

AMENDMENT NO. _____ Calendar No. _____

Purpose: Providing emergency assistance and health care response for individual, families and businesses affected by the 2020 coronavirus pandemic.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coronavirus Aid, Relief, and Economic Security Act” or the “CARES Act”.
5

6 **SEC. 2. REFERENCES.**

7 Except as expressly provided otherwise, any reference
8 to “this Act” contained in any division of this Act shall
9 be treated as referring only to the provisions of that division.
10

1 **DIVISION A—KEEPING WORKERS**
 2 **PAID AND EMPLOYED,**
 3 **HEALTH CARE SYSTEM EN-**
 4 **HANCEMENTS, AND ECO-**
 5 **NOMIC STABILIZATION**

6 **SEC. 1001. TABLE OF CONTENTS.**

7 The table of contents for this division is as follows:

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 CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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1 **TITLE I—KEEPING AMERICAN**
2 **WORKERS EMPLOYED AND**
3 **PAID ACT**

4 **SEC. 1101. DEFINITIONS.**

5 In this title—

6 (1) the terms “Administration” and “Adminis-
7 trator” mean the Small Business Administration
8 and the Administrator thereof, respectively;

9 (2) the term “covered small business concern”
10 means a small business concern that has experi-
11 enced, as a result of COVID–19—

12 (A) supply chain disruptions, including
13 changes in—

14 (i) quantity and lead time, including
15 the number of shipments of components
16 and delays in shipments;

17 (ii) quality, including shortages in
18 supply for quality control reasons; and

19 (iii) technology, including a com-
20 promised payment network;

21 (B) staffing challenges;

22 (C) a decrease in sales or customers; or

23 (D) a closure; and

1 “(ii) the term ‘covered loan’ means a
2 loan made under this paragraph during the
3 covered period;

4 “(iii) the term ‘covered period’ means
5 the period beginning on February 15, 2020
6 and ending on June 30, 2020;

7 “(iv) the term ‘eligible recipient’
8 means an individual or entity that is eligi-
9 ble to receive a covered loan;

10 “(v) the term ‘eligible self-employed
11 individual’ has the meaning given the term
12 in section 7002(b) of the Families First
13 Coronavirus Reponse Act (Public Law
14 116–127);

15 “(vi) the term ‘nonprofit organization’
16 means an organization that is described in
17 section 501(c)(3) of the Internal Revenue
18 Code of 1986 and that is exempt from tax-
19 ation under section 501(a) of such Code;

20 “(vii) the term ‘payroll costs’—

21 “(I) means—

22 “(aa) the sum of payments
23 of any compensation with respect
24 to employees that is a—

25 “(AA) salary or wage;

1 “(BB) payment of cash
2 tip or equivalent;

3 “(CC) payment for va-
4 cation, parental, family,
5 medical, or sick leave;

6 “(DD) allowance for
7 dismissal or separation;

8 “(EE) payment re-
9 quired for the provisions of
10 group health care benefits,
11 including insurance pre-
12 miums;

13 “(FF) payment of any
14 retirement benefit; or

15 “(GG) payment of
16 State or local tax assessed
17 on the compensation of em-
18 ployees; and

19 “(bb) the sum of payments
20 of any compensation to a sole
21 proprietor or independent con-
22 tractor that is a wage, commis-
23 sion, or similar compensation and
24 that is in an amount that is not
25 more than \$100,000 in 1 year, as

1 prorated for the covered period;
2 and

3 “(II) shall not include—

4 “(aa) the compensation of
5 an individual employee in excess
6 of an annual salary of \$100,000,
7 as prorated for the covered pe-
8 riod;

9 “(bb) taxes imposed or with-
10 held under chapters 21, 22, or 24
11 of the Internal Revenue Code of
12 1986 during the covered period;

13 “(cc) any compensation of
14 an employee whose principal
15 place of residence is outside of
16 the United States;

17 “(dd) qualified sick leave
18 wages for which a credit is al-
19 lowed under section 7001 of the
20 Families First Coronavirus Re-
21 sponse Act (Public Law 116-
22 127); or

23 “(ee) qualified family leave
24 wages for which a credit is al-
25 lowed under section 7003 of the

1 Families First Coronavirus Re-
2 sponse Act (Public Law 116-
3 127); and

4 “(viii) the term ‘veterans organization’
5 means an organization that is described in
6 section 501(c)(19) of the Internal Revenue
7 Code that is exempt from taxation under
8 section 501(a) of such Code.

9 “(B) SMALL BUSINESS INTERRUPTION
10 LOANS.—Except as otherwise provided in this
11 paragraph, the Administrator may guarantee
12 covered loans under the same terms, conditions,
13 and processes as a loan made under this sub-
14 section.

15 “(C) REGISTRATION OF LOANS.—Not later
16 than 15 days after the date on which a loan is
17 made under this paragraph, the Administration
18 shall register the loan using the TIN (as de-
19 fined in section 7701 of the Internal Revenue
20 Code of 1986) assigned to the borrower.

21 “(D) INCREASED ELIGIBILITY FOR CER-
22 TAIN SMALL BUSINESSES AND ORGANIZA-
23 TIONS.—

24 “(i) IN GENERAL.—During the cov-
25 ered period, in addition to small business

1 concerns, any business concern, nonprofit
2 organization, or veterans organization shall
3 be eligible to receive a covered loan if the
4 business concern, nonprofit organization,
5 or veterans organization employs not more
6 than the greater of—

7 “(I) 500 employees; or

8 “(II) if applicable, the size stand-
9 ard in number of employees estab-
10 lished by the Administration for the
11 industry in which the business con-
12 cern, nonprofit organization, or vet-
13 erans organization operates.

14 “(ii) EXCLUSION OF NONPROFITS RE-
15 CEIVING MEDICAID EXPENDITURES.—
16 Clause (i) shall not apply to a nonprofit
17 entity eligible for payment for items or
18 services furnished under a State plan
19 under title XIX of the Social Security Act
20 (42 U.S.C. 1396 et seq.) or under a waiver
21 of such plan.

22 “(iii) INCLUSION OF SOLE PROPRI-
23 ETORS, INDEPENDENT CONTRACTORS, AND
24 ELIGIBLE SELF-EMPLOYED INDIVID-
25 UALS.—

1 “(I) IN GENERAL.—During the
2 covered period, individuals who oper-
3 ate under a sole proprietorship or as
4 an independent contractor and eligible
5 self-employed individuals shall be eli-
6 gible to receive a covered loan.

7 “(II) DOCUMENTATION.—An eli-
8 gible self-employed individual seeking
9 a covered loan shall submit payroll tax
10 filings reported to the Internal Rev-
11 enue Service.

12 “(iv) BUSINESS CONCERNS WITH
13 MORE THAN 1 PHYSICAL LOCATION.—Dur-
14 ing the covered period, any business con-
15 cern that employs not more than 500 em-
16 ployees per physical location of the busi-
17 ness concern and that is assigned a North
18 American Industry Classification System
19 code beginning with 72 at the time of dis-
20 bursal shall be eligible to receive a covered
21 loan.

22 “(v) WAIVER OF AFFILIATION
23 RULES.—During the covered period, the
24 provisions applicable to affiliations under
25 section 121.103 of title 13, Code of Fed-

1 eral Regulations, or any successor regula-
2 tion, are waived with respect to eligibility
3 for a covered loan for—

4 “(I) any business concern with
5 not more than 500 employees that, as
6 of the date on which the covered loan
7 is disbursed, is assigned a North
8 American Industry Classification Sys-
9 tem code beginning with 72;

10 “(II) any business concern oper-
11 ating as a franchise that is assigned a
12 franchise identifier code by the Ad-
13 ministration; and

14 “(III) any business concern that
15 receives financial assistance from a
16 company licensed under section 301 of
17 the Small Business Investment Act of
18 1958 (15 U.S.C. 681).

19 “(E) MAXIMUM LOAN AMOUNT.—During
20 the covered period, with respect to a covered
21 loan, the maximum loan amount shall be the
22 lesser of—

23 “(i)(I) the product obtained by multi-
24 plying—

1 “(aa) the average total monthly
2 payments by the applicant for payroll
3 costs incurred during the 1-year pe-
4 riod before the date on which the loan
5 is made, except that, in the case of an
6 applicant that is seasonal employer, as
7 determined by the Administrator, the
8 average total monthly payments for
9 payroll shall be for the 12-week period
10 beginning February 15, 2019, or at
11 the election of the eligible recipient,
12 March 1, 2019, and ending June 30,
13 2019; by

14 “(bb) 2.5; or

15 “(II) if requested by an otherwise eli-
16 gible recipient that was not in business
17 during the period beginning on February
18 15, 2019 and ending on June 30, 2019,
19 the product obtained by multiplying—

20 “(aa) the average total monthly
21 payments by the applicant for payroll
22 costs incurred during the period be-
23 ginning on January1, 2020 and end-
24 ing on February 29, 2020; by

25 “(bb) 2.5; or

1 “(ii) \$10,000,000.

2 “(F) ALLOWABLE USES OF COVERED
3 LOANS.—

4 “(i) IN GENERAL.—During the cov-
5 ered period, an eligible recipient may, in
6 addition to the allowable uses of a loan
7 made under this subsection, use the pro-
8 ceeds of the covered loan for—

9 “(I) payroll costs;

10 “(II) costs related to the continu-
11 ation of group health care benefits
12 during periods of paid sick, medical,
13 or family leave, and insurance pre-
14 miums;

15 “(III) employee salaries, commis-
16 sions, or similar compensations;

17 “(IV) mortgage payments;

18 “(V) rent (including rent under a
19 lease agreement);

20 “(VI) utilities; and

21 “(VII) interest on any other debt
22 obligations that were incurred before
23 the covered period.

24 “(ii) DELEGATED AUTHORITY.—

1 “(I) IN GENERAL.—For purposes
2 of making covered loans for the pur-
3 poses described in clause (i), a lender
4 approved under this paragraph shall
5 be considered to have delegated au-
6 thority to make and approve covered
7 loans, subject to the provisions of this
8 paragraph.

9 “(II) CONSIDERATIONS.—In eval-
10 uating the eligibility of a borrower for
11 a covered loan with the terms de-
12 scribed in this paragraph, a lender
13 shall consider whether the borrower—

14 “(aa) was in operation on
15 February 15, 2020;

16 “(bb)(AA) had employees
17 for whom the borrower paid sala-
18 ries and payroll taxes; or

19 “(BB) paid independent
20 contractors, as reported on a
21 Form 1099–MISC; and

22 “(cc) is substantially im-
23 pacted by public health restric-
24 tions related to the Coronavirus
25 2019 (COVID–19).

1 “(iii) ADDITIONAL LENDERS.—The
2 authority to make loans under this para-
3 graph shall be extended to additional lend-
4 ers determined by the Administrator and
5 the Secretary of the Treasury to have the
6 necessary qualifications to process, close,
7 disburse and service loans made with the
8 guarantee of the Administration.

9 “(iv) LIMITATION.—An eligible recipi-
10 ent of a covered loan for purposes of pay-
11 ing payroll costs and other obligations de-
12 scribed in this subparagraph shall not be
13 eligible to receive an economic injury dis-
14 aster loan under subsection (b)(2) for the
15 same purpose.

16 “(G) BORROWER REQUIREMENTS.—

17 “(i) CERTIFICATION.—An eligible re-
18 cipient applying for a covered loan shall
19 make a good faith certification—

20 “(I) that the uncertainty of cur-
21 rent economic conditions makes nec-
22 essary the loan request to support the
23 ongoing operations of the eligible re-
24 cipient; and

1 “(I) CREDIT ELSEWHERE.—During the
2 covered period, the requirement that a small
3 business concern is unable to obtain credit else-
4 where, as defined in section 3(h), shall not
5 apply to a covered loan.

6 “(J) COLLATERAL AND PERSONAL GUAR-
7 ANTEE REQUIREMENTS.—During the covered
8 period, with respect to a covered loan—

9 “(i) no collateral shall be required for
10 the covered loan; and

11 “(ii) no personal guarantee shall be
12 required for the covered loan.

13 “(K) MATURITY FOR LOANS WITH RE-
14 MAINING BALANCE AFTER APPLICATION OF
15 FORGIVENESS.—With respect to a covered loan
16 that has a remaining balance after reduction
17 based on the loan forgiveness amount under
18 section 1105 of the CARES Act—

19 “(i) the remaining balance shall con-
20 tinue to be guaranteed by the Administra-
21 tion under this subsection; and

22 “(ii) the covered loan shall have a
23 maximum maturity of 10 years from the
24 date on which the borrower applies for
25 loan forgiveness under that section.

1 pacted borrower is presumed to have
2 been adversely impacted by COVID–
3 19.

4 “(ii) DEFERRAL.—During the covered
5 period, the Administrator shall—

6 “ (I) consider each eligible recipi-
7 ent that applies for a covered loan to
8 be an impacted borrower; and

9 “ (II) require lenders under this
10 subsection to provide complete pay-
11 ment deferment relief for impacted
12 borrowers with covered loans for a pe-
13 riod of not more than 1 year.

14 “(iii) SECONDARY MARKET.—During
15 the covered period, with respect to a cov-
16 ered loan that is sold on the secondary
17 market, if an investor declines to approve
18 a deferral requested by a lender under
19 clause (ii), the Administrator shall exercise
20 the authority to purchase the loan so that
21 the impacted borrower may receive a deferr-
22 al for a period of not more than 1 year.

23 “(iv) GUIDANCE.—Not later than 30
24 days after the date of enactment of this
25 paragraph, the Administrator shall provide

1 guidance to lenders under this paragraph
2 on the deferment process described in this
3 subparagraph.

4 “(O) SECONDARY MARKET SALES.—A cov-
5 ered loan shall not be eligible to be sold in the
6 secondary market until the covered recipient of
7 the covered loan has requested the loan forgive-
8 ness authorized under section 1105 of the
9 CARES Act and the Administrator has finally
10 determined the amount of any forgiveness to
11 which the eligible recipient is entitled and has
12 made payment to the lender. Any remaining
13 balance on the loan after the application of that
14 payment may be sold in the secondary market.

15 “(P) REGULATORY CAPITAL REQUIRE-
16 MENTS.—

17 “(i) RISK WEIGHT.—With respect to
18 the appropriate Federal banking agencies
19 applying capital requirements under their
20 respective risk-based capital requirements,
21 a covered loan shall receive a risk weight
22 of zero percent.

23 “(ii) TEMPORARY RELIEF FROM TDR
24 DISCLOSURES.—Notwithstanding any other
25 provision of law, an insured depository in-

1 stitution that modifies a covered loan in re-
2 lation to COVID–19-related difficulties in
3 a troubled debt restructuring on or after
4 March 13, 2020, shall not be required to
5 comply with the Financial Accounting
6 Standards Board Accounting Standards
7 Codification Subtopic 310-40 (‘Receivables
8 – Troubled Debt Restructurings by Credi-
9 tors’) for purposes of compliance with the
10 requirements of the Federal Deposit Insur-
11 ance Act (12 U.S.C. 1811 et seq.), until
12 such time and under such circumstances as
13 the appropriate Federal banking agency
14 determines appropriate.

15 “(Q) REIMBURSEMENT FOR PROC-
16 ESSING.—

17 “(i) IN GENERAL.—The Administrator
18 shall reimburse a lender authorized to
19 make a covered loan at a rate of 5 percent
20 of the balance of the financing outstanding
21 at the time of disbursement of the covered
22 loan.

23 “(ii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

1 than 5 days after the disbursement of the
2 covered loan.

3 “(R) DUPLICATION.—Nothing in this
4 paragraph shall prohibit a recipient of an eco-
5 nomic injury disaster loan made under sub-
6 section (b)(2) during the period beginning on
7 February 15, 2020 and ending on March 31,
8 2020 from receiving assistance under this para-
9 graph.”.

10 (b) COMMITMENTS FOR 7(A) LOANS.—During the pe-
11 riod beginning on February 15, 2020 and ending on June
12 30, 2020—

13 (1) the amount authorized for commitments for
14 general business loans authorized under section 7(a)
15 of the Small Business Act (15 U.S.C. 636(a)), in-
16 cluding loans made under paragraph (36) of such
17 section, as added by subsection (a), shall be
18 \$349,000,000,000; and

19 (2) the amount authorized for commitments for
20 such loans under the heading “BUSINESS LOANS
21 PROGRAM ACCOUNT” under the heading “SMALL
22 BUSINESS ADMINISTRATION” under title V of the
23 Consolidated Appropriations Act, 2020 (Public Law
24 116–93; 133 Stat. 2475) shall not apply.

25 (c) EXPRESS LOANS.—

1 (1) IN GENERAL.—Section 7(a)(31)(D) of the
2 Small Business Act (15 U.S.C. 636(a)(31)(D)) is
3 amended by striking “\$350,000” and inserting
4 “\$1,000,000”.

5 (2) PROSPECTIVE REPEAL.—Effective on Janu-
6 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
7 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
8 striking “\$1,000,000” and inserting “\$350,000”.

9 (d) INTERIM RULE.—On and after the date of enact-
10 ment of this Act, the interim final rule published by the
11 Administrator entitled “Express Loan Programs: Affili-
12 ation Standards” (85 Fed. Reg. 7622 (February 10,
13 2020)) shall have no force or effect.

14 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “resource partner” means—

17 (A) a small business development center;

18 and

19 (B) a women’s business center;

20 (2) the term “small business development cen-
21 ter” has the meaning given the term in section 3 of
22 the Small Business Act (15 U.S.C. 632); and

23 (3) the term “women’s business center” means
24 a women’s business center described in section 29 of
25 the Small Business Act (15 U.S.C. 656).

1 (b) EDUCATION, TRAINING, AND ADVISING
2 GRANTS.—

3 (1) IN GENERAL.—The Administration may
4 provide financial assistance in the form of grants to
5 resource partners to provide education, training, and
6 advising to covered small business concerns.

7 (2) USE OF FUNDS.—Grants under this sub-
8 section shall be used for the education, training, and
9 advising of covered small business concerns and
10 their employees on—

11 (A) accessing and applying for resources
12 provided by the Administration and other Fed-
13 eral resources relating to access to capital and
14 business resiliency;

15 (B) the hazards and prevention of the
16 transmission and communication of COVID-19
17 and other communicable diseases;

18 (C) the potential effects of COVID-19 on
19 the supply chains, distribution, and sale of
20 products of covered small business concerns and
21 the mitigation of those effects;

22 (D) the management and practice of
23 telework to reduce possible transmission of
24 COVID-19;

1 (E) the management and practice of re-
2 mote customer service by electronic or other
3 means;

4 (F) the risks of and mitigation of cyber
5 threats in remote customer service or telework
6 practices;

7 (G) the mitigation of the effects of reduced
8 travel or outside activities on covered small
9 business concerns during COVID–19 or similar
10 occurrences; and

11 (H) any other relevant business practices
12 necessary to mitigate the economic effects of
13 COVID–19 or similar occurrences.

14 (3) GRANT DETERMINATION.—

15 (A) SMALL BUSINESS DEVELOPMENT CEN-
16 TERS.—The Administration shall award 80 per-
17 cent of funds authorized to carry out this sub-
18 section to small business development centers,
19 which shall be awarded pursuant to a formula
20 jointly developed, negotiated, and agreed upon,
21 with full participation of both parties, between
22 the association formed under section
23 21(a)(3)(A) of the Small Business Act (15
24 U.S.C. 648(a)(3)(A)) and the Administration.

1 (B) WOMEN’S BUSINESS CENTERS.—The
2 Administration shall award 20 percent of funds
3 authorized to carry out this subsection to wom-
4 en’s business centers, which shall be awarded
5 pursuant to a process established by the Ad-
6 ministration in consultation with recipients of
7 assistance.

8 (C) NO MATCHING FUNDS REQUIRED.—
9 Matching funds shall not be required for any
10 grant under this subsection.

11 (4) GOALS AND METRICS.—

12 (A) IN GENERAL.—Goals and metrics for
13 the funds made available under this subsection
14 shall be jointly developed, negotiated, and
15 agreed upon, with full participation of both par-
16 ties, between the resource partners and the Ad-
17 ministrator, which shall—

18 (i) take into consideration the extent
19 of the circumstances relating to the spread
20 of COVID–19, or similar occurrences, that
21 affect covered small business concerns lo-
22 cated in the areas covered by the resource
23 partner, particularly in rural areas or eco-
24 nomically distressed areas;

1 (ii) generally follow the use of funds
2 outlined in paragraph (2), but shall not re-
3 strict the activities of resource partners in
4 responding to unique situations; and

5 (iii) encourage resource partners to
6 develop and provide services to covered
7 small business concerns.

8 (B) PUBLIC AVAILABILITY.—The Adminis-
9 trator shall make publicly available the method-
10 ology by which the Administrator and resource
11 partners jointly develop the metrics and goals
12 described in subparagraph (A).

13 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—

14 (1) IN GENERAL.—The Administrator may pro-
15 vide grants to an association or associations rep-
16 resenting resource partners under which the associa-
17 tion or associations shall establish a single central-
18 ized hub for COVID–19 information, which shall in-
19 clude—

20 (A) 1 online platform that consolidates re-
21 sources and information available across mul-
22 tiple Federal agencies for small business con-
23 cerns related to COVID–19; and

24 (B) a training program to educate resource
25 partner counselors, members of the Service

1 Corps of Retired Executives established under
2 section 8(b)(1)(B) of the Small Business Act
3 (15 U.S.C. 637(b)(1)(B)), and counselors at
4 veterans business outreach centers described in
5 section 32 of the Small Business Act (15
6 U.S.C. 657b) on the resources and information
7 described in subparagraph (A).

8 (2) GOALS AND METRICS.—Goals and metrics
9 for the funds made available under this subsection
10 shall be jointly developed, negotiated, and agreed
11 upon, with full participation of both parties, between
12 the association or associations receiving a grant
13 under this subsection and the Administrator.

14 (d) REPORT.—Not later than 6 months after the date
15 of enactment of this Act, and annually thereafter, the Ad-
16 ministrator shall submit to the Committee on Small Busi-
17 ness and Entrepreneurship of the Senate and the Com-
18 mittee on Small Business of the House of Representatives
19 a report that describes—

20 (1) with respect to the initial year covered by
21 the report—

22 (A) the programs and services developed
23 and provided by the Administration and re-
24 source partners under subsection (b);

1 (B) the initial efforts to provide those serv-
2 ices under subsection (b); and

3 (C) the online platform and training devel-
4 oped and provided by the Administration and
5 the association or associations under subsection
6 (c); and

7 (2) with respect to the subsequent years covered
8 by the report—

9 (A) with respect to the grant program
10 under subsection (b)—

11 (i) the efforts of the Administrator
12 and resource partners to develop services
13 to assist covered small business concerns;

14 (ii) the challenges faced by owners of
15 covered small business concerns in access-
16 ing services provided by the Administration
17 and resource partners;

18 (iii) the number of unique covered
19 small business concerns that were served
20 by the Administration and resource part-
21 ners; and

22 (iv) other relevant outcome perform-
23 ance data with respect to covered small
24 business concerns, including the number of
25 employees affected, the effect on sales, the

1 disruptions of supply chains, and the ef-
2 forts made by the Administration and re-
3 source partners to mitigate these effects;
4 and

5 (B) with respect to the grant program
6 under subsection (c)—

7 (i) the efforts of the Administrator
8 and the association or associations to de-
9 velop and evolve an online resource for
10 small business concerns; and

11 (ii) the efforts of the Administrator
12 and the association or associations to de-
13 velop a training program for resource part-
14 ner counselors, including the number of
15 counselors trained.

16 **SEC. 1104. WAIVER OF MATCHING FUNDS REQUIREMENT**
17 **UNDER THE WOMEN'S BUSINESS CENTER**
18 **PROGRAM.**

19 During the 3-month period beginning on the date of
20 enactment of this Act, the requirement relating to obtain-
21 ing cash contributions from non-Federal sources under
22 section 29(c)(1) of the Small Business Act (15 U.S.C.
23 656(c)(1)) is waived for any recipient of assistance under
24 such section 29.

1 **SEC. 1105. LOAN FORGIVENESS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “covered loan” means a loan guar-
4 anteed under paragraph (36) of section 7(a) of the
5 Small Business Act (15 U.S.C. 636(a)), as added by
6 section 1102;

7 (2) the term “covered mortgage obligation”
8 means any indebtedness or debt instrument incurred
9 in the ordinary course of business that—

10 (A) is a liability of the borrower;

11 (B) is a mortgage on real or personal
12 property; and

13 (C) was incurred before February 15,
14 2020;

15 (3) the term “covered period” means the 8-
16 week period beginning on date of the origination of
17 a covered loan;

18 (4) the term “covered rent obligation” means
19 rent obligated under a leasing agreement in force be-
20 fore February 15, 2020;

21 (5) the term “covered utility payment” means
22 payment for a service for the distribution of elec-
23 tricity, gas, water, transportation, telephone, or
24 internet access for which service began before Feb-
25 ruary 15, 2020;

1 (6) the term “eligible recipient” means the re-
2 cipient of a covered loan;

3 (7) the term “expected forgiveness amount”
4 means the amount of principal that a lender reason-
5 ably expects a borrower to expend during the cov-
6 ered period on the sum of any—

7 (A) payroll costs;

8 (B) payments of interest on any covered
9 mortgage obligation (which shall not include
10 any prepayment of or payment of principal on
11 a covered mortgage obligation);

12 (C) payments on any covered rent obliga-
13 tion; and

14 (D) covered utility payments; and

15 (8) the term “payroll costs” has the meaning
16 given that term in paragraph (36) of section 7(a) of
17 the Small Business Act (15 U.S.C. 636(a)), as
18 added by section 1102 of this Act.

19 (b) FORGIVENESS.—An eligible recipient shall be eli-
20 gible for forgiveness of indebtedness on a covered loan in
21 an amount equal to the sum of the following costs incurred
22 and payments made during the covered period:

23 (1) Payroll costs.

24 (2) Any payment of interest on any covered
25 mortgage obligation (which shall not include any

1 prepayment of or payment of principal on a covered
2 mortgage obligation).

3 (3) Any payment on any covered rent obliga-
4 tion.

5 (4) Any covered utility payment.

6 (c) TREATMENT OF AMOUNTS FORGIVEN.—

7 (1) IN GENERAL.—Amounts which have been
8 forgiven under this section shall be considered can-
9 celed indebtedness by a lender authorized under sec-
10 tion 7(a) of the Small Business Act (15 U.S.C.
11 636(a)).

12 (2) PURCHASE OF GUARANTEES.—For purposes
13 of the purchase of the guarantee for a covered loan
14 by the Administrator, amounts which are forgiven
15 under this section shall be treated in accordance
16 with the procedures that are otherwise applicable to
17 a loan guaranteed under section 7(a) of the Small
18 Business Act (15 U.S.C. 636(a)).

19 (3) REMITTANCE.—Not later than 90 days
20 after the date on which the amount of forgiveness
21 under this section is determined, the Administrator
22 shall remit to the lender an amount equal to the
23 amount of forgiveness, plus any interest accrued
24 through the date of payment.

25 (4) ADVANCE PURCHASE OF COVERED LOAN.—

1 (A) REPORT.—A lender authorized under
2 section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)) may report to the Administrator
4 an expected forgiveness amount on a covered
5 loan or on a pool of covered loans of up to 100
6 percent of the principal on the covered loan or
7 pool of covered loans, respectively.

8 (B) PURCHASE.—The Administrator shall
9 purchase the expected forgiveness amount de-
10 scribed in subparagraph (A) as if the amount
11 were the principal amount of a loan guaranteed
12 under section 7(a) of the Small Business Act
13 636(a).

14 (C) TIMING.—Not later than 5 days after
15 the date on which the Administrator receives a
16 report under subparagraph (A), the Adminis-
17 trator shall purchase the expected forgiveness
18 amount under subparagraph (B) with respect to
19 each covered loan to which the report relates.

20 (d) LIMITS ON AMOUNT OF FORGIVENESS.—

21 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
22 The amount of loan forgiveness under this section
23 shall not exceed the principal amount of the financ-
24 ing made available under the applicable covered
25 loan.

1 mined by the Administrator, the average
2 number of full-time equivalent employees
3 per month employed by the eligible recipi-
4 ent during the period beginning on Feb-
5 ruary 15, 2019 and ending on June 30,
6 2019.

7 (B) CALCULATION OF AVERAGE NUMBER
8 OF EMPLOYEES.—For purposes of subpara-
9 graph (A), the average number of full-time
10 equivalent employees shall be determined by
11 calculating the average number of full-time
12 equivalent employees for each pay period falling
13 within a month.

14 (3) REDUCTION RELATING TO SALARY AND
15 WAGES.—

16 (A) IN GENERAL.—The amount of loan
17 forgiveness under this section shall be reduced
18 by the amount of any reduction in total salary
19 or wages of any employee described in subpara-
20 graph (B) during the covered period that is in
21 excess of 25 percent of the total salary or wages
22 of the employee during the most recent full
23 quarter during which the employee was em-
24 ployed before the covered period.

1 (B) EMPLOYEES DESCRIBED.—An em-
2 ployee described in this subparagraph is any
3 employee who did not receive, during any single
4 pay period during 2019, wages or salary at an
5 annualized rate of pay in an amount more than
6 \$100,000.

7 (4) EXCEPTION FOR TIPPED WORKERS.—An el-
8 igible recipient with tipped employees described in
9 section 3(m)(2)(A) of the Fair Labor Standards Act
10 of 1938 (29 U.S.C. 203(m)(2)(A)) may receive for-
11 giveness for additional wages paid to those employ-
12 ees.

13 (5) EXEMPTION FOR RE-HIRES.—

14 (A) IN GENERAL.—In a circumstance de-
15 scribed in subparagraph (B), the amount of
16 loan forgiveness under this section shall be de-
17 termined without regard to a reduction in the
18 number of full-time equivalent employees of an
19 eligible recipient or a reduction in the salary of
20 1 or more employees of the eligible recipient, as
21 applicable, during the period beginning on Feb-
22 ruary 15, 2020 and ending on April 1, 2020.

23 (B) CIRCUMSTANCES.—A circumstance de-
24 scribed in this subparagraph is a cir-
25 cumstance—

1 (i) in which—

2 (I) during the period beginning
3 on February 15, 2020 and ending on
4 April 1, 2020, there is a reduction, as
5 compared to February 15, 2020, in
6 the number of full-time equivalent em-
7 ployees of an eligible recipient; and

8 (II) not later than June 30,
9 2020, the eligible employer has elimi-
10 nated the reduction in the number of
11 full-time equivalent employees;

12 (ii) in which—

13 (I) during the period beginning
14 on February 15, 2020 and ending on
15 April 1, 2020, there is a reduction, as
16 compared to February 15, 2020, in
17 the salary or wages of 1 or more em-
18 ployees of the eligible recipient; and

19 (II) not later than June 30,
20 2020, the eligible employer has elimi-
21 nated the reduction in the salary or
22 wages of such employees; or

23 (iii) in which the events described in
24 clause (i) and (ii) occur.

1 (e) APPLICATION.—An eligible recipient seeking loan
2 forgiveness under this section shall submit to the lender
3 that originated the covered loan an application, which
4 shall include—

5 (1) documentation verifying the number of full-
6 time equivalent employees on payroll and pay rates
7 for the periods described in subsection (d), includ-
8 ing—

9 (A) payroll tax filings reported to the In-
10 ternal Revenue Service; and

11 (B) State income, payroll, and unemploy-
12 ment insurance filings;

13 (2) documentation, including cancelled checks,
14 payment receipts, transcripts of accounts, or other
15 documents verifying payments on covered mortgage
16 obligations, payments on covered lease obligations,
17 and covered utility payments;

18 (3) a certification from a representative of the
19 eligible recipient authorized to make such certifi-
20 cations that—

21 (A) the documentation presented is true
22 and correct; and

23 (B) the amount for which forgiveness is re-
24 quested was used to retain employees, make in-
25 terest payments on a covered mortgage obliga-

1 tion, make payments on a covered rent obliga-
2 tion, or make covered utility payments; and

3 (4) any other documentation the Administrator
4 determines necessary.

5 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
6 MENTATION.—No eligible recipient shall receive forgive-
7 ness under this section without submitting to the lender
8 that originated the covered loan the documentation re-
9 quired under subsection (e).

10 (g) DECISION.—Not later than 60 days after the date
11 on which a lender receives an application for loan forgive-
12 ness under this section from an eligible recipient, the lend-
13 er shall issue a decision on the an application.

14 (h) SAFE HARBOR.—If a lender determines that an
15 eligible recipient has accurately verified the payments for
16 payroll costs, payments on covered mortgage obligations,
17 payments on covered lease obligations, or covered utility
18 payments during covered period—

19 (1) an enforcement action may not be taken
20 against the lender under section 47(e) of the Small
21 Business Act (15 U.S.C. 657t(e)) relating to loan
22 forgiveness for the payments for payroll costs, pay-
23 ments on covered mortgage obligations, payments on
24 covered lease obligations, or covered utility pay-
25 ments, as the case may be; and

1 (2) the lender shall not be subject to any pen-
2 alties by the Administrator relating to loan forgive-
3 ness for the payments for payroll costs, payments on
4 covered mortgage obligations, payments on covered
5 lease obligations, or covered utility payments, as the
6 case may be.

7 (i) TAXABILITY.—Canceled indebtedness under this
8 section shall be excluded from gross income for purposes
9 of the Internal Revenue Code of 1986.

10 (j) RULE OF CONSTRUCTION.—The cancellation of
11 indebtedness on a covered loan under this section shall not
12 otherwise modify the terms and conditions of the covered
13 loan.

14 (k) REGULATIONS.—Not later than 30 days after the
15 date of enactment of this Act, the Administrator shall
16 issue guidance and regulations implementing this section.

17 **SEC. 1106. DIRECT APPROPRIATIONS.**

18 (a) IN GENERAL.—There is appropriated, out of
19 amounts in the Treasury not otherwise appropriated, for
20 the fiscal year ending September 30, 2020, to remain
21 available until September 30, 2021, for additional
22 amounts—

23 (1) \$299,400,000,000 under the heading
24 “Small Business Administration—Business Loans
25 Program Account” for the cost of guaranteed loans

1 as authorized under paragraph (36) of section 7(a)
2 of the Small Business Act (15 U.S.C. 636(a)), as
3 added by section 1102(a) of this Act;

4 (2) \$700,000,000 under the heading “Small
5 Business Administration—Salaries and Expenses”
6 for salaries and expenses of the Administration;

7 (3) \$25,000,000 under the heading “Small
8 Business Administration—Office of Inspector Gen-
9 eral” for necessary expenses of the Office of Inspec-
10 tor General of the Administration in carrying out
11 the provisions of the Inspector General Act of 1978
12 (5 U.S.C. App.);

13 (4) \$265,000,000 under the heading “Small
14 Business Administration—Entrepreneurial Develop-
15 ment Programs”, of which—

16 (A) \$240,000,000 shall be for carrying sec-
17 tion 1103(b) of this Act; and

18 (B) \$25,000,000 shall be for carrying out
19 section 1103(e) of this Act; and

20 (5) \$10,000,000 under the heading “Depart-
21 ment of Commerce—Minority Business Development
22 Agency” for minority business centers of the Minor-
23 ity Business Development Agency to provide tech-
24 nical assistance to small business concerns.

1 (b) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, the Administrator shall sub-
3 mit to the Committee on Appropriations of the Senate and
4 the Committee on Appropriations of the House of Rep-
5 resentatives a detailed expenditure plan for using the
6 amounts appropriated under subsection (a).

7 **SEC. 1107. MINORITY BUSINESS DEVELOPMENT AGENCY.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “Agency” means the Minority
10 Business Development Agency of the Department of
11 Commerce; and

12 (2) the term “minority business center” means
13 a Business Center of the Agency.

14 (b) EDUCATION, TRAINING, AND ADVISING
15 GRANTS.—

16 (1) IN GENERAL.—The Agency may provide fi-
17 nancial assistance in the form of grants to minority
18 business centers to provide education, training, and
19 advising to covered small business concerns.

20 (2) USE OF FUNDS.—Grants under this section
21 shall be used for the education, training, and advis-
22 ing of covered small business concerns and their em-
23 ployees on—

24 (A) accessing and applying for resources
25 provided by the Agency and other Federal re-

1 sources relating to access to capital and busi-
2 ness resiliency;

3 (B) the hazards and prevention of the
4 transmission and communication of COVID-19
5 and other communicable diseases;

6 (C) the potential effects of COVID-19 on
7 the supply chains, distribution, and sale of
8 products of covered small business concerns and
9 the mitigation of those effects;

10 (D) the management and practice of
11 telework to reduce possible transmission of
12 COVID-19;

13 (E) the management and practice of re-
14 mote customer service by electronic or other
15 means;

16 (F) the risks of and mitigation of cyber
17 threats in remote customer service or telework
18 practices;

19 (G) the mitigation of the effects of reduced
20 travel or outside activities on covered small
21 business concerns during COVID-19 or similar
22 occurrences; and

23 (H) any other relevant business practices
24 necessary to mitigate the economic effects of
25 COVID-19 or similar occurrences.

1 (3) NO MATCHING FUNDS REQUIRED.—Match-
2 ing funds shall not be required for any grant under
3 this section.

4 (4) GOALS AND METRICS.—

5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this section
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the minority business centers and
10 the Agency, which shall—

11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the minority
16 business centers, particularly in rural areas
17 or economically distressed areas;

18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of minority business
21 centers in responding to unique situations;
22 and

23 (iii) encourage minority business cen-
24 ters to develop and provide services to cov-
25 ered small business concerns.

1 (B) PUBLIC AVAILABILITY.—The Agency
2 shall make publicly available the methodology
3 by which the Agency and minority business cen-
4 ters jointly develop the metrics and goals de-
5 scribed in subparagraph (A).

6 (5) AUTHORIZATION OF APPROPRIATIONS.—
7 There is authorized to be appropriated \$10,000,000
8 to carry out this section, to remain available until
9 expended.

10 (c) WAIVERS.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law or regulation, the Agency may, dur-
13 ing the 3-month period that begins on the date of
14 enactment of this Act, waive any matching require-
15 ment imposed on a minority business center or spe-
16 cialty center of the Agency under a cooperative
17 agreement between such a center and the Agency if
18 the applicable center is unable to raise funds, or has
19 suffered a loss of revenue, because of the effects of
20 COVID-19.

21 (2) REMAINING COMPLIANT.—Notwithstanding
22 any provision of a cooperative agreement between
23 the Agency and a minority business center, if, dur-
24 ing the period beginning on the date of enactment
25 of this Act and ending on September 30, 2021, such

1 a center decides not to collect fees because of the
2 economic consequences of COVID–19, the center
3 shall be considered to be in compliance with that
4 agreement if—

5 (A) the center notifies the Agency with re-
6 spect to that decision, which the center may
7 provide through electronic mail; and

8 (B) the Agency, not later than 15 days
9 after the date on which the center provides no-
10 tice to the Agency under subparagraph (A)—

11 (i) confirms receipt of the notification
12 under subparagraph (A); and

13 (ii) accepts the decision of the center.

14 **SEC. 1108. CONTRACTING.**

15 (a) DEFINITION.—In this section, the term “covered
16 entity” means a small business concern or nonprofit orga-
17 nization—

18 (1) that is a party to a contract with a Federal
19 agency; and

20 (2) for which the contractor performance is ad-
21 versely impacted as a result of COVID–19.

22 (b) PROMOTION OF SMALL BUSINESS CON-
23 TRACTING.—

24 (1) SMALL BUSINESS CONTRACTING RELIEF.—

1 (A) IN GENERAL.—Notwithstanding any
2 other provision of law or regulation, and except
3 as provided in subparagraph (B), during the pe-
4 riod beginning on the date of enactment of this
5 Act and ending on September 30, 2021, the
6 head of the Federal agency with which a cov-
7 ered entity has a contract shall provide the cov-
8 ered entity with the greater of—

9 (i) 30 additional days to carry out the
10 responsibilities of the covered entity under
11 the contract; or

12 (ii) an additional amount of time to
13 carry out the responsibilities of the covered
14 entity under the contract that the head of
15 the Federal agency determines to be ap-
16 propriate after taking into consideration
17 the severity of the adverse impact experi-
18 enced by the covered entity.

19 (B) EXCLUSION OF MISSION-CRITICAL
20 CONTRACTS.—Subparagraph (A) shall not apply
21 to any contract that the head of the Federal
22 agency that is a party to the contract deter-
23 mines is critical to carrying out the mission of
24 the Federal agency.

1 (2) PAYMENT CONTINUATION.—If the perform-
2 ance of all or any part of the work of a Federal
3 goods or services contract with a contractor that is
4 a small business concern or a nonprofit organization
5 in force and effect during the period beginning on
6 the date of enactment of this Act and ending on
7 September 30, 2021 is unavoidably delayed or inter-
8 rupted by the inability of the employees of the small
9 business concern or nonprofit organization, as appli-
10 cable, to access Government facilities, systems, or
11 other Government-provided resources due to restric-
12 tions related to COVID–19 that have been imposed
13 by any authority or due to orders or instructions
14 issued by the contracting agency in response to
15 COVID19—

16 (A) the Government shall pay the small
17 business concern or nonprofit organization, as
18 applicable, upon the submission of the docu-
19 mentation required by the contract and accord-
20 ing to the terms specified in the contract, the
21 prices stipulated in the contract for goods or
22 services as if the small business concern or non-
23 profit organization, as applicable, had rendered
24 and the Government accepted the goods or serv-
25 ices; and

1 (B) contractor delivery schedules shall be
2 revised and the small business concern or non-
3 profit organization, as applicable, shall be eligi-
4 ble for equitable adjustments based on the re-
5 vised schedules.

6 (3) PROMPT PAYMENTS.—Notwithstanding any
7 other provision of law or regulation, during any pe-
8 riod in which the President invokes the authorities
9 of the Defense Production Act of 1950 (50 U.S.C.
10 4501 et seq.), for any payment due by the head of
11 a Federal agency on a contract for an item of prop-
12 erty or service provided—

13 (A) with respect to a prime contractor (as
14 defined in section 8701 of title 41, United
15 States Code) that is a small business concern or
16 nonprofit organization, the head of the Federal
17 agency shall, to the fullest extent permitted by
18 law and to the maximum extent practicable, es-
19 tablish an accelerated payment date of 15 days
20 after a proper invoice for the amount due is re-
21 ceived; and

22 (B) with respect to a prime contractor (as
23 defined in section 8701 of title 41, United
24 States Code) that subcontracts with a small
25 business concern or nonprofit organization, the

1 head of the Federal agency shall, to fullest ex-
2 tent permitted by law and to the maximum ex-
3 tent practicable, establish an accelerated pay-
4 ment date of 15 days after receipt of a proper
5 invoice for the amount due if the prime con-
6 tractor agrees to make payments to the subcon-
7 tractor in accordance with the accelerated pay-
8 ment date, to the maximum extent practicable,
9 without any further consideration from or fees
10 charged to the subcontractor.

11 (4) BAR ON MULTIPLE FORMS OF CONTRACT
12 RELIEF.—A small business concern or nonprofit or-
13 ganization may not receive a modification of terms
14 or assistance under more than 1 paragraph of this
15 subsection with respect to any single contract.

16 (c) RESOLICITATION OF CONTRACTS WITH SMALL
17 BUSINESS CONCERNS.—During fiscal years 2021 and
18 2022, a Federal agency shall not cancel a contract in
19 which the prime contractor (as defined in section 8701
20 of title 41, United States Code) is a small business con-
21 cern that defaulted on the terms of the contract directly
22 or indirectly due to the COVID–19 unless the Director
23 of Small and Disadvantaged Business Utilization of the
24 Federal agency certifies that—

25 (1) the contract is mission-critical;

1 (2) resolicit of the contract would allow a
2 faster delivery than the small business concern could
3 provide; and

4 (3) the resolicit of the contract is, to the
5 greatest extent possible, awarded to another small
6 business concern.

7 **SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGE-**
8 **MENT AUTHORITY.**

9 (a) **AUTHORITY TO INCLUDE ADDITIONAL FINAN-**
10 **CIAL INSTITUTIONS.**—The Department of the Treasury,
11 in consultation with the Administration, the Farm Credit
12 Administration, and the other Federal financial regulatory
13 agencies (as defined in section 313(r) of title 31, United
14 States Code), shall establish criteria for insured depository
15 institutions (as defined in section 3 of the Federal Deposit
16 Insurance Act (12 U.S.C. 1813)), institutions of the Farm
17 Credit System chartered under the Farm Credit Act of
18 1971 (12 U.S.C. 2001 et seq.), and other lenders that do
19 not already participate in lending under programs of the
20 Administration, to participate in the small business inter-
21 ruption loans program to provide loans under this section
22 until the date on which the national emergency declared
23 by the President under the National Emergencies Act (50
24 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
25 ease 2019 (COVID–19) expires.

1 (b) SAFETY AND SOUNDNESS.—An insured deposi-
2 tory institution (as defined in section 3 of the Federal De-
3 posit Insurance Act (12 U.S.C. 1813)), institution of the
4 Farm Credit System chartered under the Farm Credit Act
5 of 1971 (12 U.S.C. 2001 et seq.), or other lender may
6 only participate in the program established under this sec-
7 tion if participation does not affect the safety and sound-
8 ness of the institution or lender.

9 (c) REGULATIONS FOR LENDERS AND LOANS.—

10 (1) IN GENERAL.—The Secretary of the Treas-
11 ury, in consultation with the Administrator, shall
12 issue regulations and guidance in order to direct ad-
13 ditional lenders under this section and establish
14 terms and conditions for small business interruption
15 loans under this section, including terms concerning
16 compensation, underwriting standards, interest
17 rates, and maturity.

18 (2) REQUIREMENTS.—The terms and condi-
19 tions established under paragraph (1) shall provide
20 for the following:

21 (A) A rate of interest that does not exceed
22 the maximum permissible rate of interest avail-
23 able on a loan of comparable maturity under
24 paragraph (36) of section 7(a) of the Small

1 Business Act (15 U.S.C. 636(a)), as added by
2 section 1102 of this Act.

3 (B) Terms and conditions that, to the
4 maximum extent practicable, are the same as
5 the terms and conditions required under the fol-
6 lowing provisions of paragraph (36) of section
7 7(a) of the Small Business Act (15 U.S.C.
8 636(a)), as added by section 1102 of this Act:

9 (i) Subparagraph (D), pertaining to
10 borrower eligibility.

11 (ii) Subparagraph (E), pertaining to
12 the maximum loan amount.

13 (iii) Subparagraph (F)(i), pertaining
14 to allowable uses of program loans.

15 (iv) Subparagraph (H), pertaining to
16 fee waivers.

17 (v) Subparagraph (N), pertaining to
18 loan deferment.

19 (C) A guarantee percentage that, to the
20 maximum extent practicable, is the same as the
21 guarantee percentage required under subpara-
22 graph (F) of section 7(a)(2) of the Small Busi-
23 ness Act (15 U.S.C. 636(a)(2)), as added by
24 section 1102 of this Act.

1 (D) Loan forgiveness under terms and con-
2 ditions that, to the maximum extent prac-
3 ticable, are the same as the terms and condi-
4 tions for loan forgiveness under section 1105 of
5 this Act.

6 (d) ADDITIONAL REGULATIONS GENERALLY.—The
7 Secretary of the Treasury may issue regulations and guid-
8 ance as may be necessary to carry out the purposes of
9 this section.

10 (e) CERTIFICATION.—As a condition of receiving a
11 loan under this section, a borrower shall certify under
12 terms acceptable to the Secretary of the Treasury that the
13 borrower—

14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)); and

17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.

20 (f) PROGRAM ADMINISTRATION.—Under the infra-
21 structure of the Department of the Treasury and with
22 guidance from the Secretary of the Treasury, the Adminis-
23 trator shall administer the program established under this
24 section, including the making and purchasing of guaran-
25 tees on loans under the program, until the date on which

1 the national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et seq.)
3 with respect to the Coronavirus Disease 2019 (COVID–
4 19) expires.

5 (g) CRIMINAL PENALTIES.—A loan under this sec-
6 tion shall be deemed to be a loan under the Small Business
7 Act (15 U.S.C. 631 et seq.) for purposes of section 16
8 of such Act (15 U.S.C. 645).

9 **SEC. 1110. EMERGENCY EIDL GRANTS.**

10 (a) DEFINITIONS.—In this section—

11 (1) the term “covered period” means the period
12 beginning on January 31, 2020 and ending on De-
13 cember 31, 2020; and

14 (2) the term “eligible entity” means—

15 (A) a startup with not more than 500 em-
16 ployees;

17 (B) any individual who operates under a
18 sole proprietorship or as an independent con-
19 tractor;

20 (C) a cooperative with not more than 500
21 employees; or

22 (D) an ESOP (as defined in section 3 of
23 the Small Business Act (15 U.S.C. 632)) with
24 not more than 500 employees.

1 (b) ELIGIBLE ENTITIES.—During the covered period,
2 in addition to small business concerns, private nonprofit
3 organizations, and small agricultural cooperatives, an eli-
4 gible entity shall be eligible for a loan made under section
5 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).

6 (c) TERMS; CREDIT ELSEWHERE.—With respect to
7 a loan made under section 7(b)(2) of the Small Business
8 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
9 ing the covered period, the Administrator shall waive—

10 (1) any rules related the personal guarantee on
11 advances and loans of not more than \$200,000 dur-
12 ing the covered period for all applicants;

13 (2) the requirement that an applicant needs to
14 be in business for the 1-year period before the dis-
15 aster; and

16 (3) the requirement in the flush matter fol-
17 lowing subparagraph (E) of section 7(b)(2) of the
18 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
19 designated by subsection (f) of this section, that an
20 applicant be unable to obtain credit elsewhere.

21 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
22 DOLLAR LOANS.—With respect to a loan made under sec-
23 tion 7(b)(2) of the Small Business Act (15 U.S.C.
24 636(b)(2)) in response to COVID–19 during the covered
25 period, a lender may—

1 (1) approve an applicant based solely on the
2 credit score of the applicant and shall not require an
3 applicant to submit a tax return or a tax return
4 transcript for such approval; or

5 (2) use alternative appropriate methods to de-
6 termine an applicant's ability to repay.

7 (e) EMERGENCY GRANT.—

8 (1) IN GENERAL.—During the covered period,
9 an eligible entity that applies for a loan under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 may request
12 that the Administrator provide an advance in the
13 amount requested by such applicant (not to exceed
14 \$10,000) to such applicant within 3 days after the
15 Administrator receives an application from such ap-
16 plicant.

17 (2) VERIFICATION.—Before disbursing amounts
18 under this subsection, the Administrator shall verify
19 that the applicant is an eligible entity.

20 (3) USE OF FUNDS.—An advance provided
21 under this subsection may be used to address any al-
22 lowable purpose for a loan made under section
23 7(b)(2) of the Small Business Act (15 U.S.C.
24 636(b)(2)), including—

1 (A) providing paid sick leave to employees
2 unable to work due to the direct effect of the
3 COVID-19;

4 (B) maintaining payroll to retain employ-
5 ees during business disruptions or substantial
6 slowdowns;

7 (C) meeting increased costs to obtain ma-
8 terials unavailable from the applicant's original
9 source due to interrupted supply chains;

10 (D) making rent or mortgage payments;
11 and

12 (E) repaying obligations that cannot be
13 met due to revenue losses.

14 (4) REPAYMENT.—An applicant shall not be re-
15 quired to repay any amounts of an advance provided
16 under this subsection, even if subsequently denied a
17 loan under section 7(b)(2) of the Small Business Act
18 (15 U.S.C. 636(b)(2)).

19 (5) UNEMPLOYMENT GRANT.—If an applicant
20 that receives an advance under this subsection trans-
21 fers into the loan program under section 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)), the advance
23 amount shall be considered when determining loan
24 forgiveness for a loan for payroll costs made under
25 such section 7(a).

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Ad-
3 ministration \$10,000,000,000 to carry out this sub-
4 section.

5 (7) TERMINATION.—The authority to carry out
6 grants under this subsection shall terminate on De-
7 cember 30, 2020.

8 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
9 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
10 Section 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) is amended—

12 (1) in subparagraph (A), by striking “or” at
13 the end;

14 (2) in subparagraph (B), by striking “or” at
15 the end;

16 (3) in subparagraph (C), by striking “or” at
17 the end;

18 (4) by redesignating subparagraph (D) as sub-
19 paragraph (E);

20 (5) by inserting after subparagraph (C) the fol-
21 lowing:

22 “(D) an emergency involving Federal pri-
23 mary responsibility determined to exist by the
24 President under the section 501(b) of the Rob-

1 ert T. Stafford Disaster Relief and Emergency
2 Assistance Act (42 U.S.C. 5191(b)); or”; and
3 (6) in subparagraph (E), as so redesignated—
4 (A) by striking “or (C)” and inserting
5 “(C), or (D)”;
6 (B) by striking “disaster declaration” each
7 place it appears and inserting “disaster or
8 emergency declaration”;
9 (C) by striking “disaster has occurred”
10 and inserting “disaster or emergency has oc-
11 curred”;
12 (D) by striking “such disaster” and insert-
13 ing “such disaster or emergency”; and
14 (E) by striking “disaster stricken” and in-
15 serting “disaster- or emergency-stricken”; and
16 (7) in the flush matter following subparagraph
17 (E), as so redesignated, by striking the period at the
18 end and inserting the following: “: *Provided further,*
19 That for purposes of subparagraph (D), the Admin-
20 istrator shall deem that such an emergency affects
21 each State or subdivision thereof (including coun-
22 ties), and that each State or subdivision has suffi-
23 cient economic damage to small business concerns to
24 qualify for assistance under this paragraph and the

1 Administrator shall accept applications for such as-
2 sistance immediately.”.

3 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
4 **OTHER THAN ENGLISH.**

5 (a) IN GENERAL.—The Administrator shall provide
6 the resources and services made available by the Adminis-
7 tration to small business concerns in the 10 most com-
8 monly spoken languages, other than English, in the
9 United States, which shall include Mandarin, Cantonese,
10 Japanese, and Korean.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Administrator
13 \$25,000,000 to carry out this section.

14 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

15 (a) DEFINITION OF COVERED LOAN.—In this sec-
16 tion, the term “covered loan” means a loan that is—

17 (1) guaranteed by the Administration under—

18 (A) section 7(a) of the Small Business Act
19 (15 U.S.C. 636(a)), including a loan made
20 under the Community Advantage Pilot Program
21 of the Administration; or

22 (B) title V of the Small Business Invest-
23 ment Act of 1958 (15 U.S.C. 695 et seq.); or

24 (2) made by an intermediary to a small busi-
25 ness concern using loans or grants received under

1 section 7(m) of the Small Business Act (15 U.S.C.
2 636(m)).

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) all borrowers are adversely affected by
6 COVID-19;

7 (2) relief payments by the Administration are
8 appropriate for all borrowers; and

9 (3) in addition to the relief provided under this
10 Act, the Administration should encourage lenders to
11 provide payment deferments, when appropriate, and
12 to extend the maturity of covered loans, so as to
13 avoid balloon payments or any requirement for in-
14 creases in debt payments resulting from deferments
15 provided by lenders during the period of the national
16 emergency declared by the President under the Na-
17 tional Emergencies Act (50 U.S.C. 1601 et seq.)
18 with respect to the Coronavirus Disease 2019
19 (COVID-19).

20 (c) PRINCIPAL AND INTEREST PAYMENTS.—

21 (1) IN GENERAL.—The Administrator shall pay
22 the principal, interest, and any associated fees that
23 are owed on a covered loan in a regular servicing
24 status—

1 (A) with respect to a covered loan made
2 before the date of enactment of this Act and
3 not on deferment, for the 6-month period begin-
4 ning with the next payment due on the covered
5 loan;

6 (B) with respect to a covered loan made
7 before the date of enactment of this Act and on
8 deferment, for the 6-month period beginning
9 with the next payment due on the covered loan
10 after the deferment period; and

11 (C) with respect to a covered loan made
12 during the period beginning on the date of en-
13 actment of this Act and ending on the date that
14 is 6 months after such date of enactment, for
15 the 6-month period beginning with the first
16 payment due on the covered loan.

17 (2) TIMING OF PAYMENT.—The Administrator
18 shall begin making payments under paragraph (1)
19 on a covered loan not later than 30 days after the
20 date on which the first such payment is due.

21 (3) APPLICATION OF PAYMENT.—Any payment
22 made by the Administrator under paragraph (1)
23 shall be applied to the covered loan such that the
24 borrower is relieved of the obligation to pay that
25 amount.

1 (d) OTHER REQUIREMENTS.—The Administrator
2 shall—

3 (1) communicate and coordinate with the Fed-
4 eral Deposit Insurance Corporation, the Office of the
5 Comptroller of the Currency, and State bank regu-
6 lators to encourage those entities to not require
7 lenders to increase their reserves on account of re-
8 ceiving payments made by the Administrator under
9 subsection (c);

10 (2) waive statutory limits on maximum loan
11 maturities for any covered loan durations where the
12 lender provides a deferral and extends the maturity
13 of covered loans during the 1-year period following
14 the date of enactment of this Act; and

15 (3) when necessary to provide more time be-
16 cause of the potential of higher volumes, travel re-
17 strictions, and the inability to access some properties
18 during the COVID–19 pandemic, extend lender site
19 visit requirements to—

20 (A) not more than 60 days (which may be
21 extended at the discretion of the Administra-
22 tion) after the occurrence of an adverse event,
23 other than a payment default, causing a loan to
24 be classified as in liquidation; and

1 (B) not more than 90 days after a pay-
2 ment default.

3 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to limit the authority of the Admin-
5 istrator to make payments pursuant to subsection (e) with
6 respect to a covered loan solely because the covered loan
7 has been sold in the secondary market.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Administrator
10 \$16,800,000,000 to carry out this section.

11 **SEC. 1113. EMERGENCY RULEMAKING AUTHORITY.**

12 Not later than 15 days after the date of enactment
13 of this Act, the Administrator shall issue regulations to
14 carry out this Act and the amendments made by this Act
15 without regard to the notice requirements under section
16 553(b) of title 5, United States Code.

17 **TITLE II—ASSISTANCE FOR**
18 **AMERICAN WORKERS, FAMI-**
19 **LIES, AND BUSINESSES**
20 **Subtitle A—Unemployment**
21 **Insurance Provisions**

22 **SEC. 2101. SHORT TITLE.**

23 This subtitle may be cited as the “Relief for Workers
24 Affected by Coronavirus Act”.

1 **SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

2 (a) DEFINITIONS.—In this section:

3 (1) COVID-19.—The term “COVID-19” means
4 the 2019 Novel Coronavirus or 2019-nCoV.

5 (2) COVID-19 PUBLIC HEALTH EMERGENCY.—
6 The term “COVID-19 public health emergency”
7 means the public health emergency declared by the
8 Secretary of Health and Human Services on Janu-
9 ary 27, 2020, with respect to the 2019 Novel
10 Coronavirus.

11 (3) COVERED INDIVIDUAL.—The term “covered
12 individual”—

13 (A) means an individual who—

14 (i) is not eligible for regular com-
15 pensation or extended benefits under State
16 or Federal law, including an individual who
17 has exhausted all rights to regular unem-
18 ployment or extended benefits under State
19 or Federal law; and

20 (ii) provides self-certification that the
21 individual—

22 (I) is otherwise able to work and
23 available for work within the meaning
24 of applicable State law, except the in-
25 dividual is unemployed, partially un-

1 employed, or unable or unavailable to
2 work because—

3 (aa) the individual has been
4 diagnosed with COVID-19 or is
5 experiencing symptoms of
6 COVID-19 and seeking a medical
7 diagnosis;

8 (bb) a member of the indi-
9 vidual's household has been diag-
10 nosed with COVID-19;

11 (cc) the individual is pro-
12 viding care for a family member
13 or a member of the individual's
14 household who has been diag-
15 nosed with COVID-19;

16 (dd) a child or other person
17 in the household for which the in-
18 dividual has primary caregiving
19 responsibility is unable to attend
20 school or another facility that is
21 closed as a direct result of the
22 COVID-19 public health emer-
23 gency and such school or facility
24 care is required for the individual
25 to work;

1 (ee) the individual is unable
2 to reach the place of employment
3 because of a quarantine imposed
4 as a direct result of a COVID-19
5 outbreak;

6 (ff) the individual is unable
7 to reach the place of employment
8 because the individual has been
9 advised by a health care provider
10 to self-quarantine due to con-
11 cerns related to COVID-19;

12 (gg) the individual was
13 scheduled to commence employ-
14 ment and does not have a job or
15 is unable to reach the job as a di-
16 rect result of a COVID-19 out-
17 break;

18 (hh) the individual has be-
19 come the breadwinner or major
20 support for a household because
21 the head of the household has
22 died as a direct result of COVID-
23 19;

1 (ii) the individual has to quit
2 his or her job as a direct result
3 of COVID-19;

4 (jj) the individual's place of
5 employment is closed as a direct
6 result of the COVID-19 public
7 health emergency;

8 (kk) the individual meets
9 any additional criteria established
10 by the Secretary for unemploy-
11 ment assistance under this sec-
12 tion; or

13 (II) is self-employed, is seeking
14 part-time employment (if the State al-
15 lows an individual to receive regular
16 unemployment compensation if the in-
17 dividual is seeking part-time employ-
18 ment), does not have sufficient work
19 history, or otherwise would not qualify
20 for regular unemployment under State
21 or Federal law and becomes unem-
22 ployed or cannot find work; and

23 (B) does not include—

24 (i) an individual who has the ability to
25 telework with pay; or

1 (ii) an individual who is receiving paid
2 sick leave or other paid leave benefits, re-
3 gardless of whether the individual meets a
4 qualification described in items (aa)
5 through (jj) of subparagraph (A)(i)(I).

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of Labor.

8 (5) STATE.—The term “State” includes the
9 District of Columbia, the Commonwealth of Puerto
10 Rico, the Virgin Islands, Guam, American Samoa,
11 the Commonwealth of the Northern Mariana Is-
12 lands, Federated States of Micronesia, Republic of
13 the Marshall Islands, and the Trust Territory of the
14 Pacific Islands.

15 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
16 OF COVID-19.—Subject to subsection (c), the Secretary
17 shall provide to any covered individual unemployment ben-
18 efit assistance while such individual is unemployed, par-
19 tially unemployed, or unable to work for the weeks of such
20 unemployment with respect to which the individual is not
21 entitled to any other unemployment compensation (as that
22 term is defined in section 85(b) of title 26, United States
23 Code) or waiting period credit.

24 (c) APPLICABILITY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the assistance authorized under sub-
3 section (b) shall be available to a covered indi-
4 vidual—

5 (A) for weeks of unemployment, partial un-
6 employment, or inability to work caused by
7 COVID-19—

8 (i) beginning on or after January 27,
9 2020; and

10 (ii) ending on or before December 31,
11 2020; and

12 (B) subject to subparagraph (A)(ii), as
13 long as the covered individual's unemployment,
14 partial unemployment, or inability to work
15 caused by COVID-19 continues.

16 (2) LIMITATION ON DURATION OF ASSIST-
17 ANCE.—The total number of weeks for which a cov-
18 ered individual may receive assistance under this
19 section shall not exceed 39 weeks and such total
20 shall include any week for which the covered indi-
21 vidual received regular compensation or extended
22 benefits under any Federal or State law, except that
23 if after the date of enactment of this Act, the dura-
24 tion of extended benefits is extended, the 39-week
25 period described in this paragraph shall be extended

1 by the number of weeks that is equal to the number
2 of weeks by which the extended benefits were ex-
3 tended.

4 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
5 DATE OF ENACTMENT.—The Secretary shall estab-
6 lish a process for making assistance under this sec-
7 tion available for weeks beginning on or after Janu-
8 ary 27, 2020, and before the date of enactment of
9 this Act.

10 (d) AMOUNT OF ASSISTANCE.—

11 (1) IN GENERAL.—The assistance authorized
12 under subsection (b) for a week of unemployment,
13 partial unemployment, or inability to work shall—

14 (A) be equal to the sum of —

15 (i) the weekly benefit amount author-
16 ized under the unemployment compensa-
17 tion law of the State where the covered in-
18 dividual was employed, except that the
19 amount may not be less than the minimum
20 weekly benefit amount described in section
21 625.6 of title 20, Code of Federal Regula-
22 tions, or any successor thereto, and

23 (ii) the amount of Federal Pandemic
24 Unemployment Compensation under sec-
25 tion 2104; and

1 (B) in the case of an increase of the week-
2 ly benefit amount after the date of enactment
3 of this Act, be increased in an amount equal to
4 such increase.

5 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
6 COVERED INDIVIDUALS.—In the case of a covered
7 individual who is self-employed, who lives in a terri-
8 tory described in subsection (c) or (d) of section
9 625.6 of title 20, Code of Federal Regulations, or
10 who would not otherwise qualify for unemployment
11 compensation under State law, the assistance au-
12 thorized under subsection (b) for a week of unem-
13 ployment shall be calculated in accordance with sec-
14 tion 625.6 of title 20, Code of Federal Regulations,
15 or any successor thereto, and shall be increased by
16 the amount of Federal Pandemic Unemployment
17 Compensation under section 2104.

18 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
19 standing State law, for purposes of assistance authorized
20 under this section, compensation under this Act shall be
21 made to an individual otherwise eligible for such com-
22 pensation without any waiting period.

23 (f) AGREEMENTS WITH STATES.—

24 (1) IN GENERAL.—The Secretary shall provide
25 the assistance authorized under subsection (b)

1 through agreements with States which, in the judg-
2 ment of the Secretary, have an adequate system for
3 administering such assistance through existing State
4 agencies.

5 (2) PAYMENTS TO STATES.—There shall be
6 paid to each State which has entered into an agree-
7 ment under this subsection an amount equal to 100
8 percent of—

9 (A) the total amount of assistance provided
10 by the State pursuant to such agreement; and

11 (B) any additional administrative expenses
12 incurred by the State by reason of such agree-
13 ment (as determined by the Secretary), includ-
14 ing any administrative expenses necessary to fa-
15 cilitate processing of applications for assistance
16 under this section online or by telephone rather
17 than in-person.

18 (3) TERMS OF PAYMENTS.—Sums payable to
19 any State by reason of such State's having an agree-
20 ment under this subsection shall be payable, either
21 in advance or by way of reimbursement (as deter-
22 mined by the Secretary), in such amounts as the
23 Secretary estimates the State will be entitled to re-
24 ceive under this subsection for each calendar month,
25 reduced or increased, as the case may be, by any

1 amount by which the Secretary finds that his esti-
2 mates for any prior calendar month were greater or
3 less than the amounts which should have been paid
4 to the State. Such estimates may be made on the
5 basis of such statistical, sampling, or other method
6 as may be agreed upon by the Secretary and the
7 State agency of the State involved.

8 (g) FUNDING.—

9 (1) ASSISTANCE.—

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 to
16 make payments to States pursuant to sub-
17 section (f)(2)(A).

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) ADMINISTRATIVE EXPENSES.—

7 (A) IN GENERAL.—Funds in the employ-
8 ment security administration account (as estab-
9 lished by section 901(a) of the Social Security
10 Act (42 U.S.C. 1105(a)) of the Unemployment
11 Trust Fund (as established by section 904(a) of
12 such Act (42 U.S.C. 1104(a)) shall be used to
13 make payments to States pursuant to sub-
14 section (f)(2)(B).

15 (B) TRANSFER OF FUNDS.—Notwith-
16 standing any other provision of law, the Sec-
17 retary of the Treasury shall transfer from the
18 general fund of the Treasury (from funds not
19 otherwise appropriated) to the employment se-
20 curity administration account such sums as the
21 Secretary of Labor estimates to be necessary to
22 make payments described in subparagraph (A).
23 There are appropriated from the general fund
24 of the Treasury, without fiscal year limitation,
25 the sums referred to in the preceding sentence

1 and such sums shall not be required to be re-
2 paid.

3 (3) CERTIFICATIONS.—The Secretary of Labor
4 shall from time to time certify to the Secretary of
5 the Treasury for payment to each State the sums
6 payable to such State under paragraphs (1) and (2).

7 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
8 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
9 **GANIZATIONS.**

10 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
11 Secretary of Labor may issue clarifying guidance to allow
12 States to interpret their State unemployment compensa-
13 tion laws in a manner that would provide maximum flexi-
14 bility to reimbursing employers as it relates to timely pay-
15 ment and assessment of penalties and interest pursuant
16 to such State laws.

17 (b) FEDERAL FUNDING.—Section 903 of the Social
18 Security Act (42 U.S.C. 1103) is amended by adding at
19 the end the following:

20 “Transfers for Federal Reimbursement of State
21 Unemployment Funds

22 “(i)(1)(A) In addition to any other amounts, the Sec-
23 retary of Labor shall provide for the transfer of funds dur-
24 ing the applicable period to the accounts of the States in
25 the Unemployment Trust Fund, by transfer from amounts

1 reserved for that purpose in the Federal unemployment
2 account, in accordance with the succeeding provisions of
3 this subsection.

4 “(B) The amount of funds transferred to the account
5 of a State under subparagraph (A) during the applicable
6 period shall, as determined by the Secretary of Labor, be
7 equal to one half of the amounts of compensation (as de-
8 fined in section 3306(h) of the Internal Revenue Code of
9 1986) attributable under the State law to service to which
10 section 3309(a)(1) of such Code applies that were paid
11 by the State for weeks of unemployment beginning and
12 ending during such period. Such transfers shall be made
13 at such times as the Secretary of Labor considers appro-
14 priate.

15 “(C) Notwithstanding any other law, funds trans-
16 ferred to the account of a State under subparagraph (A)
17 shall be used exclusively to reimburse governmental enti-
18 ties and other organizations described in section
19 3309(a)(2) of such Code for amounts paid (in lieu of con-
20 tributions) into the State unemployment fund pursuant to
21 such section.

22 “(D) For purposes of this paragraph, the term ‘appli-
23 cable period’ means the period beginning on March 13,
24 2020, and ending on December 31, 2020.

1 “(2)(A) Notwithstanding any other provision of law,
2 the Secretary of the Treasury shall transfer from the gen-
3 eral fund of the Treasury (from funds not otherwise ap-
4 propriated) to the employment security administration ac-
5 count (as established by section 901 of the Social Security
6 Act) such sums as the Secretary of Labor estimates to
7 be necessary for purposes of making the transfers de-
8 scribed in paragraph (1).

9 “(B) There are appropriated from the general fund
10 of the Treasury, without fiscal year limitation, the sums
11 referred to in subparagraph (A) and such sums shall not
12 be required to be repaid.”.

13 (c) OPERATING INSTRUCTIONS OR OTHER GUID-
14 ANCE.—The Secretary of Labor may issue any operating
15 instructions or other guidance necessary to carry out the
16 amendments made by this section.

17 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
18 **COMPENSATION BENEFITS.**

19 (a) FEDERAL-STATE AGREEMENTS.—Any State
20 which desires to do so may enter into and participate in
21 an agreement under this section with the Secretary of
22 Labor (in this section referred to as the “Secretary”). Any
23 State which is a party to an agreement under this section
24 may, upon providing 30 days’ written notice to the Sec-
25 retary, terminate such agreement.

1 (b) PROVISIONS OF AGREEMENT.—

2 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
3 PENSATION.—Any agreement under this section
4 shall provide that the State agency of the State will
5 make payments of regular compensation to individ-
6 uals in amounts and to the extent that they would
7 be determined if the State law of the State were ap-
8 plied, with respect to any week for which the indi-
9 vidual is (disregarding this section) otherwise enti-
10 tled under the State law to receive regular com-
11 pensation, as if such State law had been modified in
12 a manner such that the amount of regular com-
13 pensation (including dependents' allowances) payable
14 for any week shall be equal to—

15 (A) the amount determined under the
16 State law (before the application of this para-
17 graph), plus

18 (B) an additional amount of \$600 (in this
19 section referred to as “Federal Pandemic Un-
20 employment Compensation”).

21 (2) ALLOWABLE METHODS OF PAYMENT.—Any
22 Federal Pandemic Unemployment Compensation
23 provided for in accordance with paragraph (1) shall
24 be payable either—

1 (A) as an amount which is paid at the
2 same time and in the same manner as any reg-
3 ular compensation otherwise payable for the
4 week involved; or

5 (B) at the option of the State, by pay-
6 ments which are made separately from, but on
7 the same weekly basis as, any regular com-
8 pensation otherwise payable.

9 (c) NONREDUCTION RULE.—An agreement under
10 this section shall not apply (or shall cease to apply) with
11 respect to a State upon a determination by the Secretary
12 that the method governing the computation of regular
13 compensation under the State law of that State has been
14 modified in a manner such that the number of weeks, and
15 the average weekly benefit amount, of regular compensa-
16 tion which will be payable during the period of the agree-
17 ment (determined disregarding any Federal Pandemic Un-
18 employment Compensation) will be less than the number
19 of weeks, and the average weekly benefit amount, of the
20 average weekly benefit amount of regular compensation
21 which would otherwise have been payable during such pe-
22 riod under the State law, as in effect on January 1, 2020.

23 (d) PAYMENTS TO STATES.—

24 (1) IN GENERAL.—

1 (A) FULL REIMBURSEMENT.—There shall
2 be paid to each State which has entered into an
3 agreement under this section an amount equal
4 to 100 percent of—

5 (i) the total amount of Federal Pan-
6 demic Unemployment Compensation paid
7 to individuals by the State pursuant to
8 such agreement; and

9 (ii) any additional administrative ex-
10 penses incurred by the State by reason of
11 such agreement (as determined by the Sec-
12 retary).

13 (B) TERMS OF PAYMENTS.—Sums payable
14 to any State by reason of such State's having
15 an agreement under this section shall be pay-
16 able, either in advance or by way of reimburse-
17 ment (as determined by the Secretary), in such
18 amounts as the Secretary estimates the State
19 will be entitled to receive under this section for
20 each calendar month, reduced or increased, as
21 the case may be, by any amount by which the
22 Secretary finds that his estimates for any prior
23 calendar month were greater or less than the
24 amounts which should have been paid to the
25 State. Such estimates may be made on the

1 basis of such statistical, sampling, or other
2 method as may be agreed upon by the Secretary
3 and the State agency of the State involved.

4 (2) CERTIFICATIONS.—The Secretary shall
5 from time to time certify to the Secretary of the
6 Treasury for payment to each State the sums pay-
7 able to such State under this section.

8 (3) APPROPRIATION.—There are appropriated
9 from the general fund of the Treasury, without fiscal
10 year limitation, such sums as may be necessary for
11 purposes of this subsection.

12 (e) APPLICABILITY.—An agreement entered into
13 under this section shall apply to weeks of unemployment—

14 (1) beginning after the date on which such
15 agreement is entered into; and

16 (2) ending on or before June 30, 2020.

17 (f) 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 Federal

1 Pandemic Unemployment Compensation to which
2 such individual was not entitled, such individual—

3 (A) shall be ineligible for further Federal
4 Pandemic Unemployment Compensation in ac-
5 cordance with the provisions of the applicable
6 State unemployment compensation law relating
7 to fraud in connection with a claim for unem-
8 ployment compensation; and

9 (B) shall be subject to prosecution under
10 section 1001 of title 18, United States Code.

11 (2) REPAYMENT.—In the case of individuals
12 who have received amounts of Federal Pandemic
13 Unemployment Compensation to which they were
14 not entitled, the State shall require such individuals
15 to repay the amounts of such Federal Pandemic Un-
16 employment Compensation to the State agency, ex-
17 cept that the State agency may waive such repay-
18 ment if it determines that—

19 (A) the payment of such Federal Pandemic
20 Unemployment Compensation was without fault
21 on the part of any such individual; and

22 (B) such repayment would be contrary to
23 equity and good conscience.

24 (3) RECOVERY BY STATE AGENCY.—

1 (A) IN GENERAL.—The State agency shall
2 recover the amount to be repaid, or any part
3 thereof, by deductions from any Federal Pan-
4 demic Unemployment Compensation payable to
5 such individual or from any unemployment
6 compensation payable to such individual under
7 any State or Federal unemployment compensa-
8 tion law administered by the State agency or
9 under any other State or Federal law adminis-
10 tered by the State agency which provides for
11 the payment of any assistance or allowance with
12 respect to any week of unemployment, during
13 the 3-year period after the date such individuals
14 received the payment of the Federal Pandemic
15 Unemployment Compensation to which they
16 were not entitled, in accordance with the same
17 procedures as apply to the recovery of overpay-
18 ments of regular unemployment benefits paid
19 by the State.

20 (B) OPPORTUNITY FOR HEARING.—No re-
21 payment shall be required, and no deduction
22 shall be made, until a determination has been
23 made, notice thereof and an opportunity for a
24 fair hearing has been given to the individual,
25 and the determination has become final.

1 (4) REVIEW.—Any determination by a State
2 agency under this section shall be subject to review
3 in the same manner and to the same extent as deter-
4 minations under the State unemployment compensa-
5 tion law, and only in that manner and to that ex-
6 tent.

7 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
8 FITS.—Each agreement under this section shall include
9 provisions to provide that the purposes of the preceding
10 provisions of this section shall be applied with respect to
11 unemployment benefits described in subsection (i)(2) to
12 the same extent and in the same manner as if those bene-
13 fits were regular compensation.

14 (h) DEFINITIONS.—For purposes of this section—

15 (1) the terms “compensation”, “regular com-
16 pensation”, “benefit year”, “State”, “State agency”,
17 “State law”, and “week” have the respective mean-
18 ings given such terms under section 205 of the Fed-
19 eral-State Extended Unemployment Compensation
20 Act of 1970 (26 U.S.C. 3304 note); and

21 (2) any reference to unemployment benefits de-
22 scribed in this paragraph shall be considered to refer
23 to—

1 (A) extended compensation (as defined by
2 section 205 of the Federal-State Extended Un-
3 employment Compensation Act of 1970);

4 (B) unemployment compensation (as de-
5 fined by section 85(b) of the Internal Revenue
6 Code of 1986) provided under any program ad-
7 ministered by a State under an agreement with
8 the Secretary; and

9 (C) pandemic unemployment assistance
10 under section 2102.

11 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
12 **FIRST WEEK OF COMPENSABLE REGULAR**
13 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
14 **ING WEEK.**

15 (a) **FEDERAL-STATE AGREEMENTS.**—Any State
16 which desires to do so may enter into and participate in
17 an agreement under this section with the Secretary of
18 Labor (in this section referred to as the “Secretary”). Any
19 State which is a party to an agreement under this subtitle
20 may, upon providing 30 days’ written notice to the Sec-
21 retary, terminate such agreement.

22 (b) **REQUIREMENT THAT STATE LAW DOES NOT**
23 **APPLY A WAITING WEEK.**—A State is eligible to enter
24 into an agreement under this section if the State law (in-
25 cluding a waiver of State law) provides that compensation

1 is paid to individuals for their first week of regular unem-
2 ployment without a waiting week. An agreement under
3 this section shall not apply (or shall cease to apply) with
4 respect to a State upon a determination by the Secretary
5 that the State law no longer meets the requirement under
6 the preceding sentence.

7 (c) PAYMENTS TO STATES.—

8 (1) FULL REIMBURSEMENT.—There shall be
9 paid to each State which has entered into an agree-
10 ment under this section an amount equal to 100 per-
11 cent of—

12 (A) the total amount of regular compensa-
13 tion paid to individuals by the State for their
14 first week of regular unemployment; and

15 (B) any additional administrative expenses
16 incurred by the State by reason of such agree-
17 ment (as determined by the Secretary).

18 (2) TERMS OF PAYMENTS.—Sums payable to
19 any State by reason of such State's having an agree-
20 ment under this section shall be payable, either in
21 advance or by way of reimbursement (as determined
22 by the Secretary), in such amounts as the Secretary
23 estimates the State will be entitled to receive under
24 this section for each calendar month, reduced or in-
25 creased, as the case may be, by any amount by

1 which the Secretary finds that his estimates for any
2 prior calendar month were greater or less than the
3 amounts which should have been paid to the State.
4 Such estimates may be made on the basis of such
5 statistical, sampling, or other method as may be
6 agreed upon by the Secretary and the State agency
7 of the State involved.

8 (d) FUNDING.—

9 (1) COMPENSATION.—

10 (A) IN GENERAL.—Funds in the Federal
11 unemployment account (as established by sec-
12 tion 905(g)) of the Unemployment Trust Fund
13 (as established by section 904(a)) shall be used
14 to make payments under subsection (c)(1)(A).

15 (B) TRANSFER OF FUNDS.—Notwith-
16 standing any other provision of law, the Sec-
17 retary of the Treasury shall transfer from the
18 general fund of the Treasury (from funds not
19 otherwise appropriated) to the Federal unem-
20 ployment account such sums as the Secretary of
21 Labor estimates to be necessary to make pay-
22 ments described in subparagraph (A). There
23 are appropriated from the general fund of the
24 Treasury, without fiscal year limitation, the

1 sums referred to in the preceding sentence and
2 such sums shall not be required to be repaid.

3 (2) ADMINISTRATIVE EXPENSES.—

4 (A) IN GENERAL.—Funds in the employ-
5 ment security administration account (as estab-
6 lished by section 901(a) of the Social Security
7 Act (42 U.S.C. 1105(a)) of the Unemployment
8 Trust Fund (as established by section 904(a) of
9 such Act (42 U.S.C. 1104(a)) shall be used to
10 make payments to States and Indian Tribes
11 pursuant to subsection (c)(1)(B).

12 (B) TRANSFER OF FUNDS.—Notwith-
13 standing any other provision of law, the Sec-
14 retary of the Treasury shall transfer from the
15 general fund of the Treasury (from funds not
16 otherwise appropriated) to the employment se-
17 curity administration account such sums as the
18 Secretary of Labor estimates to be necessary to
19 make payments described in subparagraph (A).
20 There are appropriated from the general fund
21 of the Treasury, without fiscal year limitation,
22 the sums referred to in the preceding sentence
23 and such sums shall not be required to be re-
24 paid.

1 (3) CERTIFICATIONS.—The Secretary shall
2 from time to time certify to the Secretary of the
3 Treasury for payment to each State the sums pay-
4 able to such State under this section.

5 (e) APPLICABILITY.—An agreement entered into
6 under this section shall apply to weeks of unemployment—

7 (1) beginning after the date on which such
8 agreement is entered into; and

9 (2) ending on or before December 31, 2020.

10 (f) FRAUD AND OVERPAYMENTS.—The provisions of
11 section 2107(e) shall apply with respect to compensation
12 paid under an agreement under this section to the same
13 extent and in the same manner as in the case of pandemic
14 emergency unemployment compensation under such sec-
15 tion.

16 (g) DEFINITIONS.—For purposes of this section, the
17 terms “regular compensation”, “State”, “State agency”,
18 “State law”, and “week” have the respective meanings
19 given such terms under section 205 of the Federal-State
20 Extended Unemployment Compensation Act of 1970 (26
21 U.S.C. 3304 note).

22 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

23 Section 4102(b) of the Emergency Unemployment
24 Stabilization and Access Act of 2020 (contained in division

1 D of the Families First Coronavirus Response Act) is
2 amended—

3 (1) by striking “or employer experience rating”
4 and inserting “employer experience rating, or, sub-
5 ject to the succeeding sentence, personnel standards
6 on a merit basis”; and

7 (2) by adding at the end the following new sen-
8 tence: “The emergency flexibility for personnel
9 standards on a merit basis shall only apply through
10 December 31, 2020, and is limited to engaging of
11 temporary staff, rehiring of retirees or former em-
12 ployees on a non-competitive basis, and other tem-
13 porary actions to quickly process applications and
14 claims.”.

15 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
16 **PENSATION.**

17 (a) FEDERAL-STATE AGREEMENTS.—

18 (1) IN GENERAL.—Any State which desires to
19 do so may enter into and participate in an agree-
20 ment under this section with the Secretary of Labor
21 (in this section referred to as the “Secretary”). Any
22 State which is a party to an agreement under this
23 section may, upon providing 30 days’ written notice
24 to the Secretary, terminate such agreement.

1 (2) PROVISIONS OF AGREEMENT.—Any agree-
2 ment under paragraph (1) shall provide that the
3 State agency of the State will make payments of
4 pandemic emergency unemployment compensation to
5 individuals who—

6 (A) have exhausted all rights to regular
7 compensation under the State law or under
8 Federal law with respect to a benefit year (ex-
9 cluding any benefit year that ended before
10 July1, 2019);

11 (B) have no rights to regular compensation
12 with respect to a week under such law or any
13 other State unemployment compensation law or
14 to compensation under any other Federal law;

15 (C) are not receiving compensation with
16 respect to such week under the unemployment
17 compensation law of Canada; and

18 (D) are able to work, available to work,
19 and actively seeking work.

20 (3) EXHAUSTION OF BENEFITS.—For purposes
21 of paragraph (2)(A), an individual shall be deemed
22 to have exhausted such individual's rights to regular
23 compensation under a State law when—

24 (A) no payments of regular compensation
25 can be made under such law because such indi-

1 vidual has received all regular compensation
2 available to such individual based on employ-
3 ment or wages during such individual's base pe-
4 riod; or

5 (B) such individual's rights to such com-
6 pensation have been terminated by reason of
7 the expiration of the benefit year with respect
8 to which such rights existed.

9 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
10 purposes of any agreement under this section—

11 (A) the amount of pandemic emergency
12 unemployment compensation which shall be
13 payable to any individual for any week of total
14 unemployment shall be equal to the amount of
15 the regular compensation (including depend-
16 ents' allowances) payable to such individual
17 during such individual's benefit year under the
18 State law for a week of total unemployment;

19 (B) the terms and conditions of the State
20 law which apply to claims for regular compensa-
21 tion and to the payment thereof (including
22 terms and conditions relating to availability for
23 work, active search for work, and refusal to ac-
24 cept work) shall apply to claims for pandemic
25 emergency unemployment compensation and the

1 payment thereof, except where otherwise incon-
2 sistent with the provisions of this section or
3 with the regulations or operating instructions of
4 the Secretary promulgated to carry out this sec-
5 tion; and

6 (C) the maximum amount of pandemic
7 emergency unemployment compensation payable
8 to any individual for whom an pandemic emer-
9 gency unemployment compensation account is
10 established under subsection (b) shall not ex-
11 ceed the amount established in such account for
12 such individual.

13 (5) COORDINATION RULE.—An agreement
14 under this section shall apply with respect to a State
15 only upon a determination by the Secretary that,
16 under the State law or other applicable rules of such
17 State, the payment of extended compensation for
18 which an individual is otherwise eligible must be de-
19 ferred until after the payment of any pandemic
20 emergency unemployment compensation under sub-
21 section (b) for which the individual is concurrently
22 eligible.

23 (6) NONREDUCTION RULE.—An agreement
24 under this section shall not apply (or shall cease to
25 apply) with respect to a State upon a determination

1 by the Secretary that the method governing the com-
2 putation of regular compensation under the State
3 law of that State has been modified in a manner
4 such that the number of weeks, and the average
5 weekly benefit amount, of regular compensation
6 which will be payable during the period of the agree-
7 ment will be less than the number of weeks, and the
8 average weekly benefit amount, of the average week-
9 ly benefit amount of regular compensation which
10 would otherwise have been payable during such pe-
11 riod under the State law, as in effect on January 1,
12 2020.

13 (7) ACTIVELY SEEKING WORK.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (C), for purposes of paragraph (2)(B),
16 the term “actively seeking work” means, with
17 respect to any individual, that such individual—

18 (i) is registered for employment serv-
19 ices in such a manner and to such extent
20 as prescribed by the State agency;

21 (ii) has engaged in an active search
22 for employment that is appropriate in light
23 of the employment available in the labor
24 market, the individual’s skills and capabili-
25 ties, and includes a number of employer

1 contacts that is consistent with the stand-
2 ards communicated to the individual by the
3 State;

4 (iii) has maintained a record of such
5 work search, including employers con-
6 tacted, method of contact, and date con-
7 tacted; and

8 (iv) when requested, has provided
9 such work search record to the State agen-
10 cy.

11 (B) RANDOM AUDITING.—The Secretary
12 shall establish for each State a minimum num-
13 ber of claims for which work search records
14 must be audited on a random basis in any given
15 week.

16 (C) FLEXIBILITY.—Notwithstanding the
17 requirements under subparagraph (A) and
18 paragraph (2)(B). 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 compensation,
5 an pandemic emergency unemployment compensa-
6 tion account with respect to such individual's benefit
7 year.

8 (2) AMOUNT IN ACCOUNT.—The amount estab-
9 lished in an account under subsection (a) shall be
10 equal to 13 times the individual's average weekly
11 benefit amount for the benefit year.

12 (3) WEEKLY BENEFIT AMOUNT.—For purposes
13 of this subsection, an individual's weekly benefit
14 amount for any week is the amount of regular com-
15 pensation (including dependents' allowances) under
16 the State law payable to such individual for such
17 week for total unemployment.

18 (c) PAYMENTS TO STATES HAVING AGREEMENTS
19 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
20 PLOYMENT COMPENSATION.—

21 (1) IN GENERAL.—There shall be paid to each
22 State that has entered into an agreement under this
23 section an amount equal to 100 percent of the pan-
24 demic emergency unemployment compensation paid

1 to individuals by the State pursuant to such agree-
2 ment.

3 (2) TREATMENT OF REIMBURSABLE COMPENSA-
4 TION.—No payment shall be made to any State
5 under this section in respect of any compensation to
6 the extent the State is entitled to reimbursement in
7 respect of such compensation under the provisions of
8 any Federal law other than this section or chapter
9 85 of title 5, United States Code. A State shall not
10 be entitled to any reimbursement under such chapter
11 85 in respect of any compensation to the extent the
12 State is entitled to reimbursement under this section
13 in respect of such compensation.

14 (3) DETERMINATION OF AMOUNT.—Sums pay-
15 able to any State by reason of such State having an
16 agreement under this section shall be payable, either
17 in advance or by way of reimbursement (as may be
18 determined by the Secretary), in such amounts as
19 the Secretary estimates the State will be entitled to
20 receive under this section for each calendar month,
21 reduced or increased, as the case may be, by any
22 amount by which the Secretary finds that the Sec-
23 retary's estimates for any prior calendar month were
24 greater or less than the amounts which should have
25 been paid to the State. Such estimates may be made

1 on the basis of such statistical, sampling, or other
2 method as may be agreed upon by the Secretary and
3 the State agency of the State involved.

4 (d) FINANCING PROVISIONS.—

5 (1) COMPENSATION.—

6 (A) IN GENERAL.—Funds in the extended
7 unemployment compensation account (as estab-
8 lished by section 905(a) of the Social Security
9 Act (42 U.S.C. 1105(a)) of the Unemployment
10 Trust Fund (as established by section 904(a) of
11 such Act (42 U.S.C. 1104(a)) shall be used for
12 the making of payments to States having agree-
13 ments entered into under this section.

14 (B) TRANSFER OF FUNDS.—Notwith-
15 standing any other provision of law, the Sec-
16 retary of the Treasury shall transfer from the
17 general fund of the Treasury (from funds not
18 otherwise appropriated) to the extended unem-
19 ployment compensation account such sums as
20 the Secretary of Labor estimates to be nec-
21 essary to make payments described in subpara-
22 graph (A). There are appropriated from the
23 general fund of the Treasury, without fiscal
24 year limitation, the sums referred to in the pre-

1 ceding sentence and such sums shall not be re-
2 quired to be repaid.

3 (2) ADMINISTRATION.—

4 (A) IN GENERAL.—There are appropriated
5 out of the employment security administration
6 account (as established by section 901(a) of the
7 Social Security Act (42 U.S.C. 1101(a)) of the
8 Unemployment Trust Fund, without fiscal year
9 limitation, such funds as may be necessary for
10 purposes of assisting States (as provided in title
11 III of the Social Security Act (42 U.S.C. 501
12 et seq.)) in meeting the costs of administration
13 of agreements under this section.

14 (B) TRANSFER OF FUNDS.—Notwith-
15 standing any other provision of law, the Sec-
16 retary of the Treasury shall transfer from the
17 general fund of the Treasury (from funds not
18 otherwise appropriated) to the employment se-
19 curity administration account such sums as the
20 Secretary of Labor estimates to be necessary to
21 make payments described in subparagraph (A).
22 There are appropriated from the general fund
23 of the Treasury, without fiscal year limitation,
24 the sums referred to in the preceding sentence

1 and such sums shall not be required to be re-
2 paid.

3 (3) CERTIFICATION.—The Secretary shall from
4 time to time certify to the Secretary of the Treasury
5 for payment to each State the sums payable to such
6 State under this subsection. The Secretary of the
7 Treasury, prior to audit or settlement by the Gov-
8 ernment Accountability Office, shall make payments
9 to the State in accordance with such certification, by
10 transfers from the extended unemployment com-
11 pensation account (as so established) to the account
12 of such State in the Unemployment Trust Fund (as
13 so established).

14 (e) FRAUD AND OVERPAYMENTS.—

15 (1) IN GENERAL.—If an individual knowingly
16 has made, or caused to be made by another, a false
17 statement or representation of a material fact, or
18 knowingly has failed, or caused another to fail, to
19 disclose a material fact, and as a result of such false
20 statement or representation or of such nondisclosure
21 such individual has received an amount of pandemic
22 emergency unemployment compensation under this
23 section to which such individual was not entitled,
24 such individual—

1 (A) shall be ineligible for further pandemic
2 emergency unemployment compensation under
3 this section in accordance with the provisions of
4 the applicable State unemployment compensa-
5 tion law relating to fraud in connection with a
6 claim for unemployment compensation; and

7 (B) shall be subject to prosecution under
8 section 1001 of title 18, United States Code.

9 (2) REPAYMENT.—In the case of individuals
10 who have received amounts of pandemic emergency
11 unemployment compensation under this section to
12 which they were not entitled, the State shall require
13 such individuals to repay the amounts of such pan-
14 demic emergency unemployment compensation to the
15 State agency, except that the State agency may
16 waive such repayment if it determines that—

17 (A) the payment of such pandemic emer-
18 gency unemployment compensation was without
19 fault on the part of any such individual; and

20 (B) such repayment would be contrary to
21 equity and good conscience.

22 (3) RECOVERY BY STATE AGENCY.—

23 (A) IN GENERAL.—The State agency shall
24 recover the amount to be repaid, or any part
25 thereof, by deductions from any pandemic

1 emergency unemployment compensation payable
2 to such individual under this section or from
3 any unemployment compensation payable to
4 such individual under any State or Federal un-
5 employment compensation law administered by
6 the State agency or under any other State or
7 Federal law administered by the State agency
8 which provides for the payment of any assist-
9 ance or allowance with respect to any week of
10 unemployment, during the 3-year period after
11 the date such individuals received the payment
12 of the pandemic emergency unemployment com-
13 pensation to which they were not entitled, in ac-
14 cordance with the same procedures as apply to
15 the recovery of overpayments of regular unem-
16 ployment benefits paid by the State.

17 (B) OPPORTUNITY FOR HEARING.—No re-
18 payment shall be required, and no deduction
19 shall be made, until a determination has been
20 made, notice thereof and an opportunity for a
21 fair hearing has been given to the individual,
22 and the determination has become final.

23 (4) REVIEW.—Any determination by a State
24 agency under this section shall be subject to review
25 in the same manner and to the same extent as deter-

1 minations under the State unemployment compensa-
2 tion law, and only in that manner and to that ex-
3 tent.

4 (f) DEFINITIONS.—In this section, the terms “com-
5 pensation”, “regular compensation”, “extended compensa-
6 tion”, “benefit year”, “base period”, “State”, “State
7 agency”, “State law”, and “week” have the respective
8 meanings given such terms under section 205 of the Fed-
9 eral-State Extended Unemployment Compensation Act of
10 1970 (26 U.S.C. 3304 note).

11 (g) APPLICABILITY.—An agreement entered into
12 under this section shall apply to weeks of unemployment—

13 (1) beginning after the date on which such
14 agreement is entered into; and

15 (2) ending on or before December 31, 2020.

16 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
17 **PENSATION PAYMENTS IN STATES WITH PRO-**
18 **GRAMS IN LAW.**

19 (a) PAYMENTS TO STATES.—

20 (1) IN GENERAL.—Subject to paragraph (3),
21 there shall be paid to a State an amount equal to
22 100 percent of the amount of short-time compensa-
23 tion paid under a short-time compensation program
24 (as defined in section 3306(v) of the Internal Rev-

1 enue Code of 1986) under the provisions of the
2 State law.

3 (2) TERMS OF PAYMENTS.—Payments made to
4 a State under paragraph (1) shall be payable by way
5 of reimbursement in such amounts as the Secretary
6 estimates the State will be entitled to receive under
7 this section for each calendar month, reduced or in-
8 creased, as the case may be, by any amount by
9 which the Secretary finds that the Secretary's esti-
10 mates for any prior calendar month were greater or
11 less than the amounts which should have been paid
12 to the State. Such estimates may be made on the
13 basis of such statistical, sampling, or other method
14 as may be agreed upon by the Secretary and the
15 State agency of the State involved.

16 (3) LIMITATIONS ON PAYMENTS.—

17 (A) GENERAL PAYMENT LIMITATIONS.—

18 No payments shall be made to a State under
19 this section for short-time compensation paid to
20 an individual by the State during a benefit year
21 in excess of 26 times the amount of regular
22 compensation (including dependents' allow-
23 ances) under the State law payable to such in-
24 dividual for a week of total unemployment.

1 (B) EMPLOYER LIMITATIONS.—No pay-
2 ments shall be made to a State under this sec-
3 tion for benefits paid to an individual by the
4 State under a short-time compensation program
5 if such individual is employed by the partici-
6 pating employer on a seasonal, temporary, or
7 intermittent basis.

8 (b) APPLICABILITY.—Payments to a State under
9 subsection (a) shall be available for weeks of unemploy-
10 ment—

11 (1) beginning on or after the date of the enact-
12 ment of this Act; and

13 (2) ending on or before December 31, 2020.

14 (c) NEW PROGRAMS.—Subject to subsection (b)(2),
15 if at any point after the date of the enactment of this Act
16 the State enacts a State law providing for the payment
17 of short-time compensation under a short-time compensa-
18 tion program that meets the definition of such a program
19 under section 3306(v) of the Internal Revenue Code of
20 1986, the State shall be eligible for payments under this
21 section after the effective date of such enactment.

22 (d) FUNDING AND CERTIFICATIONS.—

23 (1) FUNDING.—There are appropriated, out of
24 moneys in the Treasury not otherwise appropriated,

1 such sums as may be necessary for purposes of car-
2 rying out this section.

3 (2) CERTIFICATIONS.—The Secretary shall
4 from time to time certify to the Secretary of the
5 Treasury for payment to each State the sums pay-
6 able to such State under this section.

7 (e) DEFINITIONS.—In this section:

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

10 (2) STATE; STATE AGENCY; STATE LAW.—The
11 terms “State”, “State agency”, and “State law”
12 have the meanings given those terms in section 205
13 of the Federal-State Extended Unemployment Com-
14 pensation Act of 1970 (26 U.S.C. 3304 note).

15 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
16 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
17 U.S.C. 3306) is amended by striking “Workforce Invest-
18 ment Act of 1998” and inserting “Workforce Innovation
19 and Opportunity Act”.

20 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
21 **PENSATION AGREEMENTS.**

22 (a) FEDERAL-STATE AGREEMENTS.—

23 (1) IN GENERAL.—Any State which desires to
24 do so may enter into, and participate in, an agree-
25 ment under this section with the Secretary provided

1 that such State's law does not provide for the pay-
2 ment of short-time compensation under a short-time
3 compensation program (as defined in section
4 3306(v) of the Internal Revenue Code of 1986).

5 (2) ABILITY TO TERMINATE.—Any State which
6 is a party to an agreement under this section may,
7 upon providing 30 days' written notice to the Sec-
8 retary, terminate such agreement.

9 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

10 (1) IN GENERAL.—Any agreement under this
11 section shall provide that the State agency of the
12 State will make payments of short-time compensa-
13 tion under a plan approved by the State. Such plan
14 shall provide that payments are made in accordance
15 with the requirements under section 3306(v) of the
16 Internal Revenue Code of 1986.

17 (2) LIMITATIONS ON PLANS.—

18 (A) GENERAL PAYMENT LIMITATIONS.—A
19 short-time compensation plan approved by a
20 State shall not permit the payment of short-
21 time compensation to an individual by the State
22 during a benefit year in excess of 26 times the
23 amount of regular compensation (including de-
24 pendents' allowances) under the State law pay-

1 able to such individual for a week of total un-
2 employment.

3 (B) EMPLOYER LIMITATIONS.—A short-
4 time compensation plan approved by a State
5 shall not provide payments to an individual if
6 such individual is employed by the participating
7 employer on a seasonal, temporary, or intermit-
8 tent basis.

9 (3) EMPLOYER PAYMENT OF COSTS.—Any
10 short-time compensation plan entered into by an em-
11 ployer must provide that the employer will pay the
12 State an amount equal to one-half of the amount of
13 short-time compensation paid under such plan. Such
14 amount shall be deposited in the State’s unemploy-
15 ment fund and shall not be used for purposes of cal-
16 culating an employer’s contribution rate under sec-
17 tion 3303(a)(1) of the Internal Revenue Code of
18 1986.

19 (c) PAYMENTS TO STATES.—

20 (1) IN GENERAL.—There shall be paid to each
21 State with an agreement under this section an
22 amount equal to—

23 (A) one-half of the amount of short-time
24 compensation paid to individuals by the State
25 pursuant to such agreement; and

1 (B) any additional administrative expenses
2 incurred by the State by reason of such agree-
3 ment (as determined by the Secretary).

4 (2) TERMS OF PAYMENTS.—Payments made to
5 a State under paragraph (1) shall be payable by way
6 of reimbursement in such amounts as the Secretary
7 estimates the State will be entitled to receive under
8 this section for each calendar month, reduced or in-
9 creased, as the case may be, by any amount by
10 which the Secretary finds that the Secretary's esti-
11 mates for any prior calendar month were greater or
12 less than the amounts which should have been paid
13 to the State. Such estimates may be made on the
14 basis of such statistical, sampling, or other method
15 as may be agreed upon by the Secretary and the
16 State agency of the State involved.

17 (3) FUNDING.—There are appropriated, out of
18 moneys in the Treasury not otherwise appropriated,
19 such sums as may be necessary for purposes of car-
20 rying out this section.

21 (4) CERTIFICATIONS.—The Secretary shall
22 from time to time certify to the Secretary of the
23 Treasury for payment to each State the sums pay-
24 able to such State under this section.

1 (d) APPLICABILITY.—An agreement entered into
2 under this section shall apply to weeks of unemployment—

3 (1) beginning on or after the date on which
4 such agreement is entered into; and

5 (2) ending on or before December 31, 2020.

6 (e) SPECIAL RULE.—If a State has entered into an
7 agreement under this section and subsequently enacts a
8 State law providing for the payment of short-time com-
9 pensation under a short-time compensation program that
10 meets the definition of such a program under section
11 3306(v) of the Internal Revenue Code of 1986, the
12 State—

13 (1) shall not be eligible for payments under this
14 section for weeks of unemployment beginning after
15 the effective date of such State law; and

16 (2) subject to section 2108(b)(2), shall be eligi-
17 ble to receive payments under section 2108 after the
18 effective date of such State law.

19 (f) DEFINITIONS.—In this section:

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

22 (2) STATE; STATE AGENCY; STATE LAW.—The
23 terms “State”, “State agency”, and “State law”
24 have the meanings given those terms in section 205

1 of the Federal-State Extended Unemployment Com-
2 pensation Act of 1970 (26 U.S.C. 3304 note).

3 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
4 **GRAMS.**

5 (a) GRANTS.—

6 (1) FOR IMPLEMENTATION OR IMPROVED AD-
7 MINISTRATION.—The Secretary shall award grants
8 to States that enact short-time compensation pro-
9 grams (as defined in subsection (i)(2)) for the pur-
10 pose of implementation or improved administration
11 of such programs.

12 (2) FOR PROMOTION AND ENROLLMENT.—The
13 Secretary shall award grants to States that are eligi-
14 ble and submit plans for a grant under paragraph
15 (1) for such States to promote and enroll employers
16 in short-time compensation programs (as so de-
17 fined).

18 (3) ELIGIBILITY.—

19 (A) IN GENERAL.—The Secretary shall de-
20 termine eligibility criteria for the grants under
21 paragraphs (1) and (2).

22 (B) CLARIFICATION.—A State admin-
23 istering a short-time compensation program
24 that does not meet the definition of a short-
25 time compensation program under section

1 3306(v) of the Internal Revenue Code of 1986,
2 and a State with an agreement under section
3 2109, shall not be eligible to receive a grant
4 under this section until such time as the State
5 law of the State provides for payments under a
6 short-time compensation program that meets
7 such definition and such law.

8 (b) AMOUNT OF GRANTS.—

9 (1) IN GENERAL.—The maximum amount avail-
10 able for making grants to a State under paragraphs
11 (1) and (2) shall be equal to the amount obtained
12 by multiplying \$100,000,000 (less the amount used
13 by the Secretary under subsection (e)) by the same
14 ratio as would apply under subsection (a)(2)(B) of
15 section 903 of the Social Security Act (42 U.S.C.
16 1103) for purposes of determining such State's
17 share of any excess amount (as described in sub-
18 section (a)(1) of such section) that would have been
19 subject to transfer to State accounts, as of October
20 1, 2019, under the provisions of subsection (a) of
21 such section.

22 (2) AMOUNT AVAILABLE FOR DIFFERENT
23 GRANTS.—Of the maximum incentive payment deter-
24 mined under paragraph (1) with respect to a
25 State—

1 (A) one-third shall be available for a grant
2 under subsection (a)(1); and

3 (B) two-thirds shall be available for a
4 grant under subsection (a)(2).

5 (c) GRANT APPLICATION AND DISBURSAL.—

6 (1) APPLICATION.—Any State seeking a grant
7 under paragraph (1) or (2) of subsection (a) shall
8 submit an application to the Secretary at such time,
9 in such manner, and complete with such information
10 as the Secretary may require. In no case may the
11 Secretary award a grant under this section with re-
12 spect to an application that is submitted after De-
13 cember 31, 2023.

14 (2) NOTICE.—The Secretary shall, within 30
15 days after receiving a complete application, notify
16 the State agency of the State of the Secretary's find-
17 ings with respect to the requirements for a grant
18 under paragraph (1) or (2) (or both) of subsection
19 (a).

20 (3) CERTIFICATION.—If the Secretary finds
21 that the State law provisions meet the requirements
22 for a grant under subsection (a), the Secretary shall
23 thereupon make a certification to that effect to the
24 Secretary of the Treasury, together with a certifi-
25 cation as to the amount of the grant payment to be

1 transferred to the State account in the Unemploy-
2 ment Trust Fund (as established in section 904(a)
3 of the Social Security Act (42 U.S.C. 1104(a))) pur-
4 suant to that finding. The Secretary of the Treasury
5 shall make the appropriate transfer to the State ac-
6 count within 7 days after receiving such certifi-
7 cation.

8 (4) REQUIREMENT.—No certification of compli-
9 ance with the requirements for a grant under para-
10 graph (1) or (2) of subsection (a) may be made with
11 respect to any State whose—

12 (A) State law is not otherwise eligible for
13 certification under section 303 of the Social Se-
14 curity Act (42 U.S.C. 503) or approvable under
15 section 3304 of the Internal Revenue Code of
16 1986; or

17 (B) short-time compensation program is
18 subject to discontinuation or is not scheduled to
19 take effect within 12 months of the certifi-
20 cation.

21 (d) USE OF FUNDS.—The amount of any grant
22 awarded under this section shall be used for the implemen-
23 tation of short-time compensation programs and the over-
24 all administration of such programs and the promotion

1 and enrollment efforts associated with such programs,
2 such as through—

3 (1) the creation or support of rapid response
4 teams to advise employers about alternatives to lay-
5 offs;

6 (2) the provision of education or assistance to
7 employers to enable them to assess the feasibility of
8 participating in short-time compensation programs;
9 and

10 (3) the development or enhancement of systems
11 to automate—

12 (A) the submission and approval of plans;
13 and

14 (B) the filing and approval of new and on-
15 going short-time compensation claims.

16 (e) ADMINISTRATION.—The Secretary is authorized
17 to use 0.25 percent of the funds available under subsection
18 (g) to provide for outreach and to share best practices with
19 respect to this section and short-time compensation pro-
20 grams.

21 (f) RECOUPMENT.—The Secretary shall establish a
22 process under which the Secretary shall recoup the
23 amount of any grant awarded under paragraph (1) or (2)
24 of subsection (a) if the Secretary determines that, during

1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—

3 (1) terminated the State’s short-time compensa-
4 tion program; or

5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).

8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, \$100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.

12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.

15 (i) DEFINITIONS.—In this section:

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

18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term “short-time compensation program” has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.

22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms “State”, “State agency”, and “State law”
24 have the meanings given those terms in section 205

1 of the Federal-State Extended Unemployment Com-
2 pensation Act of 1970 (26 U.S.C. 3304 note).

3 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**
4 **PROGRAMS.**

5 (a) IN GENERAL.—In order to assist States in estab-
6 lishing, qualifying, and implementing short-time com-
7 pensation programs (as defined in section 3306(v) of the
8 Internal Revenue Code of 1986), the Secretary of Labor
9 (in this section referred to as the “Secretary”) shall—

10 (1) develop model legislative language, or dis-
11 seminate existing model legislative language, which
12 may be used by States in developing and enacting
13 such programs and periodically review and revise
14 such model legislative language;

15 (2) provide technical assistance and guidance in
16 developing, enacting, and implementing such pro-
17 grams;

18 (3) establish reporting requirements for States,
19 including reporting on—

20 (A) the number of estimated averted lay-
21 offs;

22 (B) the number of participating employers
23 and workers; and

24 (C) such other items as the Secretary of
25 Labor determines are appropriate.

1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. TREATMENT OF PAYMENTS FROM THE RAIL-**
19 **ROAD UNEMPLOYMENT INSURANCE AC-**
20 **COUNT.**

21 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
22 Budget and Emergency Deficit Control Act of 1985 (2
23 U.S.C. 906(i)(1)) is amended—

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

1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.

3 (b) REGULATIONS.—The Railroad Retirement Board
4 may prescribe any operating instructions or regulations
5 necessary to carry out this section.

6 (c) DEFINITIONS.—For purposes of this section,
7 “registration period” has the meaning given such term
8 under section 1 of the Railroad Unemployment Insurance
9 Act (45 U.S.C. 351).

10 **SEC. 2114. ENHANCED BENEFITS UNDER THE RAILROAD**
11 **UNEMPLOYMENT INSURANCE ACT.**

12 Section 2(a) of the Railroad Unemployment Insur-
13 ance Act (45 U.S.C. § 352(a)) is amended by adding at
14 the end the following:

15 “(5)(A) Notwithstanding paragraph (3), subsection
16 (c)(1)(B), and any other limitation on total benefits in this
17 Act, for registration periods beginning on or after April
18 1, 2020, but on or before June 30, 2020, a recovery ben-
19 efit in the amount of \$1,200 shall be payable to a qualified
20 employee with respect to any registration period in which
21 the employee received unemployment benefits under para-
22 graph (1)(A), and in any registration period in which the
23 employee did not receive unemployment benefits due to the
24 limitation in subsection (c)(1)(B) or due to reaching the
25 maximum number of days of benefits in the benefit year

1 beginning July 1, 2019, under subsection (c)(1)(A), and
2 throughout any continuing period of unemployment begin-
3 ning on or before December 31, 2020, except that no ben-
4 efit under this section shall be payable after June 30,
5 2021. No recovery benefits shall be payable under this sec-
6 tion upon the exhaustion of the funds appropriated under
7 subparagraph (B) for payment of benefits under this sub-
8 paragraph.

9 “(B) Out of any funds in the Treasury not otherwise
10 appropriated, there are appropriated \$950,000,000 to
11 cover the cost of recovery benefits provided under subpara-
12 graph (A), to remain available until expended.”.

13 **SEC. 2115. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
14 **THE RAILROAD UNEMPLOYMENT INSURANCE**
15 **ACT.**

16 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
17 road Unemployment Insurance Act (45 U.S.C.
18 352(c)(2)(D)(iii) is amended—

19 (1) by striking “July 1, 2008” and inserting
20 “July 1, 2019”;

21 (2) by striking “June 30, 2013” and
22 inserting “June 30, 2020”; and

23 (3) by striking “December 31, 2013” and in-
24 serting “December 31, 2020”.

1 (b) CLARIFICATION ON AUTHORITY TO USE
2 FUNDS.—Funds appropriated under either the first or
3 second sentence of clause (iv) of section 2(c)(2)(D) of the
4 Railroad Unemployment Insurance Act shall be available
5 to cover the cost of additional extended unemployment
6 benefits provided under such section 2(c)(2)(D) by reason
7 of the amendments made by subsection (a) as well as to
8 cover the cost of such benefits provided under such section
9 2(c)(2)(D) as in effect on the day before the date of enact-
10 ment of this Act.

11 **Subtitle B—Rebates and Other**
12 **Individual Provisions**

13 **SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

14 (a) IN GENERAL.—Subchapter B of chapter 65 of
15 subtitle F of the Internal Revenue Code of 1986 is amend-
16 ed by inserting after section 6427 the following new sec-
17 tion:

18 **“SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

19 “(a) IN GENERAL.—In the case of an eligible indi-
20 vidual, there shall be allowed as a credit against the tax
21 imposed by subtitle A for the first taxable year beginning
22 in 2020 an amount equal to the sum of—

23 “(1) \$1,200 (\$2,400 in the case of eligible indi-
24 viduals filing a joint return), plus

1 “(2) an amount equal to the product of \$500
2 multiplied by the number of qualifying children
3 (within the meaning of section 24(c)) of the tax-
4 payer.

5 “(b) TREATMENT OF CREDIT.—The credit allowed by
6 subsection (a) shall be treated as allowed by subpart C
7 of part IV of subchapter A of chapter 1.

8 “(c) LIMITATION BASED ON ADJUSTED GROSS IN-
9 COME.—The amount of the credit allowed by subsection
10 (a) (determined without regard to this subsection and sub-
11 section (e)) shall be reduced (but not below zero) by 5
12 percent of so much of the taxpayer’s adjusted gross in-
13 come as exceeds—

14 “(1) \$150,000 in the case of a joint return,

15 “(2) \$112,500 in the case of a head of house-
16 hold, and

17 “(3) \$75,000 in the case of a taxpayer not de-
18 scribed in paragraph (1) or (2).

19 “(d) ELIGIBLE INDIVIDUAL.—For purposes of this
20 section, the term ‘eligible individual’ means any individual
21 other than—

22 “(1) any nonresident alien individual,

23 “(2) any individual with respect to whom a de-
24 duction under section 151 is allowable to another
25 taxpayer for a taxable year beginning in the cal-

1 endar year in which the individual's taxable year be-
2 gins, and

3 “(3) an estate or trust.

4 “(e) COORDINATION WITH ADVANCE REFUNDS OF
5 CREDIT.—

6 “(1) IN GENERAL.—The amount of credit
7 which would (but for this paragraph) be allowable
8 under this section shall be reduced (but not below
9 zero) by the aggregate refunds and credits made or
10 allowed to the taxpayer under subsection (f). Any
11 failure to so reduce the credit shall be treated as
12 arising out of a mathematical or clerical error and
13 assessed according to section 6213(b)(1).

14 “(2) JOINT RETURNS.—In the case of a refund
15 or credit made or allowed under subsection (f) with
16 respect to a joint return, half of such refund or cred-
17 it shall be treated as having been made or allowed
18 to each individual filing such return.

19 “(f) ADVANCE REFUNDS AND CREDITS.—

20 “(1) IN GENERAL.—Subject to paragraph (5),
21 each individual who was an eligible individual for
22 such individual's first taxable year beginning in
23 2019 shall be treated as having made a payment
24 against the tax imposed by chapter 1 for such tax-

1 able year in an amount equal to the advance refund
2 amount for such taxable year.

3 “(2) ADVANCE REFUND AMOUNT.—For pur-
4 poses of paragraph (1), the advance refund amount
5 is the amount that would have been allowed as a
6 credit under this section for such taxable year if this
7 section (other than subsection (e) and this sub-
8 section) had applied to such taxable year.

9 “(3) TIMING OF PAYMENTS.—The Secretary
10 shall, subject to the provisions of this title, refund
11 or credit any overpayment attributable to this sec-
12 tion as rapidly as possible. No refund or credit shall
13 be made or allowed under this subsection after De-
14 cember 31, 2020.

15 “(4) NO INTEREST.—No interest shall be al-
16 lowed on any overpayment attributable to this sec-
17 tion.

18 “(5) ALTERNATE TAXABLE YEAR.—In the case
19 of an individual who, at the time of any determina-
20 tion made pursuant to paragraph (3), has not filed
21 a tax return for the year described in paragraph (1),
22 the Secretary may—

23 “(A) apply such paragraph by substituting
24 ‘2018’ for ‘2019’, and

1 “(B) if the individual has not filed a tax
2 return for such individual’s first taxable year
3 beginning in 2018, use information provided in
4 Form SSA-1099, Social Security Benefit State-
5 ment, with respect to such individual for cal-
6 endar year 2019.

7 “(6) NOTICE TO TAXPAYER.—Not later than 15
8 days after the date on which the Secretary distrib-
9 uted any payment (by electronic funds transfer or
10 check) to an eligible taxpayer pursuant to this sub-
11 section, notice shall be sent by mail to such tax-
12 payer’s last known address. Such notice shall indi-
13 cate the method by which such payment was made,
14 the amount of such payment, and a phone number
15 for the appropriate point of contact at the Internal
16 Revenue Service to report any failure to receive such
17 payment.

18 “(g) IDENTIFICATION NUMBER REQUIREMENT.—

19 “(1) IN GENERAL.—No credit shall be allowed
20 under subsection (a) to an eligible individual who
21 does not include on the return of tax for the taxable
22 year—

23 “(A) such individual’s valid identification
24 number,

1 “(B) in the case of a joint return, the valid
2 identification number of such individual’s
3 spouse, and

4 “(C) in the case of any qualifying child
5 taken into account under subsection (a)(2), the
6 valid identification number of such qualifying
7 child.

8 “(2) VALID IDENTIFICATION NUMBER.—

9 “(A) IN GENERAL.—For purposes of para-
10 graph (1), the term ‘valid identification num-
11 ber’ means a social security number (as such
12 term is defined in section 24(h)(7)).

13 “(B) ADOPTION TAXPAYER IDENTIFICA-
14 TION NUMBER.—For purposes of paragraph
15 (1)(C), in the case of a qualifying child who is
16 adopted or placed for adoption, the term ‘valid
17 identification number’ shall include the adop-
18 tion taxpayer identification number of such
19 child.

20 “(3) SPECIAL RULE FOR MEMBERS OF THE
21 ARMED FORCES.—Paragraph (1)(B) shall not apply
22 in the case where at least 1 spouse was a member
23 of the Armed Forces of the United States at any
24 time during the taxable year and at least 1 spouse
25 satisfies paragraph (1)(A).

1 “(4) MATHEMATICAL OR CLERICAL ERROR AU-
2 THORITY.—Any omission of a correct social security
3 number required under this subsection shall be
4 treated as a mathematical or clerical error for pur-
5 poses of applying section 6213(g)(2) to such omis-
6 sion.

7 “(h) EXCEPTION FROM REDUCTION OR OFFSET.—
8 Any credit or refund allowed or made to any taxpayer by
9 reason of this section shall not be—

10 “(1) subject to reduction or offset pursuant to
11 subsection (d), (e), or (f) of section 6402, or

12 “(2) reduced or offset by other assessed Federal
13 taxes that would otherwise be subject to levy or col-
14 lection.

15 “(i) REGULATIONS.—The Secretary shall prescribe
16 such regulations or other guidance as may be necessary
17 to carry out the purposes of this section, including any
18 such measures as are deemed appropriate to avoid allow-
19 ing multiple credits or rebates to a taxpayer.”.

20 (b) ADMINISTRATIVE AMENDMENTS.—

21 (1) DEFINITION OF DEFICIENCY.—Section
22 6211(b)(4)(A) of the Internal Revenue Code of 1986
23 is amended by striking “and 36B, 168(k)(4)” and
24 inserting “36B, and 6428”.

1 (2) MATHEMATICAL OR CLERICAL ERROR AU-
2 THORITY.—Section 6213(g)(2)(L) of such Code is
3 amended by striking “or 32” and inserting “32, or
4 6428”.

5 (c) TREATMENT OF POSSESSIONS.—

6 (1) PAYMENTS TO POSSESSIONS.—

7 (A) MIRROR CODE POSSESSION.—The Sec-
8 retary of the Treasury shall pay to each posses-
9 sion of the United States which has a mirror
10 code tax system amounts equal to the loss (if
11 any) to that possession by reason of the amend-
12 ments made by this section. Such amounts shall
13 be determined by the Secretary of the Treasury
14 based on information provided by the govern-
15 ment of the respective possession.

16 (B) OTHER POSSESSIONS.—The Secretary
17 of the Treasury shall pay to each possession of
18 the United States which does not have a mirror
19 code tax system amounts estimated by the Sec-
20 retary of the Treasury as being equal to the ag-
21 gregate benefits (if any) that would have been
22 provided to residents of such possession by rea-
23 son of the amendments made by this section if
24 a mirror code tax system had been in effect in
25 such possession. The preceding sentence shall

1 not apply unless the respective possession has a
2 plan, which has been approved by the Secretary
3 of the Treasury, under which such possession
4 will promptly distribute such payments to its
5 residents.

6 (2) COORDINATION WITH CREDIT ALLOWED
7 AGAINST UNITED STATES INCOME TAXES.—No cred-
8 it shall be allowed against United States income
9 taxes under section 6428 of the Internal Revenue
10 Code of 1986 (as added by this section) to any per-
11 son—

12 (A) to whom a credit is allowed against
13 taxes imposed by the possession by reason of
14 the amendments made by this section, or

15 (B) who is eligible for a payment under a
16 plan described in paragraph (1)(B).

17 (3) DEFINITIONS AND SPECIAL RULES.—

18 (A) POSSESSION OF THE UNITED
19 STATES.—For purposes of this subsection, the
20 term “possession of the United States” includes
21 the Commonwealth of Puerto Rico and the
22 Commonwealth of the Northern Mariana Is-
23 lands.

24 (B) MIRROR CODE TAX SYSTEM.—For pur-
25 poses of this subsection, the term “mirror code

1 tax system” means, with respect to any posses-
2 sion of the United States, the income tax sys-
3 tem of such possession if the income tax liabil-
4 ity of the residents of such possession under
5 such system is determined by reference to the
6 income tax laws of the United States as if such
7 possession were the United States.

8 (C) TREATMENT OF PAYMENTS.—For pur-
9 poses of section 1324 of title 31, United States
10 Code, the payments under this subsection shall
11 be treated in the same manner as a refund due
12 from a credit provision referred to in subsection
13 (b)(2) of such section.

14 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
15 Any credit or refund allowed or made to any individual
16 by reason of section 6428 of the Internal Revenue Code
17 of 1986 (as added by this section) or by reason of sub-
18 section (c) of this section shall not be—

19 (1) subject to reduction or offset pursuant to
20 section 3716 or 3720A of title 31, United States
21 Code, or

22 (2) reduced or offset by other assessed Federal
23 taxes that would otherwise be subject to levy or col-
24 lection.

1 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
2 of the Treasury (or the Secretary’s delegate) shall conduct
3 a public awareness campaign, in coordination with the
4 Commissioner of Social Security and the heads of other
5 relevant Federal agencies, to provide information regard-
6 ing the availability of the credit and rebate allowed under
7 section 6428 of the Internal Revenue Code of 1986 (as
8 added by this section), including information with respect
9 to individuals who may not have filed a tax return for tax-
10 able year 2018 or 2019.

11 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

12 (1) IN GENERAL.—Immediately upon the enact-
13 ment of this Act, the following sums are appro-
14 priated, out of any money in the Treasury not other-
15 wise appropriated, for the fiscal year ending Sep-
16 tember 30, 2020:

17 (A) DEPARTMENT OF THE TREASURY.—

18 (i) For an additional amount for “De-
19 partment of the Treasury—Bureau of the
20 Fiscal Service—Salaries and Expenses”,
21 \$78,650,000, to remain available until
22 September 30, 2021.

23 (ii) For an additional amount for
24 “Department of the Treasury—Internal
25 Revenue Service—Taxpayer Services”,

1 \$293,500,000, to remain available until
2 September 30, 2021.

3 (iii) For an additional amount for
4 “Department of the Treasury—Internal
5 Revenue Service—Operations Support”,
6 \$170,000,000, to remain available until
7 September 30, 2021.

8 (iv) For an additional amount for
9 “Department of Treasury—Internal Rev-
10 enue Service—Enforcement”, \$37,200,000,
11 to remain available until September 30,
12 2021.

13 (B) SOCIAL SECURITY ADMINISTRATION.—
14 For an additional amount for “Social Security
15 Administration—Limitation on Administrative
16 Expenses”, \$38,000,000, to remain available
17 until September 30, 2020.

18 (2) REPORTS.—No later than 15 days after en-
19 actment of this Act, the Secretary of the Treasury
20 shall submit a plan to the Committees on Appropria-
21 tions of the House of Representatives and the Sen-
22 ate detailing the expected use of the funds provided
23 by paragraph (1)(A). Beginning 90 days after enact-
24 ment of this Act, the Secretary of the Treasury shall
25 submit a quarterly report to the Committees on Ap-

1 appropriations of the House of Representatives and the
2 Senate detailing the actual expenditure of funds pro-
3 vided by paragraph (1)(A) and the expected expendi-
4 ture of such funds in the subsequent quarter.

5 (g) CONFORMING AMENDMENTS.—

6 (1) Paragraph (2) of section 1324(b) of title
7 31, United States Code, is amended by inserting
8 “6428,” after “54B(h),”.

9 (2) The table of sections for subchapter B of
10 chapter 65 of subtitle F of the Internal Revenue
11 Code of 1986 is amended by inserting after the item
12 relating to section 6427 the following:

“Sec. 6428. 2020 Recovery Rebates for individuals.”.

13 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**
14 **FUNDS.**

15 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
16 MENT PLANS.—

17 (1) IN GENERAL.—Section 72(t) of the Internal
18 Revenue Code of 1986 shall not apply to any
19 coronavirus-related distribution.

20 (2) AGGREGATE DOLLAR LIMITATION.—

21 (A) IN GENERAL.—For purposes of this
22 subsection, the aggregate amount of distribu-
23 tions received by an individual which may be
24 treated as coronavirus-related distributions for
25 any taxable year shall not exceed \$100,000.

1 (B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would
2 TIONS.—If a distribution to an individual would
3 (without regard to subparagraph (A)) be a
4 coronavirus-related distribution, a plan shall not
5 be treated as violating any requirement of the
6 Internal Revenue Code of 1986 merely because
7 the plan treats such distribution as a
8 coronavirus-related distribution, unless the ag-
9 gregate amount of such distributions from all
10 plans maintained by the employer (and any
11 member of any controlled group which includes
12 the employer) to such individual exceeds
13 \$100,000.

14 (C) CONTROLLED GROUP.—For purposes
15 of subparagraph (B), the term “controlled
16 group” means any group treated as a single
17 employer under subsection (b), (c), (m), or (o)
18 of section 414 of the Internal Revenue Code of
19 1986.

20 (3) AMOUNT DISTRIBUTED MAY BE REPAYED.—

21 (A) IN GENERAL.—Any individual who re-
22 ceives a coronavirus-related distribution may, at
23 any time during the 3-year period beginning on
24 the day after the date on which such distribu-
25 tion was received, make 1 or more contributions

1 in an aggregate amount not to exceed the
2 amount of such distribution to an eligible retire-
3 ment plan of which such individual is a bene-
4 ficiary and to which a rollover contribution of
5 such distribution could be made under section
6 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
7 457(e)(16), of the Internal Revenue Code of
8 1986, as the case may be.

9 (B) TREATMENT OF REPAYMENTS OF DIS-
10 TRIBUTIONS FROM ELIGIBLE RETIREMENT
11 PLANS OTHER THAN IRAS.—For purposes of
12 the Internal Revenue Code of 1986, if a con-
13 tribution is made pursuant to subparagraph (A)
14 with respect to a coronavirus-related distribu-
15 tion from an eligible retirement plan other than
16 an individual retirement plan, then the taxpayer
17 shall, to the extent of the amount of the con-
18 tribution, be treated as having received the
19 coronavirus-related distribution in an eligible
20 rollover distribution (as defined in section
21 402(c)(4) of such Code) and as having trans-
22 ferred the amount to the eligible retirement
23 plan in a direct trustee to trustee transfer with-
24 in 60 days of the distribution.

1 (C) TREATMENT OF REPAYMENTS OF DIS-
2 TRIBUTIONS FROM IRAS.—For purposes of the
3 Internal Revenue Code of 1986, if a contribu-
4 tion is made pursuant to subparagraph (A)
5 with respect to a coronavirus-related distribu-
6 tion from an individual retirement plan (as de-
7 fined by section 7701(a)(37) of such Code),
8 then, to the extent of the amount of the con-
9 tribution, the coronavirus-related distribution
10 shall be treated as a distribution described in
11 section 408(d)(3) of such Code and as having
12 been transferred to the eligible retirement plan
13 in a direct trustee to trustee transfer within 60
14 days of the distribution.

15 (4) DEFINITIONS.—For purposes of this sub-
16 section—

17 (A) CORONAVIRUS-RELATED DISTRIBU-
18 TION.—Except as provided in paragraph (2),
19 the term “coronavirus-related distribution”
20 means any distribution from an eligible retire-
21 ment plan made—

22 (i) on or after January 1, 2020, and
23 before December 31, 2020,

24 (ii) to an individual—

1 (I) who is diagnosed with the
2 virus SARS-CoV-2 or with
3 coronavirus disease 2019 (COVID-19)
4 by a test approved by the Centers for
5 Disease Control and Prevention,

6 (II) whose spouse or dependent
7 (as defined in section 152 of the In-
8 ternal Revenue Code of 1986) is diag-
9 nosed with such virus or disease by
10 such a test, or

11 (III) who experiences adverse fi-
12 nancial consequences as a result of
13 being quarantined, being furloughed
14 or laid off or having work hours re-
15 duced due to such virus or disease,
16 being unable to work due to lack of
17 child care due to such virus or dis-
18 ease, closing or reducing hours of a
19 business owned or operated by the in-
20 dividual due to such virus or disease,
21 or other factors as determined by the
22 Secretary of the Treasury (or the Sec-
23 retary's delegate).

24 (B) EMPLOYEE CERTIFICATION.—The ad-
25 ministrator of an eligible retirement plan may

1 rely on an employee’s certification that the em-
2 ployee satisfies the conditions of subparagraph
3 (A)(ii) in determining whether any distribution
4 is a coronavirus-related distribution.

5 (C) ELIGIBLE RETIREMENT PLAN.—The
6 term “eligible retirement plan” has the meaning
7 given such term by section 402(c)(8)(B) of the
8 Internal Revenue Code of 1986.

9 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
10 PERIOD.—

11 (A) IN GENERAL.—In the case of any
12 coronavirus-related distribution, unless the tax-
13 payer elects not to have this paragraph apply
14 for any taxable year, any amount required to be
15 included in gross income for such taxable year
16 shall be so included ratably over the 3-taxable-
17 year period beginning with such taxable year.

18 (B) SPECIAL RULE.—For purposes of sub-
19 paragraph (A), rules similar to the rules of sub-
20 paragraph (E) of section 408A(d)(3) of the In-
21 ternal Revenue Code of 1986 shall apply.

22 (6) SPECIAL RULES.—

23 (A) EXEMPTION OF DISTRIBUTIONS FROM
24 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
25 HOLDING RULES.—For purposes of sections

1 401(a)(31), 402(f), and 3405 of the Internal
2 Revenue Code of 1986, coronavirus-related dis-
3 tributions shall not be treated as eligible roll-
4 over distributions.

5 (B) CORONAVIRUS-RELATED DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of the Internal Revenue Code of 1986, a coronavirus-related distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A) of such Code.

13 (b) LOANS FROM QUALIFIED PLANS.—

14 (1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual made during the 180-day period beginning on the date of the enactment of this Act—

21 (A) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting “\$100,000” for “\$50,000”, and

24 (B) clause (ii) of such section shall be applied by substituting “the present value of the
25

1 nonforfeitable accrued benefit of the employee
2 under the plan” for “one-half of the present
3 value of the nonforfeitable accrued benefit of
4 the employee under the plan”.

5 (2) DELAY OF REPAYMENT.—In the case of a
6 qualified individual with an outstanding loan (on or
7 after the date of the enactment of this Act) from a
8 qualified employer plan (as defined in section
9 72(p)(4) of the Internal Revenue Code of 1986)—

10 (A) if the due date pursuant to subpara-
11 graph (B) or (C) of section 72(p)(2) of such
12 Code for any repayment with respect to such
13 loan occurs during the period beginning on the
14 date of the enactment of this Act and ending on
15 December 31, 2020, such due date shall be de-
16 layed for 1 year (or, if later, until the date
17 which is 180 days after the date of the enact-
18 ment of this Act),

19 (B) any subsequent repayments with re-
20 spect to any such loan shall be appropriately
21 adjusted to reflect the delay in the due date
22 under subparagraph (A) and any interest accru-
23 ing during such delay, and

24 (C) in determining the 5-year period and
25 the term of a loan under subparagraph (B) or

1 (C) of section 72(p)(2) of such Code, the period
2 described in subparagraph (A) of this para-
3 graph shall be disregarded.

4 (3) QUALIFIED INDIVIDUAL.—For purposes of
5 this subsection, the term “qualified individual”
6 means any individual who is described in subsection
7 (a)(4)(A)(ii).

8 (c) PROVISIONS RELATING TO PLAN AMEND-
9 MENTS.—

10 (1) IN GENERAL.—If this subsection applies to
11 any amendment to any plan or annuity contract,
12 such plan or contract shall be treated as being oper-
13 ated in accordance with the terms of the plan during
14 the period described in paragraph (2)(B)(i).

15 (2) AMENDMENTS TO WHICH SUBSECTION AP-
16 PLIES.—

17 (A) IN GENERAL.—This subsection shall
18 apply to any amendment to any plan or annuity
19 contract which is made—

20 (i) pursuant to any provision of this
21 section, or pursuant to any regulation
22 issued by the Secretary of the Treasury or
23 the Secretary of Labor (or the delegate of
24 either such Secretary) under any provision
25 of this section, and

1 (ii) on or before the last day of the
2 first plan year beginning on or after Janu-
3 ary 1, 2022, or such later date as the Sec-
4 retary of the Treasury (or the Secretary's
5 delegate) may prescribe.

6 In the case of a governmental plan (as defined
7 in section 414(d) of the Internal Revenue Code
8 of 1986), clause (ii) shall be applied by sub-
9 stituting the date which is 2 years after the
10 date otherwise applied under clause (ii).

11 (B) CONDITIONS.—This subsection shall
12 not apply to any amendment unless—

13 (i) during the period—

14 (I) beginning on the date that
15 this section or the regulation de-
16 scribed in subparagraph (A)(i) takes
17 effect (or in the case of a plan or con-
18 tract amendment not required by this
19 section or such regulation, the effec-
20 tive date specified by the plan), and

21 (II) ending on the date described
22 in subparagraph (A)(ii) (or, if earlier,
23 the date the plan or contract amend-
24 ment is adopted),

1 the plan or contract is operated as if such
2 plan or contract amendment were in effect,
3 and

4 (ii) such plan or contract amendment
5 applies retroactively for such period.

6 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
7 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
8 **MENT PLANS AND ACCOUNTS.**

9 (a) IN GENERAL.—Section 401(a)(9) of the Internal
10 Revenue Code of 1986 is amended by adding at the end
11 the following new subparagraph:

12 “(I) TEMPORARY WAIVER OF MINIMUM RE-
13 QUIRED DISTRIBUTION.—

14 “(i) IN GENERAL.—The requirements
15 of this paragraph shall not apply for cal-
16 endar year 2020 to—

17 “(I) a defined contribution plan
18 which is described in this subsection
19 or in section 403(a) or 403(b),

20 “(II) a defined contribution plan
21 which is an eligible deferred com-
22 pensation plan described in section
23 457(b) but only if such plan is main-
24 tained by an employer described in
25 section 457(e)(1)(A), or

1 “(III) an individual retirement
2 plan.

3 “(ii) SPECIAL RULE FOR REQUIRED
4 BEGINNING DATES IN 2020.—Clause (i)
5 shall apply to any distribution which is re-
6 quired to be made in calendar year 2020
7 by reason of—

8 “(I) a required beginning date
9 occurring in such calendar year, and

10 “(II) such distribution not having
11 been made before January 1, 2020.

12 “(iii) SPECIAL RULES REGARDING
13 WAIVER PERIOD.—For purposes of this
14 paragraph—

15 “(I) the required beginning date
16 with respect to any individual shall be
17 determined without regard to this
18 subparagraph for purposes of applying
19 this paragraph for calendar years
20 after 2020,

21 “(II) if clause (ii) of subpara-
22 graph (B) applies, the 5-year period
23 described in such clause shall be de-
24 termined without regard to calendar
25 year 2020,

1 “(III) if clause (iii) of subpara-
2 graph (E) applies, the 10-year period
3 described in such clause shall be de-
4 termined without regard to calendar
5 year 2020, and

6 “(IV) if clause (i) of subpara-
7 graph (H) applies, the 10-year period
8 described in such clause shall be de-
9 termined without regard to calendar
10 year 2020.”.

11 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
12 402(c)(4) of the Internal Revenue Code of 1986 is amend-
13 ed by striking “2009” each place it appears in the last
14 sentence and inserting “2020”.

15 (c) EFFECTIVE DATES.—

16 (1) IN GENERAL.—The amendments made by
17 this section shall apply for calendar years beginning
18 after December 31, 2019.

19 (2) PROVISIONS RELATING TO PLAN OR CON-
20 TRACT AMENDMENTS.—

21 (A) IN GENERAL.—If this paragraph ap-
22 plies to any pension plan or contract amend-
23 ment, such pension plan or contract shall not
24 fail to be treated as being operated in accord-
25 ance with the terms of the plan during the pe-

1 riod described in subparagraph (B)(ii) solely be-
2 cause the plan operates in accordance with this
3 section.

4 (B) AMENDMENTS TO WHICH PARAGRAPH
5 APPLIES.—

6 (i) IN GENERAL.—This paragraph
7 shall apply to any amendment to any pen-
8 sion plan or annuity contract which—

9 (I) is made pursuant to the
10 amendments made by this section,
11 and

12 (II) is made on or before the last
13 day of the first plan year beginning
14 on or after January 1, 2022.

15 In the case of a governmental plan, sub-
16 clause (II) shall be applied by substituting
17 “2024” for “2022”.

18 (ii) CONDITIONS.—This paragraph
19 shall not apply to any amendment unless
20 during the period beginning on the effec-
21 tive date of the amendment and ending on
22 December 31, 2020, the plan or contract is
23 operated as if such plan or contract
24 amendment were in effect.

1 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
2 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

3 (a) IN GENERAL.—Section 62(a) of the Internal Rev-
4 enue Code of 1986 is amended by inserting after para-
5 graph (21) the following new paragraph:

6 “(22) CHARITABLE CONTRIBUTIONS.—In the
7 case of taxable years beginning in 2020, the amount
8 (not to exceed \$300) of qualified charitable contribu-
9 tions made by an eligible individual during the tax-
10 able year .”.

11 (b) DEFINITIONS.—Section 62 of such Code is
12 amended by adding at the end the following new sub-
13 section:

14 “(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
15 TABLE CONTRIBUTIONS.—For purposes of subsection
16 (a)(22)—

17 “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible
18 individual’ means any individual who does not elect
19 to itemize deductions.

20 “(2) QUALIFIED CHARITABLE CONTRIBU-
21 TIONS.—The term ‘qualified charitable contribution’
22 means a charitable contribution (as defined in sec-
23 tion 170(c))—

24 “(A) which is made in cash,

1 “(B) for which a deduction is allowable
2 under section 170 (determined without regard
3 to subsection (b) thereof), and

4 “(C) which is—

5 “(i) made to an organization de-
6 scribed in section 170(b)(1)(A), and

7 “(ii) not—

8 “(I) to an organization described
9 in section 509(a)(3), or

10 “(II) for the establishment of a
11 new, or maintenance of an existing,
12 donor advised fund (as defined in sec-
13 tion 4966(d)(2)).

14 Such term shall not include any amount
15 which is treated as a charitable contribu-
16 tion made in such taxable year by reason
17 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
18 tion 170.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to taxable years beginning after
21 December 31, 2019.

22 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
23 **TABLE CONTRIBUTIONS DURING 2020.**

24 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
25 CERTAIN CASH CONTRIBUTIONS.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in paragraph (2), qualified contributions shall
3 be disregarded in applying subsections (b) and (d) of
4 section 170 of the Internal Revenue Code of 1986.

5 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
6 For purposes of section 170 of the Internal Revenue
7 Code of 1986—

8 (A) INDIVIDUALS.—In the case of an indi-
9 vidual—

10 (i) LIMITATION.—Any qualified con-
11 tribution shall be allowed as a deduction
12 only to the extent that the aggregate of
13 such contributions does not exceed the ex-
14 cess of the taxpayer's contribution base (as
15 defined in subparagraph (H) of section
16 170(b)(1) of such Code) over the amount
17 of all other charitable contributions allowed
18 under section 170(b)(1) of such Code.

19 (ii) CARRYOVER.—If the aggregate
20 amount of qualified contributions made in
21 the contribution year (within the meaning
22 of section 170(d)(1) of such Code) exceeds
23 the limitation of clause (i), such excess
24 shall be added to the excess described in
25 section 170(b)(1)(G)(ii).

1 (B) CORPORATIONS.—In the case of a cor-
2 poration—

3 (i) LIMITATION.—Any qualified con-
4 tribution shall be allowed as a deduction
5 only to the extent that the aggregate of
6 such contributions does not exceed the ex-
7 cess of 25 percent of the taxpayer’s taxable
8 income (as determined under paragraph
9 (2) of section 170(b) of such Code) over
10 the amount of all other charitable con-
11 tributions allowed under such paragraph.

12 (ii) CARRYOVER.—If the aggregate
13 amount of qualified contributions made in
14 the contribution year (within the meaning
15 of section 170(d)(2) of such Code) exceeds
16 the limitation of clause (i), such excess
17 shall be appropriately taken into account
18 under section 170(d)(2) subject to the limi-
19 tations thereof.

20 (3) QUALIFIED CONTRIBUTIONS.—

21 (A) IN GENERAL.—For purposes of this
22 subsection, the term “qualified contribution”
23 means any charitable contribution (as defined
24 in section 170(c) of the Internal Revenue Code
25 of 1986) if—

1 (i) such contribution is paid in cash
2 during calendar year 2020 to an organiza-
3 tion described in section 170(b)(1)(A) of
4 such Code, and

5 (ii) the taxpayer has elected the appli-
6 cation of this section with respect to such
7 contribution.

8 (B) EXCEPTION.—Such term shall not in-
9 clude a contribution by a donor if the contribu-
10 tion is—

11 (i) to an organization described in sec-
12 tion 509(a)(3) of the Internal Revenue
13 Code of 1986, or

14 (ii) for the establishment of a new, or
15 maintenance of an existing, donor advised
16 fund (as defined in section 4966(d)(2) of
17 such Code).

18 (C) APPLICATION OF ELECTION TO PART-
19 NERSHIPS AND S CORPORATIONS.—In the case
20 of a partnership or S corporation, the election
21 under subparagraph (A)(ii) shall be made sepa-
22 rately by each partner or shareholder.

23 (b) INCREASE IN LIMITS ON CONTRIBUTIONS OF
24 FOOD INVENTORY.—In the case of any charitable con-
25 tribution of food during 2020 to which section

1 170(e)(3)(C) of the Internal Revenue Code of 1986 ap-
2 plies, subclauses (I) and (II) of clause (ii) thereof shall
3 each be applied by substituting “25 percent” for “15 per-
4 cent.”

5 (c) EFFECTIVE DATE.—This section shall apply to
6 taxable years ending after December 31, 2019.

7 **Subtitle C—Business Provisions**

8 **SEC. 2301. DELAY OF PAYMENT OF EMPLOYER PAYROLL** 9 **TAXES.**

10 (a) IN GENERAL.—

11 (1) TAXES.—Notwithstanding any other provi-
12 sion of law, the payment for applicable employment
13 taxes for the payroll tax deferral period shall not be
14 due before the applicable date.

15 (2) DEPOSITS.—Notwithstanding section 6302
16 of the Internal Revenue Code of 1986, an employer
17 shall be treated as having timely made all deposits
18 of applicable employment taxes that are required to
19 be made (without regard to this section) for such
20 taxes during the payroll tax deferral period if all
21 such deposits are made not later than the applicable
22 date.

23 (3) EXCEPTION.—This subsection shall not
24 apply to any taxpayer if such taxpayer has had in-
25 debtedness forgiven under section 2105 of this Act

1 with respect to a loan under paragraph (36) of sec-
2 tion 7(a) of the Small Business Act (15 U.S.C.
3 636(a)), as added by section 2102 of this Act, or in-
4 debtedness forgiven under section 2109 of this Act.
5 (b) SECA.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, the payment for 50 percent of the
8 taxes imposed under section 1401(a) of the Internal
9 Revenue Code of 1986 for the payroll tax deferral
10 period shall not be due before the applicable date.

11 (2) ESTIMATED TAXES.—For purposes of ap-
12 plying section 6654 of the Internal Revenue Code of
13 1986 to any taxable year which includes any part of
14 the payroll tax deferral period, 50 percent of the
15 taxes imposed under section 1401(a) of such Code
16 for the payroll tax deferral period shall not be treat-
17 ed as taxes to which such section 6654 applies.

18 (c) LIABILITY OF THIRD PARTIES.—

19 (1) ACTS TO BE PERFORMED BY AGENTS.—For
20 purposes of section 3504 of the Internal Revenue
21 Code of 1986, in the case of any person designated
22 pursuant to such section (and any regulations or
23 other guidance issued by the Secretary with respect
24 to such section) to perform acts otherwise required
25 to be performed by an employer under such Code, if

1 such employer directs such person to defer payment
2 of any applicable employment taxes during the pay-
3 roll tax deferral period under this section, such em-
4 ployer shall be solely liable for the payment of such
5 applicable employment taxes before the applicable
6 date for any wages paid by such person on behalf of
7 such employer during such period.

8 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
9 GANIZATIONS.—For purposes of section 3511, in the
10 case of a certified professional employer organization
11 (as defined in subsection (a) of section 7705 of the
12 Internal Revenue Code of 1986) that has entered
13 into a service contract described in subsection (e)(2)
14 of such section with a customer, if such customer di-
15 rects such organization to defer payment of any ap-
16 plicable employment taxes during the payroll tax de-
17 ferral period under this section, such customer shall,
18 notwithstanding subsections (a) and (c) of section
19 3511, be solely liable for the payment of such appli-
20 cable employment taxes before the applicable date
21 for any wages paid by such organization to any work
22 site employee performing services for such customer
23 during such period.

24 (d) DEFINITIONS.—For purposes of this section—

1 (1) APPLICABLE EMPLOYMENT TAXES.—The
2 term “applicable employment taxes” means the fol-
3 lowing:

4 (A) The taxes imposed under section
5 3111(a) of the Internal Revenue Code of 1986.

6 (B) So much of the taxes imposed under
7 section 3211(a) of such Code as are attrib-
8 utable to the rate in effect under section
9 3111(a) of such Code.

10 (C) So much of the taxes imposed under
11 section 3221(a) of such Code as are attrib-
12 utable to the rate in effect under section
13 3111(a) of such Code.

14 (2) PAYROLL TAX DEFERRAL PERIOD.—The
15 term “payroll tax deferral period” means the period
16 beginning on the date of the enactment of this Act
17 and ending before January 1, 2021.

18 (3) APPLICABLE DATE.—The term “applicable
19 date” means—

20 (A) December 31, 2021, with respect to 50
21 percent of the amounts to which subsection (a)
22 or (b), as the case may be, apply, and

23 (B) December 31, 2022, with respect to
24 the remaining such amounts.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury (or the Secretary’s
3 delegate).

4 (e) TRUST FUNDS HELD HARMLESS.—There are
5 hereby appropriated (out of any money in the Treasury
6 not otherwise appropriated) for each fiscal year to the
7 Federal Old-Age and Survivors Insurance Trust Fund and
8 the Federal Disability Insurance Trust Fund established
9 under section 201 of the Social Security Act (42 U.S.C.
10 401) and the Social Security Equivalent Benefit Account
11 established under section 15A(a) of the Railroad Retire-
12 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
13 to the reduction in the transfers to such fund for such
14 fiscal year by reason of this section. Amounts appropriated
15 by the preceding sentence shall be transferred from the
16 general fund at such times and in such manner as to rep-
17 licate to the extent possible the transfers which would have
18 occurred to such Trust Fund had such amendments not
19 been enacted.

20 (f) REGULATORY AUTHORITY.—The Secretary shall
21 issue such regulations or other guidance as necessary to
22 carry out the purposes of this section, including rules for
23 the administration and enforcement of subsection (c).

1 **SEC. 2302. MODIFICATIONS FOR NET OPERATING LOSSES.**

2 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIM-
3 TATION.—

4 (1) IN GENERAL.—The first sentence of section
5 172(a) of the Internal Revenue Code of 1986 is
6 amended by striking “an amount equal to” and all
7 that follows and inserting “an amount equal to—

8 “(1) in the case of a taxable year beginning be-
9 fore January 1, 2021, the aggregate of the net oper-
10 ating loss carryovers to such year, plus the net oper-
11 ating loss carrybacks to such year, and

12 “(2) in the case of a taxable year beginning
13 after December 31, 2020, the sum of—

14 “(A) the aggregate amount of net oper-
15 ating losses arising in taxable years beginning
16 before January 1, 2018, carried to such taxable
17 year, plus

18 “(B) the lesser of—

19 “(i) the aggregate amount of net op-
20 erating losses arising in taxable years be-
21 ginning after December 31, 2017, carried
22 to such taxable year, or

23 “(ii) 80 percent of the excess (if any)
24 of—

25 “(I) taxable income computed
26 without regard to the deductions

1 under this section and sections 199A
2 and 250, over

3 “(II) the amount determined
4 under subparagraph (A).”.

5 (2) CONFORMING AMENDMENTS.—

6 (A) Section 172(b)(2)(C) of such Code is
7 amended to read as follows:

8 “(C) for taxable years beginning after De-
9 cember 31, 2020, be reduced by 20 percent of
10 the excess (if any) described in subsection
11 (a)(2)(B)(ii) for such taxable year.”.

12 (B) Section 172(d)(6)(C) of such Code is
13 amended by striking “subsection (a)(2)” and
14 inserting “subsection (a)(2)(B)(ii)(I)”.

15 (C) Section 860E(a)(3)(B) of such Code is
16 amended by striking all that follows “for pur-
17 poses of” and inserting “subsection
18 (a)(2)(B)(ii)(I) and the second sentence of sub-
19 section (b)(2) of section 172.”.

20 (b) MODIFICATIONS OF RULES RELATING TO
21 CARRYBACKS.—

22 (1) IN GENERAL.—Section 172(b)(1) of the In-
23 ternal Revenue Code of 1986 is amended by adding
24 at the end the following new subparagraph:

1 “(D) SPECIAL RULE FOR LOSSES ARISING
2 IN 2018, 2019, AND 2020.—

3 “(i) IN GENERAL.—In the case of any
4 net operating loss arising in a taxable year
5 beginning after December 31, 2017, and
6 before January 1, 2021—

7 “(I) such loss shall be a net oper-
8 ating loss carryback to each of the 5
9 taxable years preceding the taxable
10 year of such loss, and

11 “(II) subparagraphs (B) and
12 (C)(i) shall not apply.

13 “(ii) SPECIAL RULES FOR REITS.—
14 For purposes of this subparagraph—

15 “(I) IN GENERAL.—A net oper-
16 ating loss for a REIT year shall not
17 be a net operating loss carryback to
18 any taxable year preceding the taxable
19 year of such loss.

20 “(II) SPECIAL RULE.—In the
21 case of any net operating loss for a
22 taxable year which is not a REIT
23 year, such loss shall not be carried
24 back to any taxable year which is a
25 REIT year.

1 “(III) REIT YEAR.—For pur-
2 poses of this subparagraph, the term
3 ‘REIT year’ means any taxable year
4 for which the provisions of part II of
5 subchapter M (relating to real estate
6 investment trusts) apply to the tax-
7 payer.

8 “(iii) SPECIAL RULE FOR LIFE INSUR-
9 ANCE COMPANIES.— In the case of a life
10 insurance company, if a net operating loss
11 is carried back under clause (i)(I) to a life
12 insurance company taxable year beginning
13 before January 1, 2018, such net oper-
14 ating loss carryback shall be treated in the
15 same manner as an operations loss
16 carryback (within the meaning of section
17 810 as in effect before its repeal) of such
18 company to such taxable year.

19 “(iv) RULE RELATING TO
20 CARRYBACKS TO YEARS TO WHICH SEC-
21 TION 965 APPLIES.—If clause (i)(I) applies
22 and a net operating loss of a taxpayer is
23 carried to any taxable year described in
24 section 965(a), the taxpayer shall be treat-
25 ed as having made the election under sec-

1 tion 965(n) with respect to any taxable
2 year so described.

3 “(v) ELECTION.—An election under
4 paragraph (3) not to have clause (i) apply
5 to a net operating loss arising in a taxable
6 year beginning in 2018 or 2019 shall be
7 made by the due date (including extensions
8 of time) for filing the taxpayer’s return for
9 the first taxable year ending after the date
10 of the enactment of this subparagraph.”.

11 (2) CONFORMING AMENDMENT.—Section
12 172(b)(1)(A) of such Code, as amended by sub-
13 section (c)(2), is amended by striking “and (C)(i)”
14 and inserting “, (C)(i), and (D)”.

15 (c) TECHNICAL AMENDMENT RELATING TO SECTION
16 13302 OF PUBLIC LAW 115–97.—

17 (1) Section 13302(e) of Public Law 115–97 is
18 amended to read as follows:

19 “(e) EFFECTIVE DATES.—

20 “(1) NET OPERATING LOSS LIMITATION.—The
21 amendments made by subsections (a) and (d)(2)
22 shall apply to—

23 “(A) taxable years beginning after Decem-
24 ber 31, 2017, and

1 “(B) taxable years beginning on or before
2 such date to which net operating losses arising
3 in taxable years beginning after such date are
4 carried.

5 “(2) CARRYOVERS AND CARRYBACKS.—The
6 amendments made by subsections (b), (c), and
7 (d)(1) shall apply to net operating losses arising in
8 taxable years beginning after December 31, 2017.”.

9 (2) Section 172(b)(1)(A) of the Internal Rev-
10 enue Code of 1986 is amended to read as follows:

11 “(A) GENERAL RULE.—A net operating
12 loss for any taxable year—

13 “(i) shall be a net operating loss
14 carryback to the extent provided in sub-
15 paragraphs (B) and (C)(i), and

16 “(ii) except as provided in subpara-
17 graph (C)(ii), shall be a net operating loss
18 carryover—

19 “(I) in the case of a net oper-
20 ating loss arising in a taxable year be-
21 ginning before January 1, 2018, to
22 each of the 20 taxable years following
23 the taxable year of the loss, and

24 “(II) in the case of a net oper-
25 ating loss arising in a taxable year be-

1 ginning after December 31, 2017, to
2 each taxable year following the tax-
3 able year of the loss.”.

4 (d) EFFECTIVE DATES.—

5 (1) NET OPERATING LOSS LIMITATION.—The
6 amendments made by subsection (a) shall apply—

7 (A) to taxable years beginning after De-
8 cember 31, 2017, and

9 (B) to taxable years beginning on or before
10 December 31, 2017, to which net operating
11 losses arising in taxable years beginning after
12 December 31, 2017, are carried.

13 (2) CARRYOVERS AND CARRYBACKS.—The
14 amendment made by subsection (b) shall apply to—

15 (A) net operating losses arising in taxable
16 years beginning after December 31, 2017, and

17 (B) to taxable years beginning before, on,
18 or after such date to which such net operating
19 losses are carried.

20 (3) TECHNICAL AMENDMENTS.—The amend-
21 ments made by subsection (c) shall take effect as if
22 included in the provisions of Public Law 115–97 to
23 which they relate.

24 (4) SPECIAL RULE.—In the case of a net oper-
25 ating loss arising in a taxable year beginning before

1 January 1, 2018, and ending after December 31,
2 2017—

3 (A) an application under section 6411(a)
4 of the Internal Revenue Code of 1986 with re-
5 spect to the carryback of such net operating
6 loss shall not fail to be treated as timely filed
7 if filed not later than the date which is 120
8 days after the date of the enactment of this
9 Act, and

10 (B) an election to—

11 (i) forgo any carryback of such net
12 operating loss,

13 (ii) reduce any period to which such
14 net operating loss may be carried back, or

15 (iii) revoke any election made under
16 section 172(b) to forgo any carryback of
17 such net operating loss,

18 shall not fail to be treated as timely made if
19 made not later than the date which is 120 days
20 after the date of the enactment of this Act.

21 **SEC. 2303. MODIFICATION OF LIMITATION ON LOSSES FOR**
22 **TAXPAYERS OTHER THAN CORPORATIONS.**

23 (a) IN GENERAL.—Section 461(l)(1) of the Internal
24 Revenue Code of 1986 is amended to read as follows:

1 “(1) LIMITATION.—In the case of a taxpayer
2 other than a corporation—

3 “(A) for any taxable year beginning after
4 December 31, 2017, and before January 1,
5 2026, subsection (j) (relating to limitation on
6 excess farm losses of certain taxpayers) shall
7 not apply, and

8 “(B) for any taxable year beginning after
9 December 31, 2020, and before January 1,
10 2026, any excess business loss of the taxpayer
11 for the taxable year shall not be allowed.”.

12 (b) TECHNICAL AMENDMENTS RELATING TO SEC-
13 TION 11012 OF PUBLIC LAW 115–97.—

14 (1) Section 461(l)(2) of the Internal Revenue
15 Code of 1986 is amended by striking “a net oper-
16 ating loss carryover to the following taxable year
17 under section 172” and inserting “a net operating
18 loss for the taxable year for purposes of determining
19 any net operating loss carryover under section
20 172(b) for subsequent taxable years”.

21 (2) Section 461(l)(3)(A) of such Code is
22 amended—

23 (A) in clause (i), by inserting “and without
24 regard to any deduction allowable under section

1 only gains and losses attributable to a
2 trade or business, or
3 “(II) the capital gain net in-
4 come.”.

5 (c) EFFECTIVE DATES.—

6 (1) IN GENERAL.—The amendments made by
7 subsection (a) shall apply to taxable years beginning
8 after December 31, 2017.

9 (2) TECHNICAL AMENDMENTS.—The amend-
10 ments made by subsection (b) shall take effect as if
11 included in the provisions of Public Law 115–97 to
12 which they relate.

13 **SEC. 2304. MODIFICATION OF CREDIT FOR PRIOR YEAR**
14 **MINIMUM TAX LIABILITY OF CORPORATIONS.**

15 (a) IN GENERAL.—Section 53(e) of the Internal Rev-
16 enue Code of 1986 is amended—

17 (1) by striking “2018, 2019, 2020, or 2021” in
18 paragraph (1) and inserting “2018 or 2019”, and

19 (2) by striking “2021” in paragraph (2) and in-
20 serting “2019”.

21 (b) ELECTION TO TAKE ENTIRE REFUNDABLE
22 CREDIT AMOUNT IN 2018.—

23 (1) IN GENERAL.—Section 53(e) of such Code
24 is amended by adding at the end the following new
25 paragraph:

1 “(5) SPECIAL RULE.—In the case of a corpora-
2 tion making an election under this paragraph—

3 “(A) paragraph (1) shall not apply, and

4 “(B) subsection (c) shall not apply to the
5 first taxable year of such corporation beginning
6 in 2018.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 2017.

10 (d) SPECIAL RULE.—

11 (1) IN GENERAL.—For purposes of the Internal
12 Revenue Code of 1986, a credit or refund for which
13 an application described in paragraph (2)(A) is filed
14 shall be treated as made under section 6411 of the
15 Internal Revenue Code of 1986.

16 (2) TENTATIVE REFUND.—

17 (A) APPLICATION.—A taxpayer may file an
18 application for a tentative refund of any
19 amount for which a refund is due by reason of
20 an election under section 53(e)(5) of the Inter-
21 nal Revenue Code of 1986. Such application
22 shall be in such manner and form as the Sec-
23 retary of the Treasury (or the Secretary’s dele-
24 gate) may prescribe and shall—

1 (i) be verified in the same manner as
2 an application under section 6411(a) of
3 such Code,

4 (ii) be filed prior to December 31,
5 2020, and

6 (iii) set forth—

7 (I) the amount of the refundable
8 credit claimed under section 53(e) of
9 the Internal Revenue Code of 1986
10 for such taxable year,

11 (II) the amount of the refundable
12 credit claimed under such section for
13 any previously filed return for such
14 taxable year, and

15 (III) the amount of the refund
16 claimed.

17 (B) ALLOWANCE OF ADJUSTMENTS.—

18 Within a period of 90 days from the date on
19 which an application is filed under subpara-
20 graph (A), the Secretary of the Treasury (or
21 the Secretary's delegate) shall—

22 (i) review the application,

23 (ii) determine the amount of the over-
24 payment, and

1 (iii) apply, credit, or refund such over-
2 payment,
3 in a manner similar to the manner provided in
4 section 6411(b) of the Internal Revenue Code
5 of 1986.

6 (C) CONSOLIDATED RETURNS.—The provi-
7 sions of section 6411(c) of such Code shall
8 apply to an adjustment under this paragraph to
9 the same extent and manner as the Secretary of
10 the Treasury (or the Secretary’s delegate) may
11 provide.

12 **SEC. 2305. MODIFICATIONS OF LIMITATION ON BUSINESS**
13 **INTEREST.**

14 (a) IN GENERAL.—Section 163(j) of the Internal
15 Revenue Code of 1986 is amended by redesignating para-
16 graph (10) as paragraph (11) and by inserting after para-
17 graph (9) the following new paragraph:

18 “(10) SPECIAL RULE FOR TAXABLE YEARS BE-
19 GINNING IN 2019 AND 2020.—

20 “(A) IN GENERAL.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii) or (iii), in the case of
23 any taxable year beginning in 2019 or
24 2020, paragraph (1)(B) shall be applied by
25 substituting ‘50 percent’ for ‘30 percent’.

1 “(ii) SPECIAL RULE FOR PARTNER-
2 SHIPS.—In the case of a partnership—

3 “(I) clause (i) shall not apply to
4 any taxable year beginning in 2019,
5 but

6 “(II) unless a partner elects not
7 to have this subclause apply, in the
8 case of any excess business interest of
9 the partnership for any taxable year
10 beginning in 2019 which is allocated
11 to the partner under paragraph
12 (4)(B)(i)(II)—

13 “(aa) 50 percent of such ex-
14 cess business interest shall be
15 treated as business interest
16 which, notwithstanding para-
17 graph (4)(B)(ii), is paid or ac-
18 rued by the partner in the part-
19 ner’s first taxable year beginning
20 in 2020 and which is not subject
21 to the limits of paragraph (1),
22 and

23 “(bb) 50 percent of such ex-
24 cess business interest shall be
25 subject to the limitations of para-

1 graph (4)(B)(ii) in the same
2 manner as any other excess busi-
3 ness interest so allocated.

4 “(iii) ELECTION OUT.—A taxpayer
5 may elect, at such time and in such man-
6 ner as the Secretary may prescribe, not to
7 have clause (i) apply to any taxable year.
8 Such an election, once made, may be re-
9 voked only with the consent of the Sec-
10 retary. In the case of a partnership, any
11 such election shall be made by the partner-
12 ship and may be made only for taxable
13 years beginning in 2020.

14 “(B) ELECTION TO USE 2019 INCOME FOR
15 TAXABLE YEARS BEGINNING IN 2020.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), in the case of any taxable year begin-
18 ning in 2020, the taxpayer may elect to
19 apply this subsection by substituting the
20 adjusted taxable income of the taxpayer for
21 the last taxable year beginning in 2019 for
22 the adjusted taxable income for such tax-
23 able year. In the case of a partnership, any
24 such election shall be made by the partner-
25 ship.

1 “(ii) SPECIAL RULE FOR SHORT TAX-
2 ABLE YEARS.—If an election is made
3 under clause (i) for a taxable year which is
4 a short taxable year, the adjusted taxable
5 income for the taxpayer’s last taxable year
6 beginning in 2019 which is substituted
7 under clause (i) shall be equal to the
8 amount which bears the same ratio to such
9 adjusted taxable income determined with-
10 out regard to this clause as the number of
11 months in the short taxable year bears to
12 12”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 December 31, 2018.

16 **SEC. 2306. TECHNICAL AMENDMENTS REGARDING QUALI-**
17 **FIED IMPROVEMENT PROPERTY.**

18 (a) IN GENERAL.—Section 168 of the Internal Rev-
19 enue Code of 1986 is amended—

20 (1) in subsection (e)—

21 (A) in paragraph (3)(E), by striking “and”
22 at the end of clause (v), by striking the period
23 at the end of clause (vi) and inserting “, and”,
24 and by adding at the end the following new
25 clause:

1 “(vii) any qualified improvement prop-
2 erty.”, and

3 (B) in paragraph (6)(A), by inserting
4 “made by the taxpayer” after “any improve-
5 ment”, and

6 (2) in the table contained in subsection
7 (g)(3)(B)—

8 (A) by striking the item relating to sub-
9 paragraph (D)(v), and

10 (B) by inserting after the item relating to
11 subparagraph (E)(vi) the following new item:
12 “(E)(vii) 20”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as if included in section
13204 of Public Law 115–97.

1 **TITLE III—SUPPORTING AMER-**
2 **ICA’S HEALTH CARE SYSTEM**
3 **IN THE FIGHT AGAINST THE**
4 **CORONAVIRUS**

5 **Subtitle A—Health Provisions**

6 **PART I—ADDRESSING SUPPLY SHORTAGES**

7 **Subpart A—Medical Product Supplies**

8 **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA’S**
9 **MEDICAL PRODUCT SUPPLY CHAIN SECU-**
10 **RITY.**

11 (a) **IN GENERAL.**—Not later than 60 days after the
12 date of enactment of this Act, the Secretary of Health and
13 Human Services shall enter into an agreement with the
14 National Academies of Sciences, Engineering, and Medi-
15 cine (referred to in this section as the “National Acad-
16 emies”) to examine, and, in a manner that does not com-
17 promise national security, report on, the security of the
18 United States medical product supply chain.

19 (b) **PURPOSES.**—The report developed under this sec-
20 tion shall—

21 (1) assess and evaluate the dependence of the
22 United States, including the private commercial sec-
23 tor, States, and the Federal Government, on critical
24 drugs and devices that are sourced or manufactured

1 outside of the United States, which may include an
2 analysis of—

3 (A) the supply chain of critical drugs and
4 devices of greatest priority to providing health
5 care;

6 (B) any potential public health security or
7 national security risks associated with reliance
8 on critical drugs and devices sourced or manu-
9 factured outside of the United States, which
10 may include responses to previous or existing
11 shortages or public health emergencies, such as
12 infectious disease outbreaks, bioterror attacks,
13 and other public health threats;

14 (C) any existing supply chain information
15 gaps, as applicable; and

16 (D) potential economic impact of increased
17 domestic manufacturing; and

18 (2) provide recommendations, which may in-
19 clude a plan to improve the resiliency of the supply
20 chain for critical drugs and devices as described in
21 paragraph (1), and to address any supply
22 vulnerabilities or potential disruptions of such prod-
23 ucts that would significantly affect or pose a threat
24 to public health security or national security, as ap-
25 propriate, which may include strategies to—

1 (A) promote supply chain redundancy and
2 contingency planning;

3 (B) encourage domestic manufacturing, in-
4 cluding consideration of economic impacts, if
5 any;

6 (C) improve supply chain information
7 gaps;

8 (D) improve planning considerations for
9 medical product supply chain capacity during
10 public health emergencies; and

11 (E) promote the accessibility of such drugs
12 and devices.

13 (c) INPUT.—In conducting the study and developing
14 the report under subsection (b), the National Academies
15 shall—

16 (1) consider input from the Department of
17 Health and Human Services, the Department of
18 Homeland Security, the Department of Defense, the
19 Department of Commerce, the Department of State,
20 the Department of Veterans Affairs, the Department
21 of Justice, and any other Federal agencies as appro-
22 priate; and

23 (2) consult with relevant stakeholders, which
24 may include conducting public meetings and other
25 forms of engagement, as appropriate, with health

1 care providers, medical professional societies, State-
2 based societies, public health experts, State and local
3 public health departments, State medical boards, pa-
4 tient groups, medical product manufacturers, health
5 care distributors, wholesalers and group purchasing
6 organizations, pharmacists, and other entities with
7 experience in health care and public health, as ap-
8 propriate.

9 (d) DEFINITIONS.—In this section, the terms “de-
10 vice” and “drug” have the meanings given such terms in
11 section 201 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 321).

13 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**
14 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
15 **ICAL SUPPLIES.**

16 Section 319F–2(a)(1) of the Public Health Service
17 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting
18 “(including personal protective equipment, ancillary med-
19 ical supplies, and other applicable supplies required for the
20 administration of drugs, vaccines and other biological
21 products, medical devices, and diagnostic tests in the
22 stockpile)” after “other supplies”.

1 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**
2 **VICES AS COVERED COUNTERMEASURES.**

3 Section 319F–3(i)(1)(D) of the Public Health Service
4 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as
5 follows:

6 “(D) a respiratory protective device that is
7 approved by the National Institute for Occupa-
8 tional Safety and Health under part 84 of title
9 42, Code of Federal Regulations (or any suc-
10 cessor regulations), and that the Secretary de-
11 termines to be a priority for use during a public
12 health emergency declared under to section
13 319.”.

14 **Subpart B—Mitigating Emergency Drug Shortages**

15 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
16 **INCENTIVES.**

17 Section 506C(g) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 356c(g)) is amended—

19 (1) in paragraph (1), by striking “the Secretary
20 may” and inserting “the Secretary shall, as appro-
21 priate”;

22 (2) in paragraph (1), by inserting “prioritize
23 and” before “expedite the review”; and

24 (3) in paragraph (2), by inserting “prioritize
25 and” before “expedite an inspection”.

1 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
2 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
3 **AGES.**

4 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
5 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
6 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
7 356c) is amended—

8 (1) in paragraph (1)(C), by inserting “or any
9 such drug that is critical to the public health during
10 a public health emergency declared by the Secretary
11 under section 319 of the Public Health Service Act”
12 after “during surgery”; and

13 (2) in the flush text at the end—

14 (A) by inserting “, or a permanent dis-
15 continuance in the manufacture of an active
16 pharmaceutical ingredient or an interruption in
17 the manufacture of the active pharmaceutical
18 ingredient of such drug that is likely to lead to
19 a meaningful disruption in the supply of the ac-
20 tive pharmaceutical ingredient of such drug,”
21 before “and the reasons”; and

22 (B) by adding at the end the following:
23 “Notification under this subsection shall include
24 disclosure of reasons for the discontinuation or
25 interruption, and if applicable, an active phar-
26 maceutical ingredient is a reason for, or risk

1 factor in, such discontinuation or interruption,
2 the source of the active pharmaceutical ingre-
3 dient and any alternative sources for the active
4 pharmaceutical ingredient known by the manu-
5 facturer; whether any associated device used for
6 preparation or administration included in the
7 drug is a reason for, or a risk factor in, such
8 discontinuation or interruption; the expected
9 duration of the interruption; and such other in-
10 formation as the Secretary may require.”.

11 (b) RISK MANAGEMENT.—Section 506C of the Fed-
12 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356e) is
13 amended by adding at the end the following:

14 “(j) RISK MANAGEMENT PLANS.—Each manufac-
15 turer of a drug described in subsection (a) or of any active
16 pharmaceutical ingredient or any associated medical de-
17 vice used for preparation or administration included in the
18 drug, shall develop, maintain, and implement, as appro-
19 priate, a redundancy risk management plan that identifies
20 and evaluates risks to the supply of the drug, as applica-
21 ble, for each establishment in which such drug or active
22 pharmaceutical ingredient of such drug is manufactured.
23 A risk management plan under this section shall be sub-
24 ject to inspection and copying by the Secretary pursuant
25 to an inspection or a request under section 704(a)(4).”.

1 (c) ANNUAL NOTIFICATION.—Section 506E of the
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
3 is amended by adding at the end the following:

4 “(d) INTERAGENCY NOTIFICATION.—Not later than
5 180 days after the date of enactment of this subsection,
6 and every 90 days thereafter, the Secretary shall transmit
7 a report regarding the drugs of the current drug shortage
8 list under this section to the Administrator of the Centers
9 for Medicare & Medicaid Services.”.

10 (d) REPORTING AFTER INSPECTIONS.—Section
11 704(b) of the Federal Food, Drug, and Cosmetic Act (21
12 U.S.C. 374(b)) is amended—

13 (1) by redesignating paragraphs (1) and (2)
14 and subparagraphs (A) and (B);

15 (2) by striking “(b) Upon completion” and in-
16 serting “(b)(1) Upon completion”; and

17 (3) by adding at the end the following:

18 “(2) In carrying out this subsection with respect to
19 any establishment manufacturing a drug approved under
20 subsection (e) or (j) of section 505 for which a notification
21 has been submitted in accordance with section 506C is,
22 or has been in the last 5 years, listed on the drug shortage
23 list under section 506E, or that is described in section
24 505(j)(11)(A), a copy of the report shall be sent promptly

1 to the appropriate offices of the Food and Drug Adminis-
2 tration with expertise regarding drug shortages.”.

3 (e) REPORTING REQUIREMENT.—Section 510(j) of
4 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
5 is amended—

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

8 (2) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3)(A) Each person who registers with the
11 Secretary under this section with regard to a drug
12 shall report annually to the Secretary on the amount
13 of each drug listed under paragraph (1) that was
14 manufactured, prepared, propagated, compounded,
15 or processed by such person for commercial distribu-
16 tion. Such information may be required to be sub-
17 mitted in an electronic format as determined by the
18 Secretary. The Secretary may require that informa-
19 tion required to be reported under this paragraph be
20 submitted at the time a public health emergency is
21 declared by the Secretary under section 319 of the
22 Public Health Service Act.

23 “(B) By order of the Secretary, certain biologi-
24 cal products or categories of biological products reg-
25 ulated under section 351 of the Public Health Serv-

1 ice Act may be exempt from some or all of the re-
2 porting requirements under subparagraph (A), if the
3 Secretary determines that applying such reporting
4 requirements to such biological products or cat-
5 egories of biological products is not necessary to pro-
6 tect the public health.”.

7 (f) CONFIDENTIALITY.—Nothing in the amendments
8 made by this section shall be construed as authorizing the
9 Secretary to disclose any information that is a trade secret
10 or confidential information subject to section 552(b)(4) of
11 title 5, United States Code, or section 1905 of title 18,
12 United States Code.

13 (g) EFFECTIVE DATE.—The amendments made by
14 this section and section 3111 shall take effect on the date
15 that is 180 days after the date of enactment of this Act.

16 **Subpart C—Preventing Medical Device Shortages**

17 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
18 **PRODUCTION OF MEDICAL DEVICES.**

19 Chapter V of the Federal Food, Drug, and Cosmetic
20 Act (21 U.S.C. 351 et seq.) is amended by inserting after
21 section 506I the following:

22 **“SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
23 **PRODUCTION OF MEDICAL DEVICES.**

24 **“(a) IN GENERAL.—**A manufacturer of a device
25 that—

1 “(1) is critical to public health during a public
2 health emergency, including devices that are life-sup-
3 porting, life-sustaining, or intended for use in emer-
4 gency medical care or during surgery; or

5 “(2) for which the Secretary determines that in-
6 formation on potential meaningful supply disrup-
7 tions of such device is needed during, or in advance
8 of, a public health emergency;

9 shall, during, or in advance of, a public health emergency
10 determined by the Secretary under section 319, notify the
11 Secretary, in accordance with subsection (b), of a perma-
12 nent discontinuance in the manufacture of the device (ex-
13 cept for discontinuances as a result of an approved modi-
14 fication of the device) or an interruption of the manufac-
15 ture of the device that is likely to lead to a meaningful
16 disruption in the supply of that device in the United
17 States, and the reasons for such discontinuance or inter-
18 ruption.

19 “(b) TIMING.—A notice required under subsection (a)
20 shall be submitted to the Secretary—

21 “(1) at least 6 months prior to the date of the
22 discontinuance or interruption; or

23 “(2) if compliance with paragraph (1) is not
24 possible, as soon as practicable.

25 “(c) DISTRIBUTION.—

1 “(1) PUBLIC AVAILABILITY.—To the maximum
2 extent practicable, subject to paragraph (2), the Sec-
3 retary shall distribute, through such means as the
4 Secretary determines appropriate, information on
5 the discontinuance or interruption of the manufac-
6 ture of devices reported under subsection (a) to ap-
7 propriate organizations, including physician, health
8 provider, patient organizations, and supply chain
9 partners, as appropriate and applicable, as described
10 in subsection (g).

11 “(2) PUBLIC HEALTH EXCEPTION.—The Sec-
12 retary may choose not to make information collected
13 under this section publicly available pursuant to this
14 section if the Secretary determines that disclosure of
15 such information would adversely affect the public
16 health, such as by increasing the possibility of un-
17 necessary over purchase of product, component
18 parts, or other disruption of the availability of med-
19 ical products to patients.

20 “(d) CONFIDENTIALITY.—Nothing in this section
21 shall be construed as authorizing the Secretary to disclose
22 any information that is a trade secret or confidential infor-
23 mation subject to section 552(b)(4) of title 5, United
24 States Code, or section 1905 of title 18, United States
25 Code.

1 “(e) FAILURE TO MEET REQUIREMENTS.—If a per-
2 son fails to submit information required under subsection
3 (a) in accordance with subsection (b)—

4 “(1) the Secretary shall issue a letter to such
5 person informing such person of such failure;

6 “(2) not later than 30 calendar days after the
7 issuance of a letter under paragraph (1), the person
8 who receives such letter shall submit to the Sec-
9 retary a written response to such letter setting forth
10 the basis for noncompliance and providing informa-
11 tion required under subsection (a); and

12 “(3) not later than 45 calendar days after the
13 issuance of a letter under paragraph (1), the Sec-
14 retary shall make such letter and any response to
15 such letter under paragraph (2) available to the pub-
16 lic on the internet website of the Food and Drug Ad-
17 ministration, with appropriate redactions made to
18 protect information described in subsection (d), ex-
19 cept that, if the Secretary determines that the letter
20 under paragraph (1) was issued in error or, after re-
21 view of such response, the person had a reasonable
22 basis for not notifying as required under subsection
23 (a), the requirements of this paragraph shall not
24 apply.

1 “(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
2 based on notifications described in subsection (a) or any
3 other relevant information, the Secretary concludes that
4 there is, or is likely to be, a shortage of an device, the
5 Secretary shall, as appropriate—

6 “(1) prioritize and expedite the review of a sub-
7 mission under section 513(f)(2), 515, review of a no-
8 tification under section 510(k), or 520(m) for a de-
9 vice that could help mitigate or prevent such short-
10 age; or

11 “(2) prioritize and expedite an inspection or re-
12 inspection of an establishment that could help miti-
13 gate or prevent such shortage.

14 “(g) DEVICE SHORTAGE LIST.—

15 “(1) ESTABLISHMENT.—The Secretary shall es-
16 tablish and maintain an up-to-date list of devices
17 that are determined by the Secretary to be in short-
18 age in the United States.

19 “(2) CONTENTS.—For each device included on
20 the list under paragraph (1), the Secretary shall in-
21 clude the following information:

22 “(A) The category or name of the device in
23 shortage.

24 “(B) The name of each manufacturer of
25 such device.

1 “(C) The reason for the shortage, as deter-
2 mined by the Secretary, selecting from the fol-
3 lowing categories:

4 “(i) Requirements related to com-
5 plying with good manufacturing practices.

6 “(ii) Regulatory delay.

7 “(iii) Shortage or discontinuance of a
8 component or part.

9 “(iv) Discontinuance of the manufac-
10 ture of the device.

11 “(v) Delay in shipping of the device.

12 “(vi) Delay in sterilization of the de-
13 vice.

14 “(vii) Demand increase for the device.

15 “(viii) Facility closure.

16 “(D) The estimated duration of the short-
17 age as determined by the Secretary.

18 “(3) PUBLIC AVAILABILITY.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graphs (B) and (C), the Secretary shall make
21 the information in the list under paragraph (1)
22 publicly available.

23 “(B) TRADE SECRETS AND CONFIDENTIAL
24 INFORMATION.—Nothing in this subsection
25 shall be construed to alter or amend section

1 1905 of title 18, United States Code, or section
2 552(b)(4) of title 5 of such Code.

3 “(C) PUBLIC HEALTH EXCEPTION.—The
4 Secretary may elect not to make information
5 collected under this subsection publicly available
6 if the Secretary determines that disclosure of
7 such information would adversely affect the
8 public health (such as by increasing the possi-
9 bility of hoarding or other disruption of the
10 availability of the device to patients).

11 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to affect the authority of the Sec-
13 retary on the date of enactment of this section to expedite
14 the review of devices under section 515 of the Federal
15 Food, Drug, and Cosmetic Act, section 515B of such Act
16 relating to the priority review program for devices, and
17 section 564 of such Act relating to the emergency use au-
18 thorization authorities.

19 “(i) DEFINITIONS.—In this section:

20 “(1) MEANINGFUL DISRUPTION.—The term
21 ‘meaningful disruption’—

22 “(A) means a change in production that is
23 reasonably likely to lead to a reduction in the
24 supply of a device by a manufacturer that is
25 more than negligible and affects the ability of

1 the manufacturer to fill orders or meet expected
2 demand for its product;

3 “(B) does not include interruptions in
4 manufacturing due to matters such as routine
5 maintenance or insignificant changes in manu-
6 facturing so long as the manufacturer expects
7 to resume operations in a short period of time,
8 not to exceed 6 months;

9 “(C) does not include interruptions in
10 manufacturing of components or raw materials
11 so long as such interruptions do not result in
12 a shortage of the device and the manufacturer
13 expects to resume operations in a reasonable
14 period of time; and

15 “(D) does not include interruptions in
16 manufacturing that do not lead to a reduction
17 in procedures or diagnostic tests associated with
18 a medical device designed to perform more than
19 one procedure or diagnostic test.

20 “(2) SHORTAGE.—The term ‘shortage’, with re-
21 spect to a device, means a period of time when the
22 demand or projected demand for the device within
23 the United States exceeds the supply of the device.”.

1 **PART II—ACCESS TO HEALTH CARE FOR COVID-**
2 **19 PATIENTS**

3 **Subpart A—Coverage of Testing and Preventive**
4 **Services**

5 **SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR**
6 **COVID-19.**

7 Paragraph (1) of section 6001(a) of division F of the
8 Families First Coronavirus Response Act (Public Law
9 116–127) is amended to read as follows:

10 “(1) An in vitro diagnostic tests defined in sec-
11 tion 809.3 of title 21, Code of Federal Regulations
12 (or successor regulations) for the detection of
13 SARS–CoV–2 or the diagnosis of the virus that
14 causes COVID–19, and the administration of such a
15 test, that

16 “(A) is approved, cleared, or authorized
17 under section 510(k), 513, 515, or 564 of the
18 Federal Food, Drug, and Cosmetic Act (21
19 U.S.C. 360(k), 360c, 360e, 360bbb–3);

20 “(B) the developer has requested, or in-
21 tends to request, emergency use authorization
22 under section 564 of the Federal Food, Drug,
23 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
24 and until the emergency use authorization re-
25 quest under such section 564 has been denied
26 or the developer of such test does not submit a

1 request under such section within a reasonable
2 timeframe;

3 “(C) is developed in and authorized by a
4 State that has notified the Secretary of Health
5 and Human Services of its intention to review
6 tests intended to diagnose COVID-19; or

7 “(D) other test that the Secretary deter-
8 mines appropriate in guidance.”.

9 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

10 (a) REIMBURSEMENT RATES.—A group health plan
11 or a health insurance issuer providing coverage of items
12 and services described in section 6001(a) of division F of
13 the Families First Coronavirus Response Act (Public Law
14 116–127) with respect to an enrollee shall reimburse the
15 provider of the diagnostic testing as follows:

16 (1) If the health plan or issuer has a negotiated
17 rate with such provider in effect before the emer-
18 gency declaration described in section 3201, such ne-
19 gotiated rate shall apply throughout the period of
20 such declaration, such negotiated rate shall apply.

21 (2) If the health plan or issuer does not have
22 a negotiated rate with such provider, such plan or
23 issuer shall reimburse the provider in an amount
24 that equals the cash price for such service as listed
25 by the provider on a public internet website.

1 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
2 DIAGNOSTIC TESTING FOR COVID-19.—

3 (1) IN GENERAL.—During the emergency pe-
4 riod described in section 3201, each provider of a di-
5 agnostic test for COVID-19 shall make public the
6 cash price for such test on a public internet website
7 of such provider.

8 (2) CIVIL MONETARY PENALTIES.—The Sec-
9 retary of Health and Human Services may impose a
10 civil monetary penalty on any provider of a diag-
11 nostic test for COVID-19 that is not in compliance
12 with paragraph (1) and has not completed a correc-
13 tive action plan to comply with the requirements of
14 such paragraph, in an amount not to exceed \$300
15 per day that the violation is ongoing.

16 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
17 **AND VACCINES FOR CORONAVIRUS.**

18 (a) IN GENERAL.—Notwithstanding 2713(b) of the
19 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
20 retary of Health and Human Services, the Secretary of
21 Labor, and the Secretary of the Treasury shall require
22 group health plans and health insurance issuers offering
23 group or individual health insurance to cover (without
24 cost-sharing) any qualifying coronavirus preventive serv-
25 ice, pursuant to section 2713(a) of the Public Health Serv-

1 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
2 tions under sections 2590.715-2713 of title 29, Code of
3 Federal Regulations, section 54.9815-2713 of title 26,
4 Code of Federal Regulations, and section 147.130 of title
5 45, Code of Federal Regulations (or any successor regula-
6 tions)). The requirement described in this subsection shall
7 take effect with respect to a qualifying coronavirus preven-
8 tion service on the specified date described in subsection
9 (b)(2).

10 (b) DEFINITIONS.—For purposes of this section:

11 (1) QUALIFYING CORONAVIRUS PREVENTIVE
12 SERVICE.—The term “qualifying coronavirus preven-
13 tive service” means an item, service, or immuniza-
14 tion that is intended to prevent or mitigate
15 coronavirus disease 2019 and that is—

16 (A) an evidence-based item or service that
17 has in effect a rating of “A” or “B” in the cur-
18 rent recommendations of the United States Pre-
19 ventive Services Task Force; or

20 (B) an immunization that has in effect a
21 recommendation from the Advisory Committee
22 on Immunization Practices of the Centers for
23 Disease Control and Prevention with respect to
24 the individual involved.

1 (2) SPECIFIED DATE.—The term “specified
2 date” means the date that is 15 business days after
3 the date on which a recommendation is made relat-
4 ing to the immunization as described in such para-
5 graph.

6 (3) ADDITIONAL TERMS.—In this section, the
7 terms “group health plan”, “health insurance
8 issuer”, “group health insurance coverage”, and “in-
9 dividual health insurance coverage” have the mean-
10 ings given such terms in section 2791 of the Public
11 Health Service Act (42 U.S.C. 300gg–91), section
12 733 of the Employee Retirement Income Security
13 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
14 the Internal Revenue Code, as applicable.

15 **Subpart B—Support for Health Care Providers**

16 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
17 **TERS.**

18 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
19 Public Health Service Act (42 U.S.C. 254b(r)) is amended
20 by adding at the end the following:

21 “(6) ADDITIONAL AMOUNTS FOR SUPPLE-
22 MENTAL AWARDS.—In addition to any amounts
23 made available pursuant to this subsection, section
24 402A of this Act, or section 10503 of the Patient
25 Protection and Affordable Care Act, there is author-

1 ized to be appropriated, and there is appropriated,
2 out of any monies in the Treasury not otherwise ap-
3 propriated, \$1,320,000,000 for fiscal year 2020 for
4 supplemental awards under subsection (d) for the
5 detection of SARS-CoV-2 or the prevention, diag-
6 nosis, and treatment of COVID-19.”.

7 (b) APPLICATION OF PROVISIONS.—Amounts appro-
8 priated pursuant to the amendment made by subsection
9 (a) for fiscal year 2020 shall be subject to the require-
10 ments contained in Public Law 116–94 for funds for pro-
11 grams authorized under sections 330 through 340 of the
12 Public Health Service Act (42 U.S.C. 254 through 256).

13 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
14 **SOURCE CENTERS GRANT PROGRAMS.**

15 Section 330I of the Public Health Service Act (42
16 U.S.C. 254c–14) is amended—

17 (1) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “projects to dem-
21 onstrate how telehealth technologies can be
22 used through telehealth networks” and in-
23 sserting “evidence-based projects that uti-
24 lize telehealth technologies through tele-
25 health networks”;

1 (ii) in subparagraph (A)—

2 (I) by striking “the quality of”
3 and inserting “access to, and the
4 quality of,”; and

5 (II) by inserting “and” after the
6 semicolon;

7 (iii) by striking subparagraph (B);

8 (iv) by redesignating subparagraph
9 (C) as subparagraph (B); and

10 (v) in subparagraph (B), as so reded-
11 igned, by striking “and patients and
12 their families, for decisionmaking” and in-
13 sserting “, patients, and their families”;
14 and

15 (B) in paragraph (2)—

16 (i) by striking “demonstrate how tele-
17 health technologies can be used” and in-
18 sserting “support initiatives that utilize
19 telehealth technologies”; and

20 (ii) by striking “, to establish tele-
21 health resource centers”;

22 (2) in subsection (e), by striking “4 years” and
23 inserting “5 years”;

24 (3) in subsection (f)—

25 (A) by striking paragraph (2);

1 (B) in paragraph (1)(B)—

2 (i) by redesignating clauses (i)
3 through (iii) as paragraphs (1) through
4 (3), respectively, and adjusting the mar-
5 gins accordingly;

6 (ii) in paragraph (3), as so redesign-
7 nated by clause (i), by redesignating sub-
8 clauses (I) through (XII) as subparagraphs
9 (A) through (L), respectively, and adjust-
10 ing the margins accordingly; and

11 (iii) by striking “(1) TELEHEALTH
12 NETWORK GRANTS—” and all that follows
13 through “(B) TELEHEALTH NETWORKS—
14 ”; and

15 (C) in paragraph (3)(I), as so redesign-
16 nated, by inserting “and substance use dis-
17 order” after “mental health” each place such
18 term appears;

19 (4) in subsection (g)(2), by striking “or im-
20 prove” and inserting “and improve”;

21 (5) by striking subsection (h);

22 (6) by redesignating subsections (i) through (p)
23 as subsection (h) through (o), respectively;

24 (7) in subsection (h), as so redesignated—

25 (A) in paragraph (1)—

1 (i) in subparagraph (B), by striking
2 “mental health, public health, long-term
3 care, home care, preventive” and inserting
4 “mental health care, public health services,
5 long-term care, home care, preventive
6 care”;

7 (ii) in subparagraph (E), by inserting
8 “and regional” after “local”; and

9 (iii) by striking subparagraph (F);
10 and

11 (B) in paragraph (2)(A), by striking
12 “medically underserved areas or” and inserting
13 “rural areas, medically underserved areas, or”;

14 (8) in paragraph (2) of subsection (i), as so re-
15 designated, by striking “ensure that—” and all that
16 follows through the end of subparagraph (B) and in-
17 serting “ensure that not less than 50 percent of the
18 funds awarded shall be awarded for projects in rural
19 areas.”;

20 (9) in subsection (j), as so redesignated—

21 (A) in paragraph (1)(B), by striking “com-
22 puter hardware and software, audio and video
23 equipment, computer network equipment, inter-
24 active equipment, data terminal equipment, and
25 other”; and

1 (B) in paragraph (2)(F), by striking
2 “health care providers and”;

3 (10) in subsection (k), as so redesignated—

4 (A) in paragraph (2), by striking “40 per-
5 cent” and inserting “20 percent”; and

6 (B) in paragraph (3), by striking “(such as
7 laying cable or telephone lines, or purchasing or
8 installing microwave towers, satellite dishes,
9 amplifiers, or digital switching equipment)”;

10 (11) by striking subsections (q) and (r) and in-
11 serting the following:

12 “(p) REPORT.—Not later than 4 years after the date
13 of enactment of the _____ Act of _____, and
14 every 5 years thereafter, the Secretary shall prepare and
15 submit to the Committee on Health, Education, Labor,
16 and Pensions of the Senate and the Committee on Energy
17 and Commerce of the House of Representatives a report
18 on the activities and outcomes of the grant programs
19 under subsection (b).”;

20 (12) by redesignating subsection (s) as sub-
21 section (q); and

22 (13) in subsection (q), as so redesignated, by
23 striking “this section—” and all that follows
24 through the end of paragraph (2) and inserting

1 “this section \$29,000,000 for each of fiscal years
2 2021 through 2025.”.

3 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
4 **RURAL HEALTH NETWORK DEVELOPMENT,**
5 **AND SMALL HEALTH CARE PROVIDER QUAL-**
6 **ITY IMPROVEMENT GRANT PROGRAMS.**

7 Section 330A of the Public Health Service Act (42
8 U.S.C. 254c) is amended—

9 (1) in subsection (d)(2)—

10 (A) in subparagraph (A), by striking “es-
11 sential” and inserting “basic”; and

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),
14 by inserting “to” after “grants”; and

15 (ii) in clauses (i), (ii), and (iii), by
16 striking “to” each place such term ap-
17 pears;

18 (2) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) by inserting “improving and” after
21 “outreach by”;

22 (ii) by inserting “, through community
23 engagement and evidence-based or innova-
24 tive, evidence-informed models” before the
25 period of the first sentence; and

1 (iii) by striking “3 years” and insert-
2 ing “5 years”;

3 (B) in paragraph (2)—

4 (i) in the matter preceding subpara-
5 graph (A), by inserting “shall” after “enti-
6 ty”;

7 (ii) in subparagraph (A), by striking
8 “shall be a rural public or rural nonprofit
9 private entity” and inserting “be an entity
10 with demonstrated experience serving, or
11 the capacity to serve, rural underserved
12 populations”;

13 (iii) in subparagraphs (B) and (C), by
14 striking “shall” each place such term ap-
15 pears; and

16 (iv) in subparagraph (B)—

17 (I) in the matter preceding clause
18 (i), by inserting “that” after “mem-
19 bers”; and

20 (II) in clauses (i) and (ii), by
21 striking “that” each place such term
22 appears; and

23 (C) in paragraph (3)(C), by striking “the
24 local community or region” and inserting “the

1 rural underserved populations in the local com-
2 munity or region”;

3 (3) in subsection (f)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A)—

6 (I) in the matter preceding clause
7 (i), by striking “promote, through
8 planning and implementation, the de-
9 velopment of integrated health care
10 networks that have combined the
11 functions of the entities participating
12 in the networks” and inserting “plan,
13 develop, and implement integrated
14 health care networks that collabo-
15 rate”; and

16 (II) in clause (ii), by striking
17 “essential health care services” and
18 inserting “basic health care services
19 and associated health outcomes”; and

20 (ii) by amending subparagraph (B) to
21 read as follows:

22 “(B) GRANT PERIODS.—The Director may
23 award grants under this subsection for periods
24 of not more than 5 years.”;

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “shall” after “enti-
3 ty”;

4 (ii) in subparagraph (A), by striking
5 “shall be a rural public or rural nonprofit
6 private entity” and inserting “be an entity
7 with demonstrated experience serving, or
8 the capacity to serve, rural underserved
9 populations”;

10 (iii) in subparagraph (B)—

11 (I) in the matter preceding clause

12 (i)—

13 (aa) by striking “shall”; and

14 (bb) by inserting “that”
15 after “participants”; and

16 (II) in clauses (i) and (ii), by
17 striking “that” each place such term
18 appears; and

19 (iv) in subparagraph (C), by striking
20 “shall”; and

21 (C) in paragraph (3)—

22 (i) by amending clause (iii) of sub-
23 paragraph (C) to read as follows:

24 “(iii) how the rural underserved popu-
25 lations in the local community or region to

1 be served will benefit from and be involved
2 in the development and ongoing operations
3 of the network;” and

4 (ii) in subparagraph (D), by striking
5 “the local community or region” and in-
6 serting “the rural underserved populations
7 in the local community or region”;

8 (4) in subsection (g)—

9 (A) in paragraph (1)—

10 (i) by inserting “, including activities
11 related to increasing care coordination, en-
12 hancing chronic disease management, and
13 improving patient health outcomes” before
14 the period of the first sentence; and

15 (ii) by striking “3 years” and insert-
16 ing “5 years”;

17 (B) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “shall” after “enti-
20 ty”;

21 (ii) in subparagraphs (A) and (B), by
22 striking “shall” each place such term ap-
23 pears; and

24 (iii) in subparagraph (A)(ii), by in-
25 serting “or regional” after “local”; and

1 (C) in paragraph (3)(D), by striking “the
2 local community or region” and inserting “the
3 rural underserved populations in the local com-
4 munity or region”;

5 (5) in subsection (h)(3), in the matter pre-
6 ceding subparagraph (A), by inserting “, as appro-
7 priate,” after “the Secretary”;

8 (6) by amending subsection (i) to read as fol-
9 lows:

10 “(i) REPORT.—Not later than 4 years after the date
11 of enactment of the CARES Act, and every 5 years there-
12 after, the Secretary shall prepare and submit to the Com-
13 mittee on Health, Education, Labor, and Pensions of the
14 Senate and the Committee on Energy and Commerce of
15 the House of Representatives a report on the activities and
16 outcomes of the grant programs under subsections (e), (f),
17 and (g), including the impact of projects funded under
18 such programs on the health status of rural residents with
19 chronic conditions.”; and

20 (7) in subsection (j), by striking “\$45,000,000
21 for each of fiscal years 2008 through 2012” and in-
22 serting “\$79,500,000 for each of fiscal years 2021
23 through 2025”.

1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking “a Ready
7 Reserve Corps for service in time of national emer-
8 gency” and inserting “, for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps”; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking “RE-
13 SEARCH” and inserting “RESERVE CORPS”;

14 (B) in paragraph (1), by inserting “during
15 public health or national emergencies” before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting “, consistent with
20 paragraph (1)” after “shall”;

21 (ii) in subparagraph (C), by inserting
22 “during such emergencies” after “mem-
23 bers”; and

24 (iii) in subparagraph (D), by inserting
25 “, consistent with subparagraph (C)” be-
26 fore the period; and

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

2 “(3) STATUTORY REFERENCES TO RESERVE.—

3 A reference in any Federal statute, except in the
4 case of subsection (b), to the ‘Reserve Corps’ of the
5 Public Health Service or to the ‘reserve’ of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.”.

8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Re-
11 serves” and inserting “Ready Reserve Corps”.

12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—

15 (1) by striking “the Service” each place it ap-
16 pears and inserting “the Regular Corps”;

17 (2) in subsection (a)(4), by striking “(in the
18 case of an officer in the Reserve Corps)”;

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “or an officer of the
22 Reserve Corps”; and

23 (ii) by inserting “or under section
24 221(a)(19)” after “subsection (a)”; and

1 (B) in paragraph (2), by striking “Regular
2 or Reserve Corps” and inserting “Regular
3 Corps or Ready Reserve Corps”; and

4 (4) in subsection (f), by striking “the Regular
5 or Reserve Corps of”.

6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—

9 (1) in subsection (a), by adding at the end the
10 following:

11 “(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.

13 “(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.

15 “(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment.”; and

18 (2) in subsection (b)—

19 (A) by striking “Secretary of Health, Edu-
20 cation, and Welfare or his designee” and insert-
21 ing “Secretary of Health and Human Services
22 or the designee of such secretary”;

23 (B) by striking “(b) The authority vested”
24 and inserting the following:

25 “(b)(1) The authority vested”;

1 (C) by striking “For purposes of” and in-
2 serting the following:

3 “(2) For purposes of”; and

4 (D) by adding at the end the following:

5 “(3) For purposes of paragraph (19) of subsection
6 (a), the terms ‘Military department’, ‘Secretary con-
7 cerned’, and ‘Armed forces’ in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.”.

11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—

14 (1) in sections 204 and 207(c), by striking
15 “Regular or Reserve Corps” each place it appears
16 and inserting “Regular Corps or Ready Reserve
17 Corps”;

18 (2) in section 208(a), by striking “Regular and
19 Reserve Corps” each place it appears and inserting
20 “Regular Corps and Ready Reserve Corps”; and

21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking “Reserve Corps” each place it appears
24 and inserting “Ready Reserve Corps”.

1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the “Secretary”) under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional’s capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that are within the scope of the license,
24 registration, or certification of the volunteer, as
25 defined by the State in which the medical serv-

1 ices are received or in which the act or omission
2 occurs; and

3 (D) in a good faith belief that the indi-
4 vidual being treated is in need of health care
5 services.

6 (b) EXCEPTIONS.—Subsection (a) does not apply if—

7 (1) the harm was caused by an act or omission
8 constituting willful or criminal misconduct, gross
9 negligence, reckless misconduct, or a conscious fla-
10 grant indifference to the rights or safety of the indi-
11 vidual harmed by the health care professional; or

12 (2) the health care professional rendered the
13 health care services under the influence (as deter-
14 mined pursuant to applicable State law) of alcohol
15 or an intoxicating drug.

16 (c) PREEMPTION.—

17 (1) IN GENERAL.—This section preempts the
18 laws of a State or any political subdivision of a State
19 to the extent that such laws are inconsistent with
20 this section, unless such laws provide greater protec-
21 tion from liability.

22 (2) VOLUNTEER PROTECTION ACT.—Protec-
23 tions afforded by this section are in addition to those
24 provided by the Volunteer Protection Act of 1997
25 (Public Law 105–19).

1 (d) DEFINITIONS.—In this section—

2 (1) the term “harm” includes physical, non-
3 physical, economic, and noneconomic losses;

4 (2) the term “health care professional” means
5 an individual who is licensed, registered, or certified
6 under Federal or State law to provide health care
7 services;

8 (3) the term “health care services” means any
9 services provided by a health care professional, or by
10 any individual working under the supervision of a
11 health care professional that relate to—

12 (A) the diagnosis, prevention, or treatment
13 of COVID-19; or

14 (B) the assessment or care of the health of
15 a human being related to an actual or sus-
16 pected case of COVID-19; and

17 (4) the term “volunteer” means a health care
18 professional who, with respect to the health care
19 services rendered, does not receive compensation or
20 any other thing of value in lieu of compensation,
21 which compensation—

22 (A) includes a payment under any insur-
23 ance policy or health plan, or under any Fed-
24 eral or State health benefits program; and

25 (B) excludes—

1 (i) receipt of items to be used exclu-
2 sively for rendering health care services in
3 the health care professional's capacity as a
4 volunteer described in subsection (a)(1);
5 and

6 (ii) any reimbursement for travel to
7 the site where the volunteer services are
8 rendered and any payments in cash or kind
9 to cover room and board, if services are
10 being rendered more than 75 miles from
11 the volunteer's principal place of residence.

12 (e) EFFECTIVE DATE.—This section shall take effect
13 upon the date of enactment of this Act, and applies to
14 a claim for harm only if the act or omission that caused
15 such harm occurred on or after the date of enactment.

16 (f) SUNSET.—This section shall be in effect only for
17 the length of the public health emergency declared by the
18 Secretary of Health and Human Services (referred to in
19 this section as the “Secretary”) under section 319 of the
20 Public Health Service Act (42 U.S.C. 247d) on January
21 31, 2020 with respect to COVID-19.

1 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
2 **HEALTH SERVICE CORPS DURING EMER-**
3 **GENCY PERIOD.**

4 During the public health emergency declared by the
5 Secretary of Health and Human Services under section
6 319 of the Public Health Service Act (42 U.S.C. 247d)
7 on January 31, 2020, with respect to COVID-19, the Sec-
8 retary may, notwithstanding section 333 of the Public
9 Health Service Act (42 U.S.C. 254f), assign members of
10 the National Health Service Corps, with the voluntary
11 agreement of such corps members, to provide such health
12 services at such places, and for such number of hours, as
13 the Secretary determines necessary to respond to such
14 emergency, provided that such places are within a reason-
15 able distance to the site to which such members were origi-
16 nally assigned, and the total number of hours required are
17 the same as were required of such members prior to the
18 date of enactment of this Act.

19 **Subpart C—Miscellaneous Provisions**

20 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
21 **RECORDS RELATING TO SUBSTANCE USE DIS-**
22 **ORDER.**

23 (a) **CONFORMING CHANGES RELATING TO SUB-**
24 **STANCE USE DISORDER.**—Subsections (a) and (h) of sec-
25 tion 543 of the Public Health Service Act (42 U.S.C.

1 290dd–2) are each amended by striking “substance
2 abuse” and inserting “substance use disorder”.

3 (b) DISCLOSURES TO COVERED ENTITIES CON-
4 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
5 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
6 is amended to read as follows:

7 “(1) CONSENT.—The following shall apply with
8 respect to the contents of any record referred to in
9 subsection (a):

10 “(A) Such contents may be used or dis-
11 closed in accordance with the prior written con-
12 sent of the patient with respect to whom such
13 record is maintained.

14 “(B) Once prior written consent of the pa-
15 tient has been obtained, such contents may be
16 used or disclosed by a covered entity, business
17 associate, or a program subject to this section
18 for purposes of treatment, payment, and health
19 care operations as permitted by the HIPAA
20 regulations. Any information so disclosed may
21 then be redisclosed in accordance with the
22 HIPAA regulations. Section 13405(e) of the
23 Health Information Technology and Clinical
24 Health Act (42 U.S.C. 17935(e)) shall apply to

1 all disclosures pursuant to subsection (b)(1) of
2 this section.

3 “(C) It shall be permissible for a patient’s
4 prior written consent to be given once for all
5 such future uses or disclosures for purposes of
6 treatment, payment, and health care operations,
7 until such time as the patient revokes such con-
8 sent in writing.

9 “(D) Section 13405(a) of the Health In-
10 formation Technology and Clinical Health Act
11 (42 U.S.C. 17935(a)) shall apply to all disclo-
12 sures pursuant to subsection (b)(1) of this sec-
13 tion.”.

14 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
15 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
16 graph (2) of section 543(b) of the Public Health Service
17 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
18 end the following:

19 “(D) To a public health authority, so long
20 as such content meets the standards established
21 in section 164.514(b) of title 45, Code of Fed-
22 eral Regulations (or successor regulations) for
23 creating de-identified information.”.

1 (d) DEFINITIONS.—Section 543 of the Public Health
2 Service Act (42 U.S.C. 290dd–2) is amended by adding
3 at the end the following:

4 “(k) DEFINITIONS.—For purposes of this section:

5 “(1) BREACH.—The term ‘breach’ has the
6 meaning given such term for purposes of the HIPAA
7 regulations.

8 “(2) BUSINESS ASSOCIATE.—The term ‘busi-
9 ness associate’ has the meaning given such term for
10 purposes of the HIPAA regulations.

11 “(3) COVERED ENTITY.—The term ‘covered en-
12 tity’ has the meaning given such term for purposes
13 of the HIPAA regulations.

14 “(4) HEALTH CARE OPERATIONS.—The term
15 ‘health care operations’ has the meaning given such
16 term for purposes of the HIPAA regulations.

17 “(5) HIPPA REGULATIONS.—The term
18 ‘HIPAA regulations’ has the meaning given such
19 term for purposes of parts 160 and 164 of title 45,
20 Code of Federal Regulations.

21 “(6) PAYMENT.—The term ‘payment’ has the
22 meaning given such term for purposes of the HIPAA
23 regulations.

1 “(7) PUBLIC HEALTH AUTHORITY.—The term
2 ‘public health authority’ has the meaning given such
3 term for purposes of the HIPAA regulations.

4 “(8) TREATMENT.—The term ‘treatment’ has
5 the meaning given such term for purposes of the
6 HIPAA regulations.

7 “(9) UNSECURED PROTECTED HEALTH INFOR-
8 MATION.—The term ‘unprotected health information’
9 has the meaning given such term for purposes of the
10 HIPAA regulations.”.

11 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
12 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
13 CEEDINGS.—Subsection (c) of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
15 to read as follows:

16 “(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
17 MINISTRATIVE CONTEXTS.—Except as otherwise author-
18 ized by a court order under subsection (b)(2)(C) or by the
19 consent of the patient, a record referred to in subsection
20 (a), or testimony relaying the information contained there-
21 in, may not be disclosed or used in any civil, criminal, ad-
22 ministrative, or legislative proceedings conducted by any
23 Federal, State, or local authority, including with respect
24 to the following activities:

1 “(1) Such record or testimony shall not be en-
2 tered into evidence in any criminal prosecution or
3 civil action before a Federal or State court.

4 “(2) Such record or testimony shall not form
5 part of the record for decision or otherwise be taken
6 into account in any proceeding before a Federal,
7 State, or local agency.

8 “(3) Such record or testimony shall not be used
9 by any Federal, State, or local agency for a law en-
10 forcement purpose or to conduct any law enforce-
11 ment investigation.

12 “(4) Such record or testimony shall not be used
13 in any application for a warrant.”.

14 (f) PENALTIES.—Subsection (f) of section 543 of the
15 Public Health Service Act (42 U.S.C. 290dd-2) is amend-
16 ed to read as follows:

17 “(f) PENALTIES.—The provisions of sections 1176
18 and 1177 of the Social Security Act shall apply to a viola-
19 tion of this section to the extent and in the same manner
20 as such provisions apply to a violation of part C of title
21 XI of such Act. In applying the previous sentence—

22 “(1) the reference to ‘this subsection’ in sub-
23 section (a)(2) of such section 1176 shall be treated
24 as a reference to ‘this subsection (including as ap-

1 plied pursuant to section 543(f) of the Public Health
2 Service Act)’; and

3 “(2) in subsection (b) of such section 1176—

4 “(A) each reference to ‘a penalty imposed
5 under subsection (a)’ shall be treated as a ref-
6 erence to ‘a penalty imposed under subsection
7 (a) (including as applied pursuant to section
8 543(f) of the Public Health Service Act)’; and

9 “(B) each reference to ‘no damages ob-
10 tained under subsection (d)’ shall be treated as
11 a reference to ‘no damages obtained under sub-
12 section (d) (including as applied pursuant to
13 section 543(f) of the Public Health Service
14 Act)’.”.

15 (g) ANTIDISCRIMINATION.—Section 543 of the Public
16 Health Service Act (42 U.S.C. 290dd-2) is amended by
17 inserting after subsection (h) the following:

18 “(i) ANTIDISCRIMINATION.—

19 “(1) IN GENERAL.—No entity shall discrimi-
20 nate against an individual on the basis of informa-
21 tion received by such entity pursuant to an inad-
22 vertent or intentional disclosure of records, or infor-
23 mation contained in records, described in subsection
24 (a) in—

1 “(A) admission, access to, or treatment for
2 health care;

3 “(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker’s compensation;

5 “(C) the sale, rental, or continued rental of
6 housing;

7 “(D) access to Federal, State, or local
8 courts; or

9 “(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.

12 “(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.”.

20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:

24 “(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.”.

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—

5 (A) a statement of the patient’s rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and

11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient’s written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).

17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—

20 (1) a patient’s right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or

3 (2) a covered entity’s choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.

9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—

11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;

18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;

23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

1 patient's request for a restriction regarding such use
2 or disclosure;

3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and

8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd-2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms “As-
15 sistant Secretary”, “Secretary”, “State agency”, and
16 “area agency on aging” have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).

19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID-19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies’ determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and

4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients’ protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254e–8) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “, during
18 fiscal year 2001 and subsequent years,”; and

19 (B) in paragraph (2), by inserting “or in-
20 creasing above the national average” after
21 “areas with high”;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

1 330” and inserting “participants and former
2 participants of project services, public health
3 departments, hospitals, health centers under
4 section 330, State substance abuse agencies”;
5 and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking
8 “such as low birthweight” and inserting
9 “including poor birth outcomes (such as
10 low birthweight and preterm birth) and so-
11 cial determinants of health”;

12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);

14 (iii) by inserting after subparagraph
15 (A), the following:

16 “(B) Communities with—

17 “(i) high rates of infant mortality or
18 poor perinatal outcomes; or

19 “(ii) high rates of infant mortality or
20 poor perinatal outcomes in specific sub-
21 populations within the community.”; and

22 (iv) in subparagraph (C) (as so red-
23 igned)—

1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;

4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:

6 “(i) collaboration with the local com-
7 munity in the development of the project;”;

8 (III) in clause (ii) (as so redesign-
9 ated), by striking “and” at the end;

10 (IV) in clause (iii) (as so redesign-
11 ated), by striking the period and in-
12 serting “; and”; and

13 (V) by adding at the end the fol-
14 lowing:

15 “(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.”;

21 (3) in subsection (c)—

22 (A) by striking “Recipients of grants” and
23 inserting the following:

24 “(1) IN GENERAL.—Recipients of grants”; and

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

1 “(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.”;

7 (4) in subsection (e)—

8 (A) in paragraph (1), by striking “appro-
9 priated—” and all that follows through the end
10 and inserting “appropriated \$125,500,000 for
11 each of fiscal years 2021 through 2025.”; and

12 (B) in paragraph (2)(B), by adding at the
13 end the following: “Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—

16 “(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;

21 “(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

1 “(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs.”; and

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

8 “(f) GAO REPORT.—

9 “(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.

16 “(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).

21 “(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:

24 “(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 “(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 “(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

1 “(D) The extent to which such Federal
2 programs are coordinated across agencies and
3 the identification of opportunities for improved
4 coordination in such Federal programs and ac-
5 tivities.”.

6 **SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services (referred to in this section as the “Sec-
9 retary”) shall carry out a national campaign to improve
10 awareness of, and support outreach to, the public and
11 health care providers about the importance and safety of
12 blood donation and the need for donations for the blood
13 supply during the public health emergency declared by the
14 Secretary under section 319 of the Public Health Service
15 Act (42 U.S.C. 247d) with respect to COVID-19.

16 (b) AWARENESS CAMPAIGN.—In carrying out sub-
17 section (a), the Secretary may enter into contracts with
18 one or more public or private nonprofit entities, to estab-
19 lish a national blood donation awareness campaign that
20 may include television, radio, internet, and newspaper
21 public service announcements, and other activities to pro-
22 vide for public and professional awareness and education.

23 (c) CONSULTATION.—In carrying out subsection (a),
24 the Secretary shall consult with the Commissioner of Food
25 and Drugs, the Assistant Secretary for Health, the Direc-

1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

25 (2) by inserting after clause (ii) the following:

1 “(ii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—

3 “(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.

19 “(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds.”.

7 **SEC. 3302. PRIORITY ZONOTIC ANIMAL DRUGS.**

8 Chapter V of the Federal Food, Drug, and Cosmetic
9 Act (21 U.S.C. 351 et seq.) is amended by inserting after
10 section 512 the following:

11 **“SEC. 512A. PRIORITY ZONOTIC ANIMAL DRUGS.**

12 “(a) IN GENERAL.—The Secretary shall, at the re-
13 quest of the sponsor intending to submit an application
14 for approval of a new animal drug under section 512(b)(1)
15 or an application for conditional approval of a new animal
16 drug under section 571, expedite the development and re-
17 view of such new animal drug if preliminary clinical evi-
18 dence indicates that the new animal drug, alone or in com-
19 bination with 1 or more other animal drugs, has the poten-
20 tial to prevent or treat a zoonotic disease in animals, in-
21 cluding a vector borne-disease, that has the potential to
22 cause serious adverse health consequences for, or serious
23 or life-threatening diseases in, humans.

24 “(b) REQUEST FOR DESIGNATION.—The sponsor of
25 a new animal drug may request the Secretary to designate

1 a new animal drug described in subsection (a) as a priority
2 zoonotic animal drug. A request for the designation may
3 be made concurrently with, or at any time after, the open-
4 ing of an investigational new animal drug file under sec-
5 tion 512(j) or the filing of an application under section
6 512(b)(1) or 571.

7 “(c) DESIGNATION.—

8 “(1) IN GENERAL.—Not later than 60 calendar
9 days after the receipt of a request under subsection
10 (b), the Secretary shall determine whether the new
11 animal drug that is the subject of the request meets
12 the criteria described in subsection (a). If the Sec-
13 retary determines that the new animal drug meets
14 the criteria, the Secretary shall designate the new
15 animal drug as a priority zoonotic animal drug and
16 shall take such actions as are appropriate to expedite
17 the development and review of the application
18 for approval or conditional approval of such new ani-
19 mal drug.

20 “(2) ACTIONS.—The actions to expedite the de-
21 velopment and review of an application under para-
22 graph (1) may include, as appropriate—

23 “(A) taking steps to ensure that the design
24 of clinical trials is as efficient as practicable,
25 when scientifically appropriate, such as by uti-

1 lizing novel trial designs or drug development
2 tools (including biomarkers) that may reduce
3 the number of animals needed for studies;

4 “(B) providing timely advice to, and inter-
5 active communication with, the sponsor (which
6 may include meetings with the sponsor and re-
7 view team) regarding the development of the
8 new animal drug to ensure that the develop-
9 ment program to gather the nonclinical and
10 clinical data necessary for approval is as effi-
11 cient as practicable;

12 “(C) involving senior managers and review
13 staff with experience in zoonotic or vector-borne
14 disease to facilitate collaborative, cross-discipli-
15 nary review, including, as appropriate, across
16 agency centers; and

17 “(D) implementing additional administra-
18 tive or process enhancements, as necessary, to
19 facilitate an efficient review and development
20 program.”.

21 **PART IV—HEALTH CARE WORKFORCE**

22 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
23 **WORKFORCE PROGRAMS.**

24 Title VII of the Public Health Service Act (42 U.S.C.
25 292 et seq.) is amended—

1 (1) in section 736 (42 U.S.C. 293), by striking
2 subsection (i) and inserting the following:

3 “(i) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section, there is authorized to be appro-
5 priated \$23,711,000 for each of fiscal years 2021 through
6 2025.”;

7 (2) in section 740 (42 U.S.C. 293d)—

8 (A) in subsection (a), by striking
9 “\$51,000,000 for fiscal year 2010, and such
10 sums as may be necessary for each of the fiscal
11 years 2011 through 2014” and inserting
12 “\$51,470,000 for each of fiscal years 2021
13 through 2025”;

14 (B) in subsection (b), by striking
15 “\$5,000,000 for each of the fiscal years 2010
16 through 2014” and inserting “\$1,190,000 for
17 each of fiscal years 2021 through 2025”;

18 (C) in subsection (c), by striking
19 “\$60,000,000 for fiscal year 2010 and such
20 sums as may be necessary for each of the fiscal
21 years 2011 through 2014” and inserting
22 “\$15,000,000 for each of fiscal years 2021
23 through 2025”; and

24 (D) in subsection (d), by striking “Not
25 Later than 6 months after the date of enact-

1 ment of this part, the Secretary shall prepare
2 and submit to the appropriate committees of
3 Congress” and inserting: “Not later than Sep-
4 tember 30, 2025, and every five years there-
5 after, the Secretary shall prepare and submit to
6 the Committee on Health, Education, Labor,
7 and Pensions of the Senate, and the Committee
8 on Energy and Commerce of the House of Rep-
9 resentatives,”;

10 (3) in section 747 (42 U.S.C. 293k)—

11 (A) in subsection (a)—

12 (i) in paragraph (1)(G), by striking
13 “to plan, develop, and operate a dem-
14 onstration program that provides training”
15 and inserting: “to plan, develop, and oper-
16 ate a program that identifies or develops
17 innovative models of providing care, and
18 trains primary care physicians on such
19 models and”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(3) PRIORITIES IN MAKING AWARDS.—In
23 awarding grants or contracts under paragraph (1),
24 the Secretary may give priority to qualified appli-

1 cants that train residents in rural areas, including
2 for Tribes or Tribal Organizations in such areas.”;

3 (B) in subsection (b)(3)(E), by striking
4 “substance-related disorders” and inserting
5 “substance use disorders”; and

6 (C) in subsection (c)(1), by striking
7 “\$125,000,000 for fiscal year 2010, and such
8 sums as may be necessary for each of fiscal
9 years 2011 through 2014” and inserting
10 “\$48,924,000 for each of fiscal years 2021
11 through 2025”;

12 (4) in section 748 (42 U.S.C. 293k-2)—

13 (A) in subsection (c)(5), by striking “sub-
14 stance-related disorders” and inserting “sub-
15 stance use disorders”; and

16 (B) in subsection (f), by striking
17 “\$30,000,000 for fiscal year 2010 and such
18 sums as may be necessary for each of fiscal
19 years 2011 through 2015” and inserting
20 “\$28,531,000 for each of fiscal years 2021
21 through 2025”;

22 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
23 by striking “Committee on Labor and Human Re-
24 sources of the Senate, and the Committee on Com-
25 merce of the House of Representatives” and insert-

1 ing “Committee on Health, Education, Labor, and
2 Pensions of the Senate, and the Committee on En-
3 ergy and Commerce of the House of Representa-
4 tives”;

5 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
6 by striking “\$125,000,000 for each of the fiscal
7 years 2010 through 2014” and inserting
8 “\$41,250,000 for each of fiscal years 2021 through
9 2025”;

10 (7) in section 754(b)(1)(A) (42 U.S.C.
11 294d(b)(1)(A)), by striking “new and innovative”
12 and inserting “innovative or evidence-based”;

13 (8) in section 755(b)(1)(A) (42 U.S.C.
14 294e(b)(1)(A)), by striking “the elderly” and insert-
15 ing “geriatric populations or for maternal and child
16 health”;

17 (9) in section 761(e) (42 U.S.C. 294n(e))—

18 (A) in paragraph (1)(A), by striking
19 “\$7,500,000 for each of fiscal years 2010
20 through 2014” and inserting “\$5,663,000 for
21 each of fiscal years 2021 through 2025”; and

22 (B) in paragraph (2), by striking “sub-
23 section (a)” and inserting “paragraph (1)”;

24 (10) in section 762 (42 U.S.C. 294o)—

1 (A) in subsection (a)(1), by striking “Com-
2 mittee on Labor and Human Resources” and
3 inserting “Committee on Health, Education,
4 Labor, and Pensions”;

5 (B) in subsection (b)—

6 (i) in paragraph (2), by striking
7 “Health Care Financing Administration”
8 and inserting “Centers for Medicare &
9 Medicaid Services”;

10 (ii) by redesignating paragraphs (4)
11 through (6) as paragraphs (5) through (7),
12 respectively; and

13 (iii) by inserting after paragraph (3),
14 the following:

15 “(4) the Administrator of the Health Resources
16 and Services Administration;”;

17 (C) by striking subsections (i), (j), and (k)
18 and inserting the following:

19 “(i) REPORTS.—Not later than September 30, 2023,
20 and not less than every 5 years thereafter, the Council
21 shall submit to the Secretary, and to the Committee on
22 Health, Education, Labor, and Pensions of the Senate and
23 the Committee on Energy and Commerce of the House
24 of Representatives, a report on the recommendations de-
25 scribed in subsection (a).”; and

1 (D) by redesignating subsection (l) as sub-
2 section (j);

3 (11) in section 766(b)(1) (42 U.S.C.
4 295a(b)(1)), by striking “that plans” and all that
5 follows through the period and inserting “that plans,
6 develops, operates, and evaluates projects to improve
7 preventive medicine, health promotion and disease
8 prevention, or access to and quality of health care
9 services in rural or medically underserved commu-
10 nities.”;

11 (12) in section 770(a) (42 U.S.C. 295e(a)), by
12 striking “\$43,000,000 for fiscal year 2011, and such
13 sums as may be necessary for each of the fiscal
14 years 2012 through 2015” and inserting
15 “\$17,000,000 for each of fiscal years 2021 through
16 2025”; and

17 (13) in section 775(e) (42 U.S.C. 295f(e)), by
18 striking “\$30,000,000” and all that follows through
19 the period and inserting “such sums as may be nec-
20 essary for each of fiscal years 2021 through 2025.”.

21 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

22 (a) STRATEGIC PLAN.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Secretary of
25 Health and Human Services (referred to in this Act

1 as the “Secretary”), in consultation with the Advi-
2 sory Committee on Training in Primary Care Medi-
3 cine and Dentistry and the Advisory Council on
4 Graduate Medical Education, shall develop a com-
5 prehensive and coordinated plan with respect to the
6 health care workforce development programs of the
7 Department of Health and Human Services, includ-
8 ing education and training programs.

9 (2) REQUIREMENTS.—The plan under para-
10 graph (1) shall—

11 (A) include performance measures to de-
12 termine the extent to which the programs de-
13 scribed in paragraph (1) are strengthening the
14 Nation’s health care system;

15 (B) identify any gaps that exist between
16 the outcomes of programs described in para-
17 graph (1) and projected health care workforce
18 needs identified in workforce projection reports
19 conducted by the Health Resources and Serv-
20 ices Administration;

21 (C) identify actions to address the gaps de-
22 scribed in subparagraph (B); and

23 (D) identify barriers, if any, to imple-
24 menting the actions identified under subpara-
25 graph (C).

1 **“SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
2 **ATRICS.**

3 “(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary shall award
6 grants, contracts, or cooperative agreements under
7 this subsection to entities described in paragraph
8 (1), (3), or (4) of section 799B, section 801(2), or
9 section 865(d), or other health professions schools or
10 programs approved by the Secretary, for the estab-
11 lishment or operation of Geriatrics Workforce En-
12 hancement Programs that meet the requirements of
13 paragraph (2).

14 “(2) REQUIREMENTS.—

15 “(A) IN GENERAL.—A Geriatrics Work-
16 force Enhancement Program receiving an
17 award under this section shall support the
18 training of health professionals in geriatrics, in-
19 cluding traineeships or fellowships. Such pro-
20 grams shall emphasize, as appropriate, patient
21 and family engagement, integration of geriatrics
22 with primary care and other appropriate spe-
23 cialties, and collaboration with community part-
24 ners to address gaps in health care for older
25 adults.

1 “(B) ACTIVITIES.—Activities conducted by
2 a program under this section may include the
3 following:

4 “(i) Clinical training on providing in-
5 tegrated geriatrics and primary care deliv-
6 ery services.

7 “(ii) Interprofessional training to
8 practitioners from multiple disciplines and
9 specialties, including training on the provi-
10 sion of care to older adults.

11 “(iii) Establishing or maintaining
12 training-related community-based pro-
13 grams for older adults and caregivers to
14 improve health outcomes for older adults.

15 “(iv) Providing education on Alz-
16 heimer’s disease and related dementias to
17 families and caregivers of older adults, di-
18 rect care workers, and health professions
19 students, faculty, and providers.

20 “(3) DURATION.—Each grant, contract, or co-
21 operative agreement or contract awarded under
22 paragraph (1) shall be for a period not to exceed 5
23 years.

24 “(4) APPLICATIONS.—To be eligible to receive a
25 grant, contract, or cooperative agreement under

1 paragraph (1), an entity described in such para-
2 graph shall submit to the Secretary an application at
3 such time, in such manner, and containing such in-
4 formation as the Secretary may require.

5 “(5) PROGRAM REQUIREMENTS.—

6 “(A) IN GENERAL.—In awarding grants,
7 contracts, and cooperative agreements under
8 paragraph (1), the Secretary—

9 “(i) shall give priority to programs
10 that demonstrate coordination with an-
11 other Federal or State program or another
12 public or private entity;

13 “(ii) shall give priority to applicants
14 with programs or activities that are ex-
15 pected to substantially benefit rural or
16 medically underserved populations of older
17 adults, or serve older adults in Indian
18 Tribes or Tribal organizations; and

19 “(iii) may give priority to any pro-
20 gram that—

21 “(I) integrates geriatrics into pri-
22 mary care practice;

23 “(II) provides training to inte-
24 grate geriatric care into other special-
25 ties across care settings, including

1 practicing clinical specialists, health
2 care administrators, faculty without
3 backgrounds in geriatrics, and stu-
4 dents from all health professions;

5 “(III) emphasizes integration of
6 geriatric care into existing service de-
7 livery locations and care across set-
8 tings, including primary care clinics,
9 medical homes, Federally qualified
10 health centers, ambulatory care clin-
11 ics, critical access hospitals, emer-
12 gency care, assisted living and nursing
13 facilities, and home- and community-
14 based services, which may include
15 adult daycare;

16 “(IV) supports the training and
17 retraining of faculty, primary care
18 providers, other direct care providers,
19 and other appropriate professionals on
20 geriatrics;

21 “(V) emphasizes education and
22 engagement of family caregivers on
23 disease management and strategies to
24 meet the needs of caregivers of older
25 adults; or

1 “(VI) proposes to conduct out-
2 reach to communities that have a
3 shortage of geriatric workforce profes-
4 sionals.

5 “(B) SPECIAL CONSIDERATION.—In
6 awarding grants, contracts, and cooperative
7 agreements under this section, the Secretary
8 shall give special consideration to entities that
9 provide services in areas with a shortage of
10 geriatric workforce professionals.

11 “(6) PRIORITY.—The Secretary may provide
12 awardees with additional support for activities in
13 areas of demonstrated need, which may include edu-
14 cation and training for home health workers, family
15 caregivers, and direct care workers on care for older
16 adults.

17 “(7) REPORTING.—

18 “(A) REPORTS FROM ENTITIES.—Each en-
19 tity awarded a grant, contract, or cooperative
20 agreement under this section shall submit an
21 annual report to the Secretary on the activities
22 conducted under such grant, contract, or coop-
23 erative agreement, which may include informa-
24 tion on the number of trainees, the number of
25 professions and disciplines, the number of part-

1 nerships with health care delivery sites, the
2 number of faculty and practicing professionals
3 who participated in such programs, and other
4 information, as the Secretary may require.

5 “(B) REPORT TO CONGRESS.—Not later
6 than 4 years after the date of enactment of the
7 Title VII Health Care Workforce Reauthoriza-
8 tion Act of 2019 and every 5 years thereafter,
9 the Secretary shall submit to the Committee on
10 Health, Education, Labor, and Pensions of the
11 Senate and the Committee on Energy and Com-
12 merce of the House of Representatives a report
13 that provides a summary of the activities and
14 outcomes associated with grants, contracts, and
15 cooperative agreements made under this sec-
16 tion. Such reports shall include—

17 “(i) information on the number of
18 trainees, faculty, and professionals who
19 participated in programs under this sec-
20 tion;

21 “(ii) information on the impact of the
22 program conducted under this section on
23 the health status of older adults, including
24 in areas with a shortage of health profes-
25 sionals; and

1 “(iii) information on outreach and
2 education provided under this section to
3 families and caregivers of older adults.

4 “(C) PUBLIC AVAILABILITY.—The Sec-
5 retary shall make reports submitted under
6 paragraph (B) publically available on the inter-
7 net website of the Department of Health and
8 Human Services.

9 “(b) GERIATRIC ACADEMIC CAREER AWARDS.—

10 “(1) ESTABLISHMENT OF PROGRAM.—The Sec-
11 retary shall, as appropriate, establish or maintain a
12 program to provide geriatric academic career awards
13 to eligible entities applying on behalf of eligible indi-
14 viduals to promote the career development of such
15 individuals as academic geriatricians or other aca-
16 demic geriatrics health professionals.

17 “(2) ELIGIBILITY.—

18 “(A) ELIGIBLE ENTITY.—For purposes of
19 this subsection, the term ‘eligible entity’
20 means—

21 “(i) an entity described in paragraph
22 (1), (3), or (4) of section 799B or section
23 801(2); or

1 “(ii) another accredited health profes-
2 sions school or graduate program approved
3 by the Secretary.

4 “(B) ELIGIBLE INDIVIDUAL.—For pur-
5 poses of this subsection, the term ‘eligible indi-
6 vidual’ means an individual who—

7 “(i)(I) is board certified or board eli-
8 gible in internal medicine, family practice,
9 psychiatry, or licensed dentistry, or has
10 completed required training in a discipline
11 and is employed in an accredited health
12 professions school or graduate program
13 that is approved by the Secretary; or

14 “(II) has completed an approved fel-
15 lowship program in geriatrics, or has com-
16 pleted specialty training in geriatrics as re-
17 quired by the discipline and any additional
18 geriatrics training as required by the Sec-
19 retary; and

20 “(ii) has a junior, nontenured, faculty
21 appointment at an accredited health pro-
22 fessions school or graduate program in
23 geriatrics or a geriatrics health profession.

24 “(C) CLARIFICATION.—If an eligible indi-
25 vidual is promoted during the period of an

1 award under this subsection and thereby no
2 longer meets the criteria of subparagraph
3 (B)(ii), the individual shall continue to be treat-
4 ed as an eligible individual through the term of
5 the award.

6 “(3) APPLICATION REQUIREMENTS.—In order
7 to receive an award under paragraph (1), an eligible
8 entity, on behalf of an eligible individual, shall—

9 “(A) submit to the Secretary an applica-
10 tion, at such time, in such manner, and con-
11 taining such information as the Secretary may
12 require;

13 “(B) provide, in such form and manner as
14 the Secretary may require, assurances that the
15 eligible individual will meet the service require-
16 ment described in paragraph (6); and

17 “(C) provide, in such form and manner as
18 the Secretary may require, assurances that the
19 individual has a full-time faculty appointment
20 in a health professions institution and docu-
21 mented commitment from such eligible entity
22 that the individual will spend 75 percent of the
23 individual’s time that is supported by the award
24 on teaching and developing skills in inter-
25 disciplinary education in geriatrics.

1 “(4) **EQUITABLE DISTRIBUTION.**—In making
2 awards under this subsection, the Secretary shall
3 seek to ensure geographical distribution among
4 award recipients, including among rural or medically
5 underserved areas of the United States.

6 “(5) **AMOUNT AND DURATION.**—

7 “(A) **AMOUNT.**—The amount of an award
8 under this subsection shall be at least \$75,000
9 for fiscal year 2021, adjusted for subsequent
10 years in accordance with the consumer price
11 index. The Secretary shall determine the
12 amount of an award under this subsection for
13 individuals who are not physicians.

14 “(B) **DURATION.**—The Secretary shall
15 make awards under paragraph (1) for a period
16 not to exceed 5 years.

17 “(6) **SERVICE REQUIREMENT.**—An individual
18 who receives an award under this subsection shall
19 provide training in clinical geriatrics, including the
20 training of interprofessional teams of health care
21 professionals. The provision of such training shall
22 constitute at least 75 percent of the obligations of
23 such individual under the award.

1 “(c) NONAPPLICABILITY OF PROVISION.—Notwith-
2 standing any other provision of this title, section 791(a)
3 shall not apply to awards made under this section.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated \$40,737,000 for each of
6 fiscal years 2021 through 2025 for purposes of carrying
7 out this section.”.

8 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**

9 (a) IN GENERAL.—Title VIII of the Public Health
10 Service Act (42 U.S.C. 296 et seq.) is amended—

11 (1) in section 801 (42 U.S.C. 296), by adding
12 at the end the following:

13 “(18) NURSE MANAGED HEALTH CLINIC.—The
14 term ‘nurse managed health clinic’ means a nurse-
15 practice arrangement, managed by advanced practice
16 nurses, that provides primary care or wellness serv-
17 ices to underserved or vulnerable populations and
18 that is associated with a school, college, university or
19 department of nursing, federally qualified health
20 center, or independent nonprofit health or social
21 services agency.”;

22 (2) in section 802(c) (42 U.S.C. 296a(c)), by
23 inserting “, and how such project aligns with the
24 goals in section 806(a)” before the period in the sec-
25 ond sentence;

1 (3) in section 803(b) (42 U.S.C. 296b(b)), by
2 adding at the end the following: “Such Federal
3 funds are intended to supplement, not supplant, ex-
4 isting non-Federal expenditures for such activities.”;

5 (4) in section 806 (42 U.S.C. 296e)—

6 (A) in subsection (a), by striking “as need-
7 ed to” and all that follows and inserting the fol-
8 lowing: “as needed to address national nursing
9 needs, including—

10 “(1) addressing challenges, including through
11 supporting training and education of nursing stu-
12 dents, related to the distribution of the nursing
13 workforce and existing or projected nursing work-
14 force shortages in geographic areas that have been
15 identified as having, or that are projected to have,
16 a nursing shortage;

17 “(2) increasing access to and the quality of
18 health care services, including by supporting the
19 training of professional registered nurses, advanced
20 practice registered nurses, and advanced education
21 nurses within community based settings and in a va-
22 riety of health delivery system settings; or

23 “(3) addressing the strategic goals and prior-
24 ities identified by the Secretary and that are in ac-
25 cordance with this title.

1 Contracts may be entered into under this title with public
2 or private entities as determined necessary by the Sec-
3 retary.”;

4 (B) in subsection (b)(2), by striking “a
5 demonstration” and all that follows and insert-
6 ing the following: “the reporting of data and in-
7 formation demonstrating that satisfactory
8 progress has been made by the program or
9 project in meeting the performance outcome
10 standards (as described in section 802) of such
11 program or project.”;

12 (C) in subsection (e)(2), by inserting “,
13 and have relevant expertise and experience” be-
14 fore the period at the end of the first sentence;
15 and

16 (D) by adding at the end the following:

17 “(i) BIENNIAL REPORT ON NURSING WORKFORCE
18 PROGRAM IMPROVEMENTS.—Not later than September
19 30, 2020, and biennially thereafter, the Secretary shall
20 submit to the Committee on Health, Education, Labor,
21 and Pensions of the Senate and the Committee on Energy
22 and Commerce of the House of Representatives, a report
23 that contains an assessment of the programs and activities
24 of the Department of Health and Human Services related
25 to enhancing the nursing workforce, including the extent

1 to which programs and activities under this title meet the
2 identified goals and performance measures developed for
3 the respective programs and activities, and the extent to
4 which the Department coordinates with other Federal de-
5 partments regarding programs designed to improve the
6 nursing workforce.”;

7 (5) in section 811 (42 U.S.C. 296j)—

8 (A) in subsection (b)—

9 (i) by striking “Master’s” and insert-
10 ing “graduate”; and

11 (ii) by inserting “clinical nurse lead-
12 ers,” after “nurse administrators,”;

13 (B) by redesignating subsections (f) and
14 (g) as subsections (g) and (h), respectively; and

15 (C) by inserting after subsection (e), the
16 following:

17 “(f) AUTHORIZED CLINICAL NURSE SPECIALIST
18 PROGRAMS.—Clinical nurse specialist programs eligible
19 for support under this section are education programs
20 that—

21 “(1) provide registered nurses with full-time
22 clinical nurse specialist education; and

23 “(2) have as their objective the education of
24 clinical nurse specialists who will, upon completion
25 of such a program, be qualified to effectively provide

1 care through the wellness and illness continuum to
2 inpatients and outpatients experiencing acute and
3 chronic illness.”; and

4 (6) in section 831 (42 U.S.C. 296p)—

5 (A) in the section heading, by striking
6 **“AND QUALITY GRANTS”** and inserting
7 **“QUALITY, AND RETENTION GRANTS”**;

8 (B) in subsection (b)(2), by striking “other
9 high-risk groups such as the elderly, individuals
10 with HIV/AIDS, substance abusers, the home-
11 less, and victims” and inserting “high risk
12 groups, such as the elderly, individuals with
13 HIV/AIDS, individuals with mental health or
14 substance use disorders, individuals who are
15 homeless, and survivors”;

16 (C) in subsection (c)(1)—

17 (i) in subparagraph (A)—

18 (I) by striking “advancement for
19 nursing personnel” and inserting the
20 following: “advancement for—
21 “(i) nursing”;

22 (II) by striking “professional
23 nurses, advanced education nurses, li-
24 censed practical nurses, certified
25 nurse assistants, and home health

1 aides” and inserting “professional
2 registered nurses, advanced practice
3 registered nurses, and nurses with
4 graduate nursing education”; and

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

7 “(ii) individuals including licensed
8 practical nurses, licensed vocational nurses,
9 certified nurse assistants, home health
10 aides, diploma degree or associate degree
11 nurses, and other health professionals,
12 such as health aides or community health
13 practitioners certified under the Commu-
14 nity Health Aide Program of the Indian
15 Health Service, to become registered
16 nurses with baccalaureate degrees or
17 nurses with graduate nursing education;”;

18 (ii) in subparagraph (B), by striking
19 the period and inserting “; and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(C) developing and implementing intern-
23 ships, accredited fellowships, and accredited
24 residency programs in collaboration with one or
25 more accredited schools of nursing, to encour-

1 age the mentoring and development of special-
2 ties.”;

3 (D) by striking subsections (e) and (h);

4 (E) by redesignating subsections (f) and
5 (g), as subsections (e) and (f), respectively;

6 (F) in subsection (e) (as so redesignated),
7 by striking “The Secretary shall submit to the
8 Congress before the end of each fiscal year”
9 and inserting “As part of the report on nursing
10 workforce programs described in section 806(i),
11 the Secretary shall include”; and

12 (G) in subsection (f) (as so redesignated),
13 by striking “a school of nursing, as defined in
14 section 801(2),,” and inserting “an accredited
15 school of nursing, as defined in section 801(2),
16 a health care facility, including federally quali-
17 fied health centers or nurse-managed health
18 clinics, or a partnership of such a school and
19 facility”;

20 (7) by striking section 831A (42 U.S.C. 296p-
21 1);

22 (8) in section 846 (42 U.S.C. 297n)—

23 (A) by striking the last sentence of sub-
24 section (a);

1 (B) in subsection (b)(1), by striking “he
2 began such practice” and inserting “the indi-
3 vidual began such practice”; and

4 (C) in subsection (i), by striking “FUND-
5 ING” in the subsection heading and all that fol-
6 lows through “paragraph (1)” in paragraph (2),
7 and inserting the following: “ALLOCATIONS.—
8 Of the amounts appropriated under section
9 871(b),”;

10 (9) in section 846A (42 U.S.C. 247n–1), by
11 striking subsection (f);

12 (10) in section 847 (42 U.S.C. 297o), by strik-
13 ing subsection (g);

14 (11) in section 851 (42 U.S.C. 297t)—

15 (A) in subsection (b)(1)(A)(iv), by striking
16 “and nurse anesthetists” and inserting “nurse
17 anesthetists, and clinical nurse specialists”;

18 (B) in subsection (d)(3)—

19 (i) by striking “3 years after the date
20 of enactment of this section” and inserting
21 “2 years after the date of enactment of the
22 Title VIII Nursing Reauthorization Act”;

23 (ii) by striking “Labor and Human
24 Resources” and inserting “Health, Edu-
25 cation, Labor, and Pensions”; and

1 (iii) by inserting “Energy and” before
2 “Commerce”; and

3 (C) in subsection (g), by striking “under
4 this title” and inserting “for carrying out parts
5 B, C, and D”;

6 (12) by striking sections 861 and 862 (42
7 U.S.C. 297w and 297x); and

8 (13) in section 871 (42 U.S.C. 298d)—

9 (A) by striking “For the purpose of” and
10 inserting the following:

11 “(a) IN GENERAL.—For the purpose of”;

12 (B) by striking “\$338,000,000 for fiscal
13 year 2010, and such sums as may be necessary
14 for each of the fiscal years 2011 through 2016”
15 and inserting “\$137,837,000 for each of fiscal
16 years 2021 through 2025”; and

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

18 “(b) PART E.—For the purpose of carrying out part
19 E, there are authorized to be appropriated \$117,135,000
20 for each of the fiscal years 2021 through 2025.”.

21 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
22 PAYMENT PROGRAMS.—

23 (1) EVALUATION.—The Comptroller General
24 shall conduct an evaluation of the nurse loan repay-
25 ment programs administered by the Health Re-

1 sources and Services Administration. Such evalua-
2 tion shall include—

3 (A) the manner in which payments are
4 made under such programs;

5 (B) the existing oversight functions nec-
6 essary to ensure the proper use of such pro-
7 grams, including payments made as part of
8 such programs;

9 (C) the identification of gaps, if any, in
10 oversight functions; and

11 (D) information on the number of nurses
12 assigned to facilities pursuant to such pro-
13 grams, including the type of facility to which
14 nurses are assigned and the impact of modi-
15 fying the eligibility requirements for programs
16 under section 846 of the Public Health Service
17 Act (42 U.S.C. 297n), such as the impact on
18 entities to which nurses had previously been as-
19 signed prior to fiscal year 2019 (such as feder-
20 ally qualified health centers and facilities affili-
21 ated with the Indian Health Service).

22 (2) REPORT.—Not later than 18 months after
23 the enactment of this Act, the Comptroller General
24 shall submit to the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate and the

1 Committee on Energy and Commerce of the House
2 of Representatives, a report on the evaluation under
3 paragraph (1), which may include recommendations
4 to improve relevant nursing workforce loan repay-
5 ment programs.

6 **Subtitle B—Education Provisions**

7 **SEC. 3501. SHORT TITLE.**

8 This subtitle may be cited as the “COVID-19 Pan-
9 demic Education Relief Act of 2020”.

10 **SEC. 3502. DEFINITIONS.**

11 (a) DEFINITIONS.—In this subtitle:

12 (1) CORONAVIRUS.—The term “coronavirus”
13 has the meaning given the term in section 506 of the
14 Coronavirus Preparedness and Response Supple-
15 mental Appropriations Act, 2020 (Public Law 116–
16 123).

17 (2) FOREIGN INSTITUTION.—The term “foreign
18 institution” means an institution of higher education
19 located outside the United States that is described
20 in paragraphs (1)(C) and (2) of section 102(a) of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1002(a)).

23 (3) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning of the term under section 102 of the High-
2 er Education Act of 1965 (20 U.S.C. 1002).

3 (4) QUALIFYING EMERGENCY.—The term
4 “qualifying emergency” means—

5 (A) a public health emergency related to
6 the coronavirus declared by the Secretary of
7 Health and Human Services pursuant to sec-
8 tion 319 of the Public Health Service Act (42
9 U.S.C. 247d);

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

16 (C) a national emergency related to the
17 coronavirus declared by the President under
18 section 201 of the National Emergencies Act
19 (50 U.S.C. 1601 et seq.).

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of Education.

22 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

23 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
24 MENT.—Notwithstanding sections 413C(a)(2) and
25 443(b)(5) of the Higher Education Act of 1965 (20

1 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
2 to funds made available for award years 2019-2020 and
3 2020-2021, the Secretary shall waive the requirement that
4 a participating institution of higher education provide a
5 non-Federal share to match Federal funds provided to the
6 institution for the programs authorized pursuant to sub-
7 part 3 of part A and part C of title IV of the Higher
8 Education Act of 1965 (20 U.S.C. 1070b et seq. and
9 1087–51 et seq.) for all awards made under such pro-
10 grams during such award years, except nothing in this
11 subsection shall affect the non-Federal share requirement
12 under section 443(c)(3) that applies to private for-profit
13 organizations.

14 (b) **AUTHORITY TO REALLOCATE.**—Notwithstanding
15 sections 413D, 442, and 488 of the Higher Education Act
16 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
17 a period of a qualifying emergency, an institution may
18 transfer up to 100 percent of the institution’s unexpended
19 allotment under section 442 of such Act to the institu-
20 tion’s allotment under section 413D of such Act, but may
21 not transfer any funds from the institution’s unexpended
22 allotment under section 413D of such Act to the institu-
23 tion’s allotment under section 442 of such Act.

1 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
2 **TUNITY GRANTS FOR EMERGENCY AID.**

3 (a) IN GENERAL.—Notwithstanding section 413B of
4 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
5 an institution of higher education may reserve any amount
6 of an institution’s allocation under subpart 3 of part A
7 of title IV of the Higher Education Act of 1965 (20 U.S.C.
8 1070b et seq.) for a fiscal year to award, in such fiscal
9 year, emergency financial aid grants to assist under-
10 graduate or graduate students for unexpected expenses
11 and unmet financial need as the result of a qualifying
12 emergency.

13 (b) DETERMINATIONS.—In determining eligibility for
14 and awarding emergency financial aid grants under this
15 section, an institution of higher education may—

16 (1) waive the amount of need calculation under
17 section 471 of the Higher Education Act of 1965
18 (20 U.S.C. 1087kk);

19 (2) allow for a student affected by a qualifying
20 emergency to receive funds in an amount that is not
21 more than the maximum Federal Pell Grant for the
22 applicable award year; and

23 (3) utilize a contract with a scholarship-grant-
24 ing organization designated for the sole purpose of
25 accepting applications from or disbursing funds to
26 students enrolled in the institution of higher edu-

1 cation, if such scholarship-granting organization dis-
2 burses the full allocated amount provided to the in-
3 stitution of higher education to the recipients.

4 (c) SPECIAL RULE.—Any emergency financial aid
5 grants to students under this section shall not be treated
6 as other financial assistance for the purposes of section
7 471 of the Higher Education Act of 1965 (20 U.S.C.
8 1087kk).

9 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
10 **EMERGENCY.**

11 (a) IN GENERAL.—In the event of a qualifying emer-
12 gency, an institution of higher education participating in
13 the program under part C of title IV of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
15 payments under such part to affected work-study stu-
16 dents, for the period of time (not to exceed one academic
17 year) in which affected students were unable to fulfill the
18 students' work-study obligation for all or part of such aca-
19 demic year due to such qualifying emergency, as follows:

20 (1) Payments may be made under such part to
21 affected work-study students in an amount equal to
22 or less than the amount of wages such students
23 would have been paid under such part had the stu-
24 dents been able to complete the work obligation nec-

1 essary to receive work study funds, as a one time
2 grant or as multiple payments.

3 (2) Payments shall not be made to any student
4 who was not eligible for work study or was not com-
5 pleting the work obligation necessary to receive work
6 study funds under such part prior to the occurrence
7 of the qualifying emergency.

8 (3) Any payments made to affected work-study
9 students under this subsection shall meet the match-
10 ing requirements of section 443 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1087–53), unless
12 such matching requirements are waived by the Sec-
13 retary.

14 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
15 DENT.—In this section, the term “affected work-study
16 student” means a student enrolled at an eligible institu-
17 tion participating in the program under part C of title IV
18 of the Higher Education Act of 1965 (20 U.S.C. 1087–
19 51 et seq.) who—

20 (1) received a work-study award under section
21 443 of the Higher Education Act of 1965 (20
22 U.S.C. 1087–53) for the academic year during which
23 a qualifying emergency occurred;

24 (2) earned Federal work-study wages from such
25 eligible institution for such academic year; and

1 (3) was prevented from fulfilling the student's
2 work-study obligation for all or part of such aca-
3 demic year due to such qualifying emergency.

4 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**
5 **ITS.**

6 Notwithstanding section 455(q)(3) of the Higher
7 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
8 retary shall exclude from a student's period of enrollment
9 for purposes of loans made under part D of title IV of
10 the Higher Education Act of 1965 (20 U.S.C. 1087a et
11 seq.) any semester (or the equivalent) that the student
12 does not complete due to a qualifying emergency, if the
13 Secretary is able to administer such policy in a manner
14 that limits complexity and the burden on the student.

15 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
16 **TION LIMIT.**

17 The Secretary shall exclude from a student's Federal
18 Pell Grant duration limit under section 401(c)(5) of the
19 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
20 semester (or the equivalent) that the student does not
21 complete due to a qualifying emergency if the Secretary
22 is able to administer such policy in a manner that limits
23 complexity and the burden on the student.

1 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
2 **DENT LOAN FLEXIBILITY.**

3 (a) INSTITUTIONAL WAIVER.—

4 (1) IN GENERAL.—The Secretary shall waive
5 the institutional requirement under section 484B of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1091b) with respect to the amount of grant or loan
8 assistance (other than assistance received under part
9 C of title IV of such Act) to be returned under such
10 section if a recipient of assistance under title IV of
11 the Higher Education Act of 1965 (20 U.S.C. 1070
12 et seq.) withdraws from the institution of higher
13 education during the payment period or period of
14 enrollment as a result of a qualifying emergency.

15 (2) WAIVERS.—The Secretary shall require
16 each institution using a waiver relating to the with-
17 drawal of recipients under this subsection to report
18 the number of such recipients, the amount of grant
19 or loan assistance (other than assistance received
20 under part C of title IV of such Act) associated with
21 each such recipient, and the total amount of grant
22 or loan assistance (other than assistance received
23 under part C of title IV of such Act) for which each
24 institution has not returned assistance under title IV
25 to the Secretary.

1 (b) STUDENT WAIVER.—The Secretary shall waive
2 the amounts that students are required to return under
3 section 484B of the Higher Education Act of 1965 (20
4 U.S.C. 1091b) with respect to Federal Pell Grants or
5 other grant assistance if the withdrawals on which the re-
6 turns are based, are withdrawals by students who with-
7 drew from the institution of higher education as a result
8 of a qualifying emergency.

9 (c) CANCELING LOAN OBLIGATION.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
12 cel the borrower's obligation to repay the entire portion
13 of a loan made under part D of title IV of such Act (20
14 U.S.C. 1087a et seq.) associated with a payment period
15 for a recipient of such loan who withdraws from the insti-
16 tution of higher education during the payment period as
17 a result of a qualifying emergency.

18 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
19 standing any other provision of the Higher Education Act
20 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
21 assistance under title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1070 et seq.), an institution of higher
23 education may, as a result of a qualifying emergency, pro-
24 vide a student with an approved leave of absence that does
25 not require the student to return at the same point in the

1 academic program that the student began the leave of ab-
2 sence if the student returns within the same semester (or
3 the equivalent).

4 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

5 Notwithstanding section 484 of the Higher Education
6 Act of 1965 (20 U.S.C. 1091), in determining whether a
7 student is maintaining satisfactory academic progress for
8 purposes of title IV of the Higher Education Act of 1965
9 (20 U.S.C. 1070 et seq.), an institution of higher edu-
10 cation may, as a result of a qualifying emergency, exclude
11 from the quantitative component of the calculation any at-
12 tempted credits that were not completed by such student
13 without requiring an appeal by such student.

14 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
15 **EIGN INSTITUTIONS.**

16 (a) IN GENERAL.—Notwithstanding section 481(b)
17 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
18 with respect to a foreign institution, in the case of a public
19 health emergency, major disaster or emergency, or na-
20 tional emergency declared by the applicable government
21 authorities in the country in which the foreign institution
22 is located, the Secretary may permit any part of an other-
23 wise eligible program to be offered via distance education
24 for the duration of such emergency or disaster and the

1 following payment period for purposes of title IV of the
2 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

3 (b) ELIGIBILITY.—An otherwise eligible program
4 that is offered in whole or in part through distance edu-
5 cation by a foreign institution between March 1, 2020, and
6 the date of enactment of this Act shall be deemed eligible
7 for the purposes of part D of title IV of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
9 tion of the qualifying emergency and the following pay-
10 ment period for purposes of title IV of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
12 tion of higher education that uses the authority provided
13 in the previous sentence shall report such use to the Sec-
14 retary—

15 (1) for the 2019–2020 award year, not later
16 than June 30, 2020; and

17 (2) for an award year subsequent to the 2019–
18 2020 award year, not later than 30 days after such
19 use.

20 (c) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, and every 180 days thereafter
22 for the duration of the qualifying emergency and the fol-
23 lowing payment period, the Secretary shall submit to the
24 authorizing committees (as defined in section 103 of the
25 Higher Education Act of 1965 (20 U.S.C. 1003)) a report

1 that identifies each foreign institution that carried out a
2 distance education program authorized under this section.

3 (d) WRITTEN ARRANGEMENTS.—

4 (1) IN GENERAL.—Notwithstanding section 102
5 of the Higher Education Act of 1965 (20 U.S.C.
6 1002), for the duration of a qualifying emergency
7 and the following payment period, the Secretary may
8 allow a foreign institution to enter into a written ar-
9 rangement with an institution of higher education
10 located in the United States that participates in the
11 Federal Direct Loan Program under part D of title
12 IV of the Higher Education Act of 1965 (20 U.S.C.
13 1087a et seq.) for the purpose of allowing a student
14 of the foreign institution who is a borrower of a loan
15 made under such part to take courses from the insti-
16 tution of higher education located in the United
17 States.

18 (2) FORM OF ARRANGEMENTS.—

19 (A) PUBLIC OR OTHER NONPROFIT INSTI-
20 TUTIONS.—A foreign institution that is a public
21 or other nonprofit institution may enter into a
22 written arrangement under subsection (a) only
23 with an institution of higher education de-
24 scribed in section 101 of such Act (20 U.S.C.
25 1001).

1 (B) OTHER INSTITUTIONS.—A foreign in-
2 stitution that is a graduate medical school,
3 nursing school, or a veterinary school and that
4 is not a public or other nonprofit institution
5 may enter into a written arrangement under
6 subsection (a) with an institution of higher edu-
7 cation described in section 101 or section 102
8 of such Act (20 U.S.C. 1001 and 1002).

9 (3) REPORT ON USE.—An institution of higher
10 education that uses the authority described in para-
11 graph (2) shall report such use to the Secretary—

12 (A) for the 2019–2020 award year, not
13 later than June 30, 2020; and

14 (B) for an award year subsequent to the
15 2019–2020 award year, not later than 30 days
16 after such use.

17 (4) REPORT FROM THE SECRETARY.—Not later
18 than 180 days after the date of enactment of this
19 Act, and every 180 days thereafter for the duration
20 of the qualifying emergency and the following pay-
21 ment period, the Secretary shall submit to the au-
22 thorizing committees (as defined in section 103 of
23 the Higher Education Act of 1965 (20 U.S.C.
24 1003)) a report that identifies each foreign institu-

1 tion that entered into a written arrangement author-
2 ized under subsection (a).

3 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, the Secretary may, upon the request of a State
6 or Indian tribe, waive any statutory or regulatory provi-
7 sion described under paragraphs (1) and (2) of subsection
8 (b), and upon the request of a local educational agency,
9 waive any statutory or regulatory provision described
10 under paragraph (2) of subsection (b), if the Secretary
11 determines that such a waiver is necessary and appro-
12 priate due to the emergency involving Federal primary re-
13 sponsibility determined to exist by the President under the
14 section 501(b) of the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5191(b)) with
16 respect to the Coronavirus Disease 2019 (COVID-19).

17 (b) APPLICABLE PROVISIONS OF LAW.—

18 (1) STREAMLINED WAIVERS.—The Secretary
19 shall create an expedited application process to re-
20 quest a waiver and the Secretary may waive any
21 statutory or regulatory requirements for a State
22 educational agency (related to assessments, account-
23 ability, and reporting requirements related to assess-
24 ments and accountability), if the Secretary deter-
25 mines that such a waiver is necessary and appro-

1 appropriate as described in subsection (a), under the fol-
2 lowing provisions of law:

3 (A) Paragraphs (2) and (3) of subsection
4 (b), subsections (c) and (d), and requirements
5 under subsection (h) that relate to paragraphs
6 (2) and (3) of subsection (b), and subsections
7 (c) and (d), of section 1111 of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 6311).

10 (B) Section 421(b) of the General Edu-
11 cation Provisions Act (20 U.S.C. 1225(b)).

12 (2) STATE AND LOCALLY-REQUESTED WAIV-
13 ERS.—For a State educational agency, local edu-
14 cational agency, or Indian tribe that receives funds
15 under a program authorized under the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 6301 et seq.) that requests a waiver under sub-
18 section (c), the Secretary may waive statutory and
19 regulatory requirements under any of the following
20 provisions of such Act:

21 (A) Section 1114(a)(1).

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

23 (C) Section 1127.

24 (D) Section 4106(d).

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

3 (F) Section 4109(b).

4 (G) The professional development (as de-
5 fined in section 8101(42) of the Elementary
6 and Secondary Education Act of 1965 (20
7 U.S.C. 7801(42)) requirements under the Ele-
8 mentary and Secondary Education Act of 1965
9 (20 U.S.C. 6301 et seq.).

10 (3) APPLICABILITY TO CHARTER SCHOOLS.—

11 Any waivers issued by the Secretary under this sec-
12 tion shall be implemented, as applicable—

13 (A) for all public schools, including public
14 charter schools within the boundaries of the re-
15 cipient of the waiver;

16 (B) in accordance with State charter
17 school law; and

18 (C) pursuant to section 1111(e)(5) of the
19 Elementary and Secondary Education Act of
20 1965 (20 U.S.C. 6311(e)(5)).

21 (4) LIMITATION.—Nothing in this section shall
22 be construed to allow the Secretary to waive any
23 statutory or regulatory requirements under applica-
24 ble civil rights laws.

1 (5) ACCOUNTABILITY AND IMPROVEMENT.—

2 Any school located in a State that receives a waiver
3 under paragraph (1) and that is identified for com-
4 prehensive support and improvement or targeted
5 support and improvement in the 2019-2020 school
6 year under section 1111(c)(4)(D) or section
7 1111(d)(2) of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 6311(c)(4)(D) or
9 (d)(2)) shall maintain that identification status in
10 the 2020-2021 school year and continue to receive
11 supports and interventions consistent with the
12 school's support and improvement plan in the 2020-
13 2021 school year.

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

15 (1) IN GENERAL.—A State educational agency,
16 local educational agency, or Indian tribe that desires
17 a waiver from any statutory or regulatory provision
18 described under subsection (b)(2), may submit a
19 waiver request to the Secretary in accordance with
20 this subsection.

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

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

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

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

14 (D) provide an assurance that the State,
15 local educational agency, or Indian tribe will
16 work to mitigate any negative effects, if any,
17 that may occur as a result of the requested
18 waiver.

19 (3) SECRETARY APPROVAL.—

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

1 (B) EXCEPTIONS.—The Secretary may dis-
2 approve a waiver request submitted under para-
3 graph (1), only if the Secretary determines
4 that—

5 (i) the waiver request does not meet
6 the requirements of this section;

7 (ii) the waiver is not permitted pursu-
8 ant to subsection (b)(2); or

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

14 (4) DURATION.—A waiver approved by the Sec-
15 retary under this section may be for a period not to
16 exceed the 2019–2020 academic year, except in the
17 case of implementation of any maintenance of effort
18 waivers granted during the 2019–2020 academic
19 year.

20 (d) REPORTING AND PUBLICATION.—

21 (1) PUBLIC NOTICE.—A State, Indian Tribe, or
22 local educational agency requesting a waiver under
23 subsection (b)(2) shall provide the public and all
24 local educational agencies in the State with notice
25 of, and the opportunity to comment on, the request

1 by posting information regarding the waiver request
2 and the process for commenting on the State
3 website.

4 (2) NOTIFYING CONGRESS.—Not later than 7
5 days after granting a waiver under this section, the
6 Secretary shall notify the Committee on Health,
7 Education, Labor, and Pensions of the Senate, the
8 Committee on Appropriations of the Senate, the
9 Committee on Education and Labor of the House of
10 Representatives, and the Committee on Appropria-
11 tions of the House of Representatives of such waiv-
12 er.

13 (3) PUBLICATION.—Not later than 30 days
14 after granting a waiver under this section, the Sec-
15 retary shall publish a notice of the Secretary's deci-
16 sion (including which waiver was granted and the
17 reason for granting the waiver) in the Federal Reg-
18 ister and on the website of the Department of Edu-
19 cation.

20 (4) REPORT.—Not later than 30 days after the
21 date of enactment of this Act, the Secretary shall
22 prepare and submit a report to the Committee on
23 Health, Education, Labor, and Pensions and the
24 Committee on Appropriations of the Senate, and the
25 Committee on Education and Labor and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives, with recommendations on any additional
3 waivers under the Individuals with Disabilities Edu-
4 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
5 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
6 mentary and Secondary Education Act of 1965 (20
7 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
8 reer and Technical Education Act of 2006 (20
9 U.S.C. 2301 et seq.) the Secretary believes are nec-
10 essary to be enacted into law to provide limited flexi-
11 bility to States and local educational agencies to
12 meet the needs of students during the emergency in-
13 volving Federal primary responsibility determined to
14 exist by the President under section 501(b) of the
15 Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5191(b)) with respect to
17 the Coronavirus Disease 2019 (COVID-19).

18 (e) TERMS.—In this section, the term “State edu-
19 cational agency” includes the Bureau of Indian Education,
20 and the term “local educational agency” includes Bureau
21 of Indian Education funded schools operated pursuant to
22 a grant under the Tribally Controlled Schools Act of 1988
23 (25 U.S.C. 2501 et seq.), or a contract under the Indian
24 Self-Determination and Education Assistance Act (25
25 U.S.C. 5301 et seq.).

1 **SEC. 3512. HBCU CAPITAL FINANCING.**

2 (a) DEFERMENT PERIOD.—

3 (1) IN GENERAL.—Notwithstanding any provi-
4 sion of title III of the Higher Education Act of 1965
5 (20 U.S.C. 1051 et seq.), or any regulation promul-
6 gated under such title, the Secretary may grant a
7 deferment, for the duration of a qualifying emer-
8 gency, to an institution that has received a loan
9 under part D of title III of such Act (20 U.S.C.
10 1066 et seq.).

11 (2) TERMS.—During the deferment period
12 granted under this subsection—

13 (A) the institution shall not be required to
14 pay any periodic installment of principal or in-
15 terest required under the loan agreement for
16 such loan; and

17 (B) the Secretary shall make principal and
18 interest payments otherwise due under the loan
19 agreement.

20 (3) CLOSING.—At the closing of a loan deferred
21 under this subsection, terms shall be set under
22 which the institution shall be required to repay the
23 Secretary for the payments of principal and interest
24 made by the Secretary during the deferment, on a
25 schedule that begins upon repayment to the lender
26 in full on the loan agreement, except in no case shall

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1 repayment be required to begin before the date that
2 is 1 full fiscal year after the date that is the end of
3 the qualifying emergency.

4 (b) TERMINATION DATE.—

5 (1) IN GENERAL.—The authority provided
6 under this section to grant a loan deferment under
7 subsection (a) shall terminate on the date on which
8 the qualifying emergency is no longer in effect.

9 (2) DURATION.—Any provision of a loan agree-
10 ment or insurance agreement modified by the au-
11 thority under this section shall remain so modified
12 for the duration of the period covered by the loan
13 agreement or insurance agreement.

14 (c) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, and every 180 days thereafter
16 during the period beginning on the first day of the quali-
17 fying emergency and ending on September 30 of the fiscal
18 year following the end of the qualifying emergency, the
19 Secretary shall submit to the authorizing committees (as
20 defined in section 103 of the Higher Education Act of
21 1965 (20 U.S.C. 1003)) a report that identifies each insti-
22 tution that received assistance under this section.

1 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
2 **LOAN BORROWERS.**

3 (a) **IN GENERAL.**—The Secretary shall suspend all
4 payments due for loans made under part D and part B
5 (that are held by the Department of Education) of title
6 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
7 et seq.; 1071 et seq.) for 6 months.

8 (b) **NO ACCRUAL OF INTEREST.**—Notwithstanding
9 any other provision of the Higher Education Act of 1965
10 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
11 loan described under subsection (a) for which payment
12 was suspended for the period of the suspension.

13 (c) **CONSIDERATION OF PAYMENTS.**—The Secretary
14 shall deem each month for which a loan payment was sus-
15 pended under this section as if the borrower of the loan
16 had made a payment for the purpose of any loan forgive-
17 ness program authorized under part D or B of title IV
18 of the Higher Education Act of 1965 (20 U.S.C. 1087a
19 et seq.; 1071 et seq.) for which the borrower would have
20 otherwise qualified.

21 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
22 **FOR NATIONAL AND COMMUNITY SERVICE.**

23 (a) **ACCRUAL OF SERVICE HOURS.**—

24 (1) **ACCRUAL THROUGH OTHER SERVICE**
25 **HOURS.**—

1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual’s
10 education award.

11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—

17 (i) who is performing limited service
18 due to COVID-19; or

19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.

21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

1 exit the position early at the direction of the Cor-
2 poration for National and Community Service, the
3 Chief Executive Officer of the Corporation for Na-
4 tional and Community Service may—

5 (A) deem such individual as having met
6 the requirements of the position; and

7 (B) award the individual the full value of
8 the educational award under such subtitle for
9 which the individual would otherwise have been
10 eligible.

11 (b) AVAILABILITY OF FUNDS.—Notwithstanding any
12 other provision of law, all funds made available to the Cor-
13 poration for National and Community Service under any
14 Act, including the amounts appropriated to the Corpora-
15 tion under the headings “OPERATING EXPENSES”, “SALA-
16 RIES AND EXPENSES”, and “OFFICE OF THE INSPECTOR
17 GENERAL” under the heading “CORPORATION FOR NA-
18 TIONAL AND COMMUNITY SERVICE” under title IV of Divi-
19 sion A of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94), shall remain available for the
21 fiscal year ending September 30, 2021.

22 (c) NO REQUIRED RETURN OF GRANT FUNDS.—
23 Notwithstanding section 129(l)(3)(A)(i) of the National
24 and Community Service Act of 1990 (42 U.S.C.
25 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;

22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.

7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—

13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 “(13), (16)” and inserting “(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)”.

18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking “(12),”
20 and inserting “(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)”.

22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking “(13) or
24 (16)” each place it appears and inserting “(13), or
25 (16)”.

1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking “(13)” each place it ap-
4 pears and inserting “(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)”.

6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking “section 236A(e)(4)” and in-
9 serting “section 263A(e)(4)”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

1 (1) waive—

2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));

6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));

9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to “the academic
13 year preceding the beginning of that fiscal
14 year” under such section 318(e)(1);

15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to “the end of the school
19 year preceding the beginning of that fiscal
20 year” under such section 324(a), and the ref-
21 erence to “the academic year preceding such
22 fiscal year” under such section 324(h);

23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

1 erences to “previous year” under such section
2 326(f)(3)(B);

3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 “previous academic year” under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and

11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and

15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.

10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—

15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient’s
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and

22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

1 fulfill the service obligations under such section
2 420N.

3 (b) **TEACHER LOAN FORGIVENESS.**—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—

8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and

11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:

23 “(ii) **LIMITATION.**—An employer shall
24 not be required to pay more than \$200 per
25 day and \$10,000 in the aggregate for each

1 employee for paid leave under this sec-
2 tion.”.

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 “(f) LIMITATIONS.—

8 “(1) IN GENERAL.—An employer shall not be
9 required to pay more than either—

10 “(A) \$511 per day and \$5,110 in the ag-
11 gregate for each employee, when the employee
12 is taking leave for a reason described in para-
13 graph (1), (2), or (3) of section 5102(a); or

14 “(B) \$200 per day and \$2,000 in the ag-
15 gregate for each employee, when the employee
16 is taking leave for a reason described in para-
17 graph (4), (5), or (6) of section 5102(a).

18 “(2) EXPIRATION OF REQUIREMENT.— An em-
19 ployer’s requirement to provide paid leave with re-
20 spect to a specific employee shall expire at the ear-
21 lier of—

22 “(A) the time when the employer has paid
23 that employee for paid leave under this section
24 for an equivalent of 80 hours of work; or

1 “(B) upon the employee’s return to work
2 after taking paid leave under this section.”.

3 **SEC. 3603. REGULATORY AUTHORITIES UNDER THE EMER-**
4 **GENCY PAID SICK LEAVE ACT.**

5 Section 5111(2) of the Emergency Paid Sick Leave
6 Act (division E of the Families First Coronavirus Re-
7 sponse Act) is amended by striking “section 5102(a)(5)”
8 and inserting “paragraphs (4) and (5) of section
9 5102(a).”.

10 **SEC. 3604. UNEMPLOYMENT INSURANCE.**

11 Section 903(h)(2)(B) of the Social Security Act (42
12 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
13 Emergency Unemployment Insurance Stabilization and
14 Access Act of 2020, is amended to read as follows:

15 “(B) The State ensures that applications
16 for unemployment compensation, and assistance
17 with the application process, are accessible in
18 person, by phone, or online.”.

19 **SEC. 3605. OMB WAIVER OF PAID FAMILY AND PAID SICK**
20 **LEAVE.**

21 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
22 Section 110(a) of title I of the Family and Medical Leave
23 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
24 C of the Families First Coronavirus Response Act) is

1 amended by adding at the end the following new para-
2 graph:

3 “(4) The Director of the Office of Management
4 and Budget shall have the authority to exclude for
5 good cause from the requirements under subsection
6 (b) certain employers of the United States Govern-
7 ment with respect to certain categories of Executive
8 Branch employees.”.

9 (b) EMERGENCY PAID SICK LEAVE ACT.—The
10 Emergency Paid Sick Leave Act (division E of the Fami-
11 lies First Coronavirus Response Act) is amended by add-
12 ing at the end the following new section:

13 **“SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

14 “The Director of the Office of Management and
15 Budget shall have the authority to exclude for good cause
16 from the definition of employee under section 5110(1) cer-
17 tain employees described in subparagraphs (E) and (F)
18 of such section, including by exempting certain United
19 States Government employers covered by section
20 5110(2)(A)(i)(V) from the requirements of this title with
21 respect to certain categories of Executive Branch employ-
22 ees.”.

23 **SEC. 3606. PAID LEAVE FOR REHIRED EMPLOYEES.**

24 Section 110(a)(1)(A) of the Family and Medical
25 Leave Act of 1993, as added by section 3102 of the Emer-

1 gency Family and Medical Leave Expansion Act, is
2 amended to read as follows:

3 “(A) ELIGIBLE EMPLOYEE.—

4 “(i) IN GENERAL.—In lieu of the defi-
5 nition in sections 101(2)(A) and
6 101(2)(B)(ii), the term ‘eligible employee’
7 means an employee who has been employed
8 for at least 30 calendar days by the em-
9 ployer with respect to whom leave is re-
10 quested under section 102(a)(1)(F).

11 “(ii) RULE REGARDING REHIRED EM-
12 PLOYEES.—For purposes of clause (i), the
13 term ‘employed for at least 30 calendar
14 days’, used with respect to an employee
15 and an employer described in clause (i), in-
16 cludes an employee who was laid off by
17 that employer not earlier than March 1,
18 2020, had worked for the employer for not
19 less than 30 of the last 60 calendar days
20 prior to the employee’s layoff, and was re-
21 hired by the employer.”.

22 **SEC. 3607. ADVANCE REFUNDING OF CREDITS.**

23 (a) PAYROLL CREDIT FOR REQUIRED PAID SICK
24 LEAVE.—Section 7001 of division G of the Families First
25 Coronavirus Response Act is amended—

1 (1) in subsection (b)(4)(A)—

2 (A) by striking “(A) In general.—If the
3 amount” and inserting “(A)(i) Credit is refund-
4 able.—If the amount”; and

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

6 “(ii) ADVANCING CREDIT.—In antici-
7 pation of the credit, including the refund-
8 able portion under clause (i), the credit
9 may be advanced, according to forms and
10 instructions provided by the Secretary, up
11 to an amount calculated under subsection
12 (a), subject to the limits under subsection
13 (b), both calculated through the end of the
14 most recent payroll period in the quarter.”;

15 (2) in subsection (f)—

16 (A) in paragraph (4), by striking “, and”
17 and inserting a comma;

18 (B) in paragraph (5), by striking the pe-
19 riod at the end and inserting “, and”; and

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

21 “(6) regulations or other guidance to permit the
22 advancement of the credit determined under sub-
23 section (a).”; and

24 (3) by inserting after subsection (h) the fol-
25 lowing new subsection:

1 “(i) TREATMENT OF DEPOSITS.—The Secretary of
2 the Treasury (or the Secretary’s delegate) shall waive any
3 penalty under section 6656 of the Internal Revenue Code
4 of 1986 for any failure to make a deposit of the tax im-
5 posed by section 3111(a) or 3221(a) of such Code if the
6 Secretary determines that such failure was due to the an-
7 ticipation of the credit allowed under this section.”.

8 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
9 LEAVE.—Section 7003 of division G of the Families First
10 Coronavirus Response Act is amended—

11 (1) in subsection (b)(3)—

12 (A) by striking “If the amount” and in-
13 serting “(A) Credit is refundable.—If the
14 amount”; and

15 (B) by adding at the end the following:

16 “(B) ADVANCING CREDIT.—In anticipation
17 of the credit, including the refundable portion
18 under subparagraph (A), the credit may be ad-
19 vanced, according to forms and instructions
20 provided by the Secretary, up to an amount cal-
21 culated under subsection (a), subject to the lim-
22 its under subsection (b), both calculated
23 through the end of the most recent payroll pe-
24 riod in the quarter.”;

25 (2) in subsection (f)—

1 (A) in paragraph (4), by striking “, and”
2 and inserting a comma;

3 (B) in paragraph (5), by striking the pe-
4 riod at the end and inserting “, and”; and

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

6 “(6) regulations or other guidance to permit the
7 advancement of the credit determined under sub-
8 section (a).”; and

9 (c) by inserting after subsection (h) the following new
10 subsection:

11 “(i) TREATMENT OF DEPOSITS.—The Secretary of
12 the Treasury (or the Secretary’s delegate) shall waive any
13 penalty under section 6656 of the Internal Revenue Code
14 of 1986 for any failure to make a deposit of the tax im-
15 posed by section 3111(a) or 3221(a) of such Code if the
16 Secretary determines that such failure was due to the an-
17 ticipation of the credit allowed under this section.”.

18 **SEC. 3608. EXPANSION OF DOL AUTHORITY TO POSTPONE**

19 **CERTAIN DEADLINES.**

20 Section 518 of the Employee Retirement Income Se-
21 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
22 ing “or a terroristic or military action (as defined in sec-
23 tion 692(c)(2) of such Code), the Secretary may” and in-
24 serting “a terroristic or military action (as defined in sec-
25 tion 692(c)(2) of such Code), or a public health emergency

1 declared by the Secretary of Health and Human Services
2 pursuant to section 319 of the Public Health Service Act,
3 the Secretary may”.

4 **Subtitle D—Finance Committee**

5 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

6 (a) IN GENERAL.—Paragraph (2) of section 223(c)
7 of the Internal Revenue Code of 1986 is amended by add-
8 ing at the end the following new subparagraph:

9 “(E) SAFE HARBOR FOR ABSENCE OF DE-
10 DUCTIBLE FOR TELEHEALTH.—In the case of
11 plan years beginning on or before December 31,
12 2021, a plan shall not fail to be treated as a
13 high deductible health plan by reason of failing
14 to have a deductible for telehealth and other re-
15 mote care services.”.

16 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
17 of section 223(c)(1)(B) of the Internal Revenue Code of
18 1986 is amended by striking “or long-term care” and in-
19 serting “long-term care, or (in the case of plan years be-
20 ginning on or before December 31, 2021) telehealth and
21 other remote care”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act.

1 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
2 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
3 **EXPENSES.**

4 (a) HSAs.—Section 223(d)(2) of the Internal Rev-
5 enue Code of 1986 is amended—

6 (1) by striking the last sentence of subpara-
7 graph (A) and inserting the following: “For pur-
8 poses of this subparagraph, amounts paid for men-
9 strual care products shall be treated as paid for
10 medical care.”; and

11 (2) by adding at the end the following new sub-
12 paragraph:

13 “(D) MENSTRUAL CARE PRODUCT.—For
14 purposes of this paragraph, the term ‘menstrual
15 care product’ means a tampon, pad, liner, cup,
16 sponge, or similar product used by individuals
17 with respect to menstruation or other genital-
18 tract secretions.”.

19 (b) ARCHER MSAs.—Section 220(d)(2)(A) of such
20 Code is amended by striking the last sentence and insert-
21 ing the following: “For purposes of this subparagraph,
22 amounts paid for menstrual care products (as defined in
23 section 223(d)(2)(D)) shall be treated as paid for medical
24 care.”.

25 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
26 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-

1 tion 106 of such Code is amended by striking subsection
2 (f) and inserting the following new subsection:

3 “(f) REIMBURSEMENTS FOR MENSTRUAL CARE
4 PRODUCTS.—For purposes of this section and section
5 105, expenses incurred for menstrual care products (as
6 defined in section 223(d)(2)(D)) shall be treated as in-
7 curred for medical care.”.

8 (d) EFFECTIVE DATES.—

9 (1) DISTRIBUTIONS FROM SAVINGS AC-
10 COUNTS.—The amendment made by subsections (a)
11 and (b) shall apply to amounts paid after December
12 31, 2019.

13 (2) REIMBURSEMENTS.—The amendment made
14 by subsection (c) shall apply to expenses incurred
15 after December 31, 2019.

16 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
17 **BILITIES DURING EMERGENCY PERIOD.**

18 Section 1135 of the Social Security Act (42 U.S.C.
19 1320b–5) is amended—

20 (1) in subsection (b)(8), by striking “to an indi-
21 vidual by a qualified provider (as defined in sub-
22 section (g)(3))” and all that follows through the pe-
23 riod and inserting “, the requirements of section
24 1834(m).”; and

25 (2) in subsection (g), by striking paragraph (3).

1 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
2 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
3 **TERS AND RURAL HEALTH CLINICS DURING**
4 **EMERGENCY PERIOD.**

5 Section 1834(m) of the Social Security Act (42
6 U.S.C. 1395m(m)) is amended—

7 (1) in the first sentence of paragraph (1), by
8 striking “The Secretary” and inserting “Subject to
9 paragraph (8), the Secretary”;

10 (2) in paragraph (2)(A), by striking “The Sec-
11 retary” and inserting “Subject to paragraph (8), the
12 Secretary”;

13 (3) in paragraph (4)—

14 (A) in subparagraph (A), by striking “The
15 term” and inserting “Subject to paragraph (8),
16 the term”; and

17 (B) in subparagraph (F)(i), by striking
18 “The term” and inserting “Subject to para-
19 graph (8), the term”; and

20 (4) by adding at the end the following new
21 paragraph:

22 “(8) **ENHANCING TELEHEALTH SERVICES FOR**
23 **FEDERALLY QUALIFIED HEALTH CENTERS AND**
24 **RURAL HEALTH CLINICS DURING EMERGENCY PE-**
25 **RIOD.—**

1 “(A) IN GENERAL.—During the emergency
2 period described in section 1135(g)(1)(B)—

3 “(i) the Secretary shall pay for tele-
4 health services that are furnished via a
5 telecommunications system by a Federally
6 qualified health center or a rural health
7 clinic to an eligible telehealth individual en-
8 rolled under this part notwithstanding that
9 the Federally qualified health center or
10 rural clinic providing the telehealth service
11 is not at the same location as the bene-
12 ficiary;

13 “(ii) the amount of payment to a Fed-
14 erally qualified health center or rural
15 health clinic that serves as a distant site
16 for such a telehealth service shall be deter-
17 mined under subparagraph (B); and

18 “(iii) for purposes of this subsection—

19 “(I) the term ‘distant site’ in-
20 cludes a Federally qualified health
21 center or rural health clinic that fur-
22 nishes a telehealth service to an eligi-
23 ble telehealth individual; and

24 “(II) the term ‘telehealth serv-
25 ices’ includes a rural health clinic

1 service or Federally qualified health
2 center service that is furnished using
3 telehealth to the extent that payment
4 codes corresponding to services identi-
5 fied by the Secretary under clause (i)
6 or (ii) of paragraph (4)(F) are listed
7 on the corresponding claim for such
8 rural health clinic service or Federally
9 qualified health center service.

10 “(B) SPECIAL PAYMENT RULE.—

11 “(i) IN GENERAL.—The Secretary
12 shall develop and implement payment
13 methods that apply under this subsection
14 to a Federally qualified health center or
15 rural health clinic that serves as a distant
16 site that furnishes a telehealth service to
17 an eligible telehealth individual during
18 such emergency period. Such payment
19 methods shall be based on payment rates
20 that are similar to the national average
21 payment rates for comparable telehealth
22 services under the physician fee schedule
23 under section 1848. Notwithstanding any
24 other provision of law, the Secretary may

1 implement such payment methods through
2 program instruction or otherwise.

3 “(ii) EXCLUSION FROM FQHC PPS
4 CALCULATION AND RHC AIR CALCULA-
5 TION.—Costs associated with telehealth
6 services shall not be used to determine the
7 amount of payment for Federally qualified
8 health center services under the prospec-
9 tive payment system under section 1834(o)
10 or for rural health clinic services under the
11 methodology for all-inclusive rates (estab-
12 lished by the Secretary) under section
13 1833(a)(3).”.

14 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
15 **FACE-TO-FACE VISITS BETWEEN HOME DI-**
16 **ALYSIS PATIENTS AND PHYSICIANS.**

17 Section 1881(b)(3)(B) of the Social Security Act (42
18 U.S.C. 1395rr(b)(3)(B)) is amended—

19 (1) in clause (i), by striking “clause (ii)” and
20 inserting “clauses (ii) and (iii)”;

21 (2) in clause (ii), in the matter preceding sub-
22 clause (I), by striking “Clause (i)” and inserting
23 “Except as provided in clause (iii), clause (i)”;

24 (3) by adding at the end the following new
25 clause:

1 “(iii) The Secretary may waive the
2 provisions of clause (ii) during the emer-
3 gency period described in section
4 1135(g)(1)(B).”.

5 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
6 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
7 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
8 **DURING EMERGENCY PERIOD.**

9 Section 1814(a)(7)(D)(i) of the Social Security Act
10 (42 U.S.C. 1395f(a)(7)(D)(i)) is amended—

11 (1) by striking “a hospice” and inserting “(I
12 subject to subclause (II), a hospice”; and

13 (2) by inserting after subclause (I), as added by
14 paragraph (1), the following new subclause:

15 “(II) during the emergency period de-
16 scribed in section 1135(g)(1)(B), a hospice
17 physician or nurse practitioner may con-
18 duct a face-to-face encounter required
19 under this clause via telehealth, as deter-
20 mined appropriate by the Secretary; and”.

21 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
22 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
23 **NISHED DURING EMERGENCY PERIOD.**

24 With respect to home health services (as defined in
25 section 1861(m) of the Social Security Act (42 U.S.C.

1 1395x(m)) that are furnished during the emergency period
2 described in section 1135(g)(1)(B) of such Act (42 U.S.C.
3 1320b–5(g)(1)(B)), the Secretary of Health and Human
4 Services shall consider ways to encourage the use of tele-
5 communications systems, including for remote patient
6 monitoring as described in section 409.46(e) of title 42,
7 Code of Federal Regulations (or any successor regula-
8 tions) and other communications or monitoring services,
9 consistent with the plan of care for the individual, includ-
10 ing by clarifying guidance and conducting outreach, as ap-
11 propriate.

12 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
13 **HOME HEALTH SERVICES.**

14 (a) PART A PROVISIONS.—Section 1814(a) of the So-
15 cial Security Act (42 U.S.C. 1395f(a)) is amended—

16 (1) in paragraph (2)—

17 (A) in the matter preceding subparagraph
18 (A), by inserting “, a nurse practitioner or clin-
19 ical nurse specialist (as such terms are defined
20 in section 1861(aa)(5)) who is working in ac-
21 cordance with State law, or a physician assist-
22 ant (as defined in section 1861(aa)(5)) under
23 the supervision of a physician, who is” after “in
24 the case of services described in subparagraph
25 (C), a physician”; and

1 (B) in subparagraph (C)—

2 (i) by inserting “, a nurse practi-
3 tioner, a clinical nurse specialist, or a phy-
4 sician assistant (as the case may be)” after
5 “physician” the first 2 times it appears;
6 and

7 (ii) by striking “, and, in the case of
8 a certification made by a physician” and
9 all that follows through “face-to-face en-
10 counter” and inserting “, and, in the case
11 of a certification made by a physician after
12 January 1, 2010, or by a nurse practi-
13 tioner, clinical nurse specialist, or physi-
14 cian assistant (as the case may be) after a
15 date specified by the Secretary (but in no
16 case later than the date that is 6 months
17 after the date of the enactment of the
18 CARES Act), prior to making such certifi-
19 cation a physician, nurse practitioner, clin-
20 ical nurse specialist, or physician assistant
21 must document that a physician, nurse
22 practitioner, clinical nurse specialist, or
23 physician assistant has had a face-to-face
24 encounter”;

25 (2) in the third sentence—

1 (A) by striking “physician certification”
2 and inserting “certification”;

3 (B) by inserting “(or in the case of regula-
4 tions to implement the amendments made by
5 section 3708 of the CARES Act, the Secretary
6 shall prescribe regulations, which shall become
7 effective no later than 6 months after the date
8 of the enactment of such Act)” after “1981”;
9 and

10 (C) by striking “a physician who” and in-
11 serting “a physician, nurse practitioner, clinical
12 nurse specialist, certified nurse-midwife, or phy-
13 sician assistant who”;

14 (3) in the fourth sentence, by inserting “, nurse
15 practitioner, clinical nurse specialist, certified nurse-
16 midwife, or physician assistant” after “physician”;
17 and

18 (4) in the fifth sentence—

19 (A) by inserting “or no later than 6
20 months after the date of the enactment of the
21 CARES Act for purposes of documentation for
22 certification and recertification made under
23 paragraph (2) by a nurse practitioner, clinical
24 nurse specialist, certified nurse-midwife, or phy-
25 sician assistant,”; and

1 (B) by inserting “, nurse practitioner, clin-
2 ical nurse specialist, certified nurse-midwife, or
3 physician assistant” after “of the physician”.

4 (b) PART B PROVISIONS.—Section 1835(a) of the So-
5 cial Security Act (42 U.S.C. 1395n(a)) is amended—

6 (1) in paragraph (2)—

7 (A) in the matter preceding subparagraph
8 (A), by inserting “, a nurse practitioner or clin-
9 ical nurse specialist (as those terms are defined
10 in section 1861(aa)(5)) who is working in ac-
11 cordance with State law, or a physician assist-
12 ant (as defined in section 1861(aa)(5)) under
13 the supervision of a physician, who is” after “in
14 the case of services described in subparagraph
15 (A), a physician”; and

16 (B) in subparagraph (A)—

17 (i) in each of clauses (ii) and (iii) of
18 subparagraph (A) by inserting “, a nurse
19 practitioner, a clinical nurse specialist, or a
20 physician assistant (as the case may be)”
21 after “physician”; and

22 (ii) in clause (iv), by striking “after
23 January 1, 2010” and all that follows
24 through “face-to-face encounter” and in-
25 serting “made by a physician after Janu-

1 ary 1, 2010, or by a nurse practitioner,
2 clinical nurse specialist, or physician as-
3 sistant (as the case may be) after a date
4 specified by the Secretary (but in no case
5 later than the date that is 6 months after
6 the date of the enactment of the CARES
7 Act), prior to making such certification a
8 physician, nurse practitioner, clinical nurse
9 specialist, certified nurse-midwife, or physi-
10 cian assistant must document that a physi-
11 cian, nurse practitioner, clinical nurse spe-
12 cialist, or physician assistant has had a
13 face-to-face encounter”;

14 (2) in the third sentence, by inserting “, nurse
15 practitioner, clinical nurse specialist, or physician as-
16 sistant (as the case may be)” after physician;

17 (3) in the fourth sentence—

18 (A) by striking “physician certification”
19 and inserting “certification”;

20 (B) by inserting “(or in the case of regula-
21 tions to implement the amendments made by
22 section 3708 of the CARES Act the Secretary
23 shall prescribe regulations which shall become
24 effective no later than 6 months after the enact-
25 ment of such Act)” after “1981”; and

1 (C) by striking “a physician who” and in-
2 serting “a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who”;

4 (4) in the fifth sentence, by inserting “, nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant” after “physician”; and

7 (5) in the sixth sentence—

8 (A) by inserting “or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recerification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, certified nurse-midwife, or phy-
14 sician assistant,” after “January 1, 2019”; and

15 (B) by inserting “, nurse practitioner, clin-
16 ical nurse specialist, certified nurse-midwife, or
17 physician assistant” after “of the physician”.

18 (c) DEFINITION PROVISIONS.—

19 (1) HOME HEALTH SERVICES.—Section
20 1861(m) of the Social Security Act (42 U.S.C.
21 1395x(m)) is amended—

22 (A) in the matter preceding paragraph
23 (1)—

24 (i) by inserting “, a nurse practitioner
25 or a clinical nurse specialist (as those

1 terms are defined in subsection (aa)(5)), or
2 a physician assistant (as defined in sub-
3 section (aa)(5))” after “physician” the
4 first place it appears; and

5 (ii) by inserting “, a nurse practi-
6 tioner, a clinical nurse specialist, or a phy-
7 sician assistant” after “physician” the sec-
8 ond place it appears; and

9 (B) in paragraph (3), by inserting “, a
10 nurse practitioner, a clinical nurse specialist, or
11 a physician assistant” after “physician”.

12 (2) HOME HEALTH AGENCY.—Section
13 1861(o)(2) of the Social Security Act (42 U.S.C.
14 1395x(o)(2)) is amended—

15 (A) by inserting “, nurse practitioners or
16 clinical nurse specialists (as those terms are de-
17 fined in subsection (aa)(5)), certified nurse-mid-
18 wives (as defined in subsection (gg)), or physi-
19 cian assistants (as defined in subsection
20 (aa)(5))” after “physicians”; and

21 (B) by inserting “, nurse practitioner, clin-
22 ical nurse specialist, certified nurse-midwife,
23 physician assistant,” after “physician”.

24 (3) COVERED OSTEOPOROSIS DRUG.—Section
25 1861(kk)(1) of the Social Security Act (42 U.S.C.

1 1395x(kk)(1)) is amended by inserting “, nurse
2 practitioner or clinical nurse specialist (as those
3 terms are defined in subsection (aa)(5)), certified
4 nurse-midwife (as defined in subsection (gg)), or
5 physician assistant (as defined in subsection
6 1820(aa)(5))” after “attending physician”.

7 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
8 PROVISIONS.—Section 1895 of the Social Security Act (42
9 U.S.C. 1395fff) is amended—

10 (1) in subsection (c)(1)—

11 (A) by striking “(provided under section
12 1842(r))”; and

13 (B) by inserting “the nurse practitioner or
14 clinical nurse specialist (as those terms are de-
15 fined in section 1861(aa)(5)), or the physician
16 assistant (as defined in section 1861(aa)(5))”
17 after “physician”; and

18 (2) in subsection (e)—

19 (A) in paragraph (1)(A), by inserting “a
20 nurse practitioner or clinical nurse specialist, or
21 a physician assistant” after “physician”; and

22 (B) in paragraph (2)—

23 (i) in the heading, by striking “PHY-
24 SICIAN CERTIFICATION” and inserting

1 “RULE OF CONSTRUCTION REGARDING RE-
2 QUIREMENT FOR CERTIFICATION”; and

3 (ii) by striking “physician”.

4 (e) APPLICATION TO MEDICAID.—The amendments
5 made under this section shall apply under title XIX of the
6 Social Security Act in the same manner and to the same
7 extent as such requirements apply under title XVIII of
8 such Act or regulations promulgated thereunder.

9 (f) EFFECTIVE DATE.—The Secretary of Health and
10 Human Services shall prescribe regulations to apply the
11 amendments made by this section to items and services
12 furnished, which shall become effective no later than 6
13 months after the date of the enactment of this legislation.
14 The Secretary shall promulgate an interim final rule if
15 necessary, to comply with the required effective date.

16 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

17 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
18 QUESTRATION.—During the period beginning on May 1,
19 2020 and ending on December 31, 2020, the Medicare
20 programs under title XVIII of the Social Security Act (42
21 U.S.C. 1395 et seq.) shall be exempt from reduction under
22 any sequestration order issued before, on, or after the date
23 of enactment of this Act.

24 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
25 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985 (2 U.S.C. 901a(6)) is amended—

3 (1) in subparagraph (B), in the matter pre-
4 ceding clause (i), by striking “through 2029” and
5 inserting “through 2030”; and

6 (2) in subparagraph (C), in the matter pre-
7 ceding clause (i), by striking “fiscal year 2029” and
8 inserting “fiscal year 2030”.

9 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
10 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
11 **COVID-19 PATIENTS DURING EMERGENCY PE-**
12 **RIOD.**

13 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
14 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
15 ed by adding at the end the following new clause:

16 “(iv)(I) For discharges occurring during the emer-
17 gency period described in section 1135(g)(1)(B), in the
18 case of a discharge of an individual diagnosed with
19 COVID-19, the Secretary shall increase the weighting fac-
20 tor that would otherwise apply to the diagnosis-related
21 group to which the discharge is assigned by 20 percent.
22 The Secretary shall identify a discharge of such an indi-
23 vidual through the use of diagnosis codes, condition codes,
24 or other such means as may be necessary.

1 the emergency period described in section 1135(g)(1)(B)
2 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
3 the Secretary of Health and Human Services shall exercise
4 enforcement discretion with respect to the following:

5 (1) LTCH 50-PERCENT RULE.—Subparagraph
6 (C)(ii) of section 1886(m)(6) of such Act (42 U.S.C.
7 1395ww(m)(6)), relating to the payment adjustment
8 for long-term care hospitals that do not have a dis-
9 charge payment percentage for the period that is at
10 least 50 percent.

11 (2) LTCH EXCLUSION CRITERIA FROM SITE-
12 NEUTRAL IPPS PAYMENT RATE.—Subparagraph
13 (A)(ii) of such section, to include among the criteria
14 for discharges to be excluded from the site-neutral
15 payment rate under subparagraph (A)(i) of such sec-
16 tion an admission of a beneficiary to a long-term
17 care hospital when that admission occurs during
18 such emergency period and is in response to the
19 public health emergency described in such section
20 1135(g)(1)(B).

1 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
2 **ICAL EQUIPMENT UNDER THE MEDICARE**
3 **PROGRAM THROUGH DURATION OF EMER-**
4 **GENCY PERIOD.**

5 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
6 retary of Health and Human Services shall implement sec-
7 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-
8 tions (or any successor regulation), to apply the transition
9 rule described in such section to all applicable items and
10 services furnished in rural areas and noncontiguous areas
11 (as such terms are defined for purposes of such section)
12 as planned through December 31, 2020, and through the
13 duration of the emergency period described in section
14 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
15 1320b–5(g)(1)(B)), if longer.

16 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
17 UOUS AREAS.—With respect to items and services fur-
18 nished on or after the date that is 30 days after the date
19 of the enactment of this Act, the Secretary of Health and
20 Human Services shall apply section 414.210(g)(9)(iv) of
21 title 42, Code of Federal Regulations (or any successor
22 regulation), as if the reference to “dates of service from
23 June 1, 2018 through December 31, 2020, based on the
24 fee schedule amount for the area is equal to 100 percent
25 of the adjusted payment amount established under this
26 section” were instead a reference to “dates of service from

1 March 6, 2020, through the remainder of the duration of
2 the emergency period described in section 1135(g)(1)(B)
3 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
4 based on the fee schedule amount for the area is equal
5 to 75 percent of the adjusted payment amount established
6 under this section and 25 percent of the unadjusted fee
7 schedule amount”.

8 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
9 **PART B OF THE MEDICARE PROGRAM WITH-**
10 **OUT ANY COST-SHARING.**

11 (a) **MEDICAL AND OTHER HEALTH SERVICES.**—Sec-
12 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
13 1395x(s)(10)(A)) is amended by inserting “, and COVID-
14 19 vaccine and its administration” after “influenza vac-
15 cine and its administration”.

16 (b) **PART B DEDUCTIBLE.**—The first sentence of sec-
17 tion 1833(b) of the Social Security Act (42 U.S.C.
18 1395l(b)) is amended—

19 (1) in paragraph (10), by striking “and” at the
20 end; and

21 (2) in paragraph (11), by striking the period at
22 the end and inserting “, and (12) such deductible
23 shall not apply with respect a COVID-19 vaccine
24 and its administration described in section
25 1861(s)(10)(A).”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of enactment of
3 this Act and shall apply with respect to a COVID-19 vac-
4 cine beginning on the date that such vaccine is licensed
5 under section 351 of the Public Health Service Act (42
6 U.S.C. 262).

7 (d) IMPLEMENTATION.—Notwithstanding any other
8 provision of law, the Secretary may implement the provi-
9 sions of, and the amendments made by, this section by
10 program instruction or otherwise.

11 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
12 **PLANS AND MA-PD PLANS TO ALLOW DURING**
13 **THE COVID-19 EMERGENCY PERIOD FOR**
14 **FILLS AND REFILLS OF COVERED PART D**
15 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

16 (a) IN GENERAL.—Section 1860D-4(b) of the Social
17 Security Act (42 U.S.C. 1395w-104(b)) is amended by
18 adding at the end the following new paragraph:

19 “(4) ENSURING ACCESS DURING COVID-19 PUB-
20 LIC HEALTH EMERGENCY PERIOD.—

21 “(A) IN GENERAL.—During the emergency
22 period described in section 1135(g)(1)(B), sub-
23 ject to subparagraph (B), a prescription drug
24 plan or MA-PD plan shall, notwithstanding any
25 cost and utilization management, medication

1 therapy management, or other such programs
2 under this part, permit a part D eligible indi-
3 vidual enrolled in such plan to obtain in a sin-
4 gle fill or refill, at the option of such individual,
5 the total day supply (not to exceed a 90-day
6 supply) prescribed for such individual for a cov-
7 ered part D drug.

8 “(B) SAFETY EDIT EXCEPTION.—A pre-
9 scription drug plan or MA–PD plan may not
10 permit a part D eligible individual to obtain a
11 single fill or refill inconsistent with an applica-
12 ble safety edit.”.

13 (b) IMPLEMENTATION.—Notwithstanding any other
14 provision of law, the Secretary of Health and Human
15 Services may implement the amendment made by this sec-
16 tion by program instruction or otherwise.

17 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
18 **SERVICES IN ACUTE CARE HOSPITALS.**

19 Section 1902(h) of the Social Security Act (42 U.S.C.
20 1396a(h)) is amended—

21 (1) by inserting “(1)” after “(h)”;

22 (2) by inserting “, home and community-based
23 services provided under subsection (c), (d), or (i) of
24 section 1915 or under a waiver or demonstration
25 project under section 1115, self-directed personal as-

1 sistance services provided pursuant to a written plan
2 of care under section 1915(j), and home and com-
3 munity-based attendant services and supports under
4 section 1915(k)” before the period; and

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

6 “(2) Nothing in this title, title XVIII, or title XI shall
7 be construed as prohibiting receipt of any care or services
8 specified in paragraph (1) in an acute care hospital that
9 are—

10 “(A) identified in an individual’s person-cen-
11 tered service plan (or comparable plan of care);

12 “(B) provided to meet needs of the individual
13 that are not met through the provision of hospital
14 services;

15 “(C) not a substitute for services that the hos-
16 pital is obligated to provide through its conditions of
17 participation or under Federal or State law, or
18 under another applicable requirement; and

19 “(D) designed to ensure smooth transitions be-
20 tween acute care settings and home and community-
21 based settings, and to preserve the individual’s func-
22 tional abilities.”.

1 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
2 **VIDUALS.**

3 Subsection (ss) of section 1902 of the Social Security
4 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
5 of the Families First Coronavirus Response Act, is amend-
6 ed by adding at the end the following flush sentences:
7 “Such term shall include an individual who is described
8 in subclause (VIII) of section 1902(a)(10)(A)(i) if such
9 individual resides in a State that does not make medical
10 assistance available to individuals described in such sub-
11 clause. Such term shall also include individuals who are
12 enrolled for benefits under a State program under this
13 title or another Federal health care program (as so de-
14 fined) but whose benefits under such program do not in-
15 clude coverage at no cost sharing of a COVID-19 vaccine
16 (and the administration of such vaccine) or coverage at
17 no cost sharing of an in vitro diagnostic testing product
18 described in section 1905(a)(3)(B) (and the administra-
19 tion of such product).”.

1 **Subtitle E—Health and Human**
2 **Services Extenders**

3 **PART I—MEDICARE PROVISIONS**

4 **SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX**
5 **FLOOR UNDER THE MEDICARE PROGRAM.**

6 Section 1848(e)(1)(E) of the Social Security Act (42
7 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “May
8 23, 2020” and inserting “January 1, 2022”.

9 **SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-**
10 **URE ENDORSEMENT, INPUT, AND SELECTION.**

11 (a) IN GENERAL.—Section 1890(d)(2) of the Social
12 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

13 (1) in the first sentence, by striking
14 “\$4,830,000 for the period beginning on October 1,
15 2019, and ending on May 22, 2020” and inserting
16 “\$20,000,000 for each of fiscal years 2020 and
17 2021”; and

18 (2) in the third sentence, by striking “and 2019
19 and for the period beginning on October 1, 2019,
20 and ending on May 22, 2020” and inserting “,
21 2019, 2020, and 2021”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect as if included in the enact-
24 ment of the Further Consolidated Appropriations Act,
25 2020 (Public Law 116–94).

1 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
2 **SISTANCE FOR LOW-INCOME PROGRAMS.**

3 (a) FUNDING EXTENSIONS.—

4 (1) ADDITIONAL FUNDING FOR STATE HEALTH
5 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
6 section 119 of the Medicare Improvements for Pa-
7 tients and Providers Act of 2008 (42 U.S.C. 1395b-
8 3 note), as amended by section 3306 of the Patient
9 Protection and Affordable Care Act (Public Law
10 111–148), section 610 of the American Taxpayer
11 Relief Act of 2012 (Public Law 112–240), section
12 1110 of the Pathway for SGR Reform Act of 2013
13 (Public Law 113–67), section 110 of the Protecting
14 Access to Medicare Act of 2014 (Public Law 113–
15 93), section 208 of the Medicare Access and CHIP
16 Reauthorization Act of 2015 (Public Law 114–10),
17 section 50207 of division E of the Bipartisan Budg-
18 et Act of 2018 (Public Law 115–123), section 1402
19 of division B of the Continuing Appropriations Act,
20 2020, and Health Extenders Act of 2019 (Public
21 Law 116–59), section 1402 of division B of the Fur-
22 ther Continuing Appropriations Act, 2020, and Fur-
23 ther Health Extenders Act of 2019 (Public Law
24 116–69), and section 103 of division N of the Fur-
25 ther Consolidated Appropriations Act, 2020 (Public
26 Law 116–94) is amended—

350

1 (A) in clause (ix), by inserting “and” at
2 the end; and

3 (B) by striking clauses (x) through (xii)
4 and inserting the following new clause:

5 “(x) for each of fiscal years 2020 and
6 2021, of \$13,000,000.”.

7 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
8 ON AGING.—Subsection (b)(1)(B) of such section
9 119, as so amended, is amended—

10 (A) in clause (ix), by inserting “and” at
11 the end; and

12 (B) by striking clauses (x) through (xii)
13 and inserting the following new clause:

14 “(x) for each of fiscal years 2020 and
15 2021, of \$7, 500,000.”.

16 (3) ADDITIONAL FUNDING FOR AGING AND DIS-
17 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
18 of such section 119, as so amended, is amended—

19 (A) in clause (ix), by inserting “and” at
20 the end; and

21 (B) by striking clauses (x) through (xii)
22 and inserting the following new clause:

23 “(x) for each of fiscal years 2020 and
24 2021, of \$5,000,000.”.

1 (4) ADDITIONAL FUNDING FOR CONTRACT
2 WITH THE NATIONAL CENTER FOR BENEFITS AND
3 OUTREACH ENROLLMENT.—Subsection (d)(2) of
4 such section 119, as so amended, is amended—

5 (A) in clause (ix), by inserting “and” at
6 the end; and

7 (B) by striking clauses (x) through (xii)
8 and inserting the following new clause:

9 “(x) for each of fiscal years 2020 and
10 2021, of \$12,000,000.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the Further Consolidated Appropriations Act,
14 2020 (Public Law 116–94).

15 **PART II—MEDICAID PROVISIONS**

16 **SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER-**
17 **SON REBALANCING DEMONSTRATION PRO-**
18 **GRAM.**

19 Section 6071(h)(1)(G) of the Deficit Reduction Act
20 of 2005 (42 U.S.C. 1396a note) is amended to read as
21 follows:

22 “(G) subject to paragraph (3),
23 \$450,000,000 for each of fiscal years 2020
24 through 2021.”.

1 **SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT**
2 **PROTECTIONS.**

3 (a) IN GENERAL.—Section 2404 of Public Law 111–
4 148 (42 U.S.C. 1396r–5 note) is amended by striking
5 “May 22, 2020” and inserting “September 30, 2021”.

6 (b) RULE OF CONSTRUCTION.—Nothing in section
7 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)
8 or section 1902(a)(17) or 1924 of the Social Security Act
9 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as
10 prohibiting a State from—

11 (1) applying an income or resource disregard
12 under a methodology authorized under section
13 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

14 (A) to the income or resources of an indi-
15 vidual described in section
16 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.
17 1396a(a)(10)(A)(ii)(VI)) (including a disregard
18 of the income or resources of such individual’s
19 spouse); or

20 (B) on the basis of an individual’s need for
21 home and community-based services authorized
22 under subsection (c), (d), (i), or (k) of section
23 1915 of such Act (42 U.S.C. 1396n) or under
24 section 1115 of such Act (42 U.S.C. 1315); or

25 (2) disregarding an individual’s spousal income
26 and assets under a plan amendment to provide med-

1 ical assistance for home and community-based serv-
2 ices for individuals by reason of being determined el-
3 igible under section 1902(a)(10)(C) of such Act (42
4 U.S.C. 1396a(a)(10)(C)) or by reason of section
5 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
6 wise on the basis of a reduction of income based on
7 costs incurred for medical or other remedial care
8 under which the State disregarded the income and
9 assets of the individual’s spouse in determining the
10 initial and ongoing financial eligibility of an indi-
11 vidual for such services in place of the spousal im-
12 poverishment provisions applied under section 1924
13 of such Act (42 U.S.C. 1396r-5).

14 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

15 Section 1923(f) of the Social Security Act (42 U.S.C.
16 1396r-4(f)) is amended—

17 (1) in paragraph (7)(A)—

18 (A) in clause (i), in the matter preceding
19 subclause (I), by striking “For the period be-
20 ginning May 23, 2020, and ending September
21 30, 2020, and for each of fiscal years 2022
22 through 2025” and inserting “For each of fis-
23 cal years 2022 through 2028”; and

24 (B) in clause (ii)—

1 (i) in subclause (I), by striking “for
2 the period beginning May 23, 2020, and
3 ending September 30, 2020” and inserting
4 “for fiscal year 2022”; and

5 (ii) in subclause (II), by striking
6 “2021 through 2025” and inserting “2023
7 through 2028”; and

8 (2) in paragraph (8), by striking “2025” and
9 inserting “2028”.

10 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
11 **MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.**
12 **TION PROGRAM.**

13 (a) IN GENERAL.—Section 223(d) of the Protecting
14 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
15 is amended—

16 (1) in paragraph (3)—

17 (A) by striking “Not more than” and in-
18 serting “Subject to paragraph (8), not more
19 than”;

20 (B) by striking “May 22, 2020” and in-
21 serting “September 30, 2021”; and

22 (C) by inserting “(or, in the case of a
23 State selected to conduct a demonstration pro-
24 gram under paragraph (8), for 2 years after the

1 date that the State begins such demonstration
2 program)” after “whichever is longer”; and

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

5 “(8) ADDITIONAL PROGRAMS.—

6 “(A) IN GENERAL.—Not later than 6
7 months after the date of enactment of this
8 paragraph, in addition to the 8 States selected
9 under paragraph (1), the Secretary shall select
10 2 States to participate in 2-year demonstration
11 programs that meet the requirements of this
12 subsection.

13 “(B) SELECTION OF STATES.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii), in selecting States under this para-
16 graph, the Secretary—

17 “(I) shall select States that—

18 “(aa) were awarded plan-
19 ning grants under subsection (c);
20 and

21 “(bb) applied to participate
22 in the demonstration programs
23 under this subsection under para-
24 graph (1) but, as of the date of
25 enactment of this paragraph,

1 were not selected to participate
2 under paragraph (1); and

3 “(II) shall use the results of the
4 Secretary’s evaluation of each State’s
5 application under paragraph (1) to
6 determine which States to select, and
7 shall not require the submission of
8 any additional application.

9 “(C) REQUIREMENTS FOR SELECTED
10 STATES.—Prior to services being delivered
11 under the demonstration authority in a State
12 selected under this paragraph, the State shall—

13 “(i) submit a plan to monitor certified
14 community behavioral health clinics under
15 the demonstration program to ensure com-
16 pliance with certified community behavioral
17 health criteria during the demonstration
18 period; and

19 “(ii) commit to collecting data, noti-
20 fying the Secretary of any planned changes
21 that would deviate from the prospective
22 payment system methodology outlined in
23 the State’s demonstration application, and
24 obtaining approval from the Secretary for

1 tion program under paragraph (8),
2 during first 8 fiscal quarter period
3 that the State participates in a dem-
4 onstration program.”.

5 (c) GAO STUDY AND REPORT ON THE COMMUNITY
6 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
7 GRAM.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of the enactment of this Act, the
10 Comptroller General of the United States shall sub-
11 mit to the Committee on Energy and Commerce of
12 the House of Representatives and the Committee on
13 Finance of the Senate a report on the community
14 and mental health services demonstration program
15 conducted under section 223 of the Protecting Ac-
16 cess to Medicare Act of 2014 (42 U.S.C. 1396a
17 note) (referred to in this subsection as the “dem-
18 onstration program”).

19 (2) CONTENT OF REPORT.—The report re-
20 quired under paragraph (1) shall include the fol-
21 lowing information:

22 (A) Information on States’ experiences
23 participating in the demonstration program, in-
24 cluding the extent to which States—

1 (i) measure the effects of access to
2 certified community behavioral health clin-
3 ics on patient health and cost of care, in-
4 cluding—

5 (I) engagement in treatment for
6 behavioral health conditions;

7 (II) relevant clinical outcomes, to
8 the extent collected;

9 (III) screening and treatment for
10 comorbid medical conditions; and

11 (IV) use of crisis stabilization,
12 emergency department, and inpatient
13 care.

14 (B) Information on Federal efforts to
15 evaluate the demonstration program, includ-
16 ing—

17 (i) quality measures used to evaluate
18 the program;

19 (ii) assistance provided to States on
20 data collection and reporting;

21 (iii) assessments of the reliability and
22 usefulness of State-submitted data; and

23 (iv) the extent to which such efforts
24 provide information on the relative quality,
25 scope, and cost of services as compared

1 with services not provided under the dem-
2 onstration program, and in comparison to
3 Medicaid beneficiaries with mental illness
4 and substance use disorders not served
5 under the demonstration program.

6 (C) Recommendations for improvements to
7 the following:

8 (i) The reporting, accuracy, and vali-
9 dation of encounter data.

10 (ii) Accuracy in payments to certified
11 community behavioral health clinics under
12 State plans or waivers under title XIX of
13 the Social Security Act (42 U.S.C. 1396 et
14 seq.).

15 **PART III—HUMAN SERVICES AND OTHER**

16 **HEALTH PROGRAMS**

17 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
18 **CATION PROGRAM.**

19 Section 510 of the Social Security Act (42 U.S.C.
20 710) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A)—

1 (I) by striking “and 2019 and for
2 the period beginning October 1, 2019,
3 and ending May 22, 2020” and in-
4 serting “through 2021”; and

5 (II) by striking “(or, with respect
6 to such period, for fiscal year 2020)”;
7 and

8 (ii) in subparagraph (A), by striking
9 “or period” each place it appears;
10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by striking
12 “and 2019 and for the period beginning
13 October 1, 2019, and ending May 22,
14 2020” and inserting “through 2021”; and

15 (ii) by striking “(or, with respect to
16 such period, for fiscal year 2020)” each
17 place it appears; and

18 (2) in subsection (f)—

19 (A) in paragraph (1), by striking “and
20 2019 and \$48,287,671 for the period beginning
21 October 1, 2019, and ending May 22, 2020”
22 and inserting “through 2021”; and

23 (B) in paragraph (2), by striking “of fiscal
24 years 2018 and 2019 and for the period” and
25 inserting “fiscal year”.

1 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
2 **EDUCATION PROGRAM.**

3 Section 513 of the Social Security Act (42 U.S.C.
4 713) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), in the matter
7 preceding clause (i), by striking “2019 and for
8 the period beginning October 1, 2019, and end-
9 ing May 22, 2020” and inserting “2021”;

10 (B) in subparagraph (B)(i), by striking the
11 second sentence; and

12 (2) in subsection (f), by striking “2019 and
13 \$48,287,671 for the period beginning October 1,
14 2019, and ending May 22, 2020” and inserting
15 “2021”.

16 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
17 **ADDRESS HEALTH PROFESSIONS WORK-**
18 **FORCE NEEDS.**

19 Section 2008(c)(1) of the Social Security Act (42
20 U.S.C. 1397g(c)(1)) is amended by striking “2019” and
21 inserting “2021”.

22 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
23 **FOR NEEDY FAMILIES PROGRAM AND RE-**
24 **LATED PROGRAMS.**

25 (a) **FAMILY ASSISTANCE GRANTS.**—Section
26 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1))

1 is amended in each of subparagraphs (A) and (C) by strik-
2 ing “2017 and 2018” and inserting “2020 and 2021”.

3 (b) HEALTHY MARRIAGE PROMOTION AND RESPON-
4 SIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of
5 such Act (42 U.S.C. 603(a)(2)(D)) is amended—

6 (1) by striking “2017 and 2018” and inserting
7 “2020 and 2021”; and

8 (2) by striking “for fiscal year 2017 or 2018”.

9 (c) CONTINGENCY FUND.—Section 403(b)(2) of such
10 Act (42 U.S.C. 603(b)(2)) is amended by striking “for fis-
11 cal year 2018” and inserting “for each of fiscal years 2020
12 and 2021”.

13 (d) TRIBAL FAMILY ASSISTANCE GRANTS.—Para-
14 graphs (1)(A) and (2)(A) of section 412(a) of such Act
15 (42 U.S.C. 612(a)) are each amended by striking “2017
16 and 2018” and inserting “2020 and 2021”.

17 (e) CHILD CARE.—Section 418(a)(3) of such Act (42
18 U.S.C. 618(a)(3)) is amended by striking “2017 and
19 2018” and inserting “2020 and 2021”.

20 (f) GRANTS TO THE TERRITORIES.—Section
21 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amend-
22 ed by striking “2017 and 2018” and inserting “2020 and
23 2021”.

1 **PART IV—PUBLIC HEALTH PROVISIONS**
2 **SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
3 **THE NATIONAL HEALTH SERVICE CORPS,**
4 **AND TEACHING HEALTH CENTERS THAT OP-**
5 **ERATE GME PROGRAMS.**

6 (a) COMMUNITY HEALTH CENTERS.—Section
7 10503(b)(1)(F) of the Patient Protection and Affordable
8 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by
9 striking “fiscal year 2019, and \$2,575,342,466 for the pe-
10 riod beginning on October 1, 2019, and ending on May
11 22, 2020” and inserting “each of fiscal years 2019
12 through 2021”.

13 (b) NATIONAL HEALTH SERVICE CORPS.—Section
14 10503(b)(2) of the Patient Protection and Affordable
15 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

16 (1) in subparagraph (E), by adding “and” at
17 the end;

18 (2) in subparagraph (F), by striking “and
19 2019; and” and inserting “through 2021.”; and

20 (3) by striking subparagraph (G).

21 (c) TEACHING HEALTH CENTERS THAT OPERATE
22 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
23 340H(g)(1) of the Public Health Service Act (42 U.S.C.
24 256h(g)(1)) is amended by striking “and 2019, and
25 \$81,445,205 for the period beginning on October 1, 2019,

1 and ending on May 22, 2020” and inserting “through
2 2021”.

3 (d) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendments made by this section
5 for fiscal years 2020 through 2021 shall be subject to the
6 requirements contained in Public Law 116–94 for funds
7 for programs authorized under sections 330 through 340
8 of the Public Health Service Act (42 U.S.C. 254 through
9 256).

10 (e) CONFORMING AMENDMENT.—Paragraph (4) of
11 section 3014(h) of title 18, United States Code, as amend-
12 ed by section 401(e) of division N of Public Law 116–
13 94, is amended by striking “section 401(d) of division N
14 of the Further Consolidated Appropriations Act, 2020”
15 and inserting “section 3831 of the CARES Act”.

16 **SEC. 3832. DIABETES PROGRAMS.**

17 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
18 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is
19 amended by striking “and 2019, and \$96,575,342 for the
20 period beginning on October 1, 2019, and ending on May
21 22, 2020” and inserting “through 2021”.

22 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
23 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
24 amended by striking “and 2019, and \$96,575,342 for the

1 period beginning on October 1, 2019, and ending on May
2 22, 2020” and inserting “through 2021”.

3 **PART V—MISCELLANEOUS PROVISIONS**

4 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
5 **FOR FISCAL YEAR 2020.**

6 Expenditures made under any provision of law
7 amended in this subtitle pursuant to the amendments
8 made by the Continuing Appropriations Act, 2020, and
9 Health Extenders Act of 2019 (Public Law 116–59), the
10 Further Continuing Appropriations Act, 2020, and Fur-
11 ther Health Extenders Act of 2019 (Public Law 116-69),
12 and the Further Consolidated Appropriations Act, 2020
13 (Public Law 116–94) for fiscal year 2020 shall be charged
14 to the applicable appropriation or authorization provided
15 by the amendments made by this subtitle to such provision
16 of law for such fiscal year.

17 **TITLE IV—ECONOMIC STA-**
18 **BILIZATION AND ASSISTANCE**
19 **TO SEVERELY DISTRESSED**
20 **SECTORS OF THE UNITED**
21 **STATES ECONOMY**

22 **SEC. 4001. SHORT TITLE.**

23 This title may be cited as the “Coronavirus Economic
24 Stabilization Act of 2020”.

1 **SEC. 4002. DEFINITIONS.**

2 In this title:

3 (1) AIR CARRIER.—The term “air carrier” has
4 the meaning such term has under section 40102 of
5 title 49, United States Code.

6 (2) CORONAVIRUS.—The term “coronavirus”
7 means SARS-CoV-2 or another coronavirus with
8 pandemic potential.

9 (3) COVERED LOSS.—The term “covered loss”
10 includes losses incurred directly or indirectly as a re-
11 sult of coronavirus, as determined by the Secretary.

12 (4) ELIGIBLE BUSINESS.—The term “eligible
13 business” means—

14 (A) an air carrier; or

15 (B) a United States business that has not
16 otherwise received adequate economic relief in
17 the form of loans or loan guarantees provided
18 under this Act.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of the Treasury, or the designee of the
21 Secretary of the Treasury.

22 (6) STATE.—The term “State” means any of
23 the several States, the District of Columbia, any of
24 the territories and possessions of the United States,
25 and any Indian tribe.

1 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
2 **TIONS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, to provide liquidity to eligible businesses,
5 States, and municipalities related to losses incurred as a
6 result of coronavirus, the Secretary is authorized to make
7 loans, loan guarantees, and other investments in support
8 of eligible businesses, States, and municipalities that do
9 not, in the aggregate, exceed \$500,000,000,000 and pro-
10 vide the subsidy amounts necessary for such loans, loan
11 guarantees, and other investments in accordance with the
12 provisions of the Federal Credit Reform Act of 1990 (2
13 U.S.C. 661 et seq.).

14 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
15 VESTMENTS.—Loans, loan guarantees, and other invest-
16 ments made pursuant to subsection (a) shall be made
17 available as follows:

18 (1) Not more than \$50,000,000,000 shall be
19 available to make loans and loan guarantees for pas-
20 senger air carriers.

21 (2) Not more than \$8,000,000,000 shall be
22 available to make loans and loan guarantees for
23 cargo air carriers.

24 (3) Not more than \$17,000,000,000 shall be
25 available to make loans and loan guarantees for
26 businesses critical to maintaining national security.

1 (4) Not more than the sum of
2 \$425,000,000,000 and any amounts available under
3 paragraphs (1), (2), and (3) that are not used as
4 provided under those paragraphs shall be available
5 to make loans, loan guarantees, and other invest-
6 ments in support of programs or facilities estab-
7 lished by the Board of Governors of the Federal Re-
8 serve System for the purpose of providing liquidity
9 to the financial system that supports lending to eli-
10 gible businesses, States, or municipalities by—

11 (A) purchasing obligations or other inter-
12 ests directly from issuers of such obligations or
13 other interests; or

14 (B) purchasing obligations or other inter-
15 ests in secondary markets or otherwise.

16 (c) TERMS AND CONDITIONS.—

17 (1) IN GENERAL.—

18 (A) FORMS; TERMS AND CONDITIONS.—A
19 loan, loan guarantee, or other investment shall
20 be made under this section in such form and on
21 such terms and conditions and contain such
22 covenants, representations, warranties, and re-
23 quirements (including requirements for audits)
24 as the Secretary determines appropriate. Any
25 loans made by the Secretary under this section

1 shall be at a rate determined by the Secretary
2 based on the risk and the current average yield
3 on outstanding marketable obligations of the
4 United States of comparable maturity.

5 (B) PROCEDURES.—As soon as prac-
6 ticable, but in no case later than 10 days after
7 the date of enactment of this Act, the Secretary
8 shall publish procedures for application and
9 minimum requirements, which may be supple-
10 mented by the Secretary in the Secretary's dis-
11 cretion, for making loans, loan guarantees, or
12 other investments under paragraphs (1), (2),
13 and (3) of subsection (b).

14 (2) LOANS AND LOAN GUARANTEES.—The Sec-
15 retary may enter into agreements to make loans or
16 loan guarantees to 1 or more eligible businesses
17 under paragraphs (1), (2), or (3) of subsection (b)
18 if the Secretary determines that, in the Secretary's
19 discretion—

20 (A) the applicant is an eligible business for
21 which credit is not reasonably available at the
22 time of the transaction;

23 (B) the intended obligation by the appli-
24 cant is prudently incurred;

1 (C) the loan or loan guarantee is suffi-
2 ciently secured or is made at a rate that—

3 (i) reflects the risk of the loan or loan
4 guarantee; and

5 (ii) is to the extent practicable, not
6 less than an interest rate based on market
7 conditions for comparable obligations prev-
8 alent prior to the outbreak of the
9 coronavirus disease 2019 (COVID–19);

10 (D) the duration of the loan or loan guar-
11 antee is as short as practicable and in any case
12 not longer than 5 years;

13 (E) except to the extent required under a
14 contractual obligation in effect as of the date of
15 enactment of this Act, the agreement prohibits
16 the eligible business from repurchasing any out-
17 standing equity interests while the loan or loan
18 guarantee is outstanding;

19 (F) the agreement requires the eligible
20 business to maintain its existing employment
21 levels as of March 13, 2020, to the extent prac-
22 ticable, while the loan or loan guarantee is out-
23 standing; and

24 (G) for purposes of lending under sub-
25 section (b)(3), the eligible borrower must have

1 incurred or is expected to incur covered losses
2 such that the continued operations of the busi-
3 ness are jeopardized, as determined by the Sec-
4 retary.

5 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
6 TIES.—

7 (A) TERMS AND CONDITIONS.—

8 (i) IN GENERAL.—The Secretary may
9 make a loan, loan guarantee, or other in-
10 vestment under subsection (b)(4) as part
11 of a program or facility that purchases ob-
12 ligations or other interests directly from
13 issuers of such obligations or other inter-
14 ests only to the extent required under a
15 contractual obligation in effect as of the
16 date of enactment of this Act, the issuer of
17 such obligations or interests agrees not to
18 repurchase any outstanding equity inter-
19 ests while the loan, loan guarantee, or
20 other interest under subsection (b)(4) is
21 outstanding.

22 (ii) WAIVER.—The Secretary may
23 waive the requirement under this clause
24 (i)(I) with respect to any program or facil-

1 (1) IN GENERAL.—To the extent feasible and
2 practicable, the Secretary shall ensure that the com-
3 pensation of the Federal Government is commensu-
4 rate to the risk assumed in making loans and loan
5 guarantees under this section. The Secretary shall
6 liquidate any equity interests the Secretary acquires
7 under this section as soon as reasonably practicable,
8 consistent with maximizing returns to the Federal
9 Government. The Secretary shall not exercise voting
10 power with respect to any shares of common stock
11 acquired under this section.

12 (2) GOVERNMENT PARTICIPATION IN GAINS.—If
13 an eligible business receives a loan or loan guarantee
14 under paragraphs (1), (2), or (3) of subsection (b),
15 the Secretary is authorized to enter into contracts
16 under which the Federal Government, contingent on
17 the financial success of the eligible business, would
18 participate in the gains of the eligible business or its
19 security holders through the use of such instruments
20 as warrants, stock options, common or preferred
21 stock, or other appropriate equity instruments, pro-
22 vided that the Secretary shall not exercise voting
23 power with respect to any shares of common stock
24 so acquired.

1 (e) DEPOSIT OF PROCEEDS.—Amounts collected by
2 the Secretary under this section, including the repayment
3 of principal, proceeds of investments, earnings, and inter-
4 est collected, shall be deposited as follows:

5 (1) Amounts collected under paragraphs (1) or
6 (2) of subsection (b) shall be deposited in the Air-
7 port and Airway Trust Fund under section 9502 of
8 the Internal Revenue Code of 1986 up to the
9 amount of the difference between—

10 (A) the amount of deposits in such fund
11 forecast in such fund's budget for fiscal year
12 2020; and

13 (B) the amount deposited in such fund
14 during fiscal year 2020.

15 (2) Amounts collected under paragraphs (3) or
16 (4) of subsection (b) and any amount collected
17 under paragraphs (1) or (2) of subsection (b) that
18 is not deposited in the Airport and Airway Trust
19 Fund under the preceding subparagraph, shall be
20 deposited in the Treasury as miscellaneous receipts.

21 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
22 any other provision of law, the Secretary may use not
23 greater than \$100,000,000 of the funds made available
24 under this section to pay costs and administrative ex-
25 penses associated with the loans, loan guarantees, and

1 other investments authorized under this section. The Sec-
2 retary is authorized to take such actions as the Secretary
3 deems necessary to carry out the authorities in this chap-
4 ter, including, without limitation—

5 (1) using direct hiring authority to hire employ-
6 ees to administer this title;

7 (2) entering into contracts, including contracts
8 for services authorized by this title;

9 (3) establishing vehicles that are authorized,
10 subject to supervision by the Secretary, to purchase,
11 hold, and sell assets and issue obligations; and

12 (4) issuing such regulations and other guidance
13 as may be necessary or appropriate to carry out the
14 authorities or purposes of this title.

15 (g) FINANCIAL AGENTS.—The Secretary is author-
16 ized to designate financial institutions, including but not
17 limited to, depositories, brokers, dealers, and other institu-
18 tions, as financial agents of the United States. Such insti-
19 tutions shall—

20 (1) perform all reasonable duties the Secretary
21 determines necessary to respond to the coronavirus;
22 and

23 (2) shall be paid for such duties using appro-
24 priations available to the Secretary to reimburse fi-

1 nancial institutions in their capacity as financial
2 agents of the United States.

3 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
4 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
5 NESS FOR TAX PURPOSES.—

6 (1) IN GENERAL.—Any loan made by or guar-
7 anteed by the Department of the Treasury under
8 this section shall be treated as indebtedness for pur-
9 poses of the Internal Revenue Code of 1986, shall be
10 treated as issued for its stated principal amount,
11 and stated interest on such loans shall be treated as
12 qualified stated interest.

13 (2) REGULATIONS OR GUIDANCE.—The Sec-
14 retary of the Treasury (or the Secretary's delegate)
15 shall prescribe such regulations or guidance as may
16 be necessary or appropriate to carry out the pur-
17 poses of this section, including guidance providing
18 that the acquisition of warrants, stock options, com-
19 mon or preferred stock or other equity under this
20 section does not result in an ownership change for
21 purposes of section 382 of the Internal Revenue
22 Code of 1986.

1 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
2 **PENSATION.**

3 (a) IN GENERAL.—The Secretary may only enter into
4 an agreement directly with an eligible business to make
5 a loan or loan guarantee under paragraph (1), (2), or (3)
6 of section 4003(b) if such agreement provides that, during
7 the 2-year period beginning March 1, 2020, and ending
8 March 1, 2022, no officer or employee of the eligible busi-
9 ness whose total compensation exceeded \$425,000 in cal-
10 endar year 2019 (other than an employee whose com-
11 pensation is determined through an existing collective bar-
12 gaining agreement entered into prior to March 1, 2020)—

13 (1) will receive from the eligible business total
14 compensation which exceeds, during any 12 consecu-
15 tive months of such 2-year period, the total com-
16 pensation received by the officer or employee from
17 the eligible business in calendar year 2019; and

18 (2) will receive from the eligible business sever-
19 ance pay or other benefits upon termination of em-
20 ployment with the eligible business which exceeds
21 twice the maximum total compensation received by
22 the officer or employee from the eligible business in
23 calendar year 2019.

24 (b) TOTAL COMPENSATION DEFINED.—In this sec-
25 tion, the term “total compensation” includes salary, bo-
26 nuses, awards of stock, and other financial benefits pro-

1 vided by an eligible business to an officer or employee of
2 the eligible business.

3 **SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

4 The Secretary of Transportation is authorized to re-
5 quire, to the extent reasonable and practicable, an air car-
6 rier receiving loans and loan guarantees under section
7 4003 to maintain scheduled air transportation service as
8 the Secretary of Transportation deems necessary to ensure
9 services to any point served by that carrier before March
10 1, 2020. When considering whether to exercise the author-
11 ity granted by this section, the Secretary of Transpor-
12 tation shall take into consideration the air transportation
13 needs of small and remote communities. The authority
14 under this section, including any requirement issued by
15 the Secretary under this section, shall terminate on March
16 1, 2022.

17 **SEC. 4006. COORDINATION WITH SECRETARY OF TRANS-**
18 **PORTATION.**

19 In implementing this title with respect to air carriers,
20 the Secretary shall coordinate with the Secretary of
21 Transportation.

22 **SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE**
23 **TAXES.**

24 (a) **TRANSPORTATION BY AIR.**—In the case of any
25 amount paid for transportation by air (including any

1 amount treated as paid for transportation by air by reason
2 of section 4261(e)(3) of the Internal Revenue Code of
3 1986) during the excise tax holiday period, no tax shall
4 be imposed under section 4261 or 4271 of such Code. The
5 preceding sentence shall not apply to amounts paid on or
6 before the date of the enactment of this Act.

7 (b) USE OF KEROSENE IN COMMERCIAL AVIATION.—
8 In the case of kerosene used in commercial aviation (as
9 defined in section 4083 of the Internal Revenue Code of
10 1986) during the excise tax holiday period—

11 (1) no tax shall be imposed on such kerosene
12 under—

13 (A) section 4041(c) of the Internal Rev-
14 enue Code of 1986, or

15 (B) section 4081 of such Code (other than
16 at the rate provided in subsection (a)(2)(B)
17 thereof), and

18 (2) section 6427(l) of such Code shall be ap-
19 plied—

20 (A) by treating such use as a nontaxable
21 use, and

22 (B) without regard to paragraph (4)(A)(ii)
23 thereof.

24 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
25 this section, the term “excise tax holiday period” means

1 the period beginning after the date of the enactment of
2 this section and ending before January 1, 2021.

3 **SEC. 4008. TRANSACTION ACCOUNT GUARANTEE AUTHOR-**
4 **ITY.**

5 (a) Section 1105 of the Dodd-Frank Wall Street Re-
6 form and Consumer Protection Act (12 U.S.C. 5612) is
7 amended—

8 (1) in subsection (f), by striking “shall not”
9 and inserting “may”; and

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

11 “(h) APPROVAL OF GUARANTEE PROGRAM DURING
12 THE COVID-19 CRISIS.—For purposes of the congressional
13 joint resolution of approval provided for in subsections
14 (c)(1) and (2) and (d), notwithstanding any other provi-
15 sion of this section, the Federal Deposit Insurance Cor-
16 poration is approved upon enactment of this Act to estab-
17 lish a program provided for in subsection (a) without a
18 maximum guarantee provided that any such program and
19 any such guarantee shall terminate not later than Decem-
20 ber 31, 2020.”.

21 (b) FEDERAL CREDIT UNION TRANSACTION AC-
22 COUNT GUARANTEES.—Notwithstanding any other provi-
23 sion of law and in coordination with the Federal Deposit
24 Insurance Corporation, the National Credit Union Admin-
25 istration Board may by a vote of the Board increase to

1 unlimited, or such lower amount as the Board approves,
2 the share insurance coverage provided by the National
3 Credit Union Share Insurance Fund on any noninterest-
4 bearing transaction account in any federally insured credit
5 union without exception, provided that any such increase
6 shall terminate not later than December 31, 2020.

7 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
8 **ACT RELIEF.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), notwithstanding any other provision of law, if the
11 Chairman of the Board of Governors of the Federal Re-
12 serve System determines, in writing, that unusual and exi-
13 gent circumstances exist, the Board may conduct meetings
14 without regard to the requirements of section 552b of title
15 5, United States Code, during the period beginning on the
16 date of enactment of this Act and ending on the earlier
17 of—

18 (1) the date on which the public health emer-
19 gency declared by the Secretary of Health and
20 Human Services on January 31, 2020, under section
21 319 of the Public Health Service Act (42 U.S.C.
22 247d), terminates; or

23 (2) December 31, 2020.

24 (b) RECORDS.—The Board of Governors of the Fed-
25 eral Reserve System shall keep a record of all Board votes

1 and the reasons for such votes during the period described
2 in subsection (a).

3 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

4 (a) DEFINITION.—In this section, the term “covered
5 period” means the period beginning on the date of enact-
6 ment of this Act and ending on the sooner of—

7 (1) the termination date of the public health
8 emergency declared by the Secretary of Health and
9 Human Services on January 31, 2020, under section
10 319 of the Public Health Services Act (42 U.S.C.
11 247d) in response to COVID–19; or

12 (2) December 31, 2020.

13 (b) AUTHORITY.— During the covered period, the
14 Secretary of Housing and Urban Development and the Se-
15 curities and Exchange Commission may, without regard
16 to sections 3309 through 3318 of title 5, United States
17 Code, recruit and appoint candidates to fill temporary and
18 term appointments within their respective agencies upon
19 a determination that those expedited procedures are nec-
20 essary and appropriate to enable the respective agencies
21 to prevent, prepare for, or respond to COVID–19.

22 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

23 (a) IN GENERAL.—Section 5200 of the Revised Stat-
24 utes of the United States (12 U.S.C. 84) is amended—

25 (1) in subsection (c)(7)—

1 (A) by inserting “any nonbank financial
2 company (as that term is defined in section 102
3 of the Financial Stability Act of 2010 (12
4 U.S.C. 5311)),” after “Loans or extensions of
5 credit to”; and

6 (B) by striking “financial institution or to”
7 and inserting “financial institution, or to”; and

8 (2) in subsection (d), by adding at the end of
9 paragraph (1) the following: “The Comptroller of
10 the Currency may, by order, exempt any transaction
11 or series of transactions from the requirements of
12 this section upon a finding by the Comptroller that
13 such exemption is in the public interest and con-
14 sistent with the purposes of this section.”.

15 (b) EFFECTIVE PERIOD.—This section, and the
16 amendments made by this section, shall be effective during
17 the period beginning on the date of enactment of this Act
18 and ending on the sooner of—

19 (1) the termination date of the public health
20 emergency declared by the Secretary of Health and
21 Human Services on January 31, 2020, under section
22 319 of the Public Health Services Act (42 U.S.C.
23 247d) in response to COVID–19; or

24 (2) December 31, 2020.

1 **SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “appropriate Federal banking
4 agency” has the meaning given the term in section
5 2 of the Economic Growth, Regulatory Relief, and
6 Consumer Protection Act (12 U.S.C. 5365 note);
7 and

8 (2) the terms “Community Bank Leverage
9 Ratio” and “qualifying community bank” have the
10 meanings given the terms in section 201(a) of the
11 Economic Growth, Regulatory Relief, and Consumer
12 Protection Act (12 U.S.C. 5371 note).

13 (b) INTERIM RULE.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law or regulation, the appropriate Fed-
16 eral banking agencies shall issue an interim final
17 rule that provides that, for the purposes of section
18 201 of the Economic Growth, Regulatory Relief, and
19 Consumer Protection Act (12 U.S.C. 5371 note)—

20 (A) the Community Bank Leverage Ratio
21 shall be 8 percent; and

22 (B) a qualifying community bank that falls
23 below the Community Bank Leverage Ratio es-
24 tablished under subparagraph (A) shall have a
25 reasonable grace period to satisfy the Commu-
26 nity Bank Leverage Ratio.

1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—

6 (A) the termination date of the public
7 health emergency declared by the Secretary of
8 Health and Human Services on January 31,
9 2020, under section 319 of the Public Health
10 Services Act (42 U.S.C. 247d) in response to
11 COVID–19; or

12 (B) December 31, 2020.

13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in paragraph (1)(B), a qualifying community bank
15 to which the grace period applies may continue to be treat-
16 ed as a qualifying community bank and shall be presumed
17 to satisfy the capital and leverage requirements described
18 in section 201(c) of the Economic Growth, Regulatory Re-
19 lief, and Consumer Protection Act (12 U.S.C. 5371 note).

20 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
21 **RESTRUCTURINGS.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPLICABLE PERIOD.—The term “applica-
24 ble period” means the period beginning on March 1,
25 2020 and ending on the date 60 days after the date

1 on which the public health emergency declared by
2 the Secretary of Health and Human Services on
3 January 31, 2020, under section 319 of the Public
4 Health Service Act (42 U.S.C. 247d), terminates.

5 (2) APPROPRIATE FEDERAL BANKING AGEN-
6 CY.—The term “appropriate Federal banking agen-
7 cy” has the meaning given the term in section 3 of
8 the Federal Deposit Insurance Act (12 U.S.C.
9 1813).

10 (b) SUSPENSION.—

11 (1) IN GENERAL.—During the applicable pe-
12 riod, a financial institution may elect to—

13 (A) suspend the requirements under
14 United States generally accepted accounting
15 principles for loan modifications related to the
16 coronavirus disease 2019 (COVID–19) pan-
17 demic that would otherwise be categorized as a
18 troubled debt restructuring; and

19 (B) suspend any determination of a loan
20 modified as a result of the effects of the
21 coronavirus disease 2019 (COVID–19) pan-
22 demic as being a troubled debt restructuring,
23 including impairment for accounting purposes.

24 (2) APPLICABILITY.—Any suspension under
25 paragraph (1)—

1 (A) shall be applicable for the term of the
2 loan modification, but solely with respect to any
3 modification, including a forbearance arrange-
4 ment, an interest rate modification, a repay-
5 ment plan, and any other similar arrangement
6 that defers or delays the payment of principal
7 or interest, that occurs during the applicable
8 period for a loan that was not more than 30
9 days past due as of December 31, 2019; and

10 (B) shall not apply to any adverse impact
11 on the credit of a borrower that is not related
12 to the coronavirus disease 2019 (COVID-19)
13 pandemic.

14 (c) DEFERENCE.—The appropriate Federal banking
15 agency of the financial institution shall defer to the deter-
16 mination of the financial institution to make a suspension
17 under this section.

18 (d) RECORDS.—For modified loans for which suspen-
19 sions under subsection (a) apply—

20 (1) financial institutions should continue to
21 maintain records of the volume of loans involved;
22 and

23 (2) the appropriate Federal banking agencies
24 may collect data about such loans for supervisory
25 purposes.

1 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
2 **EXPECTED CREDIT LOSSES.**

3 (a) DEFINITIONS.—In this section, the terms “appro-
4 priate Federal banking agency” and “insured depository
5 institution” have the same meanings as in section 3 of
6 the Federal Deposit Insurance Act.

7 (b) TEMPORARY RELIEF FROM CECL STAND-
8 ARDS.—Notwithstanding any other provision of law, no in-
9 sured depository institution, bank holding company, or
10 any affiliate thereof shall be required to comply with the
11 Financial Accounting Standards Board Accounting Stand-
12 ards Update No. 2016–13 (“Measurement of Credit
13 Losses on Financial Instruments”), including the current
14 expected credit losses methodology for estimating allow-
15 ances for credit losses, during the period beginning on the
16 date of enactment of this Act and ending on the earlier
17 of—

18 (1) the date on which the public health emer-
19 gency declared by the Secretary of Health and
20 Human Services on January 31, 2020, under section
21 319 of the Public Health Service Act (42 U.S.C.
22 247d), terminates; or

23 (2) December 31, 2020.

1 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
2 **DURING NATIONAL EMERGENCY.**

3 (a) IN GENERAL.—Section 131 of the Emergency
4 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
5 shall not apply during the period beginning on the date
6 of enactment of this Act and ending on December 31,
7 2020. Any guarantee established as a result of the applica-
8 tion of subsection (a) shall terminate not later than De-
9 cember 31, 2020.

10 (b) DIRECT APPROPRIATION.—Upon the expiration
11 of the period described in subsection (a), there is appro-
12 priated, out of amounts in the Treasury not otherwise ap-
13 propriated, such sums as may be necessary to reimburse
14 the fund established under section 5302(a)(1) of title 31,
15 United States Code, for any funds that are used for the
16 Treasury Money Market Funds Guaranty Program for the
17 United States money market mutual fund industry to the
18 extent a claim payment made exceeds the balance of fees
19 collected by the fund.

20 **SEC. 4016. INCREASING ACCESS TO MATERIALS NECESSARY**
21 **FOR NATIONAL SECURITY AND PANDEMIC**
22 **RECOVERY.**

23 Notwithstanding any other provision of law—

24 (1) during the 2-year period beginning on the
25 date of enactment of this Act, the requirements de-
26 scribed in sections 303(a)(6)(C) and 304(e) of the

1 Defense Production Act of 1950 (50 U.S.C.
2 4533(a)(6)(C), 4534(e)) shall not apply; and

3 (2) during the 1-year period beginning on the
4 date of enactment of this Act, the requirements de-
5 scribed in sections 302(d)(1) and 303 (a)(6)(B) of
6 the Defense Production Act of 1950 (50 U.S.C.
7 4532(d)(1), 4533(a)(6)(B)) shall not apply.

8 **SEC. 4017. REPORTS.**

9 (a) SECRETARY.—The Secretary shall, with respect
10 to the loans, loan guarantees, and other investments under
11 paragraphs (1), (2), and (3) of section 4003(b), make
12 such reports as are required under section 5302(c) of title
13 31, United States Code, provided that the names of appli-
14 cable eligible businesses, States, and municipalities and
15 the amounts of individual loans or loan guarantees may
16 be disclosed on a delayed basis of up to 6 months, if nec-
17 essary and appropriate to promote the stability of United
18 States financial markets or the safety and soundness of
19 eligible businesses, States, and municipalities.

20 (b) GOVERNMENT ACCOUNTABILITY OFFICE.—

21 (1) STUDY.—The Comptroller General of the
22 United States shall conduct a study on the loans,
23 loan guarantees, and other investments provided
24 under section 4003.

1 (2) REPORT.—Not later than 9 months after
2 the date of enactment of this Act, and annually
3 thereafter through the year succeeding the last year
4 for which loans or loan guarantees provided under
5 section 4003 are outstanding, the Comptroller Gen-
6 eral shall submit to the Committee on Banking,
7 Housing and Urban Affairs, Committee on Trans-
8 portation and Infrastructure, the Committee on Ap-
9 propriations, and the Committee on the Budget of
10 the House of Representatives and the Committee on
11 Commerce, Science, and Transportation, the Com-
12 mittee on Appropriations, and the Committee on the
13 Budget of the Senate a report on the loans and loan
14 guarantees provided under section 4003.

15 **SEC. 4018. DIRECT APPROPRIATION.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, there is appropriated, out of amounts in the
18 Treasury not otherwise appropriated, to the fund estab-
19 lished under section 5302(a)(1) of title 31, United States
20 Code, \$500,000,000,000 to carry out this title.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 5302(a) of title 31, United States Code, is amend-
23 ed—

24 (1) by striking “and” before “section 3”; and

1 (2) by inserting “and the Coronavirus Eco-
2 nomic Stabilization Act of 2020,” before “and for
3 investing”.

4 **SEC. 4019. RULE OF CONSTRUCTION.**

5 Nothing in this title shall be construed to allow the
6 Secretary to provide relief to eligible businesses, States,
7 and municipalities except in the form of loans, loan guar-
8 antees, and other investments as provided in this title and
9 under terms and conditions that are in the interest of the
10 Federal Government.

11 **SEC. 4020. TERMINATION OF AUTHORITY.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), on December 31, 2020, the authority provided under
14 this title to make new loans, loan guarantees, or other in-
15 vestments shall terminate.

16 (b) OUTSTANDING.—Any loan, loan guarantee, or
17 other investment outstanding on the date described in sub-
18 section (a) may be modified, restructured, or otherwise
19 amended.

20 **DIVISION B—EMERGENCY AP-**
21 **PROPRIATIONS FOR**
22 **CORONAVIRUS HEALTH RE-**
23 **SPONSE AND AGENCY OPER-**
24 **ATIONS**