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AMENDMENT NO.llll Calendar No.lll

Purpose: Providing emergency assistance and health care response

for individuals, 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 llllllllll 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 lllllll

Viz:

1 Strike all after the enacting clause and insert the fol2

lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the ‘‘Coronavirus Aid, Re5

lief, and Economic Security Act’’ or the ‘‘CARES Act’’.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH

CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED

ACT

Sec. 1101. Definitions.

Sec. 1102. Paycheck protection program.

Sec. 1103. Entrepreneurial development.

Sec. 1104. State trade expansion program.

Sec. 1105. Waiver of matching funds requirement under the women’s business

center program.

Sec. 1106. Loan forgiveness.

Sec. 1107. Direct appropriations.

Sec. 1108. Minority business development agency.

Sec. 1109. United States Treasury Program Management Authority.

Sec. 1110. Emergency EIDL grants.

Sec. 1111. Resources and services in languages other than English.

Sec. 1112. Subsidy for certain loan payments.

Sec. 1113. Bankruptcy.

Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND

BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.

Sec. 2102. Pandemic Unemployment Assistance.

Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit

organizations.

Sec. 2104. Emergency increase in unemployment compensation benefits.

Sec. 2105. Temporary full Federal funding of the first week of compensable

regular unemployment for States with no waiting week.

Sec. 2106. Emergency State staffing flexibility.

Sec. 2107. Pandemic emergency unemployment compensation.

Sec. 2108. Temporary financing of short-time compensation payments in States

with programs in law.

Sec. 2109. Temporary financing of short-time compensation agreements.

Sec. 2110. Grants for short-time compensation programs.

Sec. 2111. Assistance and guidance in implementing programs.

Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad

Unemployment Insurance Act.

Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance

Act.

Sec. 2114. Extended unemployment benefits under the Railroad Unemployment

Insurance Act.

Sec. 2115. Funding for the DOL Office of Inspector General for oversight of

unemployment provisions.

Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.

Sec. 2202. Special rules for use of retirement funds.

Sec. 2203. Temporary waiver of required minimum distribution rules for certain

retirement plans and accounts.

Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.

Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to

COVID-19.

Sec. 2302. Delay of payment of employer payroll taxes.

Sec. 2303. Modifications for net operating losses.

Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.

Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.

Sec. 2306. Modifications of limitation on business interest.

Sec. 2307. Technical amendments regarding qualified improvement property.

Sec. 2308. Temporary exception from excise tax for alcohol used to produce

hand sanitizer.

TITLE III—SUPPORTING AMERICA’S HEALTH CARE SYSTEM IN

THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Sec. 3001. Short title.

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SUBPART A—MEDICAL PRODUCT SUPPLIES

Sec. 3101. National Academies report on America’s medical product supply

chain security.

Sec. 3102. Requiring the strategic national stockpile to include certain types of

medical supplies.

Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

Sec. 3111. Prioritize reviews of drug applications; incentives.

Sec. 3112. Additional manufacturer reporting requirements in response to drug

shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

Sec. 3121. Discontinuance or interruption in the production of medical devices.

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Sec. 3202. Pricing of diagnostic testing.

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Sec. 3213. Rural health care services outreach, rural health network development,

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grant programs.

Sec. 3214. United States Public Health Service Modernization.

Sec. 3215. Limitation on liability for volunteer health care professionals during

COVID-19 emergency response.

Sec. 3216. Flexibility for members of National Health Service Corps during

emergency period.

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Sec. 3222. Nutrition services.

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Sec. 3224. Guidance on protected health information.

Sec. 3225. Reauthorization of healthy start program.

Sec. 3226. Importance of the blood supply.

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Sec. 3301. Removing the cap on OTA during public health emergencies.

Sec. 3302. Priority zoonotic animal drugs.

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Sec. 3401. Reauthorization of health professions workforce programs.

Sec. 3402. Health workforce coordination.

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Sec. 3503. Campus-based aid waivers.

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Sec. 3505. Federal work-study during a qualifying emergency.

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Sec. 3509. Satisfactory academic progress.

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Sec. 3513. Temporary relief for federal student loan borrowers.

Sec. 3514. Provisions related to the Corporation for National and Community

Service.

Sec. 3515. Workforce response activities.

Sec. 3516. Technical amendments.

Sec. 3517. Waiver authority and reporting requirement for institutional aid.

Sec. 3518. Authorized uses and other modifications for grants.

Sec. 3519. Service obligations for teachers.

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Subtitle C—Labor Provisions

Sec. 3601. Limitation on paid leave.

Sec. 3602. Emergency Paid Sick Leave Act Limitation.

Sec. 3603. Unemployment insurance.

Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.

Sec. 3605. Paid leave for rehired employees.

Sec. 3606. Advance refunding of credits.

Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.

Sec. 3608. Single-employer plan funding rules.

Sec. 3609. Application of cooperative and small employer charity pension plan

rules to certain charitable employers whose primary exempt

purpose is providing services with respect to mothers and children.

Sec. 3610. Federal contractor authority.

Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.

Sec. 3702. Inclusion of certain over-the-counter medical products as qualified

medical expenses.

Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.

Sec. 3704. Enhancing Medicare telehealth services for Federally qualified

health centers and rural health clinics during emergency period.

Sec. 3705. Temporary waiver of requirement for face-to-face visits between

home dialysis patients and physicians.

Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification

of eligibility for hospice care during emergency period.

Sec. 3707. Encouraging use of telecommunications systems for home health

services furnished during emergency period.

Sec. 3708. Improving care planning for Medicare home health services.

Sec. 3709. Adjustment of sequestration.

Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment

for COVID–19 patients during emergency period.

Sec. 3711. Increasing access to post-acute care during emergency period.

Sec. 3712. Revising payment rates for durable medical equipment under the

Medicare program through duration of emergency period.

Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare

program without any cost-sharing.

Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to

allow during the COVID-19 emergency period for fills and refills

of covered part D drugs for up to a 3-month supply.

Sec. 3715. Providing home and community-based services in acute care hospitals.

Sec. 3716. Clarification regarding uninsured individuals.

Sec. 3717. Clarification regarding coverage of COVID-19 testing products.

Sec. 3718. Amendments relating to reporting requirements with respect to clinical

diagnostic laboratory tests.

Sec. 3719. Expansion of the Medicare hospital accelerated payment program

during the COVID-19 public health emergency.

Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation

necessary for compliance.

Subtitle E—Health and Human Services Extenders

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PART I—MEDICARE PROVISIONS

Sec. 3801. Extension of the work geographic index floor under the Medicare

program.

Sec. 3802. Extension of funding for quality measure endorsement, input, and

selection.

Sec. 3803. Extension of funding outreach and assistance for low-income programs.

PART II—MEDICAID PROVISIONS

Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration

program.

Sec. 3812. Extension of spousal impoverishment protections.

Sec. 3813. Delay of DSH reductions.

Sec. 3814. Extension and expansion of Community Mental Health Services

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Sec. 3821. Extension of sexual risk avoidance education program.

Sec. 3822. Extension of personal responsibility education program.

Sec. 3823. Extension of demonstration projects to address health professions

workforce needs.

Sec. 3824. Extension of the temporary assistance for needy families program

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PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service

Corps, and teaching health centers that operate GME programs.

Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without

an approved drug application.

Sec. 3852. Misbranding.

Sec. 3853. Drugs excluded from the over-the-counter drug review.

Sec. 3854. Treatment of Sunscreen Innovation Act.

Sec. 3855. Annual update to Congress on appropriate pediatric indication for

certain OTC cough and cold drugs.

Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

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Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY

DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.

Sec. 4002. Definitions.

Sec. 4003. Emergency relief and taxpayer protections.

Sec. 4004. Limitation on certain employee compensation.

Sec. 4005. Continuation of certain air service.

Sec. 4006. Coordination with Secretary of Transportation.

Sec. 4007. Suspension of certain aviation excise taxes.

Sec. 4008. Debt guarantee authority.

Sec. 4009. Temporary Government in the Sunshine Act relief.

Sec. 4010. Temporary hiring flexibility.

Sec. 4011. Temporary lending limit waiver.

Sec. 4012. Temporary relief for community banks.

Sec. 4013. Temporary relief from troubled debt restructurings.

Sec. 4014. Optional temporary relief from current expected credit losses.

Sec. 4015. Non-applicability of restrictions on ESF during national emergency.

Sec. 4016. Temporary credit union provisions.

Sec. 4017. Increasing access to materials necessary for national security and

pandemic recovery.

Sec. 4018. Special Inspector General for Pandemic Recovery.

Sec. 4019. Conflicts of interest.

Sec. 4020. Congressional Oversight Commission.

Sec. 4021. Credit protection during COVID–19.

Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.

Sec. 4023. Forbearance of residential mortgage loan payments for multifamily

properties with federally backed loans.

Sec. 4024. Temporary moratorium on eviction filings.

Sec. 4025. Protection of collective bargaining agreement.

Sec. 4026. Reports.

Sec. 4027. Direct appropriation.

Sec. 4028. Rule of construction.

Sec. 4029. Termination of authority.

Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.

Sec. 4112. Pandemic relief for aviation workers.

Sec. 4113. Procedures for providing payroll support.

Sec. 4114. Required assurances.

Sec. 4115. Protection of collective bargaining agreement.

Sec. 4116. Limitation on certain employee compensation.

Sec. 4117. Tax payer protection.

Sec. 4118. Reports.

Sec. 4119. Coordination.

Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.

Sec. 6002. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS

HEALTH RESPONSE AND AGENCY OPERATIONS

1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference

3 to ‘‘this Act’’ contained in any division of this Act shall

4 be treated as referring only to the provisions of that divi5

sion.

6 **DIVISION A—KEEPING WORKERS**

7 **PAID AND EMPLOYED,**

8 **HEALTH CARE SYSTEM EN**9

**HANCEMENTS, AND ECO**10

**NOMIC STABILIZATION**

11 **TITLE I—KEEPING AMERICAN**

12 **WORKERS PAID AND EM**13

**PLOYED ACT**

14 **SEC. 1101. DEFINITIONS.**

15 In this title—

16 (1) the terms ‘‘Administration’’ and ‘‘Adminis17

trator’’ mean the Small Business Administration

18 and the Administrator thereof, respectively; and

19 (2) the term ‘‘small business concern’’ has the

20 meaning given the term in section 3 of the Small

21 Business Act (15 U.S.C. 636).

9

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi3

ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter

6 preceding clause (i), by striking ‘‘and (E)’’ and

7 inserting ‘‘(E), and (F)’’; and

8 (B) by adding at the end the following:

9 ‘‘(F) PARTICIPATION IN THE PAYCHECK

10 PROTECTION PROGRAM.—In an agreement to

11 participate in a loan on a deferred basis under

12 paragraph (36), the participation by the Admin13

istration shall be 100 percent.’’; and

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

15 ‘‘(36) PAYCHECK PROTECTION PROGRAM.—

16 ‘‘(A) DEFINITIONS.—In this paragraph—

17 ‘‘(i) the terms ‘appropriate Federal

18 banking agency’ and ‘insured depository

19 institution’ have the meanings given those

20 terms in section 3 of the Federal Deposit

21 Insurance Act (12 U.S.C. 1813);

22 ‘‘(ii) the term ‘covered loan’ means a

23 loan made under this paragraph during the

24 covered period;

10

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1 ‘‘(iii) the term ‘covered period’ means

2 the period beginning on February 15, 2020

3 and ending on June 30, 2020;

4 ‘‘(iv) the term ‘eligible recipient’

5 means an individual or entity that is eligi6

ble to receive a covered loan;

7 ‘‘(v) the term ‘eligible self-employed

8 individual’ has the meaning given the term

9 in section 7002(b) of the Families First

10 Coronavirus Response Act (Public Law

11 116–127);

12 ‘‘(vi) the term ‘insured credit union’

13 has the meaning given the term in section

14 101 of the Federal Credit Union Act (12

15 U.S.C. 1752);

16 ‘‘(vii) the term ‘nonprofit organiza17

tion’ means an organization that is de18

scribed in section 501(c)(3) of the Internal

19 Revenue Code of 1986 and that is exempt

20 from taxation under section 501(a) of such

21 Code;

22 ‘‘(viii) the term ‘payroll costs’—

23 ‘‘(I) means—

11

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1 ‘‘(aa) the sum of payments

2 of any compensation with respect

3 to employees that is a—

4 ‘‘(AA) salary, wage,

5 commission, or similar com6

pensation;

7 ‘‘(BB) payment of cash

8 tip or equivalent;

9 ‘‘(CC) payment for va10

cation, parental, family,

11 medical, or sick leave;

12 ‘‘(DD) allowance for

13 dismissal or separation;

14 ‘‘(EE) payment re15

quired for the provisions of

16 group health care benefits,

17 including insurance pre18

miums;

19 ‘‘(FF) payment of any

20 retirement benefit; or

21 ‘‘(GG) payment of

22 State or local tax assessed

23 on the compensation of em24

ployees; and

12

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1 ‘‘(bb) the sum of payments

2 of any compensation to or income

3 of a sole proprietor or inde4

pendent contractor that is a

5 wage, commission, income, net

6 earnings from self-employment,

7 or similar compensation and that

8 is in an amount that is not more

9 than $100,000 in 1 year, as pro10

rated for the covered period; and

11 ‘‘(II) shall not include—

12 ‘‘(aa) the compensation of

13 an individual employee in excess

14 of an annual salary of $100,000,

15 as prorated for the covered pe16

riod;

17 ‘‘(bb) taxes imposed or with18

held under chapters 21, 22, or 24

19 of the Internal Revenue Code of

20 1986 during the covered period;

21 ‘‘(cc) any compensation of

22 an employee whose principal

23 place of residence is outside of

24 the United States;

13

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1 ‘‘(dd) qualified sick leave

2 wages for which a credit is al3

lowed under section 7001 of the

4 Families First Coronavirus Re5

sponse Act (Public Law 116–

6 127); or

7 ‘‘(ee) qualified family leave

8 wages for which a credit is al9

lowed under section 7003 of the

10 Families First Coronavirus Re11

sponse Act (Public Law 116–

12 127); and

13 ‘‘(ix) the term ‘veterans organization’

14 means an organization that is described in

15 section 501(c)(19) of the Internal Revenue

16 Code that is exempt from taxation under

17 section 501(a) of such Code.

18 ‘‘(B) PAYCHECK PROTECTION LOANS.—

19 Except as otherwise provided in this paragraph,

20 the Administrator may guarantee covered loans

21 under the same terms, conditions, and processes

22 as a loan made under this subsection.

23 ‘‘(C) REGISTRATION OF LOANS.—Not later

24 than 15 days after the date on which a loan is

25 made under this paragraph, the Administration

14

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1 shall register the loan using the TIN (as de2

fined in section 7701 of the Internal Revenue

3 Code of 1986) assigned to the borrower.

4 ‘‘(D) INCREASED ELIGIBILITY FOR CER5

TAIN SMALL BUSINESSES AND ORGANIZA6

TIONS.—

7 ‘‘(i) IN GENERAL.—During the cov8

ered period, in addition to small business

9 concerns, any business concern, nonprofit

10 organization, veterans organization, or

11 Tribal business concern described in sec12

tion 31(b)(2)(C) shall be eligible to receive

13 a covered loan if the business concern,

14 nonprofit organization, veterans organiza15

tion, or Tribal business concern employs

16 not more than the greater of—

17 ‘‘(I) 500 employees; or

18 ‘‘(II) if applicable, the size stand19

ard in number of employees estab20

lished by the Administration for the

21 industry in which the business con22

cern, nonprofit organization, veterans

23 organization, or Tribal business con24

cern operates.

15

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1 ‘‘(ii) INCLUSION OF SOLE PROPRI2

ETORS, INDEPENDENT CONTRACTORS, AND

3 ELIGIBLE SELF-EMPLOYED INDIVID4

UALS.—

5 ‘‘(I) IN GENERAL.—During the

6 covered period, individuals who oper7

ate under a sole proprietorship or as

8 an independent contractor and eligible

9 self-employed individuals shall be eli10

gible to receive a covered loan.

11 ‘‘(II) DOCUMENTATION.—An eli12

gible self-employed individual, inde13

pendent contractor, or sole proprietor14

ship seeking a covered loan shall sub15

mit such documentation as is nec16

essary to establish such individual as

17 eligible, including payroll tax filings

18 reported to the Internal Revenue

19 Service, Forms 1099–MISC, and in20

come and expenses from the sole pro21

prietorship, as determined by the Ad22

ministrator and the Secretary.

23 ‘‘(iii) BUSINESS CONCERNS WITH

24 MORE THAN 1 PHYSICAL LOCATION.—Dur25

ing the covered period, any business con16

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1 cern that employs not more than 500 em2

ployees per physical location of the busi3

ness concern and that is assigned a North

4 American Industry Classification System

5 code beginning with 72 at the time of dis6

bursal shall be eligible to receive a covered

7 loan.

8 ‘‘(iv) WAIVER OF AFFILIATION

9 RULES.—During the covered period, the

10 provisions applicable to affiliations under

11 section 121.103 of title 13, Code of Fed12

eral Regulations, or any successor regula13

tion, are waived with respect to eligibility

14 for a covered loan for—

15 ‘‘(I) any business concern with

16 not more than 500 employees that, as

17 of the date on which the covered loan

18 is disbursed, is assigned a North

19 American Industry Classification Sys20

tem code beginning with 72;

21 ‘‘(II) any business concern oper22

ating as a franchise that is assigned a

23 franchise identifier code by the Ad24

ministration; and

17

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1 ‘‘(III) any business concern that

2 receives financial assistance from a

3 company licensed under section 301 of

4 the Small Business Investment Act of

5 1958 (15 U.S.C. 681).

6 ‘‘(v) EMPLOYEE.—For purposes of de7

termining whether a business concern, non8

profit organization, veterans organization,

9 or Tribal business concern described in

10 section 31(b)(2)(C) employs not more than

11 500 employees under clause (i)(I), the

12 term ‘employee’ includes individuals em13

ployed on a full-time, part-time, or other

14 basis.

15 ‘‘(vi) AFFILIATION.—The provisions

16 applicable to affiliations under section

17 121.103 of title 13, Code of Federal Regu18

lations, or any successor thereto, shall

19 apply with respect to a nonprofit organiza20

tion and a veterans organization in the

21 same manner as with respect to a small

22 business concern.

23 ‘‘(E) MAXIMUM LOAN AMOUNT.—During

24 the covered period, with respect to a covered

18

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1 loan, the maximum loan amount shall be the

2 lesser of—

3 ‘‘(i)(I) the sum of—

4 ‘‘(aa) the product obtained by

5 multiplying—

6 ‘‘(AA) the average total

7 monthly payments by the appli8

cant for payroll costs incurred

9 during the 1-year period before

10 the date on which the loan is

11 made, except that, in the case of

12 an applicant that is seasonal em13

ployer, as determined by the Ad14

ministrator, the average total

15 monthly payments for payroll

16 shall be for the 12-week period

17 beginning February 15, 2019, or

18 at the election of the eligible re19

cipient, March 1, 2019, and end20

ing June 30, 2019; by

21 ‘‘(BB) 2.5; and

22 ‘‘(bb) the outstanding amount of

23 a loan under subsection (b)(2) that

24 was made during the period beginning

25 on January 31, 2020 and ending on

19

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1 the date on which covered loans are

2 made available to be refinanced under

3 the covered loan; or

4 ‘‘(II) if requested by an otherwise eli5

gible recipient that was not in business

6 during the period beginning on February

7 15, 2019 and ending on June 30, 2019,

8 the sum of—

9 ‘‘(aa) the product obtained by

10 multiplying—

11 ‘‘(AA) the average total

12 monthly payments by the appli13

cant for payroll costs incurred

14 during the period beginning on

15 January 1, 2020 and ending on

16 February 29, 2020; by

17 ‘‘(BB) 2.5; and

18 ‘‘(bb) the outstanding amount of

19 a loan under subsection (b)(2) that

20 was made during the period beginning

21 on January 31, 2020 and ending on

22 the date on which covered loans are

23 made available to be refinanced under

24 the covered loan; or

25 ‘‘(ii) $10,000,000.

20

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1 ‘‘(F) ALLOWABLE USES OF COVERED

2 LOANS.—

3 ‘‘(i) IN GENERAL.—During the cov4

ered period, an eligible recipient may, in

5 addition to the allowable uses of a loan

6 made under this subsection, use the pro7

ceeds of the covered loan for—

8 ‘‘(I) payroll costs;

9 ‘‘(II) costs related to the continu10

ation of group health care benefits

11 during periods of paid sick, medical,

12 or family leave, and insurance pre13

miums;

14 ‘‘(III) employee salaries, commis15

sions, or similar compensations;

16 ‘‘(IV) payments of interest on

17 any mortgage obligation (which shall

18 not include any prepayment of or pay19

ment of principal on a mortgage obli20

gation);

21 ‘‘(V) rent (including rent under a

22 lease agreement);

23 ‘‘(VI) utilities; and

21

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1 ‘‘(VII) interest on any other debt

2 obligations that were incurred before

3 the covered period.

4 ‘‘(ii) DELEGATED AUTHORITY.—

5 ‘‘(I) IN GENERAL.—For purposes

6 of making covered loans for the pur7

poses described in clause (i), a lender

8 approved to make loans under this

9 subsection shall be deemed to have

10 been delegated authority by the Ad11

ministrator to make and approve cov12

ered loans, subject to the provisions of

13 this paragraph.

14 ‘‘(II) CONSIDERATIONS.—In eval15

uating the eligibility of a borrower for

16 a covered loan with the terms de17

scribed in this paragraph, a lender

18 shall consider whether the borrower—

19 ‘‘(aa) was in operation on

20 February 15, 2020; and

21 ‘‘(bb)(AA) had employees

22 for whom the borrower paid sala23

ries and payroll taxes; or

22

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1 ‘‘(BB) paid independent

2 contractors, as reported on a

3 Form 1099–MISC.

4 ‘‘(iii) ADDITIONAL LENDERS.—The

5 authority to make loans under this para6

graph shall be extended to additional lend7

ers determined by the Administrator and

8 the Secretary of the Treasury to have the

9 necessary qualifications to process, close,

10 disburse and service loans made with the

11 guarantee of the Administration.

12 ‘‘(iv) REFINANCE.—A loan made

13 under subsection (b)(2) during the period

14 beginning on January 31, 2020 and ending

15 on the date on which covered loans are

16 made available may be refinanced as part

17 of a covered loan.

18 ‘‘(v) NONRECOURSE.—Notwith19

standing the waiver of the personal guar20

antee requirement or collateral under sub21

paragraph (J), the Administrator shall

22 have no recourse against any individual

23 shareholder, member, or partner of an eli24

gible recipient of a covered loan for non25

payment of any covered loan, except to the

23

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1 extent that such shareholder, member, or

2 partner uses the covered loan proceeds for

3 a purpose not authorized under clause (i).

4 ‘‘(G) BORROWER REQUIREMENTS.—

5 ‘‘(i) CERTIFICATION.—An eligible re6

cipient applying for a covered loan shall

7 make a good faith certification—

8 ‘‘(I) that the uncertainty of cur9

rent economic conditions makes nec10

essary the loan request to support the

11 ongoing operations of the eligible re12

cipient;

13 ‘‘(II) acknowledging that funds

14 will be used to retain workers and

15 maintain payroll or make mortgage

16 payments, lease payments, and utility

17 payments;

18 ‘‘(III) that the eligible recipient

19 does not have an application pending

20 for a loan under this subsection for

21 the same purpose and duplicative of

22 amounts applied for or received under

23 a covered loan; and

24 ‘‘(IV) during the period begin25

ning on February 15, 2020 and end24

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1 ing on December 31, 2020, that the

2 eligible recipient has not received

3 amounts under this subsection for the

4 same purpose and duplicative of

5 amounts applied for or received under

6 a covered loan.

7 ‘‘(H) FEE WAIVER.—During the covered

8 period, with respect to a covered loan—

9 ‘‘(i) in lieu of the fee otherwise appli10

cable under paragraph (23)(A), the Ad11

ministrator shall collect no fee; and

12 ‘‘(ii) in lieu of the fee otherwise appli13

cable under paragraph (18)(A), the Ad14

ministrator shall collect no fee.

15 ‘‘(I) CREDIT ELSEWHERE.—During the

16 covered period, the requirement that a small

17 business concern is unable to obtain credit else18

where, as defined in section 3(h), shall not

19 apply to a covered loan.

20 ‘‘(J) WAIVER OF PERSONAL GUARANTEE

21 REQUIREMENT.—During the covered period,

22 with respect to a covered loan—

23 ‘‘(i) no personal guarantee shall be re24

quired for the covered loan; and

25

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1 ‘‘(ii) no collateral shall be required for

2 the covered loan.

3 ‘‘(K) MATURITY FOR LOANS WITH RE4

MAINING BALANCE AFTER APPLICATION OF

5 FORGIVENESS.—With respect to a covered loan

6 that has a remaining balance after reduction

7 based on the loan forgiveness amount under

8 section 1106 of the CARES Act—

9 ‘‘(i) the remaining balance shall con10

tinue to be guaranteed by the Administra11

tion under this subsection; and

12 ‘‘(ii) the covered loan shall have a

13 maximum maturity of 10 years from the

14 date on which the borrower applies for

15 loan forgiveness under that section.

16 ‘‘(L) INTEREST RATE REQUIREMENTS.—A

17 covered loan shall bear an interest rate not to

18 exceed 4 percent.

19 ‘‘(M) LOAN DEFERMENT.—

20 ‘‘(i) DEFINITION OF IMPACTED BOR21

ROWER.—

22 ‘‘(I) IN GENERAL.—In this sub23

paragraph, the term ‘impacted bor24

rower’ means an eligible recipient

25 that—

26

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1 ‘‘(aa) is in operation on

2 February 15, 2020; and

3 ‘‘(bb) has an application for

4 a covered loan that is approved

5 or pending approval on or after

6 the date of enactment of this

7 paragraph.

8 ‘‘(II) PRESUMPTION.—For pur9

poses of this subparagraph, an im10

pacted borrower is presumed to have

11 been adversely impacted by COVID–

12 19.

13 ‘‘(ii) DEFERRAL.—During the covered

14 period, the Administrator shall—

15 ‘‘(I) consider each eligible recipi16

ent that applies for a covered loan to

17 be an impacted borrower; and

18 ‘‘(II) require lenders under this

19 subsection to provide complete pay20

ment deferment relief for impacted

21 borrowers with covered loans for a pe22

riod of not less than 6 months, includ23

ing payment of principal, interest, and

24 fees, and not more than 1 year.

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1 ‘‘(iii) SECONDARY MARKET.—During

2 the covered period, with respect to a cov3

ered loan that is sold on the secondary

4 market, if an investor declines to approve

5 a deferral requested by a lender under

6 clause (ii), the Administrator shall exercise

7 the authority to purchase the loan so that

8 the impacted borrower may receive a defer9

ral for a period of not less than 6 months,

10 including payment of principal, interest,

11 and fees, and not more than 1 year.

12 ‘‘(iv) GUIDANCE.—Not later than 30

13 days after the date of enactment of this

14 paragraph, the Administrator shall provide

15 guidance to lenders under this paragraph

16 on the deferment process described in this

17 subparagraph.

18 ‘‘(N) SECONDARY MARKET SALES.—A cov19

ered loan shall be eligible to be sold in the sec20

ondary market consistent with this subsection.

21 The Administrator may not collect any fee for

22 any guarantee sold into the secondary market

23 under this subparagraph.

24 ‘‘(O) REGULATORY CAPITAL REQUIRE25

MENTS.—

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1 ‘‘(i) RISK WEIGHT.—With respect to

2 the appropriate Federal banking agencies

3 or the National Credit Union Administra4

tion Board applying capital requirements

5 under their respective risk-based capital re6

quirements, a covered loan shall receive a

7 risk weight of zero percent.

8 ‘‘(ii) TEMPORARY RELIEF FROM TDR

9 DISCLOSURES.—Notwithstanding any other

10 provision of law, an insured depository in11

stitution or an insured credit union that

12 modifies a covered loan in relation to

13 COVID–19-related difficulties in a trou14

bled debt restructuring on or after March

15 13, 2020, shall not be required to comply

16 with the Financial Accounting Standards

17 Board Accounting Standards Codification

18 Subtopic 310-40 (‘Receivables – Troubled

19 Debt Restructurings by Creditors’) for

20 purposes of compliance with the require21

ments of the Federal Deposit Insurance

22 Act (12 U.S.C. 1811 et seq.), until such

23 time and under such circumstances as the

24 appropriate Federal banking agency or the

25 National Credit Union Administration

29

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1 Board, as applicable, determines appro2

priate.

3 ‘‘(P) REIMBURSEMENT FOR PROC4

ESSING.—

5 ‘‘(i) IN GENERAL.—The Administrator

6 shall reimburse a lender authorized to

7 make a covered loan at a rate, based on

8 the balance of the financing outstanding at

9 the time of disbursement of the covered

10 loan, of—

11 ‘‘(I) 5 percent for loans of not

12 more than $350,000;

13 ‘‘(II) 3 percent for loans of more

14 than $350,000 and less than

15 $2,000,000; and

16 ‘‘(III) 1 percent for loans of not

17 less than $2,000,000.

18 ‘‘(ii) FEE LIMITS.—An agent that as19

sists an eligible recipient to prepare an ap20

plication for a covered loan may not collect

21 a fee in excess of the limits established by

22 the Administrator.

23 ‘‘(iii) TIMING.—A reimbursement de24

scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the

2 covered loan.

3 ‘‘(iv) SENSE OF THE SENATE.—It is

4 the sense of the Senate that the Adminis5

trator should issue guidance to lenders and

6 agents to ensure that the processing and

7 disbursement of covered loans prioritizes

8 small business concerns and entities in un9

derserved and rural markets, including vet10

erans and members of the military commu11

nity, small business concerns owned and

12 controlled by socially and economically dis13

advantaged individuals (as defined in sec14

tion 8(d)(3)(C)), women, and businesses in

15 operation for less than 2 years.

16 ‘‘(Q) DUPLICATION.—Nothing in this

17 paragraph shall prohibit a recipient of an eco18

nomic injury disaster loan made under sub19

section (b)(2) during the period beginning on

20 January 31, 2020 and ending on the date on

21 which covered loans are made available that is

22 for a purpose other than paying payroll costs

23 and other obligations described in subparagraph

24 (F) from receiving assistance under this para25

graph.

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1 ‘‘(R) WAIVER OF PREPAYMENT PEN2

ALTY.—Notwithstanding any other provision of

3 law, there shall be no prepayment penalty for

4 any payment made on a covered loan.’’.

5 (b) COMMITMENTS FOR 7(A) LOANS.—During the pe6

riod beginning on February 15, 2020 and ending on June

7 30, 2020—

8 (1) the amount authorized for commitments for

9 general business loans authorized under section 7(a)

10 of the Small Business Act (15 U.S.C. 636(a)), in11

cluding loans made under paragraph (36) of such

12 section, as added by subsection (a), shall be

13 $349,000,000,000; and

14 (2) the amount authorized for commitments for

15 such loans under the heading ‘‘BUSINESS LOANS

16 PROGRAM ACCOUNT’’ under the heading ‘‘SMALL

17 BUSINESS ADMINISTRATION’’ under title V of the

18 Consolidated Appropriations Act, 2020 (Public Law

19 116–93; 133 Stat. 2475) shall not apply.

20 (c) EXPRESS LOANS.—

21 (1) IN GENERAL.—Section 7(a)(31)(D) of the

22 Small Business Act (15 U.S.C. 636(a)(31)(D)) is

23 amended by striking ‘‘$350,000’’ and inserting

24 ‘‘$1,000,000’’.

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu2

ary 1, 2021, section 7(a)(31)(D) of the Small Busi3

ness Act (15 U.S.C. 636(a)(31)(D)) is amended by

4 striking ‘‘$1,000,000’’ and inserting ‘‘$350,000’’.

5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR

6 VETERANS.—Section 7(a)(31)(G) of the Small Business

7 Act (15 U.S.C. 636(a)(31)(G)) is amended—

8 (1) by striking clause (ii); and

9 (2) by redesignating clause (iii) as clause (ii).

10 (e) INTERIM RULE.—On and after the date of enact11

ment of this Act, the interim final rule published by the

12 Administrator entitled ‘‘Express Loan Programs: Affili13

ation Standards’’ (85 Fed. Reg. 7622 (February 10,

14 2020)) is permanently rescinded and shall have no force

15 or effect.

16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**

17 (a) DEFINITIONS.—In this section—

18 (1) the term ‘‘covered small business concern’’

19 means a small business concern that has experi20

enced, as a result of COVID–19—

21 (A) supply chain disruptions, including

22 changes in—

23 (i) quantity and lead time, including

24 the number of shipments of components

25 and delays in shipments;

33

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1 (ii) quality, including shortages in

2 supply for quality control reasons; and

3 (iii) technology, including a com4

promised payment network;

5 (B) staffing challenges;

6 (C) a decrease in gross receipts or cus7

tomers; or

8 (D) a closure;

9 (2) the term ‘‘resource partner’’ means—

10 (A) a small business development center;

11 and

12 (B) a women’s business center;

13 (3) the term ‘‘small business development cen14

ter’’ has the meaning given the term in section 3 of

15 the Small Business Act (15 U.S.C. 632); and

16 (4) the term ‘‘women’s business center’’ means

17 a women’s business center described in section 29 of

18 the Small Business Act (15 U.S.C. 656).

19 (b) EDUCATION, TRAINING, AND ADVISING

20 GRANTS.—

21 (1) IN GENERAL.—The Administration may

22 provide financial assistance in the form of grants to

23 resource partners to provide education, training, and

24 advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub2

section shall be used for the education, training, and

3 advising of covered small business concerns and

4 their employees on—

5 (A) accessing and applying for resources

6 provided by the Administration and other Fed7

eral resources relating to access to capital and

8 business resiliency;

9 (B) the hazards and prevention of the

10 transmission and communication of COVID–19

11 and other communicable diseases;

12 (C) the potential effects of COVID–19 on

13 the supply chains, distribution, and sale of

14 products of covered small business concerns and

15 the mitigation of those effects;

16 (D) the management and practice of

17 telework to reduce possible transmission of

18 COVID–19;

19 (E) the management and practice of re20

mote customer service by electronic or other

21 means;

22 (F) the risks of and mitigation of cyber

23 threats in remote customer service or telework

24 practices;

35

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1 (G) the mitigation of the effects of reduced

2 travel or outside activities on covered small

3 business concerns during COVID–19 or similar

4 occurrences; and

5 (H) any other relevant business practices

6 necessary to mitigate the economic effects of

7 COVID–19 or similar occurrences.

8 (3) GRANT DETERMINATION.—

9 (A) SMALL BUSINESS DEVELOPMENT CEN10

TERS.—The Administration shall award 80 per11

cent of funds authorized to carry out this sub12

section to small business development centers,

13 which shall be awarded pursuant to a formula

14 jointly developed, negotiated, and agreed upon,

15 with full participation of both parties, between

16 the association formed under section

17 21(a)(3)(A) of the Small Business Act (15

18 U.S.C. 648(a)(3)(A)) and the Administration.

19 (B) WOMEN’S BUSINESS CENTERS.—The

20 Administration shall award 20 percent of funds

21 authorized to carry out this subsection to wom22

en’s business centers, which shall be awarded

23 pursuant to a process established by the Ad24

ministration in consultation with recipients of

25 assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—

2 Matching funds shall not be required for any

3 grant under this subsection.

4 (4) GOALS AND METRICS.—

5 (A) IN GENERAL.—Goals and metrics for

6 the funds made available under this subsection

7 shall be jointly developed, negotiated, and

8 agreed upon, with full participation of both par9

ties, between the resource partners and the Ad10

ministrator, 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 lo15

cated in the areas covered by the resource

16 partner, particularly in rural areas or eco17

nomically distressed areas;

18 (ii) generally follow the use of funds

19 outlined in paragraph (2), but shall not re20

strict the activities of resource partners in

21 responding to unique situations; and

22 (iii) encourage resource partners to

23 develop and provide services to covered

24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis2

trator shall make publicly available the method3

ology by which the Administrator and resource

4 partners jointly develop the metrics and goals

5 described in subparagraph (A).

6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—

7 (1) IN GENERAL.—The Administrator may pro8

vide grants to an association or associations rep9

resenting resource partners under which the associa10

tion or associations shall establish a single central11

ized hub for COVID–19 information, which shall in12

clude—

13 (A) 1 online platform that consolidates re14

sources and information available across mul15

tiple Federal agencies for small business con16

cerns related to COVID–19; and

17 (B) a training program to educate resource

18 partner counselors, members of the Service

19 Corps of Retired Executives established under

20 section 8(b)(1)(B) of the Small Business Act

21 (15 U.S.C. 637(b)(1)(B)), and counselors at

22 veterans business outreach centers described in

23 section 32 of the Small Business Act (15

24 U.S.C. 657b) on the resources and information

25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics

2 for the funds made available under this subsection

3 shall be jointly developed, negotiated, and agreed

4 upon, with full participation of both parties, between

5 the association or associations receiving a grant

6 under this subsection and the Administrator.

7 (d) REPORT.—Not later than 6 months after the date

8 of enactment of this Act, and annually thereafter, the Ad9

ministrator shall submit to the Committee on Small Busi10

ness and Entrepreneurship of the Senate and the Com11

mittee on Small Business of the House of Representatives

12 a report that describes—

13 (1) with respect to the initial year covered by

14 the report—

15 (A) the programs and services developed

16 and provided by the Administration and re17

source partners under subsection (b);

18 (B) the initial efforts to provide those serv19

ices under subsection (b); and

20 (C) the online platform and training devel21

oped and provided by the Administration and

22 the association or associations under subsection

23 (c); and

24 (2) with respect to the subsequent years covered

25 by the report—

39

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1 (A) with respect to the grant program

2 under subsection (b)—

3 (i) the efforts of the Administrator

4 and resource partners to develop services

5 to assist covered small business concerns;

6 (ii) the challenges faced by owners of

7 covered small business concerns in access8

ing services provided by the Administration

9 and resource partners;

10 (iii) the number of unique covered

11 small business concerns that were served

12 by the Administration and resource part13

ners; and

14 (iv) other relevant outcome perform15

ance data with respect to covered small

16 business concerns, including the number of

17 employees affected, the effect on sales, the

18 disruptions of supply chains, and the ef19

forts made by the Administration and re20

source partners to mitigate these effects;

21 and

22 (B) with respect to the grant program

23 under subsection (c)—

24 (i) the efforts of the Administrator

25 and the association or associations to de40

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1 velop and evolve an online resource for

2 small business concerns; and

3 (ii) the efforts of the Administrator

4 and the association or associations to de5

velop a training program for resource part6

ner counselors, including the number of

7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph

10 (3)(C)(iii) of section 22(l) of the Small Business Act (15

11 U.S.C. 649(l)), for grants under the State Trade Expan12

sion Program under such section 22(l) using amounts

13 made available for fiscal year 2018 or fiscal year 2019,

14 the period of the grant shall continue through the end of

15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re17

imburse any recipient of assistance under section 22(l) of

18 the Small Business Act (15 U.S.C. 649(l)) for financial

19 losses relating to a foreign trade mission or a trade show

20 exhibition that was cancelled solely due to a public health

21 emergency declared due to COVID–19 if the reimburse22

ment does not exceed a recipient’s grant funding.

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1 **SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT**

2 **UNDER THE WOMEN’S BUSINESS CENTER**

3 **PROGRAM.**

4 During the 3-month period beginning on the date of

5 enactment of this Act, the requirement relating to obtain6

ing cash contributions from non-Federal sources under

7 section 29(c)(1) of the Small Business Act (15 U.S.C.

8 656(c)(1)) is waived for any recipient of assistance under

9 such section 29.

10 **SEC. 1106. LOAN FORGIVENESS.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term ‘‘covered loan’’ means a loan guar13

anteed under paragraph (36) of section 7(a) of the

14 Small Business Act (15 U.S.C. 636(a)), as added by

15 section 1102;

16 (2) the term ‘‘covered mortgage obligation’’

17 means any indebtedness or debt instrument incurred

18 in the ordinary course of business that—

19 (A) is a liability of the borrower;

20 (B) is a mortgage on real or personal

21 property; and

22 (C) was incurred before February 15,

23 2020;

24 (3) the term ‘‘covered period’’ means the 8-

25 week period beginning on the date of the origination

26 of a covered loan;

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1 (4) the term ‘‘covered rent obligation’’ means

2 rent obligated under a leasing agreement in force be3

fore February 15, 2020;

4 (5) the term ‘‘covered utility payment’’ means

5 payment for a service for the distribution of elec6

tricity, gas, water, transportation, telephone, or

7 internet access for which service began before Feb8

ruary 15, 2020;

9 (6) the term ‘‘eligible recipient’’ means the re10

cipient of a covered loan;

11 (7) the term ‘‘expected forgiveness amount’’

12 means the amount of principal that a lender reason13

ably expects a borrower to expend during the cov14

ered period on the sum of any—

15 (A) payroll costs;

16 (B) payments of interest on any covered

17 mortgage obligation (which shall not include

18 any prepayment of or payment of principal on

19 a covered mortgage obligation);

20 (C) payments on any covered rent obliga21

tion; and

22 (D) covered utility payments; and

23 (8) the term ‘‘payroll costs’’ has the meaning

24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as

2 added by section 1102 of this Act.

3 (b) FORGIVENESS.—An eligible recipient shall be eli4

gible for forgiveness of indebtedness on a covered loan in

5 an amount equal to the sum of the following costs incurred

6 and payments made during the covered period:

7 (1) Payroll costs.

8 (2) Any payment of interest on any covered

9 mortgage obligation (which shall not include any

10 prepayment of or payment of principal on a covered

11 mortgage obligation).

12 (3) Any payment on any covered rent obliga13

tion.

14 (4) Any covered utility payment.

15 (c) TREATMENT OF AMOUNTS FORGIVEN.—

16 (1) IN GENERAL.—Amounts which have been

17 forgiven under this section shall be considered can18

celed indebtedness by a lender authorized under sec19

tion 7(a) of the Small Business Act (15 U.S.C.

20 636(a)).

21 (2) PURCHASE OF GUARANTEES.—For purposes

22 of the purchase of the guarantee for a covered loan

23 by the Administrator, amounts which are forgiven

24 under this section shall be treated in accordance

25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small

2 Business Act (15 U.S.C. 636(a)).

3 (3) REMITTANCE.—Not later than 90 days

4 after the date on which the amount of forgiveness

5 under this section is determined, the Administrator

6 shall remit to the lender an amount equal to the

7 amount of forgiveness, plus any interest accrued

8 through the date of payment.

9 (4) ADVANCE PURCHASE OF COVERED LOAN.—

10 (A) REPORT.—A lender authorized under

11 section 7(a) of the Small Business Act (15

12 U.S.C. 636(a)), or, at the discretion of the Ad13

ministrator, a third party participant in the sec14

ondary market, may, report to the Adminis15

trator an expected forgiveness amount on a cov16

ered loan or on a pool of covered loans of up

17 to 100 percent of the principal on the covered

18 loan or pool of covered loans, respectively.

19 (B) PURCHASE.—The Administrator shall

20 purchase the expected forgiveness amount de21

scribed in subparagraph (A) as if the amount

22 were the principal amount of a loan guaranteed

23 under section 7(a) of the Small Business Act

24 636(a)).

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1 (C) TIMING.—Not later than 15 days after

2 the date on which the Administrator receives a

3 report under subparagraph (A), the Adminis4

trator shall purchase the expected forgiveness

5 amount under subparagraph (B) with respect to

6 each covered loan to which the report relates.

7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—

8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—

9 The amount of loan forgiveness under this section

10 shall not exceed the principal amount of the financ11

ing made available under the applicable covered

12 loan.

13 (2) REDUCTION BASED ON REDUCTION IN NUM14

BER OF EMPLOYEES.—

15 (A) IN GENERAL.—The amount of loan

16 forgiveness under this section shall be reduced,

17 but not increased, by multiplying the amount

18 described in subsection (b) by the quotient ob19

tained by dividing—

20 (i) the average number of full-time

21 equivalent employees per month employed

22 by the eligible recipient during the covered

23 period; by

24 (ii)(I) at the election of the bor25

rower—

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1 (aa) the average number of full2

time equivalent employees per month

3 employed by the eligible recipient dur4

ing the period beginning on February

5 15, 2019 and ending on June 30,

6 2019; or

7 (bb) the average number of full8

time equivalent employees per month

9 employed by the eligible recipient dur10

ing the period beginning on January

11 1, 2020 and ending on February 29,

12 2020; or

13 (II) in the case of an eligible recipient

14 that is seasonal employer, as determined

15 by the Administrator, the average number

16 of full-time equivalent employees per

17 month employed by the eligible recipient

18 during the period beginning on February

19 15, 2019 and ending on June 30, 2019.

20 (B) CALCULATION OF AVERAGE NUMBER

21 OF EMPLOYEES.—For purposes of subpara22

graph (A), the average number of full-time

23 equivalent employees shall be determined by

24 calculating the average number of full-time

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1 equivalent employees for each pay period falling

2 within a month.

3 (3) REDUCTION RELATING TO SALARY AND

4 WAGES.—

5 (A) IN GENERAL.—The amount of loan

6 forgiveness under this section shall be reduced

7 by the amount of any reduction in total salary

8 or wages of any employee described in subpara9

graph (B) during the covered period that is in

10 excess of 25 percent of the total salary or wages

11 of the employee during the most recent full

12 quarter during which the employee was em13

ployed before the covered period.

14 (B) EMPLOYEES DESCRIBED.—An em15

ployee described in this subparagraph is any

16 employee who did not receive, during any single

17 pay period during 2019, wages or salary at an

18 annualized rate of pay in an amount more than

19 $100,000.

20 (4) TIPPED WORKERS.—An eligible recipient

21 with tipped employees described in section

22 3(m)(2)(A) of the Fair Labor Standards Act of

23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive24

ness for additional wages paid to those employees.

25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de2

scribed in subparagraph (B), the amount of

3 loan forgiveness under this section shall be de4

termined without regard to a reduction in the

5 number of full-time equivalent employees of an

6 eligible recipient or a reduction in the salary of

7 1 or more employees of the eligible recipient, as

8 applicable, during the period beginning on Feb9

ruary 15, 2020 and ending on the date that is

10 30 days after the date of enactment of this Act.

11 (B) CIRCUMSTANCES.—A circumstance de12

scribed in this subparagraph is a cir13

cumstance—

14 (i) in which—

15 (I) during the period beginning

16 on February 15, 2020 and ending on

17 the date that is 30 days after the date

18 of enactment of this Act, there is a re19

duction, as compared to February 15,

20 2020, in the number of full-time

21 equivalent employees of an eligible re22

cipient; and

23 (II) not later than June 30,

24 2020, the eligible employer has elimi49

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1 nated the reduction in the number of

2 full-time equivalent employees;

3 (ii) in which—

4 (I) during the period beginning

5 on February 15, 2020 and ending on

6 the date that is 30 days after the date

7 of enactment of this Act, there is a re8

duction, as compared to February 15,

9 2020, in the salary or wages of 1 or

10 more employees of the eligible recipi11

ent; and

12 (II) not later than June 30,

13 2020, the eligible employer has elimi14

nated the reduction in the salary or

15 wages of such employees; or

16 (iii) in which the events described in

17 clause (i) and (ii) occur.

18 (6) EXEMPTIONS.—The Administrator and the

19 Secretary of the Treasury may prescribe regulations

20 granting de minimis exemptions from the require21

ments under this subsection.

22 (e) APPLICATION.—An eligible recipient seeking loan

23 forgiveness under this section shall submit to the lender

24 that is servicing the covered loan an application, which

25 shall include—

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1 (1) documentation verifying the number of full2

time equivalent employees on payroll and pay rates

3 for the periods described in subsection (d), includ4

ing—

5 (A) payroll tax filings reported to the In6

ternal Revenue Service; and

7 (B) State income, payroll, and unemploy8

ment insurance filings;

9 (2) documentation, including cancelled checks,

10 payment receipts, transcripts of accounts, or other

11 documents verifying payments on covered mortgage

12 obligations, payments on covered lease obligations,

13 and covered utility payments;

14 (3) a certification from a representative of the

15 eligible recipient authorized to make such certifi16

cations that—

17 (A) the documentation presented is true

18 and correct; and

19 (B) the amount for which forgiveness is re20

quested was used to retain employees, make in21

terest payments on a covered mortgage obliga22

tion, make payments on a covered rent obliga23

tion, or make covered utility payments; and

24 (4) any other documentation the Administrator

25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU2

MENTATION.—No eligible recipient shall receive forgive3

ness under this section without submitting to the lender

4 that is servicing the covered loan the documentation re5

quired under subsection (e).

6 (g) DECISION.—Not later than 60 days after the date

7 on which a lender receives an application for loan forgive8

ness under this section from an eligible recipient, the lend9

er shall issue a decision on the an application.

10 (h) HOLD HARMLESS.—If a lender has received the

11 documentation required under this section from an eligible

12 recipient attesting that the eligible recipient has accurately

13 verified the payments for payroll costs, payments on cov14

ered mortgage obligations, payments on covered lease obli15

gations, or covered utility payments during covered pe16

riod—

17 (1) an enforcement action may not be taken

18 against the lender under section 47(e) of the Small

19 Business Act (15 U.S.C. 657t(e)) relating to loan

20 forgiveness for the payments for payroll costs, pay21

ments on covered mortgage obligations, payments on

22 covered lease obligations, or covered utility pay23

ments, as the case may be; and

24 (2) the lender shall not be subject to any pen25

alties by the Administrator relating to loan forgive52

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1 ness for the payments for payroll costs, payments on

2 covered mortgage obligations, payments on covered

3 lease obligations, or covered utility payments, as the

4 case may be.

5 (i) TAXABILITY.—For purposes of the Internal Rev6

enue Code of 1986, any amount which (but for this sub7

section) would be includible in gross income of the eligible

8 recipient by reason of forgiveness described in subsection

9 (b) shall be excluded from gross income.

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. 1107. 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) $349,000,000,000 under the heading

24 ‘‘Small Business Administration—Business Loans

25 Program Account, CARES Act’’ for the cost of

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1 guaranteed loans as authorized under paragraph

2 (36) of section 7(a) of the Small Business Act (15

3 U.S.C. 636(a)), as added by section 1102(a) of this

4 Act;

5 (2) $675,000,000 under the heading ‘‘Small

6 Business Administration—Salaries and Expenses’’

7 for salaries and expenses of the Administration;

8 (3) $25,000,000 under the heading ‘‘Small

9 Business Administration—Office of Inspector Gen10

eral’’, to remain available until September 30, 2024,

11 for necessary expenses of the Office of Inspector

12 General of the Administration in carrying out the

13 provisions of the Inspector General Act of 1978 (5

14 U.S.C. App.);

15 (4) $265,000,000 under the heading ‘‘Small

16 Business Administration—Entrepreneurial Develop17

ment Programs’’, of which—

18 (A) $240,000,000 shall be for carrying out

19 section 1103(b) of this Act; and

20 (B) $25,000,000 shall be for carrying out

21 section 1103(c) of this Act;

22 (5) $10,000,000 under the heading ‘‘Depart23

ment of Commerce—Minority Business Development

24 Agency’’ for minority business centers of the Minor54

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1 ity Business Development Agency to provide tech2

nical assistance to small business concerns;

3 (6) $10,000,000,000 under the heading ‘‘Small

4 Business Administration—Emergency EIDL

5 Grants’’ shall be for carrying out section 1110 of

6 this Act;

7 (7) $17,000,000,000 under the heading ‘‘Small

8 Business Administration—Business Loans Program

9 Account, CARES Act’’ shall be for carrying out sec10

tion 1112 of this Act; and

11 (8) $25,000,000 under the heading ‘‘Depart12

ment of the Treasury—Departmental Offices—Sala13

ries and Expenses’’ shall be for carrying out section

14 1109 of this Act.

15 (b) SECONDARY MARKET.—During the period begin16

ning on the date of enactment of this Act and ending on

17 September 30, 2021, guarantees of trust certificates au18

thorized by section 5(g) of the Small Business Act (15

19 U.S.C. 635(g)) shall not exceed a principal amount of

20 $100,000,000,000.

21 (c) REPORTS.—Not later than 180 days after the

22 date of enactment of this Act, the Administrator shall sub23

mit to the Committee on Appropriations of the Senate and

24 the Committee on Appropriations of the House of Rep25

resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub2

section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term ‘‘Agency’’ means the Minority

6 Business Development Agency of the Department of

7 Commerce;

8 (2) the term ‘‘minority business center’’ means

9 a Business Center of the Agency;

10 (3) the term ‘‘minority business enterprise’’

11 means a for-profit business enterprise—

12 (A) not less than 51 percent of which is

13 owned by 1 or more socially disadvantaged indi14

viduals, as determined by the Agency; and

15 (B) the management and daily business

16 operations of which are controlled by 1 or more

17 socially disadvantaged individuals, as deter18

mined by the Agency; and

19 (4) the term ‘‘minority chamber of commerce’’

20 means a chamber of commerce developed specifically

21 to support minority business enterprises.

22 (b) EDUCATION, TRAINING, AND ADVISING

23 GRANTS.—

24 (1) IN GENERAL.—The Agency may provide fi25

nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce

2 to provide education, training, and advising to mi3

nority business enterprises.

4 (2) USE OF FUNDS.—Grants under this section

5 shall be used for the education, training, and advis6

ing of minority business enterprises and their em7

ployees on—

8 (A) accessing and applying for resources

9 provided by the Agency and other Federal re10

sources relating to access to capital and busi11

ness resiliency;

12 (B) the hazards and prevention of the

13 transmission and communication of COVID–19

14 and other communicable diseases;

15 (C) the potential effects of COVID–19 on

16 the supply chains, distribution, and sale of

17 products of minority business enterprises and

18 the mitigation of those effects;

19 (D) the management and practice of

20 telework to reduce possible transmission of

21 COVID–19;

22 (E) the management and practice of re23

mote customer service by electronic or other

24 means;

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1 (F) the risks of and mitigation of cyber

2 threats in remote customer service or telework

3 practices;

4 (G) the mitigation of the effects of reduced

5 travel or outside activities on minority business

6 enterprises during COVID–19 or similar occur7

rences; and

8 (H) any other relevant business practices

9 necessary to mitigate the economic effects of

10 COVID–19 or similar occurrences.

11 (3) NO MATCHING FUNDS REQUIRED.—Match12

ing funds shall not be required for any grant under

13 this section.

14 (4) GOALS AND METRICS.—

15 (A) IN GENERAL.—Goals and metrics for

16 the funds made available under this section

17 shall be jointly developed, negotiated, and

18 agreed upon, with full participation of both par19

ties, between the minority business centers, mi20

nority chambers of commerce, and the Agency,

21 which shall—

22 (i) take into consideration the extent

23 of the circumstances relating to the spread

24 of COVID–19, or similar occurrences, that

25 affect minority business enterprises located

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1 in the areas covered by minority business

2 centers and minority chambers of com3

merce, particularly in rural areas or eco4

nomically distressed areas;

5 (ii) generally follow the use of funds

6 outlined in paragraph (2), but shall not re7

strict the activities of minority business

8 centers and minority chambers of com9

merce in responding to unique situations;

10 and

11 (iii) encourage minority business cen12

ters and minority chambers of commerce

13 to develop and provide services to minority

14 business enterprises.

15 (B) PUBLIC AVAILABILITY.—The Agency

16 shall make publicly available the methodology

17 by which the Agency, minority business centers,

18 and minority chambers of commerce jointly de19

velop the metrics and goals described in sub20

paragraph (A).

21 (c) WAIVERS.—

22 (1) IN GENERAL.—Notwithstanding any other

23 provision of law or regulation, the Agency may, dur24

ing the 3-month period that begins on the date of

25 enactment of this Act, waive any matching require59

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1 ment imposed on a minority business center or a

2 specialty center of the Agency under a cooperative

3 agreement between such a center and the Agency if

4 the applicable center is unable to raise funds, or has

5 suffered a loss of revenue, because of the effects of

6 COVID–19.

7 (2) REMAINING COMPLIANT.—Notwithstanding

8 any provision of a cooperative agreement between

9 the Agency and a minority business center, if, dur10

ing the period beginning on the date of enactment

11 of this Act and ending on September 30, 2021, such

12 a center decides not to collect fees because of the

13 economic consequences of COVID–19, the center

14 shall be considered to be in compliance with that

15 agreement if—

16 (A) the center notifies the Agency with re17

spect to that decision, which the center may

18 provide through electronic mail; and

19 (B) the Agency, not later than 15 days

20 after the date on which the center provides no21

tice to the Agency under subparagraph (A)—

22 (i) confirms receipt of the notification

23 under subparagraph (A); and

24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date

2 of enactment of this Act, and annually thereafter, the

3 Agency shall submit to the Committee on Small Business

4 and Entrepreneurship and the Committee on Commerce,

5 Science, and Transportation of the Senate and the Com6

mittee on Small Business and the Committee on Energy

7 and Commerce of the House of Representatives a report

8 that describes—

9 (1) with respect to the period covered by the

10 initial report—

11 (A) the programs and services developed

12 and provided by the Agency, minority business

13 centers, and minority chambers of commerce

14 under subsection (b); and

15 (B) the initial efforts to provide those serv16

ices under subsection (b); and

17 (2) with respect to subsequent years covered by

18 the report—

19 (A) with respect to the grant program

20 under subsection (b)—

21 (i) the efforts of the Agency, minority

22 business centers, and minority chambers of

23 commerce to develop services to assist mi24

nority business enterprises;

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1 (ii) the challenges faced by owners of

2 minority business enterprises in accessing

3 services provided by the Agency, minority

4 business centers, and minority chambers of

5 commerce;

6 (iii) the number of unique minority

7 business enterprises that were served by

8 the Agency, minority business centers, or

9 minority chambers of commerce; and

10 (iv) other relevant outcome perform11

ance data with respect to minority business

12 enterprises, including the number of em13

ployees affected, the effect on sales, the

14 disruptions of supply chains, and the ef15

forts made by the Agency, minority busi16

ness centers, and minority chambers of

17 commerce to mitigate these effects .

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is

19 authorized to be appropriated $10,000,000 to carry out

20 this section, to remain available until expended.

21 **SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGE**22

**MENT AUTHORITY.**

23 (a) DEFINITIONS.—In this section—

24 (1) the terms ‘‘appropriate Federal banking

25 agency’’ and ‘‘insured depository institution’’ have

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1 the meanings given those terms in section 3 of the

2 Federal Deposit Insurance Act (12 U.S.C. 1813);

3 (2) the term ‘‘insured credit union’’ has the

4 meaning given the term in section 101 of the Fed5

eral Credit Union Act (12 U.S.C. 1752); and

6 (3) the term ‘‘Secretary’’ means the Secretary

7 of the Treasury.

8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN9

CIAL INSTITUTIONS.—The Department of the Treasury,

10 in consultation with the Administrator, and the Chairman

11 of the Farm Credit Administration shall establish criteria

12 for insured depository institutions, insured credit unions,

13 institutions of the Farm Credit System chartered under

14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),

15 and other lenders that do not already participate in lend16

ing under programs of the Administration, to participate

17 in the paycheck protection program to provide loans under

18 this section until the date on which the national emergency

19 declared by the President under the National Emergencies

20 Act (50 U.S.C. 1601 et seq.) with respect to the

21 Coronavirus Disease 2019 (COVID–19) expires.

22 (c) SAFETY AND SOUNDNESS.—An insured deposi23

tory institution, insured credit union, institution of the

24 Farm Credit System chartered under the Farm Credit Act

25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec2

tion if participation does not affect the safety and sound3

ness of the institution or lender, as determined by the Sec4

retary in consultation with the appropriate Federal bank5

ing agencies or the National Credit Union Administration

6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue

9 regulations and guidance as necessary to carry out

10 the purposes of this section, including to—

11 (A) allow additional lenders to originate

12 loans under this section; and

13 (B) establish terms and conditions for

14 loans under this section, including terms and

15 conditions concerning compensation, under16

writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi18

tions established under paragraph (1) shall provide

19 for the following:

20 (A) A rate of interest that does not exceed

21 the maximum permissible rate of interest avail22

able on a loan of comparable maturity under

23 paragraph (36) of section 7(a) of the Small

24 Business Act (15 U.S.C. 636(a)), as added by

25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the

2 maximum extent practicable, are consistent

3 with the terms and conditions required under

4 the following provisions of paragraph (36) of

5 section 7(a) of the Small Business Act (15

6 U.S.C. 636(a)), as added by section 1102 of

7 this Act:

8 (i) Subparagraph (D), pertaining to

9 borrower eligibility.

10 (ii) Subparagraph (E), pertaining to

11 the maximum loan amount.

12 (iii) Subparagraph (F)(i), pertaining

13 to allowable uses of program loans.

14 (iv) Subparagraph (H), pertaining to

15 fee waivers.

16 (v) Subparagraph (M), pertaining to

17 loan deferment.

18 (C) A guarantee percentage that, to the

19 maximum extent practicable, is consistent with

20 the guarantee percentage required under sub21

paragraph (F) of section 7(a)(2) of the Small

22 Business Act (15 U.S.C. 636(a)(2)), as added

23 by section 1102 of this Act.

24 (D) Loan forgiveness under terms and con25

ditions that, to the maximum extent prac65

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1 ticable, is consistent with the terms and condi2

tions for loan forgiveness under section 1106 of

3 this Act.

4 (e) ADDITIONAL REGULATIONS GENERALLY.—The

5 Secretary may issue regulations and guidance as necessary

6 to carry out the purposes of this section, including to allow

7 additional lenders to originate loans under this title and

8 to establish terms and conditions such as compensation,

9 underwriting standards, interest rates, and maturity for

10 under this section.

11 (f) CERTIFICATION.—As a condition of receiving a

12 loan under this section, a borrower shall certify under

13 terms acceptable to the Secretary that the 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)) for the same purpose; and

17 (2) has not received such a loan during the pe18

riod beginning on February 15, 2020 and ending on

19 December 31, 2020.

20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend21

ers qualified to participate as a lender under 7(a) of the

22 Small Business Act (15 U.S.C. 636(a)) may elect to par23

ticipate in the paycheck protection program under the cri24

teria, terms, and conditions established under this section.

25 Such participation shall not preclude the lenders from con66

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1 tinuing participation as a lender under section 7(a) of the

2 Small Business Act (15 U.S.C. 636(a)).

3 (h) PROGRAM ADMINISTRATION.—With guidance

4 from the Secretary, the Administrator shall administer the

5 program established under this section, including the mak6

ing and purchasing of guarantees on loans under the pro7

gram, until the date on which the national emergency de8

clared by the President under the National Emergencies

9 Act (50 U.S.C. 1601 et seq.) with respect to the

10 Coronavirus Disease 2019 (COVID–19) expires.

11 (i) CRIMINAL PENALTIES.—A loan under this section

12 shall be deemed to be a loan under the Small Business

13 Act (15 U.S.C. 631 et seq.) for purposes of section 16

14 of such Act (15 U.S.C. 645).

15 **SEC. 1110. EMERGENCY EIDL GRANTS.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term ‘‘covered period’’ means the period

18 beginning on January 31, 2020 and ending on De19

cember 31, 2020; and

20 (2) the term ‘‘eligible entity’’ means—

21 (A) a business with not more than 500 em22

ployees;

23 (B) any individual who operates under a

24 sole proprietorship, with or without employees,

25 or as an independent contractor;

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1 (C) a cooperative with not more than 500

2 employees;

3 (D) an ESOP (as defined in section 3 of

4 the Small Business Act (15 U.S.C. 632)) with

5 not more than 500 employees; or

6 (E) a tribal small business concern, as de7

scribed in section 31(b)(2)(C) of the Small

8 Business Act (15 U.S.C. 657a(b)(2)(C)), with

9 not more than 500 employees.

10 (b) ELIGIBLE ENTITIES.—During the covered period,

11 in addition to small business concerns, private nonprofit

12 organizations, and small agricultural cooperatives, an eli13

gible entity shall be eligible for a loan made under section

14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).

15 (c) TERMS; CREDIT ELSEWHERE.—With respect to

16 a loan made under section 7(b)(2) of the Small Business

17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur18

ing the covered period, the Administrator shall waive—

19 (1) any rules related the personal guarantee on

20 advances and loans of not more than $200,000 dur21

ing the covered period for all applicants;

22 (2) the requirement that an applicant needs to

23 be in business for the 1-year period before the dis24

aster, except that no waiver may be made for a busi68

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1 ness that was not in operation on January 31, 2020;

2 and

3 (3) the requirement in the flush matter fol4

lowing subparagraph (E) of section 7(b)(2) of the

5 Small Business Act (15 U.S.C. 636(b)(2)), as so re6

designated by subsection (f) of this section, that an

7 applicant be unable to obtain credit elsewhere.

8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL

9 DOLLAR LOANS.—With respect to a loan made under sec10

tion 7(b)(2) of the Small Business Act (15 U.S.C.

11 636(b)(2)) in response to COVID–19 during the covered

12 period, the Administrator may—

13 (1) approve an applicant based solely on the

14 credit score of the applicant and shall not require an

15 applicant to submit a tax return or a tax return

16 transcript for such approval; or

17 (2) use alternative appropriate methods to de18

termine an applicant’s ability to repay.

19 (e) EMERGENCY GRANT.—

20 (1) IN GENERAL.—During the covered period,

21 an entity included for eligibility in subsection (b), in22

cluding small business concerns, private nonprofit

23 organizations, and small agricultural cooperatives,

24 that applies for a loan under section 7(b)(2) of the

25 Small Business Act (15 U.S.C. 636(b)(2)) in re69

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1 sponse to COVID–19 may request that the Adminis2

trator provide an advance that is, subject to para3

graph (3), in the amount requested by such appli4

cant to such applicant within 3 days after the Ad5

ministrator receives an application from such appli6

cant.

7 (2) VERIFICATION.—Before disbursing amounts

8 under this subsection, the Administrator shall verify

9 that the applicant is an eligible entity by accepting

10 a self-certification from the applicant under penalty

11 of perjury pursuant to section 1746 of title 28

12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro14

vided under this subsection shall be not more than

15 $10,000.

16 (4) USE OF FUNDS.—An advance provided

17 under this subsection may be used to address any al18

lowable purpose for a loan made under section

19 7(b)(2) of the Small Business Act (15 U.S.C.

20 636(b)(2)), including—

21 (A) providing paid sick leave to employees

22 unable to work due to the direct effect of the

23 COVID–19;

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1 (B) maintaining payroll to retain employ2

ees during business disruptions or substantial

3 slowdowns;

4 (C) meeting increased costs to obtain ma5

terials unavailable from the applicant’s original

6 source due to interrupted supply chains;

7 (D) making rent or mortgage payments;

8 and

9 (E) repaying obligations that cannot be

10 met due to revenue losses.

11 (5) REPAYMENT.—An applicant shall not be re12

quired to repay any amounts of an advance provided

13 under this subsection, even if subsequently denied a

14 loan under section 7(b)(2) of the Small Business Act

15 (15 U.S.C. 636(b)(2)).

16 (6) UNEMPLOYMENT GRANT.—If an applicant

17 that receives an advance under this subsection trans18

fers into, or is approved for, the loan program under

19 section 7(a) of the Small Business Act (15 U.S.C.

20 636(a)), the advance amount shall be reduced from

21 the loan forgiveness amount for a loan for payroll

22 costs made under such section 7(a).

23 (7) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Ad71

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1 ministration $10,000,000,000 to carry out this sub2

section.

3 (8) TERMINATION.—The authority to carry out

4 grants under this subsection shall terminate on De5

cember 31, 2020.

6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY

7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—

8 Section 7(b)(2) of the Small Business Act (15 U.S.C.

9 636(b)(2)) is amended—

10 (1) in subparagraph (A), by striking ‘‘or’’ at

11 the end;

12 (2) in subparagraph (B), by striking ‘‘or’’ at

13 the end;

14 (3) in subparagraph (C), by striking ‘‘or’’ at

15 the end;

16 (4) by redesignating subparagraph (D) as sub17

paragraph (E);

18 (5) by inserting after subparagraph (C) the fol19

lowing:

20 ‘‘(D) an emergency involving Federal pri21

mary responsibility determined to exist by the

22 President under the section 501(b) of the Rob23

ert T. Stafford Disaster Relief and Emergency

24 Assistance Act (42 U.S.C. 5191(b)); or’’; and

25 (6) in subparagraph (E), as so redesignated—

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1 (A) by striking ‘‘or (C)’’ and inserting

2 ‘‘(C), or (D)’’;

3 (B) by striking ‘‘disaster declaration’’ each

4 place it appears and inserting ‘‘disaster or

5 emergency declaration’’;

6 (C) by striking ‘‘disaster has occurred’’

7 and inserting ‘‘disaster or emergency has oc8

curred’’;

9 (D) by striking ‘‘such disaster’’ and insert10

ing ‘‘such disaster or emergency’’; and

11 (E) by striking ‘‘disaster stricken’’ and in12

serting ‘‘disaster- or emergency-stricken’’; and

13 (7) in the flush matter following subparagraph

14 (E), as so redesignated, by striking the period at the

15 end and inserting the following: ‘‘: *Provided further*,

16 That for purposes of subparagraph (D), the Admin17

istrator shall deem that such an emergency affects

18 each State or subdivision thereof (including coun19

ties), and that each State or subdivision has suffi20

cient economic damage to small business concerns to

21 qualify for assistance under this paragraph and the

22 Administrator shall accept applications for such as23

sistance immediately.’’.

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**

2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide

4 the resources and services made available by the Adminis5

tration to small business concerns in the 10 most com6

monly spoken languages, other than English, in the

7 United States, which shall include Mandarin, Cantonese,

8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is

10 authorized to be appropriated to the Administrator

11 $25,000,000 to carry out this section.

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

13 (a) DEFINITION OF COVERED LOAN.—In this sec14

tion, the term ‘‘covered loan’’ means a loan that is—

15 (1) guaranteed by the Administration under—

16 (A) section 7(a) of the Small Business Act

17 (15 U.S.C. 636(a))—

18 (i) including a loan made under the

19 Community Advantage Pilot Program of

20 the Administration; and

21 (ii) excluding a loan made under para22

graph (36) of such section 7(a), as added

23 by section 1102; or

24 (B) title V of the Small Business Invest25

ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi2

ness concern using loans or grants received under

3 section 7(m) of the Small Business Act (15 U.S.C.

4 636(m)).

5 (b) SENSE OF CONGRESS.—It is the sense of Con6

gress that—

7 (1) all borrowers are adversely affected by

8 COVID-19;

9 (2) relief payments by the Administration are

10 appropriate for all borrowers; and

11 (3) in addition to the relief provided under this

12 Act, the Administration should encourage lenders to

13 provide payment deferments, when appropriate, and

14 to extend the maturity of covered loans, so as to

15 avoid balloon payments or any requirement for in16

creases in debt payments resulting from deferments

17 provided by lenders during the period of the national

18 emergency declared by the President under the Na19

tional Emergencies Act (50 U.S.C. 1601 et seq.)

20 with respect to the Coronavirus Disease 2019

21 (COVID–19).

22 (c) PRINCIPAL AND INTEREST PAYMENTS.—

23 (1) IN GENERAL.—The Administrator shall pay

24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing

2 status—

3 (A) with respect to a covered loan made

4 before the date of enactment of this Act and

5 not on deferment, for the 6-month period begin6

ning with the next payment due on the covered

7 loan;

8 (B) with respect to a covered loan made

9 before the date of enactment of this Act and on

10 deferment, for the 6-month period beginning

11 with the next payment due on the covered loan

12 after the deferment period; and

13 (C) with respect to a covered loan made

14 during the period beginning on the date of en15

actment of this Act and ending on the date that

16 is 6 months after such date of enactment, for

17 the 6-month period beginning with the first

18 payment due on the covered loan.

19 (2) TIMING OF PAYMENT.—The Administrator

20 shall begin making payments under paragraph (1)

21 on a covered loan not later than 30 days after the

22 date on which the first such payment is due.

23 (3) APPLICATION OF PAYMENT.—Any payment

24 made by the Administrator under paragraph (1)

25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that

2 amount.

3 (d) OTHER REQUIREMENTS.—The Administrator

4 shall—

5 (1) communicate and coordinate with the Fed6

eral Deposit Insurance Corporation, the Office of the

7 Comptroller of the Currency, and State bank regu8

lators to encourage those entities to not require

9 lenders to increase their reserves on account of re10

ceiving payments made by the Administrator under

11 subsection (c);

12 (2) waive statutory limits on maximum loan

13 maturities for any covered loan durations where the

14 lender provides a deferral and extends the maturity

15 of covered loans during the 1-year period following

16 the date of enactment of this Act; and

17 (3) when necessary to provide more time be18

cause of the potential of higher volumes, travel re19

strictions, and the inability to access some properties

20 during the COVID–19 pandemic, extend lender site

21 visit requirements to—

22 (A) not more than 60 days (which may be

23 extended at the discretion of the Administra24

tion) after the occurrence of an adverse event,

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1 other than a payment default, causing a loan to

2 be classified as in liquidation; and

3 (B) not more than 90 days after a pay4

ment default.

5 (e) RULE OF CONSTRUCTION.—Nothing in this sec6

tion may be construed to limit the authority of the Admin7

istrator to make payments pursuant to subsection (c) with

8 respect to a covered loan solely because the covered loan

9 has been sold in the secondary market.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There is

11 authorized to be appropriated to the Administrator

12 $17,000,000,000 to carry out this section.

13 **SEC. 1113. BANKRUPTCY.**

14 (a) SMALL BUSINESS DEBTOR REORGANIZATION.—

15 (1) IN GENERAL.—Section 1182(1) of title 11,

16 United States Code, is amended to read as follows:

17 ‘‘(1) DEBTOR.—The term ‘debtor’—

18 ‘‘(A) subject to subparagraph (B), means a

19 person engaged in commercial or business ac20

tivities (including any affiliate of such person

21 that is also a debtor under this title and exclud22

ing a person whose primary activity is the busi23

ness of owning single asset real estate) that has

24 aggregate noncontingent liquidated secured and

25 unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief

2 in an amount not more than $7,500,000 (ex3

cluding debts owed to 1 or more affiliates or in4

siders) not less than 50 percent of which arose

5 from the commercial or business activities of

6 the debtor; and

7 ‘‘(B) does not include—

8 ‘‘(i) any member of a group of affili9

ated debtors that has aggregate noncontin10

gent liquidated secured and unsecured

11 debts in an amount greater than

12 $7,500,000 (excluding debt owed to 1 or

13 more affiliates or insiders);

14 ‘‘(ii) any debtor that is a corporation

15 subject to the reporting requirements

16 under section 13 or 15(d) of the Securities

17 Exchange Act of 1934 (15 U.S.C. 78m,

18 78o(d)); or

19 ‘‘(iii) any debtor that is an affiliate of

20 an issuer, as defined in section 3 of the Se21

curities Exchange Act of 1934 (15 U.S.C.

22 78c).’’.

23 (2) APPLICABILITY OF CHAPTERS.—Section

24 103(i) of title 11, United States Code, is amended

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1 by striking ‘‘small business debtor’’ and inserting

2 ‘‘debtor (as defined in section 1182)’’.

3 (3) APPLICATION OF AMENDMENT.—The

4 amendment made by paragraph (1) shall apply only

5 with respect to cases commenced under title 11,

6 United States Code, on or after the date of enact7

ment of this Act.

8 (4) TECHNICAL CORRECTIONS.—

9 (A) DEFINITION OF SMALL BUSINESS

10 DEBTOR.—Section 101(51D)(B)(iii) of title 11,

11 United States Code, is amended to read as fol12

lows:

13 ‘‘(iii) any debtor that is an affiliate of

14 an issuer (as defined in section 3 of the

15 Securities Exchange Act of 1934 (15

16 U.S.C. 78c)).’’.

17 (B) UNCLAIMED PROPERTY.—Section

18 347(b) of title 11, United States Code, is

19 amended by striking ‘‘1194’’ and inserting

20 ‘‘1191’’.

21 (5) SUNSET.—On the date that is 1 year after

22 the date of enactment of this Act, section 1182(1)

23 of title 11, United States Code, is amended to read

24 as follows:

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1 ‘‘(1) DEBTOR.—The term ‘debtor’ means a

2 small business debtor.’’.

3 (b) BANKRUPTCY RELIEF.—

4 (1) IN GENERAL.—

5 (A) EXCLUSION FROM CURRENT MONTHLY

6 INCOME.—Section 101(10A)(B)(ii) of title 11,

7 United States Code, is amended—

8 (i) in subclause (III), by striking ‘‘;

9 and’’ and inserting a semicolon;

10 (ii) in subclause (IV), by striking the

11 period at the end and inserting ‘‘; and’’;

12 and

13 (iii) by adding at the end the fol14

lowing:

15 ‘‘(V) Payments made under Fed16

eral law relating to the national emer17

gency declared by the President under

18 the National Emergencies Act (50

19 U.S.C. 1601 et seq.) with respect to

20 the coronavirus disease 2019

21 (COVID–19).’’.

22 (B) CONFIRMATION OF PLAN.—Section

23 1325(b)(2) of title 11, United States Code, is

24 amended by inserting ‘‘payments made under

25 Federal law relating to the national emergency

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1 declared by the President under the National

2 Emergencies Act (50 U.S.C. 1601 et seq.) with

3 respect to the coronavirus disease 2019

4 (COVID–19),’’ after ‘‘other than’’.

5 (C) MODIFICATION OF PLAN AFTER CON6

FIRMATION.—Section 1329 of title 11, United

7 States Code, is amended by adding at end the

8 following:

9 ‘‘(d)(1) Subject to paragraph (3), for a plan con10

firmed prior to the date of enactment of this subsection,

11 the plan may be modified upon the request of the debtor

12 if—

13 ‘‘(A) the debtor is experiencing or has experi14

enced a material financial hardship due, directly or

15 indirectly, to the coronavirus disease 2019 (COVID–

16 19) pandemic; and

17 ‘‘(B) the modification is approved after notice

18 and a hearing.

19 ‘‘(2) A plan modified under paragraph (1) may not

20 provide for payments over a period that expires more than

21 7 years after the time that the first payment under the

22 original confirmed plan was due.

23 ‘‘(3) Sections 1322(a), 1322(b), 1323(c), and the re24

quirements of section 1325(a) shall apply to any modifica25

tion under paragraph (1).’’.

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1 (D) APPLICABILITY.—

2 (i) The amendments made by sub3

paragraphs (A) and (B) shall apply to any

4 case commenced before, on, or after the

5 date of enactment of this Act.

6 (ii) The amendment made by subpara7

graph (C) shall apply to any case for which

8 a plan has been confirmed under section

9 1325 of title 11, United States Code, be10

fore the date of enactment of this Act.

11 (2) SUNSET.—

12 (A) IN GENERAL.—

13 (i) EXCLUSION FROM CURRENT

14 MONTHLY INCOME.—Section

15 101(10A)(B)(ii) of title 11, United States

16 Code, is amended—

17 (I) in subclause (III), by striking

18 the semicolon at the end and inserting

19 ‘‘; and’’;

20 (II) in subclause (IV), by striking

21 ‘‘; and’’ and inserting a period; and

22 (III) by striking subclause (V).

23 (ii) CONFIRMATION OF PLAN.—Sec24

tion 1325(b)(2) of title 11, United States

25 Code, is amended by striking ‘‘payments

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1 made under Federal law relating to the na2

tional emergency declared by the President

3 under the National Emergencies Act (50

4 U.S.C. 1601 et seq.) with respect to the

5 coronavirus disease 2019 (COVID–19),’’.

6 (iii) MODIFICATION OF PLAN AFTER

7 CONFIRMATION.—Section 1329 of title 11,

8 United States Code, is amended by strik9

ing subsection (d).

10 (B) EFFECTIVE DATE.—The amendments

11 made by subparagraph (A) shall take effect on

12 the date that is 1 year after the date of enact13

ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment

16 of this Act, the Administrator shall issue regulations to

17 carry out this title and the amendments made by this title

18 without regard to the notice requirements under section

19 553(b) of title 5, United States Code.

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1 **TITLE II—ASSISTANCE FOR**

2 **AMERICAN WORKERS, FAMI**3

**LIES, AND BUSINESSES**

4 **Subtitle A—Unemployment**

5 **Insurance Provisions**

6 **SEC. 2101. SHORT TITLE.**

7 This subtitle may be cited as the ‘‘Relief for Workers

8 Affected by Coronavirus Act’’.

9 **SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

10 (a) DEFINITIONS.—In this section:

11 (1) COVID–19.—The term ‘‘COVID-19’’ means

12 the 2019 Novel Coronavirus or 2019-nCoV.

13 (2) COVID–19 PUBLIC HEALTH EMERGENCY.—

14 The term ‘‘COVID-19 public health emergency’’

15 means the public health emergency declared by the

16 Secretary of Health and Human Services on Janu17

ary 27, 2020, with respect to the 2019 Novel

18 Coronavirus.

19 (3) COVERED INDIVIDUAL.—The term ‘‘covered

20 individual’’—

21 (A) means an individual who—

22 (i) is not eligible for regular com23

pensation or extended benefits under State

24 or Federal law or pandemic emergency un25

employment compensation under section

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1 2107, including an individual who has ex2

hausted all rights to regular unemployment

3 or extended benefits under State or Fed4

eral law or pandemic emergency unemploy5

ment compensation under section 2107;

6 and

7 (ii) provides self-certification that the

8 individual—

9 (I) is otherwise able to work and

10 available for work within the meaning

11 of applicable State law, except the in12

dividual is unemployed, partially un13

employed, or unable or unavailable to

14 work because—

15 (aa) the individual has been

16 diagnosed with COVID–19 or is

17 experiencing symptoms of

18 COVID–19 and seeking a med19

ical diagnosis;

20 (bb) a member of the indi21

vidual’s household has been diag22

nosed with COVID–19;

23 (cc) the individual is pro24

viding care for a family member

25 or a member of the individual’s

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1 household who has been diag2

nosed with COVID–19;

3 (dd) a child or other person

4 in the household for which the in5

dividual has primary caregiving

6 responsibility is unable to attend

7 school or another facility that is

8 closed as a direct result of the

9 COVID-19 public health emer10

gency and such school or facility

11 care is required for the individual

12 to work;

13 (ee) the individual is unable

14 to reach the place of employment

15 because of a quarantine imposed

16 as a direct result of the COVID-

17 19 public health emergency;

18 (ff) the individual is unable

19 to reach the place of employment

20 because the individual has been

21 advised by a health care provider

22 to self-quarantine due to con23

cerns related to COVID–19;

24 (gg) the individual was

25 scheduled to commence employ87

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1 ment and does not have a job or

2 is unable to reach the job as a di3

rect result of the COVID-19 pub4

lic health emergency;

5 (hh) the individual has be6

come the breadwinner or major

7 support for a household because

8 the head of the household has

9 died as a direct result of

10 COVID–19;

11 (ii) the individual has to quit

12 his or her job as a direct result

13 of COVID–19;

14 (jj) the individual’s place of

15 employment is closed as a direct

16 result of the COVID–19 public

17 health emergency; or

18 (kk) the individual meets

19 any additional criteria established

20 by the Secretary for unemploy21

ment assistance under this sec22

tion; or

23 (II) is self-employed, is seeking

24 part-time employment, does not have

25 sufficient work history, or otherwise

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1 would not qualify for regular unem2

ployment or extended benefits under

3 State or Federal law or pandemic

4 emergency unemployment compensa5

tion under section 2107 and meets the

6 requirements of subclause (I); and

7 (B) does not include—

8 (i) an individual who has the ability to

9 telework with pay; or

10 (ii) an individual who is receiving paid

11 sick leave or other paid leave benefits, re12

gardless of whether the individual meets a

13 qualification described in items (aa)

14 through (kk) of subparagraph (A)(i)(I).

15 (4) SECRETARY.—The term ‘‘Secretary’’ means

16 the Secretary of Labor.

17 (5) STATE.—The term ‘‘State’’ includes the

18 District of Columbia, the Commonwealth of Puerto

19 Rico, the Virgin Islands, Guam, American Samoa,

20 the Commonwealth of the Northern Mariana Is21

lands, the Federated States of Micronesia, the Re22

public of the Marshall Islands, and the Republic of

23 Palau.

24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT

25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben2

efit assistance while such individual is unemployed, par3

tially unemployed, or unable to work for the weeks of such

4 unemployment with respect to which the individual is not

5 entitled to any other unemployment compensation (as that

6 term is defined in section 85(b) of title 26, United States

7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para10

graph (2), the assistance authorized under sub11

section (b) shall be available to a covered indi12

vidual—

13 (A) for weeks of unemployment, partial un14

employment, or inability to work caused by

15 COVID–19—

16 (i) beginning on or after January 27,

17 2020; and

18 (ii) ending on or before December 31,

19 2020; and

20 (B) subject to subparagraph (A)(ii), as

21 long as the covered individual’s unemployment,

22 partial unemployment, or inability to work

23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST25

ANCE.—The total number of weeks for which a cov90

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1 ered individual may receive assistance under this

2 section shall not exceed 39 weeks and such total

3 shall include any week for which the covered indi4

vidual received regular compensation or extended

5 benefits under any Federal or State law, except that

6 if after the date of enactment of this Act, the dura7

tion of extended benefits is extended, the 39-week

8 period described in this paragraph shall be extended

9 by the number of weeks that is equal to the number

10 of weeks by which the extended benefits were ex11

tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE

13 DATE OF ENACTMENT.—The Secretary shall estab14

lish a process for making assistance under this sec15

tion available for weeks beginning on or after Janu16

ary 27, 2020, and before the date of enactment of

17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized

20 under subsection (b) for a week of unemployment,

21 partial unemployment, or inability to work shall

22 be—

23 (A)(i) the weekly benefit amount author24

ized under the unemployment compensation law

25 of the State where the covered individual was

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1 employed, except that the amount may not be

2 less than the minimum weekly benefit amount

3 described in section 625.6 of title 20, Code of

4 Federal Regulations, or any successor thereto;

5 and

6 (ii) the amount of Federal Pandemic Un7

employment Compensation under section 2104;

8 and

9 (B) in the case of an increase of the week10

ly benefit amount after the date of enactment

11 of this Act, increased in an amount equal to

12 such increase.

13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN

14 COVERED INDIVIDUALS.—In the case of a covered

15 individual who is self-employed, who lives in a terri16

tory described in subsection (c) or (d) of section

17 625.6 of title 20, Code of Federal Regulations, or

18 who would not otherwise qualify for unemployment

19 compensation under State law, the assistance au20

thorized under subsection (b) for a week of unem21

ployment shall be calculated in accordance with sec22

tion 625.6 of title 20, Code of Federal Regulations,

23 or any successor thereto, and shall be increased by

24 the amount of Federal Pandemic Unemployment

25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any

2 assistance provided for in accordance with para3

graph (1)(A)(ii) shall be payable either—

4 (A) as an amount which is paid at the

5 same time and in the same manner as the as6

sistance provided for in paragraph (1)(A)(i) is

7 payable for the week involved; or

8 (B) at the option of the State, by pay9

ments which are made separately from, but on

10 the same weekly basis as, any assistance pro11

vided for in paragraph (1)(A)(i).

12 (e) WAIVER OF STATE REQUIREMENT.—Notwith13

standing State law, for purposes of assistance authorized

14 under this section, compensation under this Act shall be

15 made to an individual otherwise eligible for such com16

pensation without any waiting period.

17 (f) AGREEMENTS WITH STATES.—

18 (1) IN GENERAL.—The Secretary shall provide

19 the assistance authorized under subsection (b)

20 through agreements with States which, in the judg21

ment of the Secretary, have an adequate system for

22 administering such assistance through existing State

23 agencies.

24 (2) PAYMENTS TO STATES.—There shall be

25 paid to each State which has entered into an agree93

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1 ment under this subsection an amount equal to 100

2 percent of—

3 (A) the total amount of assistance provided

4 by the State pursuant to such agreement; and

5 (B) any additional administrative expenses

6 incurred by the State by reason of such agree7

ment (as determined by the Secretary), includ8

ing any administrative expenses necessary to fa9

cilitate processing of applications for assistance

10 under this section online or by telephone rather

11 than in-person.

12 (3) TERMS OF PAYMENTS.—Sums payable to

13 any State by reason of such State’s having an agree14

ment under this subsection shall be payable, either

15 in advance or by way of reimbursement (as deter16

mined by the Secretary), in such amounts as the

17 Secretary estimates the State will be entitled to re18

ceive under this subsection for each calendar month,

19 reduced or increased, as the case may be, by any

20 amount by which the Secretary finds that his esti21

mates for any prior calendar month were greater or

22 less than the amounts which should have been paid

23 to the State. Such estimates may be made on the

24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the

2 State agency of the State involved.

3 (g) FUNDING.—

4 (1) ASSISTANCE.—

5 (A) IN GENERAL.—Funds in the extended

6 unemployment compensation account (as estab7

lished by section 905(a) of the Social Security

8 Act (42 U.S.C. 1105(a)) of the Unemployment

9 Trust Fund (as established by section 904(a) of

10 such Act (42 U.S.C. 1104(a)) shall be used to

11 make payments to States pursuant to sub12

section (f)(2)(A).

13 (B) TRANSFER OF FUNDS.—Notwith14

standing any other provision of law, the Sec15

retary of the Treasury shall transfer from the

16 general fund of the Treasury (from funds not

17 otherwise appropriated) to the extended unem18

ployment compensation account such sums as

19 the Secretary of Labor estimates to be nec20

essary to make payments described in subpara21

graph (A). There are appropriated from the

22 general fund of the Treasury, without fiscal

23 year limitation, the sums referred to in the pre24

ceding sentence and such sums shall not be re25

quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—

2 (A) IN GENERAL.—Funds in the employ3

ment security administration account (as estab4

lished by section 901(a) of the Social Security

5 Act (42 U.S.C. 1105(a)) of the Unemployment

6 Trust Fund (as established by section 904(a) of

7 such Act (42 U.S.C. 1104(a)) shall be used to

8 make payments to States pursuant to sub9

section (f)(2)(B).

10 (B) TRANSFER OF FUNDS.—Notwith11

standing any other provision of law, the Sec12

retary of the Treasury shall transfer from the

13 general fund of the Treasury (from funds not

14 otherwise appropriated) to the employment se15

curity administration account such sums as the

16 Secretary of Labor estimates to be necessary to

17 make payments described in subparagraph (A).

18 There are appropriated from the general fund

19 of the Treasury, without fiscal year limitation,

20 the sums referred to in the preceding sentence

21 and such sums shall not be required to be re22

paid.

23 (3) CERTIFICATIONS.—The Secretary of Labor

24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums

2 payable to such State under paragraphs (1) and (2).

3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM4

PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT

5 ASSISTANCE.—Except as otherwise provided in this sec6

tion or to the extent there is a conflict between this section

7 and section 625 of title 20, Code of Federal Regulations,

8 such section 625 shall apply to this section as if—

9 (1) the term ‘‘COVID–19 public health emer10

gency’’ were substituted for the term ‘‘major dis11

aster’’ each place it appears in such section 625; and

12 (2) the term ‘‘pandemic’’ were substituted for

13 the term ‘‘disaster’’ each place it appears in such

14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV**16

**ERNMENTAL ENTITIES AND NONPROFIT OR**17

**GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The

19 Secretary of Labor may issue clarifying guidance to allow

20 States to interpret their State unemployment compensa21

tion laws in a manner that would provide maximum flexi22

bility to reimbursing employers as it relates to timely pay23

ment and assessment of penalties and interest pursuant

24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social

2 Security Act (42 U.S.C. 1103) is amended by adding at

3 the end the following:

4 ‘‘Transfers for Federal Reimbursement of State

5 Unemployment Funds

6 ‘‘(i)(1)(A) In addition to any other amounts, the Sec7

retary of Labor shall provide for the transfer of funds dur8

ing the applicable period to the accounts of the States in

9 the Unemployment Trust Fund, by transfer from amounts

10 reserved for that purpose in the Federal unemployment

11 account, in accordance with the succeeding provisions of

12 this subsection.

13 ‘‘(B) The amount of funds transferred to the account

14 of a State under subparagraph (A) during the applicable

15 period shall, as determined by the Secretary of Labor, be

16 equal to one-half of the amounts of compensation (as de17

fined in section 3306(h) of the Internal Revenue Code of

18 1986) attributable under the State law to service to which

19 section 3309(a)(1) of such Code applies that were paid

20 by the State for weeks of unemployment beginning and

21 ending during such period. Such transfers shall be made

22 at such times as the Secretary of Labor considers appro23

priate.

24 ‘‘(C) Notwithstanding any other law, funds trans25

ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti2

ties and other organizations described in section

3 3309(a)(2) of such Code for amounts paid (in lieu of con4

tributions) into the State unemployment fund pursuant to

5 such section.

6 ‘‘(D) For purposes of this paragraph, the term ‘appli7

cable period’ means the period beginning on March 13,

8 2020, and ending on December 31, 2020.

9 ‘‘(2)(A) Notwithstanding any other provision of law,

10 the Secretary of the Treasury shall transfer from the gen11

eral fund of the Treasury (from funds not otherwise ap12

propriated) to the Federal unemployment account such

13 sums as the Secretary of Labor estimates to be necessary

14 for purposes of making the transfers described in para15

graph (1).

16 ‘‘(B) There are appropriated from the general fund

17 of the Treasury, without fiscal year limitation, the sums

18 referred to in subparagraph (A) and such sums shall not

19 be required to be repaid.’’.

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**

21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State

23 which desires to do so may enter into and participate in

24 an agreement under this section with the Secretary of

25 Labor (in this section referred to as the ‘‘Secretary’’). Any

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1 State which is a party to an agreement under this section

2 may, upon providing 30 days’ written notice to the Sec3

retary, terminate such agreement.

4 (b) PROVISIONS OF AGREEMENT.—

5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM6

PENSATION.—Any agreement under this section

7 shall provide that the State agency of the State will

8 make payments of regular compensation to individ9

uals in amounts and to the extent that they would

10 be determined if the State law of the State were ap11

plied, with respect to any week for which the indi12

vidual is (disregarding this section) otherwise enti13

tled under the State law to receive regular com14

pensation, as if such State law had been modified in

15 a manner such that the amount of regular com16

pensation (including dependents’ allowances) payable

17 for any week shall be equal to—

18 (A) the amount determined under the

19 State law (before the application of this para20

graph), plus

21 (B) an additional amount of $600 (in this

22 section referred to as ‘‘Federal Pandemic Un23

employment Compensation’’).

24 (2) ALLOWABLE METHODS OF PAYMENT.—Any

25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall

2 be payable either—

3 (A) as an amount which is paid at the

4 same time and in the same manner as any reg5

ular compensation otherwise payable for the

6 week involved; or

7 (B) at the option of the State, by pay8

ments which are made separately from, but on

9 the same weekly basis as, any regular com10

pensation otherwise payable.

11 (c) NONREDUCTION RULE.—

12 (1) IN GENERAL.—An agreement under this

13 section shall not apply (or shall cease to apply) with

14 respect to a State upon a determination by the Sec15

retary that the method governing the computation of

16 regular compensation under the State law of that

17 State has been modified in a manner such that the

18 number of weeks (the maximum benefit entitlement),

19 or the average weekly benefit amount, of regular

20 compensation which will be payable during the pe21

riod of the agreement (determined disregarding any

22 Federal Pandemic Unemployment Compensation)

23 will be less than the number of weeks, or the aver24

age weekly benefit amount, of the average weekly

25 benefit amount of regular compensation which would

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1 otherwise have been payable during such period

2 under the State law, as in effect on January 1,

3 2020.

4 (2) MAXIMUM BENEFIT ENTITLEMENT.—In

5 paragraph (1), the term ‘‘maximum benefit entitle6

ment’’ means the amount of regular unemployment

7 compensation payable to an individual with respect

8 to the individual’s benefit year.

9 (d) PAYMENTS TO STATES.—

10 (1) IN GENERAL.—

11 (A) FULL REIMBURSEMENT.—There shall

12 be paid to each State which has entered into an

13 agreement under this section an amount equal

14 to 100 percent of—

15 (i) the total amount of Federal Pan16

demic Unemployment Compensation paid

17 to individuals by the State pursuant to

18 such agreement; and

19 (ii) any additional administrative ex20

penses incurred by the State by reason of

21 such agreement (as determined by the Sec22

retary).

23 (B) TERMS OF PAYMENTS.—Sums payable

24 to any State by reason of such State’s having

25 an agreement under this section shall be pay102

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1 able, either in advance or by way of reimburse2

ment (as determined by the Secretary), in such

3 amounts as the Secretary estimates the State

4 will be entitled to receive under this section for

5 each calendar month, reduced or increased, as

6 the case may be, by any amount by which the

7 Secretary finds that his estimates for any prior

8 calendar month were greater or less than the

9 amounts which should have been paid to the

10 State. Such estimates may be made on the

11 basis of such statistical, sampling, or other

12 method as may be agreed upon by the Secretary

13 and the State agency of the State involved.

14 (2) CERTIFICATIONS.—The Secretary shall

15 from time to time certify to the Secretary of the

16 Treasury for payment to each State the sums pay17

able to such State under this section.

18 (3) APPROPRIATION.—There are appropriated

19 from the general fund of the Treasury, without fiscal

20 year limitation, such sums as may be necessary for

21 purposes of this subsection.

22 (e) APPLICABILITY.—An agreement entered into

23 under this section shall apply to weeks of unemployment—

24 (1) beginning after the date on which such

25 agreement is entered into; and

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1 (2) ending on or before July 31, 2020.

2 (f) FRAUD AND OVERPAYMENTS.—

3 (1) IN GENERAL.—If an individual knowingly

4 has made, or caused to be made by another, a false

5 statement or representation of a material fact, or

6 knowingly has failed, or caused another to fail, to

7 disclose a material fact, and as a result of such false

8 statement or representation or of such nondisclosure

9 such individual has received an amount of Federal

10 Pandemic Unemployment Compensation to which

11 such individual was not entitled, such individual—

12 (A) shall be ineligible for further Federal

13 Pandemic Unemployment Compensation in ac14

cordance with the provisions of the applicable

15 State unemployment compensation law relating

16 to fraud in connection with a claim for unem17

ployment compensation; and

18 (B) shall be subject to prosecution under

19 section 1001 of title 18, United States Code.

20 (2) REPAYMENT.—In the case of individuals

21 who have received amounts of Federal Pandemic

22 Unemployment Compensation to which they were

23 not entitled, the State shall require such individuals

24 to repay the amounts of such Federal Pandemic Un25

employment Compensation to the State agency, ex104

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1 cept that the State agency may waive such repay2

ment if it determines that—

3 (A) the payment of such Federal Pandemic

4 Unemployment Compensation was without fault

5 on the part of any such individual; and

6 (B) such repayment would be contrary to

7 equity and good conscience.

8 (3) RECOVERY BY STATE AGENCY.—

9 (A) IN GENERAL.—The State agency shall

10 recover the amount to be repaid, or any part

11 thereof, by deductions from any Federal Pan12

demic Unemployment Compensation payable to

13 such individual or from any unemployment

14 compensation payable to such individual under

15 any State or Federal unemployment compensa16

tion law administered by the State agency or

17 under any other State or Federal law adminis18

tered by the State agency which provides for

19 the payment of any assistance or allowance with

20 respect to any week of unemployment, during

21 the 3-year period after the date such individuals

22 received the payment of the Federal Pandemic

23 Unemployment Compensation to which they

24 were not entitled, in accordance with the same

25 procedures as apply to the recovery of overpay105

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1 ments of regular unemployment benefits paid

2 by the State.

3 (B) OPPORTUNITY FOR HEARING.—No re4

payment shall be required, and no deduction

5 shall be made, until a determination has been

6 made, notice thereof and an opportunity for a

7 fair hearing has been given to the individual,

8 and the determination has become final.

9 (4) REVIEW.—Any determination by a State

10 agency under this section shall be subject to review

11 in the same manner and to the same extent as deter12

minations under the State unemployment compensa13

tion law, and only in that manner and to that ex14

tent.

15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE16

FITS.—Each agreement under this section shall include

17 provisions to provide that the purposes of the preceding

18 provisions of this section shall be applied with respect to

19 unemployment benefits described in subsection (i)(2) to

20 the same extent and in the same manner as if those bene21

fits were regular compensation.

22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR

23 PURPOSES OF MEDICAID AND CHIP.—The monthly

24 equivalent of any Federal pandemic unemployment com25

pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose

2 under the programs established under titles XIX and title

3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,

4 1397aa et seq.) .

5 (i) DEFINITIONS.—For purposes of this section—

6 (1) the terms ‘‘compensation’’, ‘‘regular com7

pensation’’, ‘‘benefit year’’, ‘‘State’’, ‘‘State agency’’,

8 ‘‘State law’’, and ‘‘week’’ have the respective mean9

ings given such terms under section 205 of the Fed10

eral-State Extended Unemployment Compensation

11 Act of 1970 (26 U.S.C. 3304 note); and

12 (2) any reference to unemployment benefits de13

scribed in this paragraph shall be considered to refer

14 to—

15 (A) extended compensation (as defined by

16 section 205 of the Federal-State Extended Un17

employment Compensation Act of 1970);

18 (B) regular compensation (as defined by

19 section 85(b) of the Internal Revenue Code of

20 1986) provided under any program adminis21

tered by a State under an agreement with the

22 Secretary;

23 (C) pandemic unemployment assistance

24 under section 2102; and

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1 (D) pandemic emergency unemployment

2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**

4 **FIRST WEEK OF COMPENSABLE REGULAR**

5 **UNEMPLOYMENT FOR STATES WITH NO WAIT**6

**ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State

8 which desires to do so may enter into and participate in

9 an agreement under this section with the Secretary of

10 Labor (in this section referred to as the ‘‘Secretary’’). Any

11 State which is a party to an agreement under this section

12 may, upon providing 30 days’ written notice to the Sec13

retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT

15 APPLY A WAITING WEEK.—A State is eligible to enter

16 into an agreement under this section if the State law (in17

cluding a waiver of State law) provides that compensation

18 is paid to individuals for their first week of regular unem19

ployment without a waiting week. An agreement under

20 this section shall not apply (or shall cease to apply) with

21 respect to a State upon a determination by the Secretary

22 that the State law no longer meets the requirement under

23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be

2 paid to each State which has entered into an agree3

ment under this section an amount equal to 100 per4

cent of—

5 (A) the total amount of regular compensa6

tion paid to individuals by the State for their

7 first week of regular unemployment; and

8 (B) any additional administrative expenses

9 incurred by the State by reason of such agree10

ment (as determined by the Secretary).

11 (2) TERMS OF PAYMENTS.—Sums payable to

12 any State by reason of such State’s having an agree13

ment under this section shall be payable, either in

14 advance or by way of reimbursement (as determined

15 by the Secretary), in such amounts as the Secretary

16 estimates the State will be entitled to receive under

17 this section for each calendar month, reduced or in18

creased, as the case may be, by any amount by

19 which the Secretary finds that his estimates for any

20 prior calendar month were greater or less than the

21 amounts which should have been paid to the State.

22 Such estimates may be made on the basis of such

23 statistical, sampling, or other method as may be

24 agreed upon by the Secretary and the State agency

25 of the State involved.

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1 (d) FUNDING.—

2 (1) COMPENSATION.—

3 (A) IN GENERAL.—Funds in the Federal

4 unemployment account (as established by sec5

tion 905(g)) of the Unemployment Trust Fund

6 (as established by section 904(a)) shall be used

7 to make payments under subsection (c)(1)(A).

8 (B) TRANSFER OF FUNDS.—Notwith9

standing any other provision of law, the Sec10

retary of the Treasury shall transfer from the

11 general fund of the Treasury (from funds not

12 otherwise appropriated) to the Federal unem13

ployment account such sums as the Secretary of

14 Labor estimates to be necessary to make pay15

ments described in subparagraph (A). There

16 are appropriated from the general fund of the

17 Treasury, without fiscal year limitation, the

18 sums referred to in the preceding sentence and

19 such sums shall not be required to be repaid.

20 (2) ADMINISTRATIVE EXPENSES.—

21 (A) IN GENERAL.—Funds in the employ22

ment security administration account (as estab23

lished by section 901(a) of the Social Security

24 Act (42 U.S.C. 1105(a)) of the Unemployment

25 Trust Fund (as established by section 904(a) of

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1 such Act (42 U.S.C. 1104(a)) shall be used to

2 make payments to States pursuant to sub3

section (c)(1)(B).

4 (B) TRANSFER OF FUNDS.—Notwith5

standing any other provision of law, the Sec6

retary of the Treasury shall transfer from the

7 general fund of the Treasury (from funds not

8 otherwise appropriated) to the employment se9

curity administration account such sums as the

10 Secretary of Labor estimates to be necessary to

11 make payments described in subparagraph (A).

12 There are appropriated from the general fund

13 of the Treasury, without fiscal year limitation,

14 the sums referred to in the preceding sentence

15 and such sums shall not be required to be re16

paid.

17 (3) CERTIFICATIONS.—The Secretary shall

18 from time to time certify to the Secretary of the

19 Treasury for payment to each State the sums pay20

able to such State under this section.

21 (e) APPLICABILITY.—An agreement entered into

22 under this section shall apply to weeks of unemployment—

23 (1) beginning after the date on which such

24 agreement is entered into; and

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

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of

2 section 2107(e) shall apply with respect to compensation

3 paid under an agreement under this section to the same

4 extent and in the same manner as in the case of pandemic

5 emergency unemployment compensation under such sec6

tion.

7 (g) DEFINITIONS.—For purposes of this section, the

8 terms ‘‘regular compensation’’, ‘‘State’’, ‘‘State agency’’,

9 ‘‘State law’’, and ‘‘week’’ have the respective meanings

10 given such terms under section 205 of the Federal-State

11 Extended Unemployment Compensation Act of 1970 (26

12 U.S.C. 3304 note).

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

14 Section 4102(b) of the Emergency Unemployment

15 Stabilization and Access Act of 2020 (contained in division

16 D of the Families First Coronavirus Response Act) is

17 amended—

18 (1) by striking ‘‘or employer experience rating’’

19 and inserting ‘‘employer experience rating, or, sub20

ject to the succeeding sentence, personnel standards

21 on a merit basis’’; and

22 (2) by adding at the end the following new sen23

tence: ‘‘The emergency flexibility for personnel

24 standards on a merit basis shall only apply through

25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em2

ployees on a non-competitive basis, and other tem3

porary actions to quickly process applications and

4 claims.’’.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM**6

**PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to

9 do so may enter into and participate in an agree10

ment under this section with the Secretary of Labor

11 (in this section referred to as the ‘‘Secretary’’). Any

12 State which is a party to an agreement under this

13 section may, upon providing 30 days’ written notice

14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree16

ment under paragraph (1) shall provide that the

17 State agency of the State will make payments of

18 pandemic emergency unemployment compensation to

19 individuals who—

20 (A) have exhausted all rights to regular

21 compensation under the State law or under

22 Federal law with respect to a benefit year (ex23

cluding any benefit year that ended before

24 July1, 2019);

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1 (B) have no rights to regular compensation

2 with respect to a week under such law or any

3 other State unemployment compensation law or

4 to compensation under any other Federal law;

5 (C) are not receiving compensation with

6 respect to such week under the unemployment

7 compensation law of Canada; and

8 (D) are able to work, available to work,

9 and actively seeking work.

10 (3) EXHAUSTION OF BENEFITS.—For purposes

11 of paragraph (2)(A), an individual shall be deemed

12 to have exhausted such individual’s rights to regular

13 compensation under a State law when—

14 (A) no payments of regular compensation

15 can be made under such law because such indi16

vidual has received all regular compensation

17 available to such individual based on employ18

ment or wages during such individual’s base pe19

riod; or

20 (B) such individual’s rights to such com21

pensation have been terminated by reason of

22 the expiration of the benefit year with respect

23 to which such rights existed.

24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For

25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency

2 unemployment compensation which shall be

3 payable to any individual for any week of total

4 unemployment shall be equal to—

5 (i) the amount of the regular com6

pensation (including dependents’ allow7

ances) payable to such individual during

8 such individual’s benefit year under the

9 State law for a week of total unemploy10

ment; and

11 (ii) the amount of Federal Pandemic

12 Unemployment Compensation under sec13

tion 2104;

14 (B) the terms and conditions of the State

15 law which apply to claims for regular compensa16

tion and to the payment thereof (including

17 terms and conditions relating to availability for

18 work, active search for work, and refusal to ac19

cept work) shall apply to claims for pandemic

20 emergency unemployment compensation and the

21 payment thereof, except where otherwise incon22

sistent with the provisions of this section or

23 with the regulations or operating instructions of

24 the Secretary promulgated to carry out this sec25

tion;

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1 (C) the maximum amount of pandemic

2 emergency unemployment compensation payable

3 to any individual for whom an pandemic emer4

gency unemployment compensation account is

5 established under subsection (b) shall not ex6

ceed the amount established in such account for

7 such individual; and

8 (D) the allowable methods of payment

9 under section 2104(b)(2) shall apply to pay10

ments of amounts described in subparagraph

11 (A)(ii).

12 (5) COORDINATION RULE.—An agreement

13 under this section shall apply with respect to a State

14 only upon a determination by the Secretary that,

15 under the State law or other applicable rules of such

16 State, the payment of extended compensation for

17 which an individual is otherwise eligible must be de18

ferred until after the payment of any pandemic

19 emergency unemployment compensation under sub20

section (b) for which the individual is concurrently

21 eligible.

22 (6) NONREDUCTION RULE.—

23 (A) IN GENERAL.—An agreement under

24 this section shall not apply (or shall cease to

25 apply) with respect to a State upon a deter116

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1 mination by the Secretary that the method gov2

erning the computation of regular compensation

3 under the State law of that State has been

4 modified in a manner such that the number of

5 weeks (the maximum benefit entitlement), or

6 the average weekly benefit amount, of regular

7 compensation which will be payable during the

8 period of the agreement will be less than the

9 number of weeks, or the average weekly benefit

10 amount, of the average weekly benefit amount

11 of regular compensation which would otherwise

12 have been payable during such period under the

13 State law, as in effect on January 1, 2020.

14 (B) MAXIMUM BENEFIT ENTITLEMENT.—

15 In subparagraph (A), the term ‘‘maximum ben16

efit entitlement’’ means the amount of regular

17 unemployment compensation payable to an indi18

vidual with respect to the individual’s benefit

19 year.

20 (7) ACTIVELY SEEKING WORK.—

21 (A) IN GENERAL.—Subject to subpara22

graph (C), for purposes of paragraph (2)(D),

23 the term ‘‘actively seeking work’’ means, with

24 respect to any individual, that such individual—

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1 (i) is registered for employment serv2

ices in such a manner and to such extent

3 as prescribed by the State agency;

4 (ii) has engaged in an active search

5 for employment that is appropriate in light

6 of the employment available in the labor

7 market, the individual’s skills and capabili8

ties, and includes a number of employer

9 contacts that is consistent with the stand10

ards communicated to the individual by the

11 State;

12 (iii) has maintained a record of such

13 work search, including employers con14

tacted, method of contact, and date con15

tacted; and

16 (iv) when requested, has provided

17 such work search record to the State agen18

cy.

19 (B) FLEXIBILITY.—Notwithstanding the

20 requirements under subparagraph (A) and

21 paragraph (2)(D), a State shall provide flexi22

bility in meeting such requirements in case of

23 individuals unable to search for work because of

24 COVID-19, including because of illness, quar25

antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM2

PENSATION ACCOUNT.—

3 (1) IN GENERAL.—Any agreement under this

4 section shall provide that the State will establish, for

5 each eligible individual who files an application for

6 pandemic emergency unemployment compensation,

7 an pandemic emergency unemployment compensa8

tion account with respect to such individual’s benefit

9 year.

10 (2) AMOUNT IN ACCOUNT.—The amount estab11

lished in an account under subsection (a) shall be

12 equal to 13 times the individual’s average weekly

13 benefit amount, which includes the amount of Fed14

eral Pandemic Unemployment Compensation under

15 section 2104, for the benefit year.

16 (3) WEEKLY BENEFIT AMOUNT.—For purposes

17 of this subsection, an individual’s weekly benefit

18 amount for any week is the amount of regular com19

pensation (including dependents’ allowances) under

20 the State law payable to such individual for such

21 week for total unemployment plus the amount of

22 Federal Pandemic Unemployment Compensation

23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS

2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM3

PLOYMENT COMPENSATION.—

4 (1) IN GENERAL.—There shall be paid to each

5 State that has entered into an agreement under this

6 section an amount equal to 100 percent of the pan7

demic emergency unemployment compensation paid

8 to individuals by the State pursuant to such agree9

ment.

10 (2) TREATMENT OF REIMBURSABLE COMPENSA11

TION.—No payment shall be made to any State

12 under this section in respect of any compensation to

13 the extent the State is entitled to reimbursement in

14 respect of such compensation under the provisions of

15 any Federal law other than this section or chapter

16 85 of title 5, United States Code. A State shall not

17 be entitled to any reimbursement under such chapter

18 85 in respect of any compensation to the extent the

19 State is entitled to reimbursement under this section

20 in respect of such compensation.

21 (3) DETERMINATION OF AMOUNT.—Sums pay22

able to any State by reason of such State having an

23 agreement under this section shall be payable, either

24 in advance or by way of reimbursement (as may be

25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to

2 receive under this section for each calendar month,

3 reduced or increased, as the case may be, by any

4 amount by which the Secretary finds that the Sec5

retary’s estimates for any prior calendar month were

6 greater or less than the amounts which should have

7 been paid to the State. Such estimates may be made

8 on the basis of such statistical, sampling, or other

9 method as may be agreed upon by the Secretary and

10 the State agency of the State involved.

11 (d) FINANCING PROVISIONS.—

12 (1) COMPENSATION.—

13 (A) IN GENERAL.—Funds in the extended

14 unemployment compensation account (as estab15

lished by section 905(a) of the Social Security

16 Act (42 U.S.C. 1105(a)) of the Unemployment

17 Trust Fund (as established by section 904(a) of

18 such Act (42 U.S.C. 1104(a)) shall be used for

19 the making of payments to States having agree20

ments entered into under this section.

21 (B) TRANSFER OF FUNDS.—Notwith22

standing any other provision of law, the Sec23

retary of the Treasury shall transfer from the

24 general fund of the Treasury (from funds not

25 otherwise appropriated) to the extended unem121

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1 ployment compensation account such sums as

2 the Secretary of Labor estimates to be nec3

essary to make payments described in subpara4

graph (A). There are appropriated from the

5 general fund of the Treasury, without fiscal

6 year limitation, the sums referred to in the pre7

ceding sentence and such sums shall not be re8

quired to be repaid.

9 (2) ADMINISTRATION.—

10 (A) IN GENERAL.—There are appropriated

11 out of the employment security administration

12 account (as established by section 901(a) of the

13 Social Security Act (42 U.S.C. 1101(a)) of the

14 Unemployment Trust Fund, without fiscal year

15 limitation, such funds as may be necessary for

16 purposes of assisting States (as provided in title

17 III of the Social Security Act (42 U.S.C. 501

18 et seq.)) in meeting the costs of administration

19 of agreements under this section.

20 (B) TRANSFER OF FUNDS.—Notwith21

standing any other provision of law, the Sec22

retary of the Treasury shall transfer from the

23 general fund of the Treasury (from funds not

24 otherwise appropriated) to the employment se25

curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to

2 make payments described in subparagraph (A).

3 There are appropriated from the general fund

4 of the Treasury, without fiscal year limitation,

5 the sums referred to in the preceding sentence

6 and such sums shall not be required to be re7

paid.

8 (3) CERTIFICATION.—The Secretary shall from

9 time to time certify to the Secretary of the Treasury

10 for payment to each State the sums payable to such

11 State under this subsection. The Secretary of the

12 Treasury, prior to audit or settlement by the Gov13

ernment Accountability Office, shall make payments

14 to the State in accordance with such certification, by

15 transfers from the extended unemployment com16

pensation account (as so established) to the account

17 of such State in the Unemployment Trust Fund (as

18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly

21 has made, or caused to be made by another, a false

22 statement or representation of a material fact, or

23 knowingly has failed, or caused another to fail, to

24 disclose a material fact, and as a result of such false

25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic

2 emergency unemployment compensation under this

3 section to which such individual was not entitled,

4 such individual—

5 (A) shall be ineligible for further pandemic

6 emergency unemployment compensation under

7 this section in accordance with the provisions of

8 the applicable State unemployment compensa9

tion law relating to fraud in connection with a

10 claim for unemployment compensation; and

11 (B) shall be subject to prosecution under

12 section 1001 of title 18, United States Code.

13 (2) REPAYMENT.—In the case of individuals

14 who have received amounts of pandemic emergency

15 unemployment compensation under this section to

16 which they were not entitled, the State shall require

17 such individuals to repay the amounts of such pan18

demic emergency unemployment compensation to the

19 State agency, except that the State agency may

20 waive such repayment if it determines that—

21 (A) the payment of such pandemic emer22

gency unemployment compensation was without

23 fault on the part of any such individual; and

24 (B) such repayment would be contrary to

25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—

2 (A) IN GENERAL.—The State agency shall

3 recover the amount to be repaid, or any part

4 thereof, by deductions from any pandemic

5 emergency unemployment compensation payable

6 to such individual under this section or from

7 any unemployment compensation payable to

8 such individual under any State or Federal un9

employment compensation law administered by

10 the State agency or under any other State or

11 Federal law administered by the State agency

12 which provides for the payment of any assist13

ance or allowance with respect to any week of

14 unemployment, during the 3-year period after

15 the date such individuals received the payment

16 of the pandemic emergency unemployment com17

pensation to which they were not entitled, in ac18

cordance with the same procedures as apply to

19 the recovery of overpayments of regular unem20

ployment benefits paid by the State.

21 (B) OPPORTUNITY FOR HEARING.—No re22

payment shall be required, and no deduction

23 shall be made, until a determination has been

24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,

2 and the determination has become final.

3 (4) REVIEW.—Any determination by a State

4 agency under this section shall be subject to review

5 in the same manner and to the same extent as deter6

minations under the State unemployment compensa7

tion law, and only in that manner and to that ex8

tent.

9 (f) DEFINITIONS.—In this section, the terms ‘‘com10

pensation’’, ‘‘regular compensation’’, ‘‘extended compensa11

tion’’, ‘‘benefit year’’, ‘‘base period’’, ‘‘State’’, ‘‘State

12 agency’’, ‘‘State law’’, and ‘‘week’’ have the respective

13 meanings given such terms under section 205 of the Fed14

eral-State Extended Unemployment Compensation Act of

15 1970 (26 U.S.C. 3304 note).

16 (g) APPLICABILITY.—An agreement entered into

17 under this section shall apply to weeks of unemployment—

18 (1) beginning after the date on which such

19 agreement is entered into; and

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

21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM**22

**PENSATION PAYMENTS IN STATES WITH PRO**23

**GRAMS IN LAW.**

24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),

2 there shall be paid to a State an amount equal to

3 100 percent of the amount of short-time compensa4

tion paid under a short-time compensation program

5 (as defined in section 3306(v) of the Internal Rev6

enue Code of 1986) under the provisions of the

7 State law.

8 (2) TERMS OF PAYMENTS.—Payments made to

9 a State under paragraph (1) shall be payable by way

10 of reimbursement in such amounts as the Secretary

11 estimates the State will be entitled to receive under

12 this section for each calendar month, reduced or in13

creased, as the case may be, by any amount by

14 which the Secretary finds that the Secretary’s esti15

mates for any prior calendar month were greater or

16 less than the amounts which should have been paid

17 to the State. Such estimates may be made on the

18 basis of such statistical, sampling, or other method

19 as may be agreed upon by the Secretary and the

20 State agency of the State involved.

21 (3) LIMITATIONS ON PAYMENTS.—

22 (A) GENERAL PAYMENT LIMITATIONS.—

23 No payments shall be made to a State under

24 this section for short-time compensation paid to

25 an individual by the State during a benefit year

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1 in excess of 26 times the amount of regular

2 compensation (including dependents’ allow3

ances) under the State law payable to such in4

dividual for a week of total unemployment.

5 (B) EMPLOYER LIMITATIONS.—No pay6

ments shall be made to a State under this sec7

tion for benefits paid to an individual by the

8 State under a short-time compensation program

9 if such individual is employed by the partici10

pating employer on a seasonal, temporary, or

11 intermittent basis.

12 (b) APPLICABILITY.—Payments to a State under

13 subsection (a) shall be available for weeks of unemploy14

ment—

15 (1) beginning on or after the date of the enact16

ment of this Act; and

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

18 (c) NEW PROGRAMS.—Subject to subsection (b)(2),

19 if at any point after the date of the enactment of this Act

20 the State enacts a State law providing for the payment

21 of short-time compensation under a short-time compensa22

tion program that meets the definition of such a program

23 under section 3306(v) of the Internal Revenue Code of

24 1986, the State shall be eligible for payments under this

25 section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—

2 (1) FUNDING.—There are appropriated, out of

3 moneys in the Treasury not otherwise appropriated,

4 such sums as may be necessary for purposes of car5

rying out this section.

6 (2) CERTIFICATIONS.—The Secretary shall

7 from time to time certify to the Secretary of the

8 Treasury for payment to each State the sums pay9

able to such State under this section.

10 (e) DEFINITIONS.—In this section:

11 (1) SECRETARY.—The term ‘‘Secretary’’ means

12 the Secretary of Labor.

13 (2) STATE; STATE AGENCY; STATE LAW.—The

14 terms ‘‘State’’, ‘‘State agency’’, and ‘‘State law’’

15 have the meanings given those terms in section 205

16 of the Federal-State Extended Unemployment Com17

pensation Act of 1970 (26 U.S.C. 3304 note).

18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec19

tion 3306(v)(6) of the Internal Revenue Code of 1986 (26

20 U.S.C. 3306) is amended by striking ‘‘Workforce Invest21

ment Act of 1998’’ and inserting ‘‘Workforce Innovation

22 and Opportunity Act’’.

23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM**24

**PENSATION AGREEMENTS.**

25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to

2 do so may enter into, and participate in, an agree3

ment under this section with the Secretary provided

4 that such State’s law does not provide for the pay5

ment of short-time compensation under a short-time

6 compensation program (as defined in section

7 3306(v) of the Internal Revenue Code of 1986).

8 (2) ABILITY TO TERMINATE.—Any State which

9 is a party to an agreement under this section may,

10 upon providing 30 days’ written notice to the Sec11

retary, terminate such agreement.

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

13 (1) IN GENERAL.—Any agreement under this

14 section shall provide that the State agency of the

15 State will make payments of short-time compensa16

tion under a plan approved by the State. Such plan

17 shall provide that payments are made in accordance

18 with the requirements under section 3306(v) of the

19 Internal Revenue Code of 1986.

20 (2) LIMITATIONS ON PLANS.—

21 (A) GENERAL PAYMENT LIMITATIONS.—A

22 short-time compensation plan approved by a

23 State shall not permit the payment of short24

time compensation to an individual by the State

25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de2

pendents’ allowances) under the State law pay3

able to such individual for a week of total un4

employment.

5 (B) EMPLOYER LIMITATIONS.—A short6

time compensation plan approved by a State

7 shall not provide payments to an individual if

8 such individual is employed by the participating

9 employer on a seasonal, temporary, or intermit10

tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any

12 short-time compensation plan entered into by an em13

ployer must provide that the employer will pay the

14 State an amount equal to one-half of the amount of

15 short-time compensation paid under such plan. Such

16 amount shall be deposited in the State’s unemploy17

ment fund and shall not be used for purposes of cal18

culating an employer’s contribution rate under sec19

tion 3303(a)(1) of the Internal Revenue Code of

20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each

23 State with an agreement under this section an

24 amount equal to—

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1 (A) one-half of the amount of short-time

2 compensation paid to individuals by the State

3 pursuant to such agreement; and

4 (B) any additional administrative expenses

5 incurred by the State by reason of such agree6

ment (as determined by the Secretary).

7 (2) TERMS OF PAYMENTS.—Payments made to

8 a State under paragraph (1) shall be payable by way

9 of reimbursement in such amounts as the Secretary

10 estimates the State will be entitled to receive under

11 this section for each calendar month, reduced or in12

creased, as the case may be, by any amount by

13 which the Secretary finds that the Secretary’s esti14

mates for any prior calendar month were greater or

15 less than the amounts which should have been paid

16 to the State. Such estimates may be made on the

17 basis of such statistical, sampling, or other method

18 as may be agreed upon by the Secretary and the

19 State agency of the State involved.

20 (3) FUNDING.—There are appropriated, out of

21 moneys in the Treasury not otherwise appropriated,

22 such sums as may be necessary for purposes of car23

rying out this section.

24 (4) CERTIFICATIONS.—The Secretary shall

25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay2

able to such State under this section.

3 (d) APPLICABILITY.—An agreement entered into

4 under this section shall apply to weeks of unemployment—

5 (1) beginning on or after the date on which

6 such agreement is entered into; and

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

8 (e) SPECIAL RULE.—If a State has entered into an

9 agreement under this section and subsequently enacts a

10 State law providing for the payment of short-time com11

pensation under a short-time compensation program that

12 meets the definition of such a program under section

13 3306(v) of the Internal Revenue Code of 1986, the

14 State—

15 (1) shall not be eligible for payments under this

16 section for weeks of unemployment beginning after

17 the effective date of such State law; and

18 (2) subject to section 2108(b)(2), shall be eligi19

ble to receive payments under section 2108 after the

20 effective date of such State law.

21 (f) DEFINITIONS.—In this section:

22 (1) SECRETARY.—The term ‘‘Secretary’’ means

23 the Secretary of Labor.

24 (2) STATE; STATE AGENCY; STATE LAW.—The

25 terms ‘‘State’’, ‘‘State agency’’, and ‘‘State law’’

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1 have the meanings given those terms in section 205

2 of the Federal-State Extended Unemployment Com3

pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO**5

**GRAMS.**

6 (a) GRANTS.—

7 (1) FOR IMPLEMENTATION OR IMPROVED AD8

MINISTRATION.—The Secretary shall award grants

9 to States that enact short-time compensation pro10

grams (as defined in subsection (i)(2)) for the pur11

pose of implementation or improved administration

12 of such programs.

13 (2) FOR PROMOTION AND ENROLLMENT.—The

14 Secretary shall award grants to States that are eligi15

ble and submit plans for a grant under paragraph

16 (1) for such States to promote and enroll employers

17 in short-time compensation programs (as so de18

fined).

19 (3) ELIGIBILITY.—

20 (A) IN GENERAL.—The Secretary shall de21

termine eligibility criteria for the grants under

22 paragraphs (1) and (2).

23 (B) CLARIFICATION.—A State admin24

istering a short-time compensation program

25 that does not meet the definition of a short134

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1 time compensation program under section

2 3306(v) of the Internal Revenue Code of 1986,

3 and a State with an agreement under section

4 2109, shall not be eligible to receive a grant

5 under this section until such time as the State

6 law of the State provides for payments under a

7 short-time compensation program that meets

8 such definition and such law.

9 (b) AMOUNT OF GRANTS.—

10 (1) IN GENERAL.—The maximum amount avail11

able for making grants to a State under paragraphs

12 (1) and (2) shall be equal to the amount obtained

13 by multiplying $100,000,000 (less the amount used

14 by the Secretary under subsection (e)) by the same

15 ratio as would apply under subsection (a)(2)(B) of

16 section 903 of the Social Security Act (42 U.S.C.

17 1103) for purposes of determining such State’s

18 share of any excess amount (as described in sub19

section (a)(1) of such section) that would have been

20 subject to transfer to State accounts, as of October

21 1, 2019, under the provisions of subsection (a) of

22 such section.

23 (2) AMOUNT AVAILABLE FOR DIFFERENT

24 GRANTS.—Of the maximum incentive payment deter135

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1 mined under paragraph (1) with respect to a

2 State—

3 (A) one-third shall be available for a grant

4 under subsection (a)(1); and

5 (B) two-thirds shall be available for a

6 grant under subsection (a)(2).

7 (c) GRANT APPLICATION AND DISBURSAL.—

8 (1) APPLICATION.—Any State seeking a grant

9 under paragraph (1) or (2) of subsection (a) shall

10 submit an application to the Secretary at such time,

11 in such manner, and complete with such information

12 as the Secretary may require. In no case may the

13 Secretary award a grant under this section with re14

spect to an application that is submitted after De15

cember 31, 2023.

16 (2) NOTICE.—The Secretary shall, within 30

17 days after receiving a complete application, notify

18 the State agency of the State of the Secretary’s find19

ings with respect to the requirements for a grant

20 under paragraph (1) or (2) (or both) of subsection

21 (a).

22 (3) CERTIFICATION.—If the Secretary finds

23 that the State law provisions meet the requirements

24 for a grant under subsection (a), the Secretary shall

25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi2

cation as to the amount of the grant payment to be

3 transferred to the State account in the Unemploy4

ment Trust Fund (as established in section 904(a)

5 of the Social Security Act (42 U.S.C. 1104(a))) pur6

suant to that finding. The Secretary of the Treasury

7 shall make the appropriate transfer to the State ac8

count within 7 days after receiving such certifi9

cation.

10 (4) REQUIREMENT.—No certification of compli11

ance with the requirements for a grant under para12

graph (1) or (2) of subsection (a) may be made with

13 respect to any State whose—

14 (A) State law is not otherwise eligible for

15 certification under section 303 of the Social Se16

curity Act (42 U.S.C. 503) or approvable under

17 section 3304 of the Internal Revenue Code of

18 1986; or

19 (B) short-time compensation program is

20 subject to discontinuation or is not scheduled to

21 take effect within 12 months of the certifi22

cation.

23 (d) USE OF FUNDS.—The amount of any grant

24 awarded under this section shall be used for the implemen25

tation of short-time compensation programs and the over137

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1 all administration of such programs and the promotion

2 and enrollment efforts associated with such programs,

3 such as through—

4 (1) the creation or support of rapid response

5 teams to advise employers about alternatives to lay6

offs;

7 (2) the provision of education or assistance to

8 employers to enable them to assess the feasibility of

9 participating in short-time compensation programs;

10 and

11 (3) the development or enhancement of systems

12 to automate—

13 (A) the submission and approval of plans;

14 and

15 (B) the filing and approval of new and on16

going short-time compensation claims.

17 (e) ADMINISTRATION.—The Secretary is authorized

18 to use 0.25 percent of the funds available under subsection

19 (g) to provide for outreach and to share best practices with

20 respect to this section and short-time compensation pro21

grams.

22 (f) RECOUPMENT.—The Secretary shall establish a

23 process under which the Secretary shall recoup the

24 amount of any grant awarded under paragraph (1) or (2)

25 of subsection (a) if the Secretary determines that, during

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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 compensa4

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 mon9

eys in the Treasury not otherwise appropriated, to the

10 Secretary, $100,000,000 to carry out this section, to re11

main available without fiscal year limitation.

12 (h) REPORTING.—The Secretary may establish re13

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

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1 of the Federal-State Extended Unemployment Com2

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 estab6

lishing, qualifying, and implementing short-time com7

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 dis11

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 pro17

grams; and

18 (3) establish reporting requirements for States,

19 including reporting on—

20 (A) the number of estimated averted lay21

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.

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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 in5

tegrity.

6 (c) CONSULTATION.—In developing the model legisla7

tive language and guidance under subsection (a), and in

8 order to meet the requirements of subsection (b), the Sec9

retary shall consult with employers, labor organizations,

10 State workforce agencies, and other program experts. Ex11

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 Unem15

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. WAIVER OF THE 7-DAY WAITING PERIOD FOR**

19 **BENEFITS UNDER THE RAILROAD UNEM**20

**PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg22

istration period beginning after the date of enactment of

23 this Act and ending on or before December 31, 2020, sub24

paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.

2 352(a)(1)) shall not apply.

3 (b) OPERATING INSTRUCTIONS AND REGULA4

TIONS.—The Railroad Retirement Board may prescribe

5 any operating instructions or regulations necessary to

6 carry out this section.

7 (c) FUNDING.—Out of any funds in the Treasury not

8 otherwise appropriated, there are appropriated

9 $50,000,000 to cover the costs of additional benefits pay10

able due to the application of subsection (a). Upon the

11 exhaustion of the funds appropriated under this sub12

section, subsection (a) shall no longer apply with respect

13 to any registration period beginning after the date of ex14

haustion of funds.

15 (d) DEFINITION OF REGISTRATION PERIOD.—For

16 purposes of this section, the term ‘‘registration period’’

17 has the meaning given such term under section 1 of the

18 Railroad Unemployment Insurance Act (45 U.S.C. 351).

19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**

20 **UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(a) of the Railroad Unemployment Insur22

ance Act (45 U.S.C. § 352(a)) is amended by adding at

23 the end the following:

24 ‘‘(5)(A) Notwithstanding paragraph (3), subsection

25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April

2 1, 2020, but on or before July 31, 2020, a recovery benefit

3 in the amount of $1,200 shall be payable to a qualified

4 employee with respect to any registration period in which

5 the employee received unemployment benefits under para6

graph (1)(A), and in any registration period in which the

7 employee did not receive unemployment benefits due to the

8 limitation in subsection (c)(1)(B) or due to reaching the

9 maximum number of days of benefits in the benefit year

10 beginning July 1, 2019, under subsection (c)(1)(A). No

11 recovery benefits shall be payable under this section upon

12 the exhaustion of the funds appropriated under subpara13

graph (B) for payment of benefits under this subpara14

graph.

15 ‘‘(B) Out of any funds in the Treasury not otherwise

16 appropriated, there are appropriated $425,000,000 to

17 cover the cost of recovery benefits provided under subpara18

graph (A), to remain available until expended.’’.

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**

20 **THE RAILROAD UNEMPLOYMENT INSURANCE**

21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail23

road Unemployment Insurance Act (45 U.S.C.

24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking ‘‘July 1, 2008’’ and inserting

2 ‘‘July 1, 2019’’;

3 (2) by striking ‘‘June 30, 2013’’ and inserting

4 ‘‘June 30, 2020’’; and

5 (3) by striking ‘‘December 31, 2013’’ and in6

serting ‘‘December 31, 2020’’.

7 (b) CLARIFICATION ON AUTHORITY TO USE

8 FUNDS.—Funds appropriated under either the first or

9 second sentence of clause (iv) of section 2(c)(2)(D) of the

10 Railroad Unemployment Insurance Act shall be available

11 to cover the cost of additional extended unemployment

12 benefits provided under such section 2(c)(2)(D) by reason

13 of the amendments made by subsection (a) as well as to

14 cover the cost of such benefits provided under such section

15 2(c)(2)(D) as in effect on the day before the date of enact16

ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**

18 **GENERAL FOR OVERSIGHT OF UNEMPLOY**19

**MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas21

ury not otherwise appropriated, to the Office of the In22

spector General of the Department of Labor, $25,000,000

23 to carry out audits, investigations, and other oversight ac24

tivities authorized under the Inspector General Act of

25 1978 (5 U.S.C. App.) that are related to the provisions

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1 of, and amendments made by, this subtitle, to remain

2 available without fiscal year limitation.

3 **SEC. 2116. IMPLEMENTATION.**

4 (a) NON-APPLICATION OF THE PAPERWORK REDUC5

TION ACT.—Chapter 35 of title 44, United States Code

6 (commonly referred to as the ‘‘Paperwork Reduction Act

7 of 1995’’), shall not apply to the provisions of, and the

8 amendments made by, this subtitle.

9 (b) OPERATING INSTRUCTIONS OR OTHER GUID10

ANCE.—Notwithstanding any other provision of law, the

11 Secretary of Labor may issue any operating instructions

12 or other guidance necessary to carry out the provisions

13 of, or the amendments made by, this subtitle.

14 **Subtitle B—Rebates and Other**

15 **Individual Provisions**

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

17 (a) IN GENERAL.—Subchapter B of chapter 65 of

18 subtitle F of the Internal Revenue Code of 1986 is amend19

ed by inserting after section 6427 the following new sec20

tion:

21 **‘‘SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

22 ‘‘(a) IN GENERAL.—In the case of an eligible indi23

vidual, there shall be allowed as a credit against the tax

24 imposed by subtitle A for the first taxable year beginning

25 in 2020 an amount equal to the sum of—

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1 ‘‘(1) $1,200 ($2,400 in the case of eligible indi2

viduals filing a joint return), plus

3 ‘‘(2) an amount equal to the product of $500

4 multiplied by the number of qualifying children

5 (within the meaning of section 24(c)) of the tax6

payer.

7 ‘‘(b) TREATMENT OF CREDIT.—The credit allowed by

8 subsection (a) shall be treated as allowed by subpart C

9 of part IV of subchapter A of chapter 1.

10 ‘‘(c) LIMITATION BASED ON ADJUSTED GROSS IN11

COME.—The amount of the credit allowed by subsection

12 (a) (determined without regard to this subsection and sub13

section (e)) shall be reduced (but not below zero) by 5

14 percent of so much of the taxpayer’s adjusted gross in15

come as exceeds—

16 ‘‘(1) $150,000 in the case of a joint return,

17 ‘‘(2) $112,500 in the case of a head of house18

hold, and

19 ‘‘(3) $75,000 in the case of a taxpayer not de20

scribed in paragraph (1) or (2).

21 ‘‘(d) ELIGIBLE INDIVIDUAL.—For purposes of this

22 section, the term ‘eligible individual’ means any individual

23 other than—

24 ‘‘(1) any nonresident alien individual,

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1 ‘‘(2) any individual with respect to whom a de2

duction under section 151 is allowable to another

3 taxpayer for a taxable year beginning in the cal4

endar year in which the individual’s taxable year be5

gins, and

6 ‘‘(3) an estate or trust.

7 ‘‘(e) COORDINATION WITH ADVANCE REFUNDS OF

8 CREDIT.—

9 ‘‘(1) IN GENERAL.—The amount of credit

10 which would (but for this paragraph) be allowable

11 under this section shall be reduced (but not below

12 zero) by the aggregate refunds and credits made or

13 allowed to the taxpayer under subsection (f). Any

14 failure to so reduce the credit shall be treated as

15 arising out of a mathematical or clerical error and

16 assessed according to section 6213(b)(1).

17 ‘‘(2) JOINT RETURNS.—In the case of a refund

18 or credit made or allowed under subsection (f) with

19 respect to a joint return, half of such refund or cred20

it shall be treated as having been made or allowed

21 to each individual filing such return.

22 ‘‘(f) ADVANCE REFUNDS AND CREDITS.—

23 ‘‘(1) IN GENERAL.—Subject to paragraph (5),

24 each individual who was an eligible individual for

25 such individual’s first taxable year beginning in

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1 2019 shall be treated as having made a payment

2 against the tax imposed by chapter 1 for such tax3

able year in an amount equal to the advance refund

4 amount for such taxable year.

5 ‘‘(2) ADVANCE REFUND AMOUNT.—For pur6

poses of paragraph (1), the advance refund amount

7 is the amount that would have been allowed as a

8 credit under this section for such taxable year if this

9 section (other than subsection (e) and this sub10

section) had applied to such taxable year.

11 ‘‘(3) TIMING AND MANNER OF PAYMENTS.—

12 ‘‘(A) TIMING.—The Secretary shall, sub13

ject to the provisions of this title, refund or

14 credit any overpayment attributable to this sec15

tion as rapidly as possible. No refund or credit

16 shall be made or allowed under this subsection

17 after December 31, 2020.

18 ‘‘(B) DELIVERY OF PAYMENTS.—Notwith19

standing any other provision of law, the Sec20

retary may certify and disburse refunds payable

21 under this subsection electronically to any ac22

count to which the payee authorized, on or after

23 January 1, 2018, the delivery of a refund of

24 taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United

2 States Code).

3 ‘‘(C) WAIVER OF CERTAIN RULES.—Not4

withstanding section 3325 of title 31, United

5 States Code, or any other provision of law, with

6 respect to any payment of a refund under this

7 subsection, a disbursing official in the executive

8 branch of the United States Government may

9 modify payment information received from an

10 officer or employee described in section

11 3325(a)(1)(B) of such title for the purpose of

12 facilitating the accurate and efficient delivery of

13 such payment. Except in cases of fraud or reck14

less neglect, no liability under sections 3325,

15 3527, 3528, or 3529 of title 31, United States

16 Code, shall be imposed with respect to pay17

ments made under this subparagraph.

18 ‘‘(4) NO INTEREST.—No interest shall be al19

lowed on any overpayment attributable to this sec20

tion.

21 ‘‘(5) ALTERNATE TAXABLE YEAR.—In the case

22 of an individual who, at the time of any determina23

tion made pursuant to paragraph (3), has not filed

24 a tax return for the year described in paragraph (1),

25 the Secretary may—

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1 ‘‘(A) apply such paragraph by substituting

2 ‘2018’ for ‘2019’, and

3 ‘‘(B) if the individual has not filed a tax

4 return for such individual’s first taxable year

5 beginning in 2018, use information with respect

6 to such individual for calendar year 2019 pro7

vided in—

8 ‘‘(i) Form SSA-1099, Social Security

9 Benefit Statement, or

10 ‘‘(ii) Form RRB-1099, Social Security

11 Equivalent Benefit Statement.

12 ‘‘(6) NOTICE TO TAXPAYER.—Not later than 15

13 days after the date on which the Secretary distrib14

uted any payment to an eligible taxpayer pursuant

15 to this subsection, notice shall be sent by mail to

16 such taxpayer’s last known address. Such notice

17 shall indicate the method by which such payment

18 was made, the amount of such payment, and a

19 phone number for the appropriate point of contact

20 at the Internal Revenue Service to report any failure

21 to receive such payment.

22 ‘‘(g) IDENTIFICATION NUMBER REQUIREMENT.—

23 ‘‘(1) IN GENERAL.—No credit shall be allowed

24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable

2 year—

3 ‘‘(A) such individual’s valid identification

4 number,

5 ‘‘(B) in the case of a joint return, the valid

6 identification number of such individual’s

7 spouse, and

8 ‘‘(C) in the case of any qualifying child

9 taken into account under subsection (a)(2), the

10 valid identification number of such qualifying

11 child.

12 ‘‘(2) VALID IDENTIFICATION NUMBER.—

13 ‘‘(A) IN GENERAL.—For purposes of para14

graph (1), the term ‘valid identification num15

ber’ means a social security number (as such

16 term is defined in section 24(h)(7)).

17 ‘‘(B) ADOPTION TAXPAYER IDENTIFICA18

TION NUMBER.—For purposes of paragraph

19 (1)(C), in the case of a qualifying child who is

20 adopted or placed for adoption, the term ‘valid

21 identification number’ shall include the adop22

tion taxpayer identification number of such

23 child.

24 ‘‘(3) SPECIAL RULE FOR MEMBERS OF THE

25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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1 in the case where at least 1 spouse was a member

2 of the Armed Forces of the United States at any

3 time during the taxable year and at least 1 spouse

4 satisfies paragraph (1)(A).

5 ‘‘(4) MATHEMATICAL OR CLERICAL ERROR AU6

THORITY.—Any omission of a correct valid identi7

fication number required under this subsection shall

8 be treated as a mathematical or clerical error for

9 purposes of applying section 6213(g)(2) to such

10 omission.

11 ‘‘(h) REGULATIONS.—The Secretary shall prescribe

12 such regulations or other guidance as may be necessary

13 to carry out the purposes of this section, including any

14 such measures as are deemed appropriate to avoid allow15

ing multiple credits or rebates to a taxpayer.’’.

16 (b) ADMINISTRATIVE AMENDMENTS.—

17 (1) DEFINITION OF DEFICIENCY.—Section

18 6211(b)(4)(A) of the Internal Revenue Code of 1986

19 is amended by striking ‘‘and 36B, 168(k)(4)’’ and

20 inserting ‘‘36B, and 6428’’.

21 (2) MATHEMATICAL OR CLERICAL ERROR AU22

THORITY.—Section 6213(g)(2)(L) of such Code is

23 amended by striking ‘‘or 32’’ and inserting ‘‘32, or

24 6428’’.

25 (c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—

2 (A) MIRROR CODE POSSESSION.—The Sec3

retary of the Treasury shall pay to each posses4

sion of the United States which has a mirror

5 code tax system amounts equal to the loss (if

6 any) to that possession by reason of the amend7

ments made by this section. Such amounts shall

8 be determined by the Secretary of the Treasury

9 based on information provided by the govern10

ment of the respective possession.

11 (B) OTHER POSSESSIONS.—The Secretary

12 of the Treasury shall pay to each possession of

13 the United States which does not have a mirror

14 code tax system amounts estimated by the Sec15

retary of the Treasury as being equal to the ag16

gregate benefits (if any) that would have been

17 provided to residents of such possession by rea18

son of the amendments made by this section if

19 a mirror code tax system had been in effect in

20 such possession. The preceding sentence shall

21 not apply unless the respective possession has a

22 plan, which has been approved by the Secretary

23 of the Treasury, under which such possession

24 will promptly distribute such payments to its

25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED

2 AGAINST UNITED STATES INCOME TAXES.—No cred3

it shall be allowed against United States income

4 taxes under section 6428 of the Internal Revenue

5 Code of 1986 (as added by this section) to any per6

son—

7 (A) to whom a credit is allowed against

8 taxes imposed by the possession by reason of

9 the amendments made by this section, or

10 (B) who is eligible for a payment under a

11 plan described in paragraph (1)(B).

12 (3) DEFINITIONS AND SPECIAL RULES.—

13 (A) POSSESSION OF THE UNITED

14 STATES.—For purposes of this subsection, the

15 term ‘‘possession of the United States’’ includes

16 the Commonwealth of Puerto Rico and the

17 Commonwealth of the Northern Mariana Is18

lands.

19 (B) MIRROR CODE TAX SYSTEM.—For pur20

poses of this subsection, the term ‘‘mirror code

21 tax system’’ means, with respect to any posses22

sion of the United States, the income tax sys23

tem of such possession if the income tax liabil24

ity of the residents of such possession under

25 such system is determined by reference to the

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1 income tax laws of the United States as if such

2 possession were the United States.

3 (C) TREATMENT OF PAYMENTS.—For pur4

poses of section 1324 of title 31, United States

5 Code, the payments under this subsection shall

6 be treated in the same manner as a refund due

7 from a credit provision referred to in subsection

8 (b)(2) of such section.

9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—

10 Any credit or refund allowed or made to any individual

11 by reason of section 6428 of the Internal Revenue Code

12 of 1986 (as added by this section) or by reason of sub13

section (c) of this section shall not be—

14 (1) subject to reduction or offset pursuant to

15 section 3716 or 3720A of title 31, United States

16 Code,

17 (2) subject to reduction or offset pursuant to

18 subsection (d), (e), or (f) of section 6402 of the In19

ternal Revenue Code of 1986, or

20 (3) reduced or offset by other assessed Federal

21 taxes that would otherwise be subject to levy or col22

lection.

23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary

24 of the Treasury (or the Secretary’s delegate) shall conduct

25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other

2 relevant Federal agencies, to provide information regard3

ing the availability of the credit and rebate allowed under

4 section 6428 of the Internal Revenue Code of 1986 (as

5 added by this section), including information with respect

6 to individuals who may not have filed a tax return for tax7

able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact10

ment of this Act, the following sums are appro11

priated, out of any money in the Treasury not other12

wise appropriated, for the fiscal year ending Sep13

tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ‘‘De16

partment of the Treasury—Bureau of the

17 Fiscal Service—Salaries and Expenses’’,

18 $78,650,000, to remain available until

19 September 30, 2021.

20 (ii) For an additional amount for

21 ‘‘Department of the Treasury—Internal

22 Revenue Service—Taxpayer Services’’,

23 $293,500,000, to remain available until

24 September 30, 2021.

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1 (iii) For an additional amount for

2 ‘‘Department of the Treasury—Internal

3 Revenue Service—Operations Support’’,

4 $170,000,000, to remain available until

5 September 30, 2021.

6 (iv) For an additional amount for

7 ‘‘Department of Treasury—Internal Rev8

enue Service—Enforcement’’, $37,200,000,

9 to remain available until September 30,

10 2021.

11 Amounts made available in appropriations

12 under clauses (ii), (iii), and (iv) of this subpara13

graph may be transferred between such appro14

priations upon the advance notification of the

15 Committees on Appropriations of the House of

16 Representatives and the Senate. Such transfer

17 authority is in addition to any other transfer

18 authority provided by law.

19 (B) SOCIAL SECURITY ADMINISTRATION.—

20 For an additional amount for ‘‘Social Security

21 Administration—Limitation on Administrative

22 Expenses’’, $38,000,000, to remain available

23 until September 30, 2021.

24 (2) REPORTS.—No later than 15 days after en25

actment of this Act, the Secretary of the Treasury

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1 shall submit a plan to the Committees on Appropria2

tions of the House of Representatives and the Sen3

ate detailing the expected use of the funds provided

4 by paragraph (1)(A). Beginning 90 days after enact5

ment of this Act, the Secretary of the Treasury shall

6 submit a quarterly report to the Committees on Ap7

propriations of the House of Representatives and the

8 Senate detailing the actual expenditure of funds pro9

vided by paragraph (1)(A) and the expected expendi10

ture of such funds in the subsequent quarter.

11 (g) CONFORMING AMENDMENTS.—

12 (1) Paragraph (2) of section 1324(b) of title

13 31, United States Code, is amended by inserting

14 ‘‘6428,’’ after ‘‘54B(h),’’.

15 (2) The table of sections for subchapter B of

16 chapter 65 of subtitle F of the Internal Revenue

17 Code of 1986 is amended by inserting after the item

18 relating to section 6427 the following:

‘‘Sec. 6428. 2020 Recovery Rebates for individuals.’’.

19 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**

20 **FUNDS.**

21 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE22

MENT PLANS.—

23 (1) IN GENERAL.—Section 72(t) of the Internal

24 Revenue Code of 1986 shall not apply to any

25 coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—

2 (A) IN GENERAL.—For purposes of this

3 subsection, the aggregate amount of distribu4

tions received by an individual which may be

5 treated as coronavirus-related distributions for

6 any taxable year shall not exceed $100,000.

7 (B) TREATMENT OF PLAN DISTRIBU8

TIONS.—If a distribution to an individual would

9 (without regard to subparagraph (A)) be a

10 coronavirus-related distribution, a plan shall not

11 be treated as violating any requirement of the

12 Internal Revenue Code of 1986 merely because

13 the plan treats such distribution as a

14 coronavirus-related distribution, unless the ag15

gregate amount of such distributions from all

16 plans maintained by the employer (and any

17 member of any controlled group which includes

18 the employer) to such individual exceeds

19 $100,000.

20 (C) CONTROLLED GROUP.—For purposes

21 of subparagraph (B), the term ‘‘controlled

22 group’’ means any group treated as a single

23 employer under subsection (b), (c), (m), or (o)

24 of section 414 of the Internal Revenue Code of

25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—

2 (A) IN GENERAL.—Any individual who re3

ceives a coronavirus-related distribution may, at

4 any time during the 3-year period beginning on

5 the day after the date on which such distribu6

tion was received, make 1 or more contributions

7 in an aggregate amount not to exceed the

8 amount of such distribution to an eligible retire9

ment plan of which such individual is a bene10

ficiary and to which a rollover contribution of

11 such distribution could be made under section

12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or

13 457(e)(16), of the Internal Revenue Code of

14 1986, as the case may be.

15 (B) TREATMENT OF REPAYMENTS OF DIS16

TRIBUTIONS FROM ELIGIBLE RETIREMENT

17 PLANS OTHER THAN IRAS.—For purposes of

18 the Internal Revenue Code of 1986, if a con19

tribution is made pursuant to subparagraph (A)

20 with respect to a coronavirus-related distribu21

tion from an eligible retirement plan other than

22 an individual retirement plan, then the taxpayer

23 shall, to the extent of the amount of the con24

tribution, be treated as having received the

25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section

2 402(c)(4) of such Code) and as having trans3

ferred the amount to the eligible retirement

4 plan in a direct trustee to trustee transfer with5

in 60 days of the distribution.

6 (C) TREATMENT OF REPAYMENTS OF DIS7

TRIBUTIONS FROM IRAS.—For purposes of the

8 Internal Revenue Code of 1986, if a contribu9

tion is made pursuant to subparagraph (A)

10 with respect to a coronavirus-related distribu11

tion from an individual retirement plan (as de12

fined by section 7701(a)(37) of such Code),

13 then, to the extent of the amount of the con14

tribution, the coronavirus-related distribution

15 shall be treated as a distribution described in

16 section 408(d)(3) of such Code and as having

17 been transferred to the eligible retirement plan

18 in a direct trustee to trustee transfer within 60

19 days of the distribution.

20 (4) DEFINITIONS.—For purposes of this sub21

section—

22 (A) CORONAVIRUS-RELATED DISTRIBU23

TION.—Except as provided in paragraph (2),

24 the term ‘‘coronavirus-related distribution’’

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1 means any distribution from an eligible retire2

ment plan made—

3 (i) on or after January 1, 2020, and

4 before December 31, 2020,

5 (ii) to an individual—

6 (I) who is diagnosed with the

7 virus SARS-CoV-2 or with

8 coronavirus disease 2019 (COVID-19)

9 by a test approved by the Centers for

10 Disease Control and Prevention,

11 (II) whose spouse or dependent

12 (as defined in section 152 of the In13

ternal Revenue Code of 1986) is diag14

nosed with such virus or disease by

15 such a test, or

16 (III) who experiences adverse fi17

nancial consequences as a result of

18 being quarantined, being furloughed

19 or laid off or having work hours re20

duced due to such virus or disease,

21 being unable to work due to lack of

22 child care due to such virus or dis23

ease, closing or reducing hours of a

24 business owned or operated by the in25

dividual due to such virus or disease,

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1 or other factors as determined by the

2 Secretary of the Treasury (or the Sec3

retary’s delegate).

4 (B) EMPLOYEE CERTIFICATION.—The ad5

ministrator of an eligible retirement plan may

6 rely on an employee’s certification that the em7

ployee satisfies the conditions of subparagraph

8 (A)(ii) in determining whether any distribution

9 is a coronavirus-related distribution.

10 (C) ELIGIBLE RETIREMENT PLAN.—The

11 term ‘‘eligible retirement plan’’ has the meaning

12 given such term by section 402(c)(8)(B) of the

13 Internal Revenue Code of 1986.

14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR

15 PERIOD.—

16 (A) IN GENERAL.—In the case of any

17 coronavirus-related distribution, unless the tax18

payer elects not to have this paragraph apply

19 for any taxable year, any amount required to be

20 included in gross income for such taxable year

21 shall be so included ratably over the 3-taxable22

year period beginning with such taxable year.

23 (B) SPECIAL RULE.—For purposes of sub24

paragraph (A), rules similar to the rules of sub163

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1 paragraph (E) of section 408A(d)(3) of the In2

ternal Revenue Code of 1986 shall apply.

3 (6) SPECIAL RULES.—

4 (A) EXEMPTION OF DISTRIBUTIONS FROM

5 TRUSTEE TO TRUSTEE TRANSFER AND WITH6

HOLDING RULES.—For purposes of sections

7 401(a)(31), 402(f), and 3405 of the Internal

8 Revenue Code of 1986, coronavirus-related dis9

tributions shall not be treated as eligible roll10

over distributions.

11 (B) CORONAVIRUS-RELATED DISTRIBU12

TIONS TREATED AS MEETING PLAN DISTRIBU13

TION REQUIREMENTS.—For purposes of the In14

ternal Revenue Code of 1986, a coronavirus-re15

lated distribution shall be treated as meeting

16 the requirements of sections 401(k)(2)(B)(i),

17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)

18 of such Code and section 8433(h)(1) of title 5,

19 United States Code.

20 (b) LOANS FROM QUALIFIED PLANS.—

21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT22

ED AS DISTRIBUTIONS.—In the case of any loan

23 from a qualified employer plan (as defined under

24 section 72(p)(4) of the Internal Revenue Code of

25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment

2 of this Act—

3 (A) clause (i) of section 72(p)(2)(A) of

4 such Code shall be applied by substituting

5 ‘‘$100,000’’ for ‘‘$50,000’’, and

6 (B) clause (ii) of such section shall be ap7

plied by substituting ‘‘the present value of the

8 nonforfeitable accrued benefit of the employee

9 under the plan’’ for ‘‘one-half of the present

10 value of the nonforfeitable accrued benefit of

11 the employee under the plan’’.

12 (2) DELAY OF REPAYMENT.—In the case of a

13 qualified individual with an outstanding loan (on or

14 after the date of the enactment of this Act) from a

15 qualified employer plan (as defined in section

16 72(p)(4) of the Internal Revenue Code of 1986)—

17 (A) if the due date pursuant to subpara18

graph (B) or (C) of section 72(p)(2) of such

19 Code for any repayment with respect to such

20 loan occurs during the period beginning on the

21 date of the enactment of this Act and ending on

22 December 31, 2020, such due date shall be de23

layed for 1 year,

24 (B) any subsequent repayments with re25

spect to any such loan shall be appropriately

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1 adjusted to reflect the delay in the due date

2 under subparagraph (A) and any interest accru3

ing during such delay, and

4 (C) in determining the 5-year period and

5 the term of a loan under subparagraph (B) or

6 (C) of section 72(p)(2) of such Code, the period

7 described in subparagraph (A) of this para8

graph shall be disregarded.

9 (3) QUALIFIED INDIVIDUAL.—For purposes of

10 this subsection, the term ‘‘qualified individual’’

11 means any individual who is described in subsection

12 (a)(4)(A)(ii).

13 (c) PROVISIONS RELATING TO PLAN AMEND14

MENTS.—

15 (1) IN GENERAL.—If this subsection applies to

16 any amendment to any plan or annuity contract—

17 (A) such plan or contract shall be treated

18 as being operated in accordance with the terms

19 of the plan during the period described in para20

graph (2)(B)(i), and

21 (B) except as provided by the Secretary of

22 the Treasury (or the Secretary’s delegate), such

23 plan or contract shall not fail to meet the re24

quirements of section 411(d)(6) of the Internal

25 Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act

2 of 1974 by reason of such amendment.

3 (2) AMENDMENTS TO WHICH SUBSECTION AP4

PLIES.—

5 (A) IN GENERAL.—This subsection shall

6 apply to any amendment to any plan or annuity

7 contract which is made—

8 (i) pursuant to any provision of this

9 section, or pursuant to any regulation

10 issued by the Secretary of the Treasury or

11 the Secretary of Labor (or the delegate of

12 either such Secretary) under any provision

13 of this section, and

14 (ii) on or before the last day of the

15 first plan year beginning on or after Janu16

ary 1, 2022, or such later date as the Sec17

retary of the Treasury (or the Secretary’s

18 delegate) may prescribe.

19 In the case of a governmental plan (as defined

20 in section 414(d) of the Internal Revenue Code

21 of 1986), clause (ii) shall be applied by sub22

stituting the date which is 2 years after the

23 date otherwise applied under clause (ii).

24 (B) CONDITIONS.—This subsection shall

25 not apply to any amendment unless—

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1 (i) during the period—

2 (I) beginning on the date that

3 this section or the regulation de4

scribed in subparagraph (A)(i) takes

5 effect (or in the case of a plan or con6

tract amendment not required by this

7 section or such regulation, the effec8

tive date specified by the plan), and

9 (II) ending on the date described

10 in subparagraph (A)(ii) (or, if earlier,

11 the date the plan or contract amend12

ment is adopted),

13 the plan or contract is operated as if such

14 plan or contract amendment were in effect,

15 and

16 (ii) such plan or contract amendment

17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**

19 **DISTRIBUTION RULES FOR CERTAIN RETIRE**20

**MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal

22 Revenue Code of 1986 is amended by adding at the end

23 the following new subparagraph:

24 ‘‘(I) TEMPORARY WAIVER OF MINIMUM RE25

QUIRED DISTRIBUTION.—

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1 ‘‘(i) IN GENERAL.—The requirements

2 of this paragraph shall not apply for cal3

endar year 2020 to—

4 ‘‘(I) a defined contribution plan

5 which is described in this subsection

6 or in section 403(a) or 403(b),

7 ‘‘(II) a defined contribution plan

8 which is an eligible deferred com9

pensation plan described in section

10 457(b) but only if such plan is main11

tained by an employer described in

12 section 457(e)(1)(A), or

13 ‘‘(III) an individual retirement

14 plan.

15 ‘‘(ii) SPECIAL RULE FOR REQUIRED

16 BEGINNING DATES IN 2020.—Clause (i)

17 shall apply to any distribution which is re18

quired to be made in calendar year 2020

19 by reason of—

20 ‘‘(I) a required beginning date

21 occurring in such calendar year, and

22 ‘‘(II) such distribution not having

23 been made before January 1, 2020.

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1 ‘‘(iii) SPECIAL RULES REGARDING

2 WAIVER PERIOD.—For purposes of this

3 paragraph—

4 ‘‘(I) the required beginning date

5 with respect to any individual shall be

6 determined without regard to this

7 subparagraph for purposes of applying

8 this paragraph for calendar years

9 after 2020, and

10 ‘‘(II) if clause (ii) of subpara11

graph (B) applies, the 5-year period

12 described in such clause shall be de13

termined without regard to calendar

14 year 2020.’’.

15 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section

16 402(c)(4) of the Internal Revenue Code of 1986 is amend17

ed by striking ‘‘2009’’ each place it appears in the last

18 sentence and inserting ‘‘2020’’.

19 (c) EFFECTIVE DATES.—

20 (1) IN GENERAL.—The amendments made by

21 this section shall apply for calendar years beginning

22 after December 31, 2019.

23 (2) PROVISIONS RELATING TO PLAN OR CON24

TRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap2

plies to any plan or contract amendment—

3 (i) such plan or contract shall not fail

4 to be treated as being operated in accord5

ance with the terms of the plan during the

6 period described in subparagraph (B)(ii)

7 solely because the plan operates in accord8

ance with this section, and

9 (ii) except as provided by the Sec10

retary of the Treasury (or the Secretary’s

11 delegate), such plan or contract shall not

12 fail to meet the requirements of section

13 411(d)(6) of the Internal Revenue Code of

14 1986 and section 204(g) of the Employee

15 Retirement Income Security Act of 1974

16 by reason of such amendment.

17 (B) AMENDMENTS TO WHICH PARAGRAPH

18 APPLIES.—

19 (i) IN GENERAL.—This paragraph

20 shall apply to any amendment to any plan

21 or annuity contract which—

22 (I) is made pursuant to the

23 amendments made by this section,

24 and

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1 (II) is made on or before the last

2 day of the first plan year beginning

3 on or after January 1, 2022.

4 In the case of a governmental plan, sub5

clause (II) shall be applied by substituting

6 ‘‘2024’’ for ‘‘2022’’.

7 (ii) CONDITIONS.—This paragraph

8 shall not apply to any amendment unless

9 during the period beginning on the effec10

tive date of the amendment and ending on

11 December 31, 2020, the plan or contract is

12 operated as if such plan or contract

13 amendment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE**15

**DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) IN GENERAL.—Section 62(a) of the Internal Rev17

enue Code of 1986 is amended by inserting after para18

graph (21) the following new paragraph:

19 ‘‘(22) CHARITABLE CONTRIBUTIONS.—In the

20 case of taxable years beginning in 2020, the amount

21 (not to exceed $300) of qualified charitable contribu22

tions made by an eligible individual during the tax23

able year.’’.

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1 (b) DEFINITIONS.—Section 62 of such Code is

2 amended by adding at the end the following new sub3

section:

4 ‘‘(f) DEFINITIONS RELATING TO QUALIFIED CHARI5

TABLE CONTRIBUTIONS.—For purposes of subsection

6 (a)(22)—

7 ‘‘(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible

8 individual’ means any individual who does not elect

9 to itemize deductions.

10 ‘‘(2) QUALIFIED CHARITABLE CONTRIBU11

TIONS.—The term ‘qualified charitable contribution’

12 means a charitable contribution (as defined in sec13

tion 170(c))—

14 ‘‘(A) which is made in cash,

15 ‘‘(B) for which a deduction is allowable

16 under section 170 (determined without regard

17 to subsection (b) thereof), and

18 ‘‘(C) which is—

19 ‘‘(i) made to an organization de20

scribed in section 170(b)(1)(A), and

21 ‘‘(ii) not—

22 ‘‘(I) to an organization described

23 in section 509(a)(3), or

24 ‘‘(II) for the establishment of a

25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec2

tion 4966(d)(2)).

3 Such term shall not include any amount

4 which is treated as a charitable contribu5

tion made in such taxable year by reason

6 of subsection (b)(1)(G)(ii) or (d)(1) of sec7

tion 170.’’.

8 (c) EFFECTIVE DATE.—The amendments made by

9 this section shall apply to taxable years beginning after

10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI**12

**TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON

14 CERTAIN CASH CONTRIBUTIONS.—

15 (1) IN GENERAL.—Except as otherwise pro16

vided in paragraph (2), qualified contributions shall

17 be disregarded in applying subsections (b) and (d) of

18 section 170 of the Internal Revenue Code of 1986.

19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—

20 For purposes of section 170 of the Internal Revenue

21 Code of 1986—

22 (A) INDIVIDUALS.—In the case of an indi23

vidual—

24 (i) LIMITATION.—Any qualified con25

tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of

2 such contributions does not exceed the ex3

cess of the taxpayer’s contribution base (as

4 defined in subparagraph (H) of section

5 170(b)(1) of such Code) over the amount

6 of all other charitable contributions allowed

7 under section 170(b)(1) of such Code.

8 (ii) CARRYOVER.—If the aggregate

9 amount of qualified contributions made in

10 the contribution year (within the meaning

11 of section 170(d)(1) of such Code) exceeds

12 the limitation of clause (i), such excess

13 shall be added to the excess described in

14 section 170(b)(1)(G)(ii).

15 (B) CORPORATIONS.—In the case of a cor16

poration—

17 (i) LIMITATION.—Any qualified con18

tribution shall be allowed as a deduction

19 only to the extent that the aggregate of

20 such contributions does not exceed the ex21

cess of 25 percent of the taxpayer’s taxable

22 income (as determined under paragraph

23 (2) of section 170(b) of such Code) over

24 the amount of all other charitable con25

tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate

2 amount of qualified contributions made in

3 the contribution year (within the meaning

4 of section 170(d)(2) of such Code) exceeds

5 the limitation of clause (i), such excess

6 shall be appropriately taken into account

7 under section 170(d)(2) subject to the limi8

tations thereof.

9 (3) QUALIFIED CONTRIBUTIONS.—

10 (A) IN GENERAL.—For purposes of this

11 subsection, the term ‘‘qualified contribution’’

12 means any charitable contribution (as defined

13 in section 170(c) of the Internal Revenue Code

14 of 1986) if—

15 (i) such contribution is paid in cash

16 during calendar year 2020 to an organiza17

tion described in section 170(b)(1)(A) of

18 such Code, and

19 (ii) the taxpayer has elected the appli20

cation of this section with respect to such

21 contribution.

22 (B) EXCEPTION.—Such term shall not in23

clude a contribution by a donor if the contribu24

tion is—

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1 (i) to an organization described in sec2

tion 509(a)(3) of the Internal Revenue

3 Code of 1986, or

4 (ii) for the establishment of a new, or

5 maintenance of an existing, donor advised

6 fund (as defined in section 4966(d)(2) of

7 such Code).

8 (C) APPLICATION OF ELECTION TO PART9

NERSHIPS AND S CORPORATIONS.—In the case

10 of a partnership or S corporation, the election

11 under subparagraph (A)(ii) shall be made sepa12

rately by each partner or shareholder.

13 (b) INCREASE IN LIMITS ON CONTRIBUTIONS OF

14 FOOD INVENTORY.—In the case of any charitable con15

tribution of food during 2020 to which section

16 170(e)(3)(C) of the Internal Revenue Code of 1986 ap17

plies, subclauses (I) and (II) of clause (ii) thereof shall

18 each be applied by substituting ‘‘25 percent’’ for ‘‘15 per19

cent.’’

20 (c) EFFECTIVE DATE.—This section shall apply to

21 taxable years ending after December 31, 2019.

22 **SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAY**23

**MENTS OF STUDENT LOANS.**

24 (a) IN GENERAL.—Paragraph (1) of section 127(c)

25 of the Internal Revenue Code of 1986 is amended by strik177

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1 ing ‘‘and’’ at the end of subparagraph (A), by redesig2

nating subparagraph (B) as subparagraph (C), and by in3

serting after subparagraph (A) the following new subpara4

graph:

5 ‘‘(B) in the case of payments made before

6 January 1, 2021, the payment by an employer,

7 whether paid to the employee or to a lender, of

8 principal or interest on any qualified education

9 loan (as defined in section 221(d)(1)) incurred

10 by the employee for education of the employee,

11 and’’.

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE

13 BENEFIT.—The first sentence of paragraph (1) of section

14 221(e) of the Internal Revenue Code of 1986 is amended

15 by inserting before the period the following: ‘‘, or for which

16 an exclusion is allowable under section 127 to the taxpayer

17 by reason of the payment by the taxpayer’s employer of

18 any indebtedness on a qualified education loan of the tax19

payer’’.

20 (c) EFFECTIVE DATE.—The amendments made by

21 this section shall apply to payments made after the date

22 of the enactment of this Act.

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1 **Subtitle C—Business Provisions**

2 **SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOY**3

**ERS SUBJECT TO CLOSURE DUE TO COVID-19.**

4 (a) IN GENERAL.—In the case of an eligible em5

ployer, there shall be allowed as a credit against applicable

6 employment taxes for each calendar quarter an amount

7 equal to 50 percent of the qualified wages with respect

8 to each employee of such employer for such calendar quar9

ter.

10 (b) LIMITATIONS AND REFUNDABILITY.—

11 (1) WAGES TAKEN INTO ACCOUNT.—The

12 amount of qualified wages with respect to any em13

ployee which may be taken into account under sub14

section (a) by the eligible employer for all calendar

15 quarters shall not exceed $10,000.

16 (2) CREDIT LIMITED TO EMPLOYMENT

17 TAXES.—The credit allowed by subsection (a) with

18 respect to any calendar quarter shall not exceed the

19 applicable employment taxes (reduced by any credits

20 allowed under subsections (e) and (f) of section

21 3111 of the Internal Revenue Code of 1986 and sec22

tions 7001 and 7003 of the Families First

23 Coronavirus Response Act) on the wages paid with

24 respect to the employment of all the employees of

25 the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—

2 (A) IN GENERAL.—If the amount of the

3 credit under subsection (a) exceeds the limita4

tion of paragraph (2) for any calendar quarter,

5 such excess shall be treated as an overpayment

6 that shall be refunded under sections 6402(a)

7 and 6413(b) of the Internal Revenue Code of

8 1986.

9 (B) TREATMENT OF PAYMENTS.—For pur10

poses of section 1324 of title 31, United States

11 Code, any amounts due to the employer under

12 this paragraph shall be treated in the same

13 manner as a refund due from a credit provision

14 referred to in subsection (b)(2) of such section.

15 (c) DEFINITIONS.—For purposes of this section—

16 (1) APPLICABLE EMPLOYMENT TAXES.—The

17 term ‘‘applicable employment taxes’’ means the fol18

lowing:

19 (A) The taxes imposed under section

20 3111(a) of the Internal Revenue Code of 1986.

21 (B) So much of the taxes imposed under

22 section 3221(a) of such Code as are attrib23

utable to the rate in effect under section

24 3111(a) of such Code.

25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term ‘‘eligible em2

ployer’’ means any employer—

3 (i) which was carrying on a trade or

4 business during calendar year 2020, and

5 (ii) with respect to any calendar quar6

ter, for which—

7 (I) the operation of the trade or

8 business described in clause (i) is fully

9 or partially suspended during the cal10

endar quarter due to orders from an

11 appropriate governmental authority

12 limiting commerce, travel, or group

13 meetings (for commercial, social, reli14

gious, or other purposes) due to the

15 coronavirus disease 2019 (COVID-

16 19), or

17 (II) such calendar quarter is

18 within the period described in sub19

paragraph (B).

20 (B) SIGNIFICANT DECLINE IN GROSS RE21

CEIPTS.—The period described in this subpara22

graph is the period—

23 (i) beginning with the first calendar

24 quarter beginning after December 31,

25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal

2 Revenue Code of 1986) for the calendar

3 quarter are less than 50 percent of gross

4 receipts for the same calendar quarter in

5 the prior year, and

6 (ii) ending with the calendar quarter

7 following the first calendar quarter begin8

ning after a calendar quarter described in

9 clause (i) for which gross receipts of such

10 employer are greater than 80 percent of

11 gross receipts for the same calendar quar12

ter in the prior year.

13 (C) TAX-EXEMPT ORGANIZATIONS.—In the

14 case of an organization which is described in

15 section 501(c) of the Internal Revenue Code of

16 1986 and exempt from tax under section 501(a)

17 of such Code, clauses (i) and (ii)(I) of subpara18

graph (A) shall apply to all operations of such

19 organization.

20 (3) QUALIFIED WAGES.—

21 (A) IN GENERAL.—The term ‘‘qualified

22 wages’’ means—

23 (i) in the case of an eligible employer

24 for which the average number of full-time

25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of

2 1986) employed by such eligible employer

3 during 2019 was greater than 100, wages

4 paid by such eligible employer with respect

5 to which an employee is not providing serv6

ices due to circumstances described in sub7

clause (I) or (II) of paragraph (2)(A)(ii),

8 or

9 (ii) in the case of an eligible employer

10 for which the average number of full-time

11 employees (within the meaning of section

12 4980H of the Internal Revenue Code of

13 1986) employed by such eligible employer

14 during 2019 was not greater than 100—

15 (I) with respect to an eligible em16

ployer described in subclause (I) of

17 paragraph (2)(A)(ii), wages paid by

18 such eligible employer with respect to

19 an employee during any period de20

scribed in such clause, or

21 (II) with respect to an eligible

22 employer described in subclause (II)

23 of such paragraph, wages paid by

24 such eligible employer with respect to

25 an employee during such quarter.

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1 Such term shall not include any wages taken

2 into account under section 7001 or section

3 7003 of the Families First Coronavirus Re4

sponse Act.

5 (B) LIMITATION.—Qualified wages paid or

6 incurred by an eligible employer described in

7 subparagraph (A)(i) with respect to an em8

ployee for any period described in such sub9

paragraph may not exceed the amount such em10

ployee would have been paid for working an

11 equivalent duration during the 30 days imme12

diately preceding such period.

13 (C) ALLOWANCE FOR CERTAIN HEALTH

14 PLAN EXPENSES.—

15 (i) IN GENERAL.—The term ‘‘qualified

16 wages’’ shall include so much of the eligi17

ble employer’s qualified health plan ex18

penses as are properly allocable to such

19 wages.

