing the transfer is greater than the in-  
3 terest of the Government in liquida-  
4 tion and return of the financial inter-  
5 est of the Government in the asset,  
6 after considering fair market value  
7 and other factors; and

8 “(III) the third party has dem-  
9 onstrated a satisfactory history of  
10 construction or operating an afford-  
11 able housing development.”.

12 **SEC. 303. TREATMENT OF PAYMENTS FROM THE RAILROAD**  
13 **UNEMPLOYMENT INSURANCE ACCOUNT.**

14 (a) IN GENERAL.—Section 256(i)(1) of the Balanced  
15 Budget and Emergency Deficit Control Act of 1985 (2  
16 U.S.C. 906(i)(1)) is amended—

17 (1) in subparagraph (B), by striking “and” at  
18 the end;

19 (2) in subparagraph (C), by inserting “and” at  
20 the end; and

21 (3) by inserting after subparagraph (C) the fol-  
22 lowing new subparagraph:

23 “(D) any payment made from the Railroad Un-  
24 employment Insurance Account (established by sec-  
25 tion 10 of the Railroad Unemployment Insurance



1 Act) for the purpose of carrying out the Railroad  
2 Unemployment Insurance Act, and funds appro-  
3 priated or transferred to or otherwise deposited in  
4 such Account.”.

5 (b) EFFECTIVE DATE.—The treatment of payments  
6 made from the Railroad Unemployment Insurance Ac-  
7 count pursuant to the amendment made by subsection (a)  
8 shall take effect 7 days after the date of enactment of this  
9 Act and shall apply only to obligations incurred on or after  
10 such effective date for such payments.

11 **SEC. 304. CLARIFICATION OF OVERSIGHT AND IMPLEMEN-**  
12 **TATION OF RELIEF FOR WORKERS AFFECTED**  
13 **BY CORONAVIRUS ACT.**

14 (a) AUDITS, INVESTIGATIONS, AND OVERSIGHT.—  
15 Notwithstanding section 2115 of the Relief for Workers  
16 Affected by Coronavirus Act (subtitle A of title II of divi-  
17 sion A of Public Law 116–136), the authority of the In-  
18 spector General of the Department of Labor to carry out  
19 audits, investigations, and other oversight activities that  
20 are related to the provisions of such Act shall not extend  
21 to any activities related to sections 2112, 2113, or 2114  
22 of such Act. Such authority with respect to such sections  
23 shall belong to the Inspector General of the Railroad Re-  
24 tirement Board.

1 (b) OPERATING INSTRUCTIONS OR OTHER GUID-  
2 ANCE.—Notwithstanding section 2116(b) of the Relief for  
3 Workers Affected by Coronavirus Act (subtitle A of title  
4 II of division A of Public Law 116–136), the authority  
5 of the Secretary of Labor to issue any operating instruc-  
6 tions or other guidance necessary to carry out the provi-  
7 sions of such Act shall not extend to any activities related  
8 to sections 2112, 2113, or 2114 of such Act. Such author-  
9 ity with respect to such sections shall belong to the Rail-  
10 road Retirement Board.

11 **SEC. 305. EXTENSION OF WAIVER OF THE 7-DAY WAITING**  
12 **PERIOD FOR BENEFITS UNDER THE RAIL-**  
13 **ROAD UNEMPLOYMENT INSURANCE ACT.**

14 (a) IN GENERAL.—Section 2112(a) of the CARES  
15 Act (15 U.S.C. 9030) is amended by striking “December  
16 31, 2020” and inserting “January 31, 2021”.

17 (b) OPERATING INSTRUCTIONS AND REGULA-  
18 TIONS.—The Railroad Retirement Board may prescribe  
19 any operating instructions or regulations necessary to  
20 carry out this section.

21 (c) CLARIFICATION ON AUTHORITY TO USE  
22 FUNDS.—Funds appropriated under section 2112(c) of  
23 the CARES Act shall be available to cover the cost of addi-  
24 tional benefits payable due to section 2112(a) of the  
25 CARES Act by reason of the amendments made by sub-

1 section (a) as well as to cover the cost of such benefits  
2 payable due to section 2112(a) of the CARES Act as in  
3 effect on the day before the date of enactment of this Act.

4 **SEC. 306. EXTENDED UNEMPLOYMENT BENEFITS UNDER**  
5 **THE RAILROAD UNEMPLOYMENT INSURANCE**  
6 **ACT.**

7 (a) IN GENERAL.—Section 2(c)(2)(D)(iii) of the  
8 Railroad Unemployment Insurance Act (45 U.S.C.  
9 352(c)(2)(D)(iii) is amended—

10 (1) by striking “June 30, 2020” and inserting  
11 “June 30, 2021”; and

12 (2) by striking “no extended benefit period  
13 under this paragraph shall begin after December 31,  
14 2020” and inserting “the provisions of clauses (i)  
15 and (ii) shall not apply to any employee with respect  
16 to any registration period beginning on or after Feb-  
17 ruary 1, 2021”.

18 (b) CLARIFICATION ON AUTHORITY TO USE FUND.—  
19 Funds appropriated under either the first or second sen-  
20 tence of clause (iv) of section 2(c)(2)(D) of the Railroad  
21 Unemployment Insurance Act shall be available to cover  
22 the cost of additional extended unemployment benefits  
23 provided under such section 2(c)(2)(D) by reason of the  
24 amendments made by subsection (a) as well as to cover  
25 the cost of such benefits provided under such section

1 2(c)(2)(D) as in effect on the day before the date of enact-  
2 ment of this Act.

3 **SEC. 307. ADDITIONAL ENHANCED BENEFITS UNDER THE**  
4 **RAILROAD UNEMPLOYMENT INSURANCE ACT.**

5 (a) IN GENERAL.—Section 2(a)(5)(A) of the Railroad  
6 Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A) is  
7 amended—

8 (1) by inserting “for registration periods begin-  
9 ning on or after September 6, 2020, but on or be-  
10 fore January 31, 2021, and for any registration pe-  
11 riods during a period of continuing unemployment  
12 which began on or before January 31, 2021,” after  
13 “July 31, 2020,”;

14 (2) by striking “July 1, 2019” and inserting  
15 “July 1, 2019, or July 1, 2020”; and

16 (3) by adding at the end “No recovery benefit  
17 under this section shall be payable for any registra-  
18 tion period beginning on or after April 1, 2021. For  
19 registration periods beginning on or after February  
20 1, 2021, a recovery benefit under this section shall  
21 only be payable to a qualified employee with respect  
22 to any registration period in which the employee re-  
23 ceived normal unemployment benefits as defined in  
24 paragraph (c)(1), but shall not be payable to a  
25 qualified employee who did not receive unemploy-

1       ment benefits or who received extended benefits as  
2       defined in paragraph (c)(2) for such registration pe-  
3       riod.”

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 oth-  
10      erwise appropriated, there are appropriated \$300,000,000  
11      to cover the cost of recovery benefits provided under sub-  
12      paragraph (A), to remain available until expended.”.

13      (c)       DISREGARD OF RECOVERY BENEFITS FOR PUR-  
14      POSES OF ALL FEDERAL AND FEDERALLY ASSISTED  
15      PROGRAMS.—Section 2(a)(5) of the Railroad Unemploy-  
16      ment Insurance Act (45 U.S.C. 352(a)(5)) is amended by  
17      adding 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 eligi-  
22      bility of the recipient (or the recipient’s spouse or family)  
23      for benefits or assistance, or the amount or extent of bene-  
24      fits or assistance, under any Federal program or under

1 any State or local program financed in whole or in part  
2 with Federal funds.”.

3 (d) CLARIFICATION ON AUTHORITY TO USE  
4 FUNDS.—Funds appropriated under either the first or  
5 second sentence of subparagraph (B) of section 2(a)(5)  
6 of the Railroad Unemployment Insurance Act shall be  
7 available to cover the cost of recovery benefits provided  
8 under such section 2(a)(5) by reason of the amendments  
9 made by subsection (a) as well as to cover the cost of such  
10 benefits provided under such section 2(a)(5) as in effect  
11 on the day before the date of 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  
15 seq.) 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  
18 Office of Disaster Recovery to direct and implement the  
19 Agency’s post-disaster economic recovery responsibilities  
20 pursuant to sections 209(e)(2) and 703.

21 “(b) AUTHORIZATION.—The Secretary is authorized  
22 to appoint and fix the compensation of such temporary  
23 personnel as may be necessary to implement disaster re-  
24 covery measures, without regard to the provisions of title  
25 5, United States Code, governing appointments in the

1 competitive service. The Secretary is authorized to appoint  
2 such temporary personnel, after serving continuously for  
3 2 years, to positions in the Economic Development Admin-  
4 istration in the same manner that competitive service em-  
5 ployees with competitive status are considered for trans-  
6 fer, reassignment, or promotion to such positions. An indi-  
7 vidual appointed under the preceding sentence shall be-  
8 come a career-conditional employee, unless the employee  
9 has already completed the service requirements for career  
10 tenure.”.

11 (b) CLERICAL AMENDMENT.—The table of contents  
12 for the Public Works and Economic Development Act of  
13 1965 is amended by inserting after the item relating to  
14 section 507 the following new item:

“508. Office of Disaster Recovery.”.

15 **SEC. 309. GRADUATION REQUIREMENTS FOR THE UNITED**  
16 **STATES MERCHANT MARINE ACADEMY AND**  
17 **STATE MARITIME ACADEMIES.**

18 (a) UNITED STATES MERCHANT MARINE ACAD-  
19 EMY.—

20 (1) Notwithstanding section 51309(a)(1)(B) of  
21 title 46, United States Code, and subject to such  
22 terms and conditions as set forth in this subsection  
23 and other conditions as the Secretary may deter-  
24 mine, the Superintendent of the United States Mer-  
25 chant Marine Academy may confer degrees on indi-

1       viduals scheduled to receive such degrees from the  
2       United States Merchant Marine Academy in cal-  
3       endar year 2020.

4               (2) With respect to an individual described in  
5       paragraph (1), the Secretary of Transportation  
6       may—

7                       (A) defer until not later than December  
8       31, 2021, the requirements of section  
9       51306(a)(2) of title 46, United States Code,  
10      and relevant regulations;

11                      (B) defer until not later than December  
12      31, 2021, and modify as necessary, require-  
13      ments under paragraphs (3) through (5) of sec-  
14      tion 51306(a) of title 46, United States Code,  
15      and relevant regulations; and

16                      (C) conditionally waive requirements under  
17      paragraphs (2) through (5) of section 51306(a)  
18      of title 46, United States Code, and relevant  
19      regulations, for an individual who—

20                               (i) within 3 months of receiving a de-  
21      gree has accepted a commission as an offi-  
22      cer on active duty in an armed force of the  
23      United States or a commission as an offi-  
24      cer of the National Oceanic and Atmos-  
25      pheric Administration or the Public Health



1953

1 Service, pursuant to section 51306(e) of  
2 title 46, United States Code; and

3 (ii) serves for the 5-year period fol-  
4 lowing commissioning as an officer on ac-  
5 tive duty as described in clause (i).

6 (3) An individual upon whom the United States  
7 Merchant Marine Academy confers a degree pursu-  
8 ant to paragraph (1) shall—

9 (A) fulfill the requirements under section  
10 51306(a)(2) of title 46, United States Code,  
11 and relevant regulations, by the date set by the  
12 Secretary, which shall be not later than Decem-  
13 ber 31, 2021; or

14 (B) for the 5-year period following gradua-  
15 tion from the Academy as described in para-  
16 graph (2)(C)(i), serve as a commissioned officer  
17 on active duty in an armed force of the United  
18 States or as a commissioned officer of the Na-  
19 tional Oceanic and Atmospheric Administration  
20 or the Public Health Service, pursuant to sec-  
21 tion 51306(e) of title 46, United States Code.

22 (4) If the United States Merchant Marine  
23 Academy confers a degree upon an individual pursu-  
24 ant to paragraph (1) and the individual fails to com-

1       ply with the requirements established by the Sec-  
2       retary, the Secretary may—

3               (A) revoke the degree conferred on the in-  
4               dividual by the United States Merchant Marine  
5               Academy; and

6               (B) exercise the remedies under section  
7               51306 of title 46, United States Code.

8       (b) STATE MARITIME ACADEMY.—

9               (1) Notwithstanding section 51506(a)(3) of title  
10              46, United States Code, and subject to such terms  
11              and conditions as set forth in this subsection and  
12              other conditions as the Secretary may determine, a  
13              State maritime academy may confer degrees upon  
14              individuals scheduled to graduate from a State mari-  
15              time academy in calendar year 2020. With respect  
16              to an individual who has received student incentive  
17              payments under section 51509 of title 46, United  
18              States Code, and fails to comply with such terms  
19              and conditions, the Secretary may exercise the au-  
20              thorities set forth in paragraphs (3) of this sub-  
21              section.

22              (2) For an individual to be eligible to be con-  
23              ferred a degree pursuant to paragraph (1), the State  
24              maritime academy shall require such individual to  
25              pass the examination required for the issuance of a

1 license under section 7101 of title 46, United States  
2 Code, by December 31, 2021, and such State mari-  
3 time academy shall advise all such individuals who  
4 have not passed the examination prerequisite to  
5 issuance of a license that any degree so awarded is  
6 subject to revocation and such State maritime acad-  
7 emy shall advise any individuals who have not  
8 passed.

9 (3) The Secretary of Transportation may—

10 (A) require a State maritime academy, as  
11 a condition of receiving an annual payment  
12 under section 51506(a) of title 46, United  
13 States Code, to report to the Secretary, in a  
14 manner determined by the Secretary, on the  
15 compliance with paragraph (2);

16 (B) withhold payments under section  
17 51506(a) of title 46, United States Code, in an  
18 amount not greater than the fractional amount  
19 of the direct payment that is proportional to the  
20 number of graduates who fail to comply with  
21 requirements under paragraph (2) and whose  
22 degrees have not been revoked by the State  
23 maritime academy and the total number of indi-  
24 viduals graduating from such State maritime  
25 academy in calendar year 2020; and

1 (C) reduce the amount of direct payments  
2 withheld under subparagraph (B) below the  
3 maximum amount authorized.

4 (4) For an individual graduating from a State  
5 maritime academy in calendar year 2020 who has  
6 received student incentive payments under section  
7 51509 of title 46, United States Code, the Secretary  
8 of Transportation may—

9 (A) defer until not later than December  
10 31, 2021, the requirements under sections  
11 51509(d)(2) of title 46, United States Code,  
12 and relevant regulations;

13 (B) defer until not later than December  
14 31, 2021, and modify as necessary as deter-  
15 mined by the Secretary, the requirements under  
16 paragraphs (3) through (5) of section 51509(d)  
17 of title 46, United States Code, and relevant  
18 regulations; and

19 (C) conditionally waive requirements under  
20 paragraphs (2) through (5) of section 51509(d)  
21 of title 46, United States Code, and relevant  
22 regulations, for an individual who—

23 (i) within 3 months of graduation is  
24 commissioned as an officer on active duty  
25 in an armed force of the United States or

1 as a commissioned officer of the National  
2 Oceanic and Atmospheric Administration  
3 or the Public Health Service, pursuant to  
4 section 51509(h) of title 46, United States  
5 Code; and

6 (ii) serves for the 5-year period fol-  
7 lowing commissioning as an officer on ac-  
8 tive duty as provided for in clause (i).

9 (5) An individual conferred a degree from a  
10 State maritime academy pursuant to paragraph (1)  
11 who has received student incentive payments as pro-  
12 vided for in section 51509 of title 46, United States  
13 Code, shall—

14 (A) fulfill the requirements under section  
15 51509(d)(2) of title 46, United States Code,  
16 and relevant regulations not later than Decem-  
17 ber 31, 2021; or

18 (B) for the 5-year period following gradua-  
19 tion from an academy described in paragraph  
20 (4)(C)(ii), serve as a commissioned officer on  
21 active duty in an armed force of the United  
22 States or as a commissioned officer of the Na-  
23 tional Oceanic and Atmospheric Administration  
24 or the Public Health Service, pursuant to sec-  
25 tion 51509(h) of title 46, United States Code.

1           (6) If an individual conferred a degree from a  
2       State maritime academy pursuant to paragraph (1)  
3       fails to comply with the requirements established by  
4       the Secretary, the Secretary may exercise the rem-  
5       edies under section 51509 of title 46, United States  
6       Code.

7       (c) **EXTENSION OF AUTHORIZATION.**—The Secretary  
8       may apply the provisions of subsections (a) and (b) to sub-  
9       sequent graduating classes at the United States Merchant  
10      Marine Academy and State maritime academies, and ex-  
11      tend compliance dates applicable to such graduates, if the  
12      Secretary determines it is necessary to respond to the pub-  
13      lic health emergency declared by the Secretary of Health  
14      and Human Services issued on January 27, 2020, titled  
15      “Concerning the Novel Coronavirus”.

16      **SEC. 310. REGULATION OF ANCHORAGE AND MOVEMENT**  
17                                      **OF VESSELS DURING NATIONAL EMERGENCY.**

18      Section 70051 of title 46, United States Code, is  
19      amended—

20           (1) in the section heading by inserting “or pub-  
21      lic health emergency” after “national emergency”;

22           (2) by inserting “or whenever the Secretary of  
23      Health and Human Services determines a public  
24      health emergency exists,” after “international rela-  
25      tions of the United States”;

1           (3) by inserting “or to ensure the safety of ves-  
2           sels and persons in any port and navigable water-  
3           way,” after “harbor or waters of the United States”;

4           (4) by inserting “or public health emergency,”  
5           after “subversive activity”; and

6           (5) by inserting “or to ensure the safety of ves-  
7           sels and persons in any port and navigable water-  
8           way,” after “injury to any harbor or waters of the  
9           United States,”.

1960

1 **DIVISION R—ACCOUNTABILITY**  
2 **AND GOVERNMENT OPERATIONS**  
3 **TITLE I—ACCOUNTABILITY**

4 **SEC. 101. CONGRESSIONAL NOTIFICATION OF CHANGE IN**  
5 **STATUS OF INSPECTOR GENERAL.**

6 (a) CHANGE IN STATUS OF INSPECTOR GENERAL OF  
7 OFFICES.—Section 3(b) of the Inspector General Act of  
8 1978 (5 U.S.C. App.) is amended—

9 (1) by inserting “, is placed on paid or unpaid  
10 non-duty status,” after “is removed from office”;

11 (2) by inserting “, change in status,” after  
12 “any such removal”; and

13 (3) by inserting “, change in status,” after “be-  
14 fore the removal”.

15 (b) CHANGE IN STATUS OF INSPECTOR GENERAL OF  
16 DESIGNATED FEDERAL ENTITIES.—Section 8G(e)(2) of  
17 the Inspector General Act of 1978 (5 U.S.C. App.) is  
18 amended—

19 (1) by inserting “, is placed on paid or unpaid  
20 non-duty status,” after “office”;

21 (2) by inserting “, change in status,” after  
22 “any such removal”; and

23 (3) by inserting “, change in status,” after “be-  
24 fore the removal”.



1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect 30 days after the date of the  
3 enactment of this Act.

4 **SEC. 102. PRESIDENTIAL EXPLANATION OF FAILURE TO**  
5 **NOMINATE AN INSPECTOR GENERAL.**

6 (a) IN GENERAL.—Subchapter III of chapter 33 of  
7 title 5, United States Code, is amended by inserting after  
8 section 3349d the following new section:

9 **“§ 3349e. Presidential explanation of failure to nomi-**  
10 **nate an Inspector General**

11 “If the President fails to make a formal nomination  
12 for a vacant Inspector General position that requires a for-  
13 mal nomination by the President to be filled within the  
14 period beginning on the date on which the vacancy oc-  
15 curred and ending on the day that is 210 days after that  
16 date, the President shall communicate, within 30 days  
17 after the end of such period, to Congress in writing—

18 “(1) the reasons why the President has not yet  
19 made a formal nomination; and

20 “(2) a target date for making a formal nomina-  
21 tion.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 for chapter 33 of title 5, United States Code, is amended  
24 by inserting after the item relating to 3349d the following  
25 new item:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

1962

1 (c) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect on the date of the enact-  
3 ment of this Act and shall apply to any vacancy first oc-  
4 ccurring on or after that date.

5 **SEC. 103. INSPECTOR GENERAL INDEPENDENCE.**

6 (a) SHORT TITLE.—This section may be cited as the  
7 “Inspector General Independence Act”.

8 (b) AMENDMENT.—The Inspector General Act of  
9 1978 (5 U.S.C. App.) is amended—

10 (1) in section 3(b)—

11 (A) by striking “An Inspector General”  
12 and inserting “(1) An Inspector General”;

13 (B) by inserting after “by the President”  
14 the following: “in accordance with paragraph  
15 (2)”;

16 (C) by inserting at the end the following  
17 new paragraph:

18 “(2) The President may remove an Inspector  
19 General only for any of the following grounds:

20 “(A) Permanent incapacity.

21 “(B) Inefficiency.

22 “(C) Neglect of duty.

23 “(D) Malfeasance.

24 “(E) Conviction of a felony or conduct in-  
25 volving moral turpitude.

1           “(F) Knowing violation of a law, rule, or  
2 regulation.

3           “(G) Gross mismanagement.

4           “(H) Gross waste of funds.

5           “(I) Abuse of authority.”; and

6           (2) in section 8G(e)(2), by adding at the end  
7 the following new sentence: “An Inspector General  
8 may be removed only for any of the following  
9 grounds:

10           “(A) Permanent incapacity.

11           “(B) Inefficiency.

12           “(C) Neglect of duty.

13           “(D) Malfeasance.

14           “(E) Conviction of a felony or conduct in-  
15 volving moral turpitude.

16           “(F) Knowing violation of a law, rule, or  
17 regulation.

18           “(G) Gross mismanagement.

19           “(H) Gross waste of funds.

20           “(I) Abuse of authority.”.

21 **SEC. 104. USPS INSPECTOR GENERAL OVERSIGHT RESPON-**  
22 **SIBILITIES.**

23           The Inspector General of the United States Postal  
24 Service shall—

1 (1) conduct oversight, audits, and investigations  
2 of projects and activities carried out with funds pro-  
3 vided in division A of this Act to the United States  
4 Postal Service; and

5 (2) not less than 90 days after the Postal Serv-  
6 ice commences use of funding provided by division A  
7 of this Act, and annually thereafter, initiate an audit  
8 of the Postal Service's use of appropriations and  
9 borrowing authority provided by any division of this  
10 Act, including the use of funds to cover lost reve-  
11 nues, costs due to COVID-19, and expenditures,  
12 and submit a copy of such audit to the Committee  
13 on Homeland Security and Governmental Affairs of  
14 the Senate, the Committee on Oversight and Reform  
15 of the House of Representatives, and the Commit-  
16 tees on Appropriations of the House of Representa-  
17 tives and the Senate.

## 18 **TITLE II—CENSUS MATTERS**

### 19 **SEC. 201. MODIFICATION OF 2020 CENSUS DEADLINES AND** 20 **TABULATION OF POPULATION.**

21 (a) CENSUS DEADLINE MODIFICATION.—Notwith-  
22 standing the timetables provided in subsections (b) and  
23 (c) of section 141 of title 13, United States Code, and  
24 section 22(a) of the Act entitled “An Act to provide for  
25 the fifteenth and subsequent decennial censuses and to

1 provide for apportionment of Representatives in Con-  
2 gress”, approved June 18, 1929 (2 U.S.C. 2a(a)), for the  
3 2020 decennial census of population—

4 (1) the tabulation of total population by States  
5 required by subsection (a) of such section 141 for  
6 the apportionment of Representatives in Congress  
7 among the several States shall be—

8 (A) completed and reported by the Sec-  
9 retary of Commerce (referred to in this section  
10 as the “Secretary”) to the President no earlier  
11 than one year after the decennial census date of  
12 April 1, 2020, and not later than April 30,  
13 2021; and

14 (B) made public by the Secretary not later  
15 than the date on which the tabulation is re-  
16 ported to the President under subparagraph  
17 (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  
6 the census date of April 1, 2020, taking into account  
7 the deadlines of each State for legislative apportion-  
8 ment or districting, and reported to the Governor of  
9 the State involved and to the officers or public bod-  
10 ies having responsibility for legislative apportion-  
11 ment or districting of that State, except that the  
12 tabulations of population of each State requesting a  
13 tabulation plan, and basic tabulations of population  
14 of each other State, shall be completed, reported,  
15 and transmitted to each respective State not later  
16 than July 30, 2021.

17 (b) NRFU OPERATION.—For the 2020 decennial  
18 census of population, the Bureau of the Census shall con-  
19 clude the Nonresponse Followup operation and the self-  
20 response 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,  
25 to the Committee on Oversight and Reform of the House

1 of Representatives, the Committee on Homeland Security  
2 and Governmental Affairs of the Senate, and the Commit-  
3 tees on Appropriations of the House and the Senate, a  
4 report regarding the 2020 decennial census of population  
5 containing the following information:

6 (1) The total number of field staff, sorted by  
7 category, hired by the Bureau compared to the num-  
8 ber of field staff the Bureau estimated was nec-  
9 essary to 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  
16 race 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  
21 by 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  
8           not compile or produce any data product or tabulation as  
9           part of, in combination with, or in connection with, the  
10          2020 decennial census of population or any such census  
11          data produced pursuant to section 141(e) of title 13,  
12          United States Code, that is based in whole or in part on  
13          data that is 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  
19          the Bureau of the Census before January 1, 2019, or that  
20          uses a methodology and data sources that the Bureau of  
21          the Census finalized and made public prior to January 1,  
22          2018.



1969

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  
19    Accountability 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;

1970

1 (iv) a covered employee as defined in  
2 section 411(c) of title 3, United States  
3 Code;

4 (v) a Federal officer or employee cov-  
5 ered under subchapter V of chapter 63 of  
6 title 5, United States Code; or

7 (vi) any other individual occupying a  
8 position in the civil service (as that term is  
9 defined in section 2101(1) of title 5,  
10 United States Code); and

11 (B) the term “telework” has the meaning  
12 given that term in section 6501(3) of such title.

13 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65  
14 of title 5, United States Code, is amended as follows:

15 (1) In section 6502—

16 (A) in subsection (b)—

17 (i) in paragraph (4), by striking  
18 “and” at the end;

19 (ii) in paragraph (5), by striking the  
20 period at the end and inserting a semi-  
21 colon; and

22 (iii) by adding at the end the fol-  
23 lowing:

1 “(6) include annual goals for increasing the  
2 percent of employees of the executive agency partici-  
3 pating in teleworking—

4 “(A) three or more days per pay period;

5 “(B) one or 2 days per pay period;

6 “(C) once per month; and

7 “(D) on an occasional, episodic, or short-  
8 term basis; and

9 “(7) include methods for collecting data on, set-  
10 ting goals for, and reporting costs savings to the ex-  
11 ecutive agency achieved through teleworking, con-  
12 sistent with the guidance developed under section  
13 301(c) of division R of The Heroes Act.”; and

14 (B) by adding at the end the following:

15 “(d) NOTIFICATION FOR REDUCTION IN TELE-  
16 WORKING PARTICIPATION.—Not later than 30 days before  
17 the date that an executive agency implements or modifies  
18 a teleworking plan that would reduce the percentage of  
19 employees at the agency who telework, the head of the ex-  
20 ecutive agency shall provide written notification, including  
21 a justification for the reduction in telework participation  
22 and a description of how the agency will pay for any in-  
23 creased costs resulting from that reduction, to—

24 “(1) the Director of the Office of Personnel  
25 Management;

1           “(2) the Committee on Oversight and Reform  
2           of the House of Representatives; and

3           “(3) the Committee on Homeland Security and  
4           Governmental Affairs of the Senate.

5           “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON  
6 TELEWORKING.—An agency may not prohibit any delin-  
7 eated period of teleworking participation for all employees  
8 of the agency, including the periods described in subpara-  
9 graphs (A) through (D) of subsection (b)(6). The agency  
10 shall make any teleworking determination with respect to  
11 an employee or group of employees at the agency on a  
12 case-by-case basis.”.

13           (2) In section 6506(b)(2)—

14           (A) in subparagraph (F)(vi), by striking  
15           “and” at the end;

16           (B) in subparagraph (G), by striking the  
17           period at the end and inserting a semicolon;  
18           and

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

20           “(H) agency cost savings achieved through  
21           teleworking, consistent with the guidance devel-  
22           oped under section 2(e) of the Telework Metrics  
23           and Cost Savings Act; and

24           “(I) a detailed explanation of a plan to in-  
25           crease the Government-wide teleworking partici-

1           pation rate above such rate applicable to fiscal  
2           year 2016, including agency-level plans to main-  
3           tain or improve such rate for each of the tele-  
4           working frequency categories listed under sub-  
5           paragraph (A)(iii).”.

6           (c) **GUIDANCE.**—Not later than 90 days after the  
7           date of the enactment of this Act, the Director of the Of-  
8           fice of Personnel Management, in collaboration with the  
9           Chief Human Capital Officer Council, shall establish uni-  
10          form guidance for agencies on how to collect data on, set  
11          goals for, and report cost savings achieved through, tele-  
12          working. Such guidance shall account for cost savings re-  
13          lated to travel, energy use, and real estate.

14          (d) **TECHNICAL CORRECTION.**—Section 6506(b)(1)  
15          of title 5, United States Code, is amended by striking  
16          “with Chief” and inserting “with the Chief”.

17          **SEC. 302. RETIREMENT FOR CERTAIN EMPLOYEES.**

18          (a) **CSRS.**—Section 8336(c) of title 5, United States  
19          Code, is amended by adding at the end the following:

20                   “(3)(A) In this paragraph—

21                           “(i) the term ‘affected individual’  
22                           means an individual covered under this  
23                           subchapter who—

24                                   “(I) is performing service in a  
25                                   covered position;

1974

1 “(II) is diagnosed with COVID–  
2 19 before the date on which the indi-  
3 vidual becomes entitled to an annuity  
4 under paragraph (1) of this sub-  
5 section or subsection (e), (m), or (n),  
6 as applicable;

7 “(III) because of the illness de-  
8 scribed in subclause (II), is perma-  
9 nently unable to render useful and ef-  
10 ficient service in the employee’s cov-  
11 ered position, as determined by the  
12 agency in which the individual was  
13 serving when such individual incurred  
14 the illness; and

15 “(IV) is appointed to a position  
16 in the civil service that—

17 “(aa) is not a covered posi-  
18 tion; and

19 “(bb) is within an agency  
20 that regularly appoints individ-  
21 uals to supervisory or administra-  
22 tive positions related to the ac-  
23 tivities of the former covered po-  
24 sition of the individual;

1           “(ii) the term ‘covered position’ means  
2           a position as a law enforcement officer,  
3           customs and border protection officer, fire-  
4           fighter, air traffic controller, nuclear mate-  
5           rials courier, member of the Capitol Police,  
6           or member of the Supreme Court Police;  
7           and

8           “(iii) the term ‘COVID–19’ means the  
9           2019 Novel Coronavirus or 2019-nCoV.

10          “(B) Unless an affected individual files an  
11          election described in subparagraph (E), cred-  
12          itable service by the affected individual in a po-  
13          sition described in subparagraph (A)(i)(IV)  
14          shall be treated as creditable service in a cov-  
15          ered position for purposes of this chapter and  
16          determining the amount to be deducted and  
17          withheld from the pay of the affected individual  
18          under section 8334.

19          “(C) Subparagraph (B) shall only apply if  
20          the affected employee transitions to a position  
21          described in subparagraph (A)(i)(IV) without a  
22          break in service exceeding 3 days.

23          “(D) The service of an affected individual  
24          shall no longer be eligible for treatment under

1976

1           subparagraph (B) if such service occurs after  
2           the individual—

3                   “(i) is transferred to a supervisory or  
4                   administrative position related to the ac-  
5                   tivities of the former covered position of  
6                   the individual; or

7                   “(ii) meets the age and service re-  
8                   quirements that would subject the indi-  
9                   vidual to mandatory separation under sec-  
10                  tion 8335 if such individual had remained  
11                  in the former covered position.

12                  “(E) In accordance with procedures estab-  
13                  lished by the Director of the Office of Personnel  
14                  Management, an affected individual may file an  
15                  election to have any creditable service per-  
16                  formed by the affected individual treated in ac-  
17                  cordance with this chapter without regard to  
18                  subparagraph (B).

19                  “(F) Nothing in this paragraph shall be  
20                  construed to apply to such affected individual  
21                  any other pay-related laws or regulations appli-  
22                  cable to a covered position.”.

23           (b) FERS.—

24                   (1) IN GENERAL.—Section 8412(d) of title 5,  
25           United States Code, is amended—



1977

1 (A) by redesignating paragraphs (1) and  
2 (2) as subparagraphs (A) and (B), respectively;

3 (B) by inserting “(1)” before “An em-  
4 ployee”; and

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

6 “(2)(A) In this paragraph—

7 “(i) the term ‘affected individual’  
8 means an individual covered under this  
9 chapter who—

10 “(I) is performing service in a  
11 covered position;

12 “(II) is diagnosed with COVID-  
13 19 before the date on which the indi-  
14 vidual becomes entitled to an annuity  
15 under paragraph (1) of this sub-  
16 section or subsection (e), as applica-  
17 ble;

18 “(III) because of the illness de-  
19 scribed in subclause (II), is perma-  
20 nently unable to render useful and ef-  
21 ficient service in the employee’s cov-  
22 ered position, as determined by the  
23 agency in which the individual was  
24 serving when such individual incurred  
25 the illness; and

1978

1 “(IV) is appointed to a position  
2 in the civil service that—

3 “(aa) is not a covered posi-  
4 tion; and

5 “(bb) is within an agency  
6 that regularly appoints individ-  
7 uals to supervisory or administra-  
8 tive positions related to the ac-  
9 tivities of the former covered po-  
10 sition of the individual;

11 “(ii) the term ‘covered position’ means  
12 a position as a law enforcement officer,  
13 customs and border protection officer, fire-  
14 fighter, air traffic controller, nuclear mate-  
15 rials courier, member of the Capitol Police,  
16 or member of the Supreme Court Police;  
17 and

18 “(iii) the term ‘COVID–19’ means the  
19 2019 Novel Coronavirus or 2019-nCoV.

20 “(B) Unless an affected individual files an  
21 election described in subparagraph (E), cred-  
22 itable service by the affected individual in a po-  
23 sition described in subparagraph (A)(i)(IV)  
24 shall be treated as creditable service in a cov-  
25 ered position for purposes of this chapter and

1 determining the amount to be deducted and  
2 withheld from the pay of the affected individual  
3 under section 8422.

4 “(C) Subparagraph (B) shall only apply if  
5 the affected employee transitions to a position  
6 described in subparagraph (A)(i)(IV) without a  
7 break in service exceeding 3 days.

8 “(D) The service of an affected individual  
9 shall no longer be eligible for treatment under  
10 subparagraph (B) if such service occurs after  
11 the individual—

12 “(i) is transferred to a supervisory or  
13 administrative position related to the ac-  
14 tivities of the former covered position of  
15 the individual; or

16 “(ii) meets the age and service re-  
17 quirements that would subject the indi-  
18 vidual to mandatory separation under sec-  
19 tion 8425 if such individual had remained  
20 in the former covered position.

21 “(E) In accordance with procedures estab-  
22 lished by the Director of the Office of Personnel  
23 Management, an affected individual may file an  
24 election to have any creditable service per-  
25 formed by the affected individual treated in ac-

1 cordance with this chapter without regard to  
2 subparagraph (B).

3 “(F) Nothing in this paragraph shall be  
4 construed to apply to such affected individual  
5 any other pay-related laws or regulations appli-  
6 cable to a covered position.”.

7 (2) TECHNICAL AND CONFORMING AMEND-  
8 MENTS.—

9 (A) Chapter 84 of title 5, United States  
10 Code, is amended—

11 (i) in section 8414(b)(3), by inserting  
12 “(1)” after “subsection (d)”;

13 (ii) in section 8415—

14 (I) in subsection (e), in the mat-  
15 ter preceding paragraph (1), by in-  
16 serting “(1)” after “subsection (d)”;  
17 and

18 (II) in subsection (h)(2)(A), by  
19 striking “(d)(2)” and inserting  
20 “(d)(1)(B)”;

21 (iii) in section 8421(a)(1), by insert-  
22 ing “(1)” after “(d)”;

23 (iv) in section 8421a(b)(4)(B)(ii), by  
24 inserting “(1)” after “section 8412(d)”;

1 (v) in section 8425, by inserting “(1)”  
2 after “section 8412(d)” each place it ap-  
3 pears; and

4 (vi) in section 8462(c)(3)(B)(ii), by  
5 inserting “(1)” after “subsection (d)”.

6 (B) Title VIII of the Foreign Service Act  
7 of 1980 (22 U.S.C. 4041 et seq.) is amended—

8 (i) in section 805(d)(5) (22 U.S.C.  
9 4045(d)(5)), by inserting “(1)” after “or  
10 8412(d)”;

11 (ii) in section 812(a)(2)(B) (22  
12 U.S.C. 4052(a)(2)(B)), by inserting “(1)”  
13 after “or 8412(d)”.

14 (c) CIA EMPLOYEES.—Section 302 of the Central In-  
15 telligence Agency Retirement Act (50 U.S.C. 2152) is  
16 amended by adding at the end the following:

17 “(d) EMPLOYEES DISABLED ON DUTY.—

18 “(1) DEFINITIONS.—In this subsection—

19 “(A) the term ‘affected employee’ means  
20 an employee of the Agency covered under sub-  
21 chapter II of chapter 84 of title 5, United  
22 States Code, who—

23 “(i) is performing service in a position  
24 designated under subsection (a);

1 “(ii) is diagnosed with COVID–19 be-  
2 fore the date on which the employee be-  
3 comes entitled to an annuity under section  
4 233 of this Act or section 8412(d)(1) of  
5 title 5, United States Code;

6 “(iii) because of the illness described  
7 in clause (ii), is permanently unable to  
8 render useful and efficient service in the  
9 employee’s covered position, as determined  
10 by the Director; and

11 “(iv) is appointed to a position in the  
12 civil service that is not a covered position  
13 but is within the Agency;

14 “(B) the term ‘covered position’ means a  
15 position as—

16 “(i) a law enforcement officer de-  
17 scribed in section 8331(20) or 8401(17) of  
18 title 5, United States Code;

19 “(ii) a customs and border protection  
20 officer described in section 8331(31) or  
21 8401(36) of title 5, United States Code;

22 “(iii) a firefighter described in section  
23 8331(21) or 8401(14) of title 5, United  
24 States Code;

1983

1 “(iv) an air traffic controller described  
2 in section 8331(30) or 8401(35) of title 5,  
3 United States Code;

4 “(v) a nuclear materials courier de-  
5 scribed in section 8331(27) or 8401(33) of  
6 title 5, United States Code;

7 “(vi) a member of the United States  
8 Capitol Police;

9 “(vii) a member of the Supreme Court  
10 Police;

11 “(viii) an affected employee; or

12 “(ix) a special agent described in sec-  
13 tion 804(15) of the Foreign Service Act of  
14 1980 (22 U.S.C. 4044(15)); and

15 “(C) the term ‘COVID–19’ means the  
16 2019 Novel Coronavirus or 2019-nCoV.

17 “(2) TREATMENT OF SERVICE AFTER DIS-  
18 ABILITY.—Unless an affected employee files an elec-  
19 tion described in paragraph (3), creditable service by  
20 the affected employee in a position described in  
21 paragraph (1)(A)(iv) shall be treated as creditable  
22 service in a covered position for purposes of this Act  
23 and chapter 84 of title 5, United States Code, in-  
24 cluding eligibility for an annuity under section 233  
25 of this Act or 8412(d)(1) of title 5, United States

1 Code, and determining the amount to be deducted  
2 and withheld from the pay of the affected employee  
3 under section 8422 of title 5, United States Code.

4 “(3) BREAK IN SERVICE.—Paragraph (2) shall  
5 only apply if the affected employee transitions to a  
6 position described in paragraph (1)(A)(iv) without a  
7 break in service exceeding 3 days.

8 “(4) LIMITATION ON TREATMENT OF SERV-  
9 ICE.—The service of an affected employee shall no  
10 longer be eligible for treatment under paragraph (2)  
11 if such service occurs after the employee is trans-  
12 ferred to a supervisory or administrative position re-  
13 lated to the activities of the former covered position  
14 of the employee.

15 “(5) OPT OUT.—An affected employee may file  
16 an election to have any creditable service performed  
17 by the affected employee treated in accordance with  
18 chapter 84 of title 5, United States Code, without  
19 regard to paragraph (2).”.

20 (d) FOREIGN SERVICE RETIREMENT AND DIS-  
21 ABILITY SYSTEM.—Section 806(a)(6) of the Foreign Serv-  
22 ice Act of 1980 (22 U.S.C. 4046(a)(6)) is amended by  
23 adding at the end the following:

24 “(D)(i) In this subparagraph—



1985

1 “(I) the term ‘affected special  
2 agent’ means an individual covered  
3 under this subchapter who—

4 “(aa) is performing service  
5 as a special agent;

6 “(bb) is diagnosed with  
7 COVID–19 before the date on  
8 which the individual becomes en-  
9 titled to an annuity under section  
10 811;

11 “(cc) because of the illness  
12 described in item (bb), is perma-  
13 nently unable to render useful  
14 and efficient service in the em-  
15 ployee’s covered position, as de-  
16 termined by the Secretary; and

17 “(dd) is appointed to a posi-  
18 tion in the Foreign Service that  
19 is not a covered position;

20 “(II) the term ‘covered position’  
21 means a position as—

22 “(aa) a law enforcement of-  
23 ficer described in section  
24 8331(20) or 8401(17) of title 5,  
25 United States Code;

1986

1 “(bb) a customs and border  
2 protection officer described in  
3 section 8331(31) or 8401(36) of  
4 title 5, United States Code;

5 “(cc) a firefighter described  
6 in section 8331(21) or 8401(14)  
7 of title 5, United States Code;

8 “(dd) an air traffic con-  
9 troller described in section  
10 8331(30) or 8401(35) of title 5,  
11 United States Code;

12 “(ee) a nuclear materials  
13 courier described in section  
14 8331(27) or 8401(33) of title 5,  
15 United States Code;

16 “(ff) a member of the  
17 United States Capitol Police;

18 “(gg) a member of the Su-  
19 preme Court Police;

20 “(hh) an employee of the  
21 Agency designated under section  
22 302(a) of the Central Intelligence  
23 Agency Retirement Act (50  
24 U.S.C. 2152(a)); or

25 “(ii) a special agent; and

1987

1                   “(III) the term ‘COVID–19’  
2                   means the 2019 Novel Coronavirus or  
3                   2019-nCoV.

4                   “(ii) Unless an affected special agent files  
5                   an election described in clause (iv), creditable  
6                   service by the affected special agent in a posi-  
7                   tion described in clause (i)(I)(dd) shall be treat-  
8                   ed as creditable service as a special agent for  
9                   purposes of this subchapter, including deter-  
10                  mining the amount to be deducted and withheld  
11                  from the pay of the individual under section  
12                  805.

13                  “(iii) Clause (ii) shall only apply if the spe-  
14                  cial agent transitions to a position described in  
15                  clause (i)(I)(dd) without a break in service ex-  
16                  ceeding 3 days.

17                  “(iv) The service of an affected employee  
18                  shall no longer be eligible for treatment under  
19                  clause (ii) if such service occurs after the em-  
20                  ployee is transferred to a supervisory or admin-  
21                  istrative position related to the activities of the  
22                  former covered position of the employee.

23                  “(v) In accordance with procedures estab-  
24                  lished by the Secretary, an affected special  
25                  agent may file an election to have any cred-

1           itable service performed by the affected special  
2           agent treated in accordance with this sub-  
3           chapter, without regard to clause (ii).”.

4           (e) IMPLEMENTATION.—

5           (1) OFFICE OF PERSONNEL MANAGEMENT.—

6           The Director of the Office of Personnel Management  
7           shall promulgate regulations to carry out the amend-  
8           ments made by subsections (a) and (b).

9           (2) CIA EMPLOYEES.—The Director of the  
10          Central Intelligence Agency shall promulgate regula-  
11          tions to carry out the amendment made by sub-  
12          section (c).

13          (3) FOREIGN SERVICE RETIREMENT AND DIS-  
14          ABILITY SYSTEM.—The Secretary of State shall pro-  
15          mulgate regulations to carry out the amendment  
16          made by subsection (d).

17          (4) AGENCY REAPPOINTMENT.—The regula-  
18          tions promulgated to carry out the amendments  
19          made by this section shall ensure that, to the great-  
20          est extent possible, the head of each agency appoints  
21          affected employees or special agents to supervisory  
22          or administrative positions related to the activities of  
23          the former covered position of the employee or spe-  
24          cial agent.

1           (5) TREATMENT OF SERVICE.—The regulations  
2           promulgated to carry out the amendments made by  
3           this section shall ensure that the creditable service  
4           of an affected employee or special agent (as the case  
5           may be) that is not in a covered position pursuant  
6           to an election made under such amendments shall be  
7           treated as the same type of service as the covered  
8           position in which the employee or agent suffered the  
9           qualifying illness.

10          (f) EFFECTIVE DATE; APPLICABILITY.—The amend-  
11          ments made by this section—

12               (1) shall take effect on the date of enactment  
13               of this section; and

14               (2) shall apply to an individual who suffers an  
15               illness described in section 8336(c)(3)(A)(i)(II) or  
16               section 8412(d)(2)(A)(i)(II) of title 5, United States  
17               Code (as amended by this section), section  
18               302(d)(1)(A)(ii) of the Central Intelligence Agency  
19               Retirement Act (as amended by this section), or sec-  
20               tion 806(a)(6)(D)(i)(I)(bb) of the Foreign Service  
21               Act of 1980 (as amended by this section), on or  
22               after the date that is 2 years after the date of enact-  
23               ment of this section.

1                   **TITLE IV—FEDERAL**  
2                   **CONTRACTING PROVISIONS**

3   **SEC. 401. MANDATORY TELEWORK.**

4           (a) IN GENERAL.—During the emergency period, the  
5 Director of the Office of Management and Budget shall  
6 direct agencies to allow telework for all contractor per-  
7 sonnel to the maximum extent practicable. Additionally,  
8 the Director shall direct contracting officers to document  
9 any decision to not allow telework during the emergency  
10 period in the contract file.

11          (b) EMERGENCY PERIOD DEFINED.—In this section,  
12 the term “emergency period” means the period that—

13               (1) begins on the date that is not later than 15  
14 days after the date of the enactment of this Act; and

15               (2) ends on the date that the public health  
16 emergency declared pursuant to section 319 of the  
17 Public Health Service Act (42 U.S.C. 247d) as re-  
18 sult of COVID–19, including any renewal thereof,  
19 expires.

20   **SEC. 402. GUIDANCE ON THE IMPLEMENTATION OF SEC-**  
21                   **TION 3610 OF THE CARES ACT.**

22          Not later than 15 days after the date of the enact-  
23 ment of this Act, the Director of the Office of Manage-  
24 ment and Budget shall issue guidance to ensure uniform  
25 implementation across agencies of section 3610 of the

1 CARES Act (Public Law 116–136). Any such guidance  
2 shall—

3 (1) limit the basic requirements for reimburse-  
4 ment to those included in such Act and the effective  
5 date for such reimbursement shall be January 31,  
6 2020; and

7 (2) clarify that the term “minimum applicable  
8 contract billing rates” as used in such section in-  
9 cludes the financial impact incurred as a con-  
10 sequence of keeping the employees or subcontractors  
11 of the contractor in a ready state (such as the base  
12 hourly wage rate of an employee, plus indirect costs,  
13 fees, and general and administrative expenses).

14 **SEC. 403. PAST PERFORMANCE RATINGS.**

15 Section 1126 of title 41, United States Code, is  
16 amended by adding at the end the following new sub-  
17 section:

18 “(c) EXCEPTION FOR FAILURE TO DELIVER GOODS  
19 OR COMPLETE WORK DUE TO COVID–19.—If the head of  
20 an executive agency determines that a contractor failed  
21 to deliver goods or complete work as a result of measures  
22 taken as a result of COVID–19 under a contract with the  
23 agency by the date or within the time period imposed by  
24 the contract, any information relating to such failure may  
25 not be—

1992

1 “(1) included in any past performance database  
2 used by executive agencies for making source selec-  
3 tion decisions; or

4 “(2) evaluated unfavorably as a factor of past  
5 contract performance.”.

6 **SEC. 404. ACCELERATED PAYMENTS.**

7 Not later than 10 days after the date of the enact-  
8 ment of this Act and ending on the expiration of the public  
9 health emergency declared pursuant to section 319 of the  
10 Public Health Service Act (42 U.S.C. 247d) as a result  
11 of COVID–19, including any renewal thereof, the Director  
12 of the Office of Management and Budget shall direct con-  
13 tracting officers to establish an accelerated payment date  
14 for any prime contract (as defined in section 8701 of title  
15 41, United States Code) with payments due 15 days after  
16 the receipt of a proper invoice.

17 **TITLE V—DISTRICT OF**  
18 **COLUMBIA**

19 **SEC. 501. SPECIAL BORROWING BY THE DISTRICT OF CO-**  
20 **LUMBIA.**

21 (a) **AUTHORIZING BORROWING UNDER MUNICIPAL**  
22 **LIQUIDITY FACILITY OF FEDERAL RESERVE BOARD AND**  
23 **SIMILAR FACILITIES OR PROGRAMS.**—The Council of the  
24 District of Columbia (hereafter in this section referred to  
25 as the “Council”) may by act authorize the issuance of



1 bonds, notes, and other obligations, in amounts deter-  
2 mined by the Chief Financial Officer of the District of  
3 Columbia to meet cash-flow needs of the District of Co-  
4 lumbia government, for purchase by the Board of Gov-  
5 ernors of the Federal Reserve under the Municipal Liquid-  
6 ity Facility of the Federal Reserve or any other facility  
7 or program of the Federal Reserve or another entity of  
8 the Federal government which is established in response  
9 to the COVID-19 Pandemic.

10 (b) REQUIRING ISSUANCE TO BE COMPETITIVE  
11 WITH OTHER FORMS OF BORROWING.—The Council may  
12 authorize the issuance of bonds, notes, or other obligations  
13 under subsection (a) only if the issuance of such bonds,  
14 notes, and other obligations is competitive with other  
15 forms of borrowing in the financial market.

16 (c) TREATMENT AS GENERAL OBLIGATION.—Any  
17 bond, note, or other obligation issued under subsection (a)  
18 shall, if provided in the act of the Council, be a general  
19 obligation of the District.

20 (d) PAYMENTS NOT SUBJECT TO APPROPRIATION.—  
21 No appropriation is required to pay—

22 (1) any amount (including the amount of any  
23 accrued interest or premium) obligated or expended  
24 from or pursuant to subsection (a) for or from the

1 sale of any bonds, notes, or other obligation under  
2 such subsection;

3 (2) any amount obligated or expended for the  
4 payment of principal of, interest on, or any premium  
5 for any bonds, notes, or other obligations issued  
6 under subsection (a);

7 (3) any amount obligated or expended pursuant  
8 to provisions made to secure any bonds, notes, or  
9 other obligations issued under subsection (a); or

10 (4) any amount obligated or expended pursuant  
11 to commitments, including lines of credit or costs of  
12 issuance, made or entered in connection with the  
13 issuance of any bonds, notes, or other obligations for  
14 operating or capital costs financed under subsection  
15 (a).

16 (e) RENEWAL.—Any bond, note, or other obligation  
17 issued under subsection (a) may be renewed if authorized  
18 by an act of the Council.

19 (f) PAYMENT.—Any bonds, notes, or other obliga-  
20 tions issued under subsection (a), including any renewal  
21 of such bonds, notes, or other obligations, shall be due  
22 and payable on such terms and conditions as are con-  
23 sistent with the terms and conditions of the Municipal Li-  
24 quidity Facility or other facility or program referred to  
25 in subsection (a).

1 (g) INCLUSION OF PAYMENTS IN ANNUAL BUDG-  
2 ET.—The Council shall provide in each annual budget for  
3 the District of Columbia government sufficient funds to  
4 pay the principal of and interest on all bonds, notes, or  
5 other obligations issued under subsection (a) of this sec-  
6 tion becoming due and payable during such fiscal year.

7 (h) OBLIGATION TO PAY.—The Mayor of the District  
8 of Columbia shall ensure that the principal of and interest  
9 on all bonds, notes, or other obligations issued under sub-  
10 section (a) are paid when due, including by paying such  
11 principal and interest from funds not otherwise legally  
12 committed.

13 (i) SECURITY INTEREST IN DISTRICT REVENUES.—  
14 The Council may by act provide for a security interest in  
15 any District of Columbia revenues as additional security  
16 for the payment of any bond, note, or other obligation  
17 issued under subsection (a).

## 18 **TITLE VI—OTHER MATTERS**

### 19 **SEC. 601. ESTIMATES OF AGGREGATE ECONOMIC GROWTH** 20 **ACROSS INCOME GROUPS.**

21 (a) SHORT TITLE.—This section may be cited as the  
22 “Measuring Real Income Growth Act of 2020”.

23 (b) DEFINITIONS.—In this section:

1           (1) BUREAU.—The term “Bureau” means the  
2 Bureau of Economic Analysis of the Department of  
3 Commerce.

4           (2) GROSS DOMESTIC PRODUCT ANALYSIS.—  
5 The term “gross domestic product analysis”—

6           (A) means a quarterly or annual analysis  
7 conducted by the Bureau with respect to the  
8 gross domestic product of the United States;  
9 and

10           (B) includes a revision prepared by the  
11 Bureau of an analysis described in subpara-  
12 graph (A).

13           (3) RECENT ESTIMATE.—The term “recent es-  
14 timate” means the most recent estimate described in  
15 subsection (c) that is available on the date on which  
16 the gross domestic product analysis with which the  
17 estimate is to be included is conducted.

18           (c) INCLUSION IN REPORTS.—Beginning in 2020, in  
19 each gross domestic product analysis conducted by the Bu-  
20 reau, the Bureau shall include a recent estimate of, with  
21 respect to specific percentile groups of income, the total  
22 amount that was added to the economy of the United  
23 States during the period to which the recent estimate per-  
24 tains, including in—

25           (1) each of the 10 deciles of income; and

1 (2) the highest 1 percent of income.

2 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
3 are authorized to be appropriated to the Secretary of Com-  
4 merce such sums as are necessary to carry out this sec-  
5 tion.

6 **SEC. 602. WAIVER OF FEDERAL FUND LIMITATION FOR THE**  
7 **DRUG-FREE COMMUNITIES SUPPORT PRO-**  
8 **GRAM.**

9 (a) IN GENERAL.—Subject to subsection (b), if the  
10 Administrator of the Drug-Free Communities Support  
11 Program determines that, as a result of the public health  
12 emergency declared pursuant to section 319 of the Public  
13 Health Service Act (42 U.S.C. 247d) as a result of  
14 COVID–19, an eligible coalition is unable to raise the  
15 amount of non-Federal funds, including in-kind contribu-  
16 tions, agreed to be raised by the coalition for a fiscal year  
17 under an agreement entered into with the Administrator  
18 pursuant to paragraph (1)(A) or (3)(D) of section 1032(b)  
19 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1532(b)),  
20 the Administrator may, notwithstanding such paragraphs,  
21 provide to the eligible coalition the grant or renewal grant,  
22 as applicable, for that fiscal year in an amount—

23 (1) with respect to an initial grant or renewal  
24 grant described under paragraph (1)(A) of such sec-  
25 tion, that exceeds the amount of non-Federal funds

1998

1 raised by the eligible coalition, including in-kind con-  
2 tributions, for that fiscal year;

3 (2) with respect to a renewal grant described  
4 under paragraph (3)(D)(i) of such section, that ex-  
5 ceeds 125 percent of the amount of non-Federal  
6 funds raised by the eligible coalition, including in-  
7 kind contributions, for that fiscal year; and

8 (3) with respect to a renewal grant described  
9 under paragraph (3)(D)(ii) of such section, that ex-  
10 ceeds 150 percent of the amount of non-Federal  
11 funds raised by the eligible coalition, including in-  
12 kind contributions, for that fiscal year.

13 **SEC. 603. UNITED STATES POSTAL SERVICE BORROWING**  
14 **AUTHORITY.**

15 Subsection (b)(2) of section 6001 of the Coronavirus  
16 Aid, Relief, and Economic Security Act (Public Law 116–  
17 136) is amended to read as follows:

18 “(2) the Secretary of the Treasury shall lend up  
19 to the amount described in paragraph (1) at the re-  
20 quest of the Postal Service subject to the terms and  
21 conditions of the note purchase agreement between  
22 the Postal Service and the Federal Financing Bank  
23 in effect on September 29, 2018.”.

1999

1 **DIVISION S—FOREIGN AFFAIRS**  
2 **PROVISIONS**  
3 **TITLE I—MATTERS RELATING**  
4 **TO THE DEPARTMENT OF STATE**

5 **SEC. 101. EFFORTS TO ASSIST FEDERAL VOTERS OVERSEAS**  
6 **IMPACTED BY COVID-19.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the Secretary of State, in consultation with the  
9 Secretary of Defense and the Postmaster General, should  
10 undertake efforts to mitigate the effects of limited or cur-  
11 tailed diplomatic pouch capacities or other operations con-  
12 straints at United States diplomatic and consular posts,  
13 due to coronavirus, on overseas voters (as such term is  
14 defined in section 107(5) of the Uniformed and Overseas  
15 Citizens Absentee Voting Act (52 U.S.C. 20310(5))) seek-  
16 ing to return absentee ballots and other balloting mate-  
17 rials under such Act with respect to elections for Federal  
18 office held in 2020. Such efforts should include steps to—

19 (1) restore or augment diplomatic pouch capaci-  
20 ties;

21 (2) facilitate using the Army Post Office, Fleet  
22 Post Office, Diplomatic Post Office, the United  
23 States mails, or private couriers, if available;

24 (3) mitigate other operations constraints affect-  
25 ing eligible overseas voters;

1           (4) develop specific outreach plans to educate  
2           eligible overseas voters about accessing all available  
3           forms of voter assistance prior to the date of the  
4           regularly scheduled general election for Federal of-  
5           fice; and

6           (5) ensure any employees at Department of  
7           State overseas posts interacting with Federal over-  
8           seas voters seeking to return their ballots are in-  
9           formed of and exercise necessary protocols to avoid  
10          the spoilage or invalidating of ballots for which the  
11          Department of State is helping to facilitate return.

12          (b) REPORT ON EFFORTS TO ASSIST AND INFORM  
13          FEDERAL VOTERS OVERSEAS.—Not later than 15 days  
14          before the date of the regularly scheduled general election  
15          for Federal office held in November 2020, the Secretary  
16          of State, in consultation with the Secretary of Defense,  
17          shall report to the appropriate congressional committees  
18          on the efforts described in subsection (a).

19          (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
20          FINED.—In this section, the term “appropriate congres-  
21          sional committees” means—

22                 (1) the Committee on Foreign Affairs and the  
23                 Committee on Armed Services of the House of Rep-  
24                 resentatives; and



1 (2) the Committee on Foreign Relations and  
2 the Committee on Armed Services of the Senate.

3 **SEC. 102. REPORT ON EFFORTS OF THE CORONAVIRUS RE-**  
4 **PATRIATION TASK FORCE.**

5 Not later than 90 days after the date of the enact-  
6 ment of this division, the Secretary of State shall submit  
7 to the Committee on Foreign Affairs of the House of Rep-  
8 resentatives and the Committee on Foreign Relations of  
9 the Senate a report evaluating the efforts of the  
10 Coronavirus Repatriation Task Force of the Department  
11 of State to repatriate United States citizens and legal per-  
12 manent residents in response to the 2020 coronavirus out-  
13 break. The report shall identify—

14 (1) the most significant impediments to repa-  
15 triating such persons;

16 (2) the lessons learned from such repatriations;  
17 and

18 (3) any changes planned to future repatriation  
19 efforts of the Department of State to incorporate  
20 such lessons learned.

21 **TITLE II—GLOBAL HEALTH**  
22 **SECURITY ACT OF 2020**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Global Health Security  
25 Act of 2020”.

1 **SEC. 202. FINDINGS.**

2 Congress finds the following:

3 (1) In December 2009, President Obama re-  
4 leased the National Strategy for Countering Biologi-  
5 cal Threats, which listed as one of seven objectives  
6 “Promote global health security: Increase the avail-  
7 ability of and access to knowledge and products of  
8 the life sciences that can help reduce the impact  
9 from outbreaks of infectious disease whether of nat-  
10 ural, accidental, or deliberate origin”.

11 (2) In February 2014, the United States and  
12 nearly 30 other nations launched the Global Health  
13 Security Agenda (GHSA) to address several high-  
14 priority, global infectious disease threats. The  
15 GHSA is a multi-faceted, multi-country initiative in-  
16 tended to accelerate partner countries’ measurable  
17 capabilities to achieve specific targets to prevent, de-  
18 tect, and respond to infectious disease threats,  
19 whether naturally occurring, deliberate, or acci-  
20 dental.

21 (3) In 2015, the United Nations adopted the  
22 Sustainable Development Goals (SDGs), which in-  
23 clude specific reference to the importance of global  
24 health security as part of SDG 3 “ensure healthy  
25 lives and promote well-being for all at all ages” as  
26 follows: “strengthen the capacity of all countries, in

1 particular developing countries, for early warning,  
2 risk reduction and management of national and  
3 global health risks”.

4 (4) On November 4, 2016, President Obama  
5 signed Executive Order 13747, “Advancing the  
6 Global Health Security Agenda to Achieve a World  
7 Safe and Secure from Infectious Disease Threats”.

8 (5) In October 2017 at the GHSA Ministerial  
9 Meeting in Uganda, the United States and more  
10 than 40 GHSA member countries supported the  
11 “Kampala Declaration” to extend the GHSA for an  
12 additional 5 years to 2024.

13 (6) In December 2017, President Trump re-  
14 leased the National Security Strategy, which in-  
15 cludes the priority action: “Detect and contain bio-  
16 threats at their source: We will work with other  
17 countries to detect and mitigate outbreaks early to  
18 prevent the spread of disease. We will encourage  
19 other countries to invest in basic health care systems  
20 and to strengthen global health security across the  
21 intersection of human and animal health to prevent  
22 infectious disease outbreaks”.

23 (7) In September 2018, President Trump re-  
24 leased the National Biodefense Strategy, which in-  
25 cludes objectives to “strengthen global health secu-

1 rity capacities to prevent local bioincidents from be-  
2 coming epidemics”, and “strengthen international  
3 preparedness to support international response and  
4 recovery capabilities”.

5 **SEC. 203. STATEMENT OF POLICY.**

6 It is the policy of the United States to—

- 7 (1) promote global health security as a core na-  
8 tional security interest;
- 9 (2) advance the aims of the Global Health Se-  
10 curity Agenda;
- 11 (3) collaborate with other countries to detect  
12 and mitigate outbreaks early to prevent the spread  
13 of disease;
- 14 (4) encourage other countries to invest in basic  
15 resilient and sustainable health care systems; and
- 16 (5) strengthen global health security across the  
17 intersection of human and animal health to prevent  
18 infectious disease outbreaks and combat the growing  
19 threat of antimicrobial resistance.

20 **SEC. 204. GLOBAL HEALTH SECURITY AGENDA INTER-**  
21 **AGENCY REVIEW COUNCIL.**

22 (a) ESTABLISHMENT.—The President shall establish  
23 a Global Health Security Agenda Interagency Review  
24 Council (in this section referred to as the “Council”) to  
25 perform the general responsibilities described in sub-

1 section (c) and the specific roles and responsibilities de-  
2 scribed in subsection (e).

3 (b) MEETINGS.—The Council shall meet not less than  
4 four times per year to advance its mission and fulfill its  
5 responsibilities.

6 (c) GENERAL RESPONSIBILITIES.—The Council shall  
7 be responsible for the following activities:

8 (1) Provide policy-level recommendations to  
9 participating agencies on Global Health Security  
10 Agenda (GHSA) goals, objectives, and implementa-  
11 tion.

12 (2) Facilitate interagency, multi-sectoral en-  
13 gagement to carry out GHSA implementation.

14 (3) Provide a forum for raising and working to  
15 resolve interagency disagreements concerning the  
16 GHSA.

17 (4)(A) Review the progress toward and work to  
18 resolve challenges in achieving United States com-  
19 mitments under the GHSA, including commitments  
20 to assist other countries in achieving the GHSA tar-  
21 gets.

22 (B) The Council shall consider, among other  
23 issues, the following:

24 (i) The status of United States financial  
25 commitments to the GHSA in the context of

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1 commitments by other donors, and the con-  
2 tributions of partner countries to achieve the  
3 GHSA targets.

4 (ii) The progress toward the milestones  
5 outlined in GHSA national plans for those  
6 countries where the United States Government  
7 has committed to assist in implementing the  
8 GHSA and in annual work-plans outlining  
9 agency priorities for implementing the GHSA.

10 (iii) The external evaluations of United  
11 States and partner country capabilities to ad-  
12 dress infectious disease threats, including the  
13 ability to achieve the targets outlined within the  
14 WHO Joint External Evaluation (JEE) tool, as  
15 well as gaps identified by such external evalua-  
16 tions.

17 (d) PARTICIPATION.—The Council shall consist of  
18 representatives, serving at the Assistant Secretary level or  
19 higher, from the following agencies:

20 (1) The Department of State.

21 (2) The Department of Defense.

22 (3) The Department of Justice.

23 (4) The Department of Agriculture.

24 (5) The Department of Health and Human  
25 Services.

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- 1 (6) The Department of Labor.
- 2 (7) The Department of Homeland Security.
- 3 (8) The Office of Management and Budget.
- 4 (9) The United States Agency for International  
5 Development.
- 6 (10) The Environmental Protection Agency.
- 7 (11) The Centers for Disease Control and Pre-  
8 vention.
- 9 (12) The Office of Science and Technology Pol-  
10 icy.
- 11 (13) The National Institutes of Health.
- 12 (14) The National Institute of Allergy and In-  
13 fectionous Diseases.
- 14 (15) Such other agencies as the Council deter-  
15 mines to be appropriate.

16 (e) SPECIFIC ROLES AND RESPONSIBILITIES.—

17 (1) IN GENERAL.—The heads of agencies de-  
18 scribed in subsection (d) shall—

19 (A) make the GHSA and its implementa-  
20 tion a high priority within their respective agen-  
21 cies, and include GHSA-related activities within  
22 their respective agencies' strategic planning and  
23 budget processes;

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1 (B) designate a senior-level official to be  
2 responsible for the implementation of this divi-  
3 sion;

4 (C) designate, in accordance with sub-  
5 section (d), an appropriate representative at the  
6 Assistant Secretary level or higher to partici-  
7 pate on the Council;

8 (D) keep the Council apprised of GHSA-  
9 related activities undertaken within their re-  
10 spective agencies;

11 (E) maintain responsibility for agency-re-  
12 lated programmatic functions in coordination  
13 with host governments, country teams, and  
14 GHSA in-country teams, and in conjunction  
15 with other relevant agencies;

16 (F) coordinate with other agencies that are  
17 identified in this section to satisfy pro-  
18 grammatic goals, and further facilitate coordi-  
19 nation of country teams, implementers, and do-  
20 nors in host countries; and

21 (G) coordinate across GHSA national  
22 plans and with GHSA partners to which the  
23 United States is providing assistance.

24 (2) ADDITIONAL ROLES AND RESPONSIBIL-  
25 ITIES.—In addition to the roles and responsibilities



1 described in paragraph (1), the heads of agencies de-  
2 scribed in subsection (d) shall carry out their respec-  
3 tive roles and responsibilities described in sub-  
4 sections (b) through (i) of section 3 of Executive  
5 Order 13747 (81 Fed. Reg. 78701; relating to Ad-  
6 vancing the Global Health Security Agenda to  
7 Achieve a World Safe and Secure from Infectious  
8 Disease Threats), as in effect on the day before the  
9 date of the enactment of this division.

10 **SEC. 205. UNITED STATES COORDINATOR FOR GLOBAL**  
11 **HEALTH SECURITY.**

12 (a) IN GENERAL.—The President shall appoint an in-  
13 dividual to the position of United States Coordinator for  
14 Global Health Security, who shall be responsible for the  
15 coordination of the interagency process for responding to  
16 global health security emergencies. As appropriate, the  
17 designee shall coordinate with the President’s Special Co-  
18 ordinator for International Disaster Assistance.

19 (b) CONGRESSIONAL BRIEFING.—Not less frequently  
20 than twice each year, the employee designated under this  
21 section shall provide to the appropriate congressional com-  
22 mittees a briefing on the responsibilities and activities of  
23 the individual under this section.

2010

**1 SEC. 206. SENSE OF CONGRESS.**

2 It is the sense of the Congress that, given the complex  
3 and multisectoral nature of global health threats to the  
4 United States, the President—

5 (1) should consider appointing an individual  
6 with significant background and expertise in public  
7 health or emergency response management to the  
8 position of United States Coordinator for Global  
9 Health Security, as required by section 205(a), who  
10 is an employee of the National Security Council at  
11 the level of Deputy Assistant to the President or  
12 higher; and

13 (2) in providing assistance to implement the  
14 strategy required under section 207(a), should—

15 (A) coordinate, through a whole-of-govern-  
16 ment approach, the efforts of relevant Federal  
17 departments and agencies to implement the  
18 strategy;

19 (B) seek to fully utilize the unique capa-  
20 bilities of each relevant Federal department and  
21 agency while collaborating with and leveraging  
22 the contributions of other key stakeholders; and

23 (C) utilize open and streamlined solicita-  
24 tions to allow for the participation of a wide  
25 range of implementing partners through the  
26 most appropriate procurement mechanisms,

1 which may include grants, contracts, coopera-  
2 tive agreements, and other instruments as nec-  
3 essary and appropriate.

4 **SEC. 207. STRATEGY AND REPORTS.**

5 (a) STRATEGY.—The United States Coordinator for  
6 Global Health Security (appointed under section 205(a))  
7 shall coordinate the development and implementation of  
8 a strategy to implement the policy aims described in sec-  
9 tion 203, which shall—

10 (1) set specific and measurable goals, bench-  
11 marks, timetables, performance metrics, and moni-  
12 toring and evaluation plans that reflect international  
13 best practices relating to transparency, account-  
14 ability, and global health security;

15 (2) support and be aligned with country-owned  
16 global health security policy and investment plans  
17 developed with input from key stakeholders, as ap-  
18 propriate;

19 (3) facilitate communication and collaboration,  
20 as appropriate, among local stakeholders in support  
21 of a multi-sectoral approach to global health secu-  
22 rity;

23 (4) support the long-term success of programs  
24 by building the capacity of local organizations and  
25 institutions in target countries and communities;

1 (5) develop community resilience to infectious  
2 disease threats and emergencies;

3 (6) leverage resources and expertise through  
4 partnerships with the private sector, health organi-  
5 zations, civil society, nongovernmental organizations,  
6 and health research and academic institutions; and

7 (7) support collaboration, as appropriate, be-  
8 tween United States universities, and public and pri-  
9 vate institutions in target countries and communities  
10 to promote health security and innovation.

11 (b) COORDINATION.—The President, acting through  
12 the United States Coordinator for Global Health Security,  
13 shall coordinate, through a whole-of-government approach,  
14 the efforts of relevant Federal departments and agencies  
15 in the implementation of the strategy required under sub-  
16 section (a) by—

17 (1) establishing monitoring and evaluation sys-  
18 tems, coherence, and coordination across relevant  
19 Federal departments and agencies; and

20 (2) establishing platforms for regular consulta-  
21 tion and collaboration with key stakeholders and the  
22 appropriate congressional committees.

23 (c) STRATEGY SUBMISSION.—

24 (1) IN GENERAL.—Not later than 180 days  
25 after the date of the enactment of this division, the

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1 President, in consultation with the head of each rel-  
2 evant Federal department and agency, shall submit  
3 to the appropriate congressional committees the  
4 strategy required under subsection (a) that provides  
5 a detailed description of how the United States in-  
6 tends to advance the policy set forth in section 203  
7 and the agency-specific plans described in paragraph  
8 (2).

9 (2) AGENCY-SPECIFIC PLANS.—The strategy re-  
10 quired under subsection (a) shall include specific im-  
11 plementation plans from each relevant Federal de-  
12 partment and agency that describes—

13 (A) the anticipated contributions of the de-  
14 partment or agency, including technical, finan-  
15 cial, and in-kind contributions, to implement  
16 the strategy; and

17 (B) the efforts of the department or agen-  
18 cy to ensure that the activities and programs  
19 carried out pursuant to the strategy are de-  
20 signed to achieve maximum impact and long-  
21 term sustainability.

22 (d) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date on which the strategy required under sub-  
25 section (a) is submitted to the appropriate congres-

2014

1 sional committees under subsection (c), and not later  
2 than October 1 of each year thereafter, the Presi-  
3 dent shall submit to the appropriate congressional  
4 committees a report that describes the status of the  
5 implementation of the strategy.

6 (2) CONTENTS.—The report required under  
7 paragraph (1) shall—

8 (A) identify any substantial changes made  
9 in the strategy during the preceding calendar  
10 year;

11 (B) describe the progress made in imple-  
12 menting the strategy;

13 (C) identify the indicators used to establish  
14 benchmarks and measure results over time, as  
15 well as the mechanisms for reporting such re-  
16 sults in an open and transparent manner;

17 (D) contain a transparent, open, and de-  
18 tailed accounting of expenditures by relevant  
19 Federal departments and agencies to implement  
20 the strategy, including, to the extent prac-  
21 ticable, for each Federal department and agen-  
22 cy, the statutory source of expenditures,  
23 amounts expended, partners, targeted popu-  
24 lations, and types of activities supported;

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1 (E) describe how the strategy leverages  
2 other United States global health and develop-  
3 ment assistance programs;

4 (F) assess efforts to coordinate United  
5 States global health security programs, activi-  
6 ties, and initiatives with key stakeholders;

7 (G) incorporate a plan for regularly review-  
8 ing and updating strategies, partnerships, and  
9 programs and sharing lessons learned with a  
10 wide range of stakeholders, including key stake-  
11 holders, in an open, transparent manner; and

12 (H) describe the progress achieved and  
13 challenges concerning the United States Gov-  
14 ernment's ability to advance the Global Health  
15 Security Agenda across priority countries, in-  
16 cluding data disaggregated by priority country  
17 using indicators that are consistent on a year-  
18 to-year basis and recommendations to resolve,  
19 mitigate, or otherwise address the challenges  
20 identified therein.

21 (e) FORM.—The strategy required under subsection  
22 (a) and the report required under subsection (d) shall be  
23 submitted in unclassified form but may contain a classi-  
24 fied annex.

2016

1 **SEC. 208. COMPLIANCE WITH THE FOREIGN AID TRANS-**  
2 **PARENCY AND ACCOUNTABILITY ACT OF**  
3 **2016.**

4 Section 2(3) of the Foreign Aid Transparency and  
5 Accountability Act of 2016 (Public Law 114–191; 22  
6 U.S.C. 2394c note) is amended—

7 (1) in subparagraph (C), by striking “and” at  
8 the end;

9 (2) in subparagraph (D), by striking the period  
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(E) the Global Health Security Act of  
13 2020.”.

14 **SEC. 209. DEFINITIONS.**

15 In this title:

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
17 **TEES.**—The term “appropriate congressional com-  
18 mittees” means—

19 (A) the Committee on Foreign Affairs and  
20 the Committee on Appropriations of the House  
21 of Representatives; and

22 (B) the Committee on Foreign Relations  
23 and the Committee on Appropriations of the  
24 Senate.

25 (2) **GLOBAL HEALTH SECURITY.**—The term  
26 “global health security” means activities supporting



2017

1 epidemic and pandemic preparedness and capabili-  
2 ties at the country and global levels in order to mini-  
3 mize vulnerability to acute public health events that  
4 can endanger the health of populations across geo-  
5 graphical regions and international boundaries.

6 **SEC. 210. SUNSET.**

7 This title (other than section 205), and the amend-  
8 ments made by this title, shall cease to be effective on  
9 December 31, 2024.

10 **TITLE III—SECURING AMERICA**  
11 **FROM EPIDEMICS ACT**

12 **SEC. 301. FINDINGS.**

13 Congress finds the following:

14 (1) Due to increasing population and popu-  
15 lation density, human mobility, and ecological  
16 change, emerging infectious diseases pose a real and  
17 growing threat to global health security.

18 (2) While vaccines can be the most effective  
19 tools to protect against infectious disease, the ab-  
20 sence of vaccines for a new or emerging infectious  
21 disease with epidemic potential is a major health se-  
22 curity threat globally, posing catastrophic potential  
23 human and economic costs.

24 (3) The 1918 influenza pandemic infected  
25 500,000,000 people, or about one-third of the

2018

1 world's population at the time, and killed  
2 50,000,000 people—more than died in the First  
3 World War.

4 (4) The economic cost of an outbreak can be  
5 devastating. The estimated global cost today, should  
6 an outbreak of the scale of the 1918 influenza pan-  
7 demic strike, is 5 percent of global gross domestic  
8 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 fected countries alone.

15 (6) The ongoing novel coronavirus outbreak re-  
16 flects the pressing need for quick and effective vac-  
17 cine and countermeasure development.

18 (7) While the need for vaccines to address  
19 emerging epidemic threats is acute, markets to drive  
20 the necessary development of vaccines to address  
21 them—a complex and expensive undertaking—are  
22 very often critically absent. Also absent are mecha-  
23 nisms to ensure access to those vaccines by those  
24 who need them when they need them.

2019

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 vate partners launched the Coalition for Epidemic  
5 Preparedness Innovations (CEPI). CEPI's mission  
6 is to stimulate, finance, and coordinate development  
7 of vaccines for high-priority, epidemic-potential  
8 threats in cases where traditional markets do not  
9 exist or cannot create sufficient demand.

10 (9) Through funding of partnerships, CEPI  
11 seeks to bring priority vaccine candidates through  
12 the end of phase II clinical trials, as well as support  
13 vaccine platforms that can be rapidly deployed  
14 against 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 re-  
18 quirement.

19 (11) Support for and participation in CEPI is  
20 an important part of the United States own health  
21 security and biodefense and is in the national inter-  
22 est, complementing the work of many Federal agen-  
23 cies and providing significant value through global  
24 partnership and burden-sharing.

2020

1 **SEC. 302. AUTHORIZATION FOR UNITED STATES PARTICI-**  
2 **PATION.**

3 (a) IN GENERAL.—The United States is hereby au-  
4 thorized to participate in the Coalition for Epidemic Pre-  
5 paredness Innovations.

6 (b) BOARD OF DIRECTORS.—The Administrator of  
7 the United States Agency for International Development  
8 is authorized to designate an employee of such Agency to  
9 serve on the Investors Council of the Coalition for Epi-  
10 demic Preparedness Innovations as a representative of the  
11 United States.

12 (c) REPORTS TO CONGRESS.—Not later than 180  
13 days after the date of the enactment of this division, the  
14 President shall submit to the appropriate congressional  
15 committees a 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 Co-  
22 alition.

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—

2021

1 (A) the Global Health Security Strategy  
2 required by section 7058(c)(3) of division K of  
3 the Consolidated Appropriations Act, 2018  
4 (Public 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  
12 and medical countermeasures research and de-  
13 velopment.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

15 In this section, the term “appropriate congressional com-  
16 mittees” 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  
21 the Committee on Appropriations of the Senate.

2022

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  
7 OF STATUS OR OTHER BENEFITS.—

8                   (1) FILING DELAYS.—In the case of an alien  
9 who was lawfully present in the United States on  
10 January 26, 2020, the alien’s application for an ex-  
11 tension or change of nonimmigrant status, applica-  
12 tion for renewal of employment authorization, or any  
13 other application for extension or renewal of a pe-  
14 riod of authorized stay, shall be considered timely  
15 filed if the due date of the application is within the  
16 period described in subsection (d) and the applica-  
17 tion is filed not later than 60 days after it otherwise  
18 would have 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.—

2023

1 (A) IN GENERAL.—With respect to any  
2 alien whose immigration status, employment  
3 authorization, 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  
6 period beginning on the date of the enactment  
7 of this title, or during both such periods, the  
8 Secretary of Homeland Security shall automati-  
9 cally extend such status, authorization, or pe-  
10 riod of stay until the date that is 90 days after  
11 the last day of whichever of such periods ends  
12 later.

13 (B) EXCEPTION.—If the status, authoriza-  
14 tion, or period of stay referred to in subpara-  
15 graph (A) is based on a grant of deferred ac-  
16 tion, or a grant of temporary protected status  
17 under section 244 of the Immigration and Na-  
18 tionality Act (8 U.S.C. 1254a), the extension  
19 under such subparagraph shall be for a period  
20 not less than the period for which deferred ac-  
21 tion or temporary protected status originally  
22 was granted by the Secretary of Homeland Se-  
23 curity.

24 (b) IMMIGRANT VISAS.—

2024

1           (1) EXTENSION OF VISA EXPIRATION.—Not-  
2           withstanding the limitations under section 221(c) of  
3           the Immigration and Nationality Act (8 U.S.C.  
4           1201(e)), in the case of any immigrant visa issued  
5           to an alien that expires or expired during the period  
6           described in subsection (d), the period of validity of  
7           the visa is extended until the date that is 90 days  
8           after the end of such period.

9           (2) ROLLOVER OF UNUSED VISAS.—

10           (A) IN GENERAL.—For fiscal years 2021  
11           and 2022, the worldwide level of family-spon-  
12           sored immigrants under subsection (c) of sec-  
13           tion 201 of the Immigration and Nationality  
14           Act (8 U.S.C. 1151), the worldwide level of em-  
15           ployment-based immigrants under subsection  
16           (d) of such section, and the worldwide level of  
17           diversity immigrants under subsection (e) of  
18           such section shall each be increased by the  
19           number computed under subparagraph (B) with  
20           respect to each of such worldwide levels.

21           (B) COMPUTATION OF INCREASE.—For  
22           each of the worldwide levels described in sub-  
23           paragraph (A), the number computed under  
24           this subparagraph is the difference (if any) be-  
25           tween the worldwide level established for the



2025

1 previous fiscal year under the applicable sub-  
2 section of section 201 of the Immigration and  
3 Nationality Act (8 U.S.C. 1151) and the num-  
4 ber of visas that were, during the previous fiscal  
5 year, issued and used as the basis for an appli-  
6 cation for admission into the United States as  
7 an immigrant described in the applicable sub-  
8 section.

9 (C) CLARIFICATIONS.—

10 (i) ALLOCATION AMONG PREFERENCE  
11 CATEGORIES.—The additional visas made  
12 available for fiscal years 2021 and 2022 as  
13 a result of the computations made under  
14 subparagraphs (A) and (B) shall be pro-  
15 portionally allocated as set forth in sub-  
16 sections (a), (b), and (c) of section 203 of  
17 the Immigration and Nationality Act (8  
18 U.S.C. 1153).

19 (ii) ELIMINATION OF FALL ACROSS.—  
20 For fiscal years 2021 and 2022, the num-  
21 ber computed under subsection (c)(3)(C) of  
22 section 201 of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1151), and the  
24 number computed under subsection

1 (d)(2)(C) of such section, are deemed to  
2 equal zero.

3 (iii) DIVERSITY VISAS.—The addi-  
4 tional visas made available for fiscal year  
5 2021 for the worldwide level of diversity  
6 immigrants under subsection (e) of section  
7 201 of the Immigration and Nationality  
8 Act (8 U.S.C. 1151) as a result of the  
9 computations made under subparagraphs  
10 (A) and (B) shall be first made available  
11 to diversity immigrants selected in the lot-  
12 tery for fiscal year 2020.

13 (c) VOLUNTARY DEPARTURE.—Notwithstanding sec-  
14 tion 240B of the Immigration and Nationality Act (8  
15 U.S.C. 1229c), if a period for voluntary departure under  
16 such section expires or expired during the period described  
17 in subsection (d), such voluntary departure period is ex-  
18 tended until the date that is 90 days after the end of such  
19 period.

20 (d) PERIOD DESCRIBED.—The period described in  
21 this subsection—

22 (1) begins on the first day of the public health  
23 emergency declared by the Secretary of Health and  
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to  
2 COVID–19; and

3 (2) ends 90 days after the date on which such  
4 public health emergency terminates.

5 **SEC. 102. TEMPORARY ACCOMMODATIONS FOR NATU-**  
6 **RALIZATION OATH CEREMONIES DUE TO**  
7 **PUBLIC HEALTH EMERGENCY.**

8 (a) REMOTE OATH CEREMONIES.—Not later than 30  
9 days after the date of the enactment of this title, the Sec-  
10 retary of Homeland Security shall establish procedures for  
11 the administration of the oath of renunciation and alle-  
12 giance under section 337 of the Immigration and Nation-  
13 ality Act (8 U.S.C. 1448) using remote videoconferencing,  
14 or other remote means for individuals who cannot reason-  
15 ably access remote videoconferencing, as an alternative to  
16 an in-person oath ceremony.

17 (b) ELIGIBLE INDIVIDUALS.—Notwithstanding sec-  
18 tion 310(b) of the Immigration and Nationality Act (8  
19 U.S.C. 1421(b)), an individual may complete the natu-  
20 ralization process by participating in a remote oath cere-  
21 mony conducted pursuant to subsection (a) if such indi-  
22 vidual—

23 (1) has an approved application for naturaliza-  
24 tion;

1           (2) is unable otherwise to complete the natu-  
2           ralization process due to the cancellation or suspen-  
3           sion of in-person oath ceremonies during the public  
4           health emergency declared by the Secretary of  
5           Health and Human Services under section 319 of  
6           the Public Health Service Act (42 U.S.C. 247d) with  
7           respect to COVID–19; and

8           (3) elects to participate in a remote oath cere-  
9           mony in lieu of waiting for in-person ceremonies to  
10          resume.

11          (c) **ADDITIONAL REQUIREMENTS.**—Upon estab-  
12          lishing the procedures described in subsection (a), the Sec-  
13          retary of Homeland Security shall—

14               (1) without undue delay, provide written notice  
15               to individuals described in subsection (b)(1) of the  
16               option of participating in a remote oath ceremony in  
17               lieu of a participating in an in-person ceremony;

18               (2) to the greatest extent practicable, ensure  
19               that remote oath ceremonies are administered to in-  
20               dividuals who elect to participate in such a ceremony  
21               not later than 30 days after the individual so noti-  
22               fies the Secretary; and

23               (3) administer oath ceremonies to all other eli-  
24               gible individuals as expeditiously as possible after

1 the end of the public health emergency referred to  
2 in subsection (b)(2).

3 (d) AVAILABILITY OF REMOTE OPTION.—The Sec-  
4 retary of Homeland Security shall begin administering re-  
5 mote oath ceremonies on the date that is 60 days after  
6 the date of the enactment of this title and shall continue  
7 administering such ceremonies until a date that is not ear-  
8 lier than 90 days after the end of the public health emer-  
9 gency referred to in subsection (b)(2).

10 (e) CLARIFICATION.—Failure to appear for a remote  
11 oath ceremony shall not create a presumption that the in-  
12 dividual has abandoned his or her intent to be naturalized.

13 (f) REPORT TO CONGRESS.—Not later than 180 days  
14 after the end of the public health emergency referred to  
15 in subsection (b)(2), the Secretary of Homeland Security  
16 shall submit a report to Congress that identifies, for each  
17 State and political subdivision of a State, the number of—

18 (1) individuals who were scheduled for an in-  
19 person oath ceremony that was cancelled due to such  
20 public health emergency;

21 (2) individuals who were provided written notice  
22 pursuant to subsection (c)(1) of the option of par-  
23 ticipating in a remote oath ceremony;

1 (3) individuals who elected to participate in a  
2 remote oath ceremony in lieu of an in-person public  
3 ceremony;

4 (4) individuals who completed the naturaliza-  
5 tion process by participating in a remote oath cere-  
6 mony; and

7 (5) remote oath ceremonies that were conducted  
8 within the period described in subsection (d).

9 **SEC. 103. TEMPORARY PROTECTIONS FOR ESSENTIAL CRIT-**  
10 **ICAL INFRASTRUCTURE WORKERS.**

11 (a) PROTECTIONS FOR ESSENTIAL CRITICAL INFRA-  
12 STRUCTURE WORKERS.—During the period described in  
13 subsection (e), an alien described in subsection (d) shall  
14 be deemed to be in a period of deferred action and author-  
15 ized for employment for purposes of section 274A of the  
16 Immigration and Nationality Act (8 U.S.C. 1324a).

17 (b) EMPLOYER PROTECTIONS.—During the period  
18 described in subsection (e), the hiring, employment, or  
19 continued employment of an alien described in subsection  
20 (d) is not a violation of section 274A(a) of the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1324a(a)).

22 (c) CLARIFICATION.—Nothing in this section shall be  
23 deemed to require an alien described in subsection (d), or  
24 such alien’s employer—

1 (1) to submit an application for employment  
2 authorization or deferred action, or register with, or  
3 pay a fee to, the Secretary of Homeland Security or  
4 the head of any other Federal agency; or

5 (2) to appear before an agent of the Depart-  
6 ment of Homeland Security or any other Federal  
7 agency for an interview, examination, or any other  
8 purpose.

9 (d) ALIENS DESCRIBED.—An alien is described in  
10 this subsection if the alien—

11 (1) on the date of the enactment of this title—

12 (A) is physically present in the United  
13 States; and

14 (B) is inadmissible to, or deportable from,  
15 the United States; and

16 (2) engaged in essential critical infrastructure  
17 labor or services in the United States prior to the  
18 period described in subsection (e) and continues to  
19 engage in such labor or services during such period.

20 (e) PERIOD DESCRIBED.—The period described in  
21 this subsection—

22 (1) begins on the first day of the public health  
23 emergency declared by the Secretary of Health and  
24 Human Services under section 319 of the Public

1 Health Service Act (42 U.S.C. 247d) with respect to  
2 COVID–19; and

3 (2) ends 90 days after the date on which such  
4 public health emergency terminates.

5 (f) ESSENTIAL CRITICAL INFRASTRUCTURE LABOR  
6 OR SERVICES.—For purposes of this section, the term “es-  
7 sential critical infrastructure labor or services” means  
8 labor or services performed in an essential critical infra-  
9 structure sector, as described in the “Advisory Memo-  
10 randum on Identification of Essential Critical Infrastruc-  
11 ture Workers During COVID–19 Response”, revised by  
12 the Department of Homeland Security on April 17, 2020.

13 **SEC. 104. SUPPLEMENTING THE COVID RESPONSE WORK-**  
14 **FORCE.**

15 (a) EXPEDITED GREEN CARDS FOR CERTAIN PHYSI-  
16 CIANS IN THE UNITED STATES.—

17 (1) IN GENERAL.—During the period described  
18 in paragraph (3), an alien described in paragraph  
19 (2) may apply to acquire the status of an alien law-  
20 fully admitted to the United States for permanent  
21 residence consistent with section 201(b)(1) of the  
22 Immigration and Nationality Act (8 U.S.C.  
23 1151(b)(1)).



1           (2) ALIEN DESCRIBED.—An alien described in  
2 this paragraph is an alien physician (and the spouse  
3 and children of such alien) who—

4           (A) has an approved immigrant visa peti-  
5 tion under section 203(b)(2)(B)(ii) of the Immi-  
6 gration and Nationality Act (8 U.S.C.  
7 1153(b)(2)(B)(ii)) and has completed the serv-  
8 ice requirements for a waiver under such sec-  
9 tion on or before the date of the enactment of  
10 this title; and

11           (B) provides a statement to the Secretary  
12 of Homeland Security attesting that the alien is  
13 engaged in or will engage in the practice of  
14 medicine or medical research involving the diag-  
15 nosis, treatment, or prevention of COVID–19.

16           (3) PERIOD DESCRIBED.—The period described  
17 in this paragraph is the period beginning on the date  
18 of the enactment of this title and ending 180 days  
19 after the termination of the public health emergency  
20 declared by the Secretary of Health and Human  
21 Services under section 319 of the Public Health  
22 Service Act (42 U.S.C. 247d), with respect to  
23 COVID–19.

24           (b) EXPEDITED PROCESSING OF NONIMMIGRANT PE-  
25 TITIONS AND APPLICATIONS.—

1 (1) IN GENERAL.—In accordance with the pro-  
2 cedures described in paragraph (2), the Secretary of  
3 Homeland Security shall expedite the processing of  
4 applications and petitions seeking employment or  
5 classification of an alien as a nonimmigrant to prac-  
6 tice medicine, provide healthcare, engage in medical  
7 research, or participate in a graduate medical edu-  
8 cation or training program involving the diagnosis,  
9 treatment, or prevention of COVID–19.

10 (2) APPLICATIONS OR PETITIONS FOR NEW EM-  
11 PLOYMENT OR CHANGE OF STATUS.—

12 (A) INITIAL REVIEW.—Not later than 15  
13 days after the Secretary of Homeland Security  
14 receives an application or petition for new em-  
15 ployment or change of status described in para-  
16 graph (1), the Secretary shall conduct an initial  
17 review of such application or petition and, if ad-  
18 ditional evidence is required, shall issue a re-  
19 quest for evidence.

20 (B) DECISION.—

21 (i) IN GENERAL.—The Secretary of  
22 Homeland Security shall issue a final deci-  
23 sion on an application or petition described  
24 in paragraph (1) not later than 30 days  
25 after receipt of such application or peti-

1           tion, or, if a request for evidence is issued,  
2           not later than 15 days after the Secretary  
3           receives the applicant or petitioner's re-  
4           sponse to such request.

5           (ii) E-MAIL.—In addition to delivery  
6           through regular mail services, decisions de-  
7           scribed in clause (i) shall be transmitted to  
8           the applicant or petitioner via electronic  
9           mail, if the applicant or petitioner provides  
10          the Secretary of Homeland Security with  
11          an electronic mail address.

12          (3) TERMINATION.—This subsection shall take  
13          effect on the date of the enactment of this title and  
14          shall cease to be effective on the date that is 180  
15          days after the termination of the public health emer-  
16          gency declared by the Secretary of Health and  
17          Human Services under section 319 of the Public  
18          Health Service Act (42 U.S.C. 247d), with respect  
19          to COVID–19.

20          (c) EMERGENCY VISA PROCESSING.—

21                  (1) VISA PROCESSING.—

22                          (A) IN GENERAL.—The Secretary of State  
23                          shall prioritize the processing of applications  
24                          submitted by aliens who are seeking a visa  
25                          based on an approved nonimmigrant petition to

1 practice medicine, provide healthcare, engage in  
2 medical research, or participate in a graduate  
3 medical education or training program involving  
4 the diagnosis, treatment, or prevention of  
5 COVID-19.

6 (B) INTERVIEW.—

7 (i) IN GENERAL.—The Secretary of  
8 State shall ensure that visa appointments  
9 are scheduled for aliens described in sub-  
10 paragraph (A) not later than 7 business  
11 days after the alien requests such an ap-  
12 pointment.

13 (ii) SUSPENSION OF ROUTINE VISA  
14 SERVICES.—If routine visa services are un-  
15 available in the alien's home country—

16 (I) the U.S. embassy or consulate  
17 in the alien's home country shall—

18 (aa) conduct the visa inter-  
19 view with the alien via video-tele-  
20 conferencing technology; or

21 (bb) grant an emergency  
22 visa appointment to the alien not  
23 later than 10 business days after  
24 the alien requests such an ap-  
25 pointment; or

1 (II) the alien may seek a visa ap-  
2 pointment at any other U.S. embassy  
3 or consulate where routine visa serv-  
4 ices are available, and such embassy  
5 or consulate shall make every reason-  
6 able effort to provide the alien with an  
7 appointment within 10 business days  
8 after the alien requests such an ap-  
9 pointment.

10 (2) INTERVIEW WAIVERS.—Except as provided  
11 in section 222(h)(2) of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1202(h)(2)), the Secretary of  
13 State shall waive the interview of any alien seeking  
14 a nonimmigrant visa based on an approved petition  
15 described in paragraph (1)(A), if—

16 (A) such alien is applying for a visa—

17 (i) not more than 3 years after the  
18 date on which such alien's prior visa ex-  
19 pired;

20 (ii) in the visa classification for which  
21 such prior visa was issued; and

22 (iii) at a consular post located in the  
23 alien's country of residence or, if otherwise  
24 required by regulation, country of nation-  
25 ality; and

1 (B) the consular officer has no indication  
2 that such alien has failed to comply with the  
3 immigration laws and regulations of the United  
4 States.

5 (3) TERMINATION.—This subsection shall take  
6 effect on the date of the enactment of this title and  
7 shall cease to be effective on the date that is 180  
8 days after the termination of the public health emer-  
9 gency declared by the Secretary of Health and  
10 Human Services under section 319 of the Public  
11 Health Service Act (42 U.S.C. 274d), with respect  
12 to COVID-19.

13 (d) IMPROVING MOBILITY OF NONIMMIGRANT  
14 COVID-19 WORKERS.—

15 (1) LICENSURE.—Notwithstanding section  
16 212(j)(2) of the Immigration and Nationality Act (8  
17 U.S.C. 1182(j)(2)), for the period described in para-  
18 graph (6), the Secretary of Homeland Security may  
19 approve a petition for classification as a non-  
20 immigrant described under section  
21 101(a)(15)(H)(i)(b) of such Act, filed on behalf of a  
22 physician for purposes of performing direct patient  
23 care if such physician possesses a license or other  
24 authorization required by the State of intended em-  
25 ployment to practice medicine, or is eligible for a

1 waiver of such requirement pursuant to an executive  
2 order, emergency rule, or other action taken by the  
3 State to modify or suspend regular licensing require-  
4 ments in response to the COVID-19 public health  
5 emergency.

6 (2) TEMPORARY LIMITATIONS ON AMENDED H-  
7 1B PETITIONS.—

8 (A) IN GENERAL.—Notwithstanding any  
9 other provision of law, the Secretary of Home-  
10 land Security shall not require an employer of  
11 a nonimmigrant alien described in section  
12 101(a)(15)(H)(i)(b) of the Immigration and  
13 Nationality Act (8 U.S.C.  
14 1101(a)(15)(H)(i)(b)) to file an amended or  
15 new petition under section 214(a) of such Act  
16 (8 U.S.C. 1184(a)) if upon transferring such  
17 alien to a new area of employment, the alien  
18 will practice medicine, provide healthcare, or  
19 engage in medical research involving the diag-  
20 nosis, treatment, or prevention of COVID-19.

21 (B) CLARIFICATION ON TELEMEDICINE.—  
22 Nothing in the Immigration and Nationality  
23 Act or any other provision of law shall be con-  
24 strued to require an employer of a non-  
25 immigrant alien described in section

1           101(a)(15)(H)(i)(b) of the Immigration and  
2           Nationality Act (8 U.S.C.  
3           1101(a)(15)(H)(i)(b)) to file an amended or  
4           new petition under section 214(a) of such Act  
5           (8 U.S.C. 1184(a)) if the alien is a physician or  
6           other healthcare worker who will provide remote  
7           patient care through the use of real-time audio-  
8           video communication tools to consult with pa-  
9           tients and other technologies to collect, analyze,  
10          and transmit medical data and images.

11          (3) PERMISSIBLE WORK ACTIVITIES FOR J-1  
12          PHYSICIANS.—

13                 (A) IN GENERAL.—Notwithstanding any  
14                 other provision of law, the diagnosis, treatment,  
15                 or prevention of COVID-19 shall be considered  
16                 an integral part of a graduate medical edu-  
17                 cation or training program and a nonimmigrant  
18                 described in section 101(a)(15)(J) of the Immi-  
19                 gration and Nationality Act (8 U.S.C.  
20                 1101(a)(15)(J)) who is participating in such a  
21                 program—

22                         (i) may be redeployed to a new rota-  
23                         tion within the host training institution as  
24                         needed to engage in COVID-19 work; and



1 (ii) may receive compensation for such  
2 work.

3 (B) OTHER PERMISSIBLE EMPLOYMENT  
4 ACTIVITIES.—A nonimmigrant described in sec-  
5 tion 101(a)(15)(J) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1101(a)(15)(J)) who is  
7 participating in a graduate medical education  
8 or training program may engage in work out-  
9 side the scope of the approved program, if—

10 (i) the work involves the diagnosis,  
11 treatment, or prevention of COVID-19;

12 (ii) the alien has maintained lawful  
13 nonimmigrant status and has otherwise  
14 complied with the terms of the education  
15 or training program; and

16 (iii) the program sponsor approves the  
17 additional work by annotating the non-  
18 immigrant's Certificate of Eligibility for  
19 Exchange Visitor (J-1) Status (Form DS-  
20 2019) and notifying the Immigration and  
21 Customs Enforcement Student and Ex-  
22 change Visitor Program of the approval of  
23 such work.

24 (C) CLARIFICATION ON TELEMEDICINE.—  
25 Section 214(l)(1)(D) of the Immigration and

1 Nationality Act (8 U.S.C. 1184(l)(1)(D)) may  
2 be satisfied through the provision of care to pa-  
3 tients located in areas designated by the Sec-  
4 retary of Health and Human Services as having  
5 a shortage of health care professionals, through  
6 the physician's use of real-time audio-video  
7 communication tools to consult with patients  
8 and other technologies to collect, analyze, and  
9 transmit medical data and images.

10 (4) PORTABILITY OF O-1 NONIMMIGRANTS.—A  
11 nonimmigrant who was previously issued a visa or  
12 otherwise provided nonimmigrant status under sec-  
13 tion 101(a)(15)(O)(i) of the Immigration and Na-  
14 tionality Act (8 U.S.C. 1101(a)(15)(O)(i)), and is  
15 seeking an extension of such status, is authorized to  
16 accept new employment under the terms and condi-  
17 tions described in section 214(n) of such Act (8  
18 U.S.C. 1184(n)).

19 (5) INCREASING THE ABILITY OF PHYSICIANS  
20 TO CHANGE NONIMMIGRANT STATUS.—

21 (A) CHANGE OF NONIMMIGRANT CLASSI-  
22 FICATION.—Section 248(a) of the Immigration  
23 and Nationality Act (8 U.S.C. 1184(l)), is  
24 amended—

1 (i) in paragraph (1), by inserting  
2 “and” after the comma at the end;

3 (ii) by striking paragraphs (2) and  
4 (3); and

5 (iii) by redesignating paragraph (4) as  
6 paragraph (2).

7 (B) ADMISSION OF NONIMMIGRANTS.—  
8 Section 214(l)(2)(A) of the Immigration and  
9 Nationality Act (8 U.S.C. 1184(l)(2)(A)) is  
10 amended by striking “Notwithstanding section  
11 248(a)(2), the” and inserting “The”.

12 (6) TERMINATION.—This subsection shall take  
13 effect on the date of the enactment of this title and  
14 except as provided in paragraphs (2)(B), (3)(C), (4),  
15 and (5), shall cease to be effective on that date that  
16 is 180 days after the termination of the public  
17 health emergency declared by the Secretary of  
18 Health and Human Services under section 319 of  
19 the Public Health Service Act (42 U.S.C. 247d),  
20 with respect to COVID–19.

21 (e) CONRAD 30 PROGRAM.—

22 (1) PERMANENT AUTHORIZATION.—Section  
23 220(c) of the Immigration and Nationality Technical  
24 Corrections Act of 1994 (Public Law 103–416; 8

1 U.S.C. 1182 note) is amended by striking “and be-  
2 fore September 30, 2015”.

3 (2) ADMISSION OF NONIMMIGRANTS.—Section  
4 214(l) of the Immigration and Nationality Act (8  
5 U.S.C. 1184(l)), is amended—

6 (A) in paragraph (1)(B)—

7 (i) by striking “30” and inserting  
8 “35”; and

9 (ii) by inserting “, except as provided  
10 in paragraph (4)” before the semicolon at  
11 the end; and

12 (B) by adding at the end the following:

13 “(4) ADJUSTMENT IN WAIVER NUMBERS.—

14 “(A) INCREASES.—

15 “(i) IN GENERAL.—Except as pro-  
16 vided in clause (ii), if in any fiscal year,  
17 not less than 90 percent of the waivers  
18 provided under paragraph (1)(B) are uti-  
19 lized by States receiving at least 5 such  
20 waivers, the number of such waivers allot-  
21 ted to each State shall increase by 5 for  
22 each subsequent fiscal year.

23 “(ii) EXCEPTION.—If 45 or more  
24 waivers are allotted to States in any fiscal  
25 year, an increase of 5 waivers in subse-

1           quent fiscal years shall be provided only in  
2           the case that not less than 95 percent of  
3           such waivers are utilized by States receiv-  
4           ing at least 1 waiver.

5           “(B) DECREASES.—If in any fiscal year in  
6           which there was an increase in waivers, the  
7           total number of waivers utilized is 5 percent  
8           lower than in the previous fiscal year, the num-  
9           ber of such waivers allotted to each State shall  
10          decrease by 5 for each subsequent fiscal year,  
11          except that in no case shall the number of waiv-  
12          ers allotted to each State drop below 35.”.

13          (f) TEMPORARY PORTABILITY FOR PHYSICIANS AND  
14          CRITICAL HEALTHCARE WORKERS IN RESPONSE TO  
15          COVID–19 PUBLIC HEALTH EMERGENCY.—

16               (1) IN GENERAL.—Not later than 30 days after  
17               the date of the enactment of this title, the Secretary  
18               of Homeland Security, in consultation with the Sec-  
19               retary of Labor and the Secretary of Health and  
20               Human Services, shall establish emergency proce-  
21               dures to provide employment authorization to aliens  
22               described in paragraph (2), for purposes of facili-  
23               tating the temporary deployment of such aliens to  
24               practice medicine, provide healthcare, or engage in

1 medical research involving the diagnosis, treatment,  
2 or prevention of COVID–19.

3 (2) ALIENS DESCRIBED.—An alien described in  
4 this paragraph is an alien who is—

5 (A) physically present in the United  
6 States;

7 (B) maintaining lawful nonimmigrant sta-  
8 tus that authorizes employment with a specific  
9 employer incident to such status; and

10 (C) working in the United States in a  
11 healthcare occupation essential to COVID–19  
12 response, as determined by the Secretary of  
13 Health and Human Services.

14 (3) EMPLOYMENT AUTHORIZATION.—

15 (A) APPLICATION.—

16 (i) IN GENERAL.—The Secretary of  
17 Homeland Security may grant employment  
18 authorization to an alien described in para-  
19 graph (2) if such alien submits an Applica-  
20 tion for Employment Authorization (Form  
21 I–765 or any successor form), which shall  
22 include—

23 (I) evidence of the alien’s current  
24 nonimmigrant status;

1 (II) copies of the alien's academic  
2 degrees and any licenses, credentials,  
3 or other documentation confirming  
4 authorization 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  
10 the alien meets the requirements of  
11 paragraph (2).

12 (ii) CONVERSION OF PENDING APPLI-  
13 CATIONS.—The Secretary of Homeland Se-  
14 curity shall establish procedures for the ad-  
15 judication of any employment authoriza-  
16 tion applications for aliens described in  
17 paragraph (2) that are pending on the date  
18 of the enactment of this title, and the  
19 issuance of employment authorization doc-  
20 uments in connection with such applica-  
21 tions in accordance with the terms and  
22 conditions of this subsection, upon request  
23 by the applicant.

24 (B) FEES.—The Secretary of Homeland  
25 Security shall collect a fee for the processing of

1 applications for employment authorization as  
2 provided under this paragraph.

3 (C) REQUEST FOR EVIDENCE.—If all re-  
4 quired initial evidence has been submitted  
5 under this subsection but such evidence does  
6 not establish eligibility, the Secretary of Home-  
7 land Security shall issue a request for evidence  
8 not later than 15 days after receipt of the ap-  
9 plication for 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  
15 evidence is issued, not later than 15 days after  
16 the Secretary receives the alien’s response to  
17 such request.

18 (E) EMPLOYMENT AUTHORIZATION  
19 CARD.—An employment authorization document  
20 issued 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);  
14 or

15 (II) accepted by an employer as  
16 evidence of authorization under sec-  
17 tion 274A(b)(1)(C) of the Immigra-  
18 tion and Nationality Act (8 U.S.C.  
19 1324a(b)(1)(C)), to engage in employ-  
20 ment other than that which is de-  
21 scribed in paragraph (1).

22 (4) TREATMENT OF TIME SPENT ENGAGING IN  
23 COVID–19-RELATED WORK.—Notwithstanding any  
24 other provision of law, time spent by an alien physi-  
25 cian engaged in direct patient care involving the di-

1       agnosis, treatment, or prevention of COVID–19  
2       shall 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 Na-  
7       tionality Act (8 U.S.C. 1153(b)(2)(B)(ii)); and

8               (B) the 3 years that an alien is required  
9       to work as a full-time physician for purposes of  
10      a 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  
19      180 days after the termination of the public health  
20      emergency 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  
23      to COVID–19.

1 (g) SPECIAL IMMIGRANT STATUS FOR NON-  
2 IMMIGRANT COVID-19 WORKERS AND THEIR FAMI-  
3 LIES.—

4 (1) IN GENERAL.—The Secretary of Homeland  
5 Security may grant a petition for special immigrant  
6 classification to an alien described in paragraph (2)  
7 (and the spouse and children of such alien) if the  
8 alien files a petition for special immigrant status  
9 under section 204 of the Immigration and Nation-  
10 ality Act (8 U.S.C. 1154) for classification under  
11 section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)).

12 (2) ALIENS DESCRIBED.—An alien is described  
13 in this paragraph if, during the period beginning on  
14 the date that the COVID-19 public health emer-  
15 gency was declared by the Secretary of Health and  
16 Human Services under section 319 of the Public  
17 Health Service Act (42 U.S.C. 247d) and ending  
18 180 days after the termination of such emergency,  
19 the alien was—

20 (A) authorized for employment in the  
21 United States and maintaining a nonimmigrant  
22 status; and

23 (B) engaged in the practice of medicine,  
24 provision of healthcare services, or medical re-

1 search involving the diagnosis, treatment, or  
2 prevention of COVID–19 disease.

3 (3) PRIORITY DATE.—Subject to paragraph (5),  
4 immigrant visas under paragraph (1) shall be made  
5 available to aliens in the order in which a petition  
6 on behalf of each such alien is filed with the Sec-  
7 retary of Homeland Security, except that an alien  
8 shall maintain any priority date that was assigned  
9 with respect to an immigrant visa petition or appli-  
10 cation for labor certification that was previously filed  
11 on behalf of such alien.

12 (4) PROTECTIONS FOR SURVIVING SPOUSES  
13 AND CHILDREN.—

14 (A) SURVIVING SPOUSES AND CHIL-  
15 DREN.—Notwithstanding the death of an alien  
16 described in paragraph (2), the Secretary of  
17 State may approve an application for an immi-  
18 grant visa, and the Secretary of Homeland Se-  
19 curity may approve an application for adjust-  
20 ment of status to lawful permanent resident,  
21 filed by or on behalf of a spouse or child of  
22 such alien.

23 (B) AGE-OUT PROTECTION.—For purposes  
24 of an application for an immigrant visa or ad-  
25 justment of status filed by or on behalf of a

1 child of an alien described in paragraph (2), the  
2 determination of whether the child satisfies the  
3 age requirement under section 101(b)(1) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1101(b)(1)) shall be made using the age of the  
6 child on the date the immigrant visa petition  
7 under paragraph (1) was approved.

8 (C) CONTINUATION OF NONIMMIGRANT  
9 STATUS.—A spouse or child of an alien de-  
10 scribed in paragraph (2) shall be considered to  
11 have maintained lawful nonimmigrant status  
12 until the earlier of the date—

13 (i) on which the Secretary of Home-  
14 land Security accepts for filing, an applica-  
15 tion for adjustment of status based on a  
16 petition described in paragraph (1); or

17 (ii) that is 2 years after the date of  
18 the principal nonimmigrant's death.

19 (5) NUMERICAL LIMITATIONS.—

20 (A) IN GENERAL.—The total number of  
21 principal aliens who may be provided special  
22 immigrant status under this subsection may not  
23 exceed 4,000 per year for each of the 3 fiscal  
24 years beginning after the date of the enactment  
25 of this title.

1 (B) EXCLUSION FROM NUMERICAL LIMITA-  
2 TIONS.—Aliens provided special immigrant sta-  
3 tus under this subsection shall not be counted  
4 against any numerical limitations under section  
5 201(d), 202(a), or 203(b)(4) of the Immigra-  
6 tion and Nationality Act (8 U.S.C. 1151(d),  
7 1152(a), or 1153(b)(4)).

8 (C) CARRY FORWARD.—If the numerical  
9 limitation specified in subparagraph (A) is not  
10 reached during a given fiscal year referred to in  
11 such subparagraph, the numerical limitation  
12 specified in such subparagraph for the following  
13 fiscal year shall be increased by a number equal  
14 to the difference between—

15 (i) the numerical limitation specified  
16 in subparagraph (A) for the given fiscal  
17 year; and

18 (ii) the number of principal aliens pro-  
19 vided special immigrant status under this  
20 subsection during the given fiscal year.

21 **SEC. 105. ICE DETENTION.**

22 (a) REVIEWING ICE DETENTION.—During the public  
23 health emergency declared by the Secretary of Health and  
24 Human Services under section 319 of the Public Health  
25 Service Act (42 U.S.C. 247d) with respect to COVID–19,

1 the Secretary of Homeland Security shall review the immi-  
2 gration files of all individuals in the custody of U.S. Immi-  
3 gration and Customs Enforcement to assess the need for  
4 continued detention. The Secretary of Homeland Security  
5 shall prioritize for release on recognizance or alternatives  
6 to detention individuals who are not subject to mandatory  
7 detention laws, unless the individual is a threat to public  
8 safety or national security.

9 (b) ACCESS TO ELECTRONIC COMMUNICATIONS AND  
10 HYGIENE PRODUCTS.—During the period described in  
11 subsection (c), the Secretary of Homeland Security shall  
12 ensure that—

13 (1) all individuals in the custody of U.S. Immi-  
14 gration and Customs Enforcement—

15 (A) have access to telephonic or video com-  
16 munication at no cost to the detained indi-  
17 vidual;

18 (B) have access to free, unmonitored tele-  
19 phone calls, at any time, to contact attorneys or  
20 legal service providers in a sufficiently private  
21 space to protect confidentiality;

22 (C) are permitted to receive legal cor-  
23 respondence by fax or email rather than postal  
24 mail; and



1 (D) are provided sufficient soap, hand san-  
2 itizer, and other hygiene products; and

3 (2) nonprofit organizations providing legal ori-  
4 entation programming or know-your-rights program-  
5 ming to individuals in the custody of U.S. Immigra-  
6 tion and Customs Enforcement are permitted broad  
7 and flexible access to such individuals—

8 (A) to provide group presentations using  
9 remote videoconferencing; and

10 (B) to schedule and provide individual ori-  
11 entations using free telephone calls or remote  
12 videoconferencing.

13 (c) PERIOD DESCRIBED.—The period described in  
14 this subsection—

15 (1) begins on the first day of the public health  
16 emergency declared by the Secretary of Health and  
17 Human Services under section 319 of the Public  
18 Health Service Act (42 U.S.C. 247d) with respect to  
19 COVID-19; and

20 (2) ends 90 days after the date on which such  
21 public health emergency terminates.

22 **SEC. 106. CONDITION ON FURLOUGH.**

23 U.S. Citizenship and Immigration Services may not  
24 furlough any employee in any pay period in fiscal year

1 2021 if the agency has sufficient available balances for  
2 compensation for such employee during such pay period.

3 **SEC. 107. LIMITATION ON USE OF FUNDS BY OTHER AGEN-**  
4 **CIES.**

5 Notwithstanding any other provision of law, none of  
6 the funds deposited into the Immigration Examinations  
7 Fee Account pursuant to subsection (m) or (u) of section  
8 286 of the Immigration and Nationality Act (8 U.S.C.  
9 1356), may be made available to any other Federal agency  
10 for such other agency's purpose, unless such funds were  
11 made available to such agency for such purpose in fiscal  
12 year 2019.

13 **SEC. 108. CHIEF FINANCIAL OFFICER.**

14 (a) **REPORT TO DIRECTOR.**—The Chief Financial Of-  
15 ficer of U.S. Citizenship and Immigration Services shall  
16 report to the Director of U.S. Citizenship and Immigra-  
17 tion Services.

18 (b) **REQUIRED CONSULTATION.**—Prior to imple-  
19 menting any substantive change to a policy, program, or  
20 process, the Director of U.S. Citizenship and Immigration  
21 Services shall consider the impact of such change on the  
22 agency's revenue, expenditures, and reserve funding in  
23 consultation with the agency's Chief Financial Officer.

1 **SEC. 109. INDEPENDENT VERIFICATION AND VALIDATION**  
2 **REVIEW.**

3 Not later than 180 days after the date of enactment  
4 of this Act, the Director of U.S. Citizenship and Immigra-  
5 tion Services shall submit to the Committees on the Judi-  
6 ciary of the House of Representatives and the Senate, and  
7 the Committees on Appropriations of the House of Rep-  
8 resentatives and the Senate, the results and recommenda-  
9 tions of an Independent Verification and Validation review  
10 of each model used by the agency to inform adjustments  
11 of fees charged for the adjudication of immigration and  
12 citizenship benefit requests.

13 **SEC. 110. REPORTING REQUIREMENT.**

14 (a) IN GENERAL.—In addition to the requirements  
15 of section 286(o) of the Immigration and Nationality Act  
16 (8 U.S.C. 1356(o)), the Secretary of Homeland Security  
17 shall prepare a report on the fiscal status of U.S. Citizen-  
18 ship and Immigration Services that includes the following,  
19 disaggregated by funding source—

20 (1) the annual operating plan broken out by di-  
21 rectorate and program office within such agency,  
22 which shall include obligations and current year ex-  
23 penditures for the preceding quarter, along with pro-  
24 jected obligations and expenditures for the current  
25 quarter and the subsequent quarters;

1 (2) fee receipts for each form type for the pre-  
2 ceding quarter and estimates of such receipts for the  
3 current and subsequent quarter;

4 (3) other agency expenses, including payments  
5 or transfers to other Federal agencies and general  
6 operating expenses;

7 (4) the percentage of revenue generated from  
8 premium processing receipts used for the adjudica-  
9 tion of non-premium benefit applications;

10 (5) carryover or reserve funding projections, ob-  
11 ligations, and expenditures;

12 (6) productivity measurement data, by form  
13 type, directorate, and program office, measured  
14 against baseline capacity and workload volumes;

15 (7) the impact on such measurement data from  
16 changes in personnel, technology usage, or processes;

17 (8) processing times by program office and di-  
18 rectorate, disaggregated by form type; and

19 (9) backlogs by form type, including petitions  
20 for family- and employment-based immigration bene-  
21 fits and for asylum and other humanitarian protec-  
22 tions.

23 (b) REVIEW.—The report required in subsection (a)  
24 shall be—

1 (1) validated and reviewed by the Chief Finan-  
2 cial Officer of the Department of Homeland Secu-  
3 rity; and

4 (2) submitted to the Committees on the Judici-  
5 ary of the Senate and the House of Representatives  
6 and the Committees on Appropriations of the Senate  
7 and the House of Representatives not later than 90  
8 days after the date of enactment of this Act and  
9 every 180 days thereafter.

10 (c) PUBLIC AVAILABILITY.—The information de-  
11 scribed in paragraphs (6) through (9) of subsection (a)  
12 shall also be made available not later than 15 days after  
13 the end of each fiscal quarter on a publicly available  
14 website.

15 (d) REVENUE EARNINGS REPORT.—Not later than  
16 60 days after the date of enactment of this Act and up-  
17 dated monthly thereafter, the Director of U.S. Citizenship  
18 and Immigration Services shall publish on a publicly avail-  
19 able website in a downloadable, searchable, and sortable  
20 format a revenue earnings report that includes data begin-  
21 ning October 1, 2009, which shall be disaggregated by  
22 month and revenue source.

23 (e) INDEPENDENT REVIEW.—The Comptroller Gen-  
24 eral of the United States shall conduct an independent re-  
25 view of the first report submitted pursuant to subsection

1 (b) and shall examine the circumstances that led to fiscal  
2 situation for U.S. Citizenship and Immigration Services  
3 for the fiscal years 2017 through 2020.

## 4 **TITLE II—PRISONS AND JAILS**

### 5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Pandemic Justice Re-  
7 sponse Act”.

### 8 **SEC. 202. EMERGENCY COMMUNITY SUPERVISION ACT.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) As of the date of introduction of this Act,  
11 the novel coronavirus has spread to all 50 States,  
12 the District of Columbia, and at least 4 territories.

13 (2) As of September 27, 2020, more than  
14 7,119,400 people in the United States had been in-  
15 fected with the coronavirus and at least 204,400 had  
16 died.

17 (3) Although the United States has less than 5  
18 percent of the world’s population, the United States  
19 holds approximately 21 percent of the world’s pris-  
20 oners and leads the world in the number of individ-  
21 uals incarcerated, with nearly 2,200,000 people in-  
22 carcerated in State and Federal prisons and local  
23 jails.

24 (4) Studies have shown that individuals age out  
25 of crime starting around 25 years of age, and re-

1 leased individuals over the age of 50 have a very low  
2 recidivism rate.

3 (5) According to public health experts, incarcerated  
4 ated individuals are particularly vulnerable to being  
5 gravely impacted by the novel corona virus pandemic  
6 because—

7 (A) they have higher rates of underlying  
8 health issues than members of the general pub-  
9 lic, including higher rates of respiratory disease,  
10 heart disease, diabetes, obesity, HIV/AIDS,  
11 substance abuse, hepatitis, and other conditions  
12 that suppress immune response; and

13 (B) the close conditions and lack of access  
14 to hygiene products in prisons make these insti-  
15 tutions unusually susceptible to viral  
16 pandemics.

17 (6) The spread of communicable disease in the  
18 United States generally constitutes a serious, height-  
19 ened threat to the safety of incarcerated individuals,  
20 and there is a serious threat to the general public  
21 that prisons may become incubators of community  
22 spread of communicable viral disease.

23 (b) DEFINITIONS.—In this section:

1 (1) COVERED HEALTH CONDITION.—The term  
2 “covered health condition” with respect to an indi-  
3 vidual, means the individual—

4 (A) is pregnant;

5 (B) has chronic lung disease or asthma;

6 (C) has congestive heart failure or coro-  
7 nary artery disease;

8 (D) has diabetes;

9 (E) has a neurological condition that weak-  
10 ens the ability to cough or breathe;

11 (F) has HIV;

12 (G) has sickle cell anemia;

13 (H) has cancer; or

14 (I) has a weakened immune system.

15 (2) COVERED INDIVIDUAL.—The term “covered  
16 individual”—

17 (A) means an individual who—

18 (i) is a juvenile (as defined in section  
19 5031 of title 18, United States Code);

20 (ii) is 50 years of age or older;

21 (iii) has a covered health condition; or

22 (iv) is within 12 months of release  
23 from incarceration; and

24 (B) includes an individual described in  
25 subparagraph (A) who is serving a term of im-



1           prisonment for an offense committed before No-  
2           vember 1, 1987, or who is serving a term of im-  
3           prisonment in the custody of the Bureau of  
4           Prisons for a sentence imposed pursuant to a  
5           conviction for a criminal offense under the laws  
6           of the District of Columbia.

7           (3) NATIONAL EMERGENCY RELATING TO A  
8           COMMUNICABLE DISEASE.—The term “national  
9           emergency relating to a communicable disease”  
10          means—

11                   (A) an emergency involving Federal pri-  
12                   mary responsibility determined to exist by the  
13                   President under the section 501(b) of the Rob-  
14                   ert T. Stafford Disaster Relief and Emergency  
15                   Assistance Act (42 U.S.C. 5191(b)) with re-  
16                   spect to a communicable disease; or

17                   (B) a national emergency declared by the  
18                   President under the National Emergencies Act  
19                   (50 U.S.C. 1601 et seq.) with respect to a com-  
20                   municable disease.

21          (c) PLACEMENT OF CERTAIN INDIVIDUALS IN COM-  
22          MUNITY SUPERVISION.—

23                   (1) AUTHORITY.—Except as provided in para-  
24                   graph (2), beginning on the date on which a national  
25                   emergency relating to a communicable disease is de-

1       clared and ending on the date that is 60 days after  
2       such national emergency expires or is terminated—

3               (A) notwithstanding any other provision of  
4       law, the Director of the Bureau of Prisons shall  
5       place in community supervision all covered indi-  
6       viduals who are in the custody of the Bureau of  
7       Prisons; and

8               (B) the district court of the United States  
9       for each judicial district shall place in commu-  
10      nity supervision all covered individuals who are  
11      in the custody and care of the United States  
12      Marshals Service.

13      (2) EXCEPTIONS.—

14              (A) BUREAU OF PRISONS.—In carrying out  
15      paragraph (1)(A), the Director—

16                  (i) may not place in community super-  
17      vision any individual determined, by clear  
18      and convincing evidence, taking into ac-  
19      count the individual's offense of conviction,  
20      to be likely to pose a specific and substan-  
21      tial risk of causing bodily injury to or  
22      using violent force against the person of  
23      another;

24                  (ii) shall place in the file of each indi-  
25      vidual described in clause (i) documenta-

1           tion of such determination, including the  
2           evidence used to make the determination;  
3           and

4           (iii) not later than 180 days after the  
5           date on which the national emergency re-  
6           lating to a communicable disease expires,  
7           shall provide a report to Congress docu-  
8           menting—

9           (I) the demographic data (includ-  
10          ing race, gender, age, offense of con-  
11          viction, and criminal history level) of  
12          the individuals denied placement in  
13          community supervision under clause  
14          (i); and

15          (II) the justification for the deni-  
16          als described in subclause (I).

17          (B) DISTRICT COURTS.—In carrying out  
18          paragraph (1)(B), each district court of the  
19          United States—

20          (i) shall conduct an immediate and ex-  
21          pedited review of the detention orders of  
22          all covered individuals in the custody and  
23          care of the United States Marshals Serv-  
24          ice, which may be conducted sua sponte  
25          and ex parte, without—

1 (I) appearance by the defendant  
2 or any party; or

3 (II) requiring a petition, motion,  
4 or other similar document to be filed;

5 (ii) may not place in community su-  
6 pervision any individual if the court deter-  
7 mines, after a hearing and the attorney for  
8 the Government shows by clear and con-  
9 vincing evidence based on individualized  
10 facts, that detention is necessary because  
11 the individual's release will pose a specific  
12 and substantial risk that the individual will  
13 cause bodily injury or use violent force  
14 against the person of another and that no  
15 conditions of release will reasonably miti-  
16 gate that risk;

17 (iii) in carrying out clauses (i) and  
18 (ii), may—

19 (I) rely on evidence presented in  
20 prior court proceedings; and

21 (II) if the court determines it  
22 necessary, request additional informa-  
23 tion from the parties to make the de-  
24 termination.

1           (3) LIMITATION ON COMMUNITY SUPERVISION  
2           PLACEMENT.—In placing covered individuals into  
3           community supervision under this section, the Direc-  
4           tor of the Bureau of Prisons and the district court  
5           of the United States for each judicial district shall  
6           take into account and prioritize placements that en-  
7           able adequate social distancing, which include home  
8           confinement or other forms of low in-person-contact  
9           supervised release.

10          (d) LIMITATION ON PRE-TRIAL DETENTION.—

11           (1) NO BOND CONDITIONS ON RELEASE.—Not-  
12          withstanding section 3142 of title 18, United States  
13          Code, beginning on the date on which a national  
14          emergency relating to a communicable disease is de-  
15          clared and ending on the date that is 60 days after  
16          such national emergency expires or is terminated, in  
17          imposing conditions of release, the judicial officer  
18          may not require payment of cash bail, proof of abil-  
19          ity to pay an unsecured bond, execution of a bail  
20          bond, a solvent surety to co-sign a secured or unse-  
21          cured bond, or posting of real property.

22           (2) LIMITATION.—

23           (A) IN GENERAL.—Beginning on the date  
24          on which a national emergency relating to a  
25          communicable disease is declared and ending on

1 the date that is 60 days after such national  
2 emergency expires or is terminated, at any ini-  
3 tial appearance hearing, detention hearing,  
4 hearing on a motion for pretrial release, or any  
5 other hearing where the attorney for the Gov-  
6 ernment is seeking the detention or continued  
7 detention of any individual, the judicial officer  
8 shall order the pretrial release of the individual  
9 on personal recognizance or on a condition or  
10 combination of conditions under section 3142(c)  
11 of title 18, United States Code, unless the at-  
12 torney for the Government shows by clear and  
13 convincing evidence based on individualized  
14 facts that detention is necessary because the in-  
15 dividual's release will pose a specific and sub-  
16 stantial risk that the individual will cause bodily  
17 injury or use violent force against the person of  
18 another and that no conditions of release will  
19 reasonably mitigate that risk.

20 (B) REQUIRED CONSIDERATION OF CER-  
21 TAIN FACTORS.—If the judicial officer finds  
22 that the attorney for the Government has made  
23 the requisite showing under subparagraph (A),  
24 the judicial officer shall take into consideration,  
25 in determining whether detention is necessary—

1 (i) whether the individual's age or  
2 medical condition renders them especially  
3 vulnerable; and

4 (ii) whether detention will compromise  
5 the individual's access to adequate medical  
6 treatment, access to medications, or ability  
7 to privately consult with counsel and  
8 meaningfully prepare a defense.

9 (C) JUVENILES.—

10 (i) IN GENERAL.—Beginning on the  
11 date on which a national emergency relat-  
12 ing to a communicable disease is declared  
13 and ending on the date that is 60 days  
14 after such national emergency expires or is  
15 terminated, notwithstanding sections 5031  
16 through 5035 of title 18, United States  
17 Code, and except as provided under clause  
18 (ii), in the case of a juvenile alleged to  
19 have committed an act of juvenile delin-  
20 quency, the judicial officer shall release the  
21 juvenile to their parent, guardian, custo-  
22 dian, or other responsible party (including  
23 the director of a shelter-care facility) upon  
24 their promise to bring such juvenile before

1 the appropriate court when requested by  
2 the judicial officer.

3 (ii) EXCEPTION.—A juvenile alleged  
4 to have committed an act of juvenile delin-  
5 quency may be detained pending trial only  
6 if, at a hearing at which the juvenile is  
7 represented by counsel, the attorney for  
8 the Government shows by clear and con-  
9 vincing evidence based on individualized  
10 facts that detention is necessary because  
11 the juvenile’s release will pose a specific  
12 and substantial risk that the juvenile will  
13 use violent force against a reasonably iden-  
14 tifiable person and that no conditions of  
15 release will reasonably mitigate that risk,  
16 except that in no case may a judicial offi-  
17 cer order the detention of a juvenile if it  
18 will compromise the juvenile’s access to  
19 adequate medical treatment, access to  
20 medications, or ability to privately consult  
21 with counsel and meaningfully prepare a  
22 defense.

23 (iii) LEAST RESTRICTIVE DETEN-  
24 TION.—In the case that the judicial officer  
25 orders the detention of a juvenile under



1 clause (ii), the judicial officer shall order  
2 the detention of the juvenile in the least  
3 restrictive and safest environment possible,  
4 taking the national emergency relating to a  
5 communicable disease into consideration.

6 (iv) CONTENTS OF DETENTION  
7 ORDER.—In the case that the judicial offi-  
8 cer orders the detention of a juvenile under  
9 clause (ii), the judicial officer shall issue a  
10 written detention order that includes—

11 (I) findings of fact;

12 (II) the reasons for the deten-  
13 tion;

14 (III) a description of the risk  
15 identified under clause (ii);

16 (IV) an explanation of why no  
17 conditions will reasonably mitigate the  
18 risk identified under clause (ii);

19 (V) a statement that detention  
20 will not compromise the juvenile's ac-  
21 cess to adequate medical treatment,  
22 access to medications, or ability to  
23 privately consult with counsel and  
24 meaningfully prepare a defense; and

1 (VI) a statement establishing  
2 that the detention environment is the  
3 least restrictive and safest possible in  
4 accordance with the requirement  
5 under clause (iii).

6 (e) LIMITATION ON SUPERVISED RELEASE.—Begin-  
7 ning on the date on which a national emergency relating  
8 to a communicable disease is declared and ending on the  
9 date that is 60 days after such national emergency expires,  
10 the Office of Probation and Pretrial Services of the Ad-  
11 ministrative Office of the United States Courts shall take  
12 measures to prevent the spread of the communicable dis-  
13 ease among individuals under supervision by—

14 (1) suspending the requirement that individuals  
15 determined to be a lower risk of reoffending, or any  
16 other individuals determined to be appropriate by  
17 the supervising probation officer, report in person to  
18 their probation or parole officer;

19 (2) identifying individuals who have successfully  
20 completed not less than 18 months of supervision  
21 and transferring such individuals to administrative  
22 supervision or petitioning the court to terminate su-  
23 pervision, as appropriate; and

1           (3) suspending the request for detention and  
2           imprisonment as a sanction for violations of proba-  
3           tion, supervised release, or parole.

4           (f) PROHIBITION.—No individual who is granted  
5           placement in community supervision, termination of su-  
6           pervision, placement on administrative supervision, or pre-  
7           trial release shall be re-incarcerated, placed on supervision  
8           or active supervision, or ordered detained pre-trial only as  
9           a result of the expiration of the national emergency relat-  
10          ing to a communicable disease.

11          (g) PROHIBITION ON TECHNICAL VIOLATIONS AND  
12          CERTAIN MANDATORY REVOCATIONS OF PROBATION OR  
13          SUPERVISED RELEASE.—

14               (1) RESENTENCING IN CASES OF PROBATION  
15               AND SUPERVISED RELEASE.—

16                   (A) IN GENERAL.—Beginning on the date  
17                   on which a national emergency relating to a  
18                   communicable disease is declared and ending on  
19                   the date that is 60 days after such national  
20                   emergency expires, and notwithstanding section  
21                   3582(b) of title 18, United States Code, a court  
22                   shall order the resentencing of a defendant who  
23                   is serving a term of imprisonment resulting  
24                   from a revocation of probation, or supervised  
25                   release for a Grade C violation for conduct

1 under section 7B1.1(c)(3)(B) of the United  
2 States Sentencing Guidelines, upon motion of  
3 the defendant.

4 (B) RESENTENCING.—The court shall  
5 order the resentencing of a defendant described  
6 in subparagraph (A) as follows:

7 (i) In the case of a revoked sentence  
8 of probation, the court shall resentence the  
9 defendant to probation, the duration of  
10 which shall be equal to the period of time  
11 remaining on the term of probation origi-  
12 nally imposed at the time the defendant  
13 was most recently placed in custody, unless  
14 the court determines that decreasing the  
15 length of the term of probation is in the  
16 interest of justice.

17 (ii) In the case of a revoked term of  
18 supervised release, the court shall continue  
19 the defendant on supervised release, the  
20 duration of which shall be equal to the pe-  
21 riod of time the defendant had remaining  
22 on supervised release when the defendant  
23 was most recently placed in custody, unless  
24 the court determines that decreasing the

1 term of supervised release is in the interest  
2 of justice.

3 (2) RESENTENCING IN CASES OF PAROLE.—

4 (A) IN GENERAL.—Beginning on the date  
5 on which a national emergency relating to a  
6 communicable disease is declared and ending on  
7 the date that is 60 days after such national  
8 emergency expires, the court shall order the re-  
9 sentencing of a defendant who is serving a term  
10 of imprisonment resulting from a technical vio-  
11 lation of the defendant's parole.

12 (B) RESENTENCING.—The court shall re-  
13 sentence the defendant to parole, the duration  
14 of which shall be equal to the period of time re-  
15 maining on the defendant's term of parole at  
16 the time the defendant was most recently  
17 placed in custody, unless the court determines  
18 that decreasing the length of the term of parole  
19 is in the interest of justice.

20 (3) HEARING.—The court may grant, but not  
21 deny, a motion without a hearing under this section.

22 (4) NO MANDATORY REVOCATION.—

23 (A) IN GENERAL.—Beginning on the date  
24 on which a national emergency relating to a  
25 communicable disease is declared and ending on

1 the date that is 60 days after such national  
2 emergency expires, a court is not required to re-  
3 voke a defendant's probation or supervised re-  
4 lease under sections 3565(b) and 3583(g) of  
5 title 18, United States Code, based on a finding  
6 that the defendant refused to comply with drug  
7 treatment.

8 (B) DISSEMINATION OF POLICY  
9 CHANGE.—Not later than 10 days after the  
10 date of enactment of this title, the Judicial  
11 Conference of the United States shall issue and  
12 disseminate to all district courts of the United  
13 States a temporary policy change suspending  
14 mandatory revocation of probation or super-  
15 vised release for refusal to comply with drug  
16 testing.

17 (5) PROMPT DETERMINATION.—Any motion  
18 under this subsection shall be determined promptly.

19 (6) COUNSEL.—To effectuate the purposes of  
20 this subsection, counsel shall be appointed as early  
21 as possible to represent any indigent defendant.

22 (7) DEFINITIONS.—In this subsection, the term  
23 “defendant” includes individuals adjudicated delin-  
24 quent under the Federal Juvenile Delinquency Act  
25 and applies to persons serving time in official deten-

1           tion for a revocation of juvenile probation or super-  
2           vised release.

3   **SEC. 203. COURT AUTHORITY TO REDUCE SENTENCES AND**  
4                   **TEMPORARY RELEASE AUTHORITY FOR NON-**  
5                   **VIOLENT OFFENDERS.**

6           (a) COURT AUTHORITY TO REDUCE SENTENCES.—

7                   (1) IN GENERAL.—Notwithstanding section  
8           3582 of title 18, United States Code, the court shall,  
9           during the covered emergency period, upon motion  
10          of a covered individual (as such term is defined in  
11          section 202(b)) or on the court’s own motion, reduce  
12          a term of imposed imprisonment on that individual,  
13          unless the government shows, by clear and con-  
14          vincing evidence, that the individual poses a risk of  
15          serious, imminent injury to a reasonably identifiable  
16          person.

17                   (2) SENTENCE REDUCTION DEEMED AUTHOR-  
18          IZED.—Any sentence that is reduced under this sub-  
19          section is deemed to be authorized under section  
20          3582(e)(1)(B) of title 18, United States Code.

21                   (3) RULE OF CONSTRUCTION.—In addition to  
22          the reduction of sentences authorized under this  
23          subsection, the court may continue to reduce and  
24          modify sentences under section 3582 of title 18,

1 United States Code, during the covered emergency  
2 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 be-  
6 fore November 1, 1987, who would not otherwise be  
7 eligible to file a motion under section 3582(c)(1)(A)  
8 of title 18, United States Code, is eligible to file  
9 such a motion and for relief under such section. Any  
10 motion for relief filed in accordance with this para-  
11 graph before the expiration or termination of the  
12 covered emergency period shall not disqualify such  
13 motion based solely on such expiration or termi-  
14 nation.

15 (b) COURT AUTHORITY TO AUTHORIZE TEMPORARY  
16 RELEASE OF PERSONS AWAITING DESIGNATION OR  
17 TRANSPORTATION TO A BUREAU OF PRISONS FACIL-  
18 ITY.—Notwithstanding sections 3582 and 3621 of title 18,  
19 United States Code, during the covered emergency period,  
20 the court, upon motion of an individual (including individ-  
21 uals adjudicated delinquent under the Federal Juvenile  
22 Delinquency Act) awaiting designation or transportation  
23 to a Bureau of Prisons or other facility for service of sen-  
24 tence or official detention, or on the court's own motion,  
25 may, taking into account the individual's offense of convic-



1 tion or adjudication, order the temporary release of the  
2 individual, for a limited period ending not later than the  
3 expiration or termination of the COVID–19 emergency, if  
4 such release is for the purpose of avoiding or mitigating  
5 the risks associated with imprisonment during the covered  
6 emergency period, either generally with respect to the indi-  
7 vidual’s place of imprisonment or specifically with respect  
8 to the individual.

9 (c) HEARING REQUIREMENT.—The court may grant,  
10 but not deny, a motion without a hearing under this sec-  
11 tion. Any motion under this section shall be determined  
12 promptly.

13 (d) EFFECTIVE REPRESENTATION DURING NA-  
14 TIONAL EMERGENCY.—

15 (1) ACCESS TO COURT.—During the covered  
16 emergency period, any procedural requirement under  
17 section 3582(c)(1)(A) of title 18, United States  
18 Code, that would delay a defendant from directly pe-  
19 titioning the court shall not apply, and the defend-  
20 ant may petition the court directly for relief.

21 (2) APPOINTMENT OF COUNSEL.—The court  
22 shall appoint counsel for indigent defendants or pris-  
23 oners, at no cost to the defendant or prisoner, as  
24 early as possible to effectuate the purposes of this

1 section and the purposes of section 3582(c)(1)(A) of  
2 title 18, United States Code.

3 (3) ACCESS TO MEDICAL RECORDS.—

4 (A) IN GENERAL.—In order to expedite  
5 proceedings under this section and proceedings  
6 under 3582(c)(1)(A) of title 18, United States  
7 Code, during the covered emergency period, the  
8 Director of the Bureau of Prisons shall promptly  
9 release all medical records in the possession  
10 of the Bureau of Prisons to a prisoner who re-  
11 quests them on their own behalf, or to the  
12 counsel of record for a prisoner upon submis-  
13 sion to the court of an affidavit, signed by such  
14 counsel under penalty of perjury, that such  
15 counsel has reason to believe that the prisoner  
16 has a covered health condition (as such term is  
17 defined in section 202(b)) or a condition that  
18 would entitle them to relief under section  
19 3582(c)(1)(A) of title 18, United States Code.

20 (B) INDIVIDUALS IN THE CUSTODY OF  
21 THE U.S. MARSHALS SERVICE.—In order to ex-  
22 pedite proceedings under this section, in the  
23 case of an individual who is in the custody or  
24 care of the U.S. Marshals Service, the Director  
25 of the U.S. Marshals Service shall facilitate the

1 provision of any medical records of the indi-  
2 vidual to the individual or the counsel of record  
3 of the individual, upon request of the individual  
4 or counsel.

5 **SEC. 204. EXEMPTION FROM EXHAUSTING ADMINISTRA-**  
6 **TIVE REMEDIES DURING COVERED EMER-**  
7 **GENCY PERIOD.**

8 Section 7 of the Civil Rights of Institutionalized Per-  
9 sons Act (42 U.S.C. 1997e) is amended by adding at the  
10 end the following:

11 “(i) COVERED EMERGENCY PERIOD.—

12 “(1) RELIEF WITHOUT EXHAUSTING ADMINIS-  
13 TRATIVE REMEDIES.—Notwithstanding the other  
14 provisions of this section, during the covered emer-  
15 gency period, a prisoner may commence, without ex-  
16 hausting all administrative remedies, an action relat-  
17 ing to conditions of imprisonment under which the  
18 prisoner is at significant risk of harm or under  
19 which the prisoner’s access to counsel has been im-  
20 paired. If the court determines the prisoner is rea-  
21 sonably likely to prevail, the court may order such  
22 appropriate relief, limited in time and scope, as may  
23 be necessary to prevent or remedy the significant  
24 risk of harm or provide access to counsel.

1           “(2) RETALIATION PROHIBITED.—Section 6  
2 shall apply in the case of retaliation against a pris-  
3 oner who files an administrative claim or lawsuit  
4 during the covered emergency period or attempts to  
5 so file.

6           “(3) DEFINITIONS.—For purposes of this sub-  
7 section, the term ‘covered emergency period’ has the  
8 meaning given the term in section 12003 of the  
9 CARES Act (Public Law 116–136).”.

10 **SEC. 205. INCREASING AVAILABILITY OF HOME DETENTION**  
11 **FOR NON-VIOLENT ELDERLY OFFENDERS.**

12           (a) GOOD CONDUCT TIME CREDITS FOR CERTAIN  
13 ELDERLY NONVIOLENT OFFENDERS.—Section  
14 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34  
15 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking “to  
16 which the offender was sentenced” and inserting “reduced  
17 by any credit toward the service of the prisoner’s sentence  
18 awarded under section 3624(b) of title 18, United States  
19 Code”.

20           (b) INCREASING ELIGIBILITY FOR HOME DETENTION  
21 FOR CERTAIN ELDERLY NONVIOLENT OFFENDERS.—  
22 During the covered emergency period an offender who is  
23 in the custody of the Bureau of Prisons, including pursu-  
24 ant to a conviction for a criminal offense under the laws  
25 of the District of Columbia, shall be considered an eligible

1 elderly offender under section 231(g) of the Second  
2 Chance Act of 2007 (34 U.S.C. 60541(g)) if the of-  
3 fender—

4 (1) is not less than 50 years of age;

5 (2) has served 1/2 of the term of imprisonment  
6 reduced by any credit toward the service of the pris-  
7 oner's sentence awarded under section 3624(b) of  
8 title 18, United States Code; and

9 (3) is otherwise described in such section  
10 231(g)(5)(A).

11 **SEC. 206. EFFECTIVE ASSISTANCE OF COUNSEL IN THE**  
12 **DIGITAL ERA ACT.**

13 (a) PROHIBITION ON MONITORING.—Not later than  
14 180 days after the date of the enactment of this title, the  
15 Attorney General shall create a program or system, or  
16 modify any program or system that exists on the date of  
17 enactment of this title, through which an incarcerated per-  
18 son sends or receives an electronic communication, to ex-  
19 clude from monitoring the contents of any privileged elec-  
20 tronic communication. In the case that the Attorney Gen-  
21 eral creates a program or system in accordance with this  
22 subsection, the Attorney General shall, upon implementing  
23 such system, discontinue using any program or system  
24 that exists on the date of enactment of this title through  
25 which an incarcerated person sends or receives a privileged

1 electronic communication, except that any program or sys-  
2 tem that exists on such date may continue to be used for  
3 any other electronic communication.

4 (b) RETENTION OF CONTENTS.—A program or sys-  
5 tem or a modification to a program or system under sub-  
6 section (a) may allow for retention by the Bureau of Pris-  
7 ons of, and access by an incarcerated person to, the con-  
8 tents of electronic communications, including the contents  
9 of privileged electronic communications, of the person  
10 until the date on which the person is released from prison.

11 (c) ATTORNEY-CLIENT PRIVILEGE.—Attorney-client  
12 privilege, and the protections and limitations associated  
13 with such privilege (including the crime fraud exception),  
14 applies to electronic communications sent or received  
15 through the program or system established or modified  
16 under subsection (a).

17 (d) ACCESSING RETAINED CONTENTS.—Contents re-  
18 tained under subsection (b) may only be accessed by a per-  
19 son other than the incarcerated person for whom such con-  
20 tents are retained under the following circumstances:

21 (1) ATTORNEY GENERAL.—The Attorney Gen-  
22 eral may only access retained contents if necessary  
23 for the purpose of creating and maintaining the pro-  
24 gram or system, or any modification to the program  
25 or system, through which an incarcerated person

1 sends or receives electronic communications. The At-  
2 torney General may not review retained contents  
3 that are accessed pursuant to this paragraph.

4 (2) INVESTIGATIVE AND LAW ENFORCEMENT  
5 OFFICERS.—

6 (A) WARRANT.—

7 (i) IN GENERAL.—Retained contents  
8 may only be accessed by an investigative or  
9 law enforcement officer pursuant to a war-  
10 rant issued by a court pursuant to the pro-  
11 cedures described in the Federal Rules of  
12 Criminal Procedure.

13 (ii) APPROVAL.—No application for a  
14 warrant may be made to a court without  
15 the express approval of a United States  
16 Attorney or an Assistant Attorney General.

17 (B) PRIVILEGED INFORMATION.—

18 (i) REVIEW.—Before retained con-  
19 tents may be accessed pursuant to a war-  
20 rant obtained under subparagraph (A),  
21 such contents shall be reviewed by a  
22 United States Attorney to ensure that  
23 privileged electronic communications are  
24 not accessible.

1 (ii) BARRING PARTICIPATION.—A  
2 United States Attorney who reviews re-  
3 tained contents pursuant to clause (i) shall  
4 be barred from—

5 (I) participating in a legal pro-  
6 ceeding in which an individual who  
7 sent or received an electronic commu-  
8 nication from which such contents are  
9 retained under subsection (b) is a de-  
10 fendant; or

11 (II) sharing the retained contents  
12 with an attorney who is participating  
13 in such a legal proceeding.

14 (3) MOTION TO SUPPRESS.—In a case in which  
15 retained contents have been accessed in violation of  
16 this subsection, a court may suppress evidence ob-  
17 tained or derived from access to such contents upon  
18 motion of the defendant.

19 (e) DEFINITIONS.—In this section—

20 (1) the term “agent of an attorney or legal rep-  
21 resentative” means any person employed by or con-  
22 tracting with an attorney or legal representative, in-  
23 cluding law clerks, interns, investigators, paraprofes-  
24 sionals, and administrative staff;



1           (2) the term “contents” has the meaning given  
2 such term in 2510 of title 18, United States Code;

3           (3) the term “electronic communication” has  
4 the meaning given such term in section 2510 of title  
5 18, United States Code, and includes the Trust  
6 Fund Limited Inmate Computer System;

7           (4) the term “monitoring” means accessing the  
8 contents of an electronic communication at any time  
9 after such communication is sent;

10           (5) the term “incarcerated person” means any  
11 individual in the custody of the Bureau of Prisons  
12 or the United States Marshals Service who has been  
13 charged with or convicted of an offense against the  
14 United States, including such an individual who is  
15 imprisoned in a State institution; and

16           (6) the term “privileged electronic communica-  
17 tion” means—

18           (A) any electronic communication between  
19 an incarcerated person and a potential, current,  
20 or former attorney or legal representative of  
21 such a person; and

22           (B) any electronic communication between  
23 an incarcerated person and the agent of an at-  
24 torney or legal representative described in sub-  
25 paragraph (A).

1 **SEC. 207. COVID-19 CORRECTIONAL FACILITY EMERGENCY**  
2 **RESPONSE ACT OF 2020.**

3 Title I of the Omnibus Crime Control and Safe  
4 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended  
5 by adding at the end the following:

6 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**  
7 **EMERGENCY RESPONSE**

8 **“SEC. 3061. FINDINGS; PURPOSES.**

9 “(a) IMMEDIATE RELEASE OF VULNERABLE AND  
10 LOW-RISK INDIVIDUALS.—The purpose of the grant pro-  
11 gram under section 3062 is to provide for the testing, ini-  
12 tiation and transfer to treatment in the community, and  
13 provision of services in the community, by States and units  
14 of local government as they relate to preventing, detecting,  
15 and stopping the spread of COVID-19 in correctional fa-  
16 cilities.

17 “(b) PRETRIAL CITATION AND RELEASE.—

18 “(1) FINDINGS.—Congress finds as follows:

19 “(A) With the dramatic growth in pretrial  
20 detention resulting in county and city correc-  
21 tional facilities regularly exceeding capacity,  
22 such correctional facilities may serve to rapidly  
23 increase the spread of COVID-19, as facilities  
24 that hold large numbers of individuals in  
25 congregant living situations may promote the  
26 spread of COVID-19.



1 that release or have a plan to release the persons de-  
2 scribed in paragraph (2) from custody in order to  
3 ensure that, not later than 90 days after enactment  
4 of this section, the total population of arrestees, de-  
5 tainees, and inmates at a correctional facility does  
6 not exceed the number established under subsection  
7 (c).

8 “(2) PERSONS DESCRIBED.—A person de-  
9 scribed in this paragraph is a person who, taking  
10 into account the person’s offense of conviction—

11 “(A) does not pose a risk of serious, immi-  
12 nent injury to a reasonably identifiable person;  
13 or

14 “(B) is—

15 “(i) 50 years of age or older;

16 “(ii) a juvenile;

17 “(iii) an individual with serious chron-  
18 ic medical conditions, including heart dis-  
19 ease, cancer, diabetes, HIV, sickle cell ane-  
20 mia, a neurological disease that interferes  
21 with the ability to cough or breathe, chron-  
22 ic lung disease, asthma, or respiratory ill-  
23 ness;

24 “(iv) a pregnant woman;

1                   “(v) an individual who is  
2                   immunocompromised or has a weakened  
3                   immune system; or

4                   “(vi) an individual who has a health  
5                   condition or disability that makes them  
6                   vulnerable to COVID–19.

7                   “(c) TARGET CORRECTIONAL POPULATION.—

8                   “(1) TARGET POPULATION.—An eligible appli-  
9                   cant shall establish individualized, facility-specific  
10                  target capacities at each correction facility that will  
11                  receive funds under this section that reflect the max-  
12                  imum number of individuals who may be incarcer-  
13                  ated safely in accordance with the Centers for Dis-  
14                  ease Control and Prevention guidelines for correc-  
15                  tional facilities pertaining to COVID–19, with con-  
16                  sideration given to Centers for Disease Control and  
17                  Prevention guidelines pertaining to community-based  
18                  physical distancing, hygiene, and sanitation. A cor-  
19                  rectional facility receiving funds under this section  
20                  may not use isolation in a punitive or non-medical  
21                  manner as a way of achieving specific target capaci-  
22                  ties established under this paragraph.

23                  “(2) CERTIFICATION.—An eligible applicant  
24                  shall include in its application for a grant under this  
25                  section a certification by a public health professional

1 who is certified in epidemiology or infectious dis-  
2 eases that each correctional facility that will receive  
3 funds under this section in its jurisdiction meets the  
4 appropriate target capacity standard established  
5 under paragraph (1).

6 “(d) AUTHORIZED USES.—Funds awarded pursuant  
7 to this section shall be used by grantees (including acting  
8 through nonprofit entities) to—

9 “(1) test all arrestees, detainees, and inmates,  
10 and initiate treatment for COVID–19, and transfer  
11 such an individual for an appropriate treatment at  
12 external medical facility, as needed;

13 “(2) test for COVID–19—

14 “(A) correctional facility staff;

15 “(B) volunteers;

16 “(C) visitors, including family members  
17 and attorneys;

18 “(D) court personnel that have regular  
19 contact with arrestees, detainees, and inmates;

20 “(E) law enforcement officers who trans-  
21 port arrestees, detainees, and inmates; and

22 “(F) personnel outside the correctional fa-  
23 cility who provide medical treatment to  
24 arrestees, detainees, and inmates;

1           “(3) curtail booking and in-facility processing  
2           for individuals who have committed technical parole  
3           or probation violations; and

4           “(4) provide transition and reentry support  
5           services to individuals released pursuant to this sec-  
6           tion, including programs that—

7                   “(A) increase access to and participation  
8                   in reentry services;

9                   “(B) promote a reduction in recidivism  
10                  rates;

11                  “(C) facilitate engagement in educational  
12                  programs, job training, or employment;

13                  “(D) place reentering individuals in safe  
14                  and sanitary temporary transitional housing;

15                  “(E) facilitate the enrollment of reentering  
16                  individuals with a history of substance use dis-  
17                  order in medication-assisted treatment and a  
18                  referral to overdose prevention services, mental  
19                  health services, or other medical services; and

20                  “(F) facilitate family reunification or sup-  
21                  port services, as needed.

22           “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
23           is authorized to be appropriated \$500,000,000 to carry  
24           out this section and section 3065 for each of fiscal years  
25           2020 and 2021.

1 **“SEC. 3063. JUVENILE SPECIFIC SERVICES.**

2 “(a) IN GENERAL.—The Attorney General, acting  
3 through the Administrator of the Office Juvenile Justice  
4 and Delinquency Prevention, consistent with section 261  
5 of the Juvenile Justice and Delinquency Prevention Act  
6 of 1974 (34 U.S.C. 11171), is authorized to make grants  
7 to States and units of local government or combinations  
8 thereof to assist them in planning, establishing, operating,  
9 coordinating, and evaluating projects directly, or through  
10 grants and contracts with public and private agencies and  
11 nonprofit entities (as such term is defined under section  
12 408(5)(A) of the Juvenile Justice and Delinquency Pre-  
13 vention Act of 1974 (34 U.S.C. 11296(5)(A))), for the de-  
14 velopment of more effective education, training, research,  
15 prevention, diversion, treatment, and rehabilitation pro-  
16 grams in the area of juvenile delinquency and programs  
17 to improve the juvenile justice system, consistent with sub-  
18 section (b).

19 “(b) USE OF GRANT FUNDS.—Grants under this sec-  
20 tion shall be used for the exclusive purpose of providing  
21 juvenile specific services that—

22 “(1) provide rapid mass testing for COVID–19  
23 in juvenile facilities, notification of the results of  
24 such tests to juveniles and authorized family mem-  
25 bers or legal guardians, and include policies and pro-  
26 cedures for non-punitive quarantine that does not in-



1        involve solitary confinement, and provide for examina-  
2        tion by a doctor for any juvenile who tests positive  
3        for COVID-19;

4            “(2) examine all pre- and post-adjudication re-  
5        lease processes and mechanisms applicable to juve-  
6        niles and begin employing these as quickly as pos-  
7        sible;

8            “(3) provide juveniles in out of home place-  
9        ments with continued access to appropriate edu-  
10       cation;

11           “(4) provide juveniles with access to legal coun-  
12       sel through confidential visits or teleconferencing;

13           “(5) provide staff and juveniles with appro-  
14       priate personal protective equipment, hand washing  
15       facilities, toiletries, and medical care to reduce the  
16       spread of the virus;

17           “(6) provide juveniles with frequent and no cost  
18       calls home to parents, legal guardians, and other  
19       family members;

20           “(7) advance policies and procedures for juve-  
21       nile delinquency program proceedings (including  
22       court proceedings) and probation conditions so that  
23       in-person reporting requirements for juveniles are  
24       replaced with virtual or telephonic appearances with-  
25       out penalty;

1           “(8) expand opportunities for juveniles to par-  
2           ticipate in community based services and social serv-  
3           ices through videoconferencing or teleconferencing;  
4           or

5           “(9) place a moratorium on all requirements for  
6           juveniles to attend and pay for court and probation-  
7           ordered programs, community service, and labor,  
8           that violate any applicable social distancing or stay  
9           at home order.

10 Each element described in paragraph (1) through (9) shall  
11 be trauma-informed, reflect the science of adolescent de-  
12 velopment, and be designed to meet the needs of at-risk  
13 juveniles and juveniles who come into contact with the jus-  
14 tice system.

15           “(c) DEFINITIONS.—Terms used in this section have  
16 the meanings given such terms in the Juvenile Justice and  
17 Delinquency Prevention Act of 1974. The term ‘juvenile’  
18 has the meaning given such term in section 1809 of this  
19 Act.

20           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 is authorized to be appropriated to carry out this section  
22 \$75,000,000 for each of fiscal years 2020 and 2021.

23 **“SEC. 3064. RAPID COVID-19 TESTING.**

24           “(a) IN GENERAL.—The Attorney General shall  
25 make grants to grantees under section 3062 for the exclu-

1 sive purpose of providing for rapid COVID–19 testing of  
2 arrestees, detainees, and inmates who are exiting the cus-  
3 tody of a correctional facility prior to returning to the  
4 community.

5 “(b) USE OF FUNDS.—Grants provided under this  
6 section may be used for any of the following:

7 “(1) Purchasing or leasing medical devices au-  
8 thorized by the U.S. Food and Drug Administration  
9 to detect COVID–19 that produce results in less  
10 than one hour.

11 “(2) Purchasing or securing COVID–19 testing  
12 supplies and personal protective equipment used by  
13 the correctional facility to perform such tests.

14 “(3) Contracting with medical providers to ad-  
15 minister such tests.

16 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated to carry out this section  
18 \$25,000,000 for each of fiscal years 2020 and 2021.

19 **“SEC. 3065. PRETRIAL CITATION AND RELEASE.**

20 “(a) AUTHORIZATION.—The Attorney General shall  
21 make grants under this section to eligible applicants for  
22 the purposes set forth in section 3061(b)(2).

23 “(b) PROGRAM ELIGIBILITY.—Eligible applicants  
24 under this section are States and units of local government  
25 that implement or continue operation of a program de-

1 scribed in subsection (c)(1) and not fewer than 2 of the  
2 other programs enumerated in such subsection.

3 “(c) USE OF GRANT FUNDS.—A grantee shall use  
4 amounts provided as a grant under this section for pro-  
5 grams that provide for the following:

6 “(1) Adopting and operating a cite-and-release  
7 process for individuals who are suspected of commit-  
8 ting misdemeanor and felony offenses and who do  
9 not pose a risk of serious, imminent injury to a rea-  
10 sonably identifiable person.

11 “(2) Curtailing booking and in-facility proc-  
12 essing for individuals who have committed technical  
13 parole or probation violations.

14 “(3) Ensuring that defense counsel is appointed  
15 at the earliest hearing that could result in pretrial  
16 detention so that low-risk defendants are not unnec-  
17 essarily further exposed to COVID–19.

18 “(4) Establishing early review of charges by an  
19 experienced prosecutor, so only arrestees and detain-  
20 ees who will be charged are detained.

21 “(5) Providing appropriate victims’ services  
22 supports and safety-focused residential accommoda-  
23 tions for victims and community members who have  
24 questions or concerns about releases described in  
25 this subsection.

1 **“SEC. 3066. REPORT.**

2 “(a) IN GENERAL.—Not later than 6 months after  
3 the date on which grants are initially made under this  
4 part, and biannually thereafter during the grant period,  
5 the Attorney General shall submit to Congress a report  
6 on the program, which shall include—

7 “(1) the number of grants made, the number of  
8 grantees, and the amount of funding distributed to  
9 each grantee pursuant to this part;

10 “(2) the location of each correctional facility  
11 where activities are carried out using grant amounts;

12 “(3) the number of persons in the custody of  
13 correctional facilities where activities are carried out  
14 using grant amounts, including incarcerated persons  
15 released on parole, community supervision, good  
16 time or early release, clemency or commutation, as  
17 a result of the national emergency under the Na-  
18 tional Emergencies Act (50 U.S.C. 1601 et seq.) de-  
19 clared by the President with respect to the  
20 Coronavirus Disease 2019 (‘COVID–19’),  
21 disaggregated by type of offense, age, race, sex, and  
22 ethnicity; and

23 “(4) for each facility receiving funds under sec-  
24 tion 3062—

25 “(A) the total number of tests for COVID–  
26 19 performed;

1 “(B) the results of such COVID–19 tests  
2 (confirmed positive or negative);

3 “(C) the total number of probable  
4 COVID–19 infections;

5 “(D) the total number of COVID–19-re-  
6 lated hospitalizations, the total number of in-  
7 tensive care unit admissions, and the duration  
8 of each such hospitalization;

9 “(E) recoveries from COVID–19; and

10 “(F) COVID–19 deaths,  
11 disaggregated by race, ethnicity, age, disability, sex,  
12 pregnancy status, and whether the individual is a  
13 staff member of or incarcerated at the facility.

14 “(b) PRIVACY.—Data reported under this section  
15 shall be reported in accordance with applicable privacy  
16 laws and regulations.

17 **“SEC. 3067. NO MATCHING REQUIRED.**

18 “The Attorney General shall not require grantees to  
19 provide any matching funds with respect to the use of  
20 funds under this part.

21 **“SEC. 3068. DEFINITION.**

22 “For purposes of this part:

23 “(1) CORRECTIONAL FACILITY.—The term ‘cor-  
24 rectional facility’ includes a juvenile facility.

1           “(2) COVERED EMERGENCY PERIOD.—The term  
2           ‘covered emergency period’ has the meaning given  
3           the term in section 12003 of the CARES Act (Pub-  
4           lic Law 116–136).

5           “(3) COVID–19.—The term ‘COVID–19’ means  
6           a disease caused by severe acute respiratory syn-  
7           drome coronavirus 2 (SARS–CoV–2).

8           “(4) DETAINEE; ARRESTEE; INMATE.—The  
9           terms ‘detainee’, ‘arrestee’, and ‘inmate’ each in-  
10          clude juveniles.”

11 **SEC. 208. MORATORIUM ON FEES AND FINES.**

12          (a) IN GENERAL.—During the covered emergency pe-  
13          riod, and for fiscal years 2020, 2021, and 2022, the Attor-  
14          ney General is authorized make grants to State and local  
15          courts that comply with the requirement under subsection  
16          (b) to ensure that such recipients are able to continue op-  
17          erations.

18          (b) REQUIREMENT TO IMPOSE MORATORIUM ON IM-  
19          POSITION AND COLLECTION OF FEES AND FINES.—To be  
20          eligible for a grant under this section, a court shall imple-  
21          ment a moratorium on the imposition and collection (in-  
22          cluding by a unit of local government or a State) of fees  
23          and fines imposed by that court—

24                  (1) not later than 120 day after the date of the  
25          enactment of this section;

1           (2) retroactive to a period beginning 30 days  
2 prior the covered emergency period; and

3           (3) continuing for an additional 90 days after  
4 the date the covered emergency period terminates.

5       (c) GRANT AMOUNT.—In making grants under this  
6 section, the Attorney General shall—

7           (1) give preference to applicants that implement  
8 a moratorium on the imposition and collection of  
9 fines and fees related to juvenile delinquency pro-  
10 ceedings for each of fiscal years 2020 through 2022;  
11 and

12           (2) make such grants in amounts that are pro-  
13 portionate to the number of individuals in the juris-  
14 diction of the court.

15       (d) USE OF FUNDS.—Funds made available under  
16 this section may be used to ensure that the recipient is  
17 able to continue court operations during the covered emer-  
18 gency period.

19       (e) NO MATCHING REQUIREMENT.—There is no  
20 matching requirement for grants under this section.

21       (f) DEFINITIONS.—In this section:

22           (1) The term “fees”—

23                   (A) means monetary fees that are imposed  
24 for the costs of fine surcharges or court admin-  
25 istrative fees; and



1 (B) includes additional late fees, payment-  
2 plan fees, interest added if an individual is un-  
3 able to pay a fine in its entirety, collection fees,  
4 and any additional amounts that do not include  
5 the fine.

6 (2) The term “fines” means monetary fines im-  
7 posed as punishment.

8 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out this section  
10 \$150,000,000 for each of fiscal years 2020 through 2022.

11 **SEC. 209. DEFINITION.**

12 In this title, the term “covered emergency period”  
13 has the meaning given the term in section 12003 of the  
14 CARES Act (Public Law 116–136).

15 **SEC. 210. SEVERABILITY.**

16 If any provision of this title or any amendment made  
17 by this title, or the application of a provision or amend-  
18 ment to any person or circumstance, is held to be invalid,  
19 the remainder of this title and the amendments made by  
20 this title, and the application of the provisions and amend-  
21 ments to any other person not similarly situated or to  
22 other circumstances, shall not be affected by the holding.

1       **TITLE III—VICTIMS OF CRIME**  
2                               **ACT AMENDMENTS**

3       **SEC. 301. SHORT TITLE.**

4               This title may be cited as the “Victims of Crime Act  
5       Fix Act of 2020”.

6       **SEC. 302. DEPOSITS OF FUNDING INTO THE CRIME VICTIMS**  
7                               **FUND.**

8               Section 1402(b) of the Victims of Crime Act of 1984  
9       (34 U.S.C. 20101(b)) is amended—

10               (1) in paragraph (4), by striking “and” at the  
11       end;

12               (2) in paragraph (5), by striking the period at  
13       the end and inserting “; and”; and

14               (3) by adding at the end the following:

15               “(6) any funds that would otherwise be depos-  
16       ited in the general fund of the Treasury collected as  
17       pursuant to—

18               “(A) a deferred prosecution agreement; or

19               “(B) a non-prosecution agreement.”.

20       **SEC. 303. WAIVER OF MATCHING REQUIREMENT.**

21               (a) **IN GENERAL.**—Notwithstanding any other provi-  
22       sion of VOCA, during the COVID–19 emergency period  
23       and for the period ending one year after the date on which  
24       such period expires or is terminated, the Attorney General,  
25       acting through the Director of the Office for Victims of

1 Crime, may not impose any matching requirement as a  
2 condition of receipt of funds under any program to provide  
3 assistance to victims of crimes authorized under the Vic-  
4 tims of Crime Act of 1984 (34 U.S.C. 20101 et seq.).

5 (b) DEFINITION.—In this section, the term  
6 “COVID–19 emergency period” means the period begin-  
7 ning on the date on which the President declared a na-  
8 tional emergency under the National Emergencies Act (50  
9 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-  
10 ease 2019 (COVID–19) and ending on the date that is  
11 30 days after the date on which the national emergency  
12 declaration is terminated.

13 (c) APPLICATION.—This section shall apply with re-  
14 spect to—

15 (1) applications submitted during the period de-  
16 scribed under subsection (a), including applications  
17 for which funds will be distributed after such period;  
18 and

19 (2) distributions of funds made during the pe-  
20 riod described under subsection (a), including dis-  
21 tributions made pursuant to applications submitted  
22 before such period.

1       **TITLE IV—JABARA-HEYER NO**  
2                                   **HATE ACT**

3       **SEC. 401. SHORT TITLE.**

4           This title may be cited as the “Jabara-Heyer Na-  
5       tional Opposition to Hate, Assault, and Threats to Equal-  
6       ity Act of 2020” or the “Jabara-Heyer NO HATE Act”.

7       **SEC. 402. FINDINGS.**

8           Congress finds the following:

9                   (1) The incidence of violence known as hate  
10           crimes or crimes motivated by bias poses a serious  
11           national problem.

12                   (2) According to data obtained by the Federal  
13           Bureau of Investigation, the incidence of such vio-  
14           lence increased in 2017, the most recent year for  
15           which data is available.

16                   (3) In 1990, Congress enacted the Hate Crime  
17           Statistics Act (Public Law 101–275; 28 U.S.C. 534  
18           note) to provide the Federal Government, law en-  
19           forcement agencies, and the public with data regard-  
20           ing the incidence of hate crime. The Hate Crimes  
21           Statistics Act and the Matthew Shepard and James  
22           Byrd, Jr. Hate Crimes Prevention Act (division E of  
23           Public Law 111–84; 123 Stat. 2835) have enabled  
24           Federal authorities to understand and, where appro-  
25           prium, investigate and prosecute hate crimes.

1           (4) A more complete understanding of the na-  
2           tional problem posed by hate crime is in the public  
3           interest and supports the Federal interest in eradi-  
4           cating bias-motivated violence referenced in section  
5           249(b)(1)(C) of title 18, United States Code.

6           (5) However, a complete understanding of the  
7           national problem posed by hate crimes is hindered  
8           by incomplete data from Federal, State, and local  
9           jurisdictions through the Uniform Crime Reports  
10          program authorized under section 534 of title 28,  
11          United States Code, and administered by the Fed-  
12          eral Bureau of Investigation.

13          (6) Multiple factors contribute to the provision  
14          of inaccurate and incomplete data regarding the in-  
15          cidence of hate crime through the Uniform Crime  
16          Reports program. A significant contributing factor is  
17          the quality and quantity of training that State and  
18          local law enforcement agencies receive on the identi-  
19          fication and reporting of suspected bias-motivated  
20          crimes.

21          (7) The problem of crimes motivated by bias is  
22          sufficiently serious, widespread, and interstate in na-  
23          ture as to warrant Federal financial assistance to  
24          States and local jurisdictions.

1           (8) Federal financial assistance with regard to  
2           certain violent crimes motivated by bias enables Fed-  
3           eral, State, and local authorities to work together as  
4           partners in the investigation and prosecution of such  
5           crimes.

6 **SEC. 403. DEFINITIONS.**

7           In this title:

8           (1) HATE CRIME.—The term “hate crime”  
9           means an act described in section 245, 247, or 249  
10          of title 18, United States Code, or in section 901 of  
11          the Civil Rights Act of 1968 (42 U.S.C. 3631).

12          (2) PRIORITY AGENCY.—The term “priority  
13          agency” means—

14                (A) a law enforcement agency of a unit of  
15                local government that serves a population of not  
16                less than 100,000, as computed by the Federal  
17                Bureau of Investigation; or

18                (B) a law enforcement agency of a unit of  
19                local government that—

20                       (i) serves a population of not less than  
21                       50,000 and less than 100,000, as com-  
22                       puted by the Federal Bureau of Investiga-  
23                       tion; and

24                       (ii) has reported no hate crimes  
25                       through the Uniform Crime Reports pro-

1                   gram in each of the 3 most recent calendar  
2                   years for which such data is available.

3                   (3) STATE.—The term “State” has the mean-  
4                   ing given the term in section 901 of title I of the  
5                   Omnibus Crime Control and Safe Streets Act of  
6                   1968 (34 U.S.C. 10251).

7                   (4) UNIFORM CRIME REPORTS.—The term  
8                   “Uniform Crime Reports” means the reports author-  
9                   ized under section 534 of title 28, United States  
10                  Code, and administered by the Federal Bureau of  
11                  Investigation that compile nationwide criminal sta-  
12                  tistics for use—

13                         (A) in law enforcement administration, op-  
14                         eration, and management; and

15                         (B) to assess the nature and type of crime  
16                         in the United States.

17                   (5) UNIT OF LOCAL GOVERNMENT.—The term  
18                   “unit of local government” has the meaning given  
19                   the term in section 901 of title I of the Omnibus  
20                   Crime Control and Safe Streets Act of 1968 (34  
21                   U.S.C. 10251).

22 **SEC. 404. REPORTING OF HATE CRIMES.**

23                   (a) IMPLEMENTATION GRANTS.—

24                         (1) IN GENERAL.—The Attorney General may  
25                         make grants to States and units of local government

1 to assist the State or unit of local government in im-  
2 plementing the National Incident-Based Reporting  
3 System, including to train employees in identifying  
4 and classifying hate crimes in the National Incident-  
5 Based Reporting System.

6 (2) PRIORITY.—In making grants under para-  
7 graph (1), the Attorney General shall give priority to  
8 States and units of local government with larger  
9 populations.

10 (b) REPORTING.—

11 (1) COMPLIANCE.—

12 (A) IN GENERAL.—Except as provided in  
13 subparagraph (B), in each fiscal year beginning  
14 after the date that is 3 years after the date on  
15 which a State or unit of local government first  
16 receives a grant under subsection (a), the State  
17 or unit of local government shall provide to the  
18 Attorney General, through the Uniform Crime  
19 Reporting system, information pertaining to  
20 hate crimes committed in that jurisdiction dur-  
21 ing the preceding fiscal year.

22 (B) EXTENSIONS; WAIVER.—The Attorney  
23 General—

24 (i) may provide a 120-day extension  
25 to a State or unit of local government that



1 is making good faith efforts to comply with  
2 subparagraph (A); and

3 (ii) shall waive the requirements of  
4 subparagraph (A) if compliance with that  
5 subparagraph by a State or unit of local  
6 government would be unconstitutional  
7 under the constitution of the State or of  
8 the State in which the unit of local govern-  
9 ment is located, respectively.

10 (2) FAILURE TO COMPLY.—If a State or unit of  
11 local government that receives a grant under sub-  
12 section (a) fails to substantially comply with para-  
13 graph (1) of this subsection, the State or unit of  
14 local government shall repay the grant in full, plus  
15 reasonable interest and penalty charges allowable by  
16 law or established by the Attorney General.

17 **SEC. 405. GRANTS FOR STATE-RUN HATE CRIME HOTLINES.**

18 (a) GRANTS AUTHORIZED.—

19 (1) IN GENERAL.—The Attorney General shall  
20 make grants to States to create State-run hate  
21 crime reporting hotlines.

22 (2) GRANT PERIOD.—A grant made under  
23 paragraph (1) shall be for a period of not more than  
24 5 years.

1 (b) HOTLINE REQUIREMENTS.—A State shall ensure,  
2 with respect to a hotline funded by a grant under sub-  
3 section (a), that—

4 (1) the hotline directs individuals to—

5 (A) law enforcement if appropriate; and

6 (B) local support services;

7 (2) any personally identifiable information that  
8 an individual provides to an agency of the State  
9 through the hotline is not directly or indirectly dis-  
10 closed, without the consent of the individual, to—

11 (A) any other agency of that State;

12 (B) any other State;

13 (C) the Federal Government; or

14 (D) any other person or entity;

15 (3) the staff members who operate the hotline  
16 are trained to be knowledgeable about—

17 (A) applicable Federal, State, and local  
18 hate crime laws; and

19 (B) local law enforcement resources and  
20 applicable local support services; and

21 (4) the hotline is accessible to—

22 (A) individuals with limited English pro-  
23 ficiency, where appropriate; and

24 (B) individuals with disabilities.

1 (c) BEST PRACTICES.—The Attorney General shall  
2 issue guidance to States on best practices for imple-  
3 menting the requirements of subsection (b).

4 **SEC. 406. INFORMATION COLLECTION BY STATES AND**  
5 **UNITS OF LOCAL GOVERNMENT.**

6 (a) DEFINITIONS.—In this section:

7 (1) APPLICABLE AGENCY.—The term “applica-  
8 ble agency”, with respect to an eligible entity that  
9 is—

10 (A) a State, means—

11 (i) a law enforcement agency of the  
12 State; and

13 (ii) a law enforcement agency of a  
14 unit of local government within the State  
15 that—

16 (I) is a priority agency; and

17 (II) receives a subgrant from the  
18 State under this section; and

19 (B) a unit of local government, means a  
20 law enforcement agency of the unit of local gov-  
21 ernment that is a priority agency.

22 (2) COVERED AGENCY.—The term “covered  
23 agency” means—

24 (A) a State law enforcement agency; or

25 (B) a priority agency.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-  
2 ty” means—

3 (A) a State; or

4 (B) a unit of local government that has a  
5 priority agency.

6 (b) GRANTS.—

7 (1) IN GENERAL.—The Attorney General may  
8 make grants to eligible entities to assist covered  
9 agencies within the jurisdiction of the eligible entity  
10 in conducting law enforcement activities or crime re-  
11 duction programs to prevent, address, or otherwise  
12 respond to hate crime, particularly as those activities  
13 or programs relate to reporting hate crimes through  
14 the Uniform Crime Reports program, including—

15 (A) adopting a policy on identifying, inves-  
16 tigating, and reporting hate crimes;

17 (B) developing a standardized system of  
18 collecting, analyzing, and reporting the inci-  
19 dence of hate crime;

20 (C) establishing a unit specialized in iden-  
21 tifying, investigating, and reporting hate  
22 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  
5 educational 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  
18 which an eligible entity receives a grant under sub-  
19 section (b), the eligible entity shall—

20 (A) collect information from each applica-  
21 ble agency summarizing the law enforcement  
22 activities or crime reduction programs con-  
23 ducted by the agency to prevent, address, or  
24 otherwise respond to hate crime, particularly as  
25 those activities or programs relate to reporting

1 hate crimes through the Uniform Crime Re-  
2 ports program; and

3 (B) submit to the Attorney General a re-  
4 port containing the information collected under  
5 subparagraph (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  
12 entity that includes a summary of the law en-  
13 forcement activities or crime reduction pro-  
14 grams conducted by the agency during the re-  
15 porting period to prevent, address, or otherwise  
16 respond to hate crime, particularly as those ac-  
17 tivities or programs relate to reporting hate  
18 crimes through the Uniform Crime Reports pro-  
19 gram.

20 (B) CONTENTS.—In a report submitted  
21 under subparagraph (A), a law enforcement  
22 agency shall, at a minimum, disclose—

23 (i) whether the agency has adopted a  
24 policy on identifying, investigating, and re-  
25 porting hate crimes;

1 (ii) whether the agency has developed  
2 a standardized system of collecting, ana-  
3 lyzing, and reporting the incidence of hate  
4 crime;

5 (iii) whether the agency has estab-  
6 lished a unit specialized in identifying, in-  
7 vestigating, and reporting hate crimes;

8 (iv) whether the agency engages in  
9 community relations functions related to  
10 hate crime, such as—

11 (I) establishing a liaison with for-  
12 mal community-based organizations or  
13 leaders; and

14 (II) conducting public meetings  
15 or educational forums on the impact  
16 of hate crime, services available to  
17 hate crime victims, and the relevant  
18 Federal, State, and local laws per-  
19 taining to hate crime; and

20 (v) the number of hate crime  
21 trainings for agency personnel, including  
22 the duration of the trainings, conducted by  
23 the agency during the reporting period.

24 (d) COMPLIANCE AND REDIRECTION OF FUNDS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), beginning not later than 1 year after the  
3           date of enactment of this title, an eligible entity re-  
4           ceiving a grant under subsection (b) shall comply  
5           with subsection (c).

6           (2) EXTENSIONS; WAIVER.—The Attorney Gen-  
7           eral—

8                   (A) may provide a 120-day extension to an  
9                   eligible entity that is making good faith efforts  
10                  to collect the information required under sub-  
11                  section (c); and

12                  (B) shall waive the requirements of sub-  
13                  section (c) for a State or unit of local govern-  
14                  ment if compliance with that subsection by the  
15                  State or unit of local government would be un-  
16                  constitutional under the constitution of the  
17                  State or of the State in which the unit of local  
18                  government is located, respectively.

19 **SEC. 407. REQUIREMENTS OF THE ATTORNEY GENERAL.**

20           (a) INFORMATION COLLECTION AND ANALYSIS; RE-  
21           PORT.—In order to improve the accuracy of data regard-  
22           ing the incidence of hate crime provided through the Uni-  
23           form Crime Reports program, and promote a more com-  
24           plete understanding of the national problem posed by hate  
25           crime, the Attorney General shall—



1 (1) collect and analyze the information provided  
2 by States and units of local government under sec-  
3 tion 406 for the purpose of developing policies re-  
4 lated to the provision of accurate data obtained  
5 under the Hate Crime Statistics Act (Public Law  
6 101–275; 28 U.S.C. 534 note) by the Federal Bu-  
7 reau of Investigation; and

8 (2) for each calendar year beginning after the  
9 date of enactment of this title, publish and submit  
10 to Congress a report based on the information col-  
11 lected and analyzed under paragraph (1).

12 (b) CONTENTS OF REPORT.—A report submitted  
13 under subsection (a) shall include—

14 (1) a qualitative analysis of the relationship be-  
15 tween—

16 (A) the number of hate crimes reported by  
17 State law enforcement agencies or priority  
18 agencies through the Uniform Crime Reports  
19 program; and

20 (B) the nature and extent of law enforce-  
21 ment activities or crime reduction programs  
22 conducted by those agencies to prevent, ad-  
23 dress, or otherwise respond to hate crime; and

1           (2) a quantitative analysis of the number of  
2           State law enforcement agencies and priority agencies  
3           that have—

4                   (A) adopted a policy on identifying, inves-  
5                   tigating, and reporting hate crimes;

6                   (B) developed a standardized system of  
7                   collecting, analyzing, and reporting the inci-  
8                   dence of hate crime;

9                   (C) established a unit specialized in identi-  
10                  fying, investigating, and reporting hate crimes;

11                  (D) engaged in community relations func-  
12                  tions related to hate crime, such as—

13                          (i) establishing a liaison with formal  
14                          community-based organizations or leaders;  
15                          and

16                          (ii) conducting public meetings or  
17                          educational forums on the impact of hate  
18                          crime, services available to hate crime vic-  
19                          tims, and the relevant Federal, State, and  
20                          local laws pertaining to hate crime; and

21                  (E) conducted hate crime trainings for  
22                  agency personnel during the reporting period,  
23                  including—

24                          (i) the total number of trainings con-  
25                          ducted by each agency; and

1 (ii) the duration of the trainings de-  
2 scribed in clause (i).

3 **SEC. 408. ALTERNATIVE SENTENCING.**

4 Section 249 of title 18, United States Code, is  
5 amended by adding at the end the following:

6 “(e) SUPERVISED RELEASE.—If a court includes, as  
7 a part of a sentence of imprisonment imposed for a viola-  
8 tion of subsection (a), a requirement that the defendant  
9 be placed on a term of supervised release after imprison-  
10 ment under section 3583, the court may order, as an ex-  
11 plicit condition of supervised release, that the defendant  
12 undertake educational classes or community service di-  
13 rectly related to the community harmed by the defendant’s  
14 offense.”.

15 **TITLE V—BANKRUPTCY**  
16 **PROTECTIONS**

17 **SEC. 501. BANKRUPTCY PROTECTIONS.**

18 (a) BANKRUPTCY PROTECTIONS FOR FEDERAL  
19 CORONAVIRUS RELIEF PAYMENTS.—Section 541(b) of  
20 title 11, United States Code, is amended—

21 (1) in paragraph (9), in the matter following  
22 subparagraph (B), by striking “or”;

23 (2) in paragraph (10)(C), by striking the period  
24 at the end and inserting “; or”; and

1           (3) by inserting after paragraph (10) the fol-  
2           lowing:

3           “(11) payments made under Federal law relat-  
4           ing to the national emergency declared by the Presi-  
5           dent under the National Emergencies Act (50  
6           U.S.C. 1601 et seq.) with respect to the coronavirus  
7           disease 2019 (COVID–19).”.

8           (b) PROTECTION AGAINST DISCRIMINATORY TREAT-  
9           MENT OF HOMEOWNERS IN BANKRUPTCY.—Section 525  
10          of title 11, United States Code, is amended by adding at  
11          the end the following:

12          “(d) A person may not be denied any forbearance,  
13          assistance, or loan modification relief made available to  
14          borrowers by a mortgage creditor or servicer because the  
15          person is or has been a debtor, or has received a discharge,  
16          in a case under this title.”.

17          (c) INCREASING THE HOMESTEAD EXEMPTION.—  
18          Section 522 of title 11, United States Code, is amended—

19               (1) in subsection (d)(1), by striking “\$15,000”  
20               and inserting “\$100,000”; and

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

22          “(r) Notwithstanding any other provision of applica-  
23          ble nonbankruptcy law, a debtor in any State may exempt  
24          from property of the estate the property described in sub-  
25          section (d)(1) not to exceed the value in subsection (d)(1)

1 if the exemption for such property permitted by applicable  
2 nonbankruptcy law is lower than that amount.”.

3 (d) EFFECT OF MISSED MORTGAGE PAYMENTS ON  
4 DISCHARGE.—Section 1328 of title 11, United States  
5 Code, is amended by adding at the end the following:

6 “(i) A debtor shall not be denied a discharge under  
7 this section because, as of the date of discharge, the debtor  
8 did not make 6 or fewer payments directly to the holder  
9 of a debt secured by real property.

10 “(j) Notwithstanding subsections (a) and (b), upon  
11 the debtor’s request, the court shall grant a discharge of  
12 all debts provided for in the plan that are dischargeable  
13 under subsection (a) if the debtor—

14 “(1) has made payments under a confirmed  
15 plan for at least 1 year; and

16 “(2) is experiencing or has experienced a mate-  
17 rial financial hardship due, directly or indirectly, to  
18 the coronavirus disease 2019 (COVID–19) pan-  
19 demic.”.

20 (e) EXPANDED ELIGIBILITY FOR CHAPTER 13.—Sec-  
21 tion 109(e) of title 11, United States Code, is amended—

22 (1) by striking “\$250,000” each place the term  
23 appears and inserting “\$850,000”; and

24 (2) by striking “\$750,000” each place the term  
25 appears and inserting “\$2,600,000”.

1 (f) EXTENDED CURE PERIOD FOR HOMEOWNERS  
2 HARMED BY COVID–19 PANDEMIC.—

3 (1) IN GENERAL.—Chapter 13 of title 11,  
4 United States Code, is amended by adding at the  
5 end thereof the following:

6 **“§ 1331. Special provisions related to COVID–19 pan-**  
7 **demic**

8 “(a) Notwithstanding subsections (b)(2) and (d) of  
9 section 1322, if the debtor is experiencing or has experi-  
10 enced a material financial hardship due, directly or indi-  
11 rectly, to the coronavirus disease 2019 (COVID–19) pan-  
12 demic, a plan may provide for the curing of any default  
13 within a reasonable time, not to exceed 7 years after the  
14 time that the first payment under the original confirmed  
15 plan was due, and maintenance of payments while the case  
16 is pending on any unsecured claim or secured claim on  
17 which the last payment is due after the expiration of such  
18 time. Any such plan provision shall not affect the applica-  
19 ble commitment period under section 1325(b).

20 “(b) For purposes of sections 1328(a) and 1328(b),  
21 any cure or maintenance payments under subsection (a)  
22 that are made after the end of the period during which  
23 the plan provides for payments (other than payments  
24 under subsection (a)) shall not be treated as payments  
25 under the plan.

1 “(c) Notwithstanding section 1329(c), a plan modi-  
2 fied under section 1329 at the debtor’s request may pro-  
3 vide for cure or maintenance payments under subsection  
4 (a) over a period that is not longer than 7 years after  
5 the time that the first payment under the original con-  
6 firmed plan was due.

7 “(d) Notwithstanding section 362(c)(2), during the  
8 period after the debtor receives a discharge and the period  
9 during which the plan provides for the cure of any default  
10 and maintenance of payments under the plan, section  
11 362(a) shall apply to the holder of a claim for which a  
12 default is cured and payments are maintained under sub-  
13 section (a) and to any property securing such claim.

14 “(e) Notwithstanding section 1301(a)(2), the stay of  
15 section 1301(a) terminates upon the granting of a dis-  
16 charge under section 1328 with respect to all creditors  
17 other than the holder of a claim for which a default is  
18 cured and payments are maintained under subsection  
19 (a).”.

20 (2) TABLE OF CONTENTS.—The table of sec-  
21 tions of chapter 13, title 11, United States Code, is  
22 amended by adding at the end thereof the following:

“Sec. 1331. Special provisions related to COVID–19 Pandemic.”.

23 (3) APPLICATION.—The amendments made by  
24 this paragraph shall apply only to any case under  
25 title 11, United States Code, commenced before 3

1       years after the date of enactment of this Act and  
2       pending on or commenced after such date of enact-  
3       ment, in which a plan under chapter 13 of title 11,  
4       United States Code, was not confirmed before March  
5       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  
10    title 38, United States Code, is amended by adding at the  
11    end 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 sec-  
16    tion 1113 of this title, if symptoms of Coronavirus Disease  
17    2019 (in this section referred to as ‘COVID–19’) de-  
18    scribed in subsection (d) manifest within one of the mani-  
19    festation periods described in paragraph (2) in an indi-  
20    vidual who served in a qualifying period of duty described  
21    in subsection (b)—

22             “(A) infection with severe acute respiratory  
23    syndrome coronavirus 2 (in this section referred to  
24    as ‘SARS–CoV–2’) shall be presumed to have oc-  
25    curred during the qualifying period of duty;

1           “(B) COVID–19 shall be presumed to have  
2           been incurred during the qualifying period of duty;  
3           and

4           “(C) if the individual becomes disabled or dies  
5           as a result of COVID–19, it shall be presumed that  
6           the individual became disabled or died during the  
7           qualifying period of duty for purposes of establishing  
8           that the individual served in the active military,  
9           naval, or air service.

10          “(2)(A) The manifestation periods described in this  
11          paragraph are the following:

12               “(i) During a qualifying period of duty de-  
13               scribed in subsection (b), if that period of duty was  
14               more than 48 continuous hours in duration.

15               “(ii) Within 14 days after the individual’s com-  
16               pletion of a qualifying period of duty described in  
17               subsection (b).

18               “(iii) An additional period prescribed under  
19               subparagraph (B).

20          “(B)(i) If the Secretary determines that a manifesta-  
21          tion period of more than 14 days after completion of a  
22          qualifying period of service is appropriate for the presump-  
23          tions under paragraph (1), the Secretary may prescribe  
24          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 Dis-  
3 ease Control and Prevention.

4 “(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—  
5 A qualifying period of duty described in this subsection  
6 is a 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  
10 or after March 13, 2020, during the national emer-  
11 gency declared by the President under the National  
12 Emergencies Act (50 U.S.C. 1601 et seq.):

13 “(A) Training duty under title 10.

14 “(B) Full-time National Guard duty (as  
15 defined 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  
21 incurred 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  
24 title is predicated on the individual who was disabled  
25 or died being a veteran, benefits for disability or

1 death resulting from COVID–19 as described in sub-  
2 section (a) shall be paid or furnished as if the indi-  
3 vidual was a veteran, without regard to whether the  
4 period of duty would constitute active military,  
5 naval, or air service under section 101 of this title.

6 “(d) SYMPTOMS OF COVID–19.—For purposes of  
7 subsection (a), symptoms of COVID–19 are those symp-  
8 toms that competent medical evidence demonstrates are  
9 experienced by an individual affected and directly related  
10 to COVID–19.

11 “(e) MEDICAL EXAMINATIONS AND OPINIONS.—If  
12 there is a question of whether the symptoms experienced  
13 by an individual described in paragraph (1) of subsection  
14 (a) during a manifestation period described in paragraph  
15 (2) of such subsection are attributable to COVID–19 re-  
16 sulting from infection with SARS–CoV–2 during the  
17 qualifying period of duty, in determining whether a med-  
18 ical examination or medical opinion is necessary to make  
19 a decision on the claim within the meaning of section  
20 5103A(d) of this title, a qualifying period of duty de-  
21 scribed in subsection (b) of this section shall be treated  
22 as if it were active military, naval, or air service for pur-  
23 poses of section 5103A(d)(2)(B) of this title.”

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by adding  
3 at 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 Re-  
13 lief Fund established in section 601 of the Social Security  
14 Act, as added by section 5001(a) of the Coronavirus Aid,  
15 Relief, and Economic Security Act (Public Law 116–136).

16 (b) ELIGIBLE TRIBAL GOVERNMENTS.—Effective as  
17 if included in the enactment of the Coronavirus Aid, Re-  
18 lief, and Economic Security Act (Public Law 116–136),  
19 section 601 of the Social Security Act, as added by section  
20 5001(a) of the Coronavirus Aid, Relief, and Economic Se-  
21 curity Act, 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 ENTI-  
19 TIES.—The Secretary of the Treasury shall require  
20 any entity that was not eligible to receive a payment  
21 from the amount set aside for fiscal year 2020  
22 under subsection (a)(2)(B) of section 601 of the So-  
23 cial Security Act, as added by section 5001(a) of the  
24 Coronavirus Aid, Relief, and Economic Security Act  
25 (Public Law 116–136) and after the application of

1 the amendments made by subsection (a) clarifying  
2 congressional intent relating to eligibility for such a  
3 payment, to return the full payment to the Depart-  
4 ment.

5 (2) DISTRIBUTION OF PAYMENTS RETURNED  
6 BY INELIGIBLE ENTITIES.—The Secretary of the  
7 Treasury shall distribute payments returned under  
8 paragraph (1), without further appropriation or fis-  
9 cal year limitation and not later than 7 days after  
10 receiving any returned funds as required under  
11 paragraph (1) to Tribal governments eligible for  
12 payments under such section 601 of the Social Secu-  
13 rity Act, as amended by subsection (a), in accord-  
14 ance with subsection (c)(7) of such Act.

15 (3) LIMITATION ON SECRETARIAL AUTHOR-  
16 ITY.—The Secretary of the Treasury is prohibited  
17 from requiring an entity that is eligible for a pay-  
18 ment from the amount set aside for fiscal year 2020  
19 under subsection (a)(2)(B) of section 601 of the So-  
20 cial Security Act, as amended by subsection(a), and  
21 that received a payment before the date of enact-  
22 ment of this Act, from requiring the entity to return  
23 all or part of the payment except to the extent au-  
24 thorized under section 601(f) of such Act in the case  
25 of a determination by the Inspector General of the

1 Department of the Treasury that the Tribal govern-  
2 ment failed to comply with the use of funds require-  
3 ments of section 601(d) of such Act.

4 **SEC. 202. REDISTRIBUTION OF AMOUNTS RECOVERED OR**  
5 **RECOUPED FROM PAYMENTS FOR TRIBAL**  
6 **GOVERNMENTS; REPORTING REQUIRE-**  
7 **MENTS.**

8 Effective as if included in the enactment of the  
9 Coronavirus Aid, Relief, and Economic Security Act (Pub-  
10 lic Law 116–136), section 601(c)(7) of the Social Security  
11 Act, as added by section 5001(a) of the Coronavirus Aid,  
12 Relief, and Economic Security Act, is amended—

13 (1) by striking “From the amount” and insert-  
14 ing the following:

15 “(A) IN GENERAL.—From the amount”;

16 and

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

18 “(B) REDISTRIBUTION OF FUNDS.—

19 “(i) REQUIREMENT.—In carrying out  
20 the requirement under subparagraph (A)  
21 to ensure that all amounts available under  
22 subsection (a)(2)(B) for fiscal year 2020  
23 are distributed to Tribal governments, the  
24 Secretary of the Treasury shall redistribute  
25 any amounts from payments for Tribal



1 governments that are recovered through  
2 recoupment activities carried out by the  
3 Inspector General of the Department of  
4 the Treasury under subsection (f), without  
5 further appropriation, using a procedure  
6 and methodology determined by the Sec-  
7 retary in consultation with Tribal govern-  
8 ments, to Tribal Governments that apply  
9 for payments from such amounts.

10 “(ii) REPAYMENT.—In carrying out  
11 the recoupment activities by the Inspector  
12 General of the Department of the Treasury  
13 under subsection (f), the Secretary of the  
14 Treasury shall not impose any additional  
15 fees, penalties, or interest payments on  
16 Tribal governments associated with any  
17 amounts that are recovered.

18 “(C) DISCLOSURE AND REPORTING RE-  
19 QUIREMENTS.—

20 “(i) DISCLOSURE OF FUNDING FOR-  
21 MULA AND METHODOLOGY.—Not later  
22 than 24 hours before any payments for  
23 Tribal governments are distributed by the  
24 Secretary of the Treasury pursuant to the  
25 requirements under subparagraph (A) and

1           subparagraph (B), the Secretary shall pub-  
2           lish on the website of the Department of  
3           the Treasury—

4                   “(I) a detailed description of the  
5                   funding allocation formula; and

6                   “(II) a detailed description of the  
7                   procedure and methodology used to  
8                   determine the funding allocation for-  
9                   mula.

10                   “(ii) REPORT ON FUND DISTRIBU-  
11                   TION.—No later than 7 days after pay-  
12                   ments for Tribal governments are distrib-  
13                   uted by the Secretary of the Treasury pur-  
14                   suant to the requirements under subpara-  
15                   graph (A) or subparagraph (B), the Sec-  
16                   retary shall publish on the website of the  
17                   Department of the Treasury the date and  
18                   amount of all fund disbursements, broken  
19                   down by individual Tribal government re-  
20                   cipient.”.

21   **SEC. 203. USE OF RELIEF FUNDS.**

22           Effective as if included in the Coronavirus, Aid, Re-  
23   lief, and Economic Security Act (Public Law 116–136),  
24   section 601 of the Social Security Act, as added by section

1 5001(a) of such Act, is amended by striking subsection  
2 (d) and inserting the following:

3 “(d) USE OF FUNDS.—A State, Tribal government,  
4 and unit of local government shall use the funds provided  
5 under a payment made under this section to

6 “(1) cover only those costs of the State, Tribal  
7 government, or unit of local government that—

8 “(A) Are necessary expenditures incurred  
9 due to the public health emergency with respect  
10 to the coronavirus disease 2019 (COVID–19);

11 “(B) were not accounted for in the budget  
12 most recently approved as of the date of enact-  
13 ment of this section for the State or govern-  
14 ment; and

15 “(C) were incurred during the period that  
16 begins on January 31, 2020, and ends on De-  
17 cember 31, 2021; or

18 “(2) Replace lost, delayed, or decreased reve-  
19 nues, stemming from the public health emergency  
20 with respect to the coronavirus disease (COVID–  
21 19).”.

1                   **TITLE III—ENERGY AND**  
2                   **ENVIRONMENT PROVISIONS**

3   **SEC. 301. HOME ENERGY AND WATER SERVICE CON-**  
4                   **TINUITY.**

5           Any entity receiving financial assistance pursuant to  
6 any division of this Act shall, to the maximum extent prac-  
7 ticable, establish or maintain in effect policies to ensure  
8 that no home energy service or public water system service  
9 to a residential customer, which is provided or regulated  
10 by such entity, is or remains disconnected or interrupted  
11 during the emergency period described in section  
12 1135(g)(1)(B) of the Social Security Act because of non-  
13 payment, and all reconnections of such public water sys-  
14 tem service are conducted in a manner that minimizes risk  
15 to the health of individuals receiving such service. For pur-  
16 poses of this section, the term “home energy service”  
17 means a service to provide home energy, as such term is  
18 defined in section 2603 of the Low-Income Home Energy  
19 Assistance Act of 1981, or service provided by an electric  
20 utility, as such term is defined in section 3 of the Public  
21 Utility Regulatory Policies Act of 1978, and the term  
22 “public water system” has the meaning given that term  
23 in section 1401 of the Safe Drinking Water Act. Nothing  
24 in this section shall be construed to require forgiveness  
25 of any debt incurred or owed to an entity or to absolve

1 an individual of any obligation to an entity for service,  
2 nor to preempt any State or local law or regulation gov-  
3 erning entities that provide such services to residential  
4 customers.

5 **SEC. 302. ENVIRONMENTAL JUSTICE GRANT PROGRAMS.**

6 (a) ENVIRONMENTAL JUSTICE GRANTS.—The Ad-  
7 ministrator of the Environmental Protection Agency shall  
8 continue to carry out—

9 (1) the Environmental Justice Small Grants  
10 Program and the Environmental Justice Collabo-  
11 rative Problem-Solving Cooperative Agreement Pro-  
12 gram, as those programs are in existence on the date  
13 of enactment of this Act; and

14 (2) the Community Action for a Renewed Envi-  
15 ronment grant programs I and II, as in existence on  
16 January 1, 2012.

17 (b) USE OF FUNDS FOR GRANTS IN RESPONSE TO  
18 COVID–19 PANDEMIC.—With respect to amounts appro-  
19 priated by division A of this Act that are available to carry  
20 out the programs described in subsection (a), the Adminis-  
21 trator of the Environmental Protection Agency may only  
22 award grants under such programs for projects that will  
23 investigate or address the disproportionate impacts of the  
24 COVID–19 pandemic in environmental justice commu-  
25 nities.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out the programs  
3 described in subsection (a) \$50,000,000 for fiscal year  
4 2021, and such sums as may be necessary for each fiscal  
5 year thereafter.

6 (d) DISTRIBUTION.—Not later than 30 days after  
7 amounts are made available pursuant to subsection (c),  
8 the Administrator of the Environmental Protection Agen-  
9 cy shall make awards of grants under each of the pro-  
10 grams described in subsection (a).

11 **SEC. 303. LOW-INCOME HOUSEHOLD DRINKING WATER AND**  
12 **WASTEWATER ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated \$1,500,000,000 to the Sec-  
15 retary to carry out this section.

16 (b) LOW-INCOME HOUSEHOLD DRINKING WATER  
17 AND WASTEWATER ASSISTANCE.—The Secretary shall  
18 make grants to States and Indian Tribes to assist low-  
19 income households, particularly those with the lowest in-  
20 comes, that pay a high proportion of household income  
21 for drinking water and wastewater services, by providing  
22 funds to owners or operators of public water systems or  
23 treatment works to reduce rates charged to such house-  
24 holds for such services.

1 (c) NONDUPLICATION OF EFFORT.—In carrying out  
2 this section, the Secretary, States, and Indian Tribes, as  
3 applicable, shall, as appropriate and to the extent prac-  
4 ticable, use existing processes, procedures, policies, and  
5 systems in place to provide assistance to low-income  
6 households, including by using existing application and ap-  
7 proval processes.

8 (d) ALLOTMENT.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (2), the Secretary shall allot amounts appro-  
11 priated pursuant to this section to a State or Indian  
12 Tribe based on the following:

13 (A) The percentage of households in the  
14 State, or under the jurisdiction of the Indian  
15 Tribe, with income equal to or less than 150  
16 percent of the Federal poverty line.

17 (B) The percentage of such households in  
18 the State, or under the jurisdiction of the In-  
19 dian Tribe, that spend more than 30 percent of  
20 monthly income on housing.

21 (C) The extent to which the State or In-  
22 dian Tribe has been affected by the public  
23 health emergency, including the rate of trans-  
24 mission of COVID–19 in the State or area over  
25 which the Indian Tribe has jurisdiction, the

1 number of COVID–19 cases compared to the  
2 national average, and economic disruptions re-  
3 sulting from the public health emergency.

4 (2) RESERVED FUNDS.—The Secretary shall re-  
5 serve not more than 10 percent of the amounts ap-  
6 propriated pursuant to this section for allotment to  
7 States and Indian Tribes based on the economic dis-  
8 ruptions to the States and Indian Tribes resulting  
9 from the emergency described in the emergency dec-  
10 laration issued by the President on March 13, 2020,  
11 pursuant to section 501(b) of the Robert T. Stafford  
12 Disaster Relief and Emergency Assistance Act (42  
13 U.S.C. 5191(b)), during the period covered by such  
14 emergency declaration and any subsequent major  
15 disaster declaration under section 401 of such Act  
16 (42 U.S.C. 5170) that supersedes such emergency  
17 declaration.

18 (e) DETERMINATION OF LOW-INCOME HOUSE-  
19 HOLDS.—

20 (1) MINIMUM DEFINITION OF LOW-INCOME.—In  
21 determining whether a household is considered low-  
22 income for the purposes of this section, a State or  
23 Indian Tribe—

24 (A) shall ensure that, at a minimum—



1 (i) all households with income equal to  
2 or less than 150 percent of the Federal  
3 poverty line are included as low-income  
4 households; and

5 (ii) all households with income equal  
6 to or less than 60 percent of the State me-  
7 dian income are included as low-income  
8 households;

9 (B) may include households that have been  
10 adversely economically affected by job loss or  
11 severe income loss related to the public health  
12 emergency; and

13 (C) may include other households, includ-  
14 ing households in which 1 or more individuals  
15 are receiving—

16 (i) assistance under the State pro-  
17 gram funded under part A of title IV of  
18 the Social Security Act (42 U.S.C. 601 et  
19 seq.);

20 (ii) supplemental security income pay-  
21 ments under title XVI of the Social Secu-  
22 rity Act (42 U.S.C. 1381 et seq.);

23 (iii) supplemental nutrition assistance  
24 program benefits under the Food and Nu-

1                   trition Act of 2008 (7 U.S.C. 2011 et  
2                   seq.); or

3                   (iv) payments under section 1315,  
4                   1521, 1541, or 1542 of title 38, United  
5                   States Code, or under section 306 of the  
6                   Veterans' and Survivors' Pension Improve-  
7                   ment Act of 1978.

8                   (2) HOUSEHOLD DOCUMENTATION REQUIRE-  
9                   MENTS.—States and Indian Tribes shall—

10                   (A) to the maximum extent practicable,  
11                   seek to limit the income history documentation  
12                   requirements for determining whether a house-  
13                   hold is considered low-income for the purposes  
14                   of this section; and

15                   (B) for the purposes of income eligibility,  
16                   accept proof of job loss or severe income loss  
17                   dated after February 29, 2020, such as a layoff  
18                   or furlough notice or verification of application  
19                   of unemployment benefits, as sufficient to dem-  
20                   onstrate lack of income for an individual or  
21                   household.

22                   (f) APPLICATIONS.—Each State or Indian Tribe de-  
23                   siring to receive a grant under this section shall submit  
24                   an application to the Secretary, in such form as the Sec-  
25                   retary shall require.

1 (g) UTILITY RESPONSIBILITIES.—Owners or opera-  
2 tors of public water systems or treatment works receiving  
3 funds pursuant to this section for the purposes of reducing  
4 rates charged to low-income households for service shall—

5 (1) conduct outreach activities designed to en-  
6 sure that such households are made aware of the  
7 rate assistance available pursuant to this section;

8 (2) charge such households, in the normal bill-  
9 ing process, not more than the difference between  
10 the actual cost of the service provided and the  
11 amount of the payment made by the State or Indian  
12 Tribe pursuant to this section; and

13 (3) within 45 days of providing assistance to a  
14 household pursuant to this section, notify in writing  
15 such household of the amount of such assistance.

16 (h) STATE AGREEMENTS WITH DRINKING WATER  
17 AND WASTEWATER PROVIDERS.—To the maximum extent  
18 practicable, a State that receives a grant under this sec-  
19 tion shall enter into agreements with owners and operators  
20 of public water systems, owners and operators of treat-  
21 ment works, municipalities, nonprofit organizations asso-  
22 ciated with providing drinking water, wastewater, and  
23 other social services to rural and small communities, and  
24 Indian Tribes, to assist in identifying low-income house-  
25 holds and to carry out this section.

1 (i) ADMINISTRATIVE COSTS.—A State or Indian  
2 Tribe that receives a grant under this section may use up  
3 to 8 percent of the granted amounts for administrative  
4 costs.

5 (j) FEDERAL AGENCY COORDINATION.—In carrying  
6 out this section, the Secretary shall coordinate with the  
7 Administrator of the Environmental Protection Agency  
8 and consult with other Federal agencies with authority  
9 over the provision of drinking water and wastewater serv-  
10 ices.

11 (k) AUDITS.—The Secretary shall require each State  
12 and Indian Tribe receiving a grant under this section to  
13 undertake periodic audits and evaluations of expenditures  
14 made by such State or Indian Tribe pursuant to this sec-  
15 tion.

16 (l) REPORTS TO CONGRESS.—The Secretary shall  
17 submit to Congress a report on the results of activities  
18 carried out pursuant to this section—

19 (1) not later than 1 year after the date of en-  
20 actment of this section; and

21 (2) upon disbursement of all funds appropriated  
22 pursuant to this section.

23 (m) DEFINITIONS.—In this section:

24 (1) INDIAN TRIBE.—The term “Indian Tribe”  
25 means any Indian Tribe, band, group, or community

1 recognized by the Secretary of the Interior and exer-  
2 cising governmental authority over a Federal Indian  
3 reservation.

4 (2) MUNICIPALITY.—The term “municipality”  
5 has the meaning given such term in section 502 of  
6 the Federal Water Pollution Control Act (33 U.S.C.  
7 1362).

8 (3) PUBLIC HEALTH EMERGENCY.—The term  
9 “public health emergency” means the public health  
10 emergency described in section 1135(g)(1)(B) of the  
11 Social Security Act (42 U.S.C. 1320b–5).

12 (4) PUBLIC WATER SYSTEM.—The term “public  
13 water system” has the meaning given such term in  
14 section 1401 of the Safe Drinking Water Act (42  
15 U.S.C. 300f).

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

18 (6) STATE.—The term “State” means a State,  
19 the District of Columbia, the Commonwealth of  
20 Puerto Rico, the Virgin Islands of the United States,  
21 Guam, American Samoa, and the Commonwealth of  
22 the Northern Mariana Islands.

23 (7) TREATMENT WORKS.—The term “treatment  
24 works” has the meaning given that term in section

1 212 of the Federal Water Pollution Control Act (33  
2 U.S.C. 1292).

3 **SEC. 304. HOME WATER SERVICE CONTINUITY.**

4 (a) CONTINUITY OF SERVICE.—Any entity receiving  
5 financial assistance under division A of this Act shall, to  
6 the maximum extent practicable, establish or maintain in  
7 effect policies to ensure that, with respect to any service  
8 provided by a public water system or treatment works to  
9 an occupied residence, which service is provided or regu-  
10 lated by such entity—

11 (1) no such service is or remains disconnected  
12 or interrupted during the emergency period because  
13 of nonpayment;

14 (2) all reconnections of such service are con-  
15 ducted in a manner that minimizes risk to the health  
16 of individuals receiving such service; and

17 (3) no fees for late payment of bills for such  
18 service are charged or accrue during the emergency  
19 period.

20 (b) EFFECT.—Nothing in this section shall be con-  
21 strued to require forgiveness of outstanding debt owed to  
22 an entity or to absolve an individual of any obligation to  
23 an entity for service.

24 (c) DEFINITIONS.—In this section:

1 (1) EMERGENCY PERIOD.—The term “emer-  
2 gency period” means the emergency period described  
3 in section 1135(g)(1)(B) of the Social Security Act  
4 (42 U.S.C. 1320b–5).

5 (2) PUBLIC WATER SYSTEM.—The term “public  
6 water system” has the meaning given such term in  
7 section 1401 of the Safe Drinking Water Act (42  
8 U.S.C. 300f).

9 (3) TREATMENT WORKS.—The term “treatment  
10 works” has the meaning given that term in section  
11 212 of the Federal Water Pollution Control Act (33  
12 U.S.C. 1292).

## 13 **TITLE IV—MISCELLANEOUS** 14 **MATTERS**

### 15 **SEC. 401. TECHNICAL CORRECTIONS AND CLARIFICATION.**

16 (a) Section 4002 of the CARES Act (Public Law  
17 116–136; 15 U.S.C. 9041) is amended by adding at the  
18 end the following new paragraph:

19 “(13) **BUSINESSES CRITICAL TO MAINTAINING**  
20 **NATIONAL SECURITY.**—The term ‘businesses critical  
21 to maintaining national security’ includes businesses  
22 that manufacture and produce aerospace-related  
23 products, civil or defense, including those that de-  
24 sign, integrate, assemble, supply, maintain and re-  
25 pair such products, and other businesses as further

1 defined by the Secretary, in consultation with the  
2 Secretary of Defense and the Secretary of Transpor-  
3 tation. For purposes of the preceding sentence, aero-  
4 space-related products include, but are not limited  
5 to, components, parts, or systems of aircraft, air-  
6 craft engines, or appliances for inclusion in an air-  
7 craft, aircraft engine, or appliance.”.

8 **SEC. 402. TRADE OF INJURIOUS SPECIES AND SPECIES**  
9 **THAT POSE A RISK TO HUMAN HEALTH.**

10 Section 42 of title 18, United States Code, is amend-  
11 ed—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by inserting “or any interstate  
15 transport between States within the conti-  
16 nental United States,” after “shipment be-  
17 tween the continental United States, the  
18 District of Columbia, Hawaii, the Com-  
19 monwealth of Puerto Rico, or any posses-  
20 sion of the United States,”; and

21 (ii) by striking “to be injurious to  
22 human beings, to the interests of agri-  
23 culture” and inserting “to be injurious to  
24 or to transmit a pathogen that can cause



1 disease in humans, to be injurious to the  
2 interests of agriculture”; and

3 (B) by adding at the end the following:

4 “(6) In the case of an emergency posing a sig-  
5 nificant risk to the health of humans, the Secretary  
6 of the Interior may designate a species by interim  
7 final rule. At the time of publication of the regula-  
8 tion in the Federal Register, the Secretary shall  
9 publish therein detailed reasons why such regulation  
10 is necessary, and in the case that such regulation  
11 applies to a native species, the Secretary shall give  
12 actual notice of such regulation to the State agency  
13 in each State in which such species is believed to  
14 occur. Any regulation promulgated under the au-  
15 thority of this paragraph shall cease to have force  
16 and effect at the close of the 365-day period fol-  
17 lowing the date of publication unless, during such  
18 365-day period, the rulemaking procedures which  
19 would apply to such regulation without regard to  
20 this paragraph are complied with. If at any time  
21 after issuing an emergency regulation the Secretary  
22 determines, on the basis of the best appropriate data  
23 available to the Secretary, that substantial evidence  
24 does not exist to warrant such regulation, the Sec-  
25 retary shall withdraw it.

1           “(7) Not more than 90 days after receiving a  
2           petition of an interested person under section 553(e)  
3           of title 5, United States Code, to determine that a  
4           species is injurious under this section, the Secretary  
5           of the Interior shall determine whether such petition  
6           has scientific merit. If the Secretary determines a  
7           petition has scientific merit, such Secretary shall  
8           make a determination regarding such petition not  
9           more than 12 months after the date such Secretary  
10          received such petition.”; and

11           (2) by amending subsection (b) to read as fol-  
12          lows:

13          “(b) Any person who knowingly imports, ships, or  
14          transports any species in violation of subsection (a) of this  
15          section and who reasonably should have known that the  
16          species at issue in such violation is a species listed in sub-  
17          section (a) of this section, or in any regulation issued pur-  
18          suant thereto, shall be fined under this title or imprisoned  
19          not more than six months, or both.”.

20          **SEC. 403. RESCISSION OF FUNDS.**

21          Of the unobligated balances available under section  
22          4027 of division A of the CARES Act (Public Law 116–  
23          136), \$146,000,000,000 is hereby permanently rescinded.