20 (ii) QUALIFIED HEALTH PLAN EX21

PENSES.—For purposes of this paragraph,

22 the term ‘‘qualified health plan expenses’’

23 means amounts paid or incurred by the eli24

gible employer to provide and maintain a

25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code

2 of 1986), but only to the extent that such

3 amounts are excluded from the gross in4

come of employees by reason of section

5 106(a) of such Code.

6 (iii) ALLOCATION RULES.—For pur7

poses of this paragraph, qualified health

8 plan expenses shall be allocated to quali9

fied wages in such manner as the Sec10

retary may prescribe. Except as otherwise

11 provided by the Secretary, such allocation

12 shall be treated as properly made if made

13 on the basis of being pro rata among em14

ployees and pro rata on the basis of peri15

ods of coverage (relative to the periods to

16 which such wages relate).

17 (4) SECRETARY.—The term ‘‘Secretary’’ means

18 the Secretary of the Treasury or the Secretary’s del19

egate.

20 (5) WAGES.—The term ‘‘wages’’ means wages

21 (as defined in section 3121(a) of the Internal Rev22

enue Code of 1986) and compensation (as defined in

23 section 3231(e) of such Code).

24 (6) OTHER TERMS.—Any term used in this sec25

tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same

2 meaning as when used in such chapter.

3 (d) AGGREGATION RULE.—All persons treated as a

4 single employer under subsection (a) or (b) of section 52

5 of the Internal Revenue Code of 1986, or subsection (m)

6 or (o) of section 414 of such Code, shall be treated as

7 one employer for purposes of this section.

8 (e) CERTAIN RULES TO APPLY.—For purposes of

9 this section, rules similar to the rules of sections 51(i)(1)

10 and 280C(a) of the Internal Revenue Code of 1986 shall

11 apply.

12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This

13 credit shall not apply to the Government of the United

14 States, the government of any State or political subdivi15

sion thereof, or any agency or instrumentality of any of

16 the foregoing.

17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This

18 section shall not apply with respect to any eligible em19

ployer for any calendar quarter if such employer elects (at

20 such time and in such manner as the Secretary may pre21

scribe) not to have this section apply.

22 (h) SPECIAL RULES.—

23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT

24 MORE THAN ONCE.—An employee shall not be in25

cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al2

lowed a credit under section 51 of the Internal Rev3

enue Code of 1986 with respect to such employee for

4 such period.

5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages

6 taken into account in determining the credit allowed

7 under this section shall not be taken into account for

8 purposes of determining the credit allowed under

9 section 45S of such Code.

10 (3) THIRD PARTY PAYORS.—Any credit allowed

11 under this section shall be treated as a credit de12

scribed in section 3511(d)(2) of such Code.

13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR14

VIVORS INSURANCE TRUST FUND.—There are hereby ap15

propriated to the Federal Old-Age and Survivors Insur16

ance Trust Fund and the Federal Disability Insurance

17 Trust Fund established under section 201 of the Social

18 Security Act (42 U.S.C. 401) and the Social Security

19 Equivalent Benefit Account established under section

20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.

21 14 231n–1(a)) amounts equal to the reduction in revenues

22 to the Treasury by reason of this section (without regard

23 to this subsection). Amounts appropriated by the pre24

ceding sentence shall be transferred from the general fund

25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred

2 to such Trust Fund or Account had this section not been

3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS

5 INTERRUPTION LOAN.—If an eligible employer receives a

6 covered loan under paragraph (36) of section 7(a) of the

7 Small Business Act (15 U.S.C. 636(a)), as added by sec8

tion 1102 of this Act, such employer shall not be eligible

9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall

11 waive any penalty under section 6656 of the Internal Rev12

enue Code of 1986 for any failure to make a deposit of

13 any applicable employment taxes if the Secretary deter14

mines that such failure was due to the reasonable anticipa15

tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary

17 shall issue such forms, instructions, regulations, and guid18

ance as are necessary—

19 (1) to allow the advance payment of the credit

20 under subsection (a), subject to the limitations pro21

vided in this section, based on such information as

22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad24

vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal2

endar quarter or taxable year,

3 (3) to provide for the recapture of the credit

4 under this section if such credit is allowed to a tax5

payer which receives a loan described in subsection

6 (j) during a subsequent quarter,

7 (4) with respect to the application of the credit

8 under subsection (a) to third party payors (including

9 professional employer organizations, certified profes10

sional employer organizations, or agents under sec11

tion 3504 of the Internal Revenue Code of 1986),

12 including regulations or guidance allowing such

13 payors to submit documentation necessary to sub14

stantiate the eligible employer status of employers

15 that use such payors, and

16 (5) for application of subparagraphs (A)(ii)(II)

17 and (B) of subsection (c)(2) in the case of any em18

ployer which was not carrying on a trade or business

19 for all or part of the same calendar quarter in the

20 prior year.

21 (m) APPLICATION.—This section shall only apply to

22 wages paid after March 12, 2020, and before January 1,

23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**

2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) TAXES.—Notwithstanding any other provi5

sion of law, the payment for applicable employment

6 taxes for the payroll tax deferral period shall not be

7 due before the applicable date.

8 (2) DEPOSITS.—Notwithstanding section 6302

9 of the Internal Revenue Code of 1986, an employer

10 shall be treated as having timely made all deposits

11 of applicable employment taxes that are required to

12 be made (without regard to this section) for such

13 taxes during the payroll tax deferral period if all

14 such deposits are made not later than the applicable

15 date.

16 (3) EXCEPTION.—This subsection shall not

17 apply to any taxpayer if such taxpayer has had in18

debtedness forgiven under section 1106 of this Act

19 with respect to a loan under paragraph (36) of sec20

tion 7(a) of the Small Business Act (15 U.S.C.

21 636(a)), as added by section 1102 of this Act, or in22

debtedness forgiven under section 1109 of this Act.

23 (b) SECA.—

24 (1) IN GENERAL.—Notwithstanding any other

25 provision of law, the payment for 50 percent of the

26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral

2 period shall not be due before the applicable date.

3 (2) ESTIMATED TAXES.—For purposes of ap4

plying section 6654 of the Internal Revenue Code of

5 1986 to any taxable year which includes any part of

6 the payroll tax deferral period, 50 percent of the

7 taxes imposed under section 1401(a) of such Code

8 for the payroll tax deferral period shall not be treat9

ed as taxes to which such section 6654 applies.

10 (c) LIABILITY OF THIRD PARTIES.—

11 (1) ACTS TO BE PERFORMED BY AGENTS.—For

12 purposes of section 3504 of the Internal Revenue

13 Code of 1986, in the case of any person designated

14 pursuant to such section (and any regulations or

15 other guidance issued by the Secretary with respect

16 to such section) to perform acts otherwise required

17 to be performed by an employer under such Code, if

18 such employer directs such person to defer payment

19 of any applicable employment taxes during the pay20

roll tax deferral period under this section, such em21

ployer shall be solely liable for the payment of such

22 applicable employment taxes before the applicable

23 date for any wages paid by such person on behalf of

24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR2

GANIZATIONS.—For purposes of section 3511, in the

3 case of a certified professional employer organization

4 (as defined in subsection (a) of section 7705 of the

5 Internal Revenue Code of 1986) that has entered

6 into a service contract described in subsection (e)(2)

7 of such section with a customer, if such customer di8

rects such organization to defer payment of any ap9

plicable employment taxes during the payroll tax de10

ferral period under this section, such customer shall,

11 notwithstanding subsections (a) and (c) of section

12 3511, be solely liable for the payment of such appli13

cable employment taxes before the applicable date

14 for any wages paid by such organization to any work

15 site employee performing services for such customer

16 during such period.

17 (d) DEFINITIONS.—For purposes of this section—

18 (1) APPLICABLE EMPLOYMENT TAXES.—The

19 term ‘‘applicable employment taxes’’ means the fol20

lowing:

21 (A) The taxes imposed under section

22 3111(a) of the Internal Revenue Code of 1986.

23 (B) So much of the taxes imposed under

24 section 3211(a) of such Code as are attrib192

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1 utable to the rate in effect under section

2 3111(a) of such Code.

3 (C) So much of the taxes imposed under

4 section 3221(a) of such Code as are attrib5

utable to the rate in effect under section

6 3111(a) of such Code.

7 (2) PAYROLL TAX DEFERRAL PERIOD.—The

8 term ‘‘payroll tax deferral period’’ means the period

9 beginning on the date of the enactment of this Act

10 and ending before January 1, 2021.

11 (3) APPLICABLE DATE.—The term ‘‘applicable

12 date’’ means—

13 (A) December 31, 2021, with respect to 50

14 percent of the amounts to which subsection (a)

15 or (b), as the case may be, apply, and

16 (B) December 31, 2022, with respect to

17 the remaining such amounts.

18 (4) SECRETARY.—The term ‘‘Secretary’’ means

19 the Secretary of the Treasury (or the Secretary’s

20 delegate).

21 (e) TRUST FUNDS HELD HARMLESS.—There are

22 hereby appropriated (out of any money in the Treasury

23 not otherwise appropriated) for each fiscal year to the

24 Federal Old-Age and Survivors Insurance Trust Fund and

25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.

2 401) and the Social Security Equivalent Benefit Account

3 established under section 15A(a) of the Railroad Retire4

ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal

5 to the reduction in the transfers to such fund for such

6 fiscal year by reason of this section. Amounts appropriated

7 by the preceding sentence shall be transferred from the

8 general fund at such times and in such manner as to rep9

licate to the extent possible the transfers which would have

10 occurred to such Trust Fund had such amendments not

11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall

13 issue such regulations or other guidance as necessary to

14 carry out the purposes of this section, including rules for

15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI18

TATION.—

19 (1) IN GENERAL.—The first sentence of section

20 172(a) of the Internal Revenue Code of 1986 is

21 amended by striking ‘‘an amount equal to’’ and all

22 that follows and inserting ‘‘an amount equal to—

23 ‘‘(1) in the case of a taxable year beginning be24

fore January 1, 2021, the aggregate of the net oper194

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1 ating loss carryovers to such year, plus the net oper2

ating loss carrybacks to such year, and

3 ‘‘(2) in the case of a taxable year beginning

4 after December 31, 2020, the sum of—

5 ‘‘(A) the aggregate amount of net oper6

ating losses arising in taxable years beginning

7 before January 1, 2018, carried to such taxable

8 year, plus

9 ‘‘(B) the lesser of—

10 ‘‘(i) the aggregate amount of net op11

erating losses arising in taxable years be12

ginning after December 31, 2017, carried

13 to such taxable year, or

14 ‘‘(ii) 80 percent of the excess (if any)

15 of—

16 ‘‘(I) taxable income computed

17 without regard to the deductions

18 under this section and sections 199A

19 and 250, over

20 ‘‘(II) the amount determined

21 under subparagraph (A).’’.

22 (2) CONFORMING AMENDMENTS.—

23 (A) Section 172(b)(2)(C) of such Code is

24 amended to read as follows:

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1 ‘‘(C) for taxable years beginning after De2

cember 31, 2020, be reduced by 20 percent of

3 the excess (if any) described in subsection

4 (a)(2)(B)(ii) for such taxable year.’’.

5 (B) Section 172(d)(6)(C) of such Code is

6 amended by striking ‘‘subsection (a)(2)’’ and

7 inserting ‘‘subsection (a)(2)(B)(ii)(I)’’.

8 (C) Section 860E(a)(3)(B) of such Code is

9 amended by striking all that follows ‘‘for pur10

poses of’’ and inserting ‘‘subsection

11 (a)(2)(B)(ii)(I) and the second sentence of sub12

section (b)(2) of section 172.’’.

13 (b) MODIFICATIONS OF RULES RELATING TO

14 CARRYBACKS.—

15 (1) IN GENERAL.—Section 172(b)(1) of the In16

ternal Revenue Code of 1986 is amended by adding

17 at the end the following new subparagraph:

18 ‘‘(D) SPECIAL RULE FOR LOSSES ARISING

19 IN 2018, 2019, AND 2020.—

20 ‘‘(i) IN GENERAL.—In the case of any

21 net operating loss arising in a taxable year

22 beginning after December 31, 2017, and

23 before January 1, 2021—

24 ‘‘(I) such loss shall be a net oper25

ating loss carryback to each of the 5

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1 taxable years preceding the taxable

2 year of such loss, and

3 ‘‘(II) subparagraphs (B) and

4 (C)(i) shall not apply.

5 ‘‘(ii) SPECIAL RULES FOR REITS.—

6 For purposes of this subparagraph—

7 ‘‘(I) IN GENERAL.—A net oper8

ating loss for a REIT year shall not

9 be a net operating loss carryback to

10 any taxable year preceding the taxable

11 year of such loss.

12 ‘‘(II) SPECIAL RULE.—In the

13 case of any net operating loss for a

14 taxable year which is not a REIT

15 year, such loss shall not be carried to

16 any preceding taxable year which is a

17 REIT year.

18 ‘‘(III) REIT YEAR.—For pur19

poses of this subparagraph, the term

20 ‘REIT year’ means any taxable year

21 for which the provisions of part II of

22 subchapter M (relating to real estate

23 investment trusts) apply to the tax24

payer.

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1 ‘‘(iii) SPECIAL RULE FOR LIFE INSUR2

ANCE COMPANIES.— In the case of a life

3 insurance company, if a net operating loss

4 is carried pursuant to clause (i)(I) to a life

5 insurance company taxable year beginning

6 before January 1, 2018, such net oper7

ating loss carryback shall be treated in the

8 same manner as an operations loss

9 carryback (within the meaning of section

10 810 as in effect before its repeal) of such

11 company to such taxable year.

12 ‘‘(iv) RULE RELATING TO

13 CARRYBACKS TO YEARS TO WHICH SEC14

TION 965 APPLIES.—If a net operating loss

15 of a taxpayer is carried pursuant to clause

16 (i)(I) to any taxable year in which an

17 amount is includible in gross income by

18 reason of section 965(a), the taxpayer shall

19 be treated as having made the election

20 under section 965(n) with respect to each

21 such taxable year.

22 ‘‘(v) SPECIAL RULES FOR ELECTIONS

23 UNDER PARAGRAPH (3).—

24 ‘‘(I) SPECIAL ELECTION TO EX25

CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause

2 (i)(I) with respect to any net oper3

ating loss of a taxpayer includes 1 or

4 more taxable years in which an

5 amount is includible in gross income

6 by reason of section 965(a), the tax7

payer may, in lieu of the election oth8

erwise available under paragraph (3),

9 elect under such paragraph to exclude

10 all such taxable years from such

11 carryback period.

12 ‘‘(II) TIME OF ELECTIONS.—An

13 election under paragraph (3) (includ14

ing an election described in subclause

15 (I)) with respect to a net operating

16 loss arising in a taxable year begin17

ning in 2018 or 2019 shall be made

18 by the due date (including extensions

19 of time) for filing the taxpayer’s re20

turn for the first taxable year ending

21 after the date of the enactment of this

22 subparagraph.’’.

23 (2) CONFORMING AMENDMENT.—Section

24 172(b)(1)(A) of such Code, as amended by sub199

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1 section (c)(2), is amended by striking ‘‘and (C)(i)’’

2 and inserting ‘‘, (C)(i), and (D)’’.

3 (c) TECHNICAL AMENDMENT RELATING TO SECTION

4 13302 OF PUBLIC LAW 115–97.—

5 (1) Section 13302(e) of Public Law 115–97 is

6 amended to read as follows:

7 ‘‘(e) EFFECTIVE DATES.—

8 ‘‘(1) NET OPERATING LOSS LIMITATION.—The

9 amendments made by subsections (a) and (d)(2)

10 shall apply to—

11 ‘‘(A) taxable years beginning after Decem12

ber 31, 2017, and

13 ‘‘(B) taxable years beginning on or before

14 such date to which net operating losses arising

15 in taxable years beginning after such date are

16 carried.

17 ‘‘(2) CARRYOVERS AND CARRYBACKS.—The

18 amendments made by subsections (b), (c), and

19 (d)(1) shall apply to net operating losses arising in

20 taxable years beginning after December 31, 2017.’’.

21 (2) Section 172(b)(1)(A) of the Internal Rev22

enue Code of 1986 is amended to read as follows:

23 ‘‘(A) GENERAL RULE.—A net operating

24 loss for any taxable year—

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1 ‘‘(i) shall be a net operating loss

2 carryback to the extent provided in sub3

paragraphs (B) and (C)(i), and

4 ‘‘(ii) except as provided in subpara5

graph (C)(ii), shall be a net operating loss

6 carryover—

7 ‘‘(I) in the case of a net oper8

ating loss arising in a taxable year be9

ginning before January 1, 2018, to

10 each of the 20 taxable years following

11 the taxable year of the loss, and

12 ‘‘(II) in the case of a net oper13

ating loss arising in a taxable year be14

ginning after December 31, 2017, to

15 each taxable year following the tax16

able year of the loss.’’.

17 (d) EFFECTIVE DATES.—

18 (1) NET OPERATING LOSS LIMITATION.—The

19 amendments made by subsection (a) shall apply—

20 (A) to taxable years beginning after De21

cember 31, 2017, and

22 (B) to taxable years beginning on or before

23 December 31, 2017, to which net operating

24 losses arising in taxable years beginning after

25 December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The

2 amendment made by subsection (b) shall apply to—

3 (A) net operating losses arising in taxable

4 years beginning after December 31, 2017, and

5 (B) taxable years beginning before, on, or

6 after such date to which such net operating

7 losses are carried.

8 (3) TECHNICAL AMENDMENTS.—The amend9

ments made by subsection (c) shall take effect as if

10 included in the provisions of Public Law 115–97 to

11 which they relate.

12 (4) SPECIAL RULE.—In the case of a net oper13

ating loss arising in a taxable year beginning before

14 January 1, 2018, and ending after December 31,

15 2017—

16 (A) an application under section 6411(a)

17 of the Internal Revenue Code of 1986 with re18

spect to the carryback of such net operating

19 loss shall not fail to be treated as timely filed

20 if filed not later than the date which is 120

21 days after the date of the enactment of this

22 Act, and

23 (B) an election to—

24 (i) forgo any carryback of such net

25 operating loss,

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1 (ii) reduce any period to which such

2 net operating loss may be carried back, or

3 (iii) revoke any election made under

4 section 172(b) to forgo any carryback of

5 such net operating loss,

6 shall not fail to be treated as timely made if

7 made not later than the date which is 120 days

8 after the date of the enactment of this Act.

9 **SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR**

10 **TAXPAYERS OTHER THAN CORPORATIONS.**

11 (a) IN GENERAL.—Section 461(l)(1) of the Internal

12 Revenue Code of 1986 is amended to read as follows:

13 ‘‘(1) LIMITATION.—In the case of a taxpayer

14 other than a corporation—

15 ‘‘(A) for any taxable year beginning after

16 December 31, 2017, and before January 1,

17 2026, subsection (j) (relating to limitation on

18 excess farm losses of certain taxpayers) shall

19 not apply, and

20 ‘‘(B) for any taxable year beginning after

21 December 31, 2020, and before January 1,

22 2026, any excess business loss of the taxpayer

23 for the taxable year shall not be allowed.’’.

24 (b) TECHNICAL AMENDMENTS RELATING TO SEC25

TION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue

2 Code of 1986 is amended by striking ‘‘a net oper3

ating loss carryover to the following taxable year

4 under section 172’’ and inserting ‘‘a net operating

5 loss for the taxable year for purposes of determining

6 any net operating loss carryover under section

7 172(b) for subsequent taxable years’’.

8 (2) Section 461(l)(3)(A) of such Code is

9 amended—

10 (A) in clause (i), by inserting ‘‘and without

11 regard to any deduction allowable under section

12 172 or 199A’’ after ‘‘under paragraph (1)’’,

13 and

14 (B) by adding at the end the following

15 flush sentence:

16 ‘‘Such excess shall be determined without regard to

17 any deductions, gross income, or gains attributable

18 to any trade or business of performing services as an

19 employee.’’.

20 (3) Section 461(l)(3) of such Code is amended

21 by redesignating subparagraph (B) as subparagraph

22 (C) and by inserting after subparagraph (A) the fol23

lowing new subparagraph:

24 ‘‘(B) TREATMENT OF CAPITAL GAINS AND

25 LOSSES.—

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1 ‘‘(i) LOSSES.—Deductions for losses

2 from sales or exchanges of capital assets

3 shall not be taken into account under sub4

paragraph (A)(i).

5 ‘‘(ii) GAINS.—The amount of gains

6 from sales or exchanges of capital assets

7 taken into account under subparagraph

8 (A)(ii) shall not exceed the lesser of—

9 ‘‘(I) the capital gain net income

10 determined by taking into account

11 only gains and losses attributable to a

12 trade or business, or

13 ‘‘(II) the capital gain net in14

come.’’.

15 (c) EFFECTIVE DATES.—

16 (1) IN GENERAL.—The amendments made by

17 subsection (a) shall apply to taxable years beginning

18 after December 31, 2017.

19 (2) TECHNICAL AMENDMENTS.—The amend20

ments made by subsection (b) shall take effect as if

21 included in the provisions of Public Law 115–97 to

22 which they relate.

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1 **SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR**

2 **MINIMUM TAX LIABILITY OF CORPORATIONS.**

3 (a) IN GENERAL.—Section 53(e) of the Internal Rev4

enue Code of 1986 is amended—

5 (1) by striking ‘‘2018, 2019, 2020, or 2021’’ in

6 paragraph (1) and inserting ‘‘2018 or 2019’’, and

7 (2) by striking ‘‘2021’’ in paragraph (2) and in8

serting ‘‘2019’’.

9 (b) ELECTION TO TAKE ENTIRE REFUNDABLE

10 CREDIT AMOUNT IN 2018.—

11 (1) IN GENERAL.—Section 53(e) of such Code

12 is amended by adding at the end the following new

13 paragraph:

14 ‘‘(5) SPECIAL RULE.—In the case of a corpora15

tion making an election under this paragraph—

16 ‘‘(A) paragraph (1) shall not apply, and

17 ‘‘(B) subsection (c) shall not apply to the

18 first taxable year of such corporation beginning

19 in 2018.’’.

20 (c) EFFECTIVE DATE.—The amendments made by

21 this section shall apply to taxable years beginning after

22 December 31, 2017.

23 (d) SPECIAL RULE.—

24 (1) IN GENERAL.—For purposes of the Internal

25 Revenue Code of 1986, a credit or refund for which

26 an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such

2 Code.

3 (2) TENTATIVE REFUND.—

4 (A) APPLICATION.—A taxpayer may file an

5 application for a tentative refund of any

6 amount for which a refund is due by reason of

7 an election under section 53(e)(5) of the Inter8

nal Revenue Code of 1986. Such application

9 shall be in such manner and form as the Sec10

retary of the Treasury (or the Secretary’s dele11

gate) may prescribe and shall—

12 (i) be verified in the same manner as

13 an application under section 6411(a) of

14 such Code,

15 (ii) be filed prior to December 31,

16 2020, and

17 (iii) set forth—

18 (I) the amount of the refundable

19 credit claimed under section 53(e) of

20 such Code for such taxable year,

21 (II) the amount of the refundable

22 credit claimed under such section for

23 any previously filed return for such

24 taxable year, and

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1 (III) the amount of the refund

2 claimed.

3 (B) ALLOWANCE OF ADJUSTMENTS.—

4 Within a period of 90 days from the date on

5 which an application is filed under subpara6

graph (A), the Secretary of the Treasury (or

7 the Secretary’s delegate) shall—

8 (i) review the application,

9 (ii) determine the amount of the over10

payment, and

11 (iii) apply, credit, or refund such over12

payment,

13 in a manner similar to the manner provided in

14 section 6411(b) of the Internal Revenue Code

15 of 1986.

16 (C) CONSOLIDATED RETURNS.—The provi17

sions of section 6411(c) of the Internal Revenue

18 Code of 1986 Code shall apply to an adjust19

ment under this paragraph to the same extent

20 and manner as the Secretary of the Treasury

21 (or the Secretary’s delegate) may provide.

22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**

23 **INTEREST.**

24 (a) IN GENERAL.—Section 163(j) of the Internal

25 Revenue Code of 1986 is amended by redesignating para208

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1 graph (10) as paragraph (11) and by inserting after para2

graph (9) the following new paragraph:

3 ‘‘(10) SPECIAL RULE FOR TAXABLE YEARS BE4

GINNING IN 2019 AND 2020.—

5 ‘‘(A) IN GENERAL.—

6 ‘‘(i) IN GENERAL.—Except as pro7

vided in clause (ii) or (iii), in the case of

8 any taxable year beginning in 2019 or

9 2020, paragraph (1)(B) shall be applied by

10 substituting ‘50 percent’ for ‘30 percent’.

11 ‘‘(ii) SPECIAL RULE FOR PARTNER12

SHIPS.—In the case of a partnership—

13 ‘‘(I) clause (i) shall not apply to

14 any taxable year beginning in 2019,

15 but

16 ‘‘(II) unless a partner elects not

17 to have this subclause apply, in the

18 case of any excess business interest of

19 the partnership for any taxable year

20 beginning in 2019 which is allocated

21 to the partner under paragraph

22 (4)(B)(i)(II)—

23 ‘‘(aa) 50 percent of such ex24

cess business interest shall be

25 treated as business interest

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1 which, notwithstanding para2

graph (4)(B)(ii), is paid or ac3

crued by the partner in the part4

ner’s first taxable year beginning

5 in 2020 and which is not subject

6 to the limits of paragraph (1),

7 and

8 ‘‘(bb) 50 percent of such ex9

cess business interest shall be

10 subject to the limitations of para11

graph (4)(B)(ii) in the same

12 manner as any other excess busi13

ness interest so allocated.

14 ‘‘(iii) ELECTION OUT.—A taxpayer

15 may elect, at such time and in such man16

ner as the Secretary may prescribe, not to

17 have clause (i) apply to any taxable year.

18 Such an election, once made, may be re19

voked only with the consent of the Sec20

retary. In the case of a partnership, any

21 such election shall be made by the partner22

ship and may be made only for taxable

23 years beginning in 2020.

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1 ‘‘(B) ELECTION TO USE 2019 ADJUSTED

2 TAXABLE INCOME FOR TAXABLE YEARS BEGIN3

NING IN 2020.—

4 ‘‘(i) IN GENERAL.—Subject to clause

5 (ii), in the case of any taxable year begin6

ning in 2020, the taxpayer may elect to

7 apply this subsection by substituting the

8 adjusted taxable income of the taxpayer for

9 the last taxable year beginning in 2019 for

10 the adjusted taxable income for such tax11

able year. In the case of a partnership, any

12 such election shall be made by the partner13

ship.

14 ‘‘(ii) SPECIAL RULE FOR SHORT TAX15

ABLE YEARS.—If an election is made

16 under clause (i) for a taxable year which is

17 a short taxable year, the adjusted taxable

18 income for the taxpayer’s last taxable year

19 beginning in 2019 which is substituted

20 under clause (i) shall be equal to the

21 amount which bears the same ratio to such

22 adjusted taxable income determined with23

out regard to this clause as the number of

24 months in the short taxable year bears to

25 12’’.

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1 (b) EFFECTIVE DATE.—The amendments made by

2 this section shall apply to taxable years beginning after

3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI**5

**FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev7

enue Code of 1986 is amended—

8 (1) in subsection (e)—

9 (A) in paragraph (3)(E), by striking ‘‘and’’

10 at the end of clause (v), by striking the period

11 at the end of clause (vi) and inserting ‘‘, and’’,

12 and by adding at the end the following new

13 clause:

14 ‘‘(vii) any qualified improvement prop15

erty.’’, and

16 (B) in paragraph (6)(A), by inserting

17 ‘‘made by the taxpayer’’ after ‘‘any improve18

ment’’, and

19 (2) in the table contained in subsection

20 (g)(3)(B)—

21 (A) by striking the item relating to sub22

paragraph (D)(v), and

23 (B) by inserting after the item relating to

24 subparagraph (E)(vi) the following new item:

‘‘(E)(vii) ....................................................................................... 20’’.

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1 (b) EFFECTIVE DATE.—The amendments made by

2 this section shall take effect as if included in section

3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**

5 **ALCOHOL USED TO PRODUCE HAND SANI**6

**TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal

8 Revenue Code of 1986 is amended—

9 (1) in paragraph (13), by striking the period at

10 the end and inserting ‘‘; or’’, and

11 (2) by adding at the end the following new

12 paragraph:

13 ‘‘(14) with respect to distilled spirits removed

14 after December 31, 2019, and before January 1,

15 2021, free of tax for use in or contained in hand

16 sanitizer produced and distributed in a manner con17

sistent with any guidance issued by the Food and

18 Drug Administration that is related to the outbreak

19 of virus SARS-CoV-2 or coronavirus disease 2019

20 (COVID-19).’’.

21 (b) EFFECTIVE DATE.—The amendments made by

22 this section shall apply to distilled spirits removed after

23 December 31, 2019.

24 (c) APPLICATION OF OTHER LAWS.—Any distilled

25 spirits or product described in paragraph (14) of section

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1 5214(a) of the Internal Revenue Code of 1986 (as added

2 by this section) shall not be subject to any requirements

3 related to labeling or bulk sales under—

4 (1) section 105 or 106 of the Federal Alcohol

5 Administration Act (27 U.S.C. 205, 206); or

6 (2) section 204 of the Alcoholic Beverage La7

beling Act of 1988 (27 U.S.C. 215).

8 **TITLE III—SUPPORTING AMER**9

**ICA’S HEALTH CARE SYSTEM**

10 **IN THE FIGHT AGAINST THE**

11 **CORONAVIRUS**

12 **Subtitle A—Health Provisions**

13 **SEC. 3001. SHORT TITLE.**

14 This subtitle may be cited as the ‘‘Coronavirus Aid,

15 Relief, and Economic Security Act’’.

16 **PART I—ADDRESSING SUPPLY SHORTAGES**

17 **Subpart A—Medical Product Supplies**

18 **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA’S**

19 **MEDICAL PRODUCT SUPPLY CHAIN SECU**20

**RITY.**

21 (a) IN GENERAL.—Not later than 60 days after the

22 date of enactment of this Act, the Secretary of Health and

23 Human Services shall enter into an agreement with the

24 National Academies of Sciences, Engineering, and Medi25

cine (referred to in this section as the ‘‘National Acad214

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1 emies’’) to examine, and, in a manner that does not com2

promise national security, report on, the security of the

3 United States medical product supply chain.

4 (b) PURPOSES.—The report developed under this sec5

tion shall—

6 (1) assess and evaluate the dependence of the

7 United States, including the private commercial sec8

tor, States, and the Federal Government, on critical

9 drugs and devices that are sourced or manufactured

10 outside of the United States, which may include an

11 analysis of—

12 (A) the supply chain of critical drugs and

13 devices of greatest priority to providing health

14 care;

15 (B) any potential public health security or

16 national security risks associated with reliance

17 on critical drugs and devices sourced or manu18

factured outside of the United States, which

19 may include responses to previous or existing

20 shortages or public health emergencies, such as

21 infectious disease outbreaks, bioterror attacks,

22 and other public health threats;

23 (C) any existing supply chain information

24 gaps, as applicable; and

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1 (D) potential economic impact of increased

2 domestic manufacturing; and

3 (2) provide recommendations, which may in4

clude a plan to improve the resiliency of the supply

5 chain for critical drugs and devices as described in

6 paragraph (1), and to address any supply

7 vulnerabilities or potential disruptions of such prod8

ucts that would significantly affect or pose a threat

9 to public health security or national security, as ap10

propriate, which may include strategies to—

11 (A) promote supply chain redundancy and

12 contingency planning;

13 (B) encourage domestic manufacturing, in14

cluding consideration of economic impacts, if

15 any;

16 (C) improve supply chain information

17 gaps;

18 (D) improve planning considerations for

19 medical product supply chain capacity during

20 public health emergencies; and

21 (E) promote the accessibility of such drugs

22 and devices.

23 (c) INPUT.—In conducting the study and developing

24 the report under subsection (b), the National Academies

25 shall—

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1 (1) consider input from the Department of

2 Health and Human Services, the Department of

3 Homeland Security, the Department of Defense, the

4 Department of Commerce, the Department of State,

5 the Department of Veterans Affairs, the Department

6 of Justice, and any other Federal agencies as appro7

priate; and

8 (2) consult with relevant stakeholders, which

9 may include conducting public meetings and other

10 forms of engagement, as appropriate, with health

11 care providers, medical professional societies, State12

based societies, public health experts, State and local

13 public health departments, State medical boards, pa14

tient groups, medical product manufacturers, health

15 care distributors, wholesalers and group purchasing

16 organizations, pharmacists, and other entities with

17 experience in health care and public health, as ap18

propriate.

19 (d) DEFINITIONS.—In this section, the terms ‘‘de20

vice’’ and ‘‘drug’’ have the meanings given such terms in

21 section 201 of the Federal Food, Drug, and Cosmetic Act

22 (21 U.S.C. 321).

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1 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK**2

**PILE TO INCLUDE CERTAIN TYPES OF MED**3

**ICAL SUPPLIES.**

4 Section 319F–2(a)(1) of the Public Health Service

5 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting

6 ‘‘(including personal protective equipment, ancillary med7

ical supplies, and other applicable supplies required for the

8 administration of drugs, vaccines and other biological

9 products, medical devices, and diagnostic tests in the

10 stockpile)’’ after ‘‘other supplies’’.

11 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE**12

**VICES AS COVERED COUNTERMEASURES.**

13 Section 319F–3(i)(1)(D) of the Public Health Service

14 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as

15 follows:

16 ‘‘(D) a respiratory protective device that is

17 approved by the National Institute for Occupa18

tional Safety and Health under part 84 of title

19 42, Code of Federal Regulations (or any suc20

cessor regulations), and that the Secretary de21

termines to be a priority for use during a public

22 health emergency declared under section 319.’’.

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**

3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos5

metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking ‘‘the Secretary

7 may’’ and inserting ‘‘the Secretary shall, as appro8

priate’’;

9 (2) in paragraph (1), by inserting ‘‘prioritize

10 and’’ before ‘‘expedite the review’’; and

11 (3) in paragraph (2), by inserting ‘‘prioritize

12 and’’ before ‘‘expedite an inspection’’.

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE**14

**QUIREMENTS IN RESPONSE TO DRUG SHORT**15

**AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA17

CEUTICAL INGREDIENTS.—Subsection (a) of section 506C

18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting ‘‘or any

21 such drug that is critical to the public health during

22 a public health emergency declared by the Secretary

23 under section 319 of the Public Health Service Act’’

24 after ‘‘during surgery’’; and

25 (2) in the flush text at the end—

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1 (A) by inserting ‘‘, or a permanent dis2

continuance in the manufacture of an active

3 pharmaceutical ingredient or an interruption in

4 the manufacture of the active pharmaceutical

5 ingredient of such drug that is likely to lead to

6 a meaningful disruption in the supply of the ac7

tive pharmaceutical ingredient of such drug,’’

8 before ‘‘and the reasons’’; and

9 (B) by adding at the end the following:

10 ‘‘Notification under this subsection shall include

11 disclosure of reasons for the discontinuation or

12 interruption, and if applicable, an active phar13

maceutical ingredient is a reason for, or risk

14 factor in, such discontinuation or interruption,

15 the source of the active pharmaceutical ingre16

dient and any alternative sources for the active

17 pharmaceutical ingredient known by the manu18

facturer; whether any associated device used for

19 preparation or administration included in the

20 drug is a reason for, or a risk factor in, such

21 discontinuation or interruption; the expected

22 duration of the interruption; and such other in23

formation as the Secretary may require.’’.

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed2

eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is

3 amended by adding at the end the following:

4 ‘‘(j) RISK MANAGEMENT PLANS.—Each manufac5

turer of a drug described in subsection (a) or of any active

6 pharmaceutical ingredient or any associated medical de7

vice used for preparation or administration included in the

8 drug, shall develop, maintain, and implement, as appro9

priate, a redundancy risk management plan that identifies

10 and evaluates risks to the supply of the drug, as applica11

ble, for each establishment in which such drug or active

12 pharmaceutical ingredient of such drug is manufactured.

13 A risk management plan under this section shall be sub14

ject to inspection and copying by the Secretary pursuant

15 to an inspection or a request under section 704(a)(4).’’.

16 (c) ANNUAL NOTIFICATION.—Section 506E of the

17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)

18 is amended by adding at the end the following:

19 ‘‘(d) INTERAGENCY NOTIFICATION.—Not later than

20 180 days after the date of enactment of this subsection,

21 and every 90 days thereafter, the Secretary shall transmit

22 a report regarding the drugs of the current drug shortage

23 list under this section to the Administrator of the Centers

24 for Medicare & Medicaid Services.’’.

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1 (d) REPORTING AFTER INSPECTIONS.—Section

2 704(b) of the Federal Food, Drug, and Cosmetic Act (21

3 U.S.C. 374(b)) is amended—

4 (1) by redesignating paragraphs (1) and (2)

5 and subparagraphs (A) and (B);

6 (2) by striking ‘‘(b) Upon completion’’ and in7

serting ‘‘(b)(1) Upon completion’’; and

8 (3) by adding at the end the following:

9 ‘‘(2) In carrying out this subsection with respect to

10 any establishment manufacturing a drug approved under

11 subsection (c) or (j) of section 505 for which a notification

12 has been submitted in accordance with section 506C is,

13 or has been in the last 5 years, listed on the drug shortage

14 list under section 506E, or that is described in section

15 505(j)(11)(A), a copy of the report shall be sent promptly

16 to the appropriate offices of the Food and Drug Adminis17

tration with expertise regarding drug shortages.’’.

18 (e) REPORTING REQUIREMENT.—Section 510(j) of

19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))

20 is amended—

21 (1) by redesignating paragraphs (3) and (4) as

22 paragraphs (4) and (5), respectively; and

23 (2) by inserting after paragraph (2) the fol24

lowing:

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1 ‘‘(3)(A) Each person who registers with the

2 Secretary under this section with regard to a drug

3 shall report annually to the Secretary on the amount

4 of each drug listed under paragraph (1) that was

5 manufactured, prepared, propagated, compounded,

6 or processed by such person for commercial distribu7

tion. Such information may be required to be sub8

mitted in an electronic format as determined by the

9 Secretary. The Secretary may require that informa10

tion required to be reported under this paragraph be

11 submitted at the time a public health emergency is

12 declared by the Secretary under section 319 of the

13 Public Health Service Act.

14 ‘‘(B) By order of the Secretary, certain biologi15

cal products or categories of biological products reg16

ulated under section 351 of the Public Health Serv17

ice Act may be exempt from some or all of the re18

porting requirements under subparagraph (A), if the

19 Secretary determines that applying such reporting

20 requirements to such biological products or cat21

egories of biological products is not necessary to pro22

tect the public health.’’.

23 (f) CONFIDENTIALITY.—Nothing in the amendments

24 made by this section shall be construed as authorizing the

25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of

2 title 5, United States Code, or section 1905 of title 18,

3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by

5 this section and section 3111 shall take effect on the date

6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**

9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic

11 Act (21 U.S.C. 351 et seq.) is amended by inserting after

12 section 506I the following:

13 **‘‘SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**

14 **PRODUCTION OF MEDICAL DEVICES.**

15 ‘‘(a) IN GENERAL.—A manufacturer of a device

16 that—

17 ‘‘(1) is critical to public health during a public

18 health emergency, including devices that are life-sup19

porting, life-sustaining, or intended for use in emer20

gency medical care or during surgery; or

21 ‘‘(2) for which the Secretary determines that in22

formation on potential meaningful supply disrup23

tions of such device is needed during, or in advance

24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency

2 declared by the Secretary under section 319 of the Public

3 Health Service Act, notify the Secretary, in accordance

4 with subsection (b), of a permanent discontinuance in the

5 manufacture of the device (except for discontinuances as

6 a result of an approved modification of the device) or an

7 interruption of the manufacture of the device that is likely

8 to lead to a meaningful disruption in the supply of that

9 device in the United States, and the reasons for such dis10

continuance or interruption.

11 ‘‘(b) TIMING.—A notice required under subsection (a)

12 shall be submitted to the Secretary—

13 ‘‘(1) at least 6 months prior to the date of the

14 discontinuance or interruption; or

15 ‘‘(2) if compliance with paragraph (1) is not

16 possible, as soon as practicable.

17 ‘‘(c) DISTRIBUTION.—

18 ‘‘(1) PUBLIC AVAILABILITY.—To the maximum

19 extent practicable, subject to paragraph (2), the Sec20

retary shall distribute, through such means as the

21 Secretary determines appropriate, information on

22 the discontinuance or interruption of the manufac23

ture of devices reported under subsection (a) to ap24

propriate organizations, including physician, health

25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described

2 in subsection (g).

3 ‘‘(2) PUBLIC HEALTH EXCEPTION.—The Sec4

retary may choose not to make information collected

5 under this section publicly available pursuant to this

6 section if the Secretary determines that disclosure of

7 such information would adversely affect the public

8 health, such as by increasing the possibility of un9

necessary over purchase of product, component

10 parts, or other disruption of the availability of med11

ical products to patients.

12 ‘‘(d) CONFIDENTIALITY.—Nothing in this section

13 shall be construed as authorizing the Secretary to disclose

14 any information that is a trade secret or confidential infor15

mation subject to section 552(b)(4) of title 5, United

16 States Code, or section 1905 of title 18, United States

17 Code.

18 ‘‘(e) FAILURE TO MEET REQUIREMENTS.—If a per19

son fails to submit information required under subsection

20 (a) in accordance with subsection (b)—

21 ‘‘(1) the Secretary shall issue a letter to such

22 person informing such person of such failure;

23 ‘‘(2) not later than 30 calendar days after the

24 issuance of a letter under paragraph (1), the person

25 who receives such letter shall submit to the Sec226

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1 retary a written response to such letter setting forth

2 the basis for noncompliance and providing informa3

tion required under subsection (a); and

4 ‘‘(3) not later than 45 calendar days after the

5 issuance of a letter under paragraph (1), the Sec6

retary shall make such letter and any response to

7 such letter under paragraph (2) available to the pub8

lic on the internet website of the Food and Drug Ad9

ministration, with appropriate redactions made to

10 protect information described in subsection (d), ex11

cept that, if the Secretary determines that the letter

12 under paragraph (1) was issued in error or, after re13

view of such response, the person had a reasonable

14 basis for not notifying as required under subsection

15 (a), the requirements of this paragraph shall not

16 apply.

17 ‘‘(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,

18 based on notifications described in subsection (a) or any

19 other relevant information, the Secretary concludes that

20 there is, or is likely to be, a shortage of an device, the

21 Secretary shall, as appropriate—

22 ‘‘(1) prioritize and expedite the review of a sub23

mission under section 513(f)(2), 515, review of a no24

tification under section 510(k), or 520(m) for a de227

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1 vice that could help mitigate or prevent such short2

age; or

3 ‘‘(2) prioritize and expedite an inspection or re4

inspection of an establishment that could help miti5

gate or prevent such shortage.

6 ‘‘(g) DEVICE SHORTAGE LIST.—

7 ‘‘(1) ESTABLISHMENT.—The Secretary shall es8

tablish and maintain an up-to-date list of devices

9 that are determined by the Secretary to be in short10

age in the United States.

11 ‘‘(2) CONTENTS.—For each device included on

12 the list under paragraph (1), the Secretary shall in13

clude the following information:

14 ‘‘(A) The category or name of the device in

15 shortage.

16 ‘‘(B) The name of each manufacturer of

17 such device.

18 ‘‘(C) The reason for the shortage, as deter19

mined by the Secretary, selecting from the fol20

lowing categories:

21 ‘‘(i) Requirements related to com22

plying with good manufacturing practices.

23 ‘‘(ii) Regulatory delay.

24 ‘‘(iii) Shortage or discontinuance of a

25 component or part.

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1 ‘‘(iv) Discontinuance of the manufac2

ture of the device.

3 ‘‘(v) Delay in shipping of the device.

4 ‘‘(vi) Delay in sterilization of the de5

vice.

6 ‘‘(vii) Demand increase for the device.

7 ‘‘(viii) Facility closure.

8 ‘‘(D) The estimated duration of the short9

age as determined by the Secretary.

10 ‘‘(3) PUBLIC AVAILABILITY.—

11 ‘‘(A) IN GENERAL.—Subject to subpara12

graphs (B) and (C), the Secretary shall make

13 the information in the list under paragraph (1)

14 publicly available.

15 ‘‘(B) TRADE SECRETS AND CONFIDENTIAL

16 INFORMATION.—Nothing in this subsection

17 shall be construed to alter or amend section

18 1905 of title 18, United States Code, or section

19 552(b)(4) of title 5 of such Code.

20 ‘‘(C) PUBLIC HEALTH EXCEPTION.—The

21 Secretary may elect not to make information

22 collected under this subsection publicly available

23 if the Secretary determines that disclosure of

24 such information would adversely affect the

25 public health (such as by increasing the possi229

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1 bility of hoarding or other disruption of the

2 availability of the device to patients).

3 ‘‘(h) RULE OF CONSTRUCTION.—Nothing in this sec4

tion shall be construed to affect the authority of the Sec5

retary on the date of enactment of this section to expedite

6 the review of devices under section 515 of the Federal

7 Food, Drug, and Cosmetic Act, section 515B of such Act

8 relating to the priority review program for devices, and

9 section 564 of such Act relating to the emergency use au10

thorization authorities.

11 ‘‘(i) DEFINITIONS.—In this section:

12 ‘‘(1) MEANINGFUL DISRUPTION.—The term

13 ‘meaningful disruption’—

14 ‘‘(A) means a change in production that is

15 reasonably likely to lead to a reduction in the

16 supply of a device by a manufacturer that is

17 more than negligible and affects the ability of

18 the manufacturer to fill orders or meet expected

19 demand for its product;

20 ‘‘(B) does not include interruptions in

21 manufacturing due to matters such as routine

22 maintenance or insignificant changes in manu23

facturing so long as the manufacturer expects

24 to resume operations in a short period of time,

25 not to exceed 6 months;

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1 ‘‘(C) does not include interruptions in

2 manufacturing of components or raw materials

3 so long as such interruptions do not result in

4 a shortage of the device and the manufacturer

5 expects to resume operations in a reasonable

6 period of time; and

7 ‘‘(D) does not include interruptions in

8 manufacturing that do not lead to a reduction

9 in procedures or diagnostic tests associated with

10 a medical device designed to perform more than

11 one procedure or diagnostic test.

12 ‘‘(2) SHORTAGE.—The term ‘shortage’, with re13

spect to a device, means a period of time when the

14 demand or projected demand for the device within

15 the United States exceeds the supply of the device.’’.

16 **PART II—ACCESS TO HEALTH CARE FOR COVID-**

17 **19 PATIENTS**

18 **Subpart A—Coverage of Testing and Preventive**

19 **Services**

20 **SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR**

21 **COVID-19.**

22 Paragraph (1) of section 6001(a) of division F of the

23 Families First Coronavirus Response Act (Public Law

24 116–127) is amended to read as follows:

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1 ‘‘(1) An in vitro diagnostic test defined in sec2

tion 809.3 of title 21, Code of Federal Regulations

3 (or successor regulations) for the detection of

4 SARS–CoV–2 or the diagnosis of the virus that

5 causes COVID–19, and the administration of such a

6 test, that—

7 ‘‘(A) is approved, cleared, or authorized

8 under section 510(k), 513, 515, or 564 of the

9 Federal Food, Drug, and Cosmetic Act (21

10 U.S.C. 360(k), 360c, 360e, 360bbb–3);

11 ‘‘(B) the developer has requested, or in12

tends to request, emergency use authorization

13 under section 564 of the Federal Food, Drug,

14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless

15 and until the emergency use authorization re16

quest under such section 564 has been denied

17 or the developer of such test does not submit a

18 request under such section within a reasonable

19 timeframe;

20 ‘‘(C) is developed in and authorized by a

21 State that has notified the Secretary of Health

22 and Human Services of its intention to review

23 tests intended to diagnose COVID-19; or

24 ‘‘(D) other test that the Secretary deter25

mines appropriate in guidance.’’.

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan

3 or a health insurance issuer providing coverage of items

4 and services described in section 6001(a) of division F of

5 the Families First Coronavirus Response Act (Public Law

6 116–127) with respect to an enrollee shall reimburse the

7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated

9 rate with such provider in effect before the public

10 health emergency declared under section 319 of the

11 Public Health Service Act (42 U.S.C. 247d), such

12 negotiated rate shall apply throughout the period of

13 such declaration.

14 (2) If the health plan or issuer does not have

15 a negotiated rate with such provider, such plan or

16 issuer shall reimburse the provider in an amount

17 that equals the cash price for such service as listed

18 by the provider on a public internet website, or such

19 plan or issuer may negotiate a rate with such pro20

vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR

22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe24

riod declared under section 319 of the Public Health

25 Service Act (42 U.S.C. 247d), each provider of a di26

agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website

2 of such provider.

3 (2) CIVIL MONETARY PENALTIES.—The Sec4

retary of Health and Human Services may impose a

5 civil monetary penalty on any provider of a diag6

nostic test for COVID-19 that is not in compliance

7 with paragraph (1) and has not completed a correc8

tive action plan to comply with the requirements of

9 such paragraph, in an amount not to exceed $300

10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**

12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the

14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec15

retary of Health and Human Services, the Secretary of

16 Labor, and the Secretary of the Treasury shall require

17 group health plans and health insurance issuers offering

18 group or individual health insurance to cover (without

19 cost-sharing) any qualifying coronavirus preventive serv20

ice, pursuant to section 2713(a) of the Public Health Serv21

ice Act (42 U.S.C. 300gg–13(a)) (including the regula22

tions under sections 2590.715-2713 of title 29, Code of

23 Federal Regulations, section 54.9815-2713 of title 26,

24 Code of Federal Regulations, and section 147.130 of title

25 45, Code of Federal Regulations (or any successor regula234

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1 tions)). The requirement described in this subsection shall

2 take effect with respect to a qualifying coronavirus preven3

tive service on the specified date described in subsection

4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE

7 SERVICE.—The term ‘‘qualifying coronavirus preven8

tive service’’ means an item, service, or immuniza9

tion that is intended to prevent or mitigate

10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that

12 has in effect a rating of ‘‘A’’ or ‘‘B’’ in the cur13

rent recommendations of the United States Pre14

ventive Services Task Force; or

15 (B) an immunization that has in effect a

16 recommendation from the Advisory Committee

17 on Immunization Practices of the Centers for

18 Disease Control and Prevention with respect to

19 the individual involved.

20 (2) SPECIFIED DATE.—The term ‘‘specified

21 date’’ means the date that is 15 business days after

22 the date on which a recommendation is made relat23

ing to the qualifying coronavirus preventive service

24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the

2 terms ‘‘group health plan’’, ‘‘health insurance

3 issuer’’, ‘‘group health insurance coverage’’, and ‘‘in4

dividual health insurance coverage’’ have the mean5

ings given such terms in section 2791 of the Public

6 Health Service Act (42 U.S.C. 300gg–91), section

7 733 of the Employee Retirement Income Security

8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of

9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN**12

**TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the

14 Public Health Service Act (42 U.S.C. 254b(r)) is amended

15 by adding at the end the following:

16 ‘‘(6) ADDITIONAL AMOUNTS FOR SUPPLE17

MENTAL AWARDS.—In addition to any amounts

18 made available pursuant to this subsection, section

19 402A of this Act, or section 10503 of the Patient

20 Protection and Affordable Care Act, there is author21

ized to be appropriated, and there is appropriated,

22 out of any monies in the Treasury not otherwise ap23

propriated, $1,320,000,000 for fiscal year 2020 for

24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag2

nosis, and treatment of COVID-19.’’.

3 (b) APPLICATION OF PROVISIONS.—Amounts appro4

priated pursuant to the amendment made by subsection

5 (a) for fiscal year 2020 shall be subject to the require6

ments contained in Public Law 116–94 for funds for pro7

grams authorized under sections 330 through 340 of the

8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE**10

**SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42

12 U.S.C. 254c–14) is amended—

13 (1) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara16

graph (A), by striking ‘‘projects to dem17

onstrate how telehealth technologies can be

18 used through telehealth networks’’ and in19

serting ‘‘evidence-based projects that uti20

lize telehealth technologies through tele21

health networks’’;

22 (ii) in subparagraph (A)—

23 (I) by striking ‘‘the quality of’’

24 and inserting ‘‘access to, and the

25 quality of,’’; and

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1 (II) by inserting ‘‘and’’ after the

2 semicolon;

3 (iii) by striking subparagraph (B);

4 (iv) by redesignating subparagraph

5 (C) as subparagraph (B); and

6 (v) in subparagraph (B), as so redes7

ignated, by striking ‘‘and patients and

8 their families, for decisionmaking’’ and in9

serting ‘‘, patients, and their families’’;

10 and

11 (B) in paragraph (2)—

12 (i) by striking ‘‘demonstrate how tele13

health technologies can be used’’ and in14

serting ‘‘support initiatives that utilize

15 telehealth technologies’’; and

16 (ii) by striking ‘‘, to establish tele17

health resource centers’’;

18 (2) in subsection (e), by striking ‘‘4 years’’ and

19 inserting ‘‘5 years’’;

20 (3) in subsection (f)—

21 (A) by striking paragraph (2);

22 (B) in paragraph (1)(B)—

23 (i) by redesignating clauses (i)

24 through (iii) as paragraphs (1) through

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1 (3), respectively, and adjusting the mar2

gins accordingly;

3 (ii) in paragraph (3), as so redesig4

nated by clause (i), by redesignating sub5

clauses (I) through (XII) as subparagraphs

6 (A) through (L), respectively, and adjust7

ing the margins accordingly; and

8 (iii) by striking ‘‘(1) TELEHEALTH

9 NETWORK GRANTS—’’ and all that follows

10 through ‘‘(B) TELEHEALTH NETWORKS—

11 ’’; and

12 (C) in paragraph (3)(I), as so redesig13

nated, by inserting ‘‘and substance use dis14

order’’ after ‘‘mental health’’ each place such

15 term appears;

16 (4) in subsection (g)(2), by striking ‘‘or im17

prove’’ and inserting ‘‘and improve’’;

18 (5) by striking subsection (h);

19 (6) by redesignating subsections (i) through (p)

20 as subsection (h) through (o), respectively;

21 (7) in subsection (h), as so redesignated—

22 (A) in paragraph (1)—

23 (i) in subparagraph (B), by striking

24 ‘‘mental health, public health, long-term

25 care, home care, preventive’’ and inserting

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1 ‘‘mental health care, public health services,

2 long-term care, home care, preventive

3 care’’;

4 (ii) in subparagraph (E), by inserting

5 ‘‘and regional’’ after ‘‘local’’; and

6 (iii) by striking subparagraph (F);

7 and

8 (B) in paragraph (2)(A), by striking

9 ‘‘medically underserved areas or’’ and inserting

10 ‘‘rural areas, medically underserved areas, or’’;

11 (8) in paragraph (2) of subsection (i), as so re12

designated, by striking ‘‘ensure that—’’ and all that

13 follows through the end of subparagraph (B) and in14

serting ‘‘ensure that not less than 50 percent of the

15 funds awarded shall be awarded for projects in rural

16 areas.’’;

17 (9) in subsection (j), as so redesignated—

18 (A) in paragraph (1)(B), by striking ‘‘com19

puter hardware and software, audio and video

20 equipment, computer network equipment, inter21

active equipment, data terminal equipment, and

22 other’’; and

23 (B) in paragraph (2)(F), by striking

24 ‘‘health care providers and’’;

25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking ‘‘40 per2

cent’’ and inserting ‘‘20 percent’’; and

3 (B) in paragraph (3), by striking ‘‘(such as

4 laying cable or telephone lines, or purchasing or

5 installing microwave towers, satellite dishes,

6 amplifiers, or digital switching equipment)’’;

7 (11) by striking subsections (q) and (r) and in8

serting the following:

9 ‘‘(p) REPORT.—Not later than 4 years after the date

10 of enactment of the Coronavirus Aid, Relief, and Eco11

nomic Security Act, and every 5 years thereafter, the Sec12

retary shall prepare and submit to the Committee on

13 Health, Education, Labor, and Pensions of the Senate and

14 the Committee on Energy and Commerce of the House

15 of Representatives a report on the activities and outcomes

16 of the grant programs under subsection (b).’’;

17 (12) by redesignating subsection (s) as sub18

section (q); and

19 (13) in subsection (q), as so redesignated, by

20 striking ‘‘this section—’’ and all that follows

21 through the end of paragraph (2) and inserting

22 ‘‘this section $29,000,000 for each of fiscal years

23 2021 through 2025.’’.

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**

2 **RURAL HEALTH NETWORK DEVELOPMENT,**

3 **AND SMALL HEALTH CARE PROVIDER QUAL**4

**ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42

6 U.S.C. 254c) is amended—

7 (1) in subsection (d)(2)—

8 (A) in subparagraph (A), by striking ‘‘es9

sential’’ and inserting ‘‘basic’’; and

10 (B) in subparagraph (B)—

11 (i) in the matter preceding clause (i),

12 by inserting ‘‘to’’ after ‘‘grants’’; and

13 (ii) in clauses (i), (ii), and (iii), by

14 striking ‘‘to’’ each place such term ap15

pears;

16 (2) in subsection (e)—

17 (A) in paragraph (1)—

18 (i) by inserting ‘‘improving and’’ after

19 ‘‘outreach by’’;

20 (ii) by inserting ‘‘, through community

21 engagement and evidence-based or innova22

tive, evidence-informed models’’ before the

23 period of the first sentence; and

24 (iii) by striking ‘‘3 years’’ and insert25

ing ‘‘5 years’’;

26 (B) in paragraph (2)—

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1 (i) in the matter preceding subpara2

graph (A), by inserting ‘‘shall’’ after ‘‘enti3

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 subparagraphs (B) and (C), by

11 striking ‘‘shall’’ each place such term ap12

pears; and

13 (iv) in subparagraph (B)—

14 (I) in the matter preceding clause

15 (i), by inserting ‘‘that’’ after ‘‘mem16

bers’’; and

17 (II) in clauses (i) and (ii), by

18 striking ‘‘that’’ each place such term

19 appears; and

20 (C) in paragraph (3)(C), by striking ‘‘the

21 local community or region’’ and inserting ‘‘the

22 rural underserved populations in the local com23

munity or region’’;

24 (3) in subsection (f)—

25 (A) in paragraph (1)—

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1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause

3 (i), by striking ‘‘promote, through

4 planning and implementation, the de5

velopment of integrated health care

6 networks that have combined the

7 functions of the entities participating

8 in the networks’’ and inserting ‘‘plan,

9 develop, and implement integrated

10 health care networks that collabo11

rate’’; and

12 (II) in clause (ii), by striking

13 ‘‘essential health care services’’ and

14 inserting ‘‘basic health care services

15 and associated health outcomes’’; and

16 (ii) by amending subparagraph (B) to

17 read as follows:

18 ‘‘(B) GRANT PERIODS.—The Director may

19 award grants under this subsection for periods

20 of not more than 5 years.’’;

21 (B) in paragraph (2)—

22 (i) in the matter preceding subpara23

graph (A), by inserting ‘‘shall’’ after ‘‘enti24

ty’’;

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1 (ii) in subparagraph (A), by striking

2 ‘‘shall be a rural public or rural nonprofit

3 private entity’’ and inserting ‘‘be an entity

4 with demonstrated experience serving, or

5 the capacity to serve, rural underserved

6 populations’’;

7 (iii) in subparagraph (B)—

8 (I) in the matter preceding clause

9 (i)—

10 (aa) by striking ‘‘shall’’; and

11 (bb) by inserting ‘‘that’’

12 after ‘‘participants’’; and

13 (II) in clauses (i) and (ii), by

14 striking ‘‘that’’ each place such term

15 appears; and

16 (iv) in subparagraph (C), by striking

17 ‘‘shall’’; and

18 (C) in paragraph (3)—

19 (i) by amending clause (iii) of sub20

paragraph (C) to read as follows:

21 ‘‘(iii) how the rural underserved popu22

lations in the local community or region to

23 be served will benefit from and be involved

24 in the development and ongoing operations

25 of the network;’’; and

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1 (ii) in subparagraph (D), by striking

2 ‘‘the local community or region’’ and in3

serting ‘‘the rural underserved populations

4 in the local community or region’’;

5 (4) in subsection (g)—

6 (A) in paragraph (1)—

7 (i) by inserting ‘‘, including activities

8 related to increasing care coordination, en9

hancing chronic disease management, and

10 improving patient health outcomes’’ before

11 the period of the first sentence; and

12 (ii) by striking ‘‘3 years’’ and insert13

ing ‘‘5 years’’;

14 (B) in paragraph (2)—

15 (i) in the matter preceding subpara16

graph (A), by inserting ‘‘shall’’ after ‘‘enti17

ty’’;

18 (ii) in subparagraphs (A) and (B), by

19 striking ‘‘shall’’ each place such term ap20

pears; and

21 (iii) in subparagraph (A)(ii), by in22

serting ‘‘or regional’’ after ‘‘local’’; and

23 (C) in paragraph (3)(D), by striking ‘‘the

24 local community or region’’ and inserting ‘‘the

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1 rural underserved populations in the local com2

munity or region’’;

3 (5) in subsection (h)(3), in the matter pre4

ceding subparagraph (A), by inserting ‘‘, as appro5

priate,’’ after ‘‘the Secretary’’;

6 (6) by amending subsection (i) to read as fol7

lows:

8 ‘‘(i) REPORT.—Not later than 4 years after the date

9 of enactment of the Coronavirus Aid, Relief, and Eco10

nomic Security Act, and every 5 years thereafter, the Sec11

retary shall prepare and submit to the Committee on

12 Health, Education, Labor, and Pensions of the Senate and

13 the Committee on Energy and Commerce of the House

14 of Representatives a report on the activities and outcomes

15 of the grant programs under subsections (e), (f), and (g),

16 including the impact of projects funded under such pro17

grams on the health status of rural residents with chronic

18 conditions.’’; and

19 (7) in subsection (j), by striking ‘‘$45,000,000

20 for each of fiscal years 2008 through 2012’’ and in21

serting ‘‘$79,500,000 for each of fiscal years 2021

22 through 2025’’.

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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 emer8

gency’’ and inserting ‘‘, for service in time of a pub9

lic health or national emergency, a Ready Reserve

10 Corps’’; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking ‘‘RE13

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 subpara19

graph (A), by inserting ‘‘, consistent with

20 paragraph (1)’’ after ‘‘shall’’;

21 (ii) in subparagraph (C), by inserting

22 ‘‘during such emergencies’’ after ‘‘mem23

bers’’; and

24 (iii) in subparagraph (D), by inserting

25 ‘‘, consistent with subparagraph (C)’’ be26

fore the period; and

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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 Pub6

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 Re11

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 ap16

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

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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-Reg12

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 imprison17

ment.’’; and

18 (2) in subsection (b)—

19 (A) by striking ‘‘Secretary of Health, Edu20

cation, and Welfare or his designee’’ and insert21

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’’;

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1 (C) by striking ‘‘For purposes of’’ and in2

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 con7

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 Pub12

lic Health Service Act (42 U.S.C. 202 et seq.) is amend13

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’’.

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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 capac21

ity as a volunteer;

22 (C) in the course of providing health care

23 services that—

24 (i) are within the scope of the license,

25 registration, or certification of the volun252

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1 teer, as defined by the State of licensure,

2 registration, or certification; and

3 (ii) do not exceed the scope of license,

4 registration, or certification of a substan5

tially similar health professional in the

6 State in which such act or omission occurs;

7 and

8 (D) in a good faith belief that the indi9

vidual being treated is in need of health care

10 services.

11 (b) EXCEPTIONS.—Subsection (a) does not apply if—

12 (1) the harm was caused by an act or omission

13 constituting willful or criminal misconduct, gross

14 negligence, reckless misconduct, or a conscious fla15

grant indifference to the rights or safety of the indi16

vidual harmed by the health care professional; or

17 (2) the health care professional rendered the

18 health care services under the influence (as deter19

mined pursuant to applicable State law) of alcohol

20 or an intoxicating drug.

21 (c) PREEMPTION.—

22 (1) IN GENERAL.—This section preempts the

23 laws of a State or any political subdivision of a State

24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec2

tion from liability.

3 (2) VOLUNTEER PROTECTION ACT.—Protec4

tions afforded by this section are in addition to those

5 provided by the Volunteer Protection Act of 1997

6 (Public Law 105–19).

7 (d) DEFINITIONS.—In this section—

8 (1) the term ‘‘harm’’ includes physical, non9

physical, economic, and noneconomic losses;

10 (2) the term ‘‘health care professional’’ means

11 an individual who is licensed, registered, or certified

12 under Federal or State law to provide health care

13 services;

14 (3) the term ‘‘health care services’’ means any

15 services provided by a health care professional, or by

16 any individual working under the supervision of a

17 health care professional that relate to—

18 (A) the diagnosis, prevention, or treatment

19 of COVID-19; or

20 (B) the assessment or care of the health of

21 a human being related to an actual or sus22

pected case of COVID-19; and

23 (4) the term ‘‘volunteer’’ means a health care

24 professional who, with respect to the health care

25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,

2 which compensation—

3 (A) includes a payment under any insur4

ance policy or health plan, or under any Fed5

eral or State health benefits program; and

6 (B) excludes—

7 (i) receipt of items to be used exclu8

sively for rendering health care services in

9 the health care professional’s capacity as a

10 volunteer described in subsection (a)(1);

11 and

12 (ii) any reimbursement for travel to

13 the site where the volunteer services are

14 rendered and any payments in cash or kind

15 to cover room and board, if services are

16 being rendered more than 75 miles from

17 the volunteer’s principal place of residence.

18 (e) EFFECTIVE DATE.—This section shall take effect

19 upon the date of enactment of this Act, and applies to

20 a claim for harm only if the act or omission that caused

21 such harm occurred on or after the date of enactment.

22 (f) SUNSET.—This section shall be in effect only for

23 the length of the public health emergency declared by the

24 Secretary of Health and Human Services (referred to in

25 this section as the ‘‘Secretary’’) under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January

2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**

4 **HEALTH SERVICE CORPS DURING EMER**5

**GENCY PERIOD.**

6 During the public health emergency declared by the

7 Secretary of Health and Human Services under section

8 319 of the Public Health Service Act (42 U.S.C. 247d)

9 on January 31, 2020, with respect to COVID-19, the Sec10

retary may, notwithstanding section 333 of the Public

11 Health Service Act (42 U.S.C. 254f), assign members of

12 the National Health Service Corps, with the voluntary

13 agreement of such corps members, to provide such health

14 services at such places, and for such number of hours, as

15 the Secretary determines necessary to respond to such

16 emergency, provided that such places are within a reason17

able distance of the site to which such members were origi18

nally assigned, and the total number of hours required are

19 the same as were required of such members prior to the

20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**

3 **RECORDS RELATING TO SUBSTANCE USE DIS**4

**ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB6

STANCE USE DISORDER.—Subsections (a) and (h) of sec7

tion 543 of the Public Health Service Act (42 U.S.C.

8 290dd–2) are each amended by striking ‘‘substance

9 abuse’’ and inserting ‘‘substance use disorder’’.

10 (b) DISCLOSURES TO COVERED ENTITIES CON11

SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)

12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))

13 is amended to read as follows:

14 ‘‘(1) CONSENT.—The following shall apply with

15 respect to the contents of any record referred to in

16 subsection (a):

17 ‘‘(A) Such contents may be used or dis18

closed in accordance with the prior written con19

sent of the patient with respect to whom such

20 record is maintained.

21 ‘‘(B) Once prior written consent of the pa22

tient has been obtained, such contents may be

23 used or disclosed by a covered entity, business

24 associate, or a program subject to this section

25 for purposes of treatment, payment, and health

26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may

2 then be redisclosed in accordance with the

3 HIPAA regulations. Section 13405(c) of the

4 Health Information Technology and Clinical

5 Health Act (42 U.S.C. 17935(c)) shall apply to

6 all disclosures pursuant to subsection (b)(1) of

7 this section.

8 ‘‘(C) It shall be permissible for a patient’s

9 prior written consent to be given once for all

10 such future uses or disclosures for purposes of

11 treatment, payment, and health care operations,

12 until such time as the patient revokes such con13

sent in writing.

14 ‘‘(D) Section 13405(a) of the Health In15

formation Technology and Clinical Health Act

16 (42 U.S.C. 17935(a)) shall apply to all disclo17

sures pursuant to subsection (b)(1) of this sec18

tion.’’.

19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN20

FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para21

graph (2) of section 543(b) of the Public Health Service

22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the

23 end the following:

24 ‘‘(D) To a public health authority, so long

25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed2

eral Regulations (or successor regulations) for

3 creating de-identified information.’’.

4 (d) DEFINITIONS.—Section 543 of the Public Health

5 Service Act (42 U.S.C. 290dd–2) is amended by adding

6 at the end the following:

7 ‘‘(k) DEFINITIONS.—For purposes of this section:

8 ‘‘(1) BREACH.—The term ‘breach’ has the

9 meaning given such term for purposes of the HIPAA

10 regulations.

11 ‘‘(2) BUSINESS ASSOCIATE.—The term ‘busi12

ness associate’ has the meaning given such term for

13 purposes of the HIPAA regulations.

14 ‘‘(3) COVERED ENTITY.—The term ‘covered en15

tity’ has the meaning given such term for purposes

16 of the HIPAA regulations.

17 ‘‘(4) HEALTH CARE OPERATIONS.—The term

18 ‘health care operations’ has the meaning given such

19 term for purposes of the HIPAA regulations.

20 ‘‘(5) HIPAA REGULATIONS.—The term

21 ‘HIPAA regulations’ has the meaning given such

22 term for purposes of parts 160 and 164 of title 45,

23 Code of Federal Regulations.

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1 ‘‘(6) PAYMENT.—The term ‘payment’ has the

2 meaning given such term for purposes of the HIPAA

3 regulations.

4 ‘‘(7) PUBLIC HEALTH AUTHORITY.—The term

5 ‘public health authority’ has the meaning given such

6 term for purposes of the HIPAA regulations.

7 ‘‘(8) TREATMENT.—The term ‘treatment’ has

8 the meaning given such term for purposes of the

9 HIPAA regulations.

10 ‘‘(9) UNSECURED PROTECTED HEALTH INFOR11

MATION.—The term ‘unprotected health information’

12 has the meaning given such term for purposes of the

13 HIPAA regulations.’’.

14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD15

MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO16

CEEDINGS.—Subsection (c) of section 543 of the Public

17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended

18 to read as follows:

19 ‘‘(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD20

MINISTRATIVE CONTEXTS.—Except as otherwise author21

ized by a court order under subsection (b)(2)(C) or by the

22 consent of the patient, a record referred to in subsection

23 (a), or testimony relaying the information contained there24

in, may not be disclosed or used in any civil, criminal, ad25

ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in2

cluding with respect to the following activities:

3 ‘‘(1) Such record or testimony shall not be en4

tered into evidence in any criminal prosecution or

5 civil action before a Federal or State court.

6 ‘‘(2) Such record or testimony shall not form

7 part of the record for decision or otherwise be taken

8 into account in any proceeding before a Federal,

9 State, or local agency.

10 ‘‘(3) Such record or testimony shall not be used

11 by any Federal, State, or local agency for a law en12

forcement purpose or to conduct any law enforce13

ment investigation.

14 ‘‘(4) Such record or testimony shall not be used

15 in any application for a warrant.’’.

16 (f) PENALTIES.—Subsection (f) of section 543 of the

17 Public Health Service Act (42 U.S.C. 290dd–2) is amend18

ed to read as follows:

19 ‘‘(f) PENALTIES.—The provisions of sections 1176

20 and 1177 of the Social Security Act shall apply to a viola21

tion of this section to the extent and in the same manner

22 as such provisions apply to a violation of part C of title

23 XI of such Act. In applying the previous sentence—

24 ‘‘(1) the reference to ‘this subsection’ in sub25

section (a)(2) of such section 1176 shall be treated

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1 as a reference to ‘this subsection (including as ap2

plied pursuant to section 543(f) of the Public Health

3 Service Act)’; and

4 ‘‘(2) in subsection (b) of such section 1176—

5 ‘‘(A) each reference to ‘a penalty imposed

6 under subsection (a)’ shall be treated as a ref7

erence to ‘a penalty imposed under subsection

8 (a) (including as applied pursuant to section

9 543(f) of the Public Health Service Act)’; and

10 ‘‘(B) each reference to ‘no damages ob11

tained under subsection (d)’ shall be treated as

12 a reference to ‘no damages obtained under sub13

section (d) (including as applied pursuant to

14 section 543(f) of the Public Health Service

15 Act)’.’’.

16 (g) ANTIDISCRIMINATION.—Section 543 of the Public

17 Health Service Act (42 U.S.C. 290dd–2) is amended by

18 inserting after subsection (h) the following:

19 ‘‘(i) ANTIDISCRIMINATION.—

20 ‘‘(1) IN GENERAL.—No entity shall discrimi21

nate against an individual on the basis of informa22

tion received by such entity pursuant to an inad23

vertent or intentional disclosure of records, or infor24

mation contained in records, described in subsection

25 (a) in—

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1 ‘‘(A) admission, access to, or treatment for

2 health care;

3 ‘‘(B) hiring, firing, or terms of employ4

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 mainte10

nance of social services and benefits provided or

11 funded by Federal, State, or local governments.

12 ‘‘(2) RECIPIENTS OF FEDERAL FUNDS.—No re13

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 inad16

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 pro25

visions of section 13402 of the HITECH Act (42 U.S.C.

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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 man4

ner as such provisions apply to a covered entity in the

5 case of a breach of unsecured protected health informa6

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 regu11

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 PRI18

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 de25

scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa2

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, in6

cluding self-pay patients, with respect to pro7

tected health information and a brief descrip8

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 re13

quired to use or disclose protected health infor14

mation without the patient’s written authoriza15

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 sec24

tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay2

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 Regula5

tions, or any successor regulation, to obtain the con6

sent of the individual to use or disclose a record re7

ferred to in such section 543(a) to carry out treat8

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 con13

fidentiality requirements of section 543 of the Public

14 Health Service Act (42 U.S.C. 290dd–2) apply is en15

couraged to access the applicable State-based pre16

scription drug monitoring program when clinically

17 appropriate;

18 (2) patients have the right to request a restric19

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 reason24

able effort to the extent feasible to comply with a

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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 incen11

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 ‘‘As15

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 emer21

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

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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 sub4

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 WAIV9

ER.—For purposes of State agencies’ determining the de10

livery of nutrition services under section 337 of the Older

11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe12

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 indi15

vidual who is unable to obtain nutrition because the indi16

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 Sec25

retary may waive the requirements for meals provided

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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 ex14

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 de23

scribed in section 502(b)(1)(C) of the Older Ameri24

cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a

25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer2

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, de6

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 administra11

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 regula21

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 involv25

ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf2

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 promul8

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 poli11

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. 254c–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 in20

creasing above the national average’’ after

21 ‘‘areas with high’’;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking ‘‘con24

sumers of project services, public health depart25

ments, hospitals, health centers under section

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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 so11

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 sub21

populations within the community.’’; and

22 (iv) in subparagraph (C) (as so redes23

ignated)—

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1 (I) by redesignating clauses (i)

2 and (ii) as clauses (ii) and (iii), re3

spectively;

4 (II) by inserting before clause (ii)

5 (as so redesignated) the following:

6 ‘‘(i) collaboration with the local com7

munity in the development of the project;’’;

8 (III) in clause (ii) (as so redesig9

nated), by striking ‘‘and’’ at the end;

10 (IV) in clause (iii) (as so redesig11

nated), by striking the period and in12

serting ‘‘; and’’; and

13 (V) by adding at the end the fol14

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 ap20

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:

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1 ‘‘(2) OTHER PROGRAMS.—The Secretary shall

2 ensure coordination of the program carried out pur3

suant to this section with other programs and activi4

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 ‘‘appro9

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 in14

clude, to the extent practicable, information re15

lated to—

16 ‘‘(i) progress toward achieving any

17 grant metrics or outcomes related to re18

ducing infant mortality rates, improving

19 perinatal outcomes, or reducing the dis20

parity in health status;

21 ‘‘(ii) recommendations on potential

22 improvements that may assist with ad23

dressing gaps, as applicable and appro24

priate; and

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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, in5

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 evalua17

tion under paragraph (1), the Comptroller General

18 shall consider, as applicable and appropriate, infor19

mation from the evaluations under subsection

20 (e)(2)(B).

21 ‘‘(3) REPORT.—The report described in para22

graph (1) shall review, assess, and provide rec23

ommendations, as appropriate, on the following:

24 ‘‘(A) The allocation of Healthy Start pro25

gram grants by the Health Resources and Serv275

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1 ices Administration, including considerations

2 made by such Administration regarding dispari3

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 sub8

section (e)(2)(B), including programs which de9

crease infant mortality rates and improve

10 perinatal outcomes, programs that have not de11

creased infant mortality rates or improved

12 perinatal outcomes, and programs that have

13 made an impact on disparities in infant mor14

tality or perinatal outcomes.

15 ‘‘(C) The ability of grantees to improve

16 health outcomes for project participants, pro17

mote the awareness of the Healthy Start pro18

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, evalua23

tion, and the effect such metrics may have to24

ward decreasing the rate of infant mortality

25 and improving perinatal outcomes.

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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 ac5

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 ‘‘Sec9

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 sub17

section (a), the Secretary may enter into contracts with

18 one or more public or private nonprofit entities, to estab19

lish a national blood donation awareness campaign that

20 may include television, radio, internet, and newspaper

21 public service announcements, and other activities to pro22

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 Direc277

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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 ac4

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 do14

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:

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1 ‘‘(iii) AUTHORITY DURING A PUBLIC

2 HEALTH EMERGENCY.—

3 ‘‘(I) IN GENERAL.—Notwith4

standing clause (ii), the Secretary,

5 shall, to the maximum extent prac6

ticable, use competitive procedures

7 when entering into transactions to

8 carry out projects under this sub9

section for purposes of a public health

10 emergency declared by the Secretary

11 under section 319. Any such trans12

actions entered into during such pub13

lic health emergency shall not be ter14

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 expira20

tion of the public health emergency

21 declared by the Secretary under sec22

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 En279

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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 associ6

ated with the use of such funds, and

7 a description of the reasons for the

8 use of such authority for the project

9 or projects.’’.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic

12 Act (21 U.S.C. 351 et seq.) is amended by inserting after

13 section 512 the following:

14 **‘‘SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ‘‘(a) IN GENERAL.—The Secretary shall, at the re16

quest of the sponsor intending to submit an application

17 for approval of a new animal drug under section 512(b)(1)

18 or an application for conditional approval of a new animal

19 drug under section 571, expedite the development and re20

view of such new animal drug if preliminary clinical evi21

dence indicates that the new animal drug, alone or in com22

bination with 1 or more other animal drugs, has the poten23

tial to prevent or treat a zoonotic disease in animals, in24

cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious

2 or life-threatening diseases in, humans.

3 ‘‘(b) REQUEST FOR DESIGNATION.—The sponsor of

4 a new animal drug may request the Secretary to designate

5 a new animal drug described in subsection (a) as a priority

6 zoonotic animal drug. A request for the designation may

7 be made concurrently with, or at any time after, the open8

ing of an investigational new animal drug file under sec9

tion 512(j) or the filing of an application under section

10 512(b)(1) or 571.

11 ‘‘(c) DESIGNATION.—

12 ‘‘(1) IN GENERAL.—Not later than 60 calendar

13 days after the receipt of a request under subsection

14 (b), the Secretary shall determine whether the new

15 animal drug that is the subject of the request meets

16 the criteria described in subsection (a). If the Sec17

retary determines that the new animal drug meets

18 the criteria, the Secretary shall designate the new

19 animal drug as a priority zoonotic animal drug and

20 shall take such actions as are appropriate to expe21

dite the development and review of the application

22 for approval or conditional approval of such new ani23

mal drug.

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1 ‘‘(2) ACTIONS.—The actions to expedite the de2

velopment and review of an application under para3

graph (1) may include, as appropriate—

4 ‘‘(A) taking steps to ensure that the design

5 of clinical trials is as efficient as practicable,

6 when scientifically appropriate, such as by uti7

lizing novel trial designs or drug development

8 tools (including biomarkers) that may reduce

9 the number of animals needed for studies;

10 ‘‘(B) providing timely advice to, and inter11

active communication with, the sponsor (which

12 may include meetings with the sponsor and re13

view team) regarding the development of the

14 new animal drug to ensure that the develop15

ment program to gather the nonclinical and

16 clinical data necessary for approval is as effi17

cient as practicable;

18 ‘‘(C) involving senior managers and review

19 staff with experience in zoonotic or vector-borne

20 disease to facilitate collaborative, cross-discipli21

nary review, including, as appropriate, across

22 agency centers; and

23 ‘‘(D) implementing additional administra24

tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development

2 program.’’.

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**

5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.

7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking

9 subsection (i) and inserting the following:

10 ‘‘(i) AUTHORIZATION OF APPROPRIATIONS.—To

11 carry out this section, there is authorized to be appro12

priated $23,711,000 for each of fiscal years 2021 through

13 2025.’’;

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking

16 ‘‘$51,000,000 for fiscal year 2010, and such

17 sums as may be necessary for each of the fiscal

18 years 2011 through 2014’’ and inserting

19 ‘‘$51,470,000 for each of fiscal years 2021

20 through 2025’’;

21 (B) in subsection (b), by striking

22 ‘‘$5,000,000 for each of the fiscal years 2010

23 through 2014’’ and inserting ‘‘$1,190,000 for

24 each of fiscal years 2021 through 2025’’;

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1 (C) in subsection (c), by striking

2 ‘‘$60,000,000 for fiscal year 2010 and such

3 sums as may be necessary for each of the fiscal

4 years 2011 through 2014’’ and inserting

5 ‘‘$15,000,000 for each of fiscal years 2021

6 through 2025’’; and

7 (D) in subsection (d), by striking ‘‘Not

8 Later than 6 months after the date of enact9

ment of this part, the Secretary shall prepare

10 and submit to the appropriate committees of

11 Congress’’ and inserting: ‘‘Not later than Sep12

tember 30, 2025, and every five years there13

after, the Secretary shall prepare and submit to

14 the Committee on Health, Education, Labor,

15 and Pensions of the Senate, and the Committee

16 on Energy and Commerce of the House of Rep17

resentatives,’’;

18 (3) in section 747 (42 U.S.C. 293k)—

19 (A) in subsection (a)—

20 (i) in paragraph (1)(G), by striking

21 ‘‘to plan, develop, and operate a dem22

onstration program that provides training’’

23 and inserting: ‘‘to plan, develop, and oper24

ate a program that identifies or develops

25 innovative models of providing care, and

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1 trains primary care physicians on such

2 models and’’; and

3 (ii) by adding at the end the fol4

lowing:

5 ‘‘(3) PRIORITIES IN MAKING AWARDS.—In

6 awarding grants or contracts under paragraph (1),

7 the Secretary may give priority to qualified appli8

cants that train residents in rural areas, including

9 for Tribes or Tribal Organizations in such areas.’’;

10 (B) in subsection (b)(3)(E), by striking

11 ‘‘substance-related disorders’’ and inserting

12 ‘‘substance use disorders’’; and

13 (C) in subsection (c)(1), by striking

14 ‘‘$125,000,000 for fiscal year 2010, and such

15 sums as may be necessary for each of fiscal

16 years 2011 through 2014’’ and inserting

17 ‘‘$48,924,000 for each of fiscal years 2021

18 through 2025’’;

19 (4) in section 748 (42 U.S.C. 293k–2)—

20 (A) in subsection (c)(5), by striking ‘‘sub21

stance-related disorders’’ and inserting ‘‘sub22

stance use disorders’’; and

23 (B) in subsection (f), by striking

24 ‘‘$30,000,000 for fiscal year 2010 and such

25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015’’ and inserting

2 ‘‘$28,531,000 for each of fiscal years 2021

3 through 2025’’;

4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),

5 by striking ‘‘Committee on Labor and Human Re6

sources of the Senate, and the Committee on Com7

merce of the House of Representatives’’ and insert8

ing ‘‘Committee on Health, Education, Labor, and

9 Pensions of the Senate, and the Committee on En10

ergy and Commerce of the House of Representa11

tives’’;

12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),

13 by striking ‘‘$125,000,000 for each of the fiscal

14 years 2010 through 2014’’ and inserting

15 ‘‘$41,250,000 for each of fiscal years 2021 through

16 2025’’;

17 (7) in section 754(b)(1)(A) (42 U.S.C.

18 294d(b)(1)(A)), by striking ‘‘new and innovative’’

19 and inserting ‘‘innovative or evidence-based’’;

20 (8) in section 755(b)(1)(A) (42 U.S.C.

21 294e(b)(1)(A)), by striking ‘‘the elderly’’ and insert22

ing ‘‘geriatric populations or for maternal and child

23 health’’;

24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking

2 ‘‘$7,500,000 for each of fiscal years 2010

3 through 2014’’ and inserting ‘‘$5,663,000 for

4 each of fiscal years 2021 through 2025’’; and

5 (B) in paragraph (2), by striking ‘‘sub6

section (a)’’ and inserting ‘‘paragraph (1)’’;

7 (10) in section 762 (42 U.S.C. 294o)—

8 (A) in subsection (a)(1), by striking ‘‘Com9

mittee on Labor and Human Resources’’ and

10 inserting ‘‘Committee on Health, Education,

11 Labor, and Pensions’’;

12 (B) in subsection (b)—

13 (i) in paragraph (2), by striking

14 ‘‘Health Care Financing Administration’’

15 and inserting ‘‘Centers for Medicare &

16 Medicaid Services’’;

17 (ii) by redesignating paragraphs (4)

18 through (6) as paragraphs (5) through (7),

19 respectively; and

20 (iii) by inserting after paragraph (3),

21 the following:

22 ‘‘(4) the Administrator of the Health Resources

23 and Services Administration;’’;

24 (C) by striking subsections (i), (j), and (k)

25 and inserting the following:

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1 ‘‘(i) REPORTS.—Not later than September 30, 2023,

2 and not less than every 5 years thereafter, the Council

3 shall submit to the Secretary, and to the Committee on

4 Health, Education, Labor, and Pensions of the Senate and

5 the Committee on Energy and Commerce of the House

6 of Representatives, a report on the recommendations de7

scribed in subsection (a).’’; and

8 (D) by redesignating subsection (l) as sub9

section (j);

10 (11) in section 766(b)(1) (42 U.S.C.

11 295a(b)(1)), by striking ‘‘that plans’’ and all that

12 follows through the period and inserting ‘‘that plans,

13 develops, operates, and evaluates projects to improve

14 preventive medicine, health promotion and disease

15 prevention, or access to and quality of health care

16 services in rural or medically underserved commu17

nities.’’;

18 (12) in section 770(a) (42 U.S.C. 295e(a)), by

19 striking ‘‘$43,000,000 for fiscal year 2011, and such

20 sums as may be necessary for each of the fiscal

21 years 2012 through 2015’’ and inserting

22 ‘‘$17,000,000 for each of fiscal years 2021 through

23 2025’’; and

24 (13) in section 775(e) (42 U.S.C. 295f(e)), by

25 striking ‘‘$30,000,000’’ and all that follows through

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1 the period and inserting ‘‘such sums as may be nec2

essary for each of fiscal years 2021 through 2025.’’.

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after

6 the date of enactment of this Act, the Secretary of

7 Health and Human Services (referred to in this Act

8 as the ‘‘Secretary’’), in consultation with the Advi9

sory Committee on Training in Primary Care Medi10

cine and Dentistry and the Advisory Council on

11 Graduate Medical Education, shall develop a com12

prehensive and coordinated plan with respect to the

13 health care workforce development programs of the

14 Department of Health and Human Services, includ15

ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para17

graph (1) shall—

18 (A) include performance measures to de19

termine the extent to which the programs de20

scribed in paragraph (1) are strengthening the

21 Nation’s health care system;

22 (B) identify any gaps that exist between

23 the outcomes of programs described in para24

graph (1) and projected health care workforce

25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv2

ices Administration;

3 (C) identify actions to address the gaps de4

scribed in subparagraph (B); and

5 (D) identify barriers, if any, to imple6

menting the actions identified under subpara7

graph (C).

8 (b) COORDINATION WITH OTHER AGENCIES.—The

9 Secretary shall coordinate with the heads of other Federal

10 agencies and departments that fund or administer health

11 care workforce development programs, including education

12 and training programs, to—

13 (1) evaluate the performance of such programs,

14 including the extent to which such programs are effi15

cient and effective and are meeting the nation’s

16 health workforce needs; and

17 (2) identify opportunities to improve the quality

18 and consistency of the information collected to evalu19

ate within and across such programs, and to imple20

ment such improvements.

21 (c) REPORT.—Not later than 2 years after the date

22 of enactment of this Act, the Secretary shall submit to

23 the Committee on Health, Education, Labor, and Pen24

sions of the Senate, and the Committee on Energy and

25 Commerce of the House of Representatives, a report de290

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1 scribing the plan developed under subsection (a) and ac2

tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI**4

**ATRICS.**

5 Section 753 of the Public Health Service Act (42

6 U.S.C. 294c) is amended to read as follows:

7 **‘‘SEC. 753. EDUCATION AND TRAINING RELATING TO GERI**8

**ATRICS.**

9 ‘‘(a) GERIATRICS WORKFORCE ENHANCEMENT PRO10

GRAM.—

11 ‘‘(1) IN GENERAL.—The Secretary shall award

12 grants, contracts, or cooperative agreements under

13 this subsection to entities described in paragraph

14 (1), (3), or (4) of section 799B, section 801(2), or

15 section 865(d), or other health professions schools or

16 programs approved by the Secretary, for the estab17

lishment or operation of Geriatrics Workforce En18

hancement Programs that meet the requirements of

19 paragraph (2).

20 ‘‘(2) REQUIREMENTS.—

21 ‘‘(A) IN GENERAL.—A Geriatrics Work22

force Enhancement Program receiving an

23 award under this section shall support the

24 training of health professionals in geriatrics, in25

cluding traineeships or fellowships. Such pro291

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1 grams shall emphasize, as appropriate, patient

2 and family engagement, integration of geriatrics

3 with primary care and other appropriate spe4

cialties, and collaboration with community part5

ners to address gaps in health care for older

6 adults.

7 ‘‘(B) ACTIVITIES.—Activities conducted by

8 a program under this section may include the

9 following:

10 ‘‘(i) Clinical training on providing in11

tegrated geriatrics and primary care deliv12

ery services.

13 ‘‘(ii) Interprofessional training to

14 practitioners from multiple disciplines and

15 specialties, including training on the provi16

sion of care to older adults.

17 ‘‘(iii) Establishing or maintaining

18 training-related community-based pro19

grams for older adults and caregivers to

20 improve health outcomes for older adults.

21 ‘‘(iv) Providing education on Alz22

heimer’s disease and related dementias to

23 families and caregivers of older adults, di24

rect care workers, and health professions

25 students, faculty, and providers.

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1 ‘‘(3) DURATION.—Each grant, contract, or co2

operative agreement or contract awarded under

3 paragraph (1) shall be for a period not to exceed 5

4 years.

5 ‘‘(4) APPLICATIONS.—To be eligible to receive a

6 grant, contract, or cooperative agreement under

7 paragraph (1), an entity described in such para8

graph shall submit to the Secretary an application at

9 such time, in such manner, and containing such in10

formation as the Secretary may require.

11 ‘‘(5) PROGRAM REQUIREMENTS.—

12 ‘‘(A) IN GENERAL.—In awarding grants,

13 contracts, and cooperative agreements under

14 paragraph (1), the Secretary—

15 ‘‘(i) shall give priority to programs

16 that demonstrate coordination with an17

other Federal or State program or another

18 public or private entity;

19 ‘‘(ii) shall give priority to applicants

20 with programs or activities that are ex21

pected to substantially benefit rural or

22 medically underserved populations of older

23 adults, or serve older adults in Indian

24 Tribes or Tribal organizations; and

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1 ‘‘(iii) may give priority to any pro2

gram that—

3 ‘‘(I) integrates geriatrics into pri4

mary care practice;

5 ‘‘(II) provides training to inte6

grate geriatric care into other special7

ties across care settings, including

8 practicing clinical specialists, health

9 care administrators, faculty without

10 backgrounds in geriatrics, and stu11

dents from all health professions;

12 ‘‘(III) emphasizes integration of

13 geriatric care into existing service de14

livery locations and care across set15

tings, including primary care clinics,

16 medical homes, Federally qualified

17 health centers, ambulatory care clin18

ics, critical access hospitals, emer19

gency care, assisted living and nursing

20 facilities, and home- and community21

based services, which may include

22 adult daycare;

23 ‘‘(IV) supports the training and

24 retraining of faculty, primary care

25 providers, other direct care providers,

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1 and other appropriate professionals on

2 geriatrics;

3 ‘‘(V) emphasizes education and

4 engagement of family caregivers on

5 disease management and strategies to

6 meet the needs of caregivers of older

7 adults; or

8 ‘‘(VI) proposes to conduct out9

reach to communities that have a

10 shortage of geriatric workforce profes11

sionals.

12 ‘‘(B) SPECIAL CONSIDERATION.—In

13 awarding grants, contracts, and cooperative

14 agreements under this section, the Secretary

15 shall give special consideration to entities that

16 provide services in areas with a shortage of

17 geriatric workforce professionals.

18 ‘‘(6) PRIORITY.—The Secretary may provide

19 awardees with additional support for activities in

20 areas of demonstrated need, which may include edu21

cation and training for home health workers, family

22 caregivers, and direct care workers on care for older

23 adults.

24 ‘‘(7) REPORTING.—

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1 ‘‘(A) REPORTS FROM ENTITIES.—Each en2

tity awarded a grant, contract, or cooperative

3 agreement under this section shall submit an

4 annual report to the Secretary on the activities

5 conducted under such grant, contract, or coop6

erative agreement, which may include informa7

tion on the number of trainees, the number of

8 professions and disciplines, the number of part9

nerships with health care delivery sites, the

10 number of faculty and practicing professionals

11 who participated in such programs, and other

12 information, as the Secretary may require.

13 ‘‘(B) REPORT TO CONGRESS.—Not later

14 than 4 years after the date of enactment of the

15 Title VII Health Care Workforce Reauthoriza16

tion Act of 2019 and every 5 years thereafter,

17 the Secretary shall submit to the Committee on

18 Health, Education, Labor, and Pensions of the

19 Senate and the Committee on Energy and Com20

merce of the House of Representatives a report

21 that provides a summary of the activities and

22 outcomes associated with grants, contracts, and

23 cooperative agreements made under this sec24

tion. Such reports shall include—

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1 ‘‘(i) information on the number of

2 trainees, faculty, and professionals who

3 participated in programs under this sec4

tion;

5 ‘‘(ii) information on the impact of the

6 program conducted under this section on

7 the health status of older adults, including

8 in areas with a shortage of health profes9

sionals; and

10 ‘‘(iii) information on outreach and

11 education provided under this section to

12 families and caregivers of older adults.

13 ‘‘(C) PUBLIC AVAILABILITY.—The Sec14

retary shall make reports submitted under

15 paragraph (B) publically available on the inter16

net website of the Department of Health and

17 Human Services.

18 ‘‘(b) GERIATRIC ACADEMIC CAREER AWARDS.—

19 ‘‘(1) ESTABLISHMENT OF PROGRAM.—The Sec20

retary shall, as appropriate, establish or maintain a

21 program to provide geriatric academic career awards

22 to eligible entities applying on behalf of eligible indi23

viduals to promote the career development of such

24 individuals as academic geriatricians or other aca25

demic geriatrics health professionals.

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1 ‘‘(2) ELIGIBILITY.—

2 ‘‘(A) ELIGIBLE ENTITY.—For purposes of

3 this subsection, the term ‘eligible entity’

4 means—

5 ‘‘(i) an entity described in paragraph

6 (1), (3), or (4) of section 799B or section

7 801(2); or

8 ‘‘(ii) another accredited health profes9

sions school or graduate program approved

10 by the Secretary.

11 ‘‘(B) ELIGIBLE INDIVIDUAL.—For pur12

poses of this subsection, the term ‘eligible indi13

vidual’ means an individual who—

14 ‘‘(i)(I) is board certified or board eli15

gible in internal medicine, family practice,

16 psychiatry, or licensed dentistry, or has

17 completed required training in a discipline

18 and is employed in an accredited health

19 professions school or graduate program

20 that is approved by the Secretary; or

21 ‘‘(II) has completed an approved fel22

lowship program in geriatrics, or has com23

pleted specialty training in geriatrics as re24

quired by the discipline and any additional

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1 geriatrics training as required by the Sec2

retary; and

3 ‘‘(ii) has a junior, nontenured, faculty

4 appointment at an accredited health pro5

fessions school or graduate program in

6 geriatrics or a geriatrics health profession.

7 ‘‘(C) CLARIFICATION.—If an eligible indi8

vidual is promoted during the period of an

9 award under this subsection and thereby no

10 longer meets the criteria of subparagraph

11 (B)(ii), the individual shall continue to be treat12

ed as an eligible individual through the term of

13 the award.

14 ‘‘(3) APPLICATION REQUIREMENTS.—In order

15 to receive an award under paragraph (1), an eligible

16 entity, on behalf of an eligible individual, shall—

17 ‘‘(A) submit to the Secretary an applica18

tion, at such time, in such manner, and con19

taining such information as the Secretary may

20 require;

21 ‘‘(B) provide, in such form and manner as

22 the Secretary may require, assurances that the

23 eligible individual will meet the service require24

ment described in paragraph (6); and

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1 ‘‘(C) provide, in such form and manner as

2 the Secretary may require, assurances that the

3 individual has a full-time faculty appointment

4 in a health professions institution and docu5

mented commitment from such eligible entity

6 that the individual will spend 75 percent of the

7 individual’s time that is supported by the award

8 on teaching and developing skills in inter9

disciplinary education in geriatrics.

10 ‘‘(4) EQUITABLE DISTRIBUTION.—In making

11 awards under this subsection, the Secretary shall

12 seek to ensure geographical distribution among

13 award recipients, including among rural or medically

14 underserved areas of the United States.

15 ‘‘(5) AMOUNT AND DURATION.—

16 ‘‘(A) AMOUNT.—The amount of an award

17 under this subsection shall be at least $75,000

18 for fiscal year 2021, adjusted for subsequent

19 years in accordance with the consumer price

20 index. The Secretary shall determine the

21 amount of an award under this subsection for

22 individuals who are not physicians.

23 ‘‘(B) DURATION.—The Secretary shall

24 make awards under paragraph (1) for a period

25 not to exceed 5 years.

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1 ‘‘(6) SERVICE REQUIREMENT.—An individual

2 who receives an award under this subsection shall

3 provide training in clinical geriatrics, including the

4 training of interprofessional teams of health care

5 professionals. The provision of such training shall

6 constitute at least 75 percent of the obligations of

7 such individual under the award.

8 ‘‘(c) NONAPPLICABILITY OF PROVISION.—Notwith9

standing any other provision of this title, section 791(a)

10 shall not apply to awards made under this section.

11 ‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—There

12 is authorized to be appropriated $40,737,000 for each of

13 fiscal years 2021 through 2025 for purposes of carrying

14 out this section.’’.

15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**

16 (a) IN GENERAL.—Title VIII of the Public Health

17 Service Act (42 U.S.C. 296 et seq.) is amended—

18 (1) in section 801 (42 U.S.C. 296), by adding

19 at the end the following:

20 ‘‘(18) NURSE MANAGED HEALTH CLINIC.—The

21 term ‘nurse managed health clinic’ means a nurse22

practice arrangement, managed by advanced practice

23 nurses, that provides primary care or wellness serv24

ices to underserved or vulnerable populations and

25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health

2 center, or independent nonprofit health or social

3 services agency.’’;

4 (2) in section 802(c) (42 U.S.C. 296a(c)), by

5 inserting ‘‘, and how such project aligns with the

6 goals in section 806(a)’’ before the period in the sec7

ond sentence;

8 (3) in section 803(b) (42 U.S.C. 296b(b)), by

9 adding at the end the following: ‘‘Such Federal

10 funds are intended to supplement, not supplant, ex11

isting non-Federal expenditures for such activities.’’;

12 (4) in section 806 (42 U.S.C. 296e)—

13 (A) in subsection (a), by striking ‘‘as need14

ed to’’ and all that follows and inserting the fol15

lowing: ‘‘as needed to address national nursing

16 needs, including—

17 ‘‘(1) addressing challenges, including through

18 supporting training and education of nursing stu19

dents, related to the distribution of the nursing

20 workforce and existing or projected nursing work21

force shortages in geographic areas that have been

22 identified as having, or that are projected to have,

23 a nursing shortage;

24 ‘‘(2) increasing access to and the quality of

25 health care services, including by supporting the

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1 training of professional registered nurses, advanced

2 practice registered nurses, and advanced education

3 nurses within community based settings and in a va4

riety of health delivery system settings; or

5 ‘‘(3) addressing the strategic goals and prior6

ities identified by the Secretary and that are in ac7

cordance with this title.

8 Contracts may be entered into under this title with public

9 or private entities as determined necessary by the Sec10

retary.’’;

11 (B) in subsection (b)(2), by striking ‘‘a

12 demonstration’’ and all that follows and insert13

ing the following: ‘‘the reporting of data and in14

formation demonstrating that satisfactory

15 progress has been made by the program or

16 project in meeting the performance outcome

17 standards (as described in section 802) of such

18 program or project.’’;

19 (C) in subsection (e)(2), by inserting ‘‘,

20 and have relevant expertise and experience’’ be21

fore the period at the end of the first sentence;

22 and

23 (D) by adding at the end the following:

24 ‘‘(i) BIENNIAL REPORT ON NURSING WORKFORCE

25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall

2 submit to the Committee on Health, Education, Labor,

3 and Pensions of the Senate and the Committee on Energy

4 and Commerce of the House of Representatives, a report

5 that contains an assessment of the programs and activities

6 of the Department of Health and Human Services related

7 to enhancing the nursing workforce, including the extent

8 to which programs and activities under this title meet the

9 identified goals and performance measures developed for

10 the respective programs and activities, and the extent to

11 which the Department coordinates with other Federal de12

partments regarding programs designed to improve the

13 nursing workforce.’’;

14 (5) in section 811 (42 U.S.C. 296j)—

15 (A) in subsection (b)—

16 (i) by striking ‘‘Master’s’’ and insert17

ing ‘‘graduate’’; and

18 (ii) by inserting ‘‘clinical nurse lead19

ers,’’ after ‘‘nurse administrators,’’;

20 (B) by redesignating subsections (f) and

21 (g) as subsections (g) and (h), respectively; and

22 (C) by inserting after subsection (e), the

23 following:

24 ‘‘(f) AUTHORIZED CLINICAL NURSE SPECIALIST

25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs

2 that—

3 ‘‘(1) provide registered nurses with full-time

4 clinical nurse specialist education; and

5 ‘‘(2) have as their objective the education of

6 clinical nurse specialists who will, upon completion

7 of such a program, be qualified to effectively provide

8 care through the wellness and illness continuum to

9 inpatients and outpatients experiencing acute and

10 chronic illness.’’; and

11 (6) in section 831 (42 U.S.C. 296p)—

12 (A) in the section heading, by striking

13 ‘‘**AND QUALITY GRANTS**’’ and inserting

14 ‘‘**QUALITY, AND RETENTION GRANTS**’’;

15 (B) in subsection (b)(2), by striking ‘‘other

16 high-risk groups such as the elderly, individuals

17 with HIV/AIDS, substance abusers, the home18

less, and victims’’ and inserting ‘‘high risk

19 groups, such as the elderly, individuals with

20 HIV/AIDS, individuals with mental health or

21 substance use disorders, individuals who are

22 homeless, and survivors’’;

23 (C) in subsection (c)(1)—

24 (i) in subparagraph (A)—

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1 (I) by striking ‘‘advancement for

2 nursing personnel’’ and inserting the

3 following: ‘‘advancement for—

4 ‘‘(i) nursing’’;

5 (II) by striking ‘‘professional

6 nurses, advanced education nurses, li7

censed practical nurses, certified

8 nurse assistants, and home health

9 aides’’ and inserting ‘‘professional

10 registered nurses, advanced practice

11 registered nurses, and nurses with

12 graduate nursing education’’; and

13 (III) by adding at the end the

14 following:

15 ‘‘(ii) individuals including licensed

16 practical nurses, licensed vocational nurses,

17 certified nurse assistants, home health

18 aides, diploma degree or associate degree

19 nurses, and other health professionals,

20 such as health aides or community health

21 practitioners certified under the Commu22

nity Health Aide Program of the Indian

23 Health Service, to become registered

24 nurses with baccalaureate degrees or

25 nurses with graduate nursing education;’’;

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1 (ii) in subparagraph (B), by striking

2 the period and inserting ‘‘; and’’; and

3 (iii) by adding at the end the fol4

lowing:

5 ‘‘(C) developing and implementing intern6

ships, accredited fellowships, and accredited

7 residency programs in collaboration with one or

8 more accredited schools of nursing, to encour9

age the mentoring and development of special10

ties.’’;

11 (D) by striking subsections (e) and (h);

12 (E) by redesignating subsections (f) and

13 (g), as subsections (e) and (f), respectively;

14 (F) in subsection (e) (as so redesignated),

15 by striking ‘‘The Secretary shall submit to the

16 Congress before the end of each fiscal year’’

17 and inserting ‘‘As part of the report on nursing

18 workforce programs described in section 806(i),

19 the Secretary shall include’’; and

20 (G) in subsection (f) (as so redesignated),

21 by striking ‘‘a school of nursing, as defined in

22 section 801(2),,’’ and inserting ‘‘an accredited

23 school of nursing, as defined in section 801(2),

24 a health care facility, including federally quali25

fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and

2 facility’’;

3 (7) by striking section 831A (42 U.S.C. 296p–

4 1);

5 (8) in section 846 (42 U.S.C. 297n)—

6 (A) by striking the last sentence of sub7

section (a);

8 (B) in subsection (b)(1), by striking ‘‘he

9 began such practice’’ and inserting ‘‘the indi10

vidual began such practice’’; and

11 (C) in subsection (i), by striking ‘‘FUND12

ING’’ in the subsection heading and all that fol13

lows through ‘‘paragraph (1)’’ in paragraph (2),

14 and inserting the following: ‘‘ALLOCATIONS.—

15 Of the amounts appropriated under section

16 871(b),’’;

17 (9) in section 846A (42 U.S.C. 247n–1), by

18 striking subsection (f);

19 (10) in section 847 (42 U.S.C. 297o), by strik20

ing subsection (g);

21 (11) in section 851 (42 U.S.C. 297t)—

22 (A) in subsection (b)(1)(A)(iv), by striking

23 ‘‘and nurse anesthetists’’ and inserting ‘‘nurse

24 anesthetists, and clinical nurse specialists’’;

25 (B) in subsection (d)(3)—

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1 (i) by striking ‘‘3 years after the date

2 of enactment of this section’’ and inserting

3 ‘‘2 years after the date of enactment of the

4 Title VIII Nursing Reauthorization Act’’;

5 (ii) by striking ‘‘Labor and Human

6 Resources’’ and inserting ‘‘Health, Edu7

cation, Labor, and Pensions’’; and

8 (iii) by inserting ‘‘Energy and’’ before

9 ‘‘Commerce’’; and

10 (C) in subsection (g), by striking ‘‘under

11 this title’’ and inserting ‘‘for carrying out parts

12 B, C, and D’’;

13 (12) by striking sections 861 and 862 (42

14 U.S.C. 297w and 297x); and

15 (13) in section 871 (42 U.S.C. 298d)—

16 (A) by striking ‘‘For the purpose of’’ and

17 inserting the following:

18 ‘‘(a) IN GENERAL.—For the purpose of’’;

19 (B) by striking ‘‘$338,000,000 for fiscal

20 year 2010, and such sums as may be necessary

21 for each of the fiscal years 2011 through 2016’’

22 and inserting ‘‘$137,837,000 for each of fiscal

23 years 2021 through 2025’’; and

24 (C) by adding at the end the following:

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1 ‘‘(b) PART E.—For the purpose of carrying out part

2 E, there are authorized to be appropriated $117,135,000

3 for each of the fiscal years 2021 through 2025.’’.

4 (b) EVALUATION AND REPORT ON NURSE LOAN RE5

PAYMENT PROGRAMS.—

6 (1) EVALUATION.—The Comptroller General

7 shall conduct an evaluation of the nurse loan repay8

ment programs administered by the Health Re9

sources and Services Administration. Such evalua10

tion shall include—

11 (A) the manner in which payments are

12 made under such programs;

13 (B) the existing oversight functions nec14

essary to ensure the proper use of such pro15

grams, including payments made as part of

16 such programs;

17 (C) the identification of gaps, if any, in

18 oversight functions; and

19 (D) information on the number of nurses

20 assigned to facilities pursuant to such pro21

grams, including the type of facility to which

22 nurses are assigned and the impact of modi23

fying the eligibility requirements for programs

24 under section 846 of the Public Health Service

25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as2

signed prior to fiscal year 2019 (such as feder3

ally qualified health centers and facilities affili4

ated with the Indian Health Service).

5 (2) REPORT.—Not later than 18 months after

6 the enactment of this Act, the Comptroller General

7 shall submit to the Committee on Health, Edu8

cation, Labor, and Pensions of the Senate and the

9 Committee on Energy and Commerce of the House

10 of Representatives, a report on the evaluation under

11 paragraph (1), which may include recommendations

12 to improve relevant nursing workforce loan repay13

ment programs.

14 **Subtitle B—Education Provisions**

15 **SEC. 3501. SHORT TITLE.**

16 This subtitle may be cited as the ‘‘COVID-19 Pan17

demic Education Relief Act of 2020’’.

18 **SEC. 3502. DEFINITIONS.**

19 (a) DEFINITIONS.—In this subtitle:

20 (1) CORONAVIRUS.—The term ‘‘coronavirus’’

21 has the meaning given the term in section 506 of the

22 Coronavirus Preparedness and Response Supple23

mental Appropriations Act, 2020 (Public Law 116–

24 123).

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1 (2) FOREIGN INSTITUTION.—The term ‘‘foreign

2 institution’’ means an institution of higher education

3 located outside the United States that is described

4 in paragraphs (1)(C) and (2) of section 102(a) of

5 the Higher Education Act of 1965 (20 U.S.C.

6 1002(a)).

7 (3) INSTITUTION OF HIGHER EDUCATION.—The

8 term ‘‘institution of higher education’’ has the

9 meaning of the term under section 102 of the High10

er Education Act of 1965 (20 U.S.C. 1002).

11 (4) QUALIFYING EMERGENCY.—The term

12 ‘‘qualifying emergency’’ means—

13 (A) a public health emergency related to

14 the coronavirus declared by the Secretary of

15 Health and Human Services pursuant to sec16

tion 319 of the Public Health Service Act (42

17 U.S.C. 247d);

18 (B) an event related to the coronavirus for

19 which the President declared a major disaster

20 or an emergency under section 401 or 501, re21

spectively, of the Robert T. Stafford Disaster

22 Relief and Emergency Assistance Act (42

23 U.S.C. 5170 and 5191); or

24 (C) a national emergency related to the

25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act

2 (50 U.S.C. 1601 et seq.).

3 (5) SECRETARY.—The term ‘‘Secretary’’ means

4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE7

MENT.—Notwithstanding sections 413C(a)(2) and

8 443(b)(5) of the Higher Education Act of 1965 (20

9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect

10 to funds made available for award years 2019-2020 and

11 2020-2021, the Secretary shall waive the requirement that

12 a participating institution of higher education provide a

13 non-Federal share to match Federal funds provided to the

14 institution for the programs authorized pursuant to sub15

part 3 of part A and part C of title IV of the Higher

16 Education Act of 1965 (20 U.S.C. 1070b et seq. and

17 1087–51 et seq.) for all awards made under such pro18

grams during such award years, except nothing in this

19 subsection shall affect the non-Federal share requirement

20 under section 443(c)(3) that applies to private for-profit

21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding

23 sections 413D, 442, and 488 of the Higher Education Act

24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during

25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution’s unexpended

2 allotment under section 442 of such Act to the institu3

tion’s allotment under section 413D of such Act, but may

4 not transfer any funds from the institution’s unexpended

5 allotment under section 413D of such Act to the institu6

tion’s allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR**8

**TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of

10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),

11 an institution of higher education may reserve any amount

12 of an institution’s allocation under subpart 3 of part A

13 of title IV of the Higher Education Act of 1965 (20 U.S.C.

14 1070b et seq.) for a fiscal year to award, in such fiscal

15 year, emergency financial aid grants to assist under16

graduate or graduate students for unexpected expenses

17 and unmet financial need as the result of a qualifying

18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for

20 and awarding emergency financial aid grants under this

21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under

23 section 471 of the Higher Education Act of 1965

24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying

2 emergency to receive funds in an amount that is not

3 more than the maximum Federal Pell Grant for the

4 applicable award year; and

5 (3) utilize a contract with a scholarship-grant6

ing organization designated for the sole purpose of

7 accepting applications from or disbursing funds to

8 students enrolled in the institution of higher edu9

cation, if such scholarship-granting organization dis10

burses the full allocated amount provided to the in11

stitution of higher education to the recipients.

12 (c) SPECIAL RULE.—Any emergency financial aid

13 grants to students under this section shall not be treated

14 as other financial assistance for the purposes of section

15 471 of the Higher Education Act of 1965 (20 U.S.C.

16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**

18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer20

gency, an institution of higher education participating in

21 the program under part C of title IV of the Higher Edu22

cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make

23 payments under such part to affected work-study stu24

dents, for the period of time (not to exceed one academic

25 year) in which affected students were unable to fulfill the

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1 students’ work-study obligation for all or part of such aca2

demic year due to such qualifying emergency, as follows:

3 (1) Payments may be made under such part to

4 affected work-study students in an amount equal to

5 or less than the amount of wages such students

6 would have been paid under such part had the stu7

dents been able to complete the work obligation nec8

essary to receive work study funds, as a one time

9 grant or as multiple payments.

10 (2) Payments shall not be made to any student

11 who was not eligible for work study or was not com12

pleting the work obligation necessary to receive work

13 study funds under such part prior to the occurrence

14 of the qualifying emergency.

15 (3) Any payments made to affected work-study

16 students under this subsection shall meet the match17

ing requirements of section 443 of the Higher Edu18

cation Act of 1965 (20 U.S.C. 1087–53), unless

19 such matching requirements are waived by the Sec20

retary.

21 (b) DEFINITION OF AFFECTED WORK-STUDY STU22

DENT.—In this section, the term ‘‘affected work-study

23 student’’ means a student enrolled at an eligible institu24

tion participating in the program under part C of title IV

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1 of the Higher Education Act of 1965 (20 U.S.C. 1087–

2 51 et seq.) who—

3 (1) received a work-study award under section

4 443 of the Higher Education Act of 1965 (20

5 U.S.C. 1087–53) for the academic year during which

6 a qualifying emergency occurred;

7 (2) earned Federal work-study wages from such

8 eligible institution for such academic year; and

9 (3) was prevented from fulfilling the student’s

10 work-study obligation for all or part of such aca11

demic year due to such qualifying emergency.

12 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM**13

**ITS.**

14 Notwithstanding section 455(q)(3) of the Higher

15 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec16

retary shall exclude from a student’s period of enrollment

17 for purposes of loans made under part D of title IV of

18 the Higher Education Act of 1965 (20 U.S.C. 1087a et

19 seq.) any semester (or the equivalent) that the student

20 does not complete due to a qualifying emergency, if the

21 Secretary is able to administer such policy in a manner

22 that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA**2

**TION LIMIT.**

3 The Secretary shall exclude from a student’s Federal

4 Pell Grant duration limit under section 401(c)(5) of the

5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any

6 semester (or the equivalent) that the student does not

7 complete due to a qualifying emergency if the Secretary

8 is able to administer such policy in a manner that limits

9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU**11

**DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive

14 the institutional requirement under section 484B of

15 the Higher Education Act of 1965 (20 U.S.C.

16 1091b) with respect to the amount of grant or loan

17 assistance (other than assistance received under part

18 C of title IV of such Act) to be returned under such

19 section if a recipient of assistance under title IV of

20 the Higher Education Act of 1965 (20 U.S.C. 1070

21 et seq.) withdraws from the institution of higher

22 education during the payment period or period of

23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require

25 each institution using a waiver relating to the with26

drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant

2 or loan assistance (other than assistance received

3 under part C of title IV of such Act) associated with

4 each such recipient, and the total amount of grant

5 or loan assistance (other than assistance received

6 under part C of title IV of such Act) for which each

7 institution has not returned assistance under title IV

8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive

10 the amounts that students are required to return under

11 section 484B of the Higher Education Act of 1965 (20

12 U.S.C. 1091b) with respect to Federal Pell Grants or

13 other grant assistance if the withdrawals on which the re14

turns are based, are withdrawals by students who with15

drew from the institution of higher education as a result

16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith18

standing any other provision of the Higher Education Act

19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can20

cel the borrower’s obligation to repay the entire portion

21 of a loan made under part D of title IV of such Act (20

22 U.S.C. 1087a et seq.) associated with a payment period

23 for a recipient of such loan who withdraws from the insti24

tution of higher education during the payment period as

25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith2

standing any other provision of the Higher Education Act

3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving

4 assistance under title IV of the Higher Education Act of

5 1965 (20 U.S.C. 1070 et seq.), an institution of higher

6 education may, as a result of a qualifying emergency, pro7

vide a student with an approved leave of absence that does

8 not require the student to return at the same point in the

9 academic program that the student began the leave of ab10

sence if the student returns within the same semester (or

11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education

14 Act of 1965 (20 U.S.C. 1091), in determining whether a

15 student is maintaining satisfactory academic progress for

16 purposes of title IV of the Higher Education Act of 1965

17 (20 U.S.C. 1070 et seq.), an institution of higher edu18

cation may, as a result of a qualifying emergency, exclude

19 from the quantitative component of the calculation any at20

tempted credits that were not completed by such student

21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR**23

**EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)

25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public

2 health emergency, major disaster or emergency, or na3

tional emergency declared by the applicable government

4 authorities in the country in which the foreign institution

5 is located, the Secretary may permit any part of an other6

wise eligible program to be offered via distance education

7 for the duration of such emergency or disaster and the

8 following payment period for purposes of title IV of the

9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

10 (b) ELIGIBILITY.—An otherwise eligible program

11 that is offered in whole or in part through distance edu12

cation by a foreign institution between March 1, 2020, and

13 the date of enactment of this Act shall be deemed eligible

14 for the purposes of part D of title IV of the Higher Edu15

cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura16

tion of the qualifying emergency and the following pay17

ment period for purposes of title IV of the Higher Edu18

cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu19

tion of higher education that uses the authority provided

20 in the previous sentence shall report such use to the Sec21

retary—

22 (1) for the 2019–2020 award year, not later

23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–

2 2020 award year, not later than 30 days after such

3 use.

4 (c) REPORT.—Not later than 180 days after the date

5 of enactment of this Act, and every 180 days thereafter

6 for the duration of the qualifying emergency and the fol7

lowing payment period, the Secretary shall submit to the

8 authorizing committees (as defined in section 103 of the

9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report

10 that identifies each foreign institution that carried out a

11 distance education program authorized under this section.

12 (d) WRITTEN ARRANGEMENTS.—

13 (1) IN GENERAL.—Notwithstanding section 102

14 of the Higher Education Act of 1965 (20 U.S.C.

15 1002), for the duration of a qualifying emergency

16 and the following payment period, the Secretary may

17 allow a foreign institution to enter into a written ar18

rangement with an institution of higher education

19 located in the United States that participates in the

20 Federal Direct Loan Program under part D of title

21 IV of the Higher Education Act of 1965 (20 U.S.C.

22 1087a et seq.) for the purpose of allowing a student

23 of the foreign institution who is a borrower of a loan

24 made under such part to take courses from the insti322

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1 tution of higher education located in the United

2 States.

3 (2) FORM OF ARRANGEMENTS.—

4 (A) PUBLIC OR OTHER NONPROFIT INSTI5

TUTIONS.—A foreign institution that is a public

6 or other nonprofit institution may enter into a

7 written arrangement under subsection (a) only

8 with an institution of higher education de9

scribed in section 101 of such Act (20 U.S.C.

10 1001).

11 (B) OTHER INSTITUTIONS.—A foreign in12

stitution that is a graduate medical school,

13 nursing school, or a veterinary school and that

14 is not a public or other nonprofit institution

15 may enter into a written arrangement under

16 subsection (a) with an institution of higher edu17

cation described in section 101 or section 102

18 of such Act (20 U.S.C. 1001 and 1002).

19 (3) REPORT ON USE.—An institution of higher

20 education that uses the authority described in para21

graph (2) shall report such use to the Secretary—

22 (A) for the 2019–2020 award year, not

23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the

2 2019–2020 award year, not later than 30 days

3 after such use.

4 (4) REPORT FROM THE SECRETARY.—Not later

5 than 180 days after the date of enactment of this

6 Act, and every 180 days thereafter for the duration

7 of the qualifying emergency and the following pay8

ment period, the Secretary shall submit to the au9

thorizing committees (as defined in section 103 of

10 the Higher Education Act of 1965 (20 U.S.C.

11 1003)) a report that identifies each foreign institu12

tion that entered into a written arrangement author13

ized under subsection (a).

14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

15 (a) IN GENERAL.—Notwithstanding any other provi16

sion of law, the Secretary may, upon the request of a State

17 educational agency or Indian tribe, waive any statutory

18 or regulatory provision described under paragraphs (1)

19 and (2) of subsection (b), and upon the request of a local

20 educational agency, waive any statutory or regulatory pro21

vision described under paragraph (2) of subsection (b), if

22 the Secretary determines that such a waiver is necessary

23 and appropriate due to the emergency involving Federal

24 primary responsibility determined to exist by the President

25 under the section 501(b) of the Robert T. Stafford Dis324

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1 aster Relief and Emergency Assistance Act (42 U.S.C.

2 5191(b)) with respect to the Coronavirus Disease 2019

3 (COVID-19).

4 (b) APPLICABLE PROVISIONS OF LAW.—

5 (1) STREAMLINED WAIVERS.—The Secretary

6 shall create an expedited application process to re7

quest a waiver and the Secretary may waive any

8 statutory or regulatory requirements for a State

9 educational agency (related to assessments, account10

ability, and reporting requirements related to assess11

ments and accountability), if the Secretary deter12

mines that such a waiver is necessary and appro13

priate as described in subsection (a), under the fol14

lowing provisions of law:

15 (A) The following provisions under section

16 1111 of the Elementary and Secondary Edu17

cation Act of 1965 (20 U.S.C. 6311):

18 (i) Paragraphs (2) and (3) of sub19

section (b).

20 (ii) Subsection (c)(4).

21 (iii) Subparagraphs (C) and (D) of

22 subsection (d)(2).

23 (iv) The following provisions under

24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),

2 (v), (vi), (vii), and (xi) of paragraph

3 (1)(C).

4 (II) Paragraph (2)(C) with re5

spect to the waived requirements

6 under subclause (I).

7 (III) Clauses (i) and (ii) of para8

graph (2)(C).

9 (B) Section 421(b) of the General Edu10

cation Provisions Act (20 U.S.C. 1225(b)).

11 (2) STATE AND LOCALLY-REQUESTED WAIV12

ERS.—For a State educational agency, local edu13

cational agency, or Indian tribe that receives funds

14 under a program authorized under the Elementary

15 and Secondary Education Act of 1965 (20 U.S.C.

16 6301 et seq.) that requests a waiver under sub17

section (c), the Secretary may waive statutory and

18 regulatory requirements under any of the following

19 provisions of such Act:

20 (A) Section 1114(a)(1).

21 (B) Section 1118(a) and section 8521.

22 (C) Section 1127.

23 (D) Section 4106(d).

24 (E) Subparagraphs (C), (D), and (E) of

25 section 4106(e)(2).

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1 (F) Section 4109(b).

2 (G) The definition under section 8101(42)

3 for purposes of the Elementary and Secondary

4 Education Act of 1965 (20 U.S.C. 6301 et

5 seq.).

6 (3) APPLICABILITY TO CHARTER SCHOOLS.—

7 Any waivers issued by the Secretary under this sec8

tion shall be implemented, as applicable—

9 (A) for all public schools, including public

10 charter schools within the boundaries of the re11

cipient of the waiver;

12 (B) in accordance with State charter

13 school law; and

14 (C) pursuant to section 1111(c)(5) of the

15 Elementary and Secondary Education Act of

16 1965 (20 U.S.C. 6311(c)(5)).

17 (4) LIMITATION.—Nothing in this section shall

18 be construed to allow the Secretary to waive any

19 statutory or regulatory requirements under applica20

ble civil rights laws.

21 (5) ACCOUNTABILITY AND IMPROVEMENT.—

22 Any school located in a State that receives a waiver

23 under paragraph (1) and that is identified for com24

prehensive support and improvement, targeted sup25

port and improvement, or additional targeted sup327

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1 port in the 2019-2020 school year under section

2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen3

tary and Secondary Education Act of 1965 (20

4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that

5 identification status in the 2020-2021 school year

6 and continue to receive supports and interventions

7 consistent with the school’s support and improve8

ment plan in the 2020-2021 school year.

9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—

10 (1) IN GENERAL.—A State educational agency,

11 local educational agency, or Indian tribe that desires

12 a waiver from any statutory or regulatory provision

13 described under subsection (b)(2), may submit a

14 waiver request to the Secretary in accordance with

15 this subsection.

16 (2) REQUESTS SUBMITTED.—A request for a

17 waiver under this subsection shall—

18 (A) identify the Federal programs affected

19 by the requested waiver;

20 (B) describe which Federal statutory or

21 regulatory requirements are to be waived;

22 (C) describe how the emergency involving

23 Federal primary responsibility determined to

24 exist by the President under the section 501(b)

25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))

2 with respect to the Coronavirus Disease 2019

3 (COVID-19) prevents or otherwise restricts the

4 ability of the State, State educational agency,

5 local educational agency, Indian tribe, or school

6 to comply with such statutory or regulatory re7

quirements; and

8 (D) provide an assurance that the State

9 educational agency, local educational agency, or

10 Indian tribe will work to mitigate any negative

11 effects, if any, that may occur as a result of the

12 requested waiver.

13 (3) SECRETARY APPROVAL.—

14 (A) IN GENERAL.—Except as provided

15 under subparagraph (B), the Secretary shall

16 approve or disapprove a waiver request sub17

mitted under paragraph (1) not more than 30

18 days after the date on which such request is

19 submitted.

20 (B) EXCEPTIONS.—The Secretary may dis21

approve a waiver request submitted under para22

graph (1), only if the Secretary determines

23 that—

24 (i) the waiver request does not meet

25 the requirements of this section;

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1 (ii) the waiver is not permitted pursu2

ant to subsection (b)(2); or

3 (iii) the description required under

4 paragraph (2)(C) provides insufficient in5

formation to demonstrate that the waiving

6 of such requirements is necessary or ap7

propriate consistent with subsection (a).

8 (4) DURATION.—A waiver approved by the Sec9

retary under this section may be for a period not to

10 exceed the 2019–2020 academic year, except to

11 carry out full implementation of any maintenance of

12 effort waivers granted during the 2019–2020 aca13

demic year.

14 (d) REPORTING AND PUBLICATION.—

15 (1) PUBLIC NOTICE.—A State educational

16 agency, Indian Tribe, or local educational agency re17

questing a waiver under subsection (b)(2) shall pro18

vide the public and all local educational agencies in

19 the State with notice of, and the opportunity to com20

ment on, the request by posting information regard21

ing the waiver request and the process for com22

menting on the State website.

23 (2) NOTIFYING CONGRESS.—Not later than 7

24 days after granting a waiver under this section, the

25 Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the

2 Committee on Appropriations of the Senate, the

3 Committee on Education and Labor of the House of

4 Representatives, and the Committee on Appropria5

tions of the House of Representatives of such waiv6

er.

7 (3) PUBLICATION.—Not later than 30 days

8 after granting a waiver under this section, the Sec9

retary shall publish a notice of the Secretary’s deci10

sion (including which waiver was granted and the

11 reason for granting the waiver) in the Federal Reg12

ister and on the website of the Department of Edu13

cation.

14 (4) REPORT.—Not later than 30 days after the

15 date of enactment of this Act, the Secretary shall

16 prepare and submit a report to the Committee on

17 Health, Education, Labor, and Pensions and the

18 Committee on Appropriations of the Senate, and the

19 Committee on Education and Labor and the Com20

mittee on Appropriations of the House of Represent21

atives, with recommendations on any additional

22 waivers under the Individuals with Disabilities Edu23

cation Act (20 U.S.C. 1401 et seq.), the Rehabilita24

tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele25

mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca2

reer and Technical Education Act of 2006 (20

3 U.S.C. 2301 et seq.) the Secretary believes are nec4

essary to be enacted into law to provide limited flexi5

bility to States and local educational agencies to

6 meet the needs of students during the emergency in7

volving Federal primary responsibility determined to

8 exist by the President under section 501(b) of the

9 Robert T. Stafford Disaster Relief and Emergency

10 Assistance Act (42 U.S.C. 5191(b)) with respect to

11 the Coronavirus Disease 2019 (COVID-19).

12 (e) TERMS.—In this section, the term ‘‘State edu13

cational agency’’ includes the Bureau of Indian Education,

14 and the term ‘‘local educational agency’’ includes Bureau

15 of Indian Education funded schools operated pursuant to

16 a grant under the Tribally Controlled Schools Act of 1988

17 (25 U.S.C. 2501 et seq.), or a contract under the Indian

18 Self-Determination and Education Assistance Act (25

19 U.S.C. 5301 et seq.).

20 **SEC. 3512. HBCU CAPITAL FINANCING.**

21 (a) DEFERMENT PERIOD.—

22 (1) IN GENERAL.—Notwithstanding any provi23

sion of title III of the Higher Education Act of 1965

24 (20 U.S.C. 1051 et seq.), or any regulation promul25

gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer2

gency, to an institution that has received a loan

3 under part D of title III of such Act (20 U.S.C.

4 1066 et seq.).

5 (2) TERMS.—During the deferment period

6 granted under this subsection—

7 (A) the institution shall not be required to

8 pay any periodic installment of principal or in9

terest required under the loan agreement for

10 such loan; and

11 (B) the Secretary shall make principal and

12 interest payments otherwise due under the loan

13 agreement.

14 (3) CLOSING.—At the closing of a loan deferred

15 under this subsection, terms shall be set under

16 which the institution shall be required to repay the

17 Secretary for the payments of principal and interest

18 made by the Secretary during the deferment, on a

19 schedule that begins upon repayment to the lender

20 in full on the loan agreement, except in no case shall

21 repayment be required to begin before the date that

22 is 1 full fiscal year after the date that is the end of

23 the qualifying emergency.

24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided

2 under this section to grant a loan deferment under

3 subsection (a) shall terminate on the date on which

4 the qualifying emergency is no longer in effect.

5 (2) DURATION.—Any provision of a loan agree6

ment or insurance agreement modified by the au7

thority under this section shall remain so modified

8 for the duration of the period covered by the loan

9 agreement or insurance agreement.

10 (c) REPORT.—Not later than 180 days after the date

11 of enactment of this Act, and every 180 days thereafter

12 during the period beginning on the first day of the quali13

fying emergency and ending on September 30 of the fiscal

14 year following the end of the qualifying emergency, the

15 Secretary shall submit to the authorizing committees (as

16 defined in section 103 of the Higher Education Act of

17 1965 (20 U.S.C. 1003)) a report that identifies each insti18

tution that received assistance under this section.

19 (d) FUNDING.—There is hereby appropriated, out of

20 any money in the Treasury not otherwise appropriated,

21 $62,000,000 to carry out this section.

22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**

23 **LOAN BORROWERS.**

24 (a) IN GENERAL.—The Secretary shall suspend all

25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title

2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a

3 et seq.; 1071 et seq.) through September 30, 2020.

4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding

5 any other provision of the Higher Education Act of 1965

6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a

7 loan described under subsection (a) for which payment

8 was suspended for the period of the suspension.

9 (c) CONSIDERATION OF PAYMENTS.—Notwith10

standing any other provision of the Higher Education Act

11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem

12 each month for which a loan payment was suspended

13 under this section as if the borrower of the loan had made

14 a payment for the purpose of any loan forgiveness pro15

gram or loan rehabilitation program authorized under part

16 D or B of title IV of the Higher Education Act of 1965

17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor18

rower would have otherwise qualified.

19 (d) REPORTING TO CONSUMER REPORTING AGEN20

CIES.—During the period in which the Secretary suspends

21 payments on a loan under subsection (a), the Secretary

22 shall ensure that, for the purpose of reporting information

23 about the loan to a consumer reporting agency, any pay24

ment that has been suspended is treated as if it were a

25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—Dur2

ing the period in which the Secretary suspends payments

3 on a loan under subsection (a), the Secretary shall sus4

pend all involuntary collection related to the loan, includ5

ing—

6 (1) a wage garnishment authorized under sec7

tion 488A of the Higher Education Act of 1965 (20

8 U.S.C. 1095a) or section 3720D of title 31, United

9 States Code;

10 (2) a reduction of tax refund by amount of debt

11 authorized under section 3720A of title 31, United

12 States Code, or section 6402(d) of the Internal Rev13

enue Code of 1986;

14 (3) a reduction of any other Federal benefit

15 payment by administrative offset authorized under

16 section 3716 of title 31, United States Code (includ17

ing a benefit payment due to an individual under the

18 Social Security Act or any other provision described

19 in subsection (c)(3)(A)(i) of such section); and

20 (4) any other involuntary collection activity by

21 the Secretary.

22 (f) WAIVERS.—In carrying out this section, the Sec23

retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,

2 United States Code (commonly known as the ‘‘Pa3

perwork Reduction Act’’);

4 (2) the master calendar requirements under

5 section 482 of the Higher Education Act of 1965

6 (20 U.S.C. 1089);

7 (3) negotiated rulemaking under section 492 of

8 the Higher Education Act of 1965 (20 U.S.C.

9 1098a); and

10 (4) the requirement to publish the notices re11

lated to the system of records of the agency before

12 implementation required under paragraphs (4) and

13 (11) of section 552a(e) of title 5, United States

14 Code (commonly known as the ‘‘Privacy Act of

15 1974’’), except that the notices shall be published

16 not later than 180 days after the date of enactment

17 of this Act.

18 (g) NOTICE TO BORROWERS AND TRANSITION PE19

RIOD.—To inform borrowers of the actions taken in ac20

cordance with this section and ensure an effective transi21

tion, the Secretary shall—

22 (1) not later than 15 days after the date of en23

actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with

2 subsections (a) and (b) for whom payments

3 have been suspended and interest waived;

4 (B) of the actions taken in accordance with

5 subsection (e) for whom collections have been

6 suspended;

7 (C) of the option to continue making pay8

ments toward principal; and

9 (D) that the program under this section is

10 a temporary program.

11 (2) beginning on August 1, 2020, carry out a

12 program to provide not less than 6 notices by postal

13 mail, telephone, or electronic communication to bor14

rowers indicating—

15 (A) when the borrower’s normal payment

16 obligations will resume; and

17 (B) that the borrower has the option to en18

roll in income-driven repayment, including a

19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**

21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—

23 (1) ACCRUAL THROUGH OTHER SERVICE

24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any

2 other provision of the Domestic Volunteer Serv3

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 ac8

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.—Subpara12

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 el23

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

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1 exit the position early at the direction of the Cor2

poration for National and Community Service, the

3 Chief Executive Officer of the Corporation for Na4

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 Cor13

poration for National and Community Service under any

14 Act, including the amounts appropriated to the Corpora15

tion under the headings ‘‘OPERATING EXPENSES’’, ‘‘SALA16

RIES AND EXPENSES’’, and ‘‘OFFICE OF THE INSPECTOR

17 GENERAL’’ under the heading ‘‘CORPORATION FOR NA18

TIONAL AND COMMUNITY SERVICE’’ under title IV of Divi19

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 Cor340

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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 dis4

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 en7

able the grant recipients to maintain operations and to

8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not10

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 Com18

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.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec3

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 sub11

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 ac21

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 year 2019 under section

26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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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)’’.

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1 (4) Section 6103(p)(4) of such Code, as so

2 amended and as amended by paragraph (3), is fur3

ther amended by striking ‘‘(13)’’ each place it ap4

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 in9

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 ref18

erence to this section, for any institution of higher edu19

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 emer24

gency and ending on September 30 of the fiscal year fol25

lowing the end of the qualifying emergency—

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1 (1) waive—

2 (A) the eligibility data requirements set

3 forth in section 391(d) and 521(e) of the High4

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 sub16

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 ref21

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 ref345

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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 re17

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 quali23

fying emergency and ending on September 30 of the

24 fiscal year following the end of the qualifying emer25

gency, as necessary.

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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 fol7

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 Sec15

retary shall submit to the authorizing committees (as de16

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

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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 insti3

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 edu6

cation or other recipient of a grant (not including indi7

vidual recipients of Federal student financial assistance)

8 as a result of a qualifying emergency, for the period begin9

ning on the first day of the qualifying emergency and end10

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 Edu14

cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary

15 is authorized to modify any Federal share or other finan16

cial matching requirement for a grant awarded on a com17

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 Sep24

tember 30 of the fiscal year following the end of the quali25

fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the

2 date of enactment of this Act, and every 180 days there3

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 Edu8

cation Act of 1965 (20 U.S.C. 1003)) a report that identi9

fies each institution of higher education or other grant re10

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 re23

sult of a qualifying emergency, is part-time or tem24

porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section

2 420N.

3 (b) TEACHER LOAN FORGIVENESS.—Notwith4

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 tempo9

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 quali15

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

350

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1 employee for paid leave under this sec2

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.—An employer shall not be re8

quired to pay more than either—

9 ‘‘(1) $511 per day and $5,110 in the aggregate

10 for each employee, when the employee is taking leave

11 for a reason described in paragraph (1), (2), or (3)

12 of section 5102(a); or

13 ‘‘(2) $200 per day and $2,000 in the aggregate

14 for each employee, when the employee is taking leave

15 for a reason described in paragraph (4), (5), or (6)

16 of section 5102(a).’’.

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42

19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the

20 Emergency Unemployment Insurance Stabilization and

21 Access Act of 2020, is amended to read as follows:

22 ‘‘(B) The State ensures that applications

23 for unemployment compensation, and assistance

24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol2

lowing: in person, by phone, or online.’’.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**

4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—

6 Section 110(a) of title I of the Family and Medical Leave

7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division

8 C of the Families First Coronavirus Response Act) is

9 amended by adding at the end the following new para10

graph:

11 ‘‘(4) The Director of the Office of Management

12 and Budget shall have the authority to exclude for

13 good cause from the requirements under subsection

14 (b) certain employers of the United States Govern15

ment with respect to certain categories of Executive

16 Branch employees.’’.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The

18 Emergency Paid Sick Leave Act (division E of the Fami19

lies First Coronavirus Response Act) is amended by add20

ing at the end the following new section:

21 **‘‘SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ‘‘The Director of the Office of Management and

23 Budget shall have the authority to exclude for good cause

24 from the definition of employee under section 5110(1) cer25

tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United

2 States Government employers covered by section

3 5110(2)(A)(i)(V) from the requirements of this title with

4 respect to certain categories of Executive Branch employ5

ees.’’.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical

8 Leave Act of 1993, as added by section 3102 of the Emer9

gency Family and Medical Leave Expansion Act, is

10 amended to read as follows:

11 ‘‘(A) ELIGIBLE EMPLOYEE.—

12 ‘‘(i) IN GENERAL.—In lieu of the defi13

nition in sections 101(2)(A) and

14 101(2)(B)(ii), the term ‘eligible employee’

15 means an employee who has been employed

16 for at least 30 calendar days by the em17

ployer with respect to whom leave is re18

quested under section 102(a)(1)(F).

19 ‘‘(ii) RULE REGARDING REHIRED EM20

PLOYEES.—For purposes of clause (i), the

21 term ‘employed for at least 30 calendar

22 days’, used with respect to an employee

23 and an employer described in clause (i), in24

cludes an employee who was laid off by

25 that employer not earlier than March 1,

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1 2020, had worked for the employer for not

2 less than 30 of the last 60 calendar days

3 prior to the employee’s layoff, and was re4

hired by the employer.’’.

5 **SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

6 (a) PAYROLL CREDIT FOR REQUIRED PAID SICK

7 LEAVE.—Section 7001 of division G of the Families First

8 Coronavirus Response Act is amended—

9 (1) in subsection (b)(4)(A)—

10 (A) by striking ‘‘(A) In general.—If the

11 amount’’ and inserting ‘‘(A)(i) Credit is refund12

able.—If the amount’’; and

13 (B) by adding at the end the following:

14 ‘‘(ii) ADVANCING CREDIT.—In antici15

pation of the credit, including the refund16

able portion under clause (i), the credit

17 may be advanced, according to forms and

18 instructions provided by the Secretary, up

19 to an amount calculated under subsection

20 (a), subject to the limits under subsection

21 (b), both calculated through the end of the

22 most recent payroll period in the quarter.’’;

23 (2) in subsection (f)—

24 (A) in paragraph (4), by striking ‘‘, and’’

25 and inserting a comma;

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1 (B) in paragraph (5), by striking the pe2

riod at the end and inserting ‘‘, and’’; and

3 (C) by adding at the end the following:

4 ‘‘(6) regulations or other guidance to permit the

5 advancement of the credit determined under sub6

section (a).’’; and

7 (3) by inserting after subsection (h) the fol8

lowing new subsection:

9 ‘‘(i) TREATMENT OF DEPOSITS.—The Secretary of

10 the Treasury (or the Secretary’s delegate) shall waive any

11 penalty under section 6656 of the Internal Revenue Code

12 of 1986 for any failure to make a deposit of the tax im13

posed by section 3111(a) or 3221(a) of such Code if the

14 Secretary determines that such failure was due to the an15

ticipation of the credit allowed under this section.’’.

16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY

17 LEAVE.—Section 7003 of division G of the Families First

18 Coronavirus Response Act is amended—

19 (1) in subsection (b)(3)—

20 (A) by striking ‘‘If the amount’’ and in21

serting ‘‘(A) Credit is refundable.—If the

22 amount’’; and

23 (B) by adding at the end the following:

24 ‘‘(B) ADVANCING CREDIT.—In anticipation

25 of the credit, including the refundable portion

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1 under subparagraph (A), the credit may be ad2

vanced, according to forms and instructions

3 provided by the Secretary, up to an amount cal4

culated under subsection (a), subject to the lim5

its under subsection (b), both calculated

6 through the end of the most recent payroll pe7

riod in the quarter.’’;

8 (2) in subsection (f)—

9 (A) in paragraph (4), by striking ‘‘, and’’

10 and inserting a comma;

11 (B) in paragraph (5), by striking the pe12

riod at the end and inserting ‘‘, and’’; and

13 (C) by adding at the end the following:

14 ‘‘(6) regulations or other guidance to permit the

15 advancement of the credit determined under sub16

section (a).’’; and

17 (c) by inserting after subsection (h) the following new

18 subsection:

19 ‘‘(i) TREATMENT OF DEPOSITS.—The Secretary of

20 the Treasury (or the Secretary’s delegate) shall waive any

21 penalty under section 6656 of the Internal Revenue Code

22 of 1986 for any failure to make a deposit of the tax im23

posed by section 3111(a) or 3221(a) of such Code if the

24 Secretary determines that such failure was due to the an25

ticipation of the credit allowed under this section.’’.

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**

2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se4

curity Act of 1974 (29 U.S.C. 1148) is amended by strik5

ing ‘‘or a terroristic or military action (as defined in sec6

tion 692(c)(2) of such Code), the Secretary may’’ and in7

serting ‘‘a terroristic or military action (as defined in sec8

tion 692(c)(2) of such Code), or a public health emergency

9 declared by the Secretary of Health and Human Services

10 pursuant to section 319 of the Public Health Service Act,

11 the Secretary may’’.

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED

14 CONTRIBUTIONS.—In the case of any minimum required

15 contribution (as determined under section 430(a) of the

16 Internal Revenue Code of 1986 and section 303(a) of the

17 Employee Retirement Income Security Act of 1974 (29

18 U.S.C. 1083(a))) which (but for this section) would other19

wise be due under section 430(j) of such Code (including

20 quarterly contributions under paragraph (3) thereof) and

21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including

22 quarterly contributions under paragraph (3) thereof) dur23

ing calendar year 2020—

24 (1) the due date for such contributions shall be

25 January 1, 2021, and

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1 (2) the amount of each such minimum required

2 contribution shall be increased by interest accruing

3 for the period between the original due date (without

4 regard to this section) for the contribution and the

5 payment date, at the effective rate of interest for the

6 plan for the plan year which includes such payment

7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes

9 of section 436 of the Internal Revenue Code of 1986 and

10 section 206(g) of the Employee Retirement Income Secu11

rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may

12 elect to treat the plan’s adjusted funding target attain13

ment percentage for the last plan year ending before Janu14

ary 1, 2020, as the adjusted funding target attainment

15 percentage for plan years which include calendar year

16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM**18

**PLOYER CHARITY PENSION PLAN RULES TO**

19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**

20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**

21 **SERVICES WITH RESPECT TO MOTHERS AND**

22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT

24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is

2 amended—

3 (1) by striking ‘‘or’’ at the end of subparagraph

4 (B);

5 (2) by striking the period at the end of sub6

paragraph (C)(iv) and inserting ‘‘; or’’; and

7 (3) by inserting after subparagraph (C) the fol8

lowing new subparagraph:

9 ‘‘(D) that, as of January 1, 2000, was

10 maintained by an employer—

11 ‘‘(i) described in section 501(c)(3) of

12 the Internal Revenue Code of 1986,

13 ‘‘(ii) who has been in existence since

14 at least 1938,

15 ‘‘(iii) who conducts medical research

16 directly or indirectly through grant mak17

ing, and

18 ‘‘(iv) whose primary exempt purpose

19 is to provide services with respect to moth20

ers and children.’’.

21 (b) INTERNAL REVENUE CODE OF 1986.—Section

22 414(y)(1) of the Internal Revenue Code of 1986 is amend23

ed—

24 (1) by striking ‘‘or’’ at the end of subparagraph

25 (B);

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1 (2) by striking the period at the end of sub2

paragraph (C)(iv) and inserting ‘‘; or’’; and

3 (3) by inserting after subparagraph (C) the fol4

lowing new subparagraph:

5 ‘‘(D) that, as of January 1, 2000, was

6 maintained by an employer—

7 ‘‘(i) described in section 501(c)(3),

8 ‘‘(ii) who has been in existence since

9 at least 1938,

10 ‘‘(iii) who conducts medical research

11 directly or indirectly through grant mak12

ing, and

13 ‘‘(iv) whose primary exempt purpose

14 is to provide services with respect to moth15

ers and children.’’.

16 (c) EFFECTIVE DATE.—The amendments made by

17 this section shall apply to plan years beginning after De18

cember 31, 2018.

19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**

20 Notwithstanding any other provision of law, and sub21

ject to the availability of appropriations, funds made avail22

able to an agency by this Act or any other Act may be

23 used by such agency to modify the terms and conditions

24 of a contract, or other agreement, without consideration,

25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any

2 paid leave, including sick leave, a contractor provides to

3 keep its employees or subcontractors in a ready state, in4

cluding to protect the life and safety of Government and

5 contractor personnel, but in no event beyond September

6 30, 2020. Such authority shall apply only to a contractor

7 whose employees or subcontractors cannot perform work

8 on a site that has been approved by the Federal Govern9

ment, including a federally-owned or leased facility or site,

10 due to facility closures or other restrictions, and who can11

not telework because their job duties cannot be performed

12 remotely during the public health emergency declared on

13 January 31, 2020 for COVID–19: *Provided*, That the

14 maximum reimbursement authorized by this section shall

15 be reduced by the amount of credit a contractor is allowed

16 pursuant to division G of Public Law 116–127 and any

17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med20

ical Leave Act of 1993 (as added by the Emergency

21 and Medical Leave Expansion Act) is amended by

22 striking ‘‘553(d)(A)’’ and inserting ‘‘553(d)(3)’’.

23 (2) Section 5111 of the Emergency Paid Sick

24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking

2 ‘‘553(d)(A)’’ and inserting ‘‘553(d)(3)’’.

3 (3) Section 110(c) of the Family and Medical

4 Leave Act of 1993 (as added by the Emergency and

5 Medical Leave Expansion Act) is amended by strik6

ing ‘‘subsection (a)(2)(A)(iii)’’ and inserting ‘‘sub7

section (a)(2)(A)’’.

8 (4) Section 3104 of the Emergency Family and

9 Medical Leave Expansion Act (division C of the

10 Families First Coronavirus Response Act) is amend11

ed—

12 (A) by striking ‘‘110(a)(B)’’ and inserting

13 ‘‘section 110(a)(1)(B) of the Family and Med14

ical Leave Act of 1993’’; and

15 (B) by striking ‘‘section 107(a) for a viola16

tion of section 102(a)(1)(F) if the employer

17 does not meet the definition of employer set

18 forth in Section 101(4)(A)(i)’’ and inserting

19 ‘‘section 107(a) of such Act for a violation of

20 section 102(a)(1)(F) of such Act if the em21

ployer does not meet the definition of employer

22 set forth in section 101(4)(A)(i) of such Act’’.

23 (5) Section 5110(1) of the Emergency Paid

24 Sick Leave Act (division E of the Families First

25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph

2 (A), by striking ‘‘terms’’ and inserting ‘‘term’’;

3 and

4 (B) in subparagraph (A)(i), by striking

5 ‘‘paragraph (5)(A)’’ and inserting ‘‘paragraph

6 (2)(A)’’.

7 (6) Section 5110(2)(B)(ii) of the Emergency

8 Paid Sick Leave Act (division E of the Families

9 First Coronavirus Response Act) is amended by

10 striking ‘‘clause (i)(IV)’’ and inserting ‘‘clause

11 (i)(III)’’.

12 (7) Section 110(a)(3) of the Family and Med13

ical Leave Act of 1993 (as added by the Emergency

14 and Medical Leave Expansion Act) is amended—

15 (A) by striking ‘‘and’’ after the semicolon

16 at the end of subparagraph (A);

17 (B) by striking the period at end of sub18

paragraph (B) and inserting ‘‘; and’’; and

19 (C) by adding at the end the following:

20 ‘‘(C) as necessary to carry out the pur21

poses of this Act, including to ensure consist22

ency between this Act and Division E and Divi23

sion G of the Families First Coronavirus Re24

sponse Act.’’.

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1 (8) Section 5104(1) of the Emergency Paid

2 Sick Leave Act (division E of the Families First

3 Coronavirus Response Act) is amended by striking

4 ‘‘and’’ after the semicolon and inserting ‘‘or’’.

5 (9) Section 5105 of the Emergency Paid Sick

6 Leave Act (division E of the Families First

7 Coronavirus Response Act) is amended by adding at

8 the end the following:

9 ‘‘(c) INVESTIGATIONS AND COLLECTION OF DATA.—

10 The Secretary of Labor or his designee may investigate

11 and gather data to ensure compliance with this Act in the

12 same manner as authorized by sections 9 and 11 of the

13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;

14 211).’’.

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)

18 of the Internal Revenue Code of 1986 is amended by add19

ing at the end the following new subparagraph:

20 ‘‘(E) SAFE HARBOR FOR ABSENCE OF DE21

DUCTIBLE FOR TELEHEALTH.—In the case of

22 plan years beginning on or before December 31,

23 2021, a plan shall not fail to be treated as a

24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re2

mote care services.’’.

3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)

4 of section 223(c)(1)(B) of the Internal Revenue Code of

5 1986 is amended by striking ‘‘or long-term care’’ and in6

serting ‘‘long-term care, or (in the case of plan years be7

ginning on or before December 31, 2021) telehealth and

8 other remote care’’.

9 (c) EFFECTIVE DATE.—The amendments made by

10 this section shall take effect on the date of the enactment

11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**

13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**

14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev16

enue Code of 1986 is amended—

17 (1) by striking the last sentence of subpara18

graph (A) and inserting the following: ‘‘For pur19

poses of this subparagraph, amounts paid for men20

strual care products shall be treated as paid for

21 medical care.’’; and

22 (2) by adding at the end the following new sub23

paragraph:

24 ‘‘(D) MENSTRUAL CARE PRODUCT.—For

25 purposes of this paragraph, the term ‘menstrual

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1 care product’ means a tampon, pad, liner, cup,

2 sponge, or similar product used by individuals

3 with respect to menstruation or other genital4

tract secretions.’’.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such

6 Code is amended by striking the last sentence and insert7

ing the following: ‘‘For purposes of this subparagraph,

8 amounts paid for menstrual care products (as defined in

9 section 223(d)(2)(D)) shall be treated as paid for medical

10 care.’’.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS

12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec13

tion 106 of such Code is amended by striking subsection

14 (f) and inserting the following new subsection:

15 ‘‘(f) REIMBURSEMENTS FOR MENSTRUAL CARE

16 PRODUCTS.—For purposes of this section and section

17 105, expenses incurred for menstrual care products (as

18 defined in section 223(d)(2)(D)) shall be treated as in19

curred for medical care.’’.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC22

COUNTS.—The amendment made by subsections (a)

23 and (b) shall apply to amounts paid after December

24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made

2 by subsection (c) shall apply to expenses incurred

3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI**5

**BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.

7 1320b–5) is amended—

8 (1) in subsection (b)(8), by striking ‘‘to an indi9

vidual by a qualified provider (as defined in sub10

section (g)(3))’’ and all that follows through the pe11

riod and inserting ‘‘, the requirements of section

12 1834(m).’’; and

13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**

15 **FOR FEDERALLY QUALIFIED HEALTH CEN**16

**TERS AND RURAL HEALTH CLINICS DURING**

17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42

19 U.S.C. 1395m(m)) is amended—

20 (1) in the first sentence of paragraph (1), by

21 striking ‘‘The Secretary’’ and inserting ‘‘Subject to

22 paragraph (8), the Secretary’’;

23 (2) in paragraph (2)(A), by striking ‘‘The Sec24

retary’’ and inserting ‘‘Subject to paragraph (8), the

25 Secretary’’;

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1 (3) in paragraph (4)—

2 (A) in subparagraph (A), by striking ‘‘The

3 term’’ and inserting ‘‘Subject to paragraph (8),

4 the term’’; and

5 (B) in subparagraph (F)(i), by striking

6 ‘‘The term’’ and inserting ‘‘Subject to para7

graph (8), the term’’; and

8 (4) by adding at the end the following new

9 paragraph:

10 ‘‘(8) ENHANCING TELEHEALTH SERVICES FOR

11 FEDERALLY QUALIFIED HEALTH CENTERS AND

12 RURAL HEALTH CLINICS DURING EMERGENCY PE13

RIOD.—

14 ‘‘(A) IN GENERAL.—During the emergency

15 period described in section 1135(g)(1)(B)—

16 ‘‘(i) the Secretary shall pay for tele17

health services that are furnished via a

18 telecommunications system by a Federally

19 qualified health center or a rural health

20 clinic to an eligible telehealth individual en21

rolled under this part notwithstanding that

22 the Federally qualified health center or

23 rural clinic providing the telehealth service

24 is not at the same location as the bene25

ficiary;

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1 ‘‘(ii) the amount of payment to a Fed2

erally qualified health center or rural

3 health clinic that serves as a distant site

4 for such a telehealth service shall be deter5

mined under subparagraph (B); and

6 ‘‘(iii) for purposes of this subsection—

7 ‘‘(I) the term ‘distant site’ in8

cludes a Federally qualified health

9 center or rural health clinic that fur10

nishes a telehealth service to an eligi11

ble telehealth individual; and

12 ‘‘(II) the term ‘telehealth serv13

ices’ includes a rural health clinic

14 service or Federally qualified health

15 center service that is furnished using

16 telehealth to the extent that payment

17 codes corresponding to services identi18

fied by the Secretary under clause (i)

19 or (ii) of paragraph (4)(F) are listed

20 on the corresponding claim for such

21 rural health clinic service or Federally

22 qualified health center service.

23 ‘‘(B) SPECIAL PAYMENT RULE.—

24 ‘‘(i) IN GENERAL.—The Secretary

25 shall develop and implement payment

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1 methods that apply under this subsection

2 to a Federally qualified health center or

3 rural health clinic that serves as a distant

4 site that furnishes a telehealth service to

5 an eligible telehealth individual during

6 such emergency period. Such payment

7 methods shall be based on payment rates

8 that are similar to the national average

9 payment rates for comparable telehealth

10 services under the physician fee schedule

11 under section 1848. Notwithstanding any

12 other provision of law, the Secretary may

13 implement such payment methods through

14 program instruction or otherwise.

15 ‘‘(ii) EXCLUSION FROM FQHC PPS

16 CALCULATION AND RHC AIR CALCULA17

TION.—Costs associated with telehealth

18 services shall not be used to determine the

19 amount of payment for Federally qualified

20 health center services under the prospec21

tive payment system under section 1834(o)

22 or for rural health clinic services under the

23 methodology for all-inclusive rates (estab24

lished by the Secretary) under section

25 1833(a)(3).’’.

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1 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**

2 **FACE-TO-FACE VISITS BETWEEN HOME DI**3

**ALYSIS PATIENTS AND PHYSICIANS.**

4 Section 1881(b)(3)(B) of the Social Security Act (42

5 U.S.C. 1395rr(b)(3)(B)) is amended—

6 (1) in clause (i), by striking ‘‘clause (ii)’’ and

7 inserting ‘‘clauses (ii) and (iii)’’;

8 (2) in clause (ii), in the matter preceding sub9

clause (I), by striking ‘‘Clause (i)’’ and inserting

10 ‘‘Except as provided in clause (iii), clause (i)’’; and

11 (3) by adding at the end the following new

12 clause:

13 ‘‘(iii) The Secretary may waive the

14 provisions of clause (ii) during the emer15

gency period described in section

16 1135(g)(1)(B).’’.

17 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO**18

**FACE ENCOUNTER PRIOR TO RECERTIFI**19

**CATION OF ELIGIBILITY FOR HOSPICE CARE**

20 **DURING EMERGENCY PERIOD.**

21 Section 1814(a)(7)(D)(i) of the Social Security Act

22 (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

23 (1) by striking ‘‘a hospice’’ and inserting ‘‘(I)

24 subject to subclause (II), a hospice’’; and

25 (2) by inserting after subclause (I), as added by

26 paragraph (1), the following new subclause:

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1 ‘‘(II) during the emergency period de2

scribed in section 1135(g)(1)(B), a hospice

3 physician or nurse practitioner may con4

duct a face-to-face encounter required

5 under this clause via telehealth, as deter6

mined appropriate by the Secretary; and’’.

7 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**

8 **SYSTEMS FOR HOME HEALTH SERVICES FUR**9

**NISHED DURING EMERGENCY PERIOD.**

10 With respect to home health services (as defined in

11 section 1861(m) of the Social Security Act (42 U.S.C.

12 1395x(m)) that are furnished during the emergency period

13 described in section 1135(g)(1)(B) of such Act (42 U.S.C.

14 1320b–5(g)(1)(B)), the Secretary of Health and Human

15 Services shall consider ways to encourage the use of tele16

communications systems, including for remote patient

17 monitoring as described in section 409.46(e) of title 42,

18 Code of Federal Regulations (or any successor regula19

tions) and other communications or monitoring services,

20 consistent with the plan of care for the individual, includ21

ing by clarifying guidance and conducting outreach, as ap22

propriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**

2 **HOME HEALTH SERVICES.**

3 (a) PART A PROVISIONS.—Section 1814(a) of the So4

cial Security Act (42 U.S.C. 1395f(a)) is amended—

5 (1) in paragraph (2)—

6 (A) in the matter preceding subparagraph

7 (A), by inserting ‘‘, a nurse practitioner or clin8

ical nurse specialist (as such terms are defined

9 in section 1861(aa)(5)) who is working in ac10

cordance with State law, or a physician assist11

ant (as defined in section 1861(aa)(5)) who is

12 working in accordance with State law, who is’’

13 after ‘‘in the case of services described in sub14

paragraph (C), a physician’’; and

15 (B) in subparagraph (C)—

16 (i) by inserting ‘‘, a nurse practi17

tioner, a clinical nurse specialist, or a phy18

sician assistant (as the case may be)’’ after

19 ‘‘physician’’ the first 2 times it appears;

20 and

21 (ii) by striking ‘‘, and, in the case of

22 a certification made by a physician’’ and

23 all that follows through ‘‘face-to-face en24

counter’’ and inserting ‘‘, and, in the case

25 of a certification made by a physician after

26 January 1, 2010, or by a nurse practi373

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1 tioner, clinical nurse specialist, or physi2

cian assistant (as the case may be) after a

3 date specified by the Secretary (but in no

4 case later than the date that is 6 months

5 after the date of the enactment of the

6 CARES Act), prior to making such certifi7

cation a physician, nurse practitioner, clin8

ical nurse specialist, or physician assistant

9 must document that a physician, nurse

10 practitioner, clinical nurse specialist, cer11

tified nurse-midwife (as defined in section

12 1861(gg)) as authorized by State law, or

13 physician assistant has had a face-to-face

14 encounter’’;

15 (2) in the third sentence—

16 (A) by striking ‘‘physician certification’’

17 and inserting ‘‘certification’’;

18 (B) by inserting ‘‘(or in the case of regula19

tions to implement the amendments made by

20 section 3708 of the CARES Act, the Secretary

21 shall prescribe regulations, which shall become

22 effective no later than 6 months after the date

23 of the enactment of such Act)’’ after ‘‘1981’’;

24 and

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1 (C) by striking ‘‘a physician who’’ and in2

serting ‘‘a physician, nurse practitioner, clinical

3 nurse specialist, or physician assistant who’’;

4 (3) in the fourth sentence, by inserting ‘‘, nurse

5 practitioner, clinical nurse specialist, or physician as6

sistant’’ after ‘‘physician’’; and

7 (4) in the fifth 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 recertification made under

12 paragraph (2) by a nurse practitioner, clinical

13 nurse specialist, or physician assistant,’’ after

14 ‘‘January 1, 2019’’; and

15 (B) by inserting ‘‘, nurse practitioner, clin16

ical nurse specialist, or physician assistant’’

17 after ‘‘of the physician’’.

18 (b) PART B PROVISIONS.—Section 1835(a) of the So19

cial Security Act (42 U.S.C. 1395n(a)) is amended—

20 (1) in paragraph (2)—

21 (A) in the matter preceding subparagraph

22 (A), by inserting ‘‘, a nurse practitioner or clin23

ical nurse specialist (as those terms are defined

24 in section 1861(aa)(5)) who is working in ac25

cordance with State law, or a physician assist375

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1 ant (as defined in section 1861(aa)(5)) who is

2 working in accordance with State law, who is’’

3 after ‘‘in the case of services described in sub4

paragraph (A), a physician’’; and

5 (B) in subparagraph (A)—

6 (i) in each of clauses (ii) and (iii) of

7 subparagraph (A) by inserting ‘‘, a nurse

8 practitioner, a clinical nurse specialist, or a

9 physician assistant (as the case may be)’’

10 after ‘‘physician’’; and

11 (ii) in clause (iv), by striking ‘‘after

12 January 1, 2010’’ and all that follows

13 through ‘‘face-to-face encounter’’ and in14

serting ‘‘made by a physician after Janu15

ary 1, 2010, or by a nurse practitioner,

16 clinical nurse specialist, or physician as17

sistant (as the case may be) after a date

18 specified by the Secretary (but in no case

19 later than the date that is 6 months after

20 the date of the enactment of the CARES

21 Act), prior to making such certification a

22 physician, nurse practitioner, clinical nurse

23 specialist, or physician assistant must doc24

ument that a physician, nurse practitioner,

25 clinical nurse specialist, certified nurse376

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1 midwife (as defined in section 1861(gg)) as

2 authorized by State law, or physician as3

sistant has had a face-to-face encounter’’;

4 (2) in the third sentence, by inserting ‘‘, nurse

5 practitioner, clinical nurse specialist, or physician as6

sistant (as the case may be)’’ after physician;

7 (3) in the fourth sentence—

8 (A) by striking ‘‘physician certification’’

9 and inserting ‘‘certification’’;

10 (B) by inserting ‘‘(or in the case of regula11

tions to implement the amendments made by

12 section 3708 of the CARES Act the Secretary

13 shall prescribe regulations which shall become

14 effective no later than 6 months after the enact15

ment of such Act)’’ after ‘‘1981’’; and

16 (C) by striking ‘‘a physician who’’ and in17

serting ‘‘a physician, nurse practitioner, clinical

18 nurse specialist, or physician assistant who’’;

19 (4) in the fifth sentence, by inserting ‘‘, nurse

20 practitioner, clinical nurse specialist, or physician as21

sistant’’ after ‘‘physician’’; and

22 (5) in the sixth sentence—

23 (A) by inserting ‘‘or no later than 6

24 months after the date of the enactment of the

25 CARES Act for purposes of documentation for

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1 certification and recertification made under

2 paragraph (2) by a nurse practitioner, clinical

3 nurse specialist, or physician assistant,’’ after

4 ‘‘January 1, 2019’’; and

5 (B) by inserting ‘‘, nurse practitioner, clin6

ical nurse specialist, or physician assistant’’

7 after ‘‘of the physician’’.

8 (c) DEFINITION PROVISIONS.—

9 (1) HOME HEALTH SERVICES.—Section

10 1861(m) of the Social Security Act (42 U.S.C.

11 1395x(m)) is amended—

12 (A) in the matter preceding paragraph

13 (1)—

14 (i) by inserting ‘‘, a nurse practitioner

15 or a clinical nurse specialist (as those

16 terms are defined in subsection (aa)(5)), or

17 a physician assistant (as defined in sub18

section (aa)(5))’’ after ‘‘physician’’ the

19 first place it appears; and

20 (ii) by inserting ‘‘, a nurse practi21

tioner, a clinical nurse specialist, or a phy22

sician assistant’’ after ‘‘physician’’ the sec23

ond place it appears; and

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1 (B) in paragraph (3), by inserting ‘‘, a

2 nurse practitioner, a clinical nurse specialist, or

3 a physician assistant’’ after ‘‘physician’’.

4 (2) HOME HEALTH AGENCY.—Section

5 1861(o)(2) of the Social Security Act (42 U.S.C.

6 1395x(o)(2)) is amended—

7 (A) by inserting ‘‘, nurse practitioners or

8 clinical nurse specialists (as those terms are de9

fined in subsection (aa)(5)), certified nurse-mid10

wives (as defined in subsection (gg)), or physi11

cian assistants (as defined in subsection

12 (aa)(5))’’ after ‘‘physicians’’; and

13 (B) by inserting ‘‘, nurse practitioner, clin14

ical nurse specialist, certified nurse-midwife,

15 physician assistant,’’ after ‘‘physician’’.

16 (3) COVERED OSTEOPOROSIS DRUG.—Section

17 1861(kk)(1) of the Social Security Act (42 U.S.C.

18 1395x(kk)(1)) is amended by inserting ‘‘, nurse

19 practitioner or clinical nurse specialist (as those

20 terms are defined in subsection (aa)(5)), certified

21 nurse-midwife (as defined in subsection (gg)), or

22 physician assistant (as defined in subsection

23 (aa)(5))’’ after ‘‘attending physician’’.

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM

2 PROVISIONS.—Section 1895 of the Social Security Act (42

3 U.S.C. 1395fff) is amended—

4 (1) in subsection (c)(1)—

5 (A) by striking ‘‘(provided under section

6 1842(r))’’; and

7 (B) by inserting ‘‘the nurse practitioner or

8 clinical nurse specialist (as those terms are de9

fined in section 1861(aa)(5)), or the physician

10 assistant (as defined in section 1861(aa)(5))’’

11 after ‘‘physician’’; and

12 (2) in subsection (e)—

13 (A) in paragraph (1)(A), by inserting ‘‘a

14 nurse practitioner or clinical nurse specialist, or

15 a physician assistant’’ after ‘‘physician’’; and

16 (B) in paragraph (2)—

17 (i) in the heading, by striking ‘‘PHY18

SICIAN CERTIFICATION’’ and inserting

19 ‘‘RULE OF CONSTRUCTION REGARDING RE20

QUIREMENT FOR CERTIFICATION’’; and

21 (ii) by striking ‘‘physician’’.

22 (e) APPLICATION TO MEDICAID.—The amendments

23 made under this section shall apply under title XIX of the

24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of

2 such Act or regulations promulgated thereunder.

3 (f) EFFECTIVE DATE.—The Secretary of Health and

4 Human Services shall prescribe regulations to apply the

5 amendments made by this section to items and services

6 furnished, which shall become effective no later than 6

7 months after the date of the enactment of this legislation.

8 The Secretary shall promulgate an interim final rule if

9 necessary, to comply with the required effective date.

10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

11 (a) TEMPORARY SUSPENSION OF MEDICARE SE12

QUESTRATION.—During the period beginning on May 1,

13 2020 and ending on December 31, 2020, the Medicare

14 programs under title XVIII of the Social Security Act (42

15 U.S.C. 1395 et seq.) shall be exempt from reduction under

16 any sequestration order issued before, on, or after the date

17 of enactment of this Act.

18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS

19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the

20 Balanced Budget and Emergency Deficit Control Act of

21 1985 (2 U.S.C. 901a(6)) is amended—

22 (1) in subparagraph (B), in the matter pre23

ceding clause (i), by striking ‘‘through 2029’’ and

24 inserting ‘‘through 2030’’; and

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1 (2) in subparagraph (C), in the matter pre2

ceding clause (i), by striking ‘‘fiscal year 2029’’ and

3 inserting ‘‘fiscal year 2030’’.

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**

5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**

6 **COVID–19 PATIENTS DURING EMERGENCY PE**7

**RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So9

cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend10

ed by adding at the end the following new clause:

11 ‘‘(iv)(I) For discharges occurring during the emer12

gency period described in section 1135(g)(1)(B), in the

13 case of a discharge of an individual diagnosed with

14 COVID–19, the Secretary shall increase the weighting fac15

tor that would otherwise apply to the diagnosis-related

16 group to which the discharge is assigned by 20 percent.

17 The Secretary shall identify a discharge of such an indi18

vidual through the use of diagnosis codes, condition codes,

19 or other such means as may be necessary.

20 ‘‘(II) Any adjustment under subclause (I) shall not

21 be taken into account in applying budget neutrality under

22 clause (iii)

23 ‘‘(III) In the case of a State for which the Secretary

24 has waived all or part of this section under the authority

25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to

2 the adjustment under subclause (I).’’.

3 (b) IMPLEMENTATION.—Notwithstanding any other

4 provision of law, the Secretary may implement the amend5

ment made by subsection (a) by program instruction or

6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR**8

**ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect

10 to inpatient rehabilitation services furnished by a rehabili11

tation facility described in section 1886(j)(1) of the Social

12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer13

gency period described in section 1135(g)(1)(B) of the So14

cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec15

retary of Health and Human Services shall waive section

16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations

17 (or any successor regulations), relating to the requirement

18 that patients of an inpatient rehabilitation facility receive

19 at least 15 hours of therapy per week.

20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO21

VISIONS FOR LONG-TERM CARE HOSPITALS.—With re22

spect to inpatient hospital services furnished by a long23

term care hospital described in section 1886(d)(1)(B)(iv)

24 of the Social Security Act (42 U.S.C.

25 1395ww(d)(1)(B)(iv)) during the emergency period de383

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1 scribed in section 1135(g)(1)(B) of the Social Security Act

2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health

3 and Human Services shall waive the following provisions

4 of section 1886(m)(6) of such Act (42 U.S.C.

5 1395ww(m)(6)):

6 (1) LTCH 50-PERCENT RULE.—Subparagraph

7 (C)(ii) of such section, relating to the payment ad8

justment for long-term care hospitals that do not

9 have a discharge payment percentage for the period

10 that is at least 50 percent.

11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub12

paragraph (A)(i) of such section, relating to the ap13

plication of the site-neutral payment rate (and pay14

ment shall be made to a long-term care hospital

15 without regard to such section) for a discharge if the

16 admission occurs during such emergency period and

17 is in response to the public health emergency de18

scribed in such section 1135(g)(1)(B).

19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED**20

**ICAL EQUIPMENT UNDER THE MEDICARE**

21 **PROGRAM THROUGH DURATION OF EMER**22

**GENCY PERIOD.**

23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec24

retary of Health and Human Services shall implement sec25

tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula384

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1 tions (or any successor regulation), to apply the transition

2 rule described in such section to all applicable items and

3 services furnished in rural areas and noncontiguous areas

4 (as such terms are defined for purposes of such section)

5 as planned through December 31, 2020, and through the

6 duration of the emergency period described in section

7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.

8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG10

UOUS AREAS.—With respect to items and services fur11

nished on or after the date that is 30 days after the date

12 of the enactment of this Act, the Secretary of Health and

13 Human Services shall apply section 414.210(g)(9)(iv) of

14 title 42, Code of Federal Regulations (or any successor

15 regulation), as if the reference to ‘‘dates of service from

16 June 1, 2018 through December 31, 2020, based on the

17 fee schedule amount for the area is equal to 100 percent

18 of the adjusted payment amount established under this

19 section’’ were instead a reference to ‘‘dates of service from

20 March 6, 2020, through the remainder of the duration of

21 the emergency period described in section 1135(g)(1)(B)

22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),

23 based on the fee schedule amount for the area is equal

24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee

2 schedule amount’’.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**

4 **PART B OF THE MEDICARE PROGRAM WITH**5

**OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec7

tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.

8 1395x(s)(10)(A)) is amended by inserting ‘‘, and COVID-

9 19 vaccine and its administration’’ after ‘‘influenza vac10

cine and its administration’’.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec12

tion 1833(b) of the Social Security Act (42 U.S.C.

13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ‘‘and’’ at the

15 end; and

16 (2) in paragraph (11), by striking the period at

17 the end and inserting ‘‘, and (12) such deductible

18 shall not apply with respect a COVID-19 vaccine

19 and its administration described in section

20 1861(s)(10)(A).’’.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)

22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))

23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as

2 subclause (VII); and

3 (B) by inserting after subclause (V) the

4 following new subclause:

5 ‘‘(VI) A COVID-19 vaccine and

6 its administration described in section

7 1861(s)(10)(A).’’; and

8 (2) in clause (v), by striking ‘‘subclauses (IV)

9 and (V)’’ inserting ‘‘subclauses (IV), (V), and (VI)’’.

10 (d) EFFECTIVE DATE.—The amendments made by

11 this section shall take effect on the date of enactment of

12 this Act and shall apply with respect to a COVID-19 vac13

cine beginning on the date that such vaccine is licensed

14 under section 351 of the Public Health Service Act (42

15 U.S.C. 262).

16 (e) IMPLEMENTATION.—Notwithstanding any other

17 provision of law, the Secretary may implement the provi18

sions of, and the amendments made by, this section by

19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**

2 **PLANS AND MA–PD PLANS TO ALLOW DURING**

3 **THE COVID-19 EMERGENCY PERIOD FOR**

4 **FILLS AND REFILLS OF COVERED PART D**

5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social

7 Security Act (42 U.S.C. 1395w–104(b)) is amended by

8 adding at the end the following new paragraph:

9 ‘‘(4) ENSURING ACCESS DURING COVID-19 PUB10

LIC HEALTH EMERGENCY PERIOD.—

11 ‘‘(A) IN GENERAL.—During the emergency

12 period described in section 1135(g)(1)(B), sub13

ject to subparagraph (B), a prescription drug

14 plan or MA–PD plan shall, notwithstanding any

15 cost and utilization management, medication

16 therapy management, or other such programs

17 under this part, permit a part D eligible indi18

vidual enrolled in such plan to obtain in a sin19

gle fill or refill, at the option of such individual,

20 the total day supply (not to exceed a 90-day

21 supply) prescribed for such individual for a cov22

ered part D drug.

23 ‘‘(B) SAFETY EDIT EXCEPTION.—A pre24

scription drug plan or MA–PD plan may not

25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica2

ble safety edit.’’.

3 (b) IMPLEMENTATION.—Notwithstanding any other

4 provision of law, the Secretary of Health and Human

5 Services may implement the amendment made by this sec6

tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**

8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.

10 1396a(h)) is amended—

11 (1) by inserting ‘‘(1)’’ after ‘‘(h)’’;

12 (2) by inserting ‘‘, home and community-based

13 services provided under subsection (c), (d), or (i) of

14 section 1915 or under a waiver or demonstration

15 project under section 1115, self-directed personal as16

sistance services provided pursuant to a written plan

17 of care under section 1915(j), and home and com18

munity-based attendant services and supports under

19 section 1915(k)’’ before the period; and

20 (3) by adding at the end the following:

21 ‘‘(2) Nothing in this title, title XVIII, or title XI shall

22 be construed as prohibiting receipt of any care or services

23 specified in paragraph (1) in an acute care hospital that

24 are—

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1 ‘‘(A) identified in an individual’s person-cen2

tered service plan (or comparable plan of care);

3 ‘‘(B) provided to meet needs of the individual

4 that are not met through the provision of hospital

5 services;

6 ‘‘(C) not a substitute for services that the hos7

pital is obligated to provide through its conditions of

8 participation or under Federal or State law, or

9 under another applicable requirement; and

10 ‘‘(D) designed to ensure smooth transitions be11

tween acute care settings and home and community12

based settings, and to preserve the individual’s func13

tional abilities.’’.

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI**15

**VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security

17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)

18 of the Families First Coronavirus Response Act, is amend19

ed—

20 (1) in paragraph (1), by inserting ‘‘(excluding

21 subclause (VIII) of such subsection if the individual

22 is a resident of a State which does not furnish med23

ical assistance to individuals described in such sub24

clause)’’ before the semicolon; and

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1 (2) in paragraph (2), by inserting ‘‘, except that

2 individuals who are eligible for medical assistance

3 under subsection (a)(10)(A)(ii)(XII), subsection

4 (a)(10)(A)(ii)(XVIII), subsection

5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but

6 only to the extent such an individual is considered

7 to not have minimum essential coverage under sec8

tion 5000A(f)(1) of the Internal Revenue Code of

9 1986), or who are described in subsection (l)(1)(A)

10 and are eligible for medical assistance only because

11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)

12 and whose eligibility for such assistance is limited by

13 the State under clause (VII) in the matter following

14 subsection (a)(10)(G), shall not be treated as en15

rolled in a Federal health care program for purposes

16 of this paragraph’’ before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**

18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social

20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section

21 6004(a)(1)(C) of the Families First Coronavirus Response

22 Act (Public Law 116–127), is amended by striking ‘‘that

23 are approved, cleared, or authorized under section 510(k),

24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic

25 Act’’.

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE**2

**QUIREMENTS WITH RESPECT TO CLINICAL**

3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING

5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH6

MENT OF MEDICARE PAYMENT RATES.—Section

7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.

8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking ‘‘December 31,

10 2020’’ and inserting ‘‘December 31, 2021’’; and

11 (2) in clause (ii)—

12 (A) by striking ‘‘January 1, 2021’’ and in13

serting ‘‘January 1, 2022’’; and

14 (B) by striking ‘‘March 31, 2021’’ and in15

serting ‘‘March 31, 2022’’.

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI17

VATE PAYOR RATE IMPLEMENTATION.—Section

18 1834A(b)(3) of the Social Security Act (42 U.S.C.

19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking ‘‘through

21 2023’’ and inserting ‘‘through 2024’’; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking ‘‘and’’ at the

24 end;

25 (B) by redesignating clause (ii) as clause

26 (iii);

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1 (C) by inserting after clause (i) the fol2

lowing new clause:

3 ‘‘(ii) for 2021, 0 percent; and’’; and

4 (D) in clause (iii), as redesignated by sub5

paragraph (B), by striking ‘‘2021 through

6 2023’’ and inserting ‘‘2022 through 2024’’.

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC**8

**CELERATED PAYMENT PROGRAM DURING**

9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.

11 1395g) is amended—

12 (1) in subsection (e)(3), by striking ‘‘In the

13 case’’ and inserting ‘‘Subject to subsection (f), in the

14 case’’; and

15 (2) by adding at the end the following new sub16

section:

17 ‘‘(f)(1) During the emergency period described in sec18

tion 1135(g)(1)(B), the Secretary shall expand the pro19

gram under subsection (e)(3) pursuant to paragraph (2).

20 ‘‘(2) In expanding the program under subsection

21 (e)(3), the following shall apply:

22 ‘‘(A)(i) In addition to the hospitals described in

23 subsection (e)(3), the following hospitals shall be eli24

gible to participate in the program:

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1 ‘‘(I) Hospitals described in clause (iii) of

2 section 1886(d)(1)(B).

3 ‘‘(II) Hospitals described in clause (v) of

4 such section.

5 ‘‘(III) Critical access hospitals (as defined

6 in section 1861(mm)(1)).

7 ‘‘(ii) Subject to appropriate safeguards against

8 fraud, waste, and abuse, upon a request of a hos9

pital described in clause (i), the Secretary shall pro10

vide accelerated payments under the program to

11 such hospital.

12 ‘‘(B) Upon the request of the hospital, the Sec13

retary may do any of the following:

14 ‘‘(i) Make accelerated payments on a peri15

odic or lump sum basis.

16 ‘‘(ii) Increase the amount of payment that

17 would otherwise be made to hospitals under the

18 program up to 100 percent (or, in the case of

19 critical access hospitals, up to 125 percent).

20 ‘‘(iii) Extend the period that accelerated

21 payments cover so that it covers up to a 6-

22 month period.

23 ‘‘(C) Upon the request of the hospital, the Sec24

retary shall do the following:

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1 ‘‘(i) Provide up to 120 days before claims

2 are offset to recoup the accelerated payment.

3 ‘‘(ii) Allow not less than 12 months from

4 the date of the first accelerated payment before

5 requiring that the outstanding balance be paid

6 in full.

7 ‘‘(3) Nothing in this subsection shall preclude the

8 Secretary from carrying out the provisions described in

9 clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses

10 (i) and (ii) of paragraph (2)(C) under the program under

11 subsection (e)(3) after the period for which this subsection

12 applies.

13 ‘‘(4) Notwithstanding any other provision of law, the

14 Secretary may implement the provisions of this subsection

15 by program instruction or otherwise.’’.

16 **SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED**

17 **FMAP TO ENABLE STATE LEGISLATION NEC**18

**ESSARY FOR COMPLIANCE.**

19 Section 6008 of the Families First Coronavirus Re20

sponse Act is amended by adding at the end the following

21 new subsection:

22 ‘‘(d) DELAY IN APPLICATION OF PREMIUM REQUIRE23

MENT.—During the 30 day period beginning on the date

24 of enactment of this Act, a State shall not be ineligible

25 for the increase to the Federal medical assistance percent395

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1 age of the State described in subsection (a) on the basis

2 that the State imposes a premium that violates the re3

quirement of subsection (b)(2) if such premium was in ef4

fect on the date of enactment of this Act.’’.

5 **Subtitle E—Health and Human**

6 **Services Extenders**

7 **PART I—MEDICARE PROVISIONS**

8 **SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX**

9 **FLOOR UNDER THE MEDICARE PROGRAM.**

10 Section 1848(e)(1)(E) of the Social Security Act (42

11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ‘‘May

12 23, 2020’’ and inserting ‘‘December 1, 2020’’.

13 **SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS**14

**URE ENDORSEMENT, INPUT, AND SELECTION.**

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social

16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

17 (1) in the first sentence, by striking ‘‘and

18 $4,830,000 for the period beginning on October 1,

19 2019, and ending on May 22, 2020’’ and inserting

20 ‘‘$20,000,000 for fiscal year 2020, and for the pe21

riod beginning on October 1, 2020, and ending on

22 November 30, 2020, the amount equal to the pro

23 rata portion of the amount appropriated for such pe24

riod for fiscal year 2020’’; and

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1 (2) in the third sentence, by striking ‘‘and 2019

2 and for the period beginning on October 1, 2019,

3 and ending on May 22, 2020’’ and inserting ‘‘,

4 2019, and 2020, and for the period beginning on

5 October 1, 2020, and ending on November 30,

6 2020,’’.

7 (b) EFFECTIVE DATE.—The amendments made by

8 subsection (a) shall take effect as if included in the enact9

ment of the Further Consolidated Appropriations Act,

10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS**12

**SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—

14 (1) ADDITIONAL FUNDING FOR STATE HEALTH

15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of

16 section 119 of the Medicare Improvements for Pa17

tients and Providers Act of 2008 (42 U.S.C. 1395b–

18 3 note), as amended by section 3306 of the Patient

19 Protection and Affordable Care Act (Public Law

20 111–148), section 610 of the American Taxpayer

21 Relief Act of 2012 (Public Law 112–240), section

22 1110 of the Pathway for SGR Reform Act of 2013

23 (Public Law 113–67), section 110 of the Protecting

24 Access to Medicare Act of 2014 (Public Law 113–

25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),

2 section 50207 of division E of the Bipartisan Budg3

et Act of 2018 (Public Law 115–123), section 1402

4 of division B of the Continuing Appropriations Act,

5 2020, and Health Extenders Act of 2019 (Public

6 Law 116–59), section 1402 of division B of the Fur7

ther Continuing Appropriations Act, 2020, and Fur8

ther Health Extenders Act of 2019 (Public Law

9 116–69), and section 103 of division N of the Fur10

ther Consolidated Appropriations Act, 2020 (Public

11 Law 116–94) is amended by striking clauses (x)

12 through (xii) and inserting the following new

13 clauses:

14 ‘‘(x) for fiscal year 2020, of

15 $13,000,000; and

16 ‘‘(xi) for the period beginning on Oc17

tober 1, 2020, and ending on November

18 30, 2020, the amount equal to the pro rata

19 portion of the amount appropriated for

20 such period for fiscal year 2020.’’.

21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES

22 ON AGING.—Subsection (b)(1)(B) of such section

23 119, as so amended, is amended by striking clauses

24 (x) through (xii) and inserting the following new

25 clauses:

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1 ‘‘(x) for fiscal year 2020, of

2 $7,500,000; and

3 ‘‘(xi) for the period beginning on Oc4

tober 1, 2020, and ending on November

5 30, 2020, the amount equal to the pro rata

6 portion of the amount appropriated for

7 such period for fiscal year 2020.’’.

8 (3) ADDITIONAL FUNDING FOR AGING AND DIS9

ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)

10 of such section 119, as so amended, is amended by

11 striking clauses (x) through (xii) and inserting the

12 following new clauses:

13 ‘‘(x) for fiscal year 2020, of

14 $5,000,000; and

15 ‘‘(xi) for the period beginning on Oc16

tober 1, 2020, and ending on November

17 30, 2020, the amount equal to the pro rata

18 portion of the amount appropriated for

19 such period for fiscal year 2020.’’.

20 (4) ADDITIONAL FUNDING FOR CONTRACT

21 WITH THE NATIONAL CENTER FOR BENEFITS AND

22 OUTREACH ENROLLMENT.—Subsection (d)(2) of

23 such section 119, as so amended, is amended by

24 striking clauses (x) through (xii) and inserting the

25 following new clauses:

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1 ‘‘(x) for fiscal year 2020, of

2 $12,000,000; and

3 ‘‘(xi) for the period beginning on Oc4

tober 1, 2020, and ending on November

5 30, 2020, the amount equal to the pro rata

6 portion of the amount appropriated for

7 such period for fiscal year 2020.’’.

8 (b) EFFECTIVE DATE.—The amendments made by

9 subsection (a) shall take effect as if included in the enact10

ment of the Further Consolidated Appropriations Act,

11 2020 (Public Law 116–94).

12 **PART II—MEDICAID PROVISIONS**

13 **SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER**14

**SON REBALANCING DEMONSTRATION PRO**15

**GRAM.**

16 Section 6071(h) of the Deficit Reduction Act of 2005

17 (42 U.S.C. 1396a note) is amended—

18 (1) in paragraph (1), by striking subparagraph

19 (G) and inserting the following:

20 ‘‘(G) subject to paragraph (3),

21 $337,500,000 for the period beginning on Jan22

uary 1, 2020, and ending on September 30,

23 2020; and

24 ‘‘(H) subject to paragraph (3), for the pe25

riod beginning on October 1, 2020, and ending

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1 on November 30, 2020, the amount equal to

2 the pro rata portion of the amount appropriated

3 for such period for fiscal year 2020.’’; and

4 (2) in paragraph (3), by striking ‘‘and (G)’’ and

5 inserting ‘‘, (G), and (H)’’.

6 **SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT**

7 **PROTECTIONS.**

8 (a) IN GENERAL.—Section 2404 of Public Law 111–

9 148 (42 U.S.C. 1396r–5 note) is amended by striking

10 ‘‘May 22, 2020’’ and inserting ‘‘November 30, 2020’’.

11 (b) RULE OF CONSTRUCTION.—Nothing in section

12 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)

13 or section 1902(a)(17) or 1924 of the Social Security Act

14 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as

15 prohibiting a State from—

16 (1) applying an income or resource disregard

17 under a methodology authorized under section

18 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

19 (A) to the income or resources of an indi20

vidual described in section

21 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.

22 1396a(a)(10)(A)(ii)(VI)) (including a disregard

23 of the income or resources of such individual’s

24 spouse); or

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1 (B) on the basis of an individual’s need for

2 home and community-based services authorized

3 under subsection (c), (d), (i), or (k) of section

4 1915 of such Act (42 U.S.C. 1396n) or under

5 section 1115 of such Act (42 U.S.C. 1315); or

6 (2) disregarding an individual’s spousal income

7 and assets under a plan amendment to provide med8

ical assistance for home and community-based serv9

ices for individuals by reason of being determined el10

igible under section 1902(a)(10)(C) of such Act (42

11 U.S.C. 1396a(a)(10)(C)) or by reason of section

12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other13

wise on the basis of a reduction of income based on

14 costs incurred for medical or other remedial care

15 under which the State disregarded the income and

16 assets of the individual’s spouse in determining the

17 initial and ongoing financial eligibility of an indi18

vidual for such services in place of the spousal im19

poverishment provisions applied under section 1924

20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42

23 U.S.C. 1396r–4(f)(7)(A)) is amended—

24 (1) in clause (i), in the matter preceding sub25

clause (I), by striking ‘‘May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years

2 2021’’ and inserting ‘‘December 1, 2020, and ending

3 September 30, 2021, and for each of fiscal years

4 2022’’; and

5 (2) in clause (ii)—

6 (A) in subclause (I), by striking ‘‘May 23,

7 2020, and ending September 30, 2020’’ and in8

serting ‘‘December 1, 2020, and ending Sep9

tember 30, 2021’’; and

10 (B) in subclause (II), by striking ‘‘2021’’

11 and inserting ‘‘2022’’.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**

13 **MENTAL HEALTH SERVICES DEMONSTRA**14

**TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting

16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)

17 is amended—

18 (1) in paragraph (3)—

19 (A) by striking ‘‘Not more than’’ and in20

serting ‘‘Subject to paragraph (8), not more

21 than’’; and

22 (B) by striking ‘‘May 22, 2020’’ and in23

serting ‘‘November 30, 2020’’; and

24 (2) by adding at the end the following new

25 paragraph:

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1 ‘‘(8) ADDITIONAL PROGRAMS.—

2 ‘‘(A) IN GENERAL.—Not later than 6

3 months after the date of enactment of this

4 paragraph, in addition to the 8 States selected

5 under paragraph (1), the Secretary shall select

6 2 States to participate in 2-year demonstration

7 programs that meet the requirements of this

8 subsection.

9 ‘‘(B) SELECTION OF STATES.—

10 ‘‘(i) IN GENERAL.—Subject to clause

11 (ii), in selecting States under this para12

graph, the Secretary—

13 ‘‘(I) shall select States that—

14 ‘‘(aa) were awarded plan15

ning grants under subsection (c);

16 and

17 ‘‘(bb) applied to participate

18 in the demonstration programs

19 under this subsection under para20

graph (1) but, as of the date of

21 enactment of this paragraph,

22 were not selected to participate

23 under paragraph (1); and

24 ‘‘(II) shall use the results of the

25 Secretary’s evaluation of each State’s

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1 application under paragraph (1) to

2 determine which States to select, and

3 shall not require the submission of

4 any additional application.

5 ‘‘(C) REQUIREMENTS FOR SELECTED

6 STATES.—Prior to services being delivered

7 under the demonstration authority in a State

8 selected under this paragraph, the State shall—

9 ‘‘(i) submit a plan to monitor certified

10 community behavioral health clinics under

11 the demonstration program to ensure com12

pliance with certified community behavioral

13 health criteria during the demonstration

14 period; and

15 ‘‘(ii) commit to collecting data, noti16

fying the Secretary of any planned changes

17 that would deviate from the prospective

18 payment system methodology outlined in

19 the State’s demonstration application, and

20 obtaining approval from the Secretary for

21 any such change before implementing the

22 change.’’.

23 (b) LIMITATION.—Section 223(d)(5) of the Pro24

tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a

25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre2

ceding clause (i), by striking ‘‘The Federal match3

ing’’ and inserting ‘‘Subject to subparagraph

4 (C)(iii), the Federal matching’’; and

5 (2) in subparagraph (C), by adding at the end

6 the following new clause:

7 ‘‘(iii) PAYMENTS FOR AMOUNTS EX8

PENDED AFTER 2019.—The Federal match9

ing percentage applicable under subpara10

graph (B) to amounts expended by a State

11 participating in the demonstration pro12

gram under this subsection shall—

13 ‘‘(I) in the case of a State par14

ticipating in the demonstration pro15

gram as of January 1, 2020, apply to

16 amounts expended by the State dur17

ing the 8 fiscal quarter period (or any

18 portion of such period) that begins on

19 January 1, 2020; and

20 ‘‘(II) in the case of a State se21

lected to participate in the demonstra22

tion program under paragraph (8),

23 during first 8 fiscal quarter period (or

24 any portion of such period) that the

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1 State participates in a demonstration

2 program.’’.

3 (c) GAO STUDY AND REPORT ON THE COMMUNITY

4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO5

GRAM.—

6 (1) IN GENERAL.—Not later than 18 months

7 after the date of the enactment of this Act, the

8 Comptroller General of the United States shall sub9

mit to the Committee on Energy and Commerce of

10 the House of Representatives and the Committee on

11 Finance of the Senate a report on the community

12 and mental health services demonstration program

13 conducted under section 223 of the Protecting Ac14

cess to Medicare Act of 2014 (42 U.S.C. 1396a

15 note) (referred to in this subsection as the ‘‘dem16

onstration program’’).

17 (2) CONTENT OF REPORT.—The report re18

quired under paragraph (1) shall include the fol19

lowing information:

20 (A) Information on States’ experiences

21 participating in the demonstration program, in22

cluding the extent to which States—

23 (i) measure the effects of access to

24 certified community behavioral health clin407

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1 ics on patient health and cost of care, in2

cluding—

3 (I) engagement in treatment for

4 behavioral health conditions;

5 (II) relevant clinical outcomes, to

6 the extent collected;

7 (III) screening and treatment for

8 comorbid medical conditions; and

9 (IV) use of crisis stabilization,

10 emergency department, and inpatient

11 care.

12 (B) Information on Federal efforts to

13 evaluate the demonstration program, includ14

ing—

15 (i) quality measures used to evaluate

16 the program;

17 (ii) assistance provided to States on

18 data collection and reporting;

19 (iii) assessments of the reliability and

20 usefulness of State-submitted data; and

21 (iv) the extent to which such efforts

22 provide information on the relative quality,

23 scope, and cost of services as compared

24 with services not provided under the dem25

onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness

2 and substance use disorders not served

3 under the demonstration program.

4 (C) Recommendations for improvements to

5 the following:

6 (i) The reporting, accuracy, and vali7

dation of encounter data.

8 (ii) Accuracy in payments to certified

9 community behavioral health clinics under

10 State plans or waivers under title XIX of

11 the Social Security Act (42 U.S.C. 1396 et

12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**

14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU**16

**CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.

18 710) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), in the matter pre21

ceding subparagraph (A)—

22 (i) by striking ‘‘and 2019 and for the

23 period beginning October 1, 2019, and

24 ending May 22, 2020’’ and inserting

25 ‘‘through 2020 and for the period begin409

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1 ning October 1, 2020, and ending Novem2

ber 30, 2020’’; and

3 (ii) by striking ‘‘fiscal year 2020’’ and

4 inserting ‘‘fiscal year 2021’’

5 (B) in paragraph (2)(A)—

6 (i) by striking ‘‘and 2019 and for the

7 period beginning October 1, 2019, and

8 ending May 22, 2020’’ and inserting

9 ‘‘through 2020 and for the period begin10

ning October 1, 2020, and ending Novem11

ber 30, 2020’’; and

12 (ii) by striking ‘‘fiscal year 2020’’ and

13 inserting ‘‘fiscal year 2021’’; and

14 (2) in subsection (f)(1), by striking ‘‘and 2019

15 and $48,287,671 for the period beginning October 1,

16 2019, and ending May 22, 2020’’ and inserting

17 ‘‘through 2020, and for the period beginning on Oc18

tober 1, 2020, and ending on November 30, 2020,

19 the amount equal to the pro rata portion of the

20 amount appropriated for such period for fiscal year

21 2020’’.

22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**

23 **EDUCATION PROGRAM.**

24 Section 513 of the Social Security Act (42 U.S.C.

25 713) is amended—

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1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A), in the matter

4 preceding clause (i), by striking ‘‘2019 and

5 for the period beginning October 1, 2019,

6 and ending May 22, 2020’’ and inserting

7 ‘‘2020 and for the period beginning Octo8

ber 1, 2020, and ending November 30,

9 2020’’; and

10 (ii) in subparagraph (B)(i), by strik11

ing by striking ‘‘October 1, 2019, and end12

ing May 22, 2020’’ and inserting ‘‘October

13 1, 2020, and ending November 30, 2020’’;

14 (2) in paragraph (4)(A), by striking ‘‘2019’’

15 each place it appears and inserting ‘‘2020’’; and

16 (3) in subsection (f), by striking ‘‘2019 and

17 $48,287,671 for the period beginning October 1,

18 2019, and ending May 22, 2020’’ and inserting

19 ‘‘2020, and for the period beginning on October 1,

20 2020, and ending on November 30, 2020, the

21 amount equal to the pro rata portion of the amount

22 appropriated for such period for fiscal year 2020’’.

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**

2 **ADDRESS HEALTH PROFESSIONS WORK**3

**FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se5

curity Act shall continue through November 30, 2020, in

6 the manner authorized for fiscal year 2019, and out of

7 any money in the Treasury of the United States not other8

wise appropriated, there are hereby appropriated such

9 sums as may be necessary for such purpose. Grants and

10 payments may be made pursuant to this authority through

11 the date so specified at the pro rata portion of the total

12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**

14 **FOR NEEDY FAMILIES PROGRAM AND RE**15

**LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section

17 1108(b) of the Social Security Act shall continue through

18 November 30, 2020, in the manner authorized for fiscal

19 year 2019, and out of any money in the Treasury of the

20 United States not otherwise appropriated, there are here21

by appropriated such sums as may be necessary for such

22 purpose.

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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 ‘‘and $2,575,342,466 for the period beginning on

10 October 1, 2019, and ending on May 22, 2020’’ and in11

serting ‘‘$4,000,000,000 for fiscal year 2020, and

12 $668,493,151 for the period beginning on October 1,

13 2020, and ending on November 30, 2020’’.

14 (b) NATIONAL HEALTH SERVICE CORPS.—Section

15 10503(b)(2) of the Patient Protection and Affordable

16 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

17 (1) in subparagraph (F), by striking ‘‘and’’ at

18 the end; and

19 (2) by striking subparagraph (G) and inserting

20 the following:

21 ‘‘(G) $310,000,000 for fiscal year 2020;

22 and

23 ‘‘(H) $51,808,219 for the period beginning

24 on October 1, 2020, and ending on November

25 30, 2020.’’.

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE

2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section

3 340H(g)(1) of the Public Health Service Act (42 U.S.C.

4 256h(g)(1)) is amended by striking ‘‘and 2019, and

5 $81,445,205 for the period beginning on October 1, 2019,

6 and ending on May 22, 2020’’ and inserting ‘‘through fis7

cal year 2020, and $21,141,096 for the period beginning

8 on October 1, 2020, and ending on November 30, 2020’’.

9 (d) APPLICATION OF PROVISIONS.—Amounts appro10

priated pursuant to the amendments made by this section

11 for fiscal year 2020 and for the period beginning on Octo12

ber 1, 2020, and ending on November 30, 2020, shall be

13 subject to the requirements contained in Public Law 116–

14 94 for funds for programs authorized under sections 330

15 through 340 of the Public Health Service Act (42 U.S.C.

16 254 through 256).

17 (e) CONFORMING AMENDMENT.—Paragraph (4) of

18 section 3014(h) of title 18, United States Code, as amend19

ed by section 401(e) of division N of Public Law 116–

20 94, is amended by striking ‘‘section 401(d) of division N

21 of the Further Consolidated Appropriations Act, 2020’’

22 and inserting ‘‘section 3831 of the CARES Act’’.

23 **SEC. 3832. DIABETES PROGRAMS.**

24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public

25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking ‘‘and 2019, and $96,575,342 for the

2 period beginning on October 1, 2019, and ending on May

3 22, 2020’’ and inserting ‘‘through 2020, and $25,068,493

4 for the period beginning on October 1, 2020, and ending

5 on November 30, 2020’’.

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public

7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is

8 amended by striking ‘‘and 2019, and $96,575,342 for the

9 period beginning on October 1, 2019, and ending on May

10 22, 2020’’ and inserting ‘‘through 2020, and $25,068,493

11 for the period beginning on October 1, 2020, and ending

12 on November 30, 2020’’.

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**

15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law

17 amended in this title pursuant to the amendments made

18 by the Continuing Appropriations Act, 2020, and Health

19 Extenders Act of 2019 (Public Law 116–59), the Further

20 Continuing Appropriations Act, 2020, and Further Health

21 Extenders Act of 2019 (Public Law 116-69), and the Fur22

ther Consolidated Appropriations Act, 2020 (Public Law

23 116–94) for fiscal year 2020 shall be charged to the appli24

cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law

2 for such fiscal year.

3 **Subtitle F—Over-the-Counter**

4 **Drugs**

5 **PART I—OTC DRUG REVIEW**

6 **SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION**

7 **DRUGS THAT ARE MARKETED WITHOUT AN**

8 **APPROVED DRUG APPLICATION.**

9 (a) IN GENERAL.—Chapter V of the Federal Food,

10 Drug, and Cosmetic Act is amended by inserting after sec11

tion 505F of such Act (21 U.S.C. 355g) the following:

12 **‘‘SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION**

13 **DRUGS THAT ARE MARKETED WITHOUT AN**

14 **APPROVED DRUG APPLICATION.**

15 ‘‘(a) NONPRESCRIPTION DRUGS MARKETED WITH16

OUT AN APPROVED APPLICATION.—Nonprescription

17 drugs marketed without an approved drug application

18 under section 505, as of the date of the enactment of this

19 section, shall be treated in accordance with this sub20

section.

21 ‘‘(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;

22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE

23 FINAL MONOGRAPH.—A drug is deemed to be gen24

erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and

2 not subject to section 503(b)(1), if—

3 ‘‘(A) the drug is—

4 ‘‘(i) in conformity with the require5

ments for nonprescription use of a final

6 monograph issued under part 330 of title

7 21, Code of Federal Regulations (except as

8 provided in paragraph (2)), the general re9

quirements for nonprescription drugs, and

10 conditions or requirements under sub11

sections (b), (c), and (k); and

12 ‘‘(ii) except as permitted by an order

13 issued under subsection (b) or, in the case

14 of a minor change in the drug, in con15

formity with an order issued under sub16

section (c), in a dosage form that, imme17

diately prior to the date of the enactment

18 of this section, has been used to a material

19 extent and for a material time under sec20

tion 201(p)(2); or

21 ‘‘(B) the drug is—

22 ‘‘(i) classified in category I for safety

23 and effectiveness under a tentative final

24 monograph that is the most recently appli25

cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal

2 Regulations;

3 ‘‘(ii) in conformity with the proposed

4 requirements for nonprescription use of

5 such tentative final monograph, any appli6

cable subsequent determination by the Sec7

retary, the general requirements for non8

prescription drugs, and conditions or re9

quirements under subsections (b), (c), and

10 (k); and

11 ‘‘(iii) except as permitted by an order

12 issued under subsection (b) or, in the case

13 of a minor change in the drug, in con14

formity with an order issued under sub15

section (c), in a dosage form that, imme16

diately prior to the date of the enactment

17 of this section, has been used to a material

18 extent and for a material time under sec19

tion 201(p)(2).

20 ‘‘(2) TREATMENT OF SUNSCREEN DRUGS.—

21 With respect to sunscreen drugs subject to this sec22

tion, the applicable requirements in terms of con23

formity with a final monograph, for purposes of

24 paragraph (1)(A)(i), shall be the requirements speci25

fied in part 352 of title 21, Code of Federal Regula418

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1 tions, as published on May 21, 1999, beginning on

2 page 27687 of volume 64 of the Federal Register,

3 except that the applicable requirements governing ef4

fectiveness and labeling shall be those specified in

5 section 201.327 of title 21, Code of Federal Regula6

tions.

7 ‘‘(3) CATEGORY III DRUGS SUBJECT TO A TEN8

TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS

9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE

10 NOTICE OF PROPOSED RULEMAKING.—A drug that

11 is not described in paragraph (1), (2), or (4) is not

12 required to be the subject of an application approved

13 under section 505, and is not subject to section

14 503(b)(1), if—

15 ‘‘(A) the drug is—

16 ‘‘(i) classified in category III for safe17

ty or effectiveness in the preamble of a

18 proposed rule establishing a tentative final

19 monograph that is the most recently appli20

cable proposal or determination for such

21 drug issued under part 330 of title 21,

22 Code of Federal Regulations;

23 ‘‘(ii) in conformity with—

24 ‘‘(I) the conditions of use, includ25

ing indication and dosage strength, if

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1 any, described for such category III

2 drug in such preamble or in an appli3

cable subsequent proposed rule;

4 ‘‘(II) the proposed requirements

5 for drugs classified in such tentative

6 final monograph in category I in the

7 most recently proposed rule estab8

lishing requirements related to such

9 tentative final monograph and in any

10 final rule establishing requirements

11 that are applicable to the drug; and

12 ‘‘(III) the general requirements

13 for nonprescription drugs and condi14

tions or requirements under sub15

section (b) or (k); and

16 ‘‘(iii) in a dosage form that, imme17

diately prior to the date of the enactment

18 of this section, had been used to a material

19 extent and for a material time under sec20

tion 201(p)(2); or

21 ‘‘(B) the drug is—

22 ‘‘(i) classified in category I for safety

23 and effectiveness under a proposed mono24

graph or advance notice of proposed rule25

making that is the most recently applicable

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1 proposal or determination for such drug

2 issued under part 330 of title 21, Code of

3 Federal Regulations;

4 ‘‘(ii) in conformity with the require5

ments for nonprescription use of such pro6

posed monograph or advance notice of pro7

posed rulemaking, any applicable subse8

quent determination by the Secretary, the

9 general requirements for nonprescription

10 drugs, and conditions or requirements

11 under subsection (b) or (k); and

12 ‘‘(iii) in a dosage form that, imme13

diately prior to the date of the enactment

14 of this section, has been used to a material

15 extent and for a material time under sec16

tion 201(p)(2).

17 ‘‘(4) CATEGORY II DRUGS DEEMED NEW

18 DRUGS.—A drug that is classified in category II for

19 safety or effectiveness under a tentative final mono20

graph or that is subject to a determination to be not

21 generally recognized as safe and effective in a pro22

posed rule that is the most recently applicable pro23

posal issued under part 330 of title 21, Code of Fed24

eral Regulations, shall be deemed to be a new drug

25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap2

proved new drug application under section 505 be3

ginning on the day that is 180 calendar days after

4 the date of the enactment of this section, unless, be5

fore such day, the Secretary determines that it is in

6 the interest of public health to extend the period

7 during which the drug may be marketed without

8 such an approved new drug application.

9 ‘‘(5) DRUGS NOT GRASE DEEMED NEW

10 DRUGS.—A drug that the Secretary has determined

11 not to be generally recognized as safe and effective

12 under section 201(p)(1) under a final determination

13 issued under part 330 of title 21, Code of Federal

14 Regulations, shall be deemed to be a new drug under

15 section 201(p), misbranded under section 502(ee),

16 and subject to the requirement for an approved new

17 drug application under section 505.

18 ‘‘(6) OTHER DRUGS DEEMED NEW DRUGS.—

19 Except as provided in subsection (m), a drug is

20 deemed to be a new drug under section 201(p) and

21 misbranded under section 502(ee) if the drug—

22 ‘‘(A) is not subject to section 503(b)(1);

23 and

24 ‘‘(B) is not described in paragraph (1),

25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 ‘‘(b) ADMINISTRATIVE ORDERS.—

2 ‘‘(1) IN GENERAL.—

3 ‘‘(A) DETERMINATION.—The Secretary

4 may, on the initiative of the Secretary or at the

5 request of one or more requestors, issue an ad6

ministrative order determining whether there

7 are conditions under which a specific drug, a

8 class of drugs, or a combination of drugs, is de9

termined to be—

10 ‘‘(i) not subject to section 503(b)(1);

11 and

12 ‘‘(ii) generally recognized as safe and

13 effective under section 201(p)(1).

14 ‘‘(B) EFFECT.—A drug or combination of

15 drugs shall be deemed to not require approval

16 under section 505 if such drug or combination

17 of drugs—

18 ‘‘(i) is determined by the Secretary to

19 meet the conditions specified in clauses (i)

20 and (ii) of subparagraph (A);

21 ‘‘(ii) is marketed in conformity with

22 an administrative order under this sub23

section;

24 ‘‘(iii) meets the general requirements

25 for nonprescription drugs; and

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1 ‘‘(iv) meets the requirements under

2 subsections (c) and (k).

3 ‘‘(C) STANDARD.—The Secretary shall find

4 that a drug is not generally recognized as safe

5 and effective under section 201(p)(1) if—

6 ‘‘(i) the evidence shows that the drug

7 is not generally recognized as safe and ef8

fective under section 201(p)(1); or

9 ‘‘(ii) the evidence is inadequate to

10 show that the drug is generally recognized

11 as safe and effective under section

12 201(p)(1).

13 ‘‘(2) ADMINISTRATIVE ORDERS INITIATED BY

14 THE SECRETARY.—

15 ‘‘(A) IN GENERAL.—In issuing an adminis16

trative order under paragraph (1) upon the

17 Secretary’s initiative, the Secretary shall—

18 ‘‘(i) make reasonable efforts to notify

19 informally, not later than 2 business days

20 before the issuance of the proposed order,

21 the sponsors of drugs who have a listing in

22 effect under section 510(j) for the drugs or

23 combination of drugs that will be subject

24 to the administrative order;

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1 ‘‘(ii) after any such reasonable efforts

2 of notification—

3 ‘‘(I) issue a proposed administra4

tive order by publishing it on the

5 website of the Food and Drug Admin6

istration and include in such order the

7 reasons for the issuance of such order;

8 and

9 ‘‘(II) publish a notice of avail10

ability of such proposed order in the

11 Federal Register;

12 ‘‘(iii) except as provided in subpara13

graph (B), provide for a public comment

14 period with respect to such proposed order

15 of not less than 45 calendar days; and

16 ‘‘(iv) if, after completion of the pro17

ceedings specified in clauses (i) through

18 (iii), the Secretary determines that it is ap19

propriate to issue a final administrative

20 order—

21 ‘‘(I) issue the final administrative

22 order, together with a detailed state23

ment of reasons, which order shall not

24 take effect until the time for request425

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1 ing judicial review under paragraph

2 (3)(D)(ii) has expired;

3 ‘‘(II) publish a notice of such

4 final administrative order in the Fed5

eral Register;

6 ‘‘(III) afford requestors of drugs

7 that will be subject to such order the

8 opportunity for formal dispute resolu9

tion up to the level of the Director of

10 the Center for Drug Evaluation and

11 Research, which initially must be re12

quested within 45 calendar days of

13 the issuance of the order, and, for

14 subsequent levels of appeal, within 30

15 calendar days of the prior decision;

16 and

17 ‘‘(IV) except with respect to

18 drugs described in paragraph (3)(B),

19 upon completion of the formal dispute

20 resolution procedure, inform the per21

sons which sought such dispute reso22

lution of their right to request a hear23

ing.

24 ‘‘(B) EXCEPTIONS.—When issuing an ad25

ministrative order under paragraph (1) on the

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1 Secretary’s initiative proposing to determine

2 that a drug described in subsection (a)(3) is not

3 generally recognized as safe and effective under

4 section 201(p)(1), the Secretary shall follow the

5 procedures in subparagraph (A), except that—

6 ‘‘(i) the proposed order shall include

7 notice of—

8 ‘‘(I) the general categories of

9 data the Secretary has determined

10 necessary to establish that the drug is

11 generally recognized as safe and effec12

tive under section 201(p)(1); and

13 ‘‘(II) the format for submissions

14 by interested persons;

15 ‘‘(ii) the Secretary shall provide for a

16 public comment period of no less than 180

17 calendar days with respect to such pro18

posed order, except when the Secretary de19

termines, for good cause, that a shorter pe20

riod is in the interest of public health; and

21 ‘‘(iii) any person who submits data in

22 such comment period shall include a cer23

tification that the person has submitted all

24 evidence created, obtained, or received by

25 that person that is both within the cat427

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1 egories of data identified in the proposed

2 order and relevant to a determination as to

3 whether the drug is generally recognized as

4 safe and effective under section 201(p)(1).

5 ‘‘(3) HEARINGS; JUDICIAL REVIEW.—

6 ‘‘(A) IN GENERAL.—Only a person who

7 participated in each stage of formal dispute res8

olution under subclause (III) of paragraph

9 (2)(A)(iv) of an administrative order with re10

spect to a drug may request a hearing con11

cerning a final administrative order issued

12 under such paragraph with respect to such

13 drug. If a hearing is sought, such person must

14 submit a request for a hearing, which shall be

15 based solely on information in the administra16

tive record, to the Secretary not later than 30

17 calendar days after receiving notice of the final

18 decision of the formal dispute resolution proce19

dure.

20 ‘‘(B) NO HEARING REQUIRED WITH RE21

SPECT TO ORDERS RELATING TO CERTAIN

22 DRUGS.—

23 ‘‘(i) IN GENERAL.—The Secretary

24 shall not be required to provide notice and

25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis2

trative order involved relates to a drug—

3 ‘‘(I) that is described in sub4

section (a)(3)(A); and

5 ‘‘(II) with respect to which no

6 human or non-human data studies rel7

evant to the safety or effectiveness of

8 such drug have been submitted to the

9 administrative record since the

10 issuance of the most recent tentative

11 final monograph relating to such

12 drug.

13 ‘‘(ii) HUMAN DATA STUDIES AND

14 NON-HUMAN DATA DEFINED.—In this sub15

paragraph:

16 ‘‘(I) The term ‘human data stud17

ies’ means clinical trials of safety or

18 effectiveness (including actual use

19 studies), pharmacokinetics studies, or

20 bioavailability studies.

21 ‘‘(II) The term ‘non-human data’

22 means data from testing other than

23 with human subjects which provides

24 information concerning safety or ef25

fectiveness.

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1 ‘‘(C) HEARING PROCEDURES.—

2 ‘‘(i) DENIAL OF REQUEST FOR HEAR3

ING.—If the Secretary determines that in4

formation submitted in a request for a

5 hearing under subparagraph (A) with re6

spect to a final administrative order issued

7 under paragraph (2)(A)(iv) does not iden8

tify the existence of a genuine and sub9

stantial question of material fact, the Sec10

retary may deny such request. In making

11 such a determination, the Secretary may

12 consider only information and data that

13 are based on relevant and reliable scientific

14 principles and methodologies.

15 ‘‘(ii) SINGLE HEARING FOR MULTIPLE

16 RELATED REQUESTS.—If more than one

17 request for a hearing is submitted with re18

spect to the same administrative order

19 under subparagraph (A), the Secretary

20 may direct that a single hearing be con21

ducted in which all persons whose hearing

22 requests were granted may participate.

23 ‘‘(iii) PRESIDING OFFICER.—The pre24

siding officer of a hearing requested under

25 subparagraph (A) shall—

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1 ‘‘(I) be designated by the Sec2

retary;

3 ‘‘(II) not be an employee of the

4 Center for Drug Evaluation and Re5

search; and

6 ‘‘(III) not have been previously

7 involved in the development of the ad8

ministrative order involved or pro9

ceedings relating to that administra10

tive order.

11 ‘‘(iv) RIGHTS OF PARTIES TO HEAR12

ING.—The parties to a hearing requested

13 under subparagraph (A) shall have the

14 right to present testimony, including testi15

mony of expert witnesses, and to cross-ex16

amine witnesses presented by other parties.

17 Where appropriate, the presiding officer

18 may require that cross-examination by par19

ties representing substantially the same in20

terests be consolidated to promote effi21

ciency and avoid duplication.

22 ‘‘(v) FINAL DECISION.—

23 ‘‘(I) At the conclusion of a hear24

ing requested under subparagraph

25 (A), the presiding officer of the hear431

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1 ing shall issue a decision containing

2 findings of fact and conclusions of

3 law. The decision of the presiding offi4

cer shall be final.

5 ‘‘(II) The final decision may not

6 take effect until the period under sub7

paragraph (D)(ii) for submitting a re8

quest for judicial review of such deci9

sion expires.

10 ‘‘(D) JUDICIAL REVIEW OF FINAL ADMIN11

ISTRATIVE ORDER.—

12 ‘‘(i) IN GENERAL.—The procedures

13 described in section 505(h) shall apply

14 with respect to judicial review of final ad15

ministrative orders issued under this sub16

section in the same manner and to the

17 same extent as such section applies to an

18 order described in such section except that

19 the judicial review shall be taken by filing

20 in an appropriate district court of the

21 United States in lieu of the appellate

22 courts specified in such section.

23 ‘‘(ii) PERIOD TO SUBMIT A REQUEST

24 FOR JUDICIAL REVIEW.—A person eligible

25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad2

ministrative order issued under this sub3

section shall file such request for judicial

4 review not later than 60 calendar days

5 after the latest of—

6 ‘‘(I) the date on which notice of

7 such order is published;

8 ‘‘(II) the date on which a hearing

9 with respect to such order is denied

10 under subparagraph (B) or (C)(i);

11 ‘‘(III) the date on which a final

12 decision is made following a hearing

13 under subparagraph (C)(v); or

14 ‘‘(IV) if no hearing is requested,

15 the date on which the time for re16

questing a hearing expires.

17 ‘‘(4) EXPEDITED PROCEDURE WITH RESPECT

18 TO ADMINISTRATIVE ORDERS INITIATED BY THE

19 SECRETARY.—

20 ‘‘(A) IMMINENT HAZARD TO THE PUBLIC

21 HEALTH.—

22 ‘‘(i) IN GENERAL.—In the case of a

23 determination by the Secretary that a

24 drug, class of drugs, or combination of

25 drugs subject to this section poses an im433

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1 minent hazard to the public health, the

2 Secretary, after first making reasonable ef3

forts to notify, not later than 48 hours be4

fore issuance of such order under this sub5

paragraph, sponsors who have a listing in

6 effect under section 510(j) for such drug

7 or combination of drugs—

8 ‘‘(I) may issue an interim final

9 administrative order for such drug,

10 class of drugs, or combination of

11 drugs under paragraph (1), together

12 with a detailed statement of the rea13

sons for such order;

14 ‘‘(II) shall publish in the Federal

15 Register a notice of availability of any

16 such order; and

17 ‘‘(III) shall provide for a public

18 comment period of at least 45 cal19

endar days with respect to such in20

terim final order.

21 ‘‘(ii) NONDELEGATION.—The Sec22

retary may not delegate the authority to

23 issue an interim final administrative order

24 under this subparagraph.

25 ‘‘(B) SAFETY LABELING CHANGES.—

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1 ‘‘(i) IN GENERAL.—In the case of a

2 determination by the Secretary that a

3 change in the labeling of a drug, class of

4 drugs, or combination of drugs subject to

5 this section is reasonably expected to miti6

gate a significant or unreasonable risk of

7 a serious adverse event associated with use

8 of the drug, the Secretary may—

9 ‘‘(I) make reasonable efforts to

10 notify informally, not later than 48

11 hours before the issuance of the in12

terim final order, the sponsors of

13 drugs who have a listing in effect

14 under section 510(j) for such drug or

15 combination of drugs;

16 ‘‘(II) after reasonable efforts of

17 notification, issue an interim final ad18

ministrative order in accordance with

19 paragraph (1) to require such change,

20 together with a detailed statement of

21 the reasons for such order;

22 ‘‘(III) publish in the Federal

23 Register a notice of availability of

24 such order; and

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1 ‘‘(IV) provide for a public com2

ment period of at least 45 calendar

3 days with respect to such interim final

4 order.

5 ‘‘(ii) CONTENT OF ORDER.—An in6

terim final order issued under this sub7

paragraph with respect to the labeling of a

8 drug may provide for new warnings and

9 other information required for safe use of

10 the drug.

11 ‘‘(C) EFFECTIVE DATE.—An order under

12 subparagraph (A) or (B) shall take effect on a

13 date specified by the Secretary.

14 ‘‘(D) FINAL ORDER.—After the completion

15 of the proceedings in subparagraph (A) or (B),

16 the Secretary shall—

17 ‘‘(i) issue a final order in accordance

18 with paragraph (1);

19 ‘‘(ii) publish a notice of availability of

20 such final administrative order in the Fed21

eral Register; and

22 ‘‘(iii) afford sponsors of such drugs

23 that will be subject to such an order the

24 opportunity for formal dispute resolution

25 up to the level of the Director of the Cen436

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1 ter for Drug Evaluation and Research,

2 which must initially be within 45 calendar

3 days of the issuance of the order, and for

4 subsequent levels of appeal, within 30 cal5

endar days of the prior decision.

6 ‘‘(E) HEARINGS.—A sponsor of a drug

7 subject to a final order issued under subpara8

graph (D) and that participated in each stage

9 of formal dispute resolution under clause (iii) of

10 such subparagraph may request a hearing on

11 such order. The provisions of subparagraphs

12 (A), (B), and (C) of paragraph (3), other than

13 paragraph (3)(C)(v)(II), shall apply with re14

spect to a hearing on such order in the same

15 manner and to the same extent as such provi16

sions apply with respect to a hearing on an ad17

ministrative order issued under paragraph

18 (2)(A)(iv).

19 ‘‘(F) TIMING.—

20 ‘‘(i) FINAL ORDER AND HEARING.—

21 The Secretary shall—

22 ‘‘(I) not later than 6 months

23 after the date on which the comment

24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord2

ance with paragraph (1); and

3 ‘‘(II) not later than 12 months

4 after the date on which such final

5 order is issued, complete any hearing

6 under subparagraph (E).

7 ‘‘(ii) DISPUTE RESOLUTION RE8

QUEST.—The Secretary shall specify in an

9 interim final order issued under subpara10

graph (A) or (B) such shorter periods for

11 requesting dispute resolution under sub12

paragraph (D)(iii) as are necessary to

13 meet the requirements of this subpara14

graph.

15 ‘‘(G) JUDICIAL REVIEW.—A final order

16 issued pursuant to subparagraph (F) shall be

17 subject to judicial review in accordance with

18 paragraph (3)(D).

19 ‘‘(5) ADMINISTRATIVE ORDER INITIATED AT

20 THE REQUEST OF A REQUESTOR.—

21 ‘‘(A) IN GENERAL.—In issuing an adminis22

trative order under paragraph (1) at the re23

quest of a requestor with respect to certain

24 drugs, classes of drugs, or combinations of

25 drugs—

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1 ‘‘(i) the Secretary shall, after receiv2

ing a request under this subparagraph, de3

termine whether the request is sufficiently

4 complete and formatted to permit a sub5

stantive review;

6 ‘‘(ii) if the Secretary determines that

7 the request is sufficiently complete and for8

matted to permit a substantive review, the

9 Secretary shall—

10 ‘‘(I) file the request; and

11 ‘‘(II) initiate proceedings with re12

spect to issuing an administrative

13 order in accordance with paragraphs

14 (2) and (3); and

15 ‘‘(iii) except as provided in paragraph

16 (6), if the Secretary determines that a re17

quest does not meet the requirements for

18 filing or is not sufficiently complete and

19 formatted to permit a substantive review,

20 the requestor may demand that the request

21 be filed over protest, and the Secretary

22 shall initiate proceedings to review the re23

quest in accordance with paragraph (2)(A).

24 ‘‘(B) REQUEST TO INITIATE PRO25

CEEDINGS.—

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1 ‘‘(i) IN GENERAL.—A requestor seek2

ing an administrative order under para3

graph (1) with respect to certain drugs,

4 classes of drugs, or combinations of drugs,

5 shall submit to the Secretary a request to

6 initiate proceedings for such order in the

7 form and manner as specified by the Sec8

retary. Such requestor may submit a re9

quest under this subparagraph for the

10 issuance of an administrative order—

11 ‘‘(I) determining whether a drug

12 is generally recognized as safe and ef13

fective under section 201(p)(1), ex14

empt from section 503(b)(1), and not

15 required to be the subject of an ap16

proved application under section 505;

17 or

18 ‘‘(II) determining whether a

19 change to a condition of use of a drug

20 is generally recognized as safe and ef21

fective under section 201(p)(1), ex22

empt from section 503(b)(1), and not

23 required to be the subject of an ap24

proved application under section 505,

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1 if, absent such a changed condition of

2 use, such drug is—

3 ‘‘(aa) generally recognized

4 as safe and effective under sec5

tion 201(p)(1) in accordance with

6 subsection (a)(1), (a)(2), or an

7 order under this subsection; or

8 ‘‘(bb) subject to subsection

9 (a)(3), but only if such requestor

10 initiates such request in conjunc11

tion with a request for the Sec12

retary to determine whether such

13 drug is generally recognized as

14 safe and effective under section

15 201(p)(1), which is filed by the

16 Secretary under subparagraph

17 (A)(ii).

18 ‘‘(ii) EXCEPTION.—The Secretary is

19 not required to complete review of a re20

quest for a change described in clause

21 (i)(II) if the Secretary determines that

22 there is an inadequate basis to find the

23 drug is generally recognized as safe and ef24

fective under section 201(p)(1) under para441

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1 graph (1) and issues a final order an2

nouncing that determination.

3 ‘‘(iii) WITHDRAWAL.—The requestor

4 may withdraw a request under this para5

graph, according to the procedures set

6 forth pursuant to subsection (d)(2)(B).

7 Notwithstanding any other provision of

8 this section, if such request is withdrawn,

9 the Secretary may cease proceedings under

10 this subparagraph.

11 ‘‘(C) EXCLUSIVITY.—

12 ‘‘(i) IN GENERAL.—A final adminis13

trative order issued in response to a re14

quest under this section shall have the ef15

fect of authorizing solely the order re16

questor (or the licensees, assignees, or suc17

cessors in interest of such requestor with

18 respect to the subject of such order), for a

19 period of 18 months following the effective

20 date of such final order and beginning on

21 the date the requestor may lawfully market

22 such drugs pursuant to the order, to mar23

ket drugs—

24 ‘‘(I) incorporating changes de25

scribed in clause (ii); and

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1 ‘‘(II) subject to the limitations

2 under clause (iv).

3 ‘‘(ii) CHANGES DESCRIBED.—A

4 change described in this clause is a change

5 subject to an order specified in clause (i),

6 which—

7 ‘‘(I) provides for a drug to con8

tain an active ingredient (including

9 any ester or salt of the active ingre10

dient) not previously incorporated in a

11 drug described in clause (iii); or

12 ‘‘(II) provides for a change in the

13 conditions of use of a drug, for which

14 new human data studies conducted or

15 sponsored by the requestor (or for

16 which the requestor has an exclusive

17 right of reference) were essential to

18 the issuance of such order.

19 ‘‘(iii) DRUGS DESCRIBED.—The drugs

20 described in this clause are drugs—

21 ‘‘(I) specified in subsection

22 (a)(1), (a)(2), or (a)(3);

23 ‘‘(II) subject to a final order

24 issued under this section;

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1 ‘‘(III) subject to a final sun2

screen order (as defined in section

3 586(2)(A)); or

4 ‘‘(IV) described in subsection

5 (m)(1), other than drugs subject to an

6 active enforcement action under chap7

ter III of this Act.

8 ‘‘(iv) LIMITATIONS ON EXCLU9

SIVITY.—

10 ‘‘(I) IN GENERAL.—Only one 18-

11 month period under this subpara12

graph shall be granted, under each

13 order described in clause (i), with re14

spect to changes (to the drug subject

15 to such order) which are either—

16 ‘‘(aa) changes described in

17 clause (ii)(I), relating to active

18 ingredients; or

19 ‘‘(bb) changes described in

20 clause (ii)(II), relating to condi21

tions of use.

22 ‘‘(II) NO EXCLUSIVITY AL23

LOWED.—No exclusivity shall apply to

24 changes to a drug which are—

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1 ‘‘(aa) the subject of a Tier 2

2 OTC monograph order request

3 (as defined in section 744L);

4 ‘‘(bb) safety-related changes,

5 as defined by the Secretary, or

6 any other changes the Secretary

7 considers necessary to assure

8 safe use; or

9 ‘‘(cc) changes related to

10 methods of testing safety or effi11

cacy.

12 ‘‘(v) NEW HUMAN DATA STUDIES DE13

FINED.—In this subparagraph, the term

14 ‘new human data studies’ means clinical

15 trials of safety or effectiveness (including

16 actual use studies), pharmacokinetics stud17

ies, or bioavailability studies, the results of

18 which—

19 ‘‘(I) have not been relied on by

20 the Secretary to support—

21 ‘‘(aa) a proposed or final de22

termination that a drug described

23 in subclause (I), (II), or (III) of

24 clause (iii) is generally recognized

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1 as safe and effective under sec2

tion 201(p)(1); or

3 ‘‘(bb) approval of a drug

4 that was approved under section

5 505; and

6 ‘‘(II) do not duplicate the results

7 of another study that was relied on by

8 the Secretary to support—

9 ‘‘(aa) a proposed or final de10

termination that a drug described

11 in subclause (I), (II), or (III) of

12 clause (iii) is generally recognized

13 as safe and effective under sec14

tion 201(p)(1); or

15 ‘‘(bb) approval of a drug

16 that was approved under section

17 505.

18 ‘‘(vi) NOTIFICATION OF DRUG NOT

19 AVAILABLE FOR SALE.—A requestor that

20 is granted exclusivity with respect to a

21 drug under this subparagraph shall notify

22 the Secretary in writing within 1 year of

23 the issuance of the final administrative

24 order if the drug that is the subject of

25 such order will not be available for sale

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1 within 1 year of the date of issuance of

2 such order. The requestor shall include

3 with such notice the—

4 ‘‘(I) identity of the drug by es5

tablished name and by proprietary

6 name, if any;

7 ‘‘(II) strength of the drug;

8 ‘‘(III) date on which the drug

9 will be available for sale, if known;

10 and

11 ‘‘(IV) reason for not marketing

12 the drug after issuance of the order.

13 ‘‘(6) INFORMATION REGARDING SAFE NON14

PRESCRIPTION MARKETING AND USE AS CONDITION

15 FOR FILING A GENERALLY RECOGNIZED AS SAFE

16 AND EFFECTIVE REQUEST.—

17 ‘‘(A) IN GENERAL.—In response to a re18

quest under this section that a drug described

19 in subparagraph (B) be generally recognized as

20 safe and effective, the Secretary—

21 ‘‘(i) may file such request, if the re22

quest includes information specified under

23 subparagraph (C) with respect to safe non24

prescription marketing and use of such

25 drug; or

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1 ‘‘(ii) if the request fails to include in2

formation specified under subparagraph

3 (C), shall refuse to file such request and

4 require that nonprescription marketing of

5 the drug be pursuant to a new drug appli6

cation as described in subparagraph (D).

7 ‘‘(B) DRUG DESCRIBED.—A drug de8

scribed in this subparagraph is a nonprescrip9

tion drug which contains an active ingredient

10 not previously incorporated in a drug—

11 ‘‘(i) specified in subsection (a)(1),

12 (a)(2), or (a)(3);

13 ‘‘(ii) subject to a final order under

14 this section; or

15 ‘‘(iii) subject to a final sunscreen

16 order (as defined in section 586(2)(A)).

17 ‘‘(C) INFORMATION DEMONSTRATING

18 PRIMA FACIE SAFE NONPRESCRIPTION MAR19

KETING AND USE.—Information specified in

20 this subparagraph, with respect to a request de21

scribed in subparagraph (A)(i), is—

22 ‘‘(i) information sufficient for a prima

23 facie demonstration that the drug subject

24 to such request has a verifiable history of

25 being marketed and safely used by con448

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1 sumers in the United States as a non2

prescription drug under comparable condi3

tions of use;

4 ‘‘(ii) if the drug has not been pre5

viously marketed in the United States as a

6 nonprescription drug, information suffi7

cient for a prima facie demonstration that

8 the drug was marketed and safely used

9 under comparable conditions of marketing

10 and use in a country listed in section

11 802(b)(1)(A) or designated by the Sec12

retary in accordance with section

13 802(b)(1)(B)—

14 ‘‘(I) for such period as needed to

15 provide reasonable assurances con16

cerning the safe nonprescription use

17 of the drug; and

18 ‘‘(II) during such time was sub19

ject to sufficient monitoring by a reg20

ulatory body considered acceptable by

21 the Secretary for such monitoring

22 purposes, including for adverse events

23 associated with nonprescription use of

24 the drug; or

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1 ‘‘(iii) if the Secretary determines that

2 information described in clause (i) or (ii) is

3 not needed to provide a prima facie dem4

onstration that the drug can be safely mar5

keted and used as a nonprescription drug,

6 such other information the Secretary deter7

mines is sufficient for such purposes.

8 ‘‘(D) MARKETING PURSUANT TO NEW

9 DRUG APPLICATION.—In the case of a request

10 described in subparagraph (A)(ii), the drug

11 subject to such request may be resubmitted for

12 filing only if—

13 ‘‘(i) the drug is marketed as a non14

prescription drug, under conditions of use

15 comparable to the conditions specified in

16 the request, for such period as the Sec17

retary determines appropriate (not to ex18

ceed 5 consecutive years) pursuant to an

19 application approved under section 505;

20 and

21 ‘‘(ii) during such period, 1,000,000

22 retail packages of the drug, or an equiva23

lent quantity as determined by the Sec24

retary, were distributed for retail sale, as

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1 determined in such manner as the Sec2

retary finds appropriate.

3 ‘‘(E) RULE OF APPLICATION.—Except in

4 the case of a request involving a drug described

5 in section 586(9), as in effect on January 1,

6 2017, if the Secretary refuses to file a request

7 under this paragraph, the requestor may not

8 file such request over protest under paragraph

9 (5)(A)(iii).

10 ‘‘(7) PACKAGING.—An administrative order

11 issued under paragraph (2), (4)(A), or (5) may in12

clude requirements for the packaging of a drug to

13 encourage use in accordance with labeling. Such re14

quirements may include unit dose packaging, re15

quirements for products intended for use by pedi16

atric populations, requirements to reduce risk of

17 harm from unsupervised ingestion, and other appro18

priate requirements. This paragraph does not au19

thorize the Food and Drug Administration to re20

quire standards or testing procedures as described in

21 part 1700 of title 16, Code of Federal Regulations.

22 ‘‘(8) FINAL AND TENTATIVE FINAL MONO23

GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL

24 ADMINISTRATIVE ORDERS.—

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1 ‘‘(A) IN GENERAL.—A final monograph or

2 tentative final monograph described in subpara3

graph (B) shall be deemed to be a final admin4

istrative order under this subsection and may

5 be amended, revoked, or otherwise modified in

6 accordance with the procedures of this sub7

section.

8 ‘‘(B) MONOGRAPHS DESCRIBED.—For pur9

poses of subparagraph (A), a final monograph

10 or tentative final monograph is described in this

11 subparagraph if it—

12 ‘‘(i) establishes conditions of use for a

13 drug described in paragraph (1) or (2) of

14 subsection (a); and

15 ‘‘(ii) represents the most recently pro16

mulgated version of such conditions, in17

cluding as modified, in whole or in part, by

18 any proposed or final rule.

19 ‘‘(C) DEEMED ORDERS INCLUDE HARMO20

NIZING TECHNICAL AMENDMENTS.—The

21 deemed establishment of a final administrative

22 order under subparagraph (A) shall be con23

strued to include any technical amendments to

24 such order as the Secretary determines nec25

essary to ensure that such order is appro452

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1 priately harmonized, in terms of terminology or

2 cross-references, with the applicable provisions

3 of this Act (and regulations thereunder) and

4 any other orders issued under this section.

5 ‘‘(c) PROCEDURE FOR MINOR CHANGES.—

6 ‘‘(1) IN GENERAL.—Minor changes in the dos7

age form of a drug that is described in paragraph

8 (1) or (2) of subsection (a) or the subject of an

9 order issued under subsection (b) may be made by

10 a requestor without the issuance of an order under

11 subsection (b) if—

12 ‘‘(A) the requestor maintains such infor13

mation as is necessary to demonstrate that the

14 change—

15 ‘‘(i) will not affect the safety or effec16

tiveness of the drug; and

17 ‘‘(ii) will not materially affect the ex18

tent of absorption or other exposure to the

19 active ingredient in comparison to a suit20

able reference product; and

21 ‘‘(B) the change is in conformity with the

22 requirements of an applicable administrative

23 order issued by the Secretary under paragraph

24 (3).

25 ‘‘(2) ADDITIONAL INFORMATION.—

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1 ‘‘(A) ACCESS TO RECORDS.—A sponsor

2 shall submit records requested by the Secretary

3 relating to such a minor change under section

4 704(a)(4), within 15 business days of receiving

5 such a request, or such longer period as the

6 Secretary may provide.

7 ‘‘(B) INSUFFICIENT INFORMATION.—If the

8 Secretary determines that the information con9

tained in such records is not sufficient to dem10

onstrate that the change does not affect the

11 safety or effectiveness of the drug or materially

12 affect the extent of absorption or other expo13

sure to the active ingredient, the Secretary—

14 ‘‘(i) may so inform the sponsor of the

15 drug in writing; and

16 ‘‘(ii) if the Secretary so informs the

17 sponsor, shall provide the sponsor of the

18 drug with a reasonable opportunity to pro19

vide additional information.

20 ‘‘(C) FAILURE TO SUBMIT SUFFICIENT IN21

FORMATION.—If the sponsor fails to provide

22 such additional information within a time pre23

scribed by the Secretary, or if the Secretary de24

termines that such additional information does

25 not demonstrate that the change does not—

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1 ‘‘(i) affect the safety or effectiveness

2 of the drug; or

3 ‘‘(ii) materially affect the extent of

4 absorption or other exposure to the active

5 ingredient in comparison to a suitable ref6

erence product,

7 the drug as modified is a new drug under sec8

tion 201(p) and shall be deemed to be mis9

branded under section 502(ee).

10 ‘‘(3) DETERMINING WHETHER A CHANGE WILL

11 AFFECT SAFETY OR EFFECTIVENESS.—

12 ‘‘(A) IN GENERAL.—The Secretary shall

13 issue one or more administrative orders speci14

fying requirements for determining whether a

15 minor change made by a sponsor pursuant to

16 this subsection will affect the safety or effective17

ness of a drug or materially affect the extent of

18 absorption or other exposure to an active ingre19

dient in the drug in comparison to a suitable

20 reference product, together with guidance for

21 applying those orders to specific dosage forms.

22 ‘‘(B) STANDARD PRACTICES.—The orders

23 and guidance issued by the Secretary under

24 subparagraph (A) shall take into account rel25

evant public standards and standard practices

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1 for evaluating the quality of drugs, and may

2 take into account the special needs of popu3

lations, including children.

4 ‘‘(d) CONFIDENTIALITY OF INFORMATION SUB5

MITTED TO THE SECRETARY.—

6 ‘‘(1) IN GENERAL.—Subject to paragraph (2),

7 any information, including reports of testing con8

ducted on the drug or drugs involved, that is sub9

mitted by a requestor in connection with proceedings

10 on an order under this section (including any minor

11 change under subsection (c)) and is a trade secret

12 or confidential information subject to section

13 552(b)(4) of title 5, United States Code, or section

14 1905 of title 18, United States Code, shall not be

15 disclosed to the public unless the requestor consents

16 to that disclosure.

17 ‘‘(2) PUBLIC AVAILABILITY.—

18 ‘‘(A) IN GENERAL.—Except as provided in

19 subparagraph (B), the Secretary shall—

20 ‘‘(i) make any information submitted

21 by a requestor in support of a request

22 under subsection (b)(5)(A) available to the

23 public not later than the date on which the

24 proposed order is issued; and

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1 ‘‘(ii) make any information submitted

2 by any other person with respect to an

3 order requested (or initiated by the Sec4

retary) under subsection (b), available to

5 the public upon such submission.

6 ‘‘(B) LIMITATIONS ON PUBLIC AVAIL7

ABILITY.—Information described in subpara8

graph (A) shall not be made public if—

9 ‘‘(i) the information pertains to phar10

maceutical quality information, unless such

11 information is necessary to establish stand12

ards under which a drug is generally rec13

ognized as safe and effective under section

14 201(p)(1);

15 ‘‘(ii) the information is submitted in a

16 requestor-initiated request, but the re17

questor withdraws such request, in accord18

ance with withdrawal procedures estab19

lished by the Secretary, before the Sec20

retary issues the proposed order;

21 ‘‘(iii) the Secretary requests and ob22

tains the information under subsection (c)

23 and such information is not submitted in

24 relation to an order under subsection (b);

25 or

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1 ‘‘(iv) the information is of the type

2 contained in raw datasets.

3 ‘‘(e) UPDATES TO DRUG LISTING INFORMATION.—

4 A sponsor who makes a change to a drug subject to this

5 section shall submit updated drug listing information for

6 the drug in accordance with section 510(j) within 30 cal7

endar days of the date when the drug is first commercially

8 marketed, except that a sponsor who was the order re9

questor with respect to an order subject to subsection

10 (b)(5)(C) (or a licensee, assignee, or successor in interest

11 of such requestor) shall submit updated drug listing infor12

mation on or before the date when the drug is first com13

mercially marketed.

14 ‘‘(f) APPROVALS UNDER SECTION 505.—The provi15

sions of this section shall not be construed to preclude a

16 person from seeking or maintaining the approval of an ap17

plication for a drug under sections 505(b)(1), 505(b)(2),

18 and 505(j). A determination under this section that a drug

19 is not subject to section 503(b)(1), is generally recognized

20 as safe and effective under section 201(p)(1), and is not

21 a new drug under section 201(p) shall constitute a finding

22 that the drug is safe and effective that may be relied upon

23 for purposes of an application under section 505(b)(2), so

24 that the applicant shall be required to submit for purposes

25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter2

mination under this section.

3 ‘‘(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR4

DERS.—The Secretary shall establish, maintain, update

5 (as determined necessary by the Secretary but no less fre6

quently than annually), and make publicly available, with

7 respect to orders issued under this section—

8 ‘‘(1) a repository of each final order and in9

terim final order in effect, including the complete

10 text of the order; and

11 ‘‘(2) a listing of all orders proposed and under

12 development under subsection (b)(2), including—

13 ‘‘(A) a brief description of each such order;

14 and

15 ‘‘(B) the Secretary’s expectations, if re16

sources permit, for issuance of proposed orders

17 over a 3-year period.

18 ‘‘(h) DEVELOPMENT ADVICE TO SPONSORS OR RE19

QUESTORS.—The Secretary shall establish procedures

20 under which sponsors or requestors may meet with appro21

priate officials of the Food and Drug Administration to

22 obtain advice on the studies and other information nec23

essary to support submissions under this section and other

24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs

2 under this section.

3 ‘‘(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE4

QUESTORS.—The Secretary shall establish procedures to

5 facilitate efficient participation by multiple sponsors or re6

questors in proceedings under this section, including provi7

sion for joint meetings with multiple sponsors or reques8

tors or with organizations nominated by sponsors or re9

questors to represent their interests in a proceeding.

10 ‘‘(j) ELECTRONIC FORMAT.—All submissions under

11 this section shall be in electronic format.

12 ‘‘(k) EFFECT ON EXISTING REGULATIONS GOV13

ERNING NONPRESCRIPTION DRUGS.—

14 ‘‘(1) REGULATIONS OF GENERAL APPLICA15

BILITY TO NONPRESCRIPTION DRUGS.—Except as

16 provided in this subsection, nothing in this section

17 supersedes regulations establishing general require18

ments for nonprescription drugs, including regula19

tions of general applicability contained in parts 201,

20 250, and 330 of title 21, Code of Federal Regula21

tions, or any successor regulations. The Secretary

22 shall establish or modify such regulations by means

23 of rulemaking in accordance with section 553 of title

24 5, United States Code.

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1 ‘‘(2) REGULATIONS ESTABLISHING REQUIRE2

MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—

3 ‘‘(A) The provisions of section 310.545 of

4 title 21, Code of Federal Regulations, as in ef5

fect on the day before the date of the enact6

ment of this section, shall be deemed to be a

7 final order under subsection (b).

8 ‘‘(B) Regulations in effect on the day be9

fore the date of the enactment of this section,

10 establishing requirements for specific non11

prescription drugs marketed pursuant to this

12 section (including such requirements in parts

13 201 and 250 of title 21, Code of Federal Regu14

lations), shall be deemed to be final orders

15 under subsection (b), only as they apply to

16 drugs—

17 ‘‘(i) subject to paragraph (1), (2), (3),

18 or (4) of subsection (a); or

19 ‘‘(ii) otherwise subject to an order

20 under this section.

21 ‘‘(3) WITHDRAWAL OF REGULATIONS.—The

22 Secretary shall withdraw regulations establishing

23 final monographs and the procedures governing the

24 over-the-counter drug review under part 330 and

25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date

2 of the enactment of this section), or make technical

3 changes to such regulations to ensure conformity

4 with appropriate terminology and cross references.

5 Notwithstanding subchapter II of chapter 5 of title

6 5, United States Code, any such withdrawal or tech7

nical changes shall be made without public notice

8 and comment and shall be effective upon publication

9 through notice in the Federal Register (or upon such

10 date as specified in such notice).

11 ‘‘(l) GUIDANCE.—The Secretary shall issue guidance

12 that specifies—

13 ‘‘(1) the procedures and principles for formal

14 meetings between the Secretary and sponsors or re15

questors for drugs subject to this section;

16 ‘‘(2) the format and content of data submis17

sions to the Secretary under this section;

18 ‘‘(3) the format of electronic submissions to the

19 Secretary under this section;

20 ‘‘(4) consolidated proceedings for appeal and

21 the procedures for such proceedings where appro22

priate; and

23 ‘‘(5) for minor changes in drugs, recommenda24

tions on how to comply with the requirements in or25

ders issued under subsection (c)(3).

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1 ‘‘(m) RULE OF CONSTRUCTION.—

2 ‘‘(1) IN GENERAL.—This section shall not af3

fect the treatment or status of a nonprescription

4 drug—

5 ‘‘(A) that is marketed without an applica6

tion approved under section 505 as of the date

7 of the enactment of this section;

8 ‘‘(B) that is not subject to an order issued

9 under this section; and

10 ‘‘(C) to which paragraph (1), (2), (3), (4),

11 or (5) of subsection (a) do not apply.

12 ‘‘(2) TREATMENT OF PRODUCTS PREVIOUSLY

13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE14

QUIREMENTS.—

15 ‘‘(A) Notwithstanding subsection (a), a

16 drug described in subparagraph (B) may only

17 be lawfully marketed, without an application

18 approved under section 505, pursuant to an

19 order issued under this section.

20 ‘‘(B) A drug described in this subpara21

graph is a drug which, prior to the date of the

22 enactment of this section, the Secretary deter23

mined in a proposed or final rule to be ineligible

24 for review under the OTC drug review (as such

25 phrase ‘OTC drug review’ was used in section

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1 330.14 of title 21, Code of Federal Regulations,

2 as in effect on the day before the date of the

3 enactment of this section).

4 ‘‘(3) PRESERVATION OF AUTHORITY.—

5 ‘‘(A) Nothing in paragraph (1) shall be

6 construed to preclude or limit the applicability

7 of any provision of this Act other than this sec8

tion.

9 ‘‘(B) Nothing in subsection (a) shall be

10 construed to prohibit the Secretary from issuing

11 an order under this section finding a drug to be

12 not generally recognized as safe and effective

13 under section 201(p)(1), as the Secretary deter14

mines appropriate.

15 ‘‘(n) INVESTIGATIONAL NEW DRUGS.—A drug is not

16 subject to this section if an exemption for investigational

17 use under section 505(i) is in effect for such drug.

18 ‘‘(o) INAPPLICABILITY OF PAPERWORK REDUCTION

19 ACT.—Chapter 35 of title 44, United States Code, shall

20 not apply to collections of information made under this

21 section.

22 ‘‘(p) INAPPLICABILITY OF NOTICE AND COMMENT

23 RULEMAKING AND OTHER REQUIREMENTS.—The re24

quirements of subsection (b) shall apply with respect to

25 orders issued under this section instead of the require464

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1 ments of subchapter II of chapter 5 of title 5, United

2 States Code.

3 ‘‘(q) DEFINITIONS.—In this section:

4 ‘‘(1) The term ‘nonprescription drug’ refers to

5 a drug not subject to the requirements of section

6 503(b)(1).

7 ‘‘(2) The term ‘sponsor’ refers to any person

8 marketing, manufacturing, or processing a drug

9 that—

10 ‘‘(A) is listed pursuant to section 510(j);

11 and

12 ‘‘(B) is or will be subject to an administra13

tive order under this section of the Food and

14 Drug Administration.

15 ‘‘(3) The term ‘requestor’ refers to any person

16 or group of persons marketing, manufacturing, proc17

essing, or developing a drug.’’.

18 (b) GAO STUDY.—Not later than 4 years after the

19 date of enactment of this Act, the Comptroller General

20 of the United States shall submit a study to the Com21

mittee on Energy and Commerce of the House of Rep22

resentatives and the Committee on Health, Education,

23 Labor, and Pensions of the Senate addressing the effec24

tiveness and overall impact of exclusivity under section

25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act

2 (21 U.S.C. 360fff–3), including the impact of such exclu3

sivity on consumer access. Such study shall include—

4 (1) an analysis of the impact of exclusivity

5 under such section 505G for nonprescription drug

6 products, including—

7 (A) the number of nonprescription drug

8 products that were granted exclusivity and the

9 indication for which the nonprescription drug

10 products were determined to be generally recog11

nized as safe and effective;

12 (B) whether the exclusivity for such drug

13 products was granted for—

14 (i) a new active ingredient (including

15 any ester or salt of the active ingredient);

16 or

17 (ii) changes in the conditions of use of

18 a drug, for which new human data studies

19 conducted or sponsored by the requestor

20 were essential;

21 (C) whether, and to what extent, the exclu22

sivity impacted the requestor’s or sponsor’s de23

cision to develop the drug product;

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1 (D) an analysis of the implementation of

2 the exclusivity provision in such section 505G,

3 including—

4 (i) the resources used by the Food

5 and Drug Administration;

6 (ii) the impact of such provision on

7 innovation, as well as research and devel8

opment in the nonprescription drug mar9

ket;

10 (iii) the impact of such provision on

11 competition in the nonprescription drug

12 market;

13 (iv) the impact of such provision on

14 consumer access to nonprescription drug

15 products;

16 (v) the impact of such provision on

17 the prices of nonprescription drug prod18

ucts; and

19 (vi) whether the administrative orders

20 initiated by requestors under such section

21 505G have been sufficient to encourage the

22 development of nonprescription drug prod23

ucts that would likely not be otherwise de24

veloped, or developed in as timely a man25

ner; and

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1 (E) whether the administrative orders ini2

tiated by requestors under such section 505G

3 have been sufficient incentive to encourage in4

novation in the nonprescription drug market;

5 and

6 (2) an analysis of the impact of exclusivity

7 under such section 586C for sunscreen ingredients,

8 including—

9 (A) the number of sunscreen ingredients

10 that were granted exclusivity and the specific

11 ingredient that was determined to be generally

12 recognized as safe and effective;

13 (B) whether, and to what extent, the exclu14

sivity impacted the requestor’s or sponsor’s de15

cision to develop the sunscreen ingredient;

16 (C) whether, and to what extent, the sun17

screen ingredient granted exclusivity had pre18

viously been available outside of the United

19 States;

20 (D) an analysis of the implementation of

21 the exclusivity provision in such section 586C,

22 including—

23 (i) the resources used by the Food

24 and Drug Administration;

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1 (ii) the impact of such provision on

2 innovation, as well as research and devel3

opment in the sunscreen market;

4 (iii) the impact of such provision on

5 competition in the sunscreen market;

6 (iv) the impact of such provision on

7 consumer access to sunscreen products;

8 (v) the impact of such provision on

9 the prices of sunscreen products; and

10 (vi) whether the administrative orders

11 initiated by requestors under such section

12 505G have been utilized by sunscreen in13

gredient sponsors and whether such proc14

ess has been sufficient to encourage the

15 development of sunscreen ingredients that

16 would likely not be otherwise developed, or

17 developed in as timely a manner; and

18 (E) whether the administrative orders ini19

tiated by requestors under such section 586C

20 have been sufficient incentive to encourage in21

novation in the sunscreen market.

22 (c) CONFORMING AMENDMENT.—Section 751(d)(1)

23 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

24 379r(d)(1)) is amended—

25 (1) in the matter preceding subparagraph (A)—

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1 (A) by striking ‘‘final regulation promul2

gated’’ and inserting ‘‘final order under section

3 505G’’; and

4 (B) by striking ‘‘and not misbranded’’; and

5 (2) in subparagraph (A), by striking ‘‘regula6

tion in effect’’ and inserting ‘‘regulation or order in

7 effect’’.

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic

10 Act (21 U.S.C. 352) is amended by adding at the end the

11 following:

12 ‘‘(ee) If it is a nonprescription drug that is subject

13 to section 505G, is not the subject of an application ap14

proved under section 505, and does not comply with the

15 requirements under section 505G.

16 ‘‘(ff) If it is a drug and it was manufactured, pre17

pared, propagated, compounded, or processed in a facility

18 for which fees have not been paid as required by section

19 744M.’’.

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE**21

**COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the

23 amendments made by this Act) shall apply to any non24

prescription drug (as defined in section 505G(q) of the

25 Federal Food, Drug, and Cosmetic Act, as added by sec470

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1 tion 3851 of this subtitle) which was excluded by the Food

2 and Drug Administration from the Over-the-Counter

3 Drug Review in accordance with the paragraph numbered

4 25 on page 9466 of volume 37 of the Federal Register,

5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec7

tion shall be construed to preclude or limit the applica8

bility of any other provision of the Federal Food, Drug,

9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC12

TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR

14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non16

prescription sunscreen active ingredient or com17

bination of nonprescription sunscreen active in18

gredients that, as of the date of enactment of

19 this Act, is subject to a proposed sunscreen

20 order under section 586C of the Federal Food,

21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)

22 may elect, by means of giving written notifica23

tion to the Secretary of Health and Human

24 Services within 180 calendar days of the enact25

ment of this Act, to transition into the review

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1 of such ingredient or combination of ingredients

2 pursuant to the process set out in section 505G

3 of the Federal Food, Drug, and Cosmetic Act,

4 as added by section 3851 of this subtitle.

5 (B) ELECTION EXERCISED.—Upon receipt

6 by the Secretary of Health and Human Services

7 of a timely notification under subparagraph

8 (A)—

9 (i) the proposed sunscreen order in10

volved is deemed to be a request for an

11 order under subsection (b) of section 505G

12 of the Federal Food, Drug, and Cosmetic

13 Act, as added by section 3851 of this sub14

title; and

15 (ii) such order is deemed to have been

16 accepted for filing under subsection

17 (b)(6)(A)(i) of such section 505G.

18 (C) ELECTION NOT EXERCISED.—If a noti19

fication under subparagraph (A) is not received

20 by the Secretary of Health and Human Services

21 within 180 calendar days of the date of enact22

ment of this Act, the review of the proposed

23 sunscreen order described in subparagraph

24 (A)—

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1 (i) shall continue under section 586C

2 of the Federal Food, Drug, and Cosmetic

3 Act (21 U.S.C. 360fff–3); and

4 (ii) shall not be eligible for review

5 under section 505G, added by section 3851

6 of this subtitle.

7 (2) DEFINITIONS.—In this subsection, the

8 terms ‘‘sponsor’’, ‘‘nonprescription’’, ‘‘sunscreen ac9

tive ingredient’’, and ‘‘proposed sunscreen order’’

10 have the meanings given to those terms in section

11 586 of the Federal Food, Drug, and Cosmetic Act

12 (21 U.S.C. 360fff).

13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—

14 (1) FINAL SUNSCREEN ORDERS.—Paragraph

15 (3) of section 586C(e) of the Federal Food, Drug,

16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend17

ed to read as follows:

18 ‘‘(3) RELATIONSHIP TO ORDERS UNDER SEC19

TION 505G.—A final sunscreen order shall be deemed

20 to be a final order under section 505G.’’.

21 (2) MEETINGS.—Paragraph (7) of section

22 586C(b) of the Federal Food, Drug, and Cosmetic

23 Act (21 U.S.C. 360fff–3(b)) is amended—

24 (A) by striking ‘‘A sponsor may request’’

25 and inserting the following:

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1 ‘‘(A) IN GENERAL.—A sponsor may re2

quest’’; and

3 (B) by adding at the end the following:

4 ‘‘(B) CONFIDENTIAL MEETINGS.—A spon5

sor may request one or more confidential meet6

ings with respect to a proposed sunscreen order,

7 including a letter deemed to be a proposed sun8

screen order under paragraph (3), to discuss

9 matters relating to data requirements to sup10

port a general recognition of safety and effec11

tiveness involving confidential information and

12 public information related to such proposed

13 sunscreen order, as appropriate. The Secretary

14 shall convene a confidential meeting with such

15 sponsor in a reasonable time period. If a spon16

sor requests more than one confidential meeting

17 for the same proposed sunscreen order, the Sec18

retary may refuse to grant an additional con19

fidential meeting request if the Secretary deter20

mines that such additional confidential meeting

21 is not reasonably necessary for the sponsor to

22 advance its proposed sunscreen order, or if the

23 request for a confidential meeting fails to in24

clude sufficient information upon which to base

25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con2

fidential meeting under this subparagraph that

3 does not disclose confidential commercial infor4

mation or trade secrets. This subparagraph

5 does not authorize the disclosure of confidential

6 commercial information or trade secrets subject

7 to 552(b)(4) of title 5, United States Code, or

8 section 1905 of title 18, United States Code.’’.

9 (3) EXCLUSIVITY.—Section 586C of the Fed10

eral Food, Drug, and Cosmetic Act (21 U.S.C.

11 360fff–3) is amended by adding at the end the fol12

lowing:

13 ‘‘(f) EXCLUSIVITY.—

14 ‘‘(1) IN GENERAL.—A final sunscreen order

15 shall have the effect of authorizing solely the order

16 requestor (or the licensees, assignees, or successors

17 in interest of such requestor with respect to the sub18

ject of such request and listed under paragraph (5))

19 for a period of 18 months, to market a sunscreen in20

gredient under this section incorporating changes

21 described in paragraph (2) subject to the limitations

22 under paragraph (4), beginning on the date the re23

questor (or any licensees, assignees, or successors in

24 interest of such requestor with respect to the subject

25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant

2 to the order.

3 ‘‘(2) CHANGES DESCRIBED.—A change de4

scribed in this paragraph is a change subject to an

5 order specified in paragraph (1) that permits a sun6

screen to contain an active sunscreen ingredient not

7 previously incorporated in a marketed sunscreen list8

ed in paragraph (3).

9 ‘‘(3) MARKETED SUNSCREEN.—The marketed

10 sunscreen ingredients described in this paragraph

11 are sunscreen ingredients—

12 ‘‘(A) marketed in accordance with a final

13 monograph for sunscreen drug products set

14 forth at part 352 of title 21, Code of Federal

15 Regulations (as published at 64 Fed. Reg.

16 27687); or

17 ‘‘(B) marketed in accordance with a final

18 order issued under this section.

19 ‘‘(4) LIMITATIONS ON EXCLUSIVITY.—Only one

20 18-month period may be granted per ingredient

21 under paragraph (1).

22 ‘‘(5) LISTING OF LICENSEES, ASSIGNEES, OR

23 SUCCESSORS IN INTEREST.—Requestors shall submit

24 to the Secretary at the time when a drug subject to

25 such request is introduced or delivered for introduc476

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1 tion into interstate commerce, a list of licensees, as2

signees, or successors in interest under paragraph

3 (1).’’.

4 (4) SUNSET PROVISION.—Subchapter I of chap5

ter V of the Federal Food, Drug, and Cosmetic Act

6 (21 U.S.C. 360fff et seq.) is amended by adding at

7 the end the following:

8 **‘‘SEC. 586H. SUNSET.**

9 ‘‘This subchapter shall cease to be effective at the end

10 of fiscal year 2022.’’.

11 (5) TREATMENT OF FINAL SUNSCREEN

12 ORDER.—The Federal Food, Drug, and Cosmetic

13 Act is amended by striking section 586E of such Act

14 (21 U.S.C. 360fff–5).

15 (c) TREATMENT OF AUTHORITY REGARDING FINAL16

IZATION OF SUNSCREEN MONOGRAPH.—

17 (1) IN GENERAL.—

18 (A) REVISION OF FINAL SUNSCREEN

19 ORDER.—The Secretary of Health and Human

20 Services (referred to in this subsection as the

21 ‘‘Secretary’’) shall amend and revise the final

22 administrative order concerning nonprescription

23 sunscreen (referred to in this subsection as the

24 ‘‘sunscreen order’’) for which the content, prior

25 to the date of enactment of this Act, was rep477

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1 resented by the final monograph for sunscreen

2 drug products set forth in part 352 of title 21,

3 Code of Federal Regulations (as in effect on

4 May 21, 1999).

5 (B) ISSUANCE OF REVISED SUNSCREEN

6 ORDER; EFFECTIVE DATE.—A revised sunscreen

7 order described in subparagraph (A) shall be—

8 (i) issued in accordance with the pro9

cedures described in section 505G(b)(2) of

10 the Federal Food, Drug, and Cosmetic

11 Act;

12 (ii) issued in proposed form not later

13 than 18 months after the date of enact14

ment of this Act; and

15 (iii) issued by the Secretary at least 1

16 year prior to the effective date of the re17

vised order.

18 (2) REPORTS.—If a revised sunscreen order

19 issued under paragraph (1) does not include provi20

sions related to the effectiveness of various sun pro21

tection factor levels, and does not address all dosage

22 forms known to the Secretary to be used in sun23

screens marketed in the United States without a

24 new drug application approved under section 505 of

25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to

2 the Committee on Energy and Commerce of the

3 House of Representatives and the Committee on

4 Health, Education, Labor, and Pensions of the Sen5

ate on the rationale for omission of such provisions

6 from such order, and a plan and timeline to compile

7 any information necessary to address such provisions

8 through such order.

9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX10

TENT APPLICATIONS.—

11 (1) IN GENERAL.—Any application described in

12 section 586F of the Federal Food, Drug, and Cos13

metic Act (21 U.S.C. 360fff–6) that was submitted

14 to the Secretary pursuant to section 330.14 of title

15 21, Code of Federal Regulations, as such provisions

16 were in effect immediately prior to the date of enact17

ment date of this Act, shall be extinguished as of

18 such date of enactment, subject to paragraph (2).

19 (2) ORDER REQUEST.—Nothing in paragraph

20 (1) precludes the submission of an order request

21 under section 505G(b) of the Federal Food, Drug,

22 and Cosmetic Act, as added by section 3851 of this

23 subtitle, with respect to a drug that was the subject

24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO**2

**PRIATE PEDIATRIC INDICATION FOR CER**3

**TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec5

retary of Health and Human Services shall, beginning not

6 later than 1 year after the date of enactment of this Act,

7 annually submit to the Committee on Energy and Com8

merce of the House of Representatives and the Committee

9 on Health, Education, Labor, and Pensions of the Senate

10 a letter describing the progress of the Food and Drug Ad11

ministration—

12 (1) in evaluating the cough and cold monograph

13 described in subsection (b) with respect to children

14 under age 6; and

15 (2) as appropriate, revising such cough and cold

16 monograph to address such children through the

17 order process under section 505G(b) of the Federal

18 Food, Drug, and Cosmetic Act, as added by section

19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—

21 The cough and cold monograph described in this sub22

section consists of the conditions under which nonprescrip23

tion drugs containing antitussive, expectorant, nasal de24

congestant, or antihistamine active ingredients (or com25

binations thereof) are generally recognized as safe and ef26

fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of

2 enactment of this Act), and included in an order deemed

3 to be established under section 505G(b) of the Federal

4 Food, Drug, and Cosmetic Act, as added by section 3851

5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement

7 under subsection (a) shall terminate as of the date of a

8 letter submitted by the Secretary of Health and Human

9 Services pursuant to such subsection in which the Sec10

retary indicates that the Food and Drug Administration

11 has completed its evaluation and revised, in a final order,

12 as applicable, the cough and cold monograph as described

13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section

16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic

17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking

18 ‘‘subparagraph’’ each place such term appears and insert19

ing ‘‘paragraph’’.

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the

22 FDA Reauthorization Act of 2017 (Public Law 115–

23 52) is amended by striking ‘‘Section 744H(e)(2)(B)’’

24 and inserting ‘‘Section 744H(f)(2)(B)’’.

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1 (2) EFFECTIVE DATE.—The amendment made

2 by paragraph (1) shall take effect as of the enact3

ment of the FDA Reauthorization Act of 2017

4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the

8 amendments made in this part will be dedicated to OTC

9 monograph drug activities, as set forth in the goals identi10

fied for purposes of part 10 of subchapter C of chapter

11 VII of the Federal Food, Drug, and Cosmetic Act, in the

12 letters from the Secretary of Health and Human Services

13 to the Chairman of the Committee on Health, Education,

14 Labor, and Pensions of the Senate and the Chairman of

15 the Committee on Energy and Commerce of the House

16 of Representatives, as set forth in the Congressional

17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,

20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is

21 amended by inserting after part 9 the following:

22 **‘‘PART 10—FEES RELATING TO OVER-THE**23

**COUNTER DRUGS**

24 **‘‘SEC. 744L. DEFINITIONS.**

25 ‘‘In this part:

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1 ‘‘(1) The term ‘affiliate’ means a business enti2

ty that has a relationship with a second business en3

tity if, directly or indirectly—

4 ‘‘(A) one business entity controls, or has

5 the power to control, the other business entity;

6 or

7 ‘‘(B) a third party controls, or has power

8 to control, both of the business entities.

9 ‘‘(2) The term ‘contract manufacturing organi10

zation facility’ means an OTC monograph drug facil11

ity where neither the owner of such manufacturing

12 facility nor any affiliate of such owner or facility

13 sells the OTC monograph drug produced at such fa14

cility directly to wholesalers, retailers, or consumers

15 in the United States.

16 ‘‘(3) The term ‘costs of resources allocated for

17 OTC monograph drug activities’ means the expenses

18 in connection with OTC monograph drug activities

19 for—

20 ‘‘(A) officers and employees of the Food

21 and Drug Administration, contractors of the

22 Food and Drug Administration, advisory com23

mittees, and costs related to such officers, em24

ployees, and committees and costs related to

25 contracts with such contractors;

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1 ‘‘(B) management of information, and the

2 acquisition, maintenance, and repair of com3

puter resources;

4 ‘‘(C) leasing, maintenance, renovation, and

5 repair of facilities and acquisition, maintenance,

6 and repair of fixtures, furniture, scientific

7 equipment, and other necessary materials and

8 supplies; and

9 ‘‘(D) collecting fees under section 744M

10 and accounting for resources allocated for OTC

11 monograph drug activities.

12 ‘‘(4) The term ‘FDA establishment identifier’ is

13 the unique number automatically generated by Food

14 and Drug Administration’s Field Accomplishments

15 and Compliance Tracking System (FACTS) (or any

16 successor system).

17 ‘‘(5) The term ‘OTC monograph drug’ means a

18 nonprescription drug without an approved new drug

19 application which is governed by the provisions of

20 section 505G.

21 ‘‘(6) The term ‘OTC monograph drug activities’

22 means activities of the Secretary associated with

23 OTC monograph drugs and inspection of facilities

24 associated with such products, including the fol25

lowing activities:

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1 ‘‘(A) The activities necessary for review

2 and evaluation of OTC monographs and OTC

3 monograph order requests, including—

4 ‘‘(i) orders proposing or finalizing ap5

plicable conditions of use for OTC mono6

graph drugs;

7 ‘‘(ii) orders affecting status regarding

8 general recognition of safety and effective9

ness of an OTC monograph ingredient or

10 combination of ingredients under specified

11 conditions of use;

12 ‘‘(iii) all OTC monograph drug devel13

opment and review activities, including

14 intra-agency collaboration;

15 ‘‘(iv) regulation and policy develop16

ment activities related to OTC monograph

17 drugs;

18 ‘‘(v) development of product standards

19 for products subject to review and evalua20

tion;

21 ‘‘(vi) meetings referred to in section

22 505G(i);

23 ‘‘(vii) review of labeling prior to

24 issuance of orders related to OTC mono25

graph drugs or conditions of use; and

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1 ‘‘(viii) regulatory science activities re2

lated to OTC monograph drugs.

3 ‘‘(B) Inspections related to OTC mono4

graph drugs.

5 ‘‘(C) Monitoring of clinical and other re6

search conducted in connection with OTC

7 monograph drugs.

8 ‘‘(D) Safety activities with respect to OTC

9 monograph drugs, including—

10 ‘‘(i) collecting, developing, and review11

ing safety information on OTC monograph

12 drugs, including adverse event reports;

13 ‘‘(ii) developing and using improved

14 adverse event data-collection systems, in15

cluding information technology systems;

16 and

17 ‘‘(iii) developing and using improved

18 analytical tools to assess potential safety

19 risks, including access to external data20

bases.

21 ‘‘(E) Other activities necessary for imple22

mentation of section 505G.

23 ‘‘(7) The term ‘OTC monograph order request’

24 means a request for an order submitted under sec25

tion 505G(b)(5).

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1 ‘‘(8) The term ‘Tier 1 OTC monograph order

2 request’ means any OTC monograph order request

3 not determined to be a Tier 2 OTC monograph

4 order request.

5 ‘‘(9)(A) The term ‘Tier 2 OTC monograph

6 order request’ means, subject to subparagraph (B),

7 an OTC monograph order request for—

8 ‘‘(i) the reordering of existing information

9 in the drug facts label of an OTC monograph

10 drug;

11 ‘‘(ii) the addition of information to the

12 other information section of the drug facts label

13 of an OTC monograph drug, as limited by sec14

tion 201.66(c)(7) of title 21, Code of Federal

15 Regulations (or any successor regulations);

16 ‘‘(iii) modification to the directions for use

17 section of the drug facts label of an OTC mono18

graph drug, if such changes conform to changes

19 made pursuant to section 505G(c)(3)(A);

20 ‘‘(iv) the standardization of the concentra21

tion or dose of a specific finalized ingredient

22 within a particular finalized monograph;

23 ‘‘(v) a change to ingredient nomenclature

24 to align with nomenclature of a standards-set25

ting organization; or

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1 ‘‘(vi) addition of an interchangeable term

2 in accordance with section 330.1 of title 21,

3 Code of Federal Regulations (or any successor

4 regulations).

5 ‘‘(B) The Secretary may, based on program im6

plementation experience or other factors found ap7

propriate by the Secretary, characterize any OTC

8 monograph order request as a Tier 2 OTC mono9

graph order request (including recharacterizing a re10

quest from Tier 1 to Tier 2) and publish such deter11

mination in a proposed order issued pursuant to sec12

tion 505G.

13 ‘‘(10)(A) The term ‘OTC monograph drug facil14

ity’ means a foreign or domestic business or other

15 entity that—

16 ‘‘(i) is—

17 ‘‘(I) under one management, either di18

rect or indirect; and

19 ‘‘(II) at one geographic location or ad20

dress engaged in manufacturing or proc21

essing the finished dosage form of an OTC

22 monograph drug;

23 ‘‘(ii) includes a finished dosage form man24

ufacturer facility in a contractual relationship

25 with the sponsor of one or more OTC mono488

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1 graph drugs to manufacture or process such

2 drugs; and

3 ‘‘(iii) does not include a business or other

4 entity whose only manufacturing or processing

5 activities are one or more of the following: pro6

duction of clinical research supplies, testing, or

7 placement of outer packaging on packages con8

taining multiple products, for such purposes as

9 creating multipacks, when each monograph

10 drug product contained within the overpack11

aging is already in a final packaged form prior

12 to placement in the outer overpackaging.

13 ‘‘(B) For purposes of subparagraph (A)(i)(II),

14 separate buildings or locations within close proximity

15 are considered to be at one geographic location or

16 address if the activities conducted in such buildings

17 or locations are—

18 ‘‘(i) closely related to the same business

19 enterprise;

20 ‘‘(ii) under the supervision of the same

21 local management; and

22 ‘‘(iii) under a single FDA establishment

23 identifier and capable of being inspected by the

24 Food and Drug Administration during a single

25 inspection.

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1 ‘‘(C) If a business or other entity would meet

2 criteria specified in subparagraph (A), but for being

3 under multiple management, the business or other

4 entity is deemed to constitute multiple facilities, one

5 per management entity, for purposes of this para6

graph.

7 ‘‘(11) The term ‘OTC monograph drug meet8

ing’ means any meeting regarding the content of a

9 proposed OTC monograph order request.

10 ‘‘(12) The term ‘person’ includes an affiliate of

11 a person.

12 ‘‘(13) The terms ‘requestor’ and ‘sponsor’ have

13 the meanings given such terms in section 505G.

14 **‘‘SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO**15

**GRAPH FEES.**

16 ‘‘(a) TYPES OF FEES.—Beginning with fiscal year

17 2021, the Secretary shall assess and collect fees in accord18

ance with this section as follows:

19 ‘‘(1) FACILITY FEE.—

20 ‘‘(A) IN GENERAL.—Each person that

21 owns a facility identified as an OTC monograph

22 drug facility on December 31 of the fiscal year

23 or at any time during the preceding 12-month

24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection

2 (c).

3 ‘‘(B) EXCEPTIONS.—

4 ‘‘(i) FACILITIES THAT CEASE ACTIVI5

TIES.—A fee shall not be assessed under

6 subparagraph (A) if the identified OTC

7 monograph drug facility—

8 ‘‘(I) has ceased all activities re9

lated to OTC monograph drugs prior

10 to December 31 of the year imme11

diately preceding the applicable fiscal

12 year; and

13 ‘‘(II) has updated its registration

14 to reflect such change under the re15

quirements for drug establishment

16 registration set forth in section 510.

17 ‘‘(ii) CONTRACT MANUFACTURING OR18

GANIZATIONS.—The amount of the fee for

19 a contract manufacturing organization fa20

cility shall be equal to two-thirds of the

21 amount of the fee for an OTC monograph

22 drug facility that is not a contract manu23

facturing organization facility.

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1 ‘‘(C) AMOUNT.—The amount of fees estab2

lished under subparagraph (A) shall be estab3

lished under subsection (c).

4 ‘‘(D) DUE DATE.—

5 ‘‘(i) FOR FIRST PROGRAM YEAR.—For

6 fiscal year 2021, the facility fees required

7 under subparagraph (A) shall be due on

8 the later of—

9 ‘‘(I) the first business day of

10 July of 2020; or

11 ‘‘(II) 45 calendar days after pub12

lication of the Federal Register notice

13 provided for under subsection

14 (c)(4)(A).

15 ‘‘(ii) SUBSEQUENT FISCAL YEARS.—

16 For each fiscal year after fiscal year 2021,

17 the facility fees required under subpara18

graph (A) shall be due on the later of—

19 ‘‘(I) the first business day of

20 June of such year; or

21 ‘‘(II) the first business day after

22 the enactment of an appropriations

23 Act providing for the collection and

24 obligation of fees under this section

25 for such year.

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1 ‘‘(2) OTC MONOGRAPH ORDER REQUEST

2 FEE.—

3 ‘‘(A) IN GENERAL.—Each person that sub4

mits an OTC monograph order request shall be

5 subject to a fee for an OTC monograph order

6 request. The amount of such fee shall be—

7 ‘‘(i) for a Tier 1 OTC monograph

8 order request, $500,000, adjusted for in9

flation for the fiscal year (as determined

10 under subsection (c)(1)(B)); and

11 ‘‘(ii) for a Tier 2 OTC monograph

12 order request, $100,000, adjusted for in13

flation for the fiscal year (as determined

14 under subsection (c)(1)(B)).

15 ‘‘(B) DUE DATE.—The OTC monograph

16 order request fees required under subparagraph

17 (A) shall be due on the date of submission of

18 the OTC monograph order request.

19 ‘‘(C) EXCEPTION FOR CERTAIN SAFETY

20 CHANGES.—A person who is named as the re21

questor in an OTC monograph order shall not

22 be subject to a fee under subparagraph (A) if

23 the Secretary finds that the OTC monograph

24 order request seeks to change the drug facts la493

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1 beling of an OTC monograph drug in a way

2 that would add to or strengthen—

3 ‘‘(i) a contraindication, warning, or

4 precaution;

5 ‘‘(ii) a statement about risk associated

6 with misuse or abuse; or

7 ‘‘(iii) an instruction about dosage and

8 administration that is intended to increase

9 the safe use of the OTC monograph drug.

10 ‘‘(D) REFUND OF FEE IF ORDER REQUEST

11 IS RECATEGORIZED AS A TIER 2 OTC MONO12

GRAPH ORDER REQUEST.—If the Secretary de13

termines that an OTC monograph request ini14

tially characterized as Tier 1 shall be re-charac15

terized as a Tier 2 OTC monograph order re16

quest, and the requestor has paid a Tier 1 fee

17 in accordance with subparagraph (A)(i), the

18 Secretary shall refund the requestor the dif19

ference between the Tier 1 and Tier 2 fees de20

termined under subparagraphs (A)(i) and

21 (A)(ii), respectively.

22 ‘‘(E) REFUND OF FEE IF ORDER REQUEST

23 REFUSED FOR FILING OR WITHDRAWN BEFORE

24 FILING.—The Secretary shall refund 75 percent

25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was

2 withdrawn before being accepted or refused for

3 filing.

4 ‘‘(F) FEES FOR ORDER REQUESTS PRE5

VIOUSLY REFUSED FOR FILING OR WITHDRAWN

6 BEFORE FILING.—An OTC monograph order

7 request that was submitted but was refused for

8 filing, or was withdrawn before being accepted

9 or refused for filing, shall be subject to the full

10 fee under subparagraph (A) upon being resub11

mitted or filed over protest.

12 ‘‘(G) REFUND OF FEE IF ORDER REQUEST

13 WITHDRAWN.—If an order request is withdrawn

14 after the order request was filed, the Secretary

15 may refund the fee or a portion of the fee if no

16 substantial work was performed on the order

17 request after the application was filed. The Sec18

retary shall have the sole discretion to refund a

19 fee or a portion of the fee under this subpara20

graph. A determination by the Secretary con21

cerning a refund under this subparagraph shall

22 not be reviewable.

23 ‘‘(3) REFUNDS.—

24 ‘‘(A) IN GENERAL.—Other than refunds

25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary

2 shall not refund any fee paid under paragraph

3 (1) except as provided in subparagraph (B).

4 ‘‘(B) DISPUTES CONCERNING FEES.—To

5 qualify for the return of a fee claimed to have

6 been paid in error under paragraph (1) or (2),

7 a person shall submit to the Secretary a written

8 request justifying such return within 180 cal9

endar days after such fee was paid.

10 ‘‘(4) NOTICE.—Within the timeframe specified

11 in subsection (c), the Secretary shall publish in the

12 Federal Register the amount of the fees under para13

graph (1) for such fiscal year.

14 ‘‘(b) FEE REVENUE AMOUNTS.—

15 ‘‘(1) FISCAL YEAR 2021.—For fiscal year 2021,

16 fees under subsection (a)(1) shall be established to

17 generate a total facility fee revenue amount equal to

18 the sum of—

19 ‘‘(A) the annual base revenue for fiscal

20 year 2021 (as determined under paragraph

21 (3));

22 ‘‘(B) the dollar amount equal to the oper23

ating reserve adjustment for the fiscal year, if

24 applicable (as determined under subsection

25 (c)(2)); and

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1 ‘‘(C) additional direct cost adjustments (as

2 determined under subsection (c)(3)).

3 ‘‘(2) SUBSEQUENT FISCAL YEARS.—For each of

4 the fiscal years 2022 through 2025, fees under sub5

section (a)(1) shall be established to generate a total

6 facility fee revenue amount equal to the sum of—

7 ‘‘(A) the annual base revenue for the fiscal

8 year (as determined under paragraph (3));

9 ‘‘(B) the dollar amount equal to the infla10

tion adjustment for the fiscal year (as deter11

mined under subsection (c)(1));

12 ‘‘(C) the dollar amount equal to the oper13

ating reserve adjustment for the fiscal year, if

14 applicable (as determined under subsection

15 (c)(2));

16 ‘‘(D) additional direct cost adjustments (as

17 determined under subsection (c)(3)); and

18 ‘‘(E) additional dollar amounts for each

19 fiscal year as follows:

20 ‘‘(i) $7,000,000 for fiscal year 2022.

21 ‘‘(ii) $6,000,000 for fiscal year 2023.

22 ‘‘(iii) $7,000,000 for fiscal year 2024.

23 ‘‘(iv) $3,000,000 for fiscal year 2025.

24 ‘‘(3) ANNUAL BASE REVENUE.—For purposes

25 of paragraphs (1)(A) and (2)(A), the dollar amount

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1 of the annual base revenue for a fiscal year shall

2 be—

3 ‘‘(A) for fiscal year 2021, $8,000,000; and

4 ‘‘(B) for fiscal years 2022 through 2025,

5 the dollar amount of the total revenue amount

6 established under this subsection for the pre7

vious fiscal year, not including any adjustments

8 made under subsection (c)(2) or (c)(3).

9 ‘‘(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

10 ‘‘(1) INFLATION ADJUSTMENT.—

11 ‘‘(A) IN GENERAL.—For purposes of sub12

section (b)(2)(B), the dollar amount of the in13

flation adjustment to the annual base revenue

14 for fiscal year 2022 and each subsequent fiscal

15 year shall be equal to the product of—

16 ‘‘(i) such annual base revenue for the

17 fiscal year under subsection (b)(2); and

18 ‘‘(ii) the inflation adjustment percent19

age under subparagraph (C).

20 ‘‘(B) OTC MONOGRAPH ORDER REQUEST

21 FEES.—For purposes of subsection (a)(2), the

22 dollar amount of the inflation adjustment to the

23 fee for OTC monograph order requests for fis24

cal year 2022 and each subsequent fiscal year

25 shall be equal to the product of—

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1 ‘‘(i) the applicable fee under sub2

section (a)(2) for the preceding fiscal year;

3 and

4 ‘‘(ii) the inflation adjustment percent5

age under subparagraph (C).

6 ‘‘(C) INFLATION ADJUSTMENT PERCENT7

AGE.—The inflation adjustment percentage

8 under this subparagraph for a fiscal year is

9 equal to—

10 ‘‘(i) for each of fiscal years 2022 and

11 2023, the average annual percent change

12 that occurred in the Consumer Price Index

13 for urban consumers (Washington-Balti14

more, DC–MD–VA–WV; Not Seasonally

15 Adjusted; All items; Annual Index) for the

16 first 3 years of the preceding 4 years of

17 available data; and

18 ‘‘(ii) for each of fiscal years 2024 and

19 2025, the sum of—

20 ‘‘(I) the average annual percent

21 change in the cost, per full-time equiv22

alent position of the Food and Drug

23 Administration, of all personnel com24

pensation and benefits paid with re25

spect to such positions for the first 3

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1 years of the preceding 4 fiscal years,

2 multiplied by the proportion of per3

sonnel compensation and benefits

4 costs to total costs of OTC mono5

graph drug activities for the first 3

6 years of the preceding 4 fiscal years;

7 and

8 ‘‘(II) the average annual percent

9 change that occurred in the Consumer

10 Price Index for urban consumers

11 (Washington-Baltimore, DC–MD–VA–

12 WV; Not Seasonally Adjusted; All

13 items; Annual Index) for the first 3

14 years of the preceding 4 years of

15 available data multiplied by the pro16

portion of all costs other than per17

sonnel compensation and benefits

18 costs to total costs of OTC mono19

graph drug activities for the first 3

20 years of the preceding 4 fiscal years.

21 ‘‘(2) OPERATING RESERVE ADJUSTMENT.—

22 ‘‘(A) IN GENERAL.—For fiscal year 2021

23 and subsequent fiscal years, for purposes of

24 subsections (b)(1)(B) and (b)(2)(C), the Sec25

retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue

2 and fees if such an adjustment is necessary to

3 provide operating reserves of carryover user

4 fees for OTC monograph drug activities for not

5 more than the number of weeks specified in

6 subparagraph (B).

7 ‘‘(B) NUMBER OF WEEKS.—The number of

8 weeks specified in this subparagraph is—

9 ‘‘(i) 3 weeks for fiscal year 2021;

10 ‘‘(ii) 7 weeks for fiscal year 2022;

11 ‘‘(iii) 10 weeks for fiscal year 2023;

12 ‘‘(iv) 10 weeks for fiscal year 2024;

13 and

14 ‘‘(v) 10 weeks for fiscal year 2025.

15 ‘‘(C) DECREASE.—If the Secretary has

16 carryover balances for such process in excess of

17 10 weeks of the operating reserves referred to

18 in subparagraph (A), the Secretary shall de19

crease the fee revenue and fees referred to in

20 such subparagraph to provide for not more than

21 10 weeks of such operating reserves.

22 ‘‘(D) RATIONALE FOR ADJUSTMENT.—If

23 an adjustment under this paragraph is made,

24 the rationale for the amount of the increase or

25 decrease (as applicable) in fee revenue and fees

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1 shall be contained in the annual Federal Reg2

ister notice under paragraph (4) establishing

3 fee revenue and fees for the fiscal year involved.

4 ‘‘(3) ADDITIONAL DIRECT COST ADJUST5

MENT.—The Secretary shall, in addition to adjust6

ments under paragraphs (1) and (2), further in7

crease the fee revenue and fees for purposes of sub8

section (b)(2)(D) by an amount equal to—

9 ‘‘(A) $14,000,000 for fiscal year 2021;

10 ‘‘(B) $7,000,000 for fiscal year 2022;

11 ‘‘(C) $4,000,000 for fiscal year 2023;

12 ‘‘(D) $3,000,000 for fiscal year 2024; and

13 ‘‘(E) $3,000,000 for fiscal year 2025.

14 ‘‘(4) ANNUAL FEE SETTING.—

15 ‘‘(A) FISCAL YEAR 2021.—The Secretary

16 shall, not later than the second Monday in May

17 of 2020—

18 ‘‘(i) establish OTC monograph drug

19 facility fees for fiscal year 2021 under sub20

section (a), based on the revenue amount

21 for such year under subsection (b) and the

22 adjustments provided under this sub23

section; and

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1 ‘‘(ii) publish fee revenue, facility fees,

2 and OTC monograph order requests in the

3 Federal Register.

4 ‘‘(B) SUBSEQUENT FISCAL YEARS.—The

5 Secretary shall, for each fiscal year that begins

6 after September 30, 2021, not later than the

7 second Monday in March that precedes such fis8

cal year—

9 ‘‘(i) establish for such fiscal year,

10 based on the revenue amounts under sub11

section (b) and the adjustments provided

12 under this subsection—

13 ‘‘(I) OTC monograph drug facil14

ity fees under subsection (a)(1); and

15 ‘‘(II) OTC monograph order re16

quest fees under subsection (a)(2);

17 and

18 ‘‘(ii) publish such fee revenue

19 amounts, facility fees, and OTC mono20

graph order request fees in the Federal

21 Register.

22 ‘‘(d) IDENTIFICATION OF FACILITIES.—Each person

23 that owns an OTC monograph drug facility shall submit

24 to the Secretary the information required under this sub503

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1 section each year. Such information shall, for each fiscal

2 year—

3 ‘‘(1) be submitted as part of the requirements

4 for drug establishment registration set forth in sec5

tion 510; and

6 ‘‘(2) include for each such facility, at a min7

imum, identification of the facility’s business oper8

ation as that of an OTC monograph drug facility.

9 ‘‘(e) EFFECT OF FAILURE TO PAY FEES.—

10 ‘‘(1) OTC MONOGRAPH DRUG FACILITY FEE.—

11 ‘‘(A) IN GENERAL.—Failure to pay the fee

12 under subsection (a)(1) within 20 calendar days

13 of the due date as specified in subparagraph

14 (D) of such subsection shall result in the fol15

lowing:

16 ‘‘(i) The Secretary shall place the fa17

cility on a publicly available arrears list.

18 ‘‘(ii) All OTC monograph drugs man19

ufactured in such a facility or containing

20 an ingredient manufactured in such a facil21

ity shall be deemed misbranded under sec22

tion 502(ff).

23 ‘‘(B) APPLICATION OF PENALTIES.—The

24 penalties under this paragraph shall apply until

25 the fee established by subsection (a)(1) is paid.

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1 ‘‘(2) ORDER REQUESTS.—An OTC monograph

2 order request submitted by a person subject to fees

3 under subsection (a) shall be considered incomplete

4 and shall not be accepted for filing by the Secretary

5 until all fees owed by such person under this section

6 have been paid.

7 ‘‘(3) MEETINGS.—A person subject to fees

8 under this section shall be considered ineligible for

9 OTC monograph drug meetings until all such fees

10 owed by such person have been paid.

11 ‘‘(f) CREDITING AND AVAILABILITY OF FEES.—

12 ‘‘(1) IN GENERAL.—Fees authorized under sub13

section (a) shall be collected and available for obliga14

tion only to the extent and in the amount provided

15 in advance in appropriations Acts. Such fees are au16

thorized to remain available until expended. Such

17 sums as may be necessary may be transferred from

18 the Food and Drug Administration salaries and ex19

penses appropriation account without fiscal year lim20

itation to such appropriation account for salaries

21 and expenses with such fiscal year limitation. The

22 sums transferred shall be available solely for OTC

23 monograph drug activities.

24 ‘‘(2) COLLECTIONS AND APPROPRIATION

25 ACTS.—

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1 ‘‘(A) IN GENERAL.—Subject to subpara2

graph (C), the fees authorized by this section

3 shall be collected and available in each fiscal

4 year in an amount not to exceed the amount

5 specified in appropriation Acts, or otherwise

6 made available for obligation, for such fiscal

7 year.

8 ‘‘(B) USE OF FEES AND LIMITATION.—

9 The fees authorized by this section shall be

10 available to defray increases in the costs of the

11 resources allocated for OTC monograph drug

12 activities (including increases in such costs for

13 an additional number of full-time equivalent po14

sitions in the Department of Health and

15 Human Services to be engaged in such activi16

ties), only if the Secretary allocates for such

17 purpose an amount for such fiscal year (exclud18

ing amounts from fees collected under this sec19

tion) no less than $12,000,000, multiplied by

20 the adjustment factor applicable to the fiscal

21 year involved under subsection (c)(1).

22 ‘‘(C) COMPLIANCE.—The Secretary shall

23 be considered to have met the requirements of

24 subparagraph (B) in any fiscal year if the costs

25 funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15

2 percent below the level specified in such sub3

paragraph.

4 ‘‘(D) PROVISION FOR EARLY PAYMENTS IN

5 SUBSEQUENT YEARS.—Payment of fees author6

ized under this section for a fiscal year (after

7 fiscal year 2021), prior to the due date for such

8 fees, may be accepted by the Secretary in ac9

cordance with authority provided in advance in

10 a prior year appropriations Act.

11 ‘‘(3) AUTHORIZATION OF APPROPRIATIONS.—

12 For each of the fiscal years 2021 through 2025,

13 there is authorized to be appropriated for fees under

14 this section an amount equal to the total amount of

15 fees assessed for such fiscal year under this section.

16 ‘‘(g) COLLECTION OF UNPAID FEES.—In any case

17 where the Secretary does not receive payment of a fee as18

sessed under subsection (a) within 30 calendar days after

19 it is due, such fee shall be treated as a claim of the United

20 States Government subject to subchapter II of chapter 37

21 of title 31, United States Code.

22 ‘‘(h) CONSTRUCTION.—This section may not be con23

strued to require that the number of full-time equivalent

24 positions in the Department of Health and Human Serv25

ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced

2 to offset the number of officers, employees, and advisory

3 committees so engaged.

4 **‘‘SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE**5

**MENTS.**

6 ‘‘(a) PERFORMANCE REPORT.—Beginning with fiscal

7 year 2021, and not later than 120 calendar days after the

8 end of each fiscal year thereafter for which fees are col9

lected under this part, the Secretary shall prepare and

10 submit to the Committee on Energy and Commerce of the

11 House of Representatives and the Committee on Health,

12 Education, Labor, and Pensions of the Senate a report

13 concerning the progress of the Food and Drug Adminis14

tration in achieving the goals identified in the letters de15

scribed in section 3861(b) of the CARES Act during such

16 fiscal year and the future plans of the Food and Drug

17 Administration for meeting such goals.

18 ‘‘(b) FISCAL REPORT.—Not later than 120 calendar

19 days after the end of fiscal year 2021 and each subsequent

20 fiscal year for which fees are collected under this part,

21 the Secretary shall prepare and submit to the Committee

22 on Energy and Commerce of the House of Representatives

23 and the Committee on Health, Education, Labor, and

24 Pensions of the Senate a report on the implementation

25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees

2 collected for such fiscal year.

3 ‘‘(c) PUBLIC AVAILABILITY.—The Secretary shall

4 make the reports required under subsections (a) and (b)

5 available to the public on the internet website of the Food

6 and Drug Administration.

7 ‘‘(d) REAUTHORIZATION.—

8 ‘‘(1) CONSULTATION.—In developing rec9

ommendations to present to the Congress with re10

spect to the goals described in subsection (a), and

11 plans for meeting the goals, for OTC monograph

12 drug activities for the first 5 fiscal years after fiscal

13 year 2025, and for the reauthorization of this part

14 for such fiscal years, the Secretary shall consult

15 with—

16 ‘‘(A) the Committee on Energy and Com17

merce of the House of Representatives;

18 ‘‘(B) the Committee on Health, Education,

19 Labor, and Pensions of the Senate;

20 ‘‘(C) scientific and academic experts;

21 ‘‘(D) health care professionals;

22 ‘‘(E) representatives of patient and con23

sumer advocacy groups; and

24 ‘‘(F) the regulated industry.

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1 ‘‘(2) PUBLIC REVIEW OF RECOMMENDA2

TIONS.—After negotiations with the regulated indus3

try, the Secretary shall—

4 ‘‘(A) present the recommendations devel5

oped under paragraph (1) to the congressional

6 committees specified in such paragraph;

7 ‘‘(B) publish such recommendations in the

8 Federal Register;

9 ‘‘(C) provide for a period of 30 calendar

10 days for the public to provide written comments

11 on such recommendations;

12 ‘‘(D) hold a meeting at which the public

13 may present its views on such recommenda14

tions; and

15 ‘‘(E) after consideration of such public

16 views and comments, revise such recommenda17

tions as necessary.

18 ‘‘(3) TRANSMITTAL OF RECOMMENDATIONS.—

19 Not later than January 15, 2025, the Secretary

20 shall transmit to the Congress the revised rec21

ommendations under paragraph (2), a summary of

22 the views and comments received under such para23

graph, and any changes made to the recommenda24

tions in response to such views and comments.’’.

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1 **TITLE IV—ECONOMIC STA**2

**BILIZATION AND ASSISTANCE**

3 **TO SEVERELY DISTRESSED**

4 **SECTORS OF THE UNITED**

5 **STATES ECONOMY**

6 **Subtitle A—Coronavirus Economic**

7 **Stabilization Act of 2020**

8 **SEC. 4001. SHORT TITLE.**

9 This subtitle may be cited as the ‘‘Coronavirus Eco10

nomic Stabilization Act of 2020’’.

11 **SEC. 4002. DEFINITIONS.**

12 In this subtitle:

13 (1) AIR CARRIER.—The term ‘‘air carrier’’ has

14 the meaning such term has under section 40102 of

15 title 49, United States Code.

16 (2) CORONAVIRUS.—The term ‘‘coronavirus’’

17 means SARS-CoV-2 or another coronavirus with

18 pandemic potential.

19 (3) COVERED LOSS.—The term ‘‘covered loss’’

20 includes losses incurred directly or indirectly as a re21

sult of coronavirus, as determined by the Secretary.

22 (4) ELIGIBLE BUSINESS.—The term ‘‘eligible

23 business’’ means—

24 (A) an air carrier; or

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1 (B) a United States business that has not

2 otherwise received adequate economic relief in

3 the form of loans or loan guarantees provided

4 under this Act.

5 (5) EMPLOYEE.—Except where the context oth6

erwise requires, the term ‘‘employee’’—

7 (A) has the meaning given the term in sec8

tion 2 of the National Labor Relations Act (29

9 U.S.C. 152); and

10 (B) includes any individual employed by an

11 employer subject to the Railway Labor Act (45

12 U.S.C. 151 et seq.).

13 (6) EQUITY SECURITY; EXCHANGE.—The terms

14 ‘‘equity security’’ and ‘‘exchange’’ have the meanings

15 given the terms in section 3(a) of the Securities Ex16

change Act of 1934 (15 U.S.C. 78c(a)).

17 (7) MUNICIPALITY.—The term ‘‘municipality’’

18 includes—

19 (A) a political subdivision of a State, and

20 (B) an instrumentality of a municipality, a

21 State, or a political subdivision of a State.

22 (8) NATIONAL SECURITIES EXCHANGE.—The

23 term ‘‘national securities exchange’’ means an ex24

change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of

2 1934 (15 U.S.C. 78f).

3 (9) SECRETARY.—The term ‘‘Secretary’’ means

4 the Secretary of the Treasury, or the designee of the

5 Secretary of the Treasury.

6 (10) STATE.—The term ‘‘State’’ means—

7 (A) any of the several States;

8 (B) the District of Columbia;

9 (C) any of the territories and possessions

10 of the United States;

11 (D) any bi-State or multi-State entity; and

12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC**14

**TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi16

sion of law, to provide liquidity to eligible businesses,

17 States, and municipalities related to losses incurred as a

18 result of coronavirus, the Secretary is authorized to make

19 loans, loan guarantees, and other investments in support

20 of eligible businesses, States, and municipalities that do

21 not, in the aggregate, exceed $500,000,000,000 and pro22

vide the subsidy amounts necessary for such loans, loan

23 guarantees, and other investments in accordance with the

24 provisions of the Federal Credit Reform Act of 1990 (2

25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN2

VESTMENTS.—Loans, loan guarantees, and other invest3

ments made pursuant to subsection (a) shall be made

4 available as follows:

5 (1) Not more than $25,000,000,000 shall be

6 available to make loans and loan guarantees for pas7

senger air carriers, eligible businesses that are cer8

tified under part 145 of title 14, Code of Federal

9 Regulations, and approved to perform inspection, re10

pair, replace, or overhaul services, and ticket agents

11 (as defined in section 40102 of title 49, United

12 States Code).

13 (2) Not more than $4,000,000,000 shall be

14 available to make loans and loan guarantees for

15 cargo air carriers.

16 (3) Not more than $17,000,000,000 shall be

17 available to make loans and loan guarantees for

18 businesses critical to maintaining national security.

19 (4) Not more than the sum of

20 $454,000,000,000 and any amounts available under

21 paragraphs (1), (2), and (3) that are not used as

22 provided under those paragraphs shall be available

23 to make loans and loan guarantees to, and other in24

vestments in, programs or facilities established by

25 the Board of Governors of the Federal Reserve Sys514

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1 tem for the purpose of providing liquidity to the fi2

nancial system that supports lending to eligible busi3

nesses, States, or municipalities by—

4 (A) purchasing obligations or other inter5

ests directly from issuers of such obligations or

6 other interests;

7 (B) purchasing obligations or other inter8

ests in secondary markets or otherwise; or

9 (C) making loans, including loans or other

10 advances secured by collateral.

11 (c) TERMS AND CONDITIONS.—

12 (1) IN GENERAL.—

13 (A) FORMS; TERMS AND CONDITIONS.—A

14 loan, loan guarantee, or other investment by the

15 Secretary shall be made under this section in

16 such form and on such terms and conditions

17 and contain such covenants, representations,

18 warranties, and requirements (including re19

quirements for audits) as the Secretary deter20

mines appropriate. Any loans made by the Sec21

retary under this section shall be at a rate de22

termined by the Secretary based on the risk

23 and the current average yield on outstanding

24 marketable obligations of the United States of

25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac2

ticable, but in no case later than 10 days after

3 the date of enactment of this Act, the Secretary

4 shall publish procedures for application and

5 minimum requirements, which may be supple6

mented by the Secretary in the Secretary’s dis7

cretion, for making loans, loan guarantees, or

8 other investments under paragraphs (1), (2)

9 and (3) of subsection (b) .

10 (2) LOANS AND LOAN GUARANTEES .—The Sec11

retary may enter into agreements to make loans or

12 loan guarantees to 1 or more eligible businesses

13 under paragraphs (1), (2) and (3) of subsection (b)

14 if the Secretary determines that, in the Secretary’s

15 discretion—

16 (A) the applicant is an eligible business for

17 which credit is not reasonably available at the

18 time of the transaction;

19 (B) the intended obligation by the appli20

cant is prudently incurred;

21 (C) the loan or loan guarantee is suffi22

ciently secured or is made at a rate that—

23 (i) reflects the risk of the loan or loan

24 guarantee; and

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1 (ii) is to the extent practicable, not

2 less than an interest rate based on market

3 conditions for comparable obligations prev4

alent prior to the outbreak of the

5 coronavirus disease 2019 (COVID–19);

6 (D) the duration of the loan or loan guar7

antee is as short as practicable and in any case

8 not longer than 5 years;

9 (E) the agreement provides that, until the

10 date 12 months after the date the loan or loan

11 guarantee is no longer outstanding, neither the

12 eligible business nor any affiliate of the eligible

13 business may purchase an equity security that

14 is listed on a national securities exchange of the

15 eligible business or any parent company of the

16 eligible business, except to the extent required

17 under a contractual obligation in effect as of

18 the date of enactment of this Act;

19 (F) the agreement provides that, until the

20 date 12 months after the date the loan or loan

21 guarantee is no longer outstanding, the eligible

22 business shall not pay dividends or make other

23 capital distributions with respect to the common

24 stock of the eligible business;

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1 (G) the agreement provides that, until Sep2

tember 30, 2020, the eligible business shall

3 maintain its employment levels as of March 24,

4 2020, to the extent practicable, and in any case

5 shall not reduce its employment levels by more

6 than 10 percent from the levels on such date;

7 (H) the agreement includes a certification

8 by the eligible business that it is created or or9

ganized in the United States or under the laws

10 of the United States and has significant oper11

ations in and a majority of its employees based

12 in the United States; and

13 (I) for purposes of a loan or loan guar14

antee under paragraphs (1), (2), and (3) of

15 subsection (b), the eligible business must have

16 incurred or is expected to incur covered losses

17 such that the continued operations of the busi18

ness are jeopardized, as determined by the Sec19

retary.

20 (3) FEDERAL RESERVE PROGRAMS OR FACILI21

TIES.—

22 (A) TERMS AND CONDITIONS.—

23 (i) DEFINITION.—In this paragraph,

24 the term ‘‘direct loan’’ means a loan under

25 a bilateral loan agreement that is —

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1 (I) entered into directly with an

2 eligible business as borrower; and

3 (II) not part of a syndicated

4 loan, a loan originated by a financial

5 institution in the ordinary course of

6 business, or a securities or capital

7 markets transaction.

8 (ii) RESTRICTIONS.—The Secretary

9 may make a loan, loan guarantee, or other

10 investment under subsection (b)(4) as part

11 of a program or facility that provides di12

rect loans only if the applicable eligible

13 businesses agree—

14 (I) until the date 12 months

15 after the date on which the direct loan

16 is no longer outstanding, not to repur17

chase an equity security that is listed

18 on a national securities exchange of

19 the eligible business or any parent

20 company of the eligible business while

21 the direct loan is outstanding, except

22 to the extent required under a con23

tractual obligation that is in effect as

24 of the date of enactment of this Act;

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1 (II) until the date 12 months

2 after the date on which the direct loan

3 is no longer outstanding, not to pay

4 dividends or make other capital dis5

tributions with respect to the common

6 stock of the eligible business; and

7 (III) to comply with the limita8

tions on compensation set forth in

9 section 4004.

10 (iii) WAIVER.—The Secretary may

11 waive the requirement under clause (ii)

12 with respect to any program or facility

13 upon a determination that such waiver is

14 necessary to protect the interests of the

15 Federal Government. If the Secretary exer16

cises a waiver under this clause, the Sec17

retary shall make himself available to tes18

tify before the Committee on Banking,

19 Housing, and Urban Affairs of the Senate

20 and the Committee on Financial Services

21 of the House of Representatives regarding

22 the reasons for the waiver.

23 (B) FEDERAL RESERVE ACT TAXPAYER

24 PROTECTIONS AND OTHER REQUIREMENTS

25 APPLY.—For the avoidance of doubt, any appli520

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1 cable requirements under section 13(3) of the

2 Federal Reserve Act (12 U.S.C. 343(3)), in3

cluding requirements relating to loan

4 collateralization, taxpayer protection, and bor5

rower solvency, shall apply with respect to any

6 program or facility described in subsection

7 (b)(4).

8 (C) UNITED STATES BUSINESSES.—A pro9

gram or facility in which the Secretary makes

10 a loan, loan guarantee, or other investment

11 under subsection (b)(4) shall only purchase ob12

ligations or other interests (other than securi13

ties that are based on an index or that are

14 based on a diversified pool of securities) from,

15 or make loans or other advances to, businesses

16 that are created or organized in the United

17 States or under the laws of the United States

18 and that have significant operations in and a

19 majority of its employees based in the United

20 States.

21 (D) ASSISTANCE FOR MID-SIZED BUSI22

NESSES.—

23 (i) IN GENERAL.—Without limiting

24 the terms and conditions of the programs

25 and facilities that the Secretary may other521

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1 wise provide financial assistance to under

2 subsection (b)(4), the Secretary shall en3

deavor to seek the implementation of a

4 program or facility described in subsection

5 (b)(4) that provides financing to banks and

6 other lenders that make direct loans to eli7

gible businesses including, to the extent

8 practicable, nonprofit organizations, with

9 between 500 and 10,000 employees, with

10 such direct loans being subject to an

11 annualized interest rate that is not higher

12 than 2 percent per annum. For the first 6

13 months after any such direct loan is made,

14 or for such longer period as the Secretary

15 may determine in his discretion, no prin16

cipal or interest shall be due and payable.

17 Any eligible borrower applying for a direct

18 loan under this program shall make a

19 good-faith certification that—

20 (I) the uncertainty of economic

21 conditions as of the date of the appli22

cation makes necessary the loan re23

quest to support the ongoing oper24

ations of the recipient;

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1 (II) the funds it receives will be

2 used to retain at least 90 percent of

3 the recipient’s workforce, at full com4

pensation and benefits, until Sep5

tember 30, 2020;

6 (III) the recipient intends to re7

store not less than 90 percent of the

8 workforce of the recipient that existed

9 as of February 1, 2020, and to re10

store all compensation and benefits to

11 the workers of the recipient no later

12 than 4 months after the termination

13 date of the public health emergency

14 declared by the Secretary of Health

15 and Human Services on January 31,

16 2020, under section 319 of the Public

17 Health Services Act (42 U.S.C. 247d)

18 in response to COVID–19;

19 (IV) the recipient is an entity or

20 business that is domiciled in the

21 United States with significant oper22

ations and employees located in the

23 United States;

24 (V) the recipient is not a debtor

25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or

2 organized in the United States or

3 under the laws of the United States

4 and has significant operations in and

5 a majority of its employees based in

6 the United States;

7 (VII) the recipient will not pay

8 dividends with respect to the common

9 stock of the eligible business, or re10

purchase an equity security that is

11 listed on a national securities ex12

change of the recipient or any parent

13 company of the recipient while the di14

rect loan is outstanding, except to the

15 extent required under a contractual

16 obligation that is in effect as of the

17 date of enactment of this Act;

18 (VIII) the recipient will not

19 outsource or offshore jobs for the

20 term of the loan and 2 years after

21 completing repayment of the loan;

22 (IX) the recipient will not abro23

gate existing collective bargaining

24 agreements for the term of the loan

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1 and 2 years after completing repay2

ment of the loan; and

3 (X) that the recipient will remain

4 neutral in any union organizing effort

5 for the term of the loan.

6 (ii) MAIN STREET LENDING PRO7

GRAM.—Nothing in this subparagraph

8 shall limit the discretion of the Board of

9 Governors of the Federal Reserve System

10 to establish a Main Street Lending Pro11

gram or other similar program or facility

12 that supports lending to small and mid13

sized businesses on such terms and condi14

tions as the Board may set consistent with

15 section 13(3) of the Federal Reserve Act

16 (12 U.S.C. 343(3)), including any such

17 program in which the Secretary makes a

18 loan, loan guarantee, or other investment

19 under subsection (b)(4).

20 (E) GOVERNMENT PARTICIPANTS.—The

21 Secretary shall endeavor to seek the implemen22

tation of a program or facility in accordance

23 with subsection (b)(4) that provides liquidity to

24 the financial system that supports lending to

25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

2 (1) WARRANT OR SENIOR DEBT INSTRU3

MENT.—The Secretary may not issue a loan to, or

4 a loan guarantee for, an eligible business under

5 paragraph (1), (2), or (3) of subsection (b) unless—

6 (A)(i) the eligible business has issued secu7

rities that are traded on a national securities

8 exchange; and

9 (ii) the Secretary receives a warrant or eq10

uity interest in the eligible business; or

11 (B) in the case of any eligible business

12 other than an eligible business described in sub13

paragraph (A), the Secretary receives, in the

14 discretion of the Secretary—

15 (i) a warrant or equity interest in the

16 eligible business; or

17 (ii) a senior debt instrument issued by

18 the eligible business.

19 (2) TERMS AND CONDITIONS.—The terms and

20 conditions of any warrant, equity interest, or senior

21 debt instrument received under paragraph (1) shall

22 be set by the Secretary and shall meet the following

23 requirements:

24 (A) PURPOSES.—Such terms and condi25

tions shall be designed to provide for a reason526

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1 able participation by the Secretary, for the ben2

efit of taxpayers, in equity appreciation in the

3 case of a warrant or other equity interest, or a

4 reasonable interest rate premium, in the case of

5 a debt instrument.

6 (B) AUTHORITY TO SELL, EXERCISE, OR

7 SURRENDER.—For the primary benefit of tax8

payers, the Secretary may sell, exercise, or sur9

render a warrant or any senior debt instrument

10 received under this subsection. The Secretary

11 shall not exercise voting power with respect to

12 any shares of common stock acquired under

13 this section.

14 (C) SUFFICIENCY.—If the Secretary deter15

mines that the eligible business cannot feasibly

16 issue warrants or other equity interests as re17

quired by this subsection, the Secretary may ac18

cept a senior debt instrument in an amount and

19 on such terms as the Secretary deems appro20

priate.

21 (3) PROHIBITION ON LOAN FORGIVENESS.—

22 The principal amount of any obligation issued by an

23 eligible business, State, or municipality under a pro24

gram described in subsection (b) shall not be re25

duced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected

2 under subsection (b) shall be deposited in the following

3 order of priority:

4 (1) Into the financing accounts established

5 under section 505 of the Federal Credit Reform Act

6 of 1990 (2 U.S.C. 661d) to implement this subtitle,

7 up to an amount equal to the sum of—

8 (A) the amount transferred from the ap9

propriation made under section 4027 to the fi10

nancing accounts; and

11 (B) the amount necessary to repay any

12 amount lent from the Treasury to such financ13

ing accounts.

14 (2) After the deposits specified in paragraph

15 (1) of this subsection have been made, into the Fed16

eral Old-Age and Survivors Insurance Trust Fund

17 established under section 201(a) of the Social Secu18

rity Act (42 U.S.C. 401).

19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding

20 any other provision of law, the Secretary may use not

21 greater than $100,000,000 of the funds made available

22 under section 4027 to pay costs and administrative ex23

penses associated with the loans, loan guarantees, and

24 other investments authorized under this section. The Sec25

retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub2

title, including, without limitation—

3 (1) using direct hiring authority to hire employ4

ees to administer this subtitle;

5 (2) entering into contracts, including contracts

6 for services authorized by this subtitle;

7 (3) establishing vehicles that are authorized,

8 subject to supervision by the Secretary, to purchase,

9 hold, and sell assets and issue obligations; and

10 (4) issuing such regulations and other guidance

11 as may be necessary or appropriate to carry out the

12 authorities or purposes of this subtitle.

13 (g) FINANCIAL AGENTS.—The Secretary is author14

ized to designate financial institutions, including but not

15 limited to, depositories, brokers, dealers, and other institu16

tions, as financial agents of the United States. Such insti17

tutions shall—

18 (1) perform all reasonable duties the Secretary

19 determines necessary to respond to the coronavirus;

20 and

21 (2) be paid for such duties using appropriations

22 available to the Secretary to reimburse financial in23

stitutions in their capacity as financial agents of the

24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE2

PARTMENT OF THE TREASURY TREATED AS INDEBTED3

NESS FOR TAX PURPOSES.—

4 (1) IN GENERAL.—Any loan made by or guar5

anteed by the Department of the Treasury under

6 this section shall be treated as indebtedness for pur7

poses of the Internal Revenue Code of 1986, shall be

8 treated as issued for its stated principal amount,

9 and stated interest on such loans shall be treated as

10 qualified stated interest.

11 (2) REGULATIONS OR GUIDANCE.—The Sec12

retary of the Treasury (or the Secretary’s delegate)

13 shall prescribe such regulations or guidance as may

14 be necessary or appropriate to carry out the pur15

poses of this section, including guidance providing

16 that the acquisition of warrants, stock options, com17

mon or preferred stock or other equity under this

18 section does not result in an ownership change for

19 purposes of section 382 of the Internal Revenue

20 Code of 1986.

21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM**22

**PENSATION.**

23 (a) IN GENERAL.—The Secretary may only enter into

24 an agreement with an eligible business to make a loan or

25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe2

riod beginning on the date on which the agreement is exe3

cuted and ending on the date that is 1 year after the date

4 on which the loan or loan guarantee is no longer out5

standing—

6 (1) no officer or employee of the eligible busi7

ness whose total compensation exceeded $425,000 in

8 calendar year 2019 (other than an employee whose

9 compensation is determined through an existing col10

lective bargaining agreement entered into prior to

11 March 1, 2020)—

12 (A) will receive from the eligible business

13 total compensation which exceeds, during any

14 12 consecutive months of such period, the total

15 compensation received by the officer or em16

ployee from the eligible business in calendar

17 year 2019; or

18 (B) will receive from the eligible business

19 severance pay or other benefits upon termi20

nation of employment with the eligible business

21 which exceeds twice the maximum total com22

pensation received by the officer or employee

23 from the eligible business in calendar year

24 2019; and

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1 (2) no officer or employee of the eligible busi2

ness whose total compensation exceeded $3,000,000

3 in calendar year 2019 may receive during any 12

4 consecutive months of such period total compensa5

tion in excess of the sum of—

6 (A) $3,000,000; and

7 (B) 50 percent of the excess over

8 $3,000,000 of the total compensation received

9 by the officer or employee from the eligible

10 business in calendar year 2019.

11 (b) TOTAL COMPENSATION DEFINED.—In this sec12

tion, the term ‘‘total compensation’’ includes salary, bo13

nuses, awards of stock, and other financial benefits pro14

vided by an eligible business to an officer or employee of

15 the eligible business.

16 **SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

17 The Secretary of Transportation is authorized to re18

quire, to the extent reasonable and practicable, an air car19

rier receiving loans and loan guarantees under section

20 4003 to maintain scheduled air transportation service as

21 the Secretary of Transportation deems necessary to ensure

22 services to any point served by that carrier before March

23 1, 2020. When considering whether to exercise the author24

ity granted by this section, the Secretary of Transpor25

tation shall take into consideration the air transportation

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1 needs of small and remote communities and the need to

2 maintain well-functioning health care and pharmaceutical

3 supply chains, including for medical devices and supplies.

4 The authority under this section, including any require5

ment issued by the Secretary under this section, shall ter6

minate on March 1, 2022.

7 **SEC. 4006. COORDINATION WITH SECRETARY OF TRANS**8

**PORTATION.**

9 In implementing this subtitle with respect to air car10

riers, the Secretary shall coordinate with the Secretary of

11 Transportation.

12 **SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE**

13 **TAXES.**

14 (a) TRANSPORTATION BY AIR.—In the case of any

15 amount paid for transportation by air (including any

16 amount treated as paid for transportation by air by reason

17 of section 4261(e)(3) of the Internal Revenue Code of

18 1986) during the excise tax holiday period, no tax shall

19 be imposed under section 4261 or 4271 of such Code. The

20 preceding sentence shall not apply to amounts paid on or

21 before the date of the enactment of this Act.

22 (b) USE OF KEROSENE IN COMMERCIAL AVIATION.—

23 In the case of kerosene used in commercial aviation (as

24 defined in section 4083 of the Internal Revenue Code of

25 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene

2 under—

3 (A) section 4041(c) of the Internal Rev4

enue Code of 1986, or

5 (B) section 4081 of such Code (other than

6 at the rate provided in subsection (a)(2)(B)

7 thereof), and

8 (2) section 6427(l) of such Code shall be ap9

plied—

10 (A) by treating such use as a nontaxable

11 use, and

12 (B) without regard to paragraph (4)(A)(ii)

13 thereof.

14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of

15 this section, the term ‘‘excise tax holiday period’’ means

16 the period beginning after the date of the enactment of

17 this section and ending before January 1, 2021.

18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**

19 (a) Section 1105 of the Dodd-Frank Wall Street Re20

form and Consumer Protection Act (12 U.S.C. 5612) is

21 amended—

22 (1) in subsection (f)—

23 (A) by inserting ‘‘in noninterest-bearing

24 transaction accounts’’ after ‘‘institutions’’; and

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1 (B) by striking ‘‘shall not’’ and inserting

2 ‘‘may’’; and

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

4 ‘‘(h) APPROVAL OF GUARANTEE PROGRAM DURING

5 THE COVID–19 CRISIS.—

6 ‘‘(1) IN GENERAL.—For purposes of the con7

gressional joint resolution of approval provided for

8 in subsections (c)(1) and (2) and (d), notwith9

standing any other provision of this section, the

10 Federal Deposit Insurance Corporation is approved

11 upon enactment of this Act to establish a program

12 provided for in subsection (a), provided that any

13 such program and any such guarantee shall termi14

nate not later than December 31, 2020.

15 ‘‘(2) MAXIMUM AMOUNT.—Any debt guarantee

16 program authorized by this subsection shall include

17 a maximum amount of outstanding debt that is

18 guaranteed.’’.

19 (b) FEDERAL CREDIT UNION TRANSACTION AC20

COUNT GUARANTEES.—Notwithstanding any other provi21

sion of law and in coordination with the Federal Deposit

22 Insurance Corporation, the National Credit Union Admin23

istration Board may by a vote of the Board increase to

24 unlimited, or such lower amount as the Board approves,

25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest2

bearing transaction account in any federally insured credit

3 union without exception, provided that any such increase

4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**

6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection

8 (b), notwithstanding any other provision of law, if the

9 Chairman of the Board of Governors of the Federal Re10

serve System determines, in writing, that unusual and exi11

gent circumstances exist, the Board may conduct meetings

12 without regard to the requirements of section 552b of title

13 5, United States Code, during the period beginning on the

14 date of enactment of this Act and ending on the earlier

15 of—

16 (1) the date on which the national emergency

17 concerning the novel coronavirus disease (COVID–

18 19) outbreak declared by the President on March

19 13, 2020 under the National Emergencies Act (50

20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed23

eral Reserve System shall keep a record of all Board votes

24 and the reasons for such votes during the period described

25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ‘‘covered

3 period’’ means the period beginning on the date of enact4

ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer6

gency concerning the novel coronavirus disease

7 (COVID–19) outbreak declared by the President on

8 March 13, 2020 under the National Emergencies

9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the

12 Secretary of Housing and Urban Development, the Securi13

ties and Exchange Commission, and the Commodity Fu14

tures Trading Commission may, without regard to sections

15 3309 through 3318 of title 5, United States Code, recruit

16 and appoint candidates to fill temporary and term ap17

pointments within their respective agencies upon a deter18

mination that those expedited procedures are necessary

19 and appropriate to enable the respective agencies to pre20

vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat23

utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ‘‘any nonbank financial

26 company (as that term is defined in section 102

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1 of the Financial Stability Act of 2010 (12

2 U.S.C. 5311)),’’ after ‘‘Loans or extensions of

3 credit to’’; and

4 (B) by striking ‘‘financial institution or to’’

5 and inserting ‘‘financial institution, or to’’; and

6 (2) in subsection (d), by adding at the end of

7 paragraph (1) the following: ‘‘The Comptroller of

8 the Currency may, by order, exempt any transaction

9 or series of transactions from the requirements of

10 this section upon a finding by the Comptroller that

11 such exemption is in the public interest and con12

sistent with the purposes of this section.’’.

13 (b) EFFECTIVE PERIOD.—This section, and the

14 amendments made by this section, shall be effective during

15 the period beginning on the date of enactment of this Act

16 and ending on the sooner of—

17 (1) the termination date of the national emer18

gency concerning the novel coronavirus disease

19 (COVID–19) outbreak declared by the President on

20 March 13, 2020 under the National Emergencies

21 Act (50 U.S.C. 1601 et seq.); or

22 (2) December 31, 2020.

23 **SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

24 (a) DEFINITIONS.—In this section—

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1 (1) the term ‘‘appropriate Federal banking

2 agency’’ has the meaning given the term in section

3 2 of the Economic Growth, Regulatory Relief, and

4 Consumer Protection Act (12 U.S.C. 5365 note);

5 and

6 (2) the terms ‘‘Community Bank Leverage

7 Ratio’’ and ‘‘qualifying community bank’’ have the

8 meanings given the terms in section 201(a) of the

9 Economic Growth, Regulatory Relief, and Consumer

10 Protection Act (12 U.S.C. 5371 note).

11 (b) INTERIM RULE.—

12 (1) IN GENERAL.—Notwithstanding any other

13 provision of law or regulation, the appropriate Fed14

eral banking agencies shall issue an interim final

15 rule that provides that, for the purposes of section

16 201 of the Economic Growth, Regulatory Relief, and

17 Consumer Protection Act (12 U.S.C. 5371 note)—

18 (A) the Community Bank Leverage Ratio

19 shall be 8 percent; and

20 (B) a qualifying community bank that falls

21 below the Community Bank Leverage Ratio es22

tablished under subparagraph (A) shall have a

23 reasonable grace period to satisfy the Commu24

nity Bank Leverage Ratio.

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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 ap4

propriate Federal banking agencies issue the rule

5 and ending on the sooner of—

6 (A) the termination date of the national

7 emergency concerning the novel coronavirus dis8

ease (COVID–19) outbreak declared by the

9 President on March 13, 2020 under the Na10

tional Emergencies Act (50 U.S.C. 1601 et

11 seq.); or

12 (B) December 31, 2020.

13 (c) GRACE PERIOD.—During a grace period de14

scribed in subsection (b)(1)(B), a qualifying community

15 bank to which the grace period applies may continue to

16 be treated as a qualifying community bank and shall be

17 presumed to satisfy the capital and leverage requirements

18 described in section 201(c) of the Economic Growth, Reg19

ulatory Relief, and Consumer Protection Act (12 U.S.C.

20 5371 note).

21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**

22 **RESTRUCTURINGS.**

23 (a) DEFINITIONS.—In this section:

24 (1) APPLICABLE PERIOD.—The term ‘‘applica25

ble period’’ means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,

2 2020, or the date that is 60 days after the date on

3 which the national emergency concerning the novel

4 coronavirus disease (COVID–19) outbreak declared

5 by the President on March 13, 2020 under the Na6

tional Emergencies Act (50 U.S.C. 1601 et seq.) ter7

minates.

8 (2) APPROPRIATE FEDERAL BANKING AGEN9

CY.—The term ‘‘appropriate Federal banking agen10

cy’’—

11 (A) has the meaning given the term in sec12

tion 3 of the Federal Deposit Insurance Act (12

13 U.S.C. 1813); and

14 (B) includes the National Credit Union

15 Administration.

16 (b) SUSPENSION.—

17 (1) IN GENERAL.—During the applicable pe18

riod, a financial institution may elect to—

19 (A) suspend the requirements under

20 United States generally accepted accounting

21 principles for loan modifications related to the

22 coronavirus disease 2019 (COVID–19) pan23

demic that would otherwise be categorized as a

24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan

2 modified as a result of the effects of the

3 coronavirus disease 2019 (COVID–19) pan4

demic as being a troubled debt restructuring,

5 including impairment for accounting purposes.

6 (2) APPLICABILITY.—Any suspension under

7 paragraph (1)—

8 (A) shall be applicable for the term of the

9 loan modification, but solely with respect to any

10 modification, including a forbearance arrange11

ment, an interest rate modification, a repay12

ment plan, and any other similar arrangement

13 that defers or delays the payment of principal

14 or interest, that occurs during the applicable

15 period for a loan that was not more than 30

16 days past due as of December 31, 2019; and

17 (B) shall not apply to any adverse impact

18 on the credit of a borrower that is not related

19 to the coronavirus disease 2019 (COVID–19)

20 pandemic.

21 (c) DEFERENCE.—The appropriate Federal banking

22 agency of the financial institution shall defer to the deter23

mination of the financial institution to make a suspension

24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen2

sions under subsection (a) apply—

3 (1) financial institutions should continue to

4 maintain records of the volume of loans involved;

5 and

6 (2) the appropriate Federal banking agencies

7 may collect data about such loans for supervisory

8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**

10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:

12 (1) APPROPRIATE FEDERAL BANKING AGEN13

CY.—The term ‘‘appropriate Federal banking agen14

cy’’—

15 (A) has the meaning given the term in sec16

tion 3 of the Federal Deposit Insurance Act (12

17 U.S.C. 1813); and

18 (B) includes the National Credit Union

19 Administration.

20 (2) INSURED DEPOSITORY INSTITUTION.—The

21 term ‘‘insured depository institution’’—

22 (A) has the meaning given the term in sec23

tion 3 of the Federal Deposit Insurance Act (12

24 U.S.C. 1813); and

25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND2

ARDS.—Notwithstanding any other provision of law, no in3

sured depository institution, bank holding company, or

4 any affiliate thereof shall be required to comply with the

5 Financial Accounting Standards Board Accounting Stand6

ards Update No. 2016–13 (‘‘Measurement of Credit

7 Losses on Financial Instruments’’), including the current

8 expected credit losses methodology for estimating allow9

ances for credit losses, during the period beginning on the

10 date of enactment of this Act and ending on the earlier

11 of—

12 (1) the date on which the national emergency

13 concerning the novel coronavirus disease (COVID–

14 19) outbreak declared by the President on March

15 13, 2020 under the National Emergencies Act (50

16 U.S.C. 1601 et seq.) terminates; or

17 (2) December 31, 2020.

18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**

19 **DURING NATIONAL EMERGENCY.**

20 (a) IN GENERAL.—Section 131 of the Emergency

21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)

22 shall not apply during the period beginning on the date

23 of enactment of this Act and ending on December 31,

24 2020. Any guarantee established as a result of the applica25

tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value

2 of a shareholder’s account in a participating fund as

3 of the close of business on the day before the an4

nouncement of the guarantee; and

5 (2) terminate not later than December 31,

6 2020.

7 (b) DIRECT APPROPRIATION.—Upon the expiration

8 of the period described in subsection (a), there is appro9

priated, out of amounts in the Treasury not otherwise ap10

propriated, such sums as may be necessary to reimburse

11 the fund established under section 5302(a)(1) of title 31,

12 United States Code, for any funds that are used for the

13 Treasury Money Market Funds Guaranty Program for the

14 United States money market mutual fund industry to the

15 extent a claim payment made exceeds the balance of fees

16 collected by the fund.

17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**

18 (a) IN GENERAL.—

19 (1) DEFINITIONS.—Section 302(1) of the Fed20

eral Credit Union Act (12 U.S.C. 1795a(1)) is

21 amended, in the matter preceding subparagraph (A),

22 by striking ‘‘primarily serving natural persons’’.

23 (2) MEMBERSHIP.—Section 304(b)(2) of the

24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))

25 is amended by striking ‘‘all those credit unions’’ and

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1 inserting ‘‘such credit unions as the Board may in

2 its discretion determine’’.

3 (3) EXTENSIONS OF CREDIT.—Section

4 306(a)(1) of the Federal Credit Union Act (12

5 U.S.C. 1795e(a)(1)) is amended, in the second sen6

tence, by striking ‘‘the intent of which is to expand

7 credit union portfolios’’ and inserting ‘‘without first

8 having obtained evidence from the applicant that the

9 applicant has made reasonable efforts to first use

10 primary sources of liquidity of the applicant, includ11

ing balance sheet and market funding sources, to

12 address the liquidity needs of the applicant’’.

13 (4) POWERS OF THE BOARD.—Section

14 307(a)(4)(A) of the Federal Credit Union Act (12

15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ‘‘,

16 provided that, the total face value of such obliga17

tions shall not exceed 16 times the subscribed cap18

ital stock and surplus of the Facility for the period

19 beginning on the date of enactment of the

20 Coronavirus Economic Stabilization Act of 2020 and

21 ending on December 31, 2020’’ after ‘‘Facility’’.

22 (b) SUNSET.—

23 (1) IN GENERAL.—

24 (A) DEFINITIONS.—Section 302(1) of the

25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara2

graph (A), by inserting ‘‘primarily serving nat3

ural persons’’ after ‘‘credit unions’’.

4 (B) MEMBERSHIP.—Section 304(b)(2) of

5 the Federal Credit Union Act (12 U.S.C.

6 1795c(b)(2)) is amended by striking ‘‘such

7 credit unions as the Board may in its discretion

8 determine’’ and inserting ‘‘all those credit

9 unions’’.

10 (C) EXTENSIONS OF CREDIT.—Section

11 306(a)(1) of the Federal Credit Union Act (12

12 U.S.C. 1795e(a)(1)) is amended, in the second

13 sentence, by striking ‘‘without first having ob14

tained evidence from the applicant that the ap15

plicant has made reasonable efforts to first use

16 primary sources of liquidity of the applicant, in17

cluding balance sheet and market funding

18 sources, to address the liquidity needs of the

19 applicant’’ and inserting ‘‘the intent of which is

20 to expand credit union portfolios’’.

21 (2) EFFECTIVE DATE.—The amendments made

22 by paragraph (1) shall take effect on December 31,

23 2020.

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1 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**

2 **FOR NATIONAL SECURITY AND PANDEMIC**

3 **RECOVERY.**

4 Notwithstanding any other provision of law—

5 (1) during the 2-year period beginning on the

6 date of enactment of this Act, the requirements de7

scribed in sections 303(a)(6)(C) and 304(e) of the

8 Defense Production Act of 1950 (50 U.S.C.

9 4533(a)(6)(C), 4534(e)) shall not apply; and

10 (2) during the 1-year period beginning on the

11 date of enactment of this Act, the requirements de12

scribed in sections 302(d)(1) and 303 (a)(6)(B) of

13 the Defense Production Act of 1950 (50 U.S.C.

14 4532(d)(1), 4533(a)(6)(B)) shall not apply.

15 **SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC**

16 **RECOVERY.**

17 (a) OFFICE OF INSPECTOR GENERAL.—There is

18 hereby established within the Department of the Treasury

19 the Office of the Special Inspector General for Pandemic

20 Recovery.

21 (b) APPOINTMENT OF INSPECTOR GENERAL; RE22

MOVAL.—

23 (1) IN GENERAL.—The head of the Office of

24 the Special Inspector General for Pandemic Recov25

ery shall be the Special Inspector General for Pan26

demic Recovery (referred to in this section as the

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1 ‘‘Special Inspector General’’), who shall be appointed

2 by the President, by and with the advice and consent

3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe5

cial Inspector General shall be made on the basis of

6 integrity and demonstrated ability in accounting, au7

diting, financial analysis, law, management analysis,

8 public administration, or investigations. The nomina9

tion of an individual as Special Inspector General

10 shall be made as soon as practicable after any loan,

11 loan guarantee, or other investment is made under

12 section 4003.

13 (3) REMOVAL.—The Special Inspector General

14 shall be removable from office in accordance with

15 the provisions of section 3(b) of the Inspector Gen16

eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec18

tion 7324 of title 5, United States Code, the Special

19 Inspector General shall not be considered an em20

ployee who determines policies to be pursued by the

21 United States in the nationwide administration of

22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay

24 of the Special Inspector General shall be the annual

25 rate of basic pay for an Inspector General under sec549

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1 tion 3(e) of the Inspector General Act of 1978 (5

2 U.S.C. App.).

3 (c) DUTIES.—

4 (1) IN GENERAL.—It shall be the duty of the

5 Special Inspector General to, in accordance with sec6

tion 4(b)(1) of the Inspector General Act of 1978 (5

7 U.S.C. App.), conduct, supervise, and coordinate au8

dits and investigations of the making, purchase,

9 management, and sale of loans, loan guarantees, and

10 other investments made by the Secretary of the

11 Treasury under any program established by the Sec12

retary under this Act, and the management by the

13 Secretary of any program established under this Act,

14 including by collecting and summarizing the fol15

lowing information:

16 (A) A description of the categories of the

17 loans, loan guarantees, and other investments

18 made by the Secretary.

19 (B) A listing of the eligible businesses re20

ceiving loan, loan guarantees, and other invest21

ments made under each category described in

22 subparagraph (A).

23 (C) An explanation of the reasons the Sec24

retary determined it to be appropriate to make

25 each loan or loan guarantee under this Act, in550

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1 cluding a justification of the price paid for, and

2 other financial terms associated with, the appli3

cable transaction.

4 (D) A listing of, and detailed biographical

5 information with respect to, each person hired

6 to manage or service each loan, loan guarantee,

7 or other investment made under section 4003.

8 (E) A current, as of the date on which the

9 information is collected, estimate of the total

10 amount of each loan, loan guarantee, and other

11 investment made under this Act that is out12

standing, the amount of interest and fees ac13

crued and received with respect to each loan or

14 loan guarantee, the total amount of matured

15 loans, the type and amount of collateral, if any,

16 and any losses or gains, if any, recorded or ac17

crued for each loan, loan guarantee, or other in18

vestment.

19 (2) MAINTENANCE OF SYSTEMS.—The Special

20 Inspector General shall establish, maintain, and

21 oversee such systems, procedures, and controls as

22 the Special Inspector General considers appropriate

23 to discharge the duties of the Special Inspector Gen24

eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL2

ITIES.—In addition to the duties described in para3

graphs (1) and (2), the Special Inspector General

4 shall also have the duties and responsibilities of in5

spectors general under the Inspector General Act of

6 1978 (5 U.S.C. App.).

7 (d) POWERS AND AUTHORITIES.—

8 (1) IN GENERAL.—In carrying out the duties of

9 the Special Inspector General under subsection (c),

10 the Special Inspector General shall have the authori11

ties provided in section 6 of the Inspector General

12 Act of 1978 (5 U.S.C. App.).

13 (2) TREATMENT OF OFFICE.—The Office of the

14 Special Inspector General for Pandemic Recovery

15 shall be considered to be an office described in sec16

tion 6(f)(3) of the Inspector General Act of 1978 (5

17 U.S.C. App.) and shall be exempt from an initial de18

termination by the Attorney General under section

19 6(f)(2) of that Act.

20 (e) PERSONNEL, FACILITIES, AND OTHER RE21

SOURCES.—

22 (1) APPOINTMENT OF OFFICERS AND EMPLOY23

EES.—The Special Inspector General may select, ap24

point, and employ such officers and employees as

25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions

2 of title 5, United States Code, governing appoint3

ments in the competitive service, and the provisions

4 of chapter 51 and subchapter III of chapter 53 of

5 that title, relating to classification and General

6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special

8 Inspector General may obtain services as authorized

9 under section 3109 of title 5, United States Code,

10 at daily rates not to exceed the equivalent rate pre11

scribed for grade GS–15 of the General Schedule by

12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen14

eral may enter into contracts and other arrange15

ments for audits, studies, analyses, and other serv16

ices with public agencies and with private persons,

17 and make such payments as may be necessary to

18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the

21 Special Inspector General for information or as22

sistance from any department, agency, or other

23 entity of the Federal Government, the head of

24 that department, agency, or entity shall, to the

25 extent practicable and not in contravention of

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1 any existing law, furnish that information or

2 assistance to the Special Inspector General, or

3 an authorized designee.

4 (B) REFUSAL TO PROVIDE REQUESTED IN5

FORMATION.—Whenever information or assist6

ance requested by the Special Inspector General

7 is, in the judgment of the Special Inspector

8 General, unreasonably refused or not provided,

9 the Special Inspector General shall report the

10 circumstances to the appropriate committees of

11 Congress without delay.

12 (f) REPORTS.—

13 (1) QUARTERLY REPORTS.—

14 (A) IN GENERAL.—Not later than 60 days

15 after the date on which the Special Inspector

16 General is confirmed, and once every calendar

17 quarter thereafter, the Special Inspector Gen18

eral shall submit to the appropriate committees

19 of Congress a report summarizing the activities

20 of the Special Inspector General during the 3-

21 month period ending on the date on which the

22 Special Inspector General submits the report.

23 (B) CONTENTS.—Each report submitted

24 under subparagraph (A) shall include, for the

25 period covered by the report, a detailed state554

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1 ment of all loans, loan guarantees, other trans2

actions, obligations, expenditures, and revenues

3 associated with any program established by the

4 Secretary under section 4003, as well as the in5

formation collected under subsection (c)(1).

6 (2) RULE OF CONSTRUCTION.—Nothing in this

7 subsection may be construed to authorize the public

8 disclosure of information that is—

9 (A) specifically prohibited from disclosure

10 by any other provision of law;

11 (B) specifically required by Executive order

12 to be protected from disclosure in the interest

13 of national defense or national security or in

14 the conduct of foreign affairs; or

15 (C) a part of an ongoing criminal inves16

tigation.

17 (g) FUNDING.—

18 (1) IN GENERAL.—Of the amounts made avail19

able to the Secretary under section 4027,

20 $25,000,000 shall be made available to the Special

21 Inspector General to carry out this section.

22 (2) AVAILABILITY.—The amounts made avail23

able to the Special Inspector General under para24

graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec2

tor General shall terminate on the date 5 years after the

3 enactment of this Act.

4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN5

TEGRITY AND EFFICIENCY.—The Special Inspector Gen6

eral shall be a member of the Council of the Inspectors

7 General on Integrity and Efficiency established under sec8

tion 11 of the Inspector General Act of 1978 (5 U.S.C.

9 App.) until the date of termination of the Office of the

10 Special Inspector General.

11 (j) CORRECTIVE RESPONSES TO AUDIT PROB12

LEMS.—The Secretary shall—

13 (1) take action to address deficiencies identified

14 by a report or investigation of the Special Inspector

15 General; or

16 (2) with respect to a deficiency identified under

17 paragraph (1), certify to the Committee on Banking,

18 Housing, and Urban Affairs of the Senate, the Com19

mittee on Finance of the Senate, the Committee on

20 Financial Services of the House of Representatives,

21 and the Committee on Ways and Means of the

22 House of Representatives that no action is necessary

23 or appropriate.

24 **SEC. 4019. CONFLICTS OF INTEREST.**

25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ‘‘con2

trolling interest’’ means owning, controlling, or hold3

ing not less than 20 percent, by vote or value, of the

4 outstanding amount of any class of equity interest in

5 an entity.

6 (2) COVERED ENTITY.—The term ‘‘covered en7

tity’’ means an entity in which a covered individual

8 directly or indirectly holds a controlling interest. For

9 the purpose of determining whether an entity is a

10 covered entity, the securities owned, controlled, or

11 held by 2 or more individuals who are related as de12

scribed in paragraph (3)(B) shall be aggregated.

13 (3) COVERED INDIVIDUAL.—The term ‘‘covered

14 individual’’ means—

15 (A) the President, the Vice President, the

16 head of an Executive department, or a Member

17 of Congress; and

18 (B) the spouse, child, son-in-law, or daugh19

ter-in-law, as determined under applicable com20

mon law, of an individual described in subpara21

graph (A).

22 (4) EXECUTIVE DEPARTMENT.—The term ‘‘Ex23

ecutive department’’ has the meaning given the term

24 in section 101 of title 5, United States Code.

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1 (5) MEMBER OF CONGRESS.—The term ‘‘mem2

ber of Congress’’ means a member of the Senate or

3 House of Representatives, a Delegate to the House

4 of Representatives, and the Resident Commissioner

5 from Puerto Rico.

6 (6) EQUITY INTEREST.—The term ‘‘equity in7

terest’’ means—

8 (A) a share in an entity, without regard to

9 whether the share is—

10 (i) transferable; or

11 (ii) classified as stock or anything

12 similar;

13 (B) a capital or profit interest in a limited

14 liability company or partnership; or

15 (C) a warrant or right, other than a right

16 to convert, to purchase, sell, or subscribe to a

17 share or interest described in subparagraph (A)

18 or (B), respectively.

19 (b) PROHIBITION.—Notwithstanding any other provi20

sion of this subtitle, no covered entity may be eligible for

21 any transaction described in section 4003.

22 (c) REQUIREMENT.—The principal executive officer

23 and the principal financial officer, or individuals per24

forming similar functions, of an entity seeking to enter

25 a transaction under section 4003 shall, before that trans558

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1 action is approved, certify to the Secretary and the Board

2 of Governors of the Federal Reserve System that the enti3

ty is eligible to engage in that transaction, including that

4 the entity is not a covered entity.

5 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

6 (a) ESTABLISHMENT.—There is hereby established

7 the Congressional Oversight Commission (hereafter in this

8 section referred to as the ‘‘Oversight Commission’’) as an

9 establishment in the legislative branch.

10 (b) DUTIES.—

11 (1) IN GENERAL.—The Oversight Commission

12 shall—

13 (A) conduct oversight of the implementa14

tion of this subtitle by the Department of the

15 Treasury and the Board of Governors of the

16 Federal Reserve System, including efforts of

17 the Department and the Board to provide eco18

nomic stability as a result of the coronavirus

19 disease 2019 (COVID–19) pandemic of 2020;

20 (B) submit to Congress reports under

21 paragraph (2); and

22 (C) review the implementation of this sub23

title by the Federal Government.

24 (2) REGULAR REPORTS.—

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1 (A) IN GENERAL.—Reports of the Over2

sight Commission shall include the following:

3 (i) The use by the Secretary and the

4 Board of Governors of the Federal Reserve

5 System of authority under this subtitle, in6

cluding with respect to the use of con7

tracting authority and administration of

8 the provisions of this subtitle.

9 (ii) The impact of loans, loan guaran10

tees, and investments made under this sub11

title on the financial well-being of the peo12

ple of the United States and the United

13 States economy, financial markets, and fi14

nancial institutions.

15 (iii) The extent to which the informa16

tion made available on transactions under

17 this subtitle has contributed to market

18 transparency.

19 (iv) The effectiveness of loans, loan

20 guarantees, and investments made under

21 this subtitle of minimizing long-term costs

22 to the taxpayers and maximizing the bene23

fits for taxpayers.

24 (B) TIMING.—The reports required under

25 this paragraph shall be submitted not later

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1 than 30 days after the first exercise by the Sec2

retary and the Board of Governors of the Fed3

eral Reserve System of the authority under this

4 subtitle and every 30 days thereafter.

5 (c) MEMBERSHIP.—

6 (1) IN GENERAL.—The Oversight Commission

7 shall consist of 5 members as follows:

8 (A) 1 member appointed by the Speaker of

9 the House of Representatives.

10 (B) 1 member appointed by the minority

11 leader of the House of Representatives.

12 (C) 1 member appointed by the majority

13 leader of the Senate.

14 (D) 1 member appointed by the minority

15 leader of the Senate.

16 (E) 1 member appointed as Chairperson by

17 the Speaker of the House of Representatives

18 and the majority leader of the Senate, after

19 consultation with the minority leader of the

20 Senate and the minority leader of the House of

21 Representatives

22 (2) PAY.—Each member of the Oversight Com23

mission shall be paid at a rate equal to the daily

24 equivalent of the annual rate of basic pay for level

25 I of the Executive Schedule for each day (including

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1 travel time) during which such member is engaged

2 in the actual performance of duties vested in the

3 Oversight Commission.

4 (3) PROHIBITION OF COMPENSATION OF FED5

ERAL EMPLOYEES.—Members of the Oversight Com6

mission who are full-time officers or employees of

7 the United States may not receive additional pay, al8

lowances, or benefits by reason of their service on

9 the Oversight Commission.

10 (4) TRAVEL EXPENSES.—Each member shall

11 receive travel expenses, including per diem in lieu of

12 subsistence, in accordance with applicable provisions

13 under subchapter I of chapter 57 of title 5, United

14 States Code.

15 (5) QUORUM.—Four members of the Oversight

16 Commission shall constitute a quorum but a lesser

17 number may hold hearings.

18 (6) VACANCIES.—A vacancy on the Oversight

19 Commission shall be filled in the manner in which

20 the original appointment was made.

21 (7) MEETINGS.—The Oversight Commission

22 shall meet at the call of the Chairperson or a major23

ity of its members.

24 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission

2 may appoint and fix the pay of any personnel as the

3 Oversight Commission considers appropriate.

4 (2) EXPERTS AND CONSULTANTS.—The Over5

sight Commission may procure temporary and inter6

mittent services under section 3109(b) of title 5,

7 United States Code.

8 (3) STAFF OF AGENCIES.—Upon request of the

9 Oversight Commission, the head of any Federal de10

partment or agency may detail, on a reimbursable

11 basis, any of the personnel of that department or

12 agency to the Oversight Commission to assist it in

13 carrying out its duties under the this subtitle.

14 (e) POWERS.—

15 (1) HEARINGS AND EVIDENCE.—The Oversight

16 Commission, or any subcommittee or member there17

of, may, for the purpose of carrying out this section

18 hold hearings, sit and act at times and places, take

19 testimony, and receive evidence as the Oversight

20 Commission considers appropriate and may admin21

ister oaths or affirmations to witnesses appearing

22 before it.

23 (2) CONTRACTING.—The Oversight Commission

24 may, to such extent and in such amounts as are pro25

vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its

2 duties under this section.

3 (3) POWERS OF MEMBERS AND AGENTS.—Any

4 member or agent of the Oversight Commission may,

5 if authorized by the Oversight Commission, take any

6 action which the Oversight Commission is authorized

7 to take by this section.

8 (4) OBTAINING OFFICIAL DATA.—The Over9

sight Commission may secure directly from any de10

partment or agency of the United States information

11 necessary to enable it to carry out this section. Upon

12 request of the Chairperson of the Oversight Commis13

sion, the head of that department or agency shall

14 furnish that information to the Oversight Commis15

sion.

16 (5) REPORTS.—The Oversight Commission

17 shall receive and consider all reports required to be

18 submitted to the Oversight Commission under this

19 subtitle.

20 (f) TERMINATION.—The Oversight Commission shall

21 terminate on September 30, 2025.

22 (g) FUNDING FOR EXPENSES.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Over25

sight Commission such sums as may be necessary

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1 for any fiscal year, half of which shall be derived

2 from the applicable account of the House of Rep3

resentatives, and half of which shall be derived from

4 the contingent fund of the Senate.

5 (2) REIMBURSEMENT OF AMOUNTS.—An

6 amount equal to the expenses of the Oversight Com7

mission shall be promptly transferred by the Sec8

retary and the Board of Governors of the Federal

9 Reserve System, from time to time upon the present10

ment of a statement of such expenses by the Chair11

person of the Oversight Commission, from funds

12 made available to the Secretary under this subtitle

13 to the applicable fund of the House of Representa14

tives and the contingent fund of the Senate, as ap15

propriate, as reimbursement for amounts expended

16 from such account and fund under paragraph (1).

17 **SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

18 Section 623(a)(1) of the Fair Credit Reporting Act

19 (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the

20 end the following:

21 ‘‘(F) REPORTING INFORMATION DURING

22 COVID–19 PANDEMIC.—

23 ‘‘(i) DEFINITIONS.—In this sub24

section:

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1 ‘‘(I) ACCOMMODATION.—The

2 term ‘accommodation’ includes an

3 agreement to defer 1 or more pay4

ments, make a partial payment, for5

bear any delinquent amounts, modify

6 a loan or contract, or any other assist7

ance or relief granted to a consumer

8 who is affected by the coronavirus dis9

ease 2019 (COVID–19) pandemic

10 during the covered period.

11 ‘‘(II) COVERED PERIOD.—The

12 term ‘covered period’ means the pe13

riod beginning on January 31, 2020

14 and ending on the later of—

15 ‘‘(aa) 120 days after the

16 date of enactment of this sub17

paragraph; or

18 ‘‘(bb) 120 days after the

19 date on which the national emer20

gency concerning the novel

21 coronavirus disease (COVID–19)

22 outbreak declared by the Presi23

dent on March 13, 2020 under

24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi2

nates.

3 ‘‘(ii) REPORTING.—Except as pro4

vided in clause (iii), if a furnisher makes

5 an accommodation with respect to 1 or

6 more payments on a credit obligation or

7 account of a consumer, and the consumer

8 makes the payments or is not required to

9 make 1 or more payments pursuant to the

10 accommodation, the furnisher shall—

11 ‘‘(I) report the credit obligation

12 or account as current; or

13 ‘‘(II) if the credit obligation or

14 account was delinquent before the ac15

commodation—

16 ‘‘(aa) maintain the delin17

quent status during the period in

18 which the accommodation is in

19 effect; and

20 ‘‘(bb) if the consumer brings

21 the credit obligation or account

22 current during the period de23

scribed in item (aa), report the

24 credit obligation or account as

25 current.

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1 ‘‘(iii) EXCEPTION.—Clause (ii) shall

2 not apply with respect to a credit obliga3

tion or account of a consumer that has

4 been charged-off.’’.

5 **SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER**

6 **RIGHT TO REQUEST FORBEARANCE.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVID–19 EMERGENCY.—The term

9 ‘‘COVID–19 emergency’’ means the national emer10

gency concerning the novel coronavirus disease

11 (COVID–19) outbreak declared by the President on

12 March 13, 2020 under the National Emergencies

13 Act (50 U.S.C. 1601 et seq.).

14 (2) FEDERALLY BACKED MORTGAGE LOAN.—

15 The term ‘‘Federally backed mortgage loan’’ in16

cludes any loan which is secured by a first or subor17

dinate lien on residential real property (including in18

dividual units of condominiums and cooperatives) de19

signed principally for the occupancy of from 1- to 4-

20 families that is—

21 (A) insured by the Federal Housing Ad22

ministration under title II of the National

23 Housing Act (12 U.S.C. 1707 et seq.);

24 (B) insured under section 255 of the Na25

tional Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A

2 of the Housing and Community Development

3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–

4 13b);

5 (D) guaranteed or insured by the Depart6

ment of Veterans Affairs;

7 (E) guaranteed or insured by the Depart8

ment of Agriculture;

9 (F) made by the Department of Agri10

culture; or

11 (G) purchased or securitized by the Fed12

eral Home Loan Mortgage Corporation or the

13 Federal National Mortgage Association.

14 (b) FORBEARANCE.—

15 (1) IN GENERAL.—During the covered period, a

16 borrower with a Federally backed mortgage loan ex17

periencing a financial hardship due, directly or indi18

rectly, to the COVID–19 emergency may request

19 forbearance on the Federally backed mortgage loan,

20 regardless of delinquency status, by—

21 (A) submitting a request to the borrower’s

22 servicer; and

23 (B) affirming that the borrower is experi24

encing a financial hardship during the COVID–

25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re2

quest by a borrower for forbearance under para3

graph (1), such forbearance shall be granted for up

4 to 180 days, and shall be extended for an additional

5 period of up to 180 days at the request of the bor6

rower, provided that, at the borrower’s request, ei7

ther the initial or extended period of forbearance

8 may be shortened.

9 (3) ACCRUAL OF INTEREST OR FEES.—During

10 a period of forbearance described in this subsection,

11 no fees, penalties, or interest beyond the amounts

12 scheduled or calculated as if the borrower made all

13 contractual payments on time and in full under the

14 terms of the mortgage contract, shall accrue on the

15 borrower’s account.

16 (c) REQUIREMENTS FOR SERVICERS.—

17 (1) IN GENERAL.—Upon receiving a request for

18 forbearance from a borrower under subsection (b),

19 the servicer shall with no additional documentation

20 required other than the borrower’s attestation to a

21 financial hardship caused by the COVID–19 emer22

gency and with no fees, penalties, or interest (be23

yond the amounts scheduled or calculated as if the

24 borrower made all contractual payments on time and

25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for2

bearance, provide the forbearance for up to 180

3 days, which may be extended for an additional pe4

riod of up to 180 days at the request of the bor5

rower, provided that, the borrower’s request for an

6 extension is made during the covered period, and, at

7 the borrower’s request, either the initial or extended

8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with

10 respect to a vacant or abandoned property, a

11 servicer of a Federally backed mortgage loan may

12 not initiate any judicial or non-judicial foreclosure

13 process, move for a foreclosure judgment or order of

14 sale, or execute a foreclosure-related eviction or fore15

closure sale for not less than the 60-day period be16

ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**

18 **LOAN PAYMENTS FOR MULTIFAMILY PROP**19

**ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul21

tifamily borrower with a Federally backed multifamily

22 mortgage loan experiencing a financial hardship due, di23

rectly or indirectly, to the COVID–19 emergency may re24

quest a forbearance under the terms set forth in this sec25

tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower

2 with a Federally backed multifamily mortgage loan that

3 was current on its payments as of February 1, 2020, may

4 submit an oral or written request for forbearance under

5 subsection (a) to the borrower’s servicer affirming that the

6 multifamily borrower is experiencing a financial hardship

7 during the COVID–19 emergency.

8 (c) FORBEARANCE PERIOD.—

9 (1) IN GENERAL.—Upon receipt of an oral or

10 written request for forbearance from a multifamily

11 borrower, a servicer shall—

12 (A) document the financial hardship;

13 (B) provide the forbearance for up to 30

14 days; and

15 (C) extend the forbearance for up to 2 ad16

ditional 30 day periods upon the request of the

17 borrower provided that, the borrower’s request

18 for an extension is made during the covered pe19

riod, and, at least 15 days prior to the end of

20 the forbearance period described under sub21

paragraph (B).

22 (2) RIGHT TO DISCONTINUE.—A multifamily

23 borrower shall have the option to discontinue the

24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE

2 PERIOD.—A multifamily borrower that receives a forbear3

ance under this section may not, for the duration of the

4 forbearance—

5 (1) evict or initiate the eviction of a tenant

6 from a dwelling unit located in or on the applicable

7 property solely for nonpayment of rent or other fees

8 or charges; or

9 (2) charge any late fees, penalties, or other

10 charges to a tenant described in paragraph (1) for

11 late payment of rent.

12 (e) NOTICE.—A multifamily borrower that receives a

13 forbearance under this section—

14 (1) may not require a tenant to vacate a dwell15

ing unit located in or on the applicable property be16

fore the date that is 30 days after the date on which

17 the borrower provides the tenant with a notice to va18

cate; and

19 (2) may not issue a notice to vacate under

20 paragraph (1) until after the expiration of the for21

bearance.

22 (f) DEFINITIONS.—In this section:

23 (1) APPLICABLE PROPERTY.—The term ‘‘appli24

cable property’’, with respect to a Federally backed

25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage

2 loan is secured by a lien.

3 (2) FEDERALLY BACKED MULTIFAMILY MORT4

GAGE LOAN.—The term ‘‘Federally backed multi5

family mortgage loan’’ includes any loan (other than

6 temporary financing such as a construction loan)

7 that—

8 (A) is secured by a first or subordinate lien

9 on residential multifamily real property de10

signed principally for the occupancy of 5 or

11 more families, including any such secured loan,

12 the proceeds of which are used to prepay or pay

13 off an existing loan secured by the same prop14

erty; and

15 (B) is made in whole or in part, or in16

sured, guaranteed, supplemented, or assisted in

17 any way, by any officer or agency of the Fed18

eral Government or under or in connection with

19 a housing or urban development program ad20

ministered by the Secretary of Housing and

21 Urban Development or a housing or related

22 program administered by any other such officer

23 or agency, or is purchased or securitized by the

24 Federal Home Loan Mortgage Corporation or

25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term ‘‘mul2

tifamily borrower’’ means a borrower of a residential

3 mortgage loan that is secured by a lien against a

4 property comprising 5 or more dwelling units.

5 (4) COVID–19 EMERGENCY.—The term

6 ‘‘COVID–19 emergency’’ means the national emer7

gency concerning the novel coronavirus disease

8 (COVID–19) outbreak declared by the President on

9 March 13, 2020 under the National Emergencies

10 Act (50 U.S.C. 1601 et seq.).

11 (5) COVERED PERIOD.—The term ‘‘covered pe12

riod’’ means the period beginning on the date of en13

actment of this Act and ending on the sooner of—

14 (A) the termination date of the national

15 emergency concerning the novel coronavirus dis16

ease (COVID–19) outbreak declared by the

17 President on March 13, 2020 under the Na18

tional Emergencies Act (50 U.S.C. 1601 et

19 seq.); or

20 (B) December 31, 2020.

21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL**22

**INGS.**

23 (a) DEFINITIONS.—In this section:

24 (1) COVERED DWELLING.—The term ‘‘covered

25 dwelling’’ means a dwelling that—

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1 (A) is occupied by a tenant—

2 (i) pursuant to a residential lease; or

3 (ii) without a lease or with a lease ter4

minable under State law; and

5 (B) is on or in a covered property.

6 (2) COVERED PROPERTY.—The term ‘‘covered

7 property’’ means any property that—

8 (A) participates in—

9 (i) a covered housing program (as de10

fined in section 41411(a) of the Violence

11 Against Women Act of 1994 (34 U.S.C.

12 12491(a))); or

13 (ii) the rural housing voucher pro14

gram under section 542 of the Housing

15 Act of 1949 (42 U.S.C. 1490r); or

16 (B) has a—

17 (i) Federally backed mortgage loan; or

18 (ii) Federally backed multifamily

19 mortgage loan.

20 (3) DWELLING.—The term ‘‘dwelling’’—

21 (A) has the meaning given the term in sec22

tion 802 of the Fair Housing Act (42 U.S.C.

23 3602); and

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1 (B) includes houses and dwellings de2

scribed in section 803(b) of such Act (42

3 U.S.C. 3603(b)).

4 (4) FEDERALLY BACKED MORTGAGE LOAN.—

5 The term ‘‘Federally backed mortgage loan’’ in6

cludes any loan (other than temporary financing

7 such as a construction loan) that—

8 (A) is secured by a first or subordinate lien

9 on residential real property (including indi10

vidual units of condominiums and cooperatives)

11 designed principally for the occupancy of from

12 1 to 4 families, including any such secured

13 loan, the proceeds of which are used to prepay

14 or pay off an existing loan secured by the same

15 property; and

16 (B) is made in whole or in part, or in17

sured, guaranteed, supplemented, or assisted in

18 any way, by any officer or agency of the Fed19

eral Government or under or in connection with

20 a housing or urban development program ad21

ministered by the Secretary of Housing and

22 Urban Development or a housing or related

23 program administered by any other such officer

24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or

2 the Federal National Mortgage Association.

3 (5) FEDERALLY BACKED MULTIFAMILY MORT4

GAGE LOAN.—The term ‘‘Federally backed multi5

family mortgage loan’’ includes any loan (other than

6 temporary financing such as a construction loan)

7 that—

8 (A) is secured by a first or subordinate lien

9 on residential multifamily real property de10

signed principally for the occupancy of 5 or

11 more families, including any such secured loan,

12 the proceeds of which are used to prepay or pay

13 off an existing loan secured by the same prop14

erty; and

15 (B) is made in whole or in part, or in16

sured, guaranteed, supplemented, or assisted in

17 any way, by any officer or agency of the Fed18

eral Government or under or in connection with

19 a housing or urban development program ad20

ministered by the Secretary of Housing and

21 Urban Development or a housing or related

22 program administered by any other such officer

23 or agency, or is purchased or securitized by the

24 Federal Home Loan Mortgage Corporation or

25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be2

ginning on the date of enactment of this Act, the lessor

3 of a covered dwelling may not—

4 (1) make, or cause to be made, any filing with

5 the court of jurisdiction to initiate a legal action to

6 recover possession of the covered dwelling from the

7 tenant for nonpayment of rent or other fees or

8 charges; or

9 (2) charge fees, penalties, or other charges to

10 the tenant related to such nonpayment of rent.

11 (c) NOTICE.—The lessor of a covered dwelling unit—

12 (1) may not require the tenant to vacate the

13 covered dwelling unit before the date that is 30 days

14 after the date on which the lessor provides the ten15

ant with a notice to vacate; and

16 (2) may not issue a notice to vacate under

17 paragraph (1) until after the expiration of the period

18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**

20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any

22 other actor, department, or agency of the Federal Govern23

ment, shall condition the issuance of a loan or loan guar24

antee under paragraph (1), (2), or (3) of section 4003(b)

25 of this subtitle on an air carrier’s or eligible business’s

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1 implementation of measures to enter into negotiations

2 with the certified bargaining representative of a craft or

3 class of employees of the air carrier or eligible business

4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or

5 the National Labor Relations Act (29 U.S.C. 151 et seq.),

6 regarding pay or other terms and conditions of employ7

ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car9

rier or eligible business to which the loan or loan guar10

antee is provided under this subtitle, this section shall be

11 in effect with respect to the air carrier or eligible business

12 beginning on the date on which the air carrier or eligible

13 business is first issued such loan or loan guarantee and

14 ending on the date that is 1 year after the loan or loan

15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than

18 72 hours after any transaction by the Secretary under

19 paragraph (1), (2), or (3) of section 4003(b), the Sec20

retary shall publish on the website of the Department of

21 the Treasury—

22 (1) a plain-language description of the trans23

action, including the date of application, date of ap24

plication approval, and identity of the counterparty;

25 (2) the amount of the loan or loan guarantee;

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1 (3) the interest rate, conditions, and any other

2 material or financial terms associated with the

3 transaction, if applicable; and

4 (4) a copy of the relevant and final term sheet,

5 if applicable, and contract or other relevant docu6

mentation regarding the transaction.

7 (b) REPORTS.—

8 (1) TO CONGRESS.—

9 (A) IN GENERAL.—In addition to such re10

ports as are required under section 5302(c) of

11 title 31, United States Code, not later than 7

12 days after the Secretary makes any loan or loan

13 guarantee under paragraph (1), (2), or (3) of

14 section 4003(b), the Secretary shall submit to

15 the Chairmen and Ranking Members of the

16 Committee on Banking, Housing, and Urban

17 Affairs and the Committee on Finance of the

18 Senate and the Chairmen and Ranking Mem19

bers of the Committee on Financial Services

20 and the Committee on Ways and Means of the

21 House of Representatives a report summa22

rizing—

23 (i) an overview of actions taken by the

24 Secretary under paragraph (1), (2) or (3)

25 of section 4003(b) during such period;

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1 (ii) the actual obligation, expenditure,

2 and disbursements of the funds during

3 such period; and

4 (iii) a detailed financial statement

5 with respect to the exercise of authority

6 under paragraph (1), (2) or (3) of section

7 4003(b) showing—

8 (I) all loans and loan guarantees

9 made, renewed, or restructured;

10 (II) all transactions during such

11 period, including the types of parties

12 involved;

13 (III) the nature of the assets

14 purchased;

15 (IV) a description of the vehicles

16 established to exercise such authority;

17 and

18 (V) any or all repayment activity,

19 delinquencies or defaults on loans and

20 loan guarantees issued under para21

graph (1), (2) or (3) of section

22 4003(b).

23 (B) PUBLICATION.—Not later than 7 days

24 after the date on which the Secretary submits

25 a report under subparagraph (A) to the com582

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1 mittees of Congress described in such subpara2

graph, the Secretary shall publish such report

3 on the website of the Department of the Treas4

ury.

5 (C) 30-DAY REPORTS.—Every 30 days dur6

ing such time as a loan or loan guarantee under

7 paragraph (1), (2), or (3) of section 4003(b) is

8 outstanding, the Secretary shall publish on the

9 website of the Department of the Treasury a

10 report summarizing the information set forth in

11 subparagraph (A).

12 (2) BOARD OF GOVERNORS.—

13 (A) IN GENERAL.—With respect to any

14 program or facility described in paragraph (4)

15 of section 4003(b), the Board of Governors of

16 the Federal Reserve System shall provide to the

17 Committee on Banking, Housing, and Urban

18 Affairs of the Senate and the Committee on Fi19

nancial Services of the House of Representa20

tives such reports as are required to be pro21

vided under section 13(3) of the Federal Re22

serve Act (12 U.S.C. 343(3))—

23 (i) not later than 7 days after the

24 Board authorizes a new facility or other fi25

nancial assistance in accordance with sec583

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1 tion 13(3)(C)(i) of the Federal Reserve Act

2 (12 U.S.C. 343(3)(C)(i)); and

3 (ii) once every 30 days with respect to

4 outstanding loans or financial assistance in

5 accordance with section 13(3)(C)(ii) of the

6 Federal Reserve Act (12 U.S.C.

7 343(3)(C)(ii)).

8 (B) PUBLICATION.—Not later than 7 days

9 after the Board of Governors of the Federal Re10

serve System submits a report under subpara11

graph (A) to the committees of Congress de12

scribed in subparagraph (A), the Board shall

13 publish on its website such report.

14 (c) TESTIMONY.—The Secretary and the Chairman

15 of the Board of Governors of the Federal Reserve System

16 shall testify, on a quarterly basis, before the Committee

17 on Banking, Housing, and Urban Affairs of the Senate

18 and the Committee on Financial Services of the House of

19 Representatives regarding the obligations of the Depart20

ment of the Treasury and the Federal Reserve System,

21 and transactions entered into, under this Act.

22 (d) PROGRAM DESCRIPTIONS.—The Secretary shall

23 post on the website of the Department of the Treasury

24 all criteria, guidelines, eligibility requirements, and appli584

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1 cation materials for the making of any loan or loan guar2

antee under paragraph (1), (2), or (3) of section 4003(b).

3 (e) ADMINISTRATIVE CONTRACTS.—Not later than

4 24 hours after the Secretary enters into a contract in con5

nection with the administration of any loan or loan guar6

antee authorized to be made under paragraph (1), (2), or

7 (3) of section 4003(b), the Secretary shall post on the

8 website of the Department of the Treasury a copy of the

9 contract.

10 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—

11 (1) STUDY.—The Comptroller General of the

12 United States shall conduct a study on the loans,

13 loan guarantees, and other investments provided

14 under section 4003.

15 (2) REPORT.—Not later than 9 months after

16 the date of enactment of this Act, and annually

17 thereafter through the year succeeding the last year

18 for which loans, loan guarantees, or other invest19

ments made under section 4003 are outstanding, the

20 Comptroller General shall submit to the Committee

21 on Financial Services, the Committee on Transpor22

tation and Infrastructure, the Committee on Appro23

priations, and the Committee on the Budget of the

24 House of Representatives and the Committee on

25 Banking, Housing, and Urban Affairs, the Com585

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1 mittee on Commerce, Science, and Transportation,

2 the Committee on Appropriations, and the Com3

mittee on the Budget of the Senate a report on the

4 loans, loan guarantees, and other investments made

5 under section 4003.

6 **SEC. 4027. DIRECT APPROPRIATION.**

7 (a) IN GENERAL.—Notwithstanding any other provi8

sion of law, there is appropriated, out of amounts in the

9 Treasury not otherwise appropriated, to the fund estab10

lished under section 5302(a)(1) of title 31, United States

11 Code, $500,000,000,000 to carry out this subtitle.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—

13 Section 5302(a) of title 31, United States Code, is amend14

ed—

15 (1) by striking ‘‘and’’ before ‘‘section 3’’; and

16 (2) by inserting ‘‘and the Coronavirus Eco17

nomic Stabilization Act of 2020,’’ before ‘‘and for

18 investing’’.

19 (c) CLARIFICATION.—

20 (1) IN GENERAL.—On or after January 1,

21 2021, any remaining funds made available under

22 section 4003(b) may be used only for—

23 (A) modifications, restructurings, or other

24 amendments of loans, loan guarantees, or other

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1 investments in accordance with section

2 4029(b)(1); and

3 (B) exercising any options, warrants, or

4 other investments made prior to January 1,

5 2021; and

6 (C) paying costs and administrative ex7

penses as provided in section 4003(f).

8 (2) DEFICIT REDUCTION.—On January 1,

9 2026, any funds described in paragraph (1) that are

10 remaining shall be transferred to the general fund of

11 the Treasury to be used for deficit reduction.

12 **SEC. 4028. RULE OF CONSTRUCTION.**

13 Nothing in this subtitle shall be construed to allow

14 the Secretary to provide relief to eligible businesses,

15 States, and municipalities except in the form of loans, loan

16 guarantees, and other investments as provided in this sub17

title and under terms and conditions that are in the inter18

est of the Federal Government.

19 **SEC. 4029. TERMINATION OF AUTHORITY.**

20 (a) IN GENERAL.—Except as provided in subsection

21 (b), on December 31, 2020, the authority provided under

22 this subtitle to make new loans, loan guarantees, or other

23 investments shall terminate.

24 (b) OUTSTANDING.—

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1 (1) IN GENERAL.—Except as provided in para2

graph (2), any loan, loan guarantee, or other invest3

ment outstanding on the date described in sub4

section (a)—

5 (A) may be modified, restructured, or oth6

erwise amended; and

7 (B) may not be forgiven.

8 (2) DURATION.—The duration of any loan or

9 loan guarantee made under section 4003(b)(1) that

10 is modified, restructured, or otherwise amended

11 under paragraph (1) shall not be extended beyond 5

12 years from the initial origination date of the loan or

13 loan guarantee.

14 **Subtitle B—Air Carrier Worker**

15 **Support**

16 **SEC. 4111. DEFINITIONS.**

17 Unless otherwise specified, the terms in section

18 40102(a) of title 49, United States Code, shall apply to

19 this subtitle, except that—

20 (1) the term ‘‘airline catering employee’’ means

21 an employee who performs airline catering services;

22 (2) the term ‘‘airline catering services’’ means

23 preparation, assembly, or both, of food, beverages,

24 provisions and related supplies for delivery, and the

25 delivery of such items, directly to aircraft or to a lo588

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1 cation on or near airport property for subsequent

2 delivery to aircraft;

3 (3) the term ‘‘contractor’’ means—

4 (A) a person that performs, under contract

5 with a passenger air carrier conducting oper6

ations under part 121 of title 14, Code of Fed7

eral Regulations—

8 (i) catering functions; or

9 (ii) functions on the property of an

10 airport that are directly related to the air

11 transportation of persons, property, or

12 mail, including but not limited to the load13

ing and unloading of property on aircraft;

14 assistance to passengers under part 382 of

15 title 14, Code of Federal Regulations; se16

curity; airport ticketing and check-in func17

tions; ground-handling of aircraft; or air18

craft cleaning and sanitization functions

19 and waste removal; or

20 (B) a subcontractor that performs such

21 functions;

22 (4) the term ‘‘employee’’ means an individual,

23 other than a corporate officer, who is employed by

24 an air carrier or a contractor; and

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1 (5) the term ‘‘Secretary’’ means the Secretary

2 of the Treasury.

3 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**

4 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,

5 SALARIES, AND BENEFITS.—Notwithstanding any other

6 provision of law, to preserve aviation jobs and compensate

7 air carrier industry workers, the Secretary shall provide

8 financial assistance that shall exclusively be used for the

9 continuation of payment of employee wages, salaries, and

10 benefits to—

11 (1) passenger air carriers, in an aggregate

12 amount up to $25,000,000,000;

13 (2) cargo air carriers, in the aggregate amount

14 up to $4,000,000,000; and

15 (3) contractors, in an aggregate amount up to

16 $3,000,000,000.

17 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding

18 any other provision of law, the Secretary, may use

19 $100,000,000 of the funds made available under section

20 4120(a) for costs and administrative expenses associated

21 with providing financial assistance under this subtitle.

22 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP**23

**PORT.**

24 (a) AWARDABLE AMOUNTS.—The Secretary shall

25 provide financial assistance under this subtitle—

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1 (1) to an air carrier in an amount equal to the

2 salaries and benefits reported by the air carrier to

3 the Department of Transportation pursuant to part

4 241 of title 14, Code of Federal Regulations, for the

5 period from April 1, 2019, through September 30,

6 2019; and

7 (2) to an air carrier that does not transmit re8

ports under such part 241, in an amount that such

9 air carrier certifies, using sworn financial statements

10 or other appropriate data, as the amount of wages,

11 salaries, benefits, and other compensation that such

12 air carrier paid the employees of such air carrier

13 during the period from April 1, 2019, through Sep14

tember 30, 2019; and

15 (3) to a contractor, in an amount that the con16

tractor certifies, using sworn financial statements or

17 other appropriate data, as the amount of wages, sal18

aries, benefits, and other compensation that such

19 contractor paid the employees of such contractor

20 during the period from April 1, 2019, through Sep21

tember 30, 2019.

22 (b) DEADLINES AND PROCEDURES.—

23 (1) IN GENERAL.—

24 (A) FORMS; TERMS AND CONDITIONS.—Fi25

nancial assistance provided to an air carrier or

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1 contractor under this subtitle shall be in such

2 form, on such terms and conditions (including

3 requirements for audits and the clawback of

4 any financial assistance provided upon failure

5 by a passenger air carrier, cargo air carrier, or

6 contractor to honor the assurances specified in

7 section 4114), as the Secretary determines ap8

propriate.

9 (B) PROCEDURES.—The Secretary shall

10 publish streamlined and expedited procedures

11 not later than 5 days after the date of enact12

ment of this Act for air carriers and contractors

13 to submit requests for financial assistance

14 under this subtitle.

15 (2) DEADLINE FOR IMMEDIATE PAYROLL AS16

SISTANCE.—Not later than 10 days after the date of

17 enactment of this Act, the Secretary shall make ini18

tial payments to air carriers and contractors that

19 submit requests for financial assistance approved by

20 to the Secretary.

21 (3) SUBSEQUENT PAYMENTS.—The Secretary

22 shall determine an appropriate method for timely

23 distribution of payments to air carriers and contrac24

tors with approved requests for financial assistance

25 from any funds remaining available after providing

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1 initial financial assistance payments under para2

graph (2).

3 (c) PRO RATA AUTHORITY.—The Secretary shall

4 have the authority to reduce, on a pro rata basis, the

5 amounts due to air carriers and contractors under the ap6

plicable paragraph of section 4112 in order to address any

7 shortfall in assistance that would otherwise be provided

8 under such section.

9 (d) AUDITS.—The Inspector General of the Depart10

ment of the Treasury shall audit certifications made under

11 subsection (a).

12 **SEC. 4114. REQUIRED ASSURANCES.**

13 (a) IN GENERAL.—To be eligible for financial assist14

ance under this subtitle, an air carrier or contractor shall

15 enter into an agreement with the Secretary, or otherwise

16 certify in such form and manner as the Secretary shall

17 prescribe, that the air carrier or contractor shall—

18 (1) refrain from conducting involuntary fur19

loughs or reducing pay rates and benefits until Sep20

tember 30, 2020;

21 (2) through September 30, 2021, ensure that

22 neither the air carrier or contractor nor any affiliate

23 of the air carrier or contractor may, in any trans24

action, purchase an equity security of the air carrier

25 or contractor or the parent company of the air car593

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1 rier or contractor that is listed on a national securi2

ties exchange;

3 (3) through September 30, 2021, ensure that

4 the air carrier or contractor shall not pay dividends,

5 or make other capital distributions, with respect to

6 the common stock (or equivalent interest) of the air

7 carrier or contractor; and

8 (4) meet the requirements of sections 4115 and

9 4116.

10 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY

11 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV12

ICE.—

13 (1) IN GENERAL.—The Secretary of Transpor14

tation is authorized to require, to the extent reason15

able and practicable, an air carrier provided finan16

cial assistance under this subtitle to maintain sched17

uled air transportation service, as the Secretary of

18 Transportation deems necessary, to ensure services

19 to any point served by that carrier before March 1,

20 2020.

21 (2) REQUIRED CONSIDERATIONS.—When con22

sidering whether to exercise the authority provided

23 by this section, the Secretary of Transportation shall

24 take into consideration the air transportation needs

25 of small and remote communities and the need to

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1 maintain well-functioning health care supply chains,

2 including medical devices and supplies, and pharma3

ceutical supply chains.

4 (3) SUNSET.—The authority provided under

5 this subsection shall terminate on March 1, 2022,

6 and any requirements issued by the Secretary of

7 Transportation under this subsection shall cease to

8 apply after that date.

9 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**

10 **AGREEMENT.**

11 (a) IN GENERAL.—Neither the Secretary, nor any

12 other actor, department, or agency of the Federal Govern13

ment, shall condition the issuance of financial assistance

14 under this subtitle on an air carrier’s or contractor’s im15

plementation of measures to enter into negotiations with

16 the certified bargaining representative of a craft or class

17 of employees of the air carrier or contractor under the

18 Railway Labor Act (45 U.S.C. 151 et seq.) or the National

19 Labor Relations Act (29 U.S.C. 151 et seq.), regarding

20 pay or other terms and conditions of employment.

21 (b) PERIOD OF EFFECT.—With respect to an air car22

rier or contractor to which financial assistance is provided

23 under this subtitle, this section shall be in effect with re24

spect to the air carrier or contractor beginning on the date

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1 on which the air carrier or contractor is first issued such

2 financial assistance and ending on September 30, 2020.

3 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM**4

**PENSATION.**

5 (a) IN GENERAL.—The Secretary may only provide

6 financial assistance under this subtitle to an air carrier

7 or contractor after such carrier or contractor enters into

8 an agreement with the Secretary which provides that, dur9

ing the 2-year period beginning March 24, 2020, and end10

ing March 24, 2022, no officer or employee of the air car11

rier or contractor whose total compensation exceeded

12 $425,000 in calendar year 2019 (other than an employee

13 whose compensation is determined through an existing col14

lective bargaining agreement entered into prior to enact15

ment of this Act)—

16 (1) will receive from the air carrier or con17

tractor total compensation which exceeds, during

18 any 12 consecutive months of such 2-year period,

19 the total compensation received by the officer or em20

ployee from the air carrier or contractor in calendar

21 year 2019;

22 (2) will receive from the air carrier or con23

tractor severance pay or other benefits upon termi24

nation of employment with the air carrier or con25

tractor which exceeds twice the maximum total com596

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1 pensation received by the officer or employee from

2 the air carrier or contractor in calendar year 2019;

3 and

4 (3) no officer or employee of the eligible busi5

ness whose total compensation exceeded $3,000,000

6 in calendar year 2019 may receive during any 12

7 consecutive months of such period total compensa8

tion in excess of the sum of—

9 (A) $3,000,000; and

10 (B) 50 percent of the excess over

11 $3,000,000 of the total compensation received

12 by the officer or employee from the eligible

13 business in calendar year 2019.

14 (b) TOTAL COMPENSATION DEFINED.—In this sec15

tion, the term ‘‘total compensation’’ includes salary, bo16

nuses, awards of stock, and other financial benefits pro17

vided by an air carrier or contractor to an officer or em18

ployee of the air carrier or contractor.

19 **SEC. 4117. TAX PAYER PROTECTION.**

20 The Secretary may receive warrants, options, pre21

ferred stock, debt securities, notes, or other financial in22

struments issued by recipients of financial assistance

23 under this subtitle which, in the sole determination of the

24 Secretary, provide appropriate compensation to the Fed597

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1 eral Government for the provision of the financial assist2

ance.

3 **SEC. 4118. REPORTS.**

4 (a) REPORT.—Not later than November 1, 2020, the

5 Secretary shall submit to the Committee on Transpor6

tation and Infrastructure and the Committee on Financial

7 Services of the House of Representatives and the Com8

mittee on Commerce, Science, and Transportation and the

9 Committee on Banking, Housing, and Urban Affairs of

10 the Senate a report on the financial assistance provided

11 to air carriers and contractors under this subtitle, includ12

ing a description of any financial assistance provided.

13 (b) UPDATE.—Not later than the last day of the 1-

14 year period following the date of enactment of this Act,

15 the Secretary shall update and submit to the Committee

16 on Transportation and the Committee on Financial Serv17

ices and Infrastructure of the House of Representatives

18 and the Committee on Commerce, Science, and Transpor19

tation and the Committee on Banking, Housing, and

20 Urban Affairs of the Senate the report described in sub21

section (a).

22 **SEC. 4119. COORDINATION.**

23 In implementing this subtitle the Secretary shall co24

ordinate with the Secretary of Transportation.

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1 **SEC. 4120. DIRECT APPROPRIATION.**

2 Notwithstanding any other provision of law, there is

3 appropriated, out of amounts in the Treasury not other4

wise appropriated, $32,000,000,000 to carry out this sub5

title.

6 **TITLE V—CORONAVIRUS RELIEF**

7 **FUNDS**

8 **SEC. 5001. CORONAVIRUS RELIEF FUND.**

9 (a) IN GENERAL.—The Social Security Act (42

10 U.S.C. 301 et seq.) is amended by inserting after title V

11 the following:

12 **‘‘TITLE VI—CORONAVIRUS**

13 **RELIEF FUND**

14 **‘‘SEC. 601. CORONAVIRUS RELIEF FUND.**

15 ‘‘(a) APPROPRIATION.—

16 ‘‘(1) IN GENERAL.—Out of any money in the

17 Treasury of the United States not otherwise appro18

priated, there are appropriated for making payments

19 to States, Tribal governments, and units of local

20 government under this section, $150,000,000,000

21 for fiscal year 2020.

22 ‘‘(2) RESERVATION OF FUNDS.—Of the amount

23 appropriated under paragraph (1), the Secretary

24 shall reserve—

25 ‘‘(A) $3,000,000,000 of such amount for

26 making payments to the District of Columbia,

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1 the Commonwealth of Puerto Rico, the United

2 States Virgin Islands, Guam, the Common3

wealth of the Northern Mariana Islands, and

4 American Samoa; and

5 ‘‘(B) $8,000,000,000 of such amount for

6 making payments to Tribal governments.

7 ‘‘(b) AUTHORITY TO MAKE PAYMENTS.—

8 ‘‘(1) IN GENERAL.—Subject to paragraph (2),

9 not later than 30 days after the date of enactment

10 of this section, the Secretary shall pay each State

11 and Tribal government, and each unit of local gov12

ernment that meets the condition described in para13

graph (2), the amount determined for the State,

14 Tribal government, or unit of local government, for

15 fiscal year 2020 under subsection (c).

16 ‘‘(2) DIRECT PAYMENTS TO UNITS OF LOCAL

17 GOVERNMENT.—If a unit of local government of a

18 State submits the certification required by sub19

section (e) for purposes of receiving a direct pay20

ment from the Secretary under the authority of this

21 paragraph, the Secretary shall reduce the amount

22 determined for that State by the relative unit of

23 local government population proportion amount de24

scribed in subsection (c)(5) and pay such amount di25

rectly to such unit of local government.

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1 ‘‘(c) PAYMENT AMOUNTS.—

2 ‘‘(1) IN GENERAL.—Subject to paragraph (2),

3 the amount paid under this section for fiscal year

4 2020 to a State that is 1 of the 50 States shall be

5 the amount equal to the relative population propor6

tion amount determined for the State under para7

graph (3) for such fiscal year.

8 ‘‘(2) MINIMUM PAYMENT.—

9 ‘‘(A) IN GENERAL.—No State that is 1 of

10 the 50 States shall receive a payment under

11 this section for fiscal year 2020 that is less

12 than $1,250,000,000.

13 ‘‘(B) PRO RATA ADJUSTMENTS.—The Sec14

retary shall adjust on a pro rata basis the

15 amount of the payments for each of the 50

16 States determined under this subsection without

17 regard to this subparagraph to the extent nec18

essary to comply with the requirements of sub19

paragraph (A).

20 ‘‘(3) RELATIVE POPULATION PROPORTION

21 AMOUNT.—For purposes of paragraph (1), the rel22

ative population proportion amount determined

23 under this paragraph for a State for fiscal year

24 2020 is the product of—

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1 ‘‘(A) the amount appropriated under para2

graph (1) of subsection (a) for fiscal year 2020

3 that remains after the application of paragraph

4 (2) of that subsection; and

5 ‘‘(B) the relative State population propor6

tion (as defined in paragraph (4)).

7 ‘‘(4) RELATIVE STATE POPULATION PROPOR8

TION DEFINED.—For purposes of paragraph (3)(B),

9 the term ‘relative State population proportion’

10 means, with respect to a State, the quotient of—

11 ‘‘(A) the population of the State; and

12 ‘‘(B) the total population of all States (ex13

cluding the District of Columbia and territories

14 specified in subsection (a)(2)(A)).

15 ‘‘(5) RELATIVE UNIT OF LOCAL GOVERNMENT

16 POPULATION PROPORTION AMOUNT.—For purposes

17 of subsection (b)(2), the term ‘relative unit of local

18 government population proportion amount’ means,

19 with respect to a unit of local government and a

20 State, the amount equal to the product of—

21 ‘‘(A) 45 percent of the amount of the pay22

ment determined for the State under this sub23

section (without regard to this paragraph); and

24 ‘‘(B) the amount equal to the quotient

25 of—

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1 ‘‘(i) the population of the unit of local

2 government; and

3 ‘‘(ii) the total population of the State

4 in which the unit of local government is lo5

cated.

6 ‘‘(6) DISTRICT OF COLUMBIA AND TERRI7

TORIES.—The amount paid under this section for

8 fiscal year 2020 to a State that is the District of Co9

lumbia or a territory specified in subsection

10 (a)(2)(A) shall be the amount equal to the product

11 of—

12 ‘‘(A) the amount set aside under sub13

section (a)(2)(A) for such fiscal year; and

14 ‘‘(B) each such District’s and territory’s

15 share of the combined total population of the

16 District of Columbia and all such territories, as

17 determined by the Secretary.

18 ‘‘(7) TRIBAL GOVERNMENTS.—From the

19 amount set aside under subsection (a)(2)(B) for fis20

cal year 2020, the amount paid under this section

21 for fiscal year 2020 to a Tribal government shall be

22 the amount the Secretary shall determine, in con23

sultation with the Secretary of the Interior and In24

dian Tribes, that is based on increased expenditures

25 of each such Tribal government (or a tribally-owned

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1 entity of such Tribal government) relative to aggre2

gate expenditures in fiscal year 2019 by the Tribal

3 government (or tribally-owned entity) and deter4

mined in such manner as the Secretary determines

5 appropriate to ensure that all amounts available

6 under subsection (a)(2)(B) for fiscal year 2020 are

7 distributed to Tribal governments.

8 ‘‘(8) DATA.—For purposes of this subsection,

9 the population of States and units of local govern10

ments shall be determined based on the most recent

11 year for which data are available from the Bureau

12 of the Census.

13 ‘‘(d) USE OF FUNDS.—A State, Tribal government,

14 and unit of local government shall use the funds provided

15 under a payment made under this section to cover only

16 those costs of the State, Tribal government, or unit of

17 local government that—

18 ‘‘(1) are necessary expenditures incurred due to

19 the public health emergency with respect to the

20 Coronavirus Disease 2019 (COVID-19);

21 ‘‘(2) were not accounted for in the budget most

22 recently approved as of the date of enactment of this

23 section for the State or government; and

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1 ‘‘(3) were incurred during the period that be2

gins on March 1, 2020, and ends on December 30,

3 2020.

4 ‘‘(e) CERTIFICATION.—In order to receive a payment

5 under this section, a unit of local government shall provide

6 the Secretary with a certification signed by the Chief Ex7

ecutive for the unit of local government that the local gov8

ernment’s proposed uses of the funds are consistent with

9 subsection (d).

10 ‘‘(f) INSPECTOR GENERAL OVERSIGHT;

11 RECOUPMENT.—

12 ‘‘(1) OVERSIGHT AUTHORITY.—The Inspector

13 General of the Department of the Treasury shall

14 conduct monitoring and oversight of the receipt, dis15

bursement, and use of funds made available under

16 this section.

17 ‘‘(2) RECOUPMENT.—If the Inspector General

18 of the Department of the Treasury determines that

19 a State, Tribal government, or unit of local govern20

ment has failed to comply with subsection (d), the

21 amount equal to the amount of funds used in viola22

tion of such subsection shall be booked as a debt of

23 such entity owed to the Federal Government.

24 Amounts recovered under this subsection shall be de25

posited into the general fund of the Treasury.

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1 ‘‘(3) APPROPRIATION.—Out of any money in

2 the Treasury of the United States not otherwise ap3

propriated, there are appropriated to the Office of

4 the Inspector General of the Department of the

5 Treasury, $35,000,000 to carry out oversight and

6 recoupment activities under this subsection.

7 Amounts appropriated under the preceding sentence

8 shall remain available until expended.

9 ‘‘(4) AUTHORITY OF INSPECTOR GENERAL.—

10 Nothing in this subsection shall be construed to di11

minish the authority of any Inspector General, in12

cluding such authority as provided in the Inspector

13 General Act of 1978 (5 U.S.C. App.).

14 ‘‘(g) DEFINITIONS.—In this section:

15 ‘‘(1) INDIAN TRIBE.—The term ‘Indian Tribe’

16 has the meaning given that term in section 4(e) of

17 the Indian Self-Determination and Education Assist18

ance Act (25 U.S.C. 5304(e)).

19 ‘‘(2) LOCAL GOVERNMENT.—The term ‘unit of

20 local government’ means a county, municipality,

21 town, township, village, parish, borough, or other

22 unit of general government below the State level

23 with a population that exceeds 500,000.

24 ‘‘(3) SECRETARY.—The term ‘Secretary’ means

25 the Secretary of the Treasury.

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1 ‘‘(4) STATE.—The term ‘State’ means the 50

2 States, the District of Columbia, the Commonwealth

3 of Puerto Rico, the United States Virgin Islands,

4 Guam, the Commonwealth of the Northern Mariana

5 Islands, and American Samoa.

6 ‘‘(5) TRIBAL GOVERNMENT.—The term ‘Tribal

7 government’ means the recognized governing body of

8 an Indian Tribe.’’.

9 (b) APPLICATION OF PROVISIONS.—Amounts appro10

priated for fiscal year 2020 under section 601(a)(1) of the

11 Social Security Act (as added by subsection (a)) shall be

12 subject to the requirements contained in Public Law 116–

13 94 for funds for programs authorized under sections 330

14 through 340 of the Public Health Service Act (42 U.S.C.

15 254 through 256).

16 **TITLE VI—MISCELLANEOUS**

17 **PROVISIONS**

18 **SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE**

19 **UNITED STATES POSTAL SERVICE.**

20 (a) DEFINITIONS.—In this section—

21 (1) the term ‘‘COVID–19 emergency’’ means

22 the emergency involving Federal primary responsi23

bility determined to exist by the President under

24 section 501(b) of the Robert T. Stafford Disaster

25 Relief and Emergency Assistance Act (42 U.S.C.

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1 5191(b)) with respect to the Coronavirus Disease

2 2019 (COVID–19); and

3 (2) the term ‘‘Postal Service’’ means the United

4 States Postal Service.

5 (b) ADDITIONAL BORROWING AUTHORITY.—Not6

withstanding section 2005 of title 39, United States Code,

7 or any other provision of law, if the Postal Service deter8

mines that, due to the COVID–19 emergency, the Postal

9 Service will not be able to fund operating expenses without

10 borrowing money—

11 (1) the Postal Service may borrow money from

12 the Treasury in an amount not to exceed

13 $10,000,000,000—

14 (A) to be used for such operating expenses;

15 and

16 (B) which may not be used to pay any out17

standing debt of the Postal Service; and

18 (2) the Secretary of the Treasury may lend up

19 to the amount described in paragraph (1) at the re20

quest of the Postal Service, upon terms and condi21

tions mutually agreed upon by the Secretary and the

22 Postal Service.

23 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL

24 PURPOSES DURING COVID–19 EMERGENCY.—Notwith608

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1 standing any other provision of law, during the COVID–

2 19 emergency, the Postal Service—

3 (1) shall prioritize delivery of postal products

4 for medical purposes; and

5 (2) may establish temporary delivery points, in

6 such form and manner as the Postal Service deter7

mines necessary, to protect employees of the Postal

8 Service and individuals receiving deliveries from the

9 Postal Service.

10 **SEC. 6002. EMERGENCY DESIGNATION.**

11 (a) IN GENERAL.—The amounts provided under this

12 division are designated as an emergency requirement pur13

suant to section 4(g) of the Statutory Pay-As-You-Go Act

14 of 2010 (2 U.S.C. 933(g)).

15 (b) DESIGNATION IN SENATE.—In the Senate, this

16 division is designated as an emergency requirement pursu17

ant to section 4112(a) of H. Con. Res. 71 (115th Con18

gress), the concurrent resolution on the budget for fiscal

19 year 2018.

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1 **DIVISION B—EMERGENCY AP**2

**PROPRIATIONS FOR**

3 **CORONAVIRUS HEALTH RE**4

**SPONSE AND AGENCY OPER**5

**ATIONS**

6 The following sums are hereby are appropriated, out

7 of any money in the Treasury not otherwise appropriated,

8 for the fiscal year ending September 30, 2020, and for

9 other purposes, namely:

10 TITLE I

11 AGRICULTURAL PROGRAMS

12 OFFICE OF THE SECRETARY

13 For an additional amount for the ‘‘Office of the Sec14

retary’’, $9,500,000,000, to remain available until ex15

pended, to prevent, prepare for, and respond to

16 coronavirus by providing support for agricultural pro17

ducers impacted by coronavirus, including producers of

18 specialty crops, producers that supply local food systems,

19 including farmers markets, restaurants, and schools, and

20 livestock producers, including dairy producers: *Provided*,

21 That such amount is designated by the Congress as being

22 for an emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 OFFICE OF INSPECTOR GENERAL

2 For an additional amount for ‘‘Office of Inspector

3 General’’, $750,000, to remain available until September

4 30, 2021, to prevent, prepare for, and respond to

5 coronavirus, domestically or internationally: *Provided*,

6 That the funding made available under this heading in

7 this Act shall be used for conducting audits and investiga8

tions of projects and activities carried out with funds made

9 available in this Act to the Department of Agriculture to

10 prevent, prepare for, and respond to coronavirus, domesti11

cally or internationally: *Provided further*, That such

12 amount is designated by the Congress as being for an

13 emergency requirement pursuant to section

14 251(b)(2)(A)(i) of the Balanced Budget and Emergency

15 Deficit Control Act of 1985.

16 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

17 SALARIES AND EXPENSES

18 For an additional amount for ‘‘Salaries and Ex19

penses’’, $55,000,000, to remain available until September

20 30, 2021, to prevent, prepare for, and respond to

21 coronavirus, domestically or internationally, including for

22 necessary expenses for salary costs associated with the Ag23

riculture Quarantine and Inspection Program: *Provided*,

24 That such amount is designated by the Congress as being

25 for an emergency requirement pursuant to section

611

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 AGRICULTURAL MARKETING SERVICE

4 MARKETING SERVICES

5 For an additional amount for ‘‘Marketing Services’’,

6 $45,000,000, to remain available until September 30,

7 2021, to prevent, prepare for, and respond to coronavirus,

8 domestically or internationally, including necessary ex9

penses for salary costs associated with commodity grading,

10 inspection, and audit activities: *Provided*, That such

11 amount is designated by the Congress as being for an

12 emergency requirement pursuant to section

13 251(b)(2)(A)(i) of the Balanced Budget and Emergency

14 Deficit Control Act of 1985.

15 FOOD SAFETY AND INSPECTION SERVICE

16 For an additional amount for ‘‘Food Safety and In17

spection Service’’, $33,000,000, to remain available until

18 September 30, 2021, to prevent, prepare for, and respond

19 to coronavirus, domestically or internationally, including

20 for support of temporary and intermittent workers, reloca21

tion of inspectors, and, notwithstanding 21 U.S.C. 468,

22 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in23

spectors under the Federal Meat Inspection Act, the Poul24

try Products Inspection Act, and the Egg Products In25

spection Act: *Provided*, That such amount is designated

612

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1 by the Congress as being for an emergency requirement

2 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg3

et and Emergency Deficit Control Act of 1985.

4 FARM PRODUCTION AND CONSERVATION

5 PROGRAMS

6 FARM SERVICE AGENCY

7 For an additional amount for ‘‘Salaries and Ex8

penses’’, $3,000,000, to remain available until September

9 30, 2021, to prevent, prepare for, and respond to

10 coronavirus, domestically or internationally, including nec11

essary expenses to hire temporary staff and overtime ex12

penses: *Provided*, That such amount is designated by the

13 Congress as being for an emergency requirement pursuant

14 to section 251(b)(2)(A)(i) of the Balanced Budget and

15 Emergency Deficit Control Act of 1985.

16 RURAL DEVELOPMENT PROGRAMS

17 RURAL BUSINESS—COOPERATIVE SERVICE

18 RURAL BUSINESS PROGRAM ACCOUNT

19 For an additional amount for ‘‘Rural Business Pro20

gram Account’’, $20,500,000, to remain available until

21 September 30, 2021, to prevent, prepare for, and respond

22 to coronavirus, for the cost of loans for rural business de23

velopment programs authorized by section 310B and de24

scribed in subsection (g) of section 310B of the Consoli25

dated Farm and Rural Development Act: *Provided*, That

613

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1 such amount is designated by the Congress as being for

2 an emergency requirement pursuant to section

3 251(b)(2)(A)(i) of the Balanced Budget and Emergency

4 Deficit Control Act of 1985.

5 RURAL UTILITIES SERVICE

6 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

7 PROGRAM

8 For an additional amount for ‘‘Distance Learning,

9 Telemedicine, and Broadband Program’’, $25,000,000, to

10 remain available until expended, to prevent, prepare for,

11 and respond to coronavirus, domestically or internation12

ally, for telemedicine and distance learning services in

13 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro*14

*vided*, That such amount is designated by the Congress

15 as being for an emergency requirement pursuant to sec16

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer17

gency Deficit Control Act of 1985.

18 DOMESTIC FOOD PROGRAMS

19 FOOD AND NUTRITION SERVICE

20 CHILD NUTRITION PROGRAMS

21 For an additional amount for ‘‘Child Nutrition Pro22

grams’’, $8,800,000,000 to remain available until Sep23

tember 30, 2021, to prevent, prepare for, and respond to

24 coronavirus, domestically or internationally: *Provided*,

25 That such amount is designated by the Congress as being

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1 for an emergency requirement pursuant to section

2 251(b)(2)(A)(i) of the Balanced Budget and Emergency

3 Deficit Control Act of 1985.

4 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

5 For an additional amount for ‘‘Supplemental Nutri6

tion Assistance Program’’, $15,810,000,000, to remain

7 available until September 30, 2021, to prevent, prepare

8 for, and respond to coronavirus, domestically or inter9

nationally: *Provided*, That of the amount provided under

10 this heading in this Act, $15,510,000,000 shall be placed

11 in a contingency reserve to be allocated as the Secretary

12 deems necessary to support participation should cost or

13 participation exceed budget estimates to prevent, prepare

14 for, and respond to coronavirus: *Provided further*, That of

15 the amount provided under this heading in this Act,

16 $100,000,000 shall be for the food distribution program

17 on Indian reservations program as authorized by Section

18 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.

19 2013) and Section 4(a) of the Agriculture and Consumer

20 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre21

pare for, and respond to coronavirus, of which

22 $50,000,000 shall be for facility improvements and equip23

ment upgrades and of which $50,000,000 shall be for the

24 costs relating to additional food purchases: *Provided fur*25

*ther*, That of the amount provided under this heading in

615

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1 this Act, $200,000,000 to remain available through Sep2

tember 30, 2021, shall be available for the Secretary of

3 Agriculture to provide grants to the Commonwealth of the

4 Northern Mariana Islands, Puerto Rico, and American

5 Samoa for nutrition assistance to prevent, prepare for,

6 and respond to coronavirus, domestically or internation7

ally: *Provided further*, That such amount is designated by

8 the Congress as being for an emergency requirement pur9

suant to section 251(b)(2)(A)(i) of the Balanced Budget

10 and Emergency Deficit Control Act of 1985.

11 COMMODITY ASSISTANCE PROGRAM

12 For an additional amount for ‘‘Commodity Assistance

13 Program’’, $450,000,000, to remain available through

14 September 30, 2021, to prevent, prepare for, and respond

15 to coronavirus, domestically or internationally, for the

16 emergency food assistance program as authorized by sec17

tion 27(a) of the Food and Nutrition Act of 2008 (7

18 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency

19 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro*20

*vided*, That of the funds made available, the Secretary

21 may use up to $150,000,000 for costs associated with the

22 distribution of commodities: *Provided further*, That such

23 amount is designated by the Congress as being for an

24 emergency requirement pursuant to section

616

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 FOREIGN ASSISTANCE AND RELATED

4 PROGRAMS

5 FOREIGN AGRICULTURAL SERVICE

6 SALARIES AND EXPENSES

7 For an additional amount for ‘‘Salaries and Ex8

penses’’, $4,000,000, to remain available until September

9 30, 2021, to prevent, prepare for, and respond to

10 coronavirus, domestically or internationally, including nec11

essary expenses to relocate employees and their depend12

ents back from overseas posts: *Provided*, That such

13 amount is designated by the Congress as being for an

14 emergency requirement pursuant to section

15 251(b)(2)(A)(i) of the Balanced Budget and Emergency

16 Deficit Control Act of 1985.

17 RELATED AGENCIES AND FOOD AND DRUG

18 ADMINISTRATION

19 DEPARTMENT OF HEALTH AND HUMAN SERVICES

20 FOOD AND DRUG ADMINISTRATION

21 SALARIES AND EXPENSES

22 For an additional amount for ‘‘Salaries and Ex23

penses’’, $80,000,000, to remain available until expended,

24 to prevent, prepare for, and respond to coronavirus, do25

mestically or internationally, including funds for the devel617

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1 opment of necessary medical countermeasures and vac2

cines, advanced manufacturing for medical products, the

3 monitoring of medical product supply chains, and related

4 administrative activities: *Provided*, That such amount is

5 designated by the Congress as being for an emergency re6

quirement pursuant to section 251(b)(2)(A)(i) of the Bal7

anced Budget and Emergency Deficit Control Act of 1985.

8 GENERAL PROVISIONS—THIS TITLE

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 11001. Of the funds made available to the Rural

11 Development mission area in this title, and in addition to

12 funds otherwise made available for such purpose, not more

13 than 3 percent may be used for administrative costs to

14 carry out loan, loan guarantee and grant activities funded

15 in this title to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally: *Provided*,

17 That such funds shall be transferred to, and merged with,

18 the appropriation for ‘‘Rural Development, Salaries and

19 Expenses’’ and, once transferred, shall be used only to

20 prevent, prepare for, and respond to coronavirus, domesti21

cally or internationally: *Provided further*, that this transfer

22 authority is in addition to any other transfer authority

23 provided by law.

618

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1 COMMODITY CREDIT CORPORATION

2 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

3 SEC. 11002. Of the amounts provided in the Further

4 Consolidated Appropriations Act, 2020 (Public Law 116–

5 94) under the heading ‘‘Commodity Credit Corporation

6 Fund—Reimbursement for Net Realized Losses’’,

7 $14,000,000,000, may be used, prior to the completion of

8 the report described in 15 U.S.C. 713a–11, to reimburse

9 the Commodity Credit Corporation for net realized losses

10 sustained, but not previously reimbursed, as reflected in

11 the June 2020 report of its financial condition: *Provided*,

12 That such amount is designated by the Congress as being

13 for an emergency requirement pursuant to section

14 251(b)(2)(A)(i) of the Balanced Budget and Emergency

15 Deficit Control Act of 1985.

16 SEC. 11003. The Secretary may extend the term of

17 a marketing assistance loan authorized by section 1201

18 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any

19 loan commodity to 12 months: *Provided*, That the author20

ity made available pursuant to this section shall expire on

21 September 30, 2020: *Provided further*, That the amount

22 provided by this section is designated by the Congress as

23 being for an emergency requirement pursuant to section

24 251(b)(2)(A)(i) of the Balanced Budget and Emergency

25 Deficit Control Act of 1985.

619

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1 SEC. 11004. For an additional amount for grants

2 under the pilot program established under section 779 of

3 Public Law 115–141, to prevent, prepare for, and respond

4 to coronavirus, $100,000,000, to remain available until

5 September 30, 2021: *Provided*, That at least 90 percent

6 of the households to be served by a project receiving a

7 grant shall be in a rural area without sufficient access to

8 broadband: *Provided further*, That for purposes of such

9 pilot program, a rural area without sufficient access to

10 broadband shall be defined as 10 Mbps downstream and

11 1 Mbps upstream, and such definition shall be reevaluated

12 and redefined, as necessary, on an annual basis by the

13 Secretary of Agriculture: *Provided further*, That an entity

14 to which a grant is made under the pilot program shall

15 not use a grant to overbuild or duplicate broadband expan16

sion efforts made by any entity that has received a

17 broadband loan from the Rural Utilities Service: *Provided*

18 *further*, That priority consideration for grants shall be

19 given to previous applicants now eligible as a result of ad20

justed eligibility requirements: *Provided further*, That such

21 amount is designated by the Congress as being for an

22 emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and

7 Economic Development Act (42 U.S.C. 3233), for an addi8

tional amount for ‘‘Economic Development Assistance

9 Programs’’, $1,500,000,000, to remain available until

10 September 30, 2022, to prevent, prepare for, and respond

11 to coronavirus, domestically or internationally, including

12 for necessary expenses for responding to economic injury

13 as a result of coronavirus: *Provided*, That such amount

14 shall be for economic adjustment assistance as authorized

15 by section 209 of the Public Works and Economic Devel16

opment Act of 1965 (42 U.S.C. 3149): *Provided further*,

17 That within the amount appropriated under this heading

18 in this Act, up to 2 percent of funds may be transferred

19 to the ‘‘Salaries and Expenses’’ account for administration

20 and oversight activities related to preventing, preparing

21 for, and responding to coronavirus: *Provided further*, That

22 the Secretary of Commerce is authorized to appoint and

23 fix the compensation of such temporary personnel as may

24 be necessary to implement the requirements under this

25 heading in this Act to prevent, prepare for, and respond

621

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1 to coronavirus, without regard to the provisions of title

2 5, United States Code, governing appointments in com3

petitive service: *Provided further*, That the Secretary of

4 Commerce is authorized to appoint such temporary per5

sonnel, after serving continuously for 2 years, to positions

6 in the Economic Development Administration in the same

7 manner that competitive service employees with competi8

tive status are considered for transfer, reassignment, or

9 promotion to such positions and an individual appointed

10 under this provision shall become a career-conditional em11

ployee, unless the employee has already completed the

12 service requirements for career tenure: *Provided further*,

13 That within the amount appropriated under this heading

14 in this Act, $3,000,000 shall be transferred to the ‘‘Office

15 of Inspector General’’ account for carrying out investiga16

tions and audits related to the funding provided to pre17

vent, prepare for, and respond to coronavirus under this

18 heading in this Act: *Provided further*, That such amount

19 is designated by the Congress as being for an emergency

20 requirement pursuant to section 251(b)(2)(A)(i) of the

21 Balanced Budget and Emergency Deficit Control Act of

22 1985.

622

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

3 For an additional amount for ‘‘Scientific and Tech4

nical Research and Services’’, $6,000,000, to remain avail5

able until September, 30, 2021, to prevent, prepare for,

6 and respond to coronavirus, domestically or internation7

ally, by supporting continuity of operations, including

8 measurement science to support viral testing and bio9

manufacturing: *Provided*, That such amount is designated

10 by the Congress as being for an emergency requirement

11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg12

et and Emergency Deficit Control Act of 1985.

13 INDUSTRIAL TECHNOLOGY SERVICES

14 For an additional amount for ‘‘Industrial Technology

15 Services’’, $60,000,000, to remain available until Sep16

tember 30, 2021, to prevent, prepare for, and respond to

17 coronavirus, domestically or internationally: *Provided*,

18 That of the amount provided under this heading in this

19 Act, $50,000,000 shall be for the Hollings Manufacturing

20 Extension Partnership to assist manufacturers to prevent,

21 prepare for, and respond to coronavirus and $10,000,000

22 shall be for the National Network for Manufacturing Inno23

vation (also known as ‘‘Manufacturing USA’’) to prevent,

24 prepare for, and respond to coronavirus, including to sup25

port development and manufacturing of medical counter623

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1 measures and biomedical equipment and supplies: *Pro*2

*vided further*, That none of the funds provided under this

3 heading in this Act shall be subject to cost share require4

ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.

5 278s(e)(7)(A): *Provided further*, That such amount is des6

ignated by the Congress as being for an emergency re7

quirement pursuant to section 251(b)(2)(A)(i) of the Bal8

anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC

10 ADMINISTRATION

11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for ‘‘Operations, Research,

13 and Facilities’’, $20,000,000, to remain available until

14 September, 30, 2021, to prevent, prepare for, and respond

15 to coronavirus, domestically or internationally, by sup16

porting continuity of operations, including National

17 Weather Service life and property related operations: *Pro*18

*vided*, That such amount is designated by the Congress

19 as being for an emergency requirement pursuant to sec20

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer21

gency Deficit Control Act of 1985.

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1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for ‘‘Justice Information

5 Sharing Technology’’, $2,000,000, to remain available

6 until expended, to prevent, prepare for, and respond to

7 coronavirus, domestically or internationally, including the

8 impact of coronavirus on the work of the Department of

9 Justice: *Provided*, That such amount is designated by the

10 Congress as being for an emergency requirement pursuant

11 to section 251(b)(2)(A)(i) of the Balanced Budget and

12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for ‘‘Office of Inspector

15 General’’, $2,000,000, to remain available until expended

16 to prevent, prepare for, and respond to coronavirus, do17

mestically or internationally, including the impact of

18 coronavirus on the work of the Department of Justice and

19 to carry out investigations and audits related to the fund20

ing made available for the Department of Justice in this

21 Act: *Provided*, That such amount is designated by the

22 Congress as being for an emergency requirement pursuant

23 to section 251(b)(2)(A)(i) of the Balanced Budget and

24 Emergency Deficit Control Act of 1985.

625

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1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for ‘‘Salaries and Ex4

penses, United States Attorneys’’, $3,000,000, to prevent,

5 prepare for, and respond to coronavirus, domestically or

6 internationally, including the impact of coronavirus on the

7 work of the Department of Justice: *Provided*, That such

8 amount is designated by the Congress as being for an

9 emergency requirement pursuant to section

10 251(b)(2)(A)(i) of the Balanced Budget and Emergency

11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for ‘‘United States Mar15

shals Service, Salaries and Expenses’’, $15,000,000, to

16 prevent, prepare for, and respond to coronavirus, domesti17

cally or internationally, including the impact of

18 coronavirus on the work of the Department of Justice:

19 *Provided*, That such amount is designated by the Congress

20 as being for an emergency requirement pursuant to sec21

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer22

gency Deficit Control Act of 1985.

626

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for ‘‘Federal Bureau of In4

vestigation, Salaries and Expenses’’, $20,000,000, to pre5

vent, prepare for, and respond to coronavirus, domestically

6 or internationally, including the impact of coronavirus on

7 the work of the Department of Justice: *Provided*, That

8 such amount is designated by the Congress as being for

9 an emergency requirement pursuant to section

10 251(b)(2)(A)(i) of the Balanced Budget and Emergency

11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for ‘‘Drug Enforcement

15 Administration, Salaries and Expenses’’, $15,000,000, to

16 prevent, prepare for, and respond to coronavirus, domesti17

cally or internationally, including the impact of

18 coronavirus on the work of the Department of Justice:

19 *Provided*, That such amount is designated by the Congress

20 as being for an emergency requirement pursuant to sec21

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer22

gency Deficit Control Act of 1985.

627

O:\HEN\HEN20313.xml [file 2 of 2] S.L.C.

1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for ‘‘Federal Prison Sys4

tem, Salaries and Expenses’’, $100,000,000, to prevent,

5 prepare for, and respond to coronavirus, domestically or

6 internationally, including the impact of coronavirus on the

7 work of the Department of Justice: *Provided*, That such

8 amount is designated by the Congress as being for an

9 emergency requirement pursuant to section

10 251(b)(2)(A)(i) of the Balanced Budget and Emergency

11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for ‘‘State and Local Law

16 Enforcement Assistance’’, $850,000,000, to remain avail17

able until expended, to prevent, prepare for, and respond

18 to coronavirus, domestically or internationally, to be

19 awarded pursuant to the formula allocation (adjusted in

20 proportion to the relative amounts statutorily designated

21 therefor) that was used in fiscal year 2019 for the Edward

22 Byrne Memorial Justice Assistance Grant program as au23

thorized by subpart 1 of part E of title I of the Omnibus

24 Crime Control and Safe Streets Acts of 1968 (‘‘1968

25 Act’’): *Provided*, That the allocation provisions under sec628

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1 tions 505(a) through (e) and the special rules for Puerto

2 Rico under section 505(g), and section 1001(c), of the

3 1968 Act, shall not apply to the amount provided under

4 this heading in this Act: *Provided further*, That awards

5 hereunder, shall not be subject to restrictions or special

6 conditions that are the same as (or substantially similar

7 to) those, imposed on awards under such subpart in fiscal

8 year 2018, that forbid interference with Federal law en9

forcement: *Provided further*, That such amount is des10

ignated by the Congress as being for an emergency re11

quirement pursuant to section 251(b)(2)(A)(i) of the Bal12

anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ‘‘Safety, Security and

17 Mission Services’’, $60,000,000, to remain available until

18 September 30, 2021, to prevent, prepare for, and respond

19 to coronavirus, domestically or internationally: *Provided*,

20 That such amount is designated by the Congress as being

21 for an emergency requirement pursuant to section

22 251(b)(2)(A)(i) of the Balanced Budget and Emergency

23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for ‘‘Research and Related

4 Activities’’, $75,000,000, to remain available until Sep5

tember 30, 2021, to prevent, prepare for, and respond to

6 coronavirus, domestically or internationally, including to

7 fund research grants and other necessary expenses: *Pro*8

*vided*, That such amount is designated by the Congress

9 as being for an emergency requirement pursuant to sec10

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer11

gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for ‘‘Agency Operations

14 and Award Management’’, $1,000,000, to prevent, pre15

pare for, and respond to coronavirus, domestically or

16 internationally, including to administer research grants

17 and other necessary expenses: *Provided*, That such

18 amount is designated by the Congress as being for an

19 emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for ‘‘Payment to the Legal

5 Services Corporation’’, $50,000,000, to prevent, prepare

6 for, and respond to coronavirus, domestically or inter7

nationally: *Provided*, That none of the funds appropriated

8 under this heading in this Act to the Legal Services Cor9

poration shall be expended for any purpose prohibited or

10 limited by, or contrary to any of the provisions of, sections

11 501, 502, 503, 504, 505, and 506 of Public Law 105–

12 119, and all funds appropriated in this Act to the Legal

13 Services Corporation shall be subject to the same terms

14 and conditions set forth in such sections, except that all

15 references in sections 502 and 503 to 1997 and 1998 shall

16 be deemed to refer instead to 2019 and 2020, respectively,

17 and except that sections 501 and 503 of Public Law 104–

18 134 (referenced by Public Law 105–119) shall not apply

19 to the amount made available under this heading: *Pro*20

*vided further*, That for the purposes of this Act, the Legal

21 Services Corporation shall be considered an agency of the

22 United States Government: *Provided further*, That such

23 amount is designated by the Congress as being for an

24 emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated

5 Appropriations Act, 2020, (Public Law 116–93) for the

6 Hollings Manufacturing Extension Partnership under the

7 heading ‘‘National Institute of Standards and Tech8

nology—Industrial Technology Services’’ shall not be sub9

ject to cost share requirements under 15 U.S.C.

10 278k(e)(2): *Provided*, That the authority made available

11 pursuant to this section shall be elective for any Manufac12

turing Extension Partnership Center that also receives

13 funding from a State that is conditioned upon the applica14

tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for

16 the National Science Foundation may be made available

17 to restore amounts, either directly or through reimburse18

ment, for obligations incurred by the National Science

19 Foundation for research grants and other necessary ex20

penses to prevent, prepare for, and respond to

21 coronavirus, domestically or internationally, prior to the

22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the

24 National Science Foundation under this title, to carry out

25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or

2 internationally, shall include amounts to reimburse costs

3 for these purposes incurred between January 20, 2020,

4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—

7 (1) the term ‘‘Bureau’’ means the Bureau of

8 Prisons;

9 (2) the term ‘‘covered emergency period’’ means

10 the period beginning on the date on which the Presi11

dent declared a national emergency under the Na12

tional Emergencies Act (50 U.S.C. 1601 et seq.)

13 with respect to the Coronavirus Disease 2019

14 (COVID–19) and ending on the date that is 30 days

15 after the date on which the national emergency dec16

laration terminates; and

17 (3) the term ‘‘Secretary’’ means the Secretary

18 of Health and Human Services.

19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT

20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON21

FINEMENT AUTHORITY.—

22 (1) PERSONAL PROTECTIVE EQUIPMENT AND

23 TEST KITS.—

24 (A) FINDINGS.—Congress finds the fol25

lowing:

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1 (i) There is an urgent need for per2

sonal protective equipment and test kits to

3 the Bureau based on the density of the in4

mate population, the high traffic, the high

5 volume of inmates, the high rate of turn6

over of inmates and personnel, and the

7 number of high-security areas, within the

8 facilities of the Bureau.

9 (ii) The inability of the Bureau to se10

cure the purchase of infectious disease per11

sonal protective equipment and related

12 supplies now and in the future is a vulner13

ability.

14 (iii) The Bureau is currently com15

peting in and engaging the same landscape

16 of vendors as all other Federal agencies

17 and private entities.

18 (iv) The ability of the Bureau to pur19

chase needed equipment and supplies is

20 currently subject to an individual manufac21

turer’s specific recognition of the Bureau

22 as a priority and subsequent allocation of

23 the inventory of the manufacturer to the

24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall

2 appropriately consider, relative to other prior3

ities of the Department of Health and Human

4 Services for high-risk and high-need popu5

lations, the distribution of infectious disease

6 personal protective equipment and COVID–19

7 test kits to the Bureau for use by inmates and

8 personnel of the Bureau.

9 (2) HOME CONFINEMENT AUTHORITY.—During

10 the covered emergency period, if the Attorney Gen11

eral finds that emergency conditions will materially

12 affect the functioning of the Bureau, the Director of

13 the Bureau may lengthen the maximum amount of

14 time for which the Director is authorized to place a

15 prisoner in home confinement under the first sen16

tence of section 3624(c)(2) of title 18, United States

17 Code, as the Director determines appropriate.

18 (c) VIDEO VISITATION.—

19 (1) IN GENERAL.—During the covered emer20

gency period, if the Attorney General finds that

21 emergency conditions will materially affect the func22

tioning of the Bureau, the Director of the Bureau

23 shall promulgate rules regarding the ability of in24

mates to conduct visitation through video teleconfer635

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1 encing and telephonically, free of charge to inmates,

2 during the covered emergency period.

3 (2) EXEMPTION FROM NOTICE-AND-COMMENT

4 RULEMAKING REQUIREMENTS.—Section 553 of title

5 5, United States Code, shall not apply to the pro6

mulgation of rules under paragraph (1) of this sub7

section.

8 (d) EMERGENCY REQUIREMENT.—The amount pro9

vided by this section is designated by the Congress as

10 being for an emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO

14 DURING THE COVID–19 EMERGENCY.

15 SEC. 12004. (a) IN GENERAL.—During the emer16

gency period described in subsection (e), the Director may

17 toll, waive, adjust, or modify, any timing deadline estab18

lished by title 35, United States Code, the Trademark Act,

19 section 18 of the Leahy-Smith America Invents Act (35

20 U.S.C. 321 note), or regulations promulgated thereunder,

21 in effect during such period, if the Director determines

22 that the emergency related to such period—

23 (1) materially affects the functioning of the

24 Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg2

istrants, patent owners, or others appearing before

3 the Office; or

4 (3) prevents applicants, registrants, patent own5

ers, or others appearing before the Office from filing

6 a document or fee with the Office.

7 (b) PUBLIC NOTICE.—If the Director determines

8 that tolling, waiving, adjusting, or modifying a timing

9 deadline under subsection (a) is appropriate, the Director

10 shall publish publicly a notice to such effect.

11 (c) STATEMENT REQUIRED.—Not later than 20 days

12 after the Director tolls, waives, adjusts, or modifies a tim13

ing deadline under subsection (a) and such toll, waiver,

14 adjustment, or modification is in effect for a consecutive

15 or cumulative period exceeding 120 days, the Director

16 shall submit to Congress a statement describing the action

17 taken, relevant background, and rationale for the period

18 of tolling, waiver, adjustment, or modification.

19 (d) OTHER LAWS.—Notwithstanding section 301 of

20 the National Emergencies Act (50 U.S.C. 1631), the au21

thority of the Director under subsection (a) is not contin22

gent on a specification made by the President under such

23 section or any other requirement under that Act (other

24 than the emergency declaration under section 201(a) of

25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the

2 National Emergencies Act (50 U.S.C. 1621 et seq.).

3 (e) EMERGENCY PERIOD.—The emergency period de4

scribed in this subsection includes the duration of the por5

tion of the emergency declared by the President pursuant

6 to the National Emergencies Act on March 13, 2020, as

7 a result of the COVID–19 outbreak (and any renewal

8 thereof) beginning on or after the date of the enactment

9 of this section and the 60 day period following such dura10

tion.

11 (f) RULE OF CONSTRUCTION.—Nothing in this sec12

tion may be construed as limiting other statutory authori13

ties the Director may have to grant relief regarding filings

14 or deadlines.

15 (g) SUNSET.—Notwithstanding subsection (a), the

16 authorities provided under this section shall expire upon

17 the expiration of the 2-year period after the date of the

18 enactment of this section.

19 (h) DEFINITIONS.—In this section:

20 (1) DIRECTOR.—The term ‘‘Director’’ means

21 the Under Secretary of Commerce for Intellectual

22 Property and Director of the United States Patent

23 and Trademark Office.

24 (2) TRADEMARK ACT.—The term ‘‘Trademark

25 Act’’ means the Act entitled ‘‘An Act to provide for

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1 the registration and protection of trademarks used

2 in commerce, to carry out the provisions of certain

3 international conventions, and for other purposes’’,

4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).

5 (i) EMERGENCY REQUIREMENT.—The amount pro6

vided by this section is designated by the Congress as

7 being for an emergency requirement pursuant to section

8 251(b)(2)(A)(i) of the Balanced Budget and Emergency

9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of

12 Commerce is authorized to provide assistance to Tribal,

13 subsistence, commercial, and charter fishery participants

14 affected by the novel coronavirus (COVID–19), which may

15 include direct relief payments.

16 (b) FISHERY PARTICIPANTS.—For the purposes of

17 this section, ‘‘fishery participants’’ include Tribes, per18

sons, fishing communities, aquaculture businesses not oth19

erwise eligible for assistance under part 1416 of title 7

20 of the Code of Federal Regulations for losses related to

21 COVID–19, processors, or other fishery-related busi22

nesses, who have incurred, as a direct or indirect result

23 of the coronavirus pandemic—

24 (1) economic revenue losses greater than 35

25 percent as compared to the prior 5-year average rev26

enue; or

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1 (2) any negative impacts to subsistence, cul2

tural, or ceremonial fisheries.

3 (c) ROLLING BASIS.—Funds may be awarded under

4 this section on a rolling basis, and within a fishing season,

5 to ensure rapid delivery of funds during the COVID–19

6 pandemic.

7 (d) APPROPRIATIONS.—In addition to funds that are

8 otherwise made available to assist fishery participants

9 under this Act, there are authorized to be appropriated,

10 and there are appropriated, $300,000,000, to remain

11 available until September 30, 2021, to carry out this sec12

tion, of which up to 2 percent may be used for administra13

tion and oversight activities.

14 (e) EMERGENCY REQUIREMENT.—The amount pro15

vided by this section is designated by the Congress as

16 being for an emergency requirement pursuant to section

17 251(b)(2)(A)(i) of the Balanced Budget and Emergency

18 Deficit Control Act of 1985.

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1 TITLE III

2 DEPARTMENT OF DEFENSE

3 MILITARY PERSONNEL

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for ‘‘National Guard Per6

sonnel, Army’’, $746,591,000, to prevent, prepare for, and

7 respond to coronavirus, domestically or internationally:

8 *Provided*, That such amount is designated by the Congress

9 as being for an emergency requirement pursuant to sec10

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer11

gency Deficit Control Act of 1985.

12 NATIONAL GUARD PERSONNEL, AIR FORCE

13 For an additional amount for ‘‘National Guard Per14

sonnel, Air Force’’, $482,125,000, to prevent, prepare for,

15 and respond to coronavirus, domestically or internation16

ally: *Provided*, That such amount is designated by the

17 Congress as being for an emergency requirement pursuant

18 to section 251(b)(2)(A)(i) of the Balanced Budget and

19 Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE

21 OPERATION AND MAINTENANCE, ARMY

22 For an additional amount for ‘‘Operation and Main23

tenance, Army’’, $160,300,000, to prevent, prepare for,

24 and respond to coronavirus, domestically or internation25

ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant

2 to section 251(b)(2)(A)(i) of the Balanced Budget and

3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for ‘‘Operation and Main6

tenance, Navy’’, $360,308,000, to prevent, prepare for,

7 and respond to coronavirus, domestically or internation8

ally: *Provided*, That such amount is designated by the

9 Congress as being for an emergency requirement pursuant

10 to section 251(b)(2)(A)(i) of the Balanced Budget and

11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for ‘‘Operation and Main14

tenance, Marine Corps’’, $90,000,000, to prevent, prepare

15 for, and respond to coronavirus, domestically or inter16

nationally: *Provided*, That such amount is designated by

17 the Congress as being for an emergency requirement pur18

suant to section 251(b)(2)(A)(i) of the Balanced Budget

19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for ‘‘Operation and Main22

tenance, Air Force’’, $155,000,000, to prevent, prepare

23 for, and respond to coronavirus, domestically or inter24

nationally: *Provided*, That such amount is designated by

25 the Congress as being for an emergency requirement pur642

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1 suant to section 251(b)(2)(A)(i) of the Balanced Budget

2 and Emergency Deficit Control Act of 1985.

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for ‘‘Operation and Main5

tenance, Army Reserve’’, $48,000,000, to prevent, prepare

6 for, and respond to coronavirus, domestically or inter7

nationally: *Provided*, That such amount is designated by

8 the Congress as being for an emergency requirement pur9

suant to section 251(b)(2)(A)(i) of the Balanced Budget

10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL

12 GUARD

13 For an additional amount for ‘‘Operation and Main14

tenance, Army National Guard’’, $186,696,000, to pre15

vent, prepare for, and respond to coronavirus, domestically

16 or internationally: *Provided*, That such amount is des17

ignated by the Congress as being for an emergency re18

quirement pursuant to section 251(b)(2)(A)(i) of the Bal19

anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for ‘‘Operation and Main22

tenance, Air National Guard’’, $75,754,000, to prevent,

23 prepare for, and respond to coronavirus, domestically or

24 internationally: *Provided*, That such amount is designated

25 by the Congress as being for an emergency requirement

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1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg2

et and Emergency Deficit Control Act of 1985.

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for ‘‘Operation and Main5

tenance, Defense-Wide’’, $827,800,000, to prevent, pre6

pare for, and respond to coronavirus, domestically or

7 internationally: *Provided*, That such amount is designated

8 by the Congress as being for an emergency requirement

9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg10

et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for ‘‘Defense Production

14 Act Purchases’’, $1,000,000,000, to remain available until

15 expended, to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally: *Provided*,

17 That for the two-year period beginning with the date of

18 enactment of this Act, the requirements described in Sec19

tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,

20 shall be waived: *Provided further*, That such amount is

21 designated by the Congress as being for an emergency re22

quirement pursuant to section 251(b)(2)(A)(i) of the Bal23

anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for ‘‘Defense Working

4 Capital Funds’’, $1,450,000,000, to prevent, position, pre5

pare for, and respond to coronavirus, domestically or

6 internationally: *Provided*, That of the amount provided

7 under this heading in this Act, $475,000,000 shall be for

8 the Navy Working Capital Fund, $475,000,000 shall be

9 for the Air Force Working Capital Fund, and

10 $500,000,000 shall be for the Defense-Wide Working Cap11

ital Fund: *Provided further*, That such amount is des12

ignated by the Congress as being for an emergency re13

quirement pursuant to section 251(b)(2)(A)(i) of the Bal14

anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for ‘‘Defense Health Pro18

gram’’, $3,805,600,000, of which $3,390,600,000 shall be

19 for operation and maintenance, and $415,000,000 shall

20 be for research, development, test and evaluation, to re21

main available until September 30, 2021, to prevent, pre22

pare for, and respond to coronavirus, domestically or

23 internationally: *Provided*, That, notwithstanding that one

24 percent of funding for operation and maintenance under

25 this heading in Public Law 116–93 shall remain available

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1 for obligation until September 30, 2021, funding for oper2

ation and maintenance made available under this heading

3 in this Act shall only be available through September 30,

4 2020: *Provided further*, That such amount is designated

5 by the Congress as being for an emergency requirement

6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg7

et and Emergency Deficit Control Act of 1985.

8 OFFICE OF THE INSPECTOR GENERAL

9 For an additional amount for ‘‘Office of the Inspector

10 General’’, $20,000,000, to prevent, prepare for, and re11

spond to coronavirus, domestically or internationally: *Pro*12

*vided*, That the funding made available under this heading

13 in this Act shall be used for conducting audits and inves14

tigations of projects and activities carried out with funds

15 made available in this Act to the Department of Defense

16 to prevent, prepare for, and respond to coronavirus, do17

mestically or internationally: *Provided further*, That such

18 amount is designated by the Congress as being for an

19 emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 13001. Funds appropriated by this title may be

24 transferred to, and merged with, other applicable appro25

priations of the Department of Defense, except for ‘‘Drug

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1 Interdiction and Counter-Drug Activities, Defense’’, for

2 expenses incurred in preventing, preparing for, or re3

sponding to coronavirus, including expenses of the Depart4

ment of Defense incurred in support of other Federal De5

partments and agencies, and State, local, and Indian trib6

al governments, to be merged with and to be available for

7 the same purposes, and for the same time period, as the

8 appropriation or fund to which transferred: *Provided*,

9 That upon a determination that all or part of the funds

10 transferred pursuant to this section that are not necessary

11 for the purposes provided herein, such funds shall be

12 transferred back to the original appropriation: *Provided*

13 *further*, That the transfer authority provided by this sec14

tion is in addition to any other transfer authority provided

15 by law.

16 SEC. 13002. For an additional amount for ‘‘Defense

17 Health Program’’, $1,095,500,000, which shall be for op18

eration and maintenance, and of which $1,095,500,000

19 may be available for contracts entered into under the

20 TRICARE program: *Provided*, That, notwithstanding that

21 one percent of funding for operation and maintenance

22 under this heading in Public Law 116–93 shall remain

23 available for obligation until September 30, 2021, funding

24 for operation and maintenance made available under this

25 heading in this section shall only be available through Sep647

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1 tember 30, 2020: *Provided further*, That such amount is

2 designated by the Congress as being for an emergency re3

quirement pursuant to section 251(b)(2)(A)(i) of the Bal4

anced Budget and Emergency Deficit Control Act of 1985.

5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)

6 of title 10, United States Code, during fiscal year 2020,

7 the total amount of the advance billings rendered or im8

posed for all working-capital funds of the Department of

9 Defense may exceed the amount otherwise specified in

10 such section.

11 (b) In this section, the term ‘‘advance billing’’ has

12 the meaning given that term in section 2208(l)(4) of title

13 10, United States Code.

14 SEC. 13004. (a) Section 2326(b)(3) of title 10,

15 United States Code, shall not apply to any undefinitized

16 contract action of the Department of Defense related to

17 the national emergency for the Coronavirus Disease 2019

18 (COVID–19).

19 (b) In this section, the term ‘‘undefinitized contract

20 action’’ has the meaning given that term in section

21 2326(j)(6) of title 10, United States Code.

22 SEC. 13005. (a) The head of an agency may waive

23 the provisions of section 2326(b) of title 10, United States

24 Code, with respect to a contract of such agency if the head

25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease

2 2019 (COVID–19).

3 (b) In this section, the term ‘‘head of an agency’’ has

4 the meaning given that term in section 2302(2) of title

5 10, United States Code.

6 SEC. 13006. (a) Notwithstanding paragraph (3) of

7 section 2371b(a) of title 10, United States Code, the au8

thority of a senior procurement executive or director of

9 the Defense Advanced Research Projects Agency or Mis10

sile Defense Agency under paragraph (2)(A) of such sec11

tion, and the authority of the Under Secretaries of De12

fense under paragraph (2)(B) of such section, for any

13 transaction related to the national emergency for the

14 Coronavirus Disease 2019 (COVID–19) may be delegated

15 to such officials in the Department of Defense as the Sec16

retary of Defense shall specify for purposes of this section.

17 (b)(1) Notwithstanding clause (ii) of section

18 2371b(a)(2)(B) of title 10, United States Code, no ad19

vance notice to Congress is required under that clause for

20 transitions described in that section that are related to

21 the national emergency for the Coronavirus Disease 2019

22 (COVID–19).

23 (2) In the event a transaction covered by paragraph

24 (1) is carried out, the Under Secretary of Defense for Re25

search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub2

mit to the congressional defense committees a notice on

3 the carrying out of such transaction as soon as is prac4

ticable after the commencement of the carrying out of

5 such transaction.

6 (3) In this subsection, the term ‘‘congressional de7

fense committees’’ has the meaning given such term in

8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap10

pointment of the Chief of Army Reserve as prescribed in

11 section 7038(c) of title 10, United States Code, for the

12 incumbent in that position as of the date of the enactment

13 of this Act until the date of the appointment of the suc14

cessor to such incumbent, notwithstanding any limitation

15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the

17 Chief of Navy Reserve as prescribed in section 8083(c)

18 of title 10, United States Code, for the incumbent in that

19 position as of the date of the enactment of this Act until

20 the date of the appointment of the successor to such in21

cumbent, notwithstanding any limitation otherwise im22

posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the

24 Chief of Staff of the Air Force prescribed in section

25 9033(a)(1) of title 10, United States Code, for the incum650

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1 bent in that position as of the date of the enactment of

2 this Act until the date of the appointment of the successor

3 to such incumbent, notwithstanding any limitation other4

wise imposed on such term by such section 9033(a)(1).

5 (d) The President may extend the appointment of the

6 Chief of Space Operations, as prescribed in section

7 9082(a)(2) of title 10, United States Code, for the incum8

bent in that position as of the date of the enactment of

9 this Act until the date of the appointment of the successor

10 to such incumbent, notwithstanding any limitation other11

wise imposed on such term by such section 9082(a)(2).

12 (e) The President may extend the appointment of the

13 Chief of the National Guard Bureau as prescribed in sec14

tion 10502(b) of title 10, United States Code, for the in15

cumbent in that position as of the date of the enactment

16 of this Act until the date of the appointment of the suc17

cessor to such incumbent, notwithstanding any limitation

18 otherwise imposed on such term by such section 10502(b).

19 (f) The President may extend the appointment of Di20

rector, Army National Guard and Director, Air National

21 Guard as prescribed in section 10506(a)(3)(D) of title 10,

22 United States Code, for the incumbent in such position

23 as of the date of the enactment of this Act until the date

24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such

2 term by such section 10506(a)(3)(D).

3 (g) Notwithstanding paragraph (4) of section

4 10505(a) of title 10, United States Code, the Secretary

5 of Defense may waive the limitations in paragraphs (2)

6 and (3) of that section for a period of not more than 270

7 days.

8 (h)(1) The President may delegate the exercise of the

9 authorities in subsections (a) through (f) to the Secretary

10 of Defense.

11 (2) The Secretary of Defense may not redelegate the

12 exercise of any authority delegated to the Secretary pursu13

ant to paragraph (1), and may not delegate the exercise

14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ‘‘Operation and Main6

tenance’’, $50,000,000, to remain available until Sep7

tember 30, 2021, to prevent, prepare for, and respond to

8 coronavirus, domestically or internationally: *Provided*,

9 That such amount is designated by the Congress as being

10 for an emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ‘‘Expenses’’,

15 $20,000,000, to remain available until September 30,

16 2021, to prevent, prepare for, and respond to coronavirus,

17 domestically or internationally: *Provided*, That such

18 amount is designated by the Congress as being for an

19 emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ‘‘Water and Related

6 Resources’’, $12,500,000, to remain available until Sep7

tember 30, 2021, to prevent, prepare for, and respond to

8 coronavirus, domestically or internationally: *Provided*,

9 That $500,000 of the funds provided under this heading

10 in this Act shall be transferred to the ‘‘Central Utah

11 Project Completion Account’’ to prevent, prepare for, and

12 respond to coronavirus: *Provided further*, That such

13 amount is designated by the Congress as being for an

14 emergency requirement pursuant to section

15 251(b)(2)(A)(i) of the Balanced Budget and Emergency

16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for ‘‘Policy and Adminis19

tration’’, $8,100,000, to remain available until September

20 30, 2021, to prevent, prepare for, and respond to

21 coronavirus, domestically or internationally: *Provided*,

22 That such amount is designated by the Congress as being

23 for an emergency requirement pursuant to section

24 251(b)(2)(A)(i) of the Balanced Budget and Emergency

25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for ‘‘Science’’,

5 $99,500,000, to remain available until September 30,

6 2021, to prevent, prepare for, and respond to coronavirus,

7 domestically or internationally, for necessary expenses re8

lated to providing support and access to scientific user fa9

cilities in the Office of Science and National Nuclear Secu10

rity Administration, including equipment, enabling tech11

nologies, and personnel associated with the operations of

12 those scientific user facilities: *Provided*, That such amount

13 is designated by the Congress as being for an emergency

14 requirement pursuant to section 251(b)(2)(A)(i) of the

15 Balanced Budget and Emergency Deficit Control Act of

16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for ‘‘Departmental Admin20

istration’’, $28,000,000, to remain available until Sep21

tember 30, 2021, to prevent, prepare for, and respond to

22 coronavirus, domestically or internationally, including for

23 necessary expenses related to supporting remote access for

24 personnel: *Provided*, That funds appropriated under this

25 heading in this Act may be transferred to, and merged

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1 with, other appropriation accounts of the Department of

2 Energy to prevent, prepare for, and respond to

3 coronavirus, including for necessary expenses related to

4 supporting remote access for personnel: *Provided further*,

5 That such amount is designated by the Congress as being

6 for an emergency requirement pursuant to section

7 251(b)(2)(A)(i) of the Balanced Budget and Emergency

8 Deficit Control Act of 1985.

9 INDEPENDENT AGENCIES

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for ‘‘Salaries and Ex13

penses’’, $3,300,000, to remain available until September

14 30, 2021, to prevent, prepare for, and respond to

15 coronavirus, domestically or internationally: *Provided*,

16 That, notwithstanding 42 U.S.C. 2214, such amount shall

17 not be derived from fee revenue: *Provided further*, That

18 such amount is designated by the Congress as being for

19 an emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 14001. Funds appropriated in this title may be

24 made available to restore amounts, either directly or

25 through reimbursement, for obligations incurred to pre656

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1 vent, prepare for, and respond to coronavirus prior to the

2 date of enactment of this Act.

3 SEC. 14002. (a) Section 404 of the Bipartisan Budg4

et Act of 2015 (42 U.S.C. 6239 note) is amended—

5 (1) in subsection (e), by striking ‘‘2020’’ and

6 inserting ‘‘2022’’; and

7 (2) in subsection (g), by striking ‘‘2020’’ and

8 inserting ‘‘2022’’.

9 (b) Title III of division C of the Further Consolidated

10 Appropriations Act, 2020 (Public Law 116–94) is amend11

ed in the matter under the heading ‘‘Department of En12

ergy—Energy Programs—Strategic Petroleum Reserve’’

13 by striking the three provisos before the final period and

14 inserting the following:

15 ‘‘ *Provided*, That, as authorized by section 404 of the

16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42

17 U.S.C. 6239 note), the Secretary of Energy shall draw

18 down and sell not to exceed a total of $450,000,000 of

19 crude oil from the Strategic Petroleum Reserve in fiscal

20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*

21 *further*, That the proceeds from such drawdown and sale

22 shall be deposited into the ‘Energy Security and Infra23

structure Modernization Fund’ during the fiscal year in

24 which the sale occurs and shall be made available in such

25 fiscal year, to remain available until expended, for nec657

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1 essary expenses to carry out the Life Extension II project

2 for the Strategic Petroleum Reserve’’.

3 (c) The amount provided by this section is designated

4 by the Congress as being for an emergency requirement

5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg6

et and Emergency Deficit Control Act of 1985.

7 SEC. 14003. Any discretionary appropriation for the

8 Corps of Engineers derived from the Harbor Maintenance

9 Trust Fund (not to exceed the total amount deposited in

10 the Harbor Maintenance Trust Fund in the prior fiscal

11 year) shall be subtracted from the estimate of discre12

tionary budget authority and outlays for any estimate of

13 an appropriations Act under the Congressional Budget

14 and Impoundment Control Act of 1974 or the Balanced

15 Budget and Emergency Deficit Control Act of 1985: *Pro*16

*vided*, That the modifications described in this section

17 shall not take effect until the earlier of January 1, 2021

18 or the date of enactment of legislation authorizing the de19

velopment of water resources and shall remain in effect

20 thereafter.

21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,

22 United States Code, is amended by inserting ‘‘, except that

23 a discretionary grant to respond to economic distress di24

rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate

2 amount’’ before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise

8 available to the Internal Revenue Service in fiscal year

9 2020, $250,000,000, to remain available until September

10 30, 2021, shall be available to prevent, prepare for, and

11 respond to coronavirus, domestically or internationally, in12

cluding costs associated with the extended filing season

13 and implementation of the Families First Coronavirus Re14

sponse Act: *Provided*, That such funds may be transferred

15 by the Commissioner to the ‘‘Taxpayer Services,’’ ‘‘En16

forcement,’’ or ‘‘Operations Support’’ accounts of the In17

ternal Revenue Service for an additional amount to be

18 used solely to prevent, prepare for, and respond to

19 coronavirus, domestically or internationally: *Provided fur*20

*ther*, That the Committees on Appropriations of the House

21 of Representatives and the Senate shall be notified in ad22

vance of any such transfer: *Provided further*, That such

23 transfer authority is in addition to any other transfer au24

thority provided by law: *Provided further*, That not later

25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro2

priations of the House of Representatives and the Senate

3 a spending plan for such funds: *Provided further*, That

4 such amount is designated by the Congress as being for

5 an emergency requirement pursuant to section

6 251(b)(2)(A)(i) of the Balanced Budget and Emergency

7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for ‘‘Salaries and Ex12

penses’’, $500,000, to prevent, prepare for, and respond

13 to coronavirus, domestically or internationally: *Provided*,

14 That such amount is designated by the Congress as being

15 for an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for ‘‘Salaries and Ex22

penses’’, $6,000,000, to prevent, prepare for, and respond

23 to coronavirus, domestically or internationally: *Provided*,

24 That such amount is designated by the Congress as being

25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 DEFENDER SERVICES

4 For an additional amount for ‘‘Defender Services’’,

5 $1,000,000, to remain available until expended, to pre6

vent, prepare for, and respond to coronavirus, domestically

7 or internationally: *Provided*, That such amount is des8

ignated by the Congress as being for an emergency re9

quirement pursuant to section 251(b)(2)(A)(i) of the Bal10

anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the

14 term ‘‘covered emergency period’’ means the period begin15

ning on the date on which the President declared a na16

tional emergency under the National Emergencies Act (50

17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis18

ease 2019 (COVID–19) and ending on the date that is

19 30 days after the date on which the national emergency

20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO22

CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),

24 (4), and (5), if the Judicial Conference of the United

25 States finds that emergency conditions due to the

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1 national emergency declared by the President under

2 the National Emergencies Act (50 U.S.C. 1601 et

3 seq.) with respect to the Coronavirus Disease 2019

4 (COVID–19) will materially affect the functioning of

5 either the Federal courts generally or a particular

6 district court of the United States, the chief judge

7 of a district court covered by the finding (or, if the

8 chief judge is unavailable, the most senior available

9 active judge of the court or the chief judge or circuit

10 justice of the circuit that includes the district court),

11 upon application of the Attorney General or the des12

ignee of the Attorney General, or on motion of the

13 judge or justice, may authorize the use of video tele14

conferencing, or telephone conferencing if video tele15

conferencing is not reasonably available, for the fol16

lowing events:

17 (A) Detention hearings under section 3142

18 of title 18, United States Code.

19 (B) Initial appearances under Rule 5 of

20 the Federal Rules of Criminal Procedure.

21 (C) Preliminary hearings under Rule 5.1 of

22 the Federal Rules of Criminal Procedure.

23 (D) Waivers of indictment under Rule 7(b)

24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the

2 Federal Rules of Criminal Procedure.

3 (F) Probation and supervised release rev4

ocation proceedings under Rule 32.1 of the

5 Federal Rules of Criminal Procedure.

6 (G) Pretrial release revocation proceedings

7 under section 3148 of title 18, United States

8 Code.

9 (H) Appearances under Rule 40 of the

10 Federal Rules of Criminal Procedure.

11 (I) Misdemeanor pleas and sentencings as

12 described in Rule 43(b)(2) of the Federal Rules

13 of Criminal Procedure.

14 (J) Proceedings under chapter 403 of title

15 18, United States Code (commonly known as

16 the ‘‘Federal Juvenile Delinquency Act’’), ex17

cept for contested transfer hearings and juve18

nile delinquency adjudication or trial pro19

ceedings.

20 (2) FELONY PLEAS AND SENTENCING.—

21 (A) IN GENERAL.—Subject to paragraphs

22 (3), (4), and (5), if the Judicial Conference of

23 the United States finds that emergency condi24

tions due to the national emergency declared by

25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to

2 the Coronavirus Disease 2019 (COVID-19) will

3 materially affect the functioning of either the

4 Federal courts generally or a particular district

5 court of the United States, the chief judge of a

6 district court covered by the finding (or, if the

7 chief judge is unavailable, the most senior avail8

able active judge of the court or the chief judge

9 or circuit justice of the circuit that includes the

10 district court) specifically finds, upon applica11

tion of the Attorney General or the designee of

12 the Attorney General, or on motion of the judge

13 or justice, that felony pleas under Rule 11 of

14 the Federal Rules of Criminal Procedure and

15 felony sentencings under Rule 32 of the Federal

16 Rules of Criminal Procedure cannot be con17

ducted in person without seriously jeopardizing

18 public health and safety, and the district judge

19 in a particular case finds for specific reasons

20 that the plea or sentencing in that case cannot

21 be further delayed without serious harm to the

22 interests of justice, the plea or sentencing in

23 that case may be conducted by video teleconfer24

ence, or by telephone conference if video tele25

conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The

2 video teleconferencing and telephone confer3

encing authority described in subparagraph (A)

4 shall apply with respect to equivalent plea and

5 sentencing, or disposition, proceedings under

6 chapter 403 of title 18, United States Code

7 (commonly known as the ‘‘Federal Juvenile De8

linquency Act’’).

9 (3) REVIEW.—

10 (A) IN GENERAL.—On the date that is 90

11 days after the date on which an authorization

12 for the use of video teleconferencing or tele13

phone conferencing under paragraph (1) or (2)

14 is issued, if the emergency authority has not

15 been terminated under paragraph (5), the chief

16 judge of the district court (or, if the chief judge

17 is unavailable, the most senior available active

18 judge of the court or the chief judge or circuit

19 justice of the circuit that includes the district

20 court) to which the authorization applies shall

21 review the authorization and determine whether

22 to extend the authorization.

23 (B) ADDITIONAL REVIEW.—If an author24

ization is extended under subparagraph (A), the

25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available

2 active judge of the court or the chief judge or

3 circuit justice of the circuit that includes the

4 district court) to which the authorization ap5

plies shall review the extension of authority not

6 less frequently than once every 90 days until

7 the earlier of—

8 (i) the date on which the chief judge

9 (or other judge or justice) determines the

10 authorization is no longer warranted; or

11 (ii) the date on which the emergency

12 authority is terminated under paragraph

13 (5).

14 (4) CONSENT.—Video teleconferencing or tele15

phone conferencing authorized under paragraph (1)

16 or (2) may only take place with the consent of the

17 defendant, or the juvenile, after consultation with

18 counsel.

19 (5) TERMINATION OF EMERGENCY AUTHOR20

ITY.—The authority provided under paragraphs (1),

21 (2), and (3), and any specific authorizations issued

22 under those paragraphs, shall terminate on the ear23

lier of—

24 (A) the last day of the covered emergency

25 period; or

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1 (B) the date on which the Judicial Con2

ference of the United States finds that emer3

gency conditions due to the national emergency

4 declared by the President under the National

5 Emergencies Act (50 U.S.C. 1601 et seq.) with

6 respect to the Coronavirus Disease 2019

7 (COVID-19) no longer materially affect the

8 functioning of either the Federal courts gen9

erally or the district court in question.

10 (6) NATIONAL EMERGENCIES GENERALLY.—

11 The Judicial Conference of the United States and

12 the Supreme Court of the United States shall con13

sider rule amendments under chapter 131 of title

14 28, United States Code (commonly known as the

15 ‘‘Rules Enabling Act’’), that address emergency

16 measures that may be taken by the Federal courts

17 when the President declares a national emergency

18 under the National Emergencies Act (50 U.S.C.

19 1601 et seq.).

20 (7) RULE OF CONSTRUCTION.—Nothing in this

21 subsection shall obviate a defendant’s right to coun22

sel under the Sixth Amendment to the Constitution

23 of the United States, any Federal statute, or the

24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated

2 by the Congress as being for an emergency requirement

3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg4

et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND

8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ‘‘Federal Payment for

10 Emergency Planning and Security Costs in the District

11 of Columbia’’, $5,000,000, to remain available until ex12

pended, to prevent, prepare for, and respond to

13 coronavirus, domestically or internationally: *Provided*,

14 That such amount is designated by the Congress as being

15 for an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ‘‘Election Security

22 Grants’’, $400,000,000, to prevent, prepare for, and re23

spond to coronavirus, domestically or internationally, for

24 the 2020 Federal election cycle: *Provided*, That a State

25 receiving a payment with funds provided under this head669

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1 ing in this Act shall provide to the Election Assistance

2 Commission, within 20 days of each election in the 2020

3 Federal election cycle in that State, a report that includes

4 a full accounting of the State’s uses of the payment and

5 an explanation of how such uses allowed the State to pre6

vent, prepare for, and respond to coronavirus: *Provided*

7 *further*, That, within 3 days of its receipt of a report re8

quired in the preceding proviso, the Election Assistance

9 Commission will transmit the report to the Committee on

10 Appropriations and the Committee on House Administra11

tion of the House of Representatives and the Committee

12 on Appropriations and the Committee on Rules and Ad13

ministration of the Senate: *Provided further*, That not

14 later than 30 days after the date of enactment of this Act,

15 the Election Assistance Commission shall make the pay16

ments to States under this heading: *Provided further*, That

17 any portion of a payment made to a State with funds pro18

vided under this heading in this Act which is unobligated

19 on December 31, 2020 shall be returned to the Treasury:

20 *Provided further*, That such amount is designated by the

21 Congress as being for an emergency requirement pursuant

22 to section 251(b)(2)(A)(i) of the Balanced Budget and

23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for ‘‘Salaries and Ex4

penses’’, $200,000,000, to remain available until ex5

pended, to prevent, prepare for, and respond to

6 coronavirus, domestically or internationally, including to

7 support efforts of health care providers to address

8 coronavirus by providing telecommunications services, in9

formation services, and devices necessary to enable the

10 provision of telehealth services during an emergency pe11

riod, as defined in section 1135(g)(1) of the Social Secu12

rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the

13 Federal Communications Commission may rely on the

14 rules of the Commission under part 54 of title 47, Code

15 of Federal Regulations, in administering the amount pro16

vided under the heading in this Act if the Commission de17

termines that such administration is in the public interest:

18 *Provided further*, That such amount is designated by the

19 Congress as being for an emergency requirement pursuant

20 to section 251(b)(2)(A)(i) of the Balanced Budget and

21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 (INCLUDING TRANSFERS OF FUNDS)

5 For an additional amount to be deposited in the

6 ‘‘Federal Buildings Fund’’, $275,000,000, to remain

7 available until expended, to prevent, prepare for, and re8

spond to coronavirus, domestically or internationally: *Pro*9

*vided*, That the amount provided under this heading in

10 this Act may be used to reimburse the Fund for obliga11

tions incurred for this purpose prior to the date of the

12 enactment of this Act: *Provided further*, That such amount

13 may be transferred to, and merged with, accounts within

14 the Federal Buildings Fund in amounts necessary to cover

15 costs incurred to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally: *Provided fur*17

*ther*, That the Administrator of General Services shall no18

tify the Committees on Appropriations of the House of

19 Representatives and the Senate quarterly on the obliga20

tions and expenditures of the funds provided by this Act

21 by account of the Federal Buildings Fund: *Provided fur*22

*ther*, That funds made available to the Administrator in

23 this or any previous Act shall not be subject to section

24 3307 of title 40, United States Code, for the acquisition

25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur*2

*ther*, That no action taken by the Administrator to acquire

3 real property and interests in real property or to improve

4 real property in response to coronavirus shall be deemed

5 a Federal action or undertaking and subject to review

6 under the National Environmental Policy Act of 1969, as

7 amended (42 U.S.C. 4321 et seq.), or the National His8

toric Preservation Act of 1966, as amended (54 U.S.C.

9 300101 et seq.), respectively: *Provided further*, That such

10 amount is designated by the Congress as being for an

11 emergency requirement pursuant to section

12 251(b)(2)(A)(i) of the Balanced Budget and Emergency

13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the

18 ‘‘Federal Citizen Services Fund’’, $18,650,000, to remain

19 available until expended, to prevent, prepare for, and re20

spond to coronavirus, domestically or internationally: *Pro*21

*vided*, That such amount is designated by the Congress

22 as being for an emergency requirement pursuant to sec23

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer24

gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for ‘‘Working Capital

3 Fund’’, $1,500,000, to remain available until expended,

4 to prevent, prepare for, and respond to coronavirus, do5

mestically or internationally: *Provided*, That such amount

6 is designated by the Congress as being for an emergency

7 requirement pursuant to section 251(b)(2)(A)(i) of the

8 Balanced Budget and Emergency Deficit Control Act of

9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES

11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.

13 3304(a)(7)(B), the Administrator, when making a deter14

mination that use of noncompetitive procedures is nec15

essary for public interest in accordance with 41 U.S.C.

16 3304(a)(7)(A) in response to a public health emergency

17 declaration by the Secretary of Health and Human Serv18

ices under section 319 of the Public Health Service Act

19 (42 U.S.C. 247(d)), is required to notify Congress in writ20

ing of that determination not less than 3 days prior to

21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

23 OPERATING EXPENSES

24 For an additional amount for ‘‘Operating Expenses’’,

25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do2

mestically or internationally: *Provided*, That the amount

3 provided under this heading in this Act may be used to

4 provide expenses of the Federal Records Center Program

5 for preventing, preparing for, and responding to

6 coronavirus, domestically or internationally: *Provided fur*7

*ther*, That such amount is designated by the Congress as

8 being for an emergency requirement pursuant to section

9 251(b)(2)(A)(i) of the Balanced Budget and Emergency

10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for ‘‘Salaries and Ex14

penses’’, $12,100,000, to remain available until September

15 30, 2021, to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally, including

17 technologies for digital case management, short-term

18 methods to allow electronic submissions of retirement ap19

plication packages in support of paper-based business op20

erations, and increased telecommunications: *Provided*,

21 That such amount is designated by the Congress as being

22 for an emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for ‘‘Pandemic Response

3 Accountability Committee’’, $80,000,000, to remain avail4

able until expended, to promote transparency and support

5 oversight of funds provided in this Act to prevent, prepare

6 for, and respond to coronavirus, domestically or inter7

nationally: *Provided*, That such amount is designated by

8 the Congress as being for an emergency requirement pur9

suant to section 251(b)(2)(A)(i) of the Balanced Budget

10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION

12 DISASTER LOANS PROGRAM ACCOUNT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the ‘‘Disaster Loans

15 Program Account’’, $562,000,000, to remain available

16 until expended, to prevent, prepare for, and respond to

17 coronavirus, domestically or internationally, for the cost

18 of direct loans authorized by section 7(b) of the Small

19 Business Act and for administrative expenses to carry out

20 the disaster loan program authorized by section 7(b) of

21 the Small Business Act: *Provided*, That the amounts pro22

vided under this heading in this Act may be transferred

23 to, and merged with, ‘‘Small Business Administration—

24 Salaries and Expenses’’ to prevent, prepare for, and re25

spond to coronavirus, domestically or internationally: *Pro*676

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1 *vided further*, That such amount is designated by the Con2

gress as being for an emergency requirement pursuant to

3 section 251(b)(2)(A)(i) of the Balanced Budget and

4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—

8 (1) the term ‘‘agency’’ has the meaning given

9 the term in section 551 of title 5, United States

10 Code;

11 (2) the term ‘‘appropriate congressional com12

mittees’’ means—

13 (A) the Committees on Appropriations of

14 the Senate and the House of Representatives;

15 (B) the Committee on Homeland Security

16 and Governmental Affairs of the Senate;

17 (C) the Committee on Oversight and Re18

form of the House of Representatives; and

19 (D) any other relevant congressional com20

mittee of jurisdiction;

21 (3) the term ‘‘Chairperson’’ means the Chair22

person of the Committee;

23 (4) the term ‘‘Council’’ means the Council of

24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen2

eral Act of 1978 (5 U.S.C. App);

3 (5) the term ‘‘Committee’’ means the Pandemic

4 Response Accountability Committee established

5 under subsection (b);

6 (6) the term ‘‘covered funds’’ means any funds,

7 including loans, that are made available in any form

8 to any non-Federal entity, not including an indi9

vidual, under—

10 (A) this Act;

11 (B) the Coronavirus Preparedness and Re12

sponse Supplemental Appropriations Act, 2020

13 (Public Law 116–123);

14 (C) the Families First Coronavirus Re15

sponse Act (Public Law 116–127); or

16 (D) any other Act primarily making appro17

priations for the Coronavirus response and re18

lated activities; and

19 (7) the term ‘‘Coronavirus response’’ means the

20 Federal Government’s response to the nationwide

21 public health emergency declared by the Secretary of

22 Health and Human Services, retroactive to January

23 27, 2020, pursuant to section 319 of the Public

24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–

2 19) in the United States.

3 (b) There is established within the Council the Pan4

demic Response Accountability Committee to promote

5 transparency and conduct and support oversight of cov6

ered funds and the Coronavirus response to—

7 (1) prevent and detect fraud, waste, abuse, and

8 mismanagement; and

9 (2) mitigate major risks that cut across pro10

gram and agency boundaries.

11 (c)(1) The Chairperson of the Committee shall be se12

lected by the Chairperson of the Council from among In13

spectors General described in subparagraphs (B), (C), and

14 (D) of paragraph (2) with experience managing oversight

15 of large organizations and expenditures.

16 (2) The members of the Committee shall include—

17 (A) the Chairperson;

18 (B) the Inspectors General of the Departments

19 of Defense, Education, Health and Human Services,

20 Homeland Security, Justice, Labor, and the Treas21

ury;

22 (C) the Inspector General of the Small Business

23 Administration;

24 (D) the Treasury Inspector General for Tax

25 Administration; and

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1 (E) any other Inspector General, as designated

2 by the Chairperson from any agency that expends or

3 obligates covered funds or is involved in the

4 Coronavirus response.

5 (3)(A) There shall be an Executive Director and a

6 Deputy Executive Director of the Committee.

7 (B)(i)(I) Not later than 30 days after the date of en8

actment of this Act, the Executive Director of the Com9

mittee shall be appointed by the Chairperson of the Coun10

cil, in consultation with the majority leader of the Senate,

11 the Speaker of the House of Representatives, the minority

12 leader of the Senate, and the minority leader of the House

13 of Representatives.

14 (II) Not later than 90 days after the date of enact15

ment of this Act, the Deputy Executive Director of the

16 Committee shall be appointed by the Chairperson of the

17 Council, in consultation with the majority leader of the

18 Senate, the Speaker of the House of Representatives, the

19 minority leader of the Senate, the minority leader of the

20 House of Representatives, and the Executive Director of

21 the Committee.

22 (ii) The Executive Director and the Deputy Executive

23 Director of the Committee shall—

24 (I) have demonstrated ability in accounting, au25

diting, and financial analysis;

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1 (II) have experience managing oversight of

2 large organizations and expenditures; and

3 (III) be full-time employees of the Committee.

4 (C) The Executive Director of the Committee shall—

5 (i) report directly to the Chairperson;

6 (ii) appoint staff of the Committee, subject to

7 the approval of the Chairperson, consistent with sub8

section (f);

9 (iii) supervise and coordinate Committee func10

tions and staff; and

11 (iv) perform any other duties assigned to the

12 Executive Director by the Committee.

13 (4)(A) Members of the Committee may not receive

14 additional compensation for services performed.

15 (B) The Executive Director and Deputy Executive

16 Director of the Committee shall be compensated at the

17 rate of basic pay prescribed for level IV of the Executive

18 Schedule under section 5315 of title 5, United States

19 Code.

20 (d)(1)(A) The Committee shall conduct and coordi21

nate oversight of covered funds and the Coronavirus re22

sponse and support Inspectors General in the oversight of

23 covered funds and the Coronavirus response in order to—

24 (i) detect and prevent fraud, waste, abuse, and

25 mismanagement; and

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1 (ii) identify major risks that cut across pro2

grams and agency boundaries.

3 (B) The functions of the Committee shall include—

4 (i) developing a strategic plan to ensure coordi5

nated, efficient, and effective comprehensive over6

sight by the Committee and Inspectors General over

7 all aspects of covered funds and the Coronavirus re8

sponse;

9 (ii) auditing or reviewing covered funds, includ10

ing a comprehensive audit and review of charges

11 made to Federal contracts pursuant to authorities

12 provided in the Coronavirus Aid, Relief, and Eco13

nomic Security Act, to determine whether wasteful

14 spending, poor contract or grant management, or

15 other abuses are occurring and referring matters the

16 Committee considers appropriate for investigation to

17 the Inspector General for the agency that disbursed

18 the covered funds, including conducting randomized

19 audits to identify fraud;

20 (iii) reviewing whether the reporting of con21

tracts and grants using covered funds meets applica22

ble standards and specifies the purpose of the con23

tract or grant and measures of performance;

24 (iv) reviewing the economy, efficiency, and ef25

fectiveness in the administration of, and the detec682

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1 tion of fraud, waste, abuse, and mismanagement in,

2 Coronavirus response programs and operations;

3 (v) reviewing whether competition requirements

4 applicable to contracts and grants using covered

5 funds have been satisfied;

6 (vi) serving as a liaison to the Director of the

7 Office of Management and Budget, the Secretary of

8 the Treasury, and other officials responsible for im9

plementing the Coronavirus response;

10 (vii) reviewing whether there are sufficient

11 qualified acquisition, grant, and other applicable per12

sonnel overseeing covered funds and the Coronavirus

13 response;

14 (viii) reviewing whether personnel whose duties

15 involve the Coronavirus response or acquisitions or

16 grants made with covered funds or are otherwise re17

lated to the Coronavirus response receive adequate

18 training, technology support, and other resources;

19 (ix) reviewing whether there are appropriate

20 mechanisms for interagency collaboration relating to

21 the oversight of covered funds and the Coronavirus

22 response, including coordinating and collaborating to

23 the extent practicable with State and local govern24

ment entities;

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1 (x) expeditiously reporting to the Attorney Gen2

eral any instance in which the Committee has rea3

sonable grounds to believe there has been a violation

4 of Federal criminal law; and

5 (xi) coordinating and supporting Inspectors

6 General on matters related to oversight of covered

7 funds and the Coronavirus response.

8 (2)(A)(i) The Committee shall submit to the Presi9

dent and Congress, including the appropriate congres10

sional committees, management alerts on potential man11

agement, risk, and funding problems that require imme12

diate attention.

13 (ii) The Committee shall submit to Congress such

14 other reports or provide such periodic updates on the work

15 of the Committee as the Committee considers appropriate

16 on the use of covered funds and the Coronavirus response.

17 (B) The Committee shall submit biannual reports to

18 the President and Congress, including the appropriate

19 congressional committees, and may submit additional re20

ports as appropriate—

21 (i) summarizing the findings of the Committee;

22 and

23 (ii) identifying and quantifying the impact of

24 any tax expenditures or credits authorized under

25 this Act to the extent practicable.

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1 (C)(i) All reports submitted under this paragraph

2 shall be made publicly available and posted on the website

3 established under subsection (g).

4 (ii) Any portion of a report submitted under this

5 paragraph may be redacted when made publicly available,

6 if that portion would disclose information that is not sub7

ject to disclosure under sections 552 and 552a of title 5,

8 United States Code, or is otherwise prohibited from disclo9

sure by law.

10 (3)(A) The Committee shall make recommendations

11 to agencies on measures to prevent or address fraud,

12 waste, abuse and mismanagement, and to mitigate risks

13 that cut across programs and agency boundaries, relating

14 to covered funds and the Coronavirus response.

15 (B) Not later than 30 days after receipt of a rec16

ommendation under subparagraph (A), an agency shall

17 submit a report to the President and the appropriate con18

gressional committees on—

19 (i) whether the agency agrees or disagrees with

20 the recommendations; and

21 (ii) any actions the agency will take to imple22

ment the recommendations, which shall also be in23

cluded in the report required under section 2(b) of

24 the GAO–IG Act (31 U.S.C. 1105 note).

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1 (e)(1) The Committee shall conduct audits and re2

views of programs, operations, and expenditures relating

3 to covered funds and the Coronavirus response and coordi4

nate on such activities with the Inspector General of the

5 relevant agency to avoid unnecessary duplication and over6

lap of work.

7 (2) The Committee may—

8 (A) conduct its own independent investigations,

9 audits, and reviews relating to covered funds or the

10 Coronavirus response;

11 (B) collaborate on audits and reviews relating

12 to covered funds with any Inspector General of an

13 agency; and

14 (C) provide support to relevant agency Inspec15

tors General in conducting investigations, audits,

16 and reviews relating to the covered funds and

17 Coronavirus response.

18 (3)(A) In conducting and supporting investigations,

19 audits, and reviews under this subsection, the Com20

mittee—

21 (i) shall have the authorities provided under

22 section 6 of the Inspector General Act of 1978 (5

23 U.S.C. App.);

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1 (ii) may issue subpoenas to compel the testi2

mony of persons who are not Federal officers or em3

ployees; and

4 (iii) may enforce such subpoenas in the event of

5 a refusal to obey by order of any appropriate United

6 States district court as provided for under section 6

7 of the Inspector General Act of 1978 (5 U.S.C.

8 App).

9 (B) The Committee shall carry out the powers under

10 paragraphs (1) and (2) in accordance with section 4(b)(1)

11 of the Inspector General Act of 1978 (5 U.S.C. App.).

12 (C) Whenever information or assistance requested by

13 the Committee or an Inspector General is unreasonably

14 refused or not provided, the Committee shall immediately

15 report the circumstances to the appropriate congressional

16 committees.

17 (D) The Committee shall leverage existing informa18

tion technology resources within the Council, such as over19

sight.gov, to carry out the duties of the Committee.

20 (4)(A) The Committee may hold public hearings and

21 Committee personnel may conduct necessary inquiries.

22 (B) The head of each agency shall make all officers

23 and employees of that agency available to provide testi24

mony to the Committee and Committee personnel.

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1 (C) The Committee may issue subpoenas to compel

2 the testimony of persons who are not Federal officers or

3 employees at such public hearings, which may be enforced

4 in the same manner as provided for subpoenas under sec5

tion 6 of the Inspector General Act of 1978 (5 U.S.C.

6 App.).

7 (5) The Committee may enter into contracts to en8

able the Committee to discharge its duties, including con9

tracts and other arrangements for audits, studies, anal10

yses, and other services with public agencies and with pri11

vate persons, and make such payments as may be nec12

essary to carry out the duties of the Committee.

13 (6) The Committee may establish subcommittees to

14 facilitate the ability of the Committee to discharge its du15

ties.

16 (7) The Committee may transfer funds appropriated

17 to the Committee for expenses to support administrative

18 support services and audits, reviews, or other activities re19

lated to oversight by the Committee of covered funds or

20 the Coronavirus response to any Office of the Inspector

21 General or the General Services Administration.

22 (f)(1)(A)(i) Subject to subparagraph (B), the Com23

mittee may exercise the authorities of subsections (b)

24 through (i) of section 3161 of title 5, United States Code

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1 (without regard to subsection (a) of that section) to carry

2 out the functions of the Committee under this section.

3 (ii) For purposes of exercising the authorities de4

scribed under clause (i), the term ‘‘Chairperson’’ shall be

5 substituted for the term ‘‘head of a temporary organiza6

tion’’.

7 (iii) In exercising the authorities described in clause

8 (i), the Chairperson shall consult with members of the

9 Committee.

10 (iv) In addition to the authority provided by section

11 3161(c) of title 5, United States Code, upon the request

12 of an Inspector General, the Committee may detail, on a

13 nonreimbursable basis, any personnel of the Council to

14 that Inspector General to assist in carrying out any audit,

15 review, or investigation pertaining to the oversight of cov16

ered funds or the Coronavirus response.

17 (B) In exercising the employment authorities under

18 section 3161(b) of title 5, United States Code, as provided

19 under subparagraph (A) of this paragraph—

20 (i) section 3161(b)(2) of that title (relating to

21 periods of appointments) shall not apply; and

22 (ii) no period of appointment may exceed the

23 date on which the Committee terminates.

24 (C)(i) A person employed by the Committee shall ac25

quire competitive status for appointment to any position

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1 in the competitive service for which the employee possesses

2 the required qualifications upon the completion of 2 years

3 of continuous service as an employee under this sub4

section.

5 (ii) No person who is first employed as described in

6 clause (i) more than 2 years after the date of enactment

7 of this Act may acquire competitive status under clause

8 (i).

9 (2)(A) The Committee may employ annuitants cov10

ered by section 9902(g) of title 5, United States Code,

11 for purposes of the oversight of covered funds or the

12 Coronavirus response.

13 (B) The employment of annuitants under this para14

graph shall be subject to the provisions of section 9902(g)

15 of title 5, United States Code, as if the Committee was

16 the Department of Defense.

17 (3) Upon request of the Committee for information

18 or assistance from any agency or other entity of the Fed19

eral Government, the head of such entity shall, insofar as

20 is practicable and not in contravention of any existing law,

21 and consistent with section 6 of the Inspector General Act

22 of 1978 (5 U.S.C. App.), furnish such information or as23

sistance to the Committee, or an authorized designee, in24

cluding an Inspector General designated by the Chair25

person.

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1 (4) Any Inspector General responsible for conducting

2 oversight related to covered funds or the Coronavirus re3

sponse may, consistent with the duties, responsibilities,

4 policies, and procedures of the Inspector General, provide

5 information requested by the Committee or an Inspector

6 General on the Committee relating to the responsibilities

7 of the Committee.

8 (g)(1)(A) Not later than 30 days after the date of

9 enactment of this Act, the Committee shall establish and

10 maintain a user-friendly, public-facing website to foster

11 greater accountability and transparency in the use of cov12

ered funds and the Coronavirus response, which shall have

13 a uniform resource locator that is descriptive and memo14

rable.

15 (B) The Committee shall leverage existing informa16

tion technology and resources, such as oversight.gov, to

17 the greatest extent practicable to meet the requirements

18 under this section.

19 (2) The website established and maintained under

20 paragraph (1) shall be a portal or gateway to key informa21

tion relating to the oversight of covered funds and the

22 Coronavirus response and provide connections to other

23 Government websites with related information.

24 (3) In establishing and maintaining the website under

25 paragraph (1), the Committee shall ensure the following:

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1 (A) The website shall provide materials and in2

formation explaining the Coronavirus response and

3 how covered funds are being used. The materials

4 shall be easy to understand and regularly updated.

5 (i) The website shall provide accountability in6

formation, including findings from Inspectors Gen7

eral, including any progress reports, audits, inspec8

tions, or other reports, including reports from or

9 links to reports on the website of the Government

10 Accountability Office.

11 (ii) The website shall provide data on relevant

12 operational, economic, financial, grant, subgrant,

13 contract, and subcontract information in user-friend14

ly visual presentations to enhance public awareness

15 of the use of covered funds and the Coronavirus re16

sponse.

17 (iii) The website shall provide detailed data on

18 any Federal Government awards that expend cov19

ered funds, including a unique trackable identifica20

tion number for each project, information about the

21 process that was used to award the covered funds,

22 and for any covered funds over $150,000, a detailed

23 explanation of any associated agreement, where ap24

plicable.

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1 (iv) The website shall include downloadable,

2 machine-readable, open format reports on covered

3 funds obligated by month to each State and congres4

sional district, where applicable.

5 (v) The website shall provide a means for the

6 public to give feedback on the performance of any

7 covered funds and of the Coronavirus response, in8

cluding confidential feedback.

9 (vi) The website shall include detailed informa10

tion on Federal Government awards that expend

11 covered funds, including data elements required

12 under the Federal Funding Accountability and

13 Transparency Act of 2006 (31 U.S.C. 6101 note),

14 allowing aggregate reporting on awards below

15 $50,000, as prescribed by the Director of the Office

16 of Management and Budget.

17 (vii) The website shall provide a link to esti18

mates of the jobs sustained or created by this Act

19 to the extent practicable.

20 (viii) The website shall include appropriate links

21 to other government websites with information con22

cerning covered funds and the Coronavirus response,

23 including Federal agency and State websites.

24 (ix) The website shall include a plan from each

25 Federal agency for using covered funds.

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1 (x) The website shall provide information on

2 Federal allocations of mandatory and other entitle3

ment programs by State, county, or other geo4

graphical unit related to covered funds or the

5 Coronavirus response.

6 (xi) The website shall present the data such

7 that funds subawarded by recipients are not double

8 counted in search results, data visualizations, or

9 other reports.

10 (xii) The website shall include all recommenda11

tions made to agencies relating to covered funds and

12 the Coronavirus response, as well as the status of

13 each recommendation.

14 (xiii) The website shall be enhanced and up15

dated as necessary to carry out the purposes of this

16 section.

17 (4) The Committee may exclude posting contractual

18 or other information on the website on a case-by-case basis

19 when necessary to protect national security or to protect

20 information that is not subject to disclosure under sections

21 552 and 552a of title 5, United States Code.

22 (h)(1) Nothing in this section shall affect the inde23

pendent authority of an Inspector General to determine

24 whether to conduct an audit or investigation of covered

25 funds or the Coronavirus response.

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1 (2) If the Committee requests that an Inspector Gen2

eral of an agency conduct or refrain from conducting an

3 audit or investigation and the Inspector General rejects

4 the request in whole or in part, the Inspector General

5 shall, not later than 30 days after rejecting the request,

6 submit a report to the Committee, the head of the applica7

ble agency, and the appropriate congressional committees,

8 that states the reasons that the Inspector General has re9

jected the request in whole or in part.

10 (i) The Committee shall coordinate its oversight ac11

tivities with the Comptroller General of the United States

12 and State auditors.

13 (j) For the purposes of carrying out the mission of

14 the Committee under this section, there are authorized to

15 be appropriated such sums as may be necessary to carry

16 out the duties and functions of the Committee.

17 (k) The Committee shall terminate on September 30,

18 2025.

19 REPORTING ON USE OF FUNDS

20 SEC. 15011. (a) In this section—

21 (1) the terms ‘‘agency’’, ‘‘appropriate congres22

sional committees’’, ‘‘Committee’’, ‘‘covered funds’’,

23 and ‘‘Coronavirus response’’ have the meanings

24 given those terms in section 15010;

25 (2) the term ‘‘covered recipient’’—

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1 (A) means any entity that receives large

2 covered funds; and

3 (B) includes any State, the District of Co4

lumbia, and any territory or possession of the

5 United States; and

6 (3) the term ‘‘large covered funds’’ means cov7

ered funds that amount to more than $150,000.

8 (b)(1)(A) On a monthly basis until September 30,

9 2021, each agency shall report to the Director of the Of10

fice of Management and Budget, the Bureau of Fiscal

11 Service in the Department of the Treasury, the Com12

mittee, and the appropriate congressional committees on

13 any obligation or expenditure of large covered funds, in14

cluding loans and awards.

15 (B) Not later than 90 days after the date of enact16

ment of this Act, each agency shall submit to the Com17

mittee a plan describing how the agency will use covered

18 funds.

19 (2) Not later than 10 days after the end of each cal20

endar quarter, each covered recipient shall submit to the

21 agency and the Committee a report that contains—

22 (A) the total amount of large covered funds re23

ceived from the agency;

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1 (B) the amount of large covered funds received

2 that were expended or obligated for each project or

3 activity;

4 (C) a detailed list of all projects or activities for

5 which large covered funds were expended or obli6

gated, including—

7 (i) the name of the project or activity;

8 (ii) a description of the project or activity;

9 and

10 (iii) the estimated number of jobs created

11 or retained by the project or activity, where ap12

plicable; and

13 (D) detailed information on any level of sub14

contracts or subgrants awarded by the covered re15

cipient or its subcontractors or subgrantees, to in16

clude the data elements required to comply with the

17 Federal Funding Accountability and Transparency

18 Act of 2006 (31 U.S.C. 6101 note) allowing aggre19

gate reporting on awards below $50,000 or to indi20

viduals, as prescribed by the Director of the Office

21 of Management and Budget.

22 (3) Not later than 30 days after the end of each cal23

endar quarter, the Committee, in consultation with the

24 agency that made large covered funds available to any cov25

ered recipient shall make the information in reports sub697

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1 mitted under paragraph (2) publicly available by posting

2 the information on the website established under section

3 15010(g).

4 (4)(A) Each agency, in coordination with the Com5

mittee and the Director of the Office of Management and

6 Budget shall provide user-friendly means for covered re7

cipients to meet requirements of this subsection.

8 (B) Federal agencies may use existing mechanisms

9 to ensure that information under this subsection is re10

ported accurately.

11 (c)(1) The Director of the Office of Management and

12 Budget, in consultation with the Secretary of the Treas13

ury, the Administrator of the Small Business Administra14

tion, and the Chairperson of the Council of Economic Ad15

visors, shall submit to the appropriate congressional com16

mittees and publicly release on the website established

17 under section 15010(g) quarterly reports that detail the

18 impact of programs funded through large covered funds

19 on employment, estimated economic growth, and other key

20 economic indicators, including information about impacted

21 industries.

22 (2)(A) The first report submitted under paragraph

23 (1) shall be submitted not later than 45 days after the

24 end of the first full quarter following the date of enact25

ment of this Act.

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1 (B) The last report required to be submitted under

2 paragraph (1) shall apply to the quarter in which the

3 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ‘‘Operations and Sup6

port’’, $178,300,000, to remain available until September

7 30, 2021, to prevent, prepare for, and respond to

8 coronavirus, domestically or internationally, which shall be

9 for the purchase of personal protective equipment and

10 sanitization materials: *Provided*, That funds provided

11 under this heading in this Act may be transferred by the

12 Secretary of Homeland Security between appropriations in

13 the Department only for the purchase of personal protec14

tive equipment and sanitization materials to prevent, pre15

pare for, and respond to coronavirus, domestically or

16 internationally: *Provided further*, That none of the funds

17 made available under this heading may be transferred pur18

suant to the authority in section 503 of the Department

19 of Homeland Security Appropriations Act, 2020: *Provided*

20 *further*, That the Department shall provide notice of any

21 transfer to the Committees on Appropriations of the Sen22

ate and the House of Representatives not later than 5

23 days after executing such transfer: *Provided further*, That

24 such amount is designated by the Congress as being for

25 an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ‘‘Operations and Sup6

port’’, $100,000,000, to remain available until September

7 30, 2021, to prevent, prepare for, and respond to

8 coronavirus, domestically or internationally, which shall be

9 for cleaning and sanitization at checkpoints and other air10

port common areas; overtime and travel costs; and explo11

sive detection materials: *Provided*, That such amount is

12 designated by the Congress as being for an emergency re13

quirement pursuant to section 251(b)(2)(A)(i) of the Bal14

anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ‘‘Operations and Sup18

port’’, $140,800,000, to remain available until September

19 30, 2021, to prevent, prepare for, and respond to

20 coronavirus, domestically or internationally, which shall be

21 for mobilization of reservists and increasing the capability

22 and capacity of Coast Guard information technology sys23

tems and infrastructure: *Provided*, That such amount is

24 designated by the Congress as being for an emergency re701

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1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal2

anced Budget and Emergency Deficit Control Act of 1985.

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY

4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ‘‘Operations and Sup7

port’’, $9,100,000, to remain available until September

8 30, 2021, to prevent, prepare for, and respond to

9 coronavirus, domestically or internationally, which shall be

10 for support of interagency critical infrastructure coordina11

tion and related activities: *Provided*, That such amount

12 is designated by the Congress as being for an emergency

13 requirement pursuant to section 251(b)(2)(A)(i) of the

14 Balanced Budget and Emergency Deficit Control Act of

15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ‘‘Operations and Sup19

port’’, $44,987,000, to remain available until September

20 30, 2021, to prevent, prepare for, and respond to

21 coronavirus, domestically or internationally, which shall be

22 for enhancements to information technology and for facili23

ties support: *Provided*, That such amount is designated

24 by the Congress as being for an emergency requirement

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1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg2

et and Emergency Deficit Control Act of 1985.

3 DISASTER RELIEF FUND

4 For an additional amount for ‘‘Disaster Relief

5 Fund’’, $45,000,000,000, to remain available until ex6

pended: *Provided*, That of the amount provided under this

7 heading in this Act, $25,000,000,000 shall be for major

8 disasters declared pursuant to the Robert T. Stafford Dis9

aster Relief and Emergency Assistance Act (42 U.S.C.

10 5121 et seq.): *Provided further*, That of the amount pro11

vided under this heading in this Act, $15,000,000,000

12 may be used for all purposes authorized under such Act

13 and may be used in addition to amounts designated by

14 the Congress as being for disaster relief pursuant to sec15

tion 251(b)(2)(D) of the Balanced Budget and Emergency

16 Deficit Control Act of 1985: *Provided further*, That every

17 30 days the Administrator shall provide the Committees

18 on Appropriations of the Senate and the House of Rep19

resentatives both projected and actual costs for funds pro20

vided under this heading for major disasters and any other

21 expenses: *Provided further*, That of the amounts provided

22 under this heading, $3,000,000 shall be transferred to

23 ‘‘Office of Inspector General’’ and shall remain available

24 until expended for oversight of activities supported by

25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for

2 an emergency requirement pursuant to section

3 251(b)(2)(A)(i) of the Balanced Budget and Emergency

4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for ‘‘Federal Assistance’’,

7 $400,000,000, to remain available until September 30,

8 2021, to prevent, prepare for, and respond to coronavirus,

9 domestically or internationally: *Provided*, That of the

10 amount provided under this heading in this Act,

11 $100,000,000 shall be for Assistance to Firefighter

12 Grants for the purchase of personal protective equipment

13 and related supplies, including reimbursements;

14 $100,000,000 shall be for Emergency Management Per15

formance Grants; and $200,000,000 shall be for the

16 Emergency Food and Shelter Program: *Provided further*,

17 That such amount is designated by the Congress as being

18 for an emergency requirement pursuant to section

19 251(b)(2)(A)(i) of the Balanced Budget and Emergency

20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of

23 law, funds made available under each heading in this title,

24 except for ‘‘Federal Emergency Management Agency—

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1 Disaster Relief Fund’’, shall only be used for the purposes

2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of

4 law, any amounts appropriated for ‘‘Federal Emergency

5 Management Agency—Disaster Relief Fund’’ in this Act

6 are available only for the purposes for which they were

7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If

9 services performed during fiscal year 2020 are determined

10 by the head of the agency to be primarily related to prepa11

ration, prevention, or response to coronavirus, any pre12

mium pay that is funded, either directly or through reim13

bursement, by the Federal Emergency Management Agen14

cy shall be exempted from the aggregate of basic pay and

15 premium pay calculated under section 5547(a) of title 5,

16 United States Code, and any other provision of law lim17

iting the aggregate amount of premium pay payable on

18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is

20 funded for such services described in subsection (a), either

21 directly or through reimbursement, by the Federal Emer22

gency Management Agency shall be exempted from any

23 annual limit on the amount of overtime payable in a cal24

endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON

2 PAY.—In determining whether an employee’s pay exceeds

3 the applicable annual rate of basic pay payable under sec4

tion 5307 of title 5, United States Code, the head of an

5 Executive agency shall not include pay exempted under

6 this section.

7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted

8 from otherwise applicable limits under subsection (a) shall

9 not cause the aggregate pay earned for the calendar year

10 in which the exempted pay is earned to exceed the rate

11 of basic pay payable for a position at level II of the Execu12

tive Schedule under section 5313 of title 5, United States

13 Code.

14 (e) EFFECTIVE DATE.—This section shall take effect

15 as if enacted on January 1, 2020.

16 SEC. 16004. (a) Amounts provided for ‘‘Coast

17 Guard—Operations and Support’’ in the Consolidated Ap18

propriations Act, 2020 (Public Law 116–93) may be avail19

able for pay and benefits of Coast Guard Yard and Vessel

20 Documentation personnel, Non-Appropriated Funds per21

sonnel, and for Morale, Welfare and Recreation Programs.

22 (b) No amounts may be used under this section from

23 amounts that were designated by the Congress for Over24

seas Contingency Operations/Global War on Terrorism

25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act

2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision

4 of law regarding the licensure of health-care providers, a

5 health-care professional described in subsection (b) may

6 practice the health profession or professions of the health7

care professional at any location in any State, the District

8 of Columbia, or Commonwealth, territory, or possession

9 of the United States, or any location designated by the

10 Secretary, regardless of where such health-care profes11

sional or the patient is located, so long as the practice

12 is within the scope of the authorized Federal duties of

13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term

15 ‘‘health-care professional’’ means an individual (other

16 than a member of the Coast Guard, a civilian employee

17 of the Coast Guard, member of the Public Health Service

18 who is assigned to the Coast Guard, or an individual with

19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en20

tered into a personal services contract to carry out health

21 care responsibilities of the Secretary at a medical treat22

ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of

25 Homeland Security,

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1 (B) a detailee to the Department from an2

other Federal agency,

3 (C) a personal services contractor of the

4 Department, or

5 (D) hired under a Contract for Services;

6 (2) performs health care services as part of du7

ties of the individual in that capacity;

8 (3) has a current, valid, and unrestricted equiv9

alent license certification that is—

10 (A) issued by a State, the District of Co11

lumbia, or a Commonwealth, territory, or pos12

session of the United States; and

13 (B) for the practice of medicine, osteo14

pathic medicine, dentistry, nursing, emergency

15 medical services, or another health profession;

16 and

17 (4) is not affirmatively excluded from practice

18 in the licensing or certifying jurisdiction or in any

19 other jurisdiction.

20 (c) Subsection (a) shall apply during the incident pe21

riod of the emergency declared by the President on March

22 13, 2020, pursuant to section 501(b) of the Robert T.

23 Stafford Disaster Relief and Emergency Assistance Act

24 (42 U.S.C. 5121(b)), and to any subsequent major dec708

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1 laration under section 401 of such Act that supersedes

2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,

4 under the authority granted under section 205(b) of the

5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.

6 30301 note) shall extend the deadline by which States are

7 required to meet the driver license and identification card

8 issuance requirements under section 202(a)(1) of such Act

9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing

11 Chemical Facilities from Terrorist Attacks Act of 2014

12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by

13 striking ‘‘the date that is 5 years and 3 months after the

14 effective date of this Act’’ and inserting ‘‘July 23, 2020’’:

15 *Provided*, That the amount provided by this section is des16

ignated by the Congress as being for an emergency re17

quirement pursuant to section 251(b)(2)(A)(i) of the Bal18

anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII

2 DEPARTMENT OF THE INTERIOR

3 INDIAN AFFAIRS

4 BUREAU OF INDIAN AFFAIRS

5 OPERATION OF INDIAN PROGRAMS

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for ‘‘Operation of Indian

8 Programs’’, $453,000,000, to remain available until Sep9

tember 30, 2021, to prevent, prepare for, and respond to

10 coronavirus, domestically or internationally, including, but

11 not limited to, funds for public safety and justice pro12

grams, executive direction to carry out deep cleaning of

13 facilities, purchase of personal protective equipment, pur14

chase of information technology to improve teleworking ca15

pability, welfare assistance and social services programs

16 (including assistance to individuals), and assistance to

17 tribal governments, including tribal governments who par18

ticipate in the ‘‘Small and Needy’’ program: *Provided*,

19 That amounts received from funds provided under this

20 heading in this Act for welfare assistance programs shall

21 not be included in the statutory maximum for welfare as22

sistance funds included in Public Law 116–94, the Fur23

ther Consolidated Appropriations Act, 2020: *Provided fur*24

*ther*, That assistance received from funds provided under

25 this heading in this Act shall not be included in the cal710

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1 culation of funds received by those tribal governments who

2 participate in the ‘‘Small and Needy’’ program: *Provided*

3 *further*, That of the amounts provided under this heading

4 in this Act, not less than $400,000,000 shall be made

5 available to meet the direct needs of tribes: *Provided fur*6

*ther*, That amounts provided under this heading in this

7 Act may be made available for distribution through tribal

8 priority allocations for tribal response and capacity build9

ing activities: *Provided further*, That funds provided under

10 this heading in this Act, if transferred to tribes and tribal

11 organizations under the Indian Self-Determination and

12 Education Assistance Act, will be transferred on a one13

time basis and that these non-recurring funds are not part

14 of the amount required by 25 U.S.C. § 5325: *Provided*

15 *further*, That such amount is designated by the Congress

16 as being for an emergency requirement pursuant to sec17

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer18

gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for ‘‘Operation of Indian

22 Education Programs’’, $69,000,000, to remain available

23 until September 30, 2021, to prevent, prepare for, and re24

spond to coronavirus, domestically or internationally, in25

cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information

2 technology: *Provided*, That of the amounts provided in this

3 paragraph, not less than $20,000,000 shall be for tribal

4 colleges and universities: *Provided further*, That such

5 amount is designated by the Congress as being for an

6 emergency requirement pursuant to section

7 251(b)(2)(A)(i) of the Balanced Budget and Emergency

8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for ‘‘Departmental Oper14

ations’’, $158,400,000, to remain available until Sep15

tember 30, 2021, to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally, including, but

17 not limited to, funds for purchasing equipment and sup18

plies to disinfect and clean buildings and public areas, sup19

porting law enforcement and emergency management op20

erations, biosurveillance of wildlife and environmental per21

sistence studies, employee overtime and special pay ex22

penses, and other response, mitigation, or recovery activi23

ties: *Provided*, That funds appropriated under this head24

ing in this Act shall be used to absorb increased oper25

ational costs necessary to prevent, prepare for, and re712

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1 spond to coronavirus, domestically or internationally: *Pro*2

*vided further*, That the Secretary of the Interior may

3 transfer the funds provided under this heading in this Act

4 to any other account in the Department to prevent, pre5

pare for, and respond to coronavirus, domestically or

6 internationally, and may expend such funds directly or

7 through cooperative agreements: *Provided further*, That

8 the Secretary shall provide a monthly report to the Com9

mittees on Appropriations of the House of Representatives

10 and the Senate detailing the allocation and obligation of

11 these funds by account, beginning not later than 90 days

12 after enactment of this Act: *Provided further*, That as soon

13 as practicable after the date of enactment of this Act, the

14 Secretary shall transfer $1,000,000 to the Office of the

15 Inspector General, ‘‘Salaries and Expenses’’ account for

16 oversight activities related to the implementation of pro17

grams, activities or projects funded herein: *Provided fur*18

*ther*, That such amount is designated by the Congress as

19 being for an emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ‘‘Assistance to Terri25

tories’’, $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to

2 coronavirus, domestically or internationally, for general

3 technical assistance: *Provided*, That such amount is des4

ignated by the Congress as being for an emergency re5

quirement pursuant to section 251(b)(2)(A)(i) of the Bal6

anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for ‘‘Science and Tech10

nology’’, $2,250,000, to remain available until September

11 30, 2021, to prevent, prepare for, and respond to

12 coronavirus, domestically or internationally: *Provided*,

13 That of the amount provided under this heading in this

14 Act, $750,000 shall be for necessary expenses for cleaning

15 and disinfecting equipment or facilities of, or for use by,

16 the Environmental Protection Agency, and $1,500,000

17 shall be for research on methods to reduce the risks from

18 environmental transmission of coronavirus via contami19

nated surfaces or materials: *Provided further*, That such

20 amount is designated by the Congress as being for an

21 emergency requirement pursuant to section

22 251(b)(2)(A)(i) of the Balanced Budget and Emergency

23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ‘‘Environmental Pro3

grams and Management’’, $3,910,000, to remain available

4 until September 30, 2021, to prevent, prepare for, and re5

spond to coronavirus, domestically or internationally: *Pro*6

*vided*, That of the amount provided under this heading

7 in this Act, $2,410,000 shall be for necessary expenses

8 for cleaning and disinfecting equipment or facilities of, or

9 for use by, the Environmental Protection Agency, and

10 operational continuity of Environmental Protection Agen11

cy programs and related activities, and $1,500,000 shall

12 be for expediting registration and other actions related to

13 pesticides to address coronavirus: *Provided further*, That

14 such amount is designated by the Congress as being for

15 an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ‘‘Buildings and Facili20

ties’’, $300,000, to remain available until September 30,

21 2021, to prevent, prepare for, and respond to coronavirus,

22 domestically or internationally: *Provided*, That the funds

23 provided under this heading in this Act shall be for nec24

essary expenses for cleaning and disinfecting equipment

25 or facilities of, or for use by, the Environmental Protection

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1 Agency: *Provided further*, That such amount is designated

2 by the Congress as being for an emergency requirement

3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg4

et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for ‘‘Hazardous Substance

7 Superfund’’, $770,000, to remain available until Sep8

tember 30, 2021, to prevent, prepare for, and respond to

9 coronavirus, domestically or internationally: *Provided*,

10 That the funds provided under this heading in this Act

11 shall be for necessary expenses for cleaning and dis12

infecting equipment or facilities of, or for use by, the Envi13

ronmental Protection Agency: *Provided further*, That such

14 amount is designated by the Congress as being for an

15 emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for ‘‘Forest and Rangeland

23 Research’’, $3,000,000, to remain available until Sep24

tember 30, 2021, to prevent, prepare for, and respond to

25 coronavirus, domestically or internationally, including for

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1 the reestablishment of abandoned or failed experiments as2

sociated with employee restrictions due to the coronavirus

3 outbreak: *Provided*, That amounts provided under this

4 heading in this Act shall be allocated at the discretion of

5 the Chief of the Forest Service: *Provided further*, That

6 such amount is designated by the Congress as being for

7 an emergency requirement pursuant to section

8 251(b)(2)(A)(i) of the Balanced Budget and Emergency

9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for ‘‘National Forest Sys12

tem’’, $34,000,000, to remain available until September

13 30, 2021, to prevent, prepare for, and respond to

14 coronavirus, domestically or internationally, including for

15 cleaning and disinfecting of public recreation amenities

16 and for personal protective equipment and baseline health

17 testing for first responders: *Provided*, That amounts pro18

vided under this heading in this Act shall be allocated at

19 the discretion of the Chief of the Forest Service: *Provided*

20 *further*, That such amount is designated by the Congress

21 as being for an emergency requirement pursuant to sec22

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer23

gency Deficit Control Act of 1985.

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1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for ‘‘Capital Improvement

3 and Maintenance’’, $26,800,000, to remain available until

4 September 30, 2021, to prevent, prepare for, and respond

5 to coronavirus, domestically or internationally, including

6 for janitorial services: *Provided*, That amounts provided

7 under this heading in this Act shall be allocated at the

8 discretion of the Chief of the Forest Service: *Provided fur*9

*ther*, That such amount is designated by the Congress as

10 being for an emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for ‘‘Wildland Fire Man15

agement’’, $7,000,000, to remain available until Sep16

tember 30, 2021, to prevent, prepare for, and respond to

17 coronavirus, domestically or internationally, including for

18 personal protective equipment and baseline health testing

19 for first responders: *Provided*, That amounts provided

20 under this heading in this Act shall be allocated at the

21 discretion of the Chief of the Forest Service: *Provided fur*22

*ther*, That such amount is designated by the Congress as

23 being for an emergency requirement pursuant to section

24 251(b)(2)(A)(i) of the Balanced Budget and Emergency

25 Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN

2 SERVICES

3 INDIAN HEALTH SERVICE

4 INDIAN HEALTH SERVICES

5 (INCLUDING TRANSFERS OF FUNDS)

6 For an additional amount for ‘‘Indian Health Serv7

ices’’, $1,032,000,000, to remain available until Sep8

tember 30, 2021, to prevent, prepare for, and respond to

9 coronavirus, domestically or internationally, including for

10 public health support, electronic health record moderniza11

tion, telehealth and other information technology up12

grades, Purchased/Referred Care, Catastrophic Health

13 Emergency Fund, Urban Indian Organizations, Tribal

14 Epidemiology Centers, Community Health Representa15

tives, and other activities to protect the safety of patients

16 and staff: *Provided*, That of the amount provided under

17 this heading in this Act, up to $65,000,000 is for elec18

tronic health record stabilization and support, including

19 for planning and tribal consultation: *Provided further*,

20 That of amounts provided under this heading in this Act,

21 not less than $450,000,000 shall be distributed through

22 IHS directly operated programs and to tribes and tribal

23 organizations under the Indian Self-Determination and

24 Education Assistance Act and through contracts or grants

25 with urban Indian organizations under title V of the In719

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1 dian Health Care Improvement Act: *Provided further*,

2 That any amounts provided in this paragraph not allo3

cated pursuant to the preceding proviso shall be allocated

4 at the discretion of the Director of the Indian Health Serv5

ice: *Provided further*, That of the funds provided herein,

6 up to $125,000,000 may be transferred to and merged

7 with the ‘‘Indian Health Service, Indian Health Facilities’’

8 appropriation at the discretion of the Director for the pur9

poses specified in this Act: *Provided further*, That amounts

10 provided under this heading in this Act, if transferred to

11 tribes and tribal organizations under the Indian Self-De12

termination and Education Assistance Act, will be trans13

ferred on a one-time basis and that these non-recurring

14 funds are not part of the amount required by 25 U.S.C.

15 § 5325, and that such amounts may only be used for the

16 purposes identified under this heading notwithstanding

17 any other provision of law: *Provided further*, That such

18 amount is designated by the Congress as being for an

19 emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

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1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

2 REGISTRY

3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

4 HEALTH

5 For an additional amount for ‘‘Toxic Substances and

6 Environmental Public Health’’, $12,500,000, to remain

7 available until September 30, 2021, to prevent, prepare

8 for, and respond to coronavirus, domestically or inter9

nationally: *Provided*, That $7,500,000 of the funds pro10

vided under this heading in this Act shall be for necessary

11 expenses of the Geospatial Research, Analysis and Serv12

ices Program to support spatial analysis and Geographic

13 Information System mapping of infectious disease hot

14 spots, including cruise ships: *Provided further*, That

15 $5,000,000 of the funds provided under this heading in

16 this Act shall be for necessary expenses for awards to Pe17

diatric Environmental Health Specialty Units and state

18 health departments to provide guidance and outreach on

19 safe practices for disinfection for home, school, and

20 daycare facilities: *Provided further*, That such amount is

21 designated by the Congress as being for an emergency re22

quirement pursuant to section 251(b)(2)(A)(i) of the Bal23

anced Budget and Emergency Deficit Control Act of 1985.

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1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE

3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ‘‘Payment to the Insti6

tute’’, $78,000, to remain available until September 30,

7 2021, to prevent, prepare for, and respond to coronavirus,

8 domestically or internationally: *Provided*, That such

9 amount is designated by the Congress as being for an

10 emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ‘‘Salaries and Ex16

penses’’, $7,500,000, to remain available until September

17 30, 2021, to prevent, prepare for, and respond to

18 coronavirus, domestically or internationally, including

19 funding for deep cleaning, security, information tech20

nology, and staff overtime: *Provided*, That such amount

21 is designated by the Congress as being for an emergency

22 requirement pursuant to section 251(b)(2)(A)(i) of the

23 Balanced Budget and Emergency Deficit Control Act of

24 1985.

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1 JOHN F. KENNEDY CENTER FOR THE PERFORMING

2 ARTS

3 OPERATIONS AND MAINTENANCE

4 For an additional amount for ‘‘Operations and Main5

tenance’’, $25,000,000, to remain available until Sep6

tember 30, 2021, to prevent, prepare for, and respond to

7 coronavirus, domestically or internationally, including

8 funding for deep cleaning and information technology to

9 improve telework capability and for operations and main10

tenance requirements related to the consequences of

11 coronavirus: *Provided*, That notwithstanding the provi12

sions of 20 U.S.C. 76h et seq., funds provided under this

13 heading in this Act shall be made available to cover oper14

ating expenses required to ensure the continuity of the

15 John F. Kennedy Center for the Performing Arts and its

16 affiliates, including for employee compensation and bene17

fits, grants, contracts, payments for rent or utilities, fees

18 for artists or performers, information technology, and

19 other administrative expenses: *Provided further*, That no

20 later than October 31, 2020, the Board of Trustees of the

21 Center shall submit a report to the Committees on Appro22

priations of the House of Representatives and Senate that

23 includes a detailed explanation of the distribution of the

24 funds provided herein: *Provided further*, That such

25 amount is designated by the Congress as being for an

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1 emergency requirement pursuant to section

2 251(b)(2)(A)(i) of the Balanced Budget and Emergency

3 Deficit Control Act of 1985.

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

5 NATIONAL ENDOWMENT FOR THE ARTS

6 GRANTS AND ADMINISTRATION

7 For an additional amount for ‘‘Grants and Adminis8

tration’’, $75,000,000, to remain available until Sep9

tember 30, 2021, to prevent, prepare for, and respond to

10 coronavirus, domestically or internationally, to be distrib11

uted in grants: *Provided*, That such funds are available

12 under the same terms and conditions as grant funding ap13

propriated to this heading in Public Law 116–94: *Pro*14

*vided further*, That 40 percent of such funds shall be dis15

tributed to State arts agencies and regional arts organiza16

tions and 60 percent of such funds shall be for direct

17 grants: *Provided further*, That notwithstanding any other

18 provision of law, such funds may also be used by the re19

cipients of such grants for purposes of the general oper20

ations of such recipients: *Provided further*, That the

21 matching requirements under subsections (e), (g)(4)(A),

22 and (p)(3) of section 5 of the National Foundation on the

23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may

24 be waived with respect to such grants: *Provided further*,

25 That such amount is designated by the Congress as being

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1 for an emergency requirement pursuant to section

2 251(b)(2)(A)(i) of the Balanced Budget and Emergency

3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ‘‘Grants and Adminis7

tration’’, $75,000,000, to remain available until Sep8

tember 30, 2021, to prevent, prepare for, and respond to

9 coronavirus, domestically or internationally, to be distrib10

uted in grants: *Provided*, That such funds are available

11 under the same terms and conditions as grant funding ap12

propriated to this heading in Public Law 116–94: *Pro*13

*vided further*, That 40 percent of such funds shall be dis14

tributed to state humanities councils and 60 percent of

15 such funds shall be for direct grants: *Provided further*,

16 That notwithstanding any other provision of law, such

17 funds may also be used by the recipients of such grants

18 for purposes of the general operations of such recipients:

19 *Provided further*, That the matching requirements under

20 subsection (h)(2)(A) of section 7 of the National Founda21

tion on the Arts and Humanities Act of 1965 may be

22 waived with respect to such grants: *Provided further*, That

23 such amount is designated by the Congress as being for

24 an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

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1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ‘‘Training and Employ6

ment Services’’, $345,000,000, to remain available

7 through September 30, 2022, to prevent, prepare for, and

8 respond to coronavirus, domestically or internationally, for

9 necessary expenses for the dislocated workers assistance

10 national reserve: *Provided*, That the funds provided under

11 this heading in this Act may be used to replace grant

12 funds previously obligated to the impacted areas: *Provided*

13 *further*, That such amount is designated by the Congress

14 as being for an emergency requirement pursuant to sec15

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer16

gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ‘‘Departmental Man21

agement’’, $15,000,000, to remain available through Sep22

tember 30, 2022, to prevent, prepare for, and respond to

23 coronavirus, including to enforce worker protection laws

24 and regulations, and to oversee and coordinate activities

25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary

2 of Labor may transfer the amounts provided under this

3 heading in this Act as necessary to ‘‘Employee Benefits

4 Security Administration’’, ‘‘Wage and Hour Division’’,

5 ‘‘Occupational Safety and Health Administration’’, and

6 ‘‘Employment and Training Administration—Program

7 Administration’’ to prevent, prepare for, and respond to

8 coronavirus, including for enforcement, oversight, and co9

ordination activities in those accounts: *Provided further*,

10 That of the amount provided under this heading in this

11 Act, $1,000,000, to remain available until expended, shall

12 be transferred to ‘‘Office of Inspector General’’ for over13

sight of activities related to Public Law 116–127 and for

14 oversight activities supported with funds appropriated to

15 the Department of Labor to prevent, prepare for, and re16

spond to coronavirus: *Provided further*, That 15 days prior

17 to transferring any funds pursuant to the previous pro18

visos under the heading in this Act, the Secretary shall

19 provide to the Committees on Appropriations of the House

20 of Representatives and the Senate an operating plan de21

scribing the planned uses of each amount proposed to be

22 transferred: *Provided further*, That such amount is des23

ignated by the Congress as being for an emergency re24

quirement pursuant to section 251(b)(2)(A)(i) of the Bal25

anced Budget and Emergency Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN

2 SERVICES

3 CENTERS FOR DISEASE CONTROL AND PREVENTION

4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for ‘‘CDC-Wide Activities

7 and Program Support’’, $4,300,000,000, to remain avail8

able until September 30, 2024, to prevent, prepare for,

9 and respond to coronavirus, domestically or internation10

ally: *Provided*, That not less than $1,500,000,000 of the

11 amount provided under this heading in this Act shall be

12 for grants to or cooperative agreements with States, local13

ities, territories, tribes, tribal organizations, urban Indian

14 health organizations, or health service providers to tribes,

15 including to carry out surveillance, epidemiology, labora16

tory capacity, infection control, mitigation, communica17

tions, and other preparedness and response activities: *Pro*18

*vided further*, That every grantee that received a Public

19 Health Emergency Preparedness grant for fiscal year

20 2019 shall receive not less than 100 percent of that grant

21 level from funds provided in the first proviso under this

22 heading in this Act: *Provided further*, That of the amount

23 in the first proviso, not less than $125,000,000 shall be

24 allocated to tribes, tribal organizations, urban Indian

25 health organizations, or health service providers to tribes:

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1 *Provided further*, That the Director of the Centers for Dis2

ease Control and Prevention (‘‘CDC’’) may satisfy the

3 funding thresholds outlined in the preceding two provisos

4 by making awards through other grant or cooperative

5 agreement mechanisms: *Provided further*, That of the

6 amount provided under this heading in this Act, not less

7 than $500,000,000 shall be for global disease detection

8 and emergency response: *Provided further*, That of the

9 amount provided under this heading in this Act, not less

10 than $500,000,000 shall be for public health data surveil11

lance and analytics infrastructure modernization: *Provided*

12 *further*, That CDC shall report to the Committees on Ap13

propriations of the House of Representatives and the Sen14

ate on the development of a public health surveillance and

15 data collection system for coronavirus within 30 days of

16 enactment of this Act: *Provided further*, That of the

17 amount provided under this heading in this Act,

18 $300,000,000 shall be transferred to and merged with

19 amounts in the Infectious Diseases Rapid Response Re20

serve Fund (‘‘Reserve Fund’’), established by section 231

21 of division B of Public Law 115–245: *Provided further*,

22 That the Secretary of Health and Human Services, in con23

sultation with the Director of the CDC, shall provide a

24 report to the Committees on Appropriations of the House

25 of Representatives and the Senate every 14 days, for one

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1 year from the date from any such declaration or deter2

mination described in the third proviso of section 231 of

3 division B of Public Law 115–245, that details commit4

ment and obligation information for the Reserve Fund

5 during the prior two weeks, as long as such report would

6 detail obligations in excess of $5,000,000, and upon the

7 request by such Committees: *Provided further*, That funds

8 appropriated under this heading in this Act may be used

9 for grants for the rent, lease, purchase, acquisition, con10

struction, alteration, or renovation of non-federally owned

11 facilities to improve preparedness and response capability

12 at the State and local level: *Provided further*, That funds

13 provided under this heading in this Act may be used for

14 purchase and insurance of official motor vehicles in for15

eign countries: *Provided further*, That such amount is des16

ignated by the Congress as being for an emergency re17

quirement pursuant to section 251(b)(2)(A)(i) of the Bal18

anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for ‘‘National Heart, Lung,

22 and Blood Institute’’, $103,400,000, to remain available

23 until September 30, 2024, to prevent, prepare for, and re24

spond to coronavirus, domestically or internationally: *Pro*25

*vided*, That such amount is designated by the Congress

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1 as being for an emergency requirement pursuant to sec2

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer3

gency Deficit Control Act of 1985.

4 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

5 DISEASES

6 For an additional amount for ‘‘National Institute of

7 Allergy and Infectious Diseases’’, $706,000,000, to re8

main available until September 30, 2024, to prevent, pre9

pare for, and respond to coronavirus, domestically or

10 internationally: *Provided*, That not less than

11 $156,000,000 of the amounts provided under this heading

12 in this Act shall be provided for the study of, construction

13 of, demolition of, renovation of, and acquisition of equip14

ment for, vaccine and infectious diseases research facilities

15 of or used by NIH, including the acquisition of real prop16

erty: *Provided further*, That such amount is designated by

17 the Congress as being for an emergency requirement pur18

suant to section 251(b)(2)(A)(i) of the Balanced Budget

19 and Emergency Deficit Control Act of 1985.

20 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND

21 BIOENGINEERING

22 For an additional amount for ‘‘National Institute of

23 Biomedical Imaging and Bioengineering’’, $60,000,000, to

24 remain available until September 30, 2024, to prevent,

25 prepare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That such amount is designated

2 by the Congress as being for an emergency requirement

3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg4

et and Emergency Deficit Control Act of 1985.

5 NATIONAL LIBRARY OF MEDICINE

6 For an additional amount for ‘‘National Library of

7 Medicine’’, $10,000,000, to remain available until Sep8

tember 30, 2024, to prevent, prepare for, and respond to

9 coronavirus, domestically or internationally: *Provided*,

10 That such amount is designated by the Congress as being

11 for an emergency requirement pursuant to section

12 251(b)(2)(A)(i) of the Balanced Budget and Emergency

13 Deficit Control Act of 1985.

14 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL

15 SCIENCES

16 For an additional amount for ‘‘National Center for

17 Advancing Translational Sciences’’, $36,000,000, to re18

main available until September 30, 2024, to prevent, pre19

pare for, and respond to coronavirus, domestically or

20 internationally: *Provided*, That such amount is designated

21 by the Congress as being for an emergency requirement

22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg23

et and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE DIRECTOR

2 For an additional amount for ‘‘Office of the Direc3

tor’’, $30,000,000, to remain available until September

4 30, 2024, to prevent, prepare for, and respond to

5 coronavirus, domestically or internationally: *Provided*,

6 That these funds shall be available for the Common Fund

7 established under section 402A(c)(1) of the PHS Act: *Pro*8

*vided further*, That such amount is designated by the Con9

gress as being for an emergency requirement pursuant to

10 section 251(b)(2)(A)(i) of the Balanced Budget and

11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for ‘‘Heath Surveillance

16 and Program Support’’, $425,000,000, to remain avail17

able through September 30, 2021, to prevent, prepare for,

18 and respond to coronavirus, domestically or internation19

ally: *Provided*, That of the amount appropriated under

20 this heading in this Act, not less than $250,000,000 is

21 available for Certified Community Behavioral Health Clin22

ic Expansion Grant program: *Provided further*, That of the

23 amount appropriated under this heading in this Act, not

24 less than $50,000,000 shall be available for suicide pre25

vention programs: *Provided further*, That of the amount

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1 appropriated under this heading in this Act, not less than

2 $100,000,000 is available for activities authorized under

3 section 501(o) of the Public Health Service Act: *Provided*

4 *further*, That of the funding made available under this

5 heading in this Act, not less than $15,000,000 shall be

6 allocated to tribes, tribal organizations, urban Indian

7 health organizations, or health or behavioral health service

8 providers to tribes: *Provided further*, That such amount

9 is designated by the Congress as being for an emergency

10 requirement pursuant to section 251(b)(2)(A)(i) of the

11 Balanced Budget and Emergency Deficit Control Act of

12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for ‘‘Program Manage16

ment’’, $200,000,000, to remain available through Sep17

tember 30, 2023, to prevent, prepare for, and respond to

18 coronavirus, domestically and internationally: *Provided*,

19 That of the amount appropriated under this heading in

20 this Act, not less than $100,000,000 shall be available for

21 necessary expenses of the survey and certification pro22

gram, prioritizing nursing home facilities in localities with

23 community transmission of coronavirus: *Provided further*,

24 That such amount is designated by the Congress as being

25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for ‘‘Low Income Home

6 Energy Assistance’’, $900,000,000, to remain available

7 through September 30, 2021, to prevent, prepare for, or

8 respond to coronavirus, domestically or internationally, for

9 making payments under subsection (b) of section 2602 of

10 the Low-Income Home Energy Assistance Act of 1981 (42

11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro12

vided under this heading in this Act, $225,000,000 shall

13 be allocated as though the total appropriation for such

14 payments for fiscal year 2020 was less than

15 $1,975,000,000: *Provided further*, That section

16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))

17 shall not apply to funds made available under this heading

18 in this Act in fiscal year 2020: *Provided further*, That such

19 amount is designated by the Congress as being for an

20 emergency requirement pursuant to section

21 251(b)(2)(A)(i) of the Balanced Budget and Emergency

22 Deficit Control Act of 1985.

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1 PAYMENTS TO STATES FOR THE CHILD CARE AND

2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for ‘‘Payments to States

4 for the Child Care and Development Block Grant’’,

5 $3,500,000,000, to remain available through September

6 30, 2021, to prevent, prepare for, and respond to

7 coronavirus, domestically or internationally, including for

8 federal administrative expenses, which shall be used to

9 supplement, not supplant State, Territory, and Tribal gen10

eral revenue funds for child care assistance for low-income

11 families within the United States (including territories)

12 without regard to requirements in sections

13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel14

opment Block Grant Act: *Provided*, That funds provided

15 under this heading in this Act may be used to provide con16

tinued payments and assistance to child care providers in

17 the case of decreased enrollment or closures related to

18 coronavirus, and to assure they are able to remain open

19 or reopen as appropriate and applicable: *Provided further*,

20 That States, Territories, and Tribes are encouraged to

21 place conditions on payments to child care providers that

22 ensure that child care providers use a portion of funds

23 received to continue to pay the salaries and wages of staff:

24 *Provided further*, That the Secretary shall remind States

25 that CCDBG State plans do not need to be amended prior

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1 to utilizing existing authorities in the CCDBG Act for the

2 purposes provided herein: *Provided further*, That States,

3 Territories, and Tribes are authorized to use funds appro4

priated under this heading in this Act to provide child care

5 assistance to health care sector employees, emergency re6

sponders, sanitation workers, and other workers deemed

7 essential during the response to coronavirus by public offi8

cials, without regard to the income eligibility requirements

9 of section 658P(4) of such Act: *Provided further*, That

10 funds appropriated under this heading in this Act shall

11 be available to eligible child care providers under section

12 658P(6) of the CCDBG Act, even if such providers were

13 not receiving CCDBG assistance prior to the public health

14 emergency as a result of the coronavirus, for the purposes

15 of cleaning and sanitation, and other activities necessary

16 to maintain or resume the operation of programs: *Pro*17

*vided further*, That payments made under this heading in

18 this Act may be obligated in this fiscal year or the suc19

ceeding two fiscal years: *Provided further*, That funds ap20

propriated under this heading in this Act may be made

21 available to restore amounts, either directly or through re22

imbursement, for obligations incurred to prevent, prepare

23 for, and respond to coronavirus, domestically or inter24

nationally, prior to the date of enactment of this Act: *Pro*25

*vided further*, That such amount is designated by the Con738

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1 gress as being for an emergency requirement pursuant to

2 section 251(b)(2)(A)(i) of the Balanced Budget and

3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for ‘‘Children and Families

6 Services Programs’’, $1,874,000,000, to remain available

7 through September 30, 2021, to prevent, prepare for, and

8 respond to coronavirus, domestically or internationally,

9 which shall be used as follows: (1) $1,000,000,000 for car10

rying out activities under sections 674 through 679 of the

11 Community Services Block Grant Act, including for fed12

eral administrative expenses, and of which no part shall

13 be subject to section 674(b)(3) of such Act: *Provided*,

14 That to the extent Community Services Block Grant funds

15 are distributed as grant funds by a State to an eligible

16 entity as provided under such Act, and have not been ex17

pended by such entity, they shall remain with such entity

18 for carryover into the next two fiscal years for expenditure

19 by such entity consistent with program purpose: *Provided*

20 *further*, That for services furnished under such Act during

21 fiscal years 2020 and 2021, States may apply the last sen22

tence of section 673(2) of such Act by substituting ‘‘200

23 percent’’ for ‘‘125 percent’’; (2) $750,000,000 for making

24 payments under the Head Start Act, including for Federal

25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of

2 enrolled children served by the agency involved bears to

3 the number of enrolled children by all Head Start agen4

cies: *Provided further*, That none of the funds appro5

priated in this paragraph shall be included in the calcula6

tion of the ‘‘base grant’’ in subsequent fiscal years, as

7 such term is defined in sections 640(a)(7)(A),

8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro*9

*vided further*, That funds appropriated in this paragraph

10 are not subject to the allocation requirements of section

11 640(a) of the Head Start Act: *Provided further*, That up

12 to $500,000,000 shall be available for the purpose of oper13

ating supplemental summer programs through non-com14

petitive grant supplements to existing grantees determined

15 to be most ready to operate those programs by the Office

16 of Head Start; (3) $2,000,000 for the National Domestic

17 Violence Hotline as authorized by section 303(b) of the

18 Family Violence Prevention and Services Act: *Provided*

19 *further*, That the Secretary may make such funds available

20 for providing hotline services remotely; (4) $45,000,000

21 for Family Violence Prevention and Services formula

22 grants as authorized by section 303(a) of the Family Vio23

lence and Prevention and Services Act with such funds

24 available to grantees without regard to matching require25

ments under section 306(c)(4) of such Act: *Provided fur*740

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1 *ther*, That the Secretary may make such funds available

2 for providing temporary housing and assistance to victims

3 of family, domestic, and dating violence; (5) $25,000,000

4 for carrying out activities under the Runaway and Home5

less Youth Act: *Provided further*, That such amounts shall

6 be used to supplement, not supplant, existing funds and

7 shall be available without regard to matching require8

ments; (6) $45,000,000 shall be used for child welfare

9 services as authorized by subpart 1 of part B of title IV

10 of the Social Security Act (other than sections 426, 427,

11 and 429 of such subpart), with such funds available to

12 grantees without regard to matching requirements under

13 section 424(a) of that Act or any applicable reductions in

14 federal financial participation under section 424(f) of that

15 Act; and (7) $7,000,000 for Federal administrative ex16

penses: *Provided further*, That funds appropriated under

17 this heading in this Act may be made available to restore

18 amounts, either directly or through reimbursement, for ob19

ligations incurred to prevent, prepare for, and respond to

20 coronavirus, domestically or internationally, prior to the

21 date of enactment of this Act: *Provided further*, That such

22 amount is designated by the Congress as being for an

23 emergency requirement pursuant to section

24 251(b)(2)(A)(i) of the Balanced Budget and Emergency

25 Deficit Control Act of 1985.

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1 ADMINISTRATION FOR COMMUNITY LIVING

2 AGING AND DISABILITY SERVICES PROGRAMS

3 For an additional amount for ‘‘Aging and Disability

4 Services Programs’’, $955,000,000, to remain available

5 until September 30, 2021, to prevent, prepare for, and re6

spond to coronavirus, domestically or internationally: *Pro*7

*vided*, That of the amount made available under this head8

ing in this Act to prevent, prepare for, and respond to

9 coronavirus, $820,000,000 shall be for activities author10

ized under the Older Americans Act of 1965 (‘‘OAA’’),

11 including $200,000,000 for supportive services under part

12 B of title III; $480,000,000 for nutrition services under

13 subparts 1 and 2 of part C of title III; $20,000,000 for

14 nutrition services under title VI; $100,000,000 for support

15 services for family caregivers under part E of title III; and

16 $20,000,000 for elder rights protection activities, includ17

ing the long-term ombudsman program under title VII of

18 such Act: *Provided further*, That of the amount made

19 available under this heading in this Act, $50,000,000 shall

20 be for aging and disability resource centers authorized in

21 sections 202(b) and 411 of the OAA to prevent, prepare

22 for, and respond to coronavirus: *Provided further*, That of

23 the amount made available under this heading in this Act

24 to prevent, prepare for, and respond to coronavirus,

25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of

2 chapter I of title VII of the Rehabilitation Act of 1973:

3 *Provided further*, That to facilitate State use of funds pro4

vided under this heading in this Act, matching require5

ments under sections 304(d)(1)(D) and 373(g)(2) of the

6 OAA shall not apply to funds made available under this

7 heading in this Act: *Provided further*, That the transfer

8 authority under section 308(b)(4)(A) of the OAA shall

9 apply to funds made available under this heading in this

10 Act by substituting ‘‘100 percent’’ for ‘‘40 percent’’: *Pro*11

*vided further*, That the State Long-Term Care Ombuds12

man shall have continuing direct access (or other access

13 through the use of technology) to residents of long-term

14 care facilities during any portion of the public health

15 emergency relating to coronavirus beginning on the date

16 of enactment of this Act and ending on September 30,

17 2020, to provide services described in section 712(a)(3)(B)

18 of the OAA: *Provided further*, That such amount is des19

ignated by the Congress as being for an emergency re20

quirement pursuant to section 251(b)(2)(A)(i) of the Bal21

anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ‘‘Public Health and So6

cial Services Emergency Fund’’, $27,014,500,000, to re7

main available until September 30, 2024, to prevent, pre8

pare for, and respond to coronavirus, domestically or

9 internationally, including the development of necessary

10 countermeasures and vaccines, prioritizing platform-based

11 technologies with U.S.-based manufacturing capabilities,

12 the purchase of vaccines, therapeutics, diagnostics, nec13

essary medical supplies, as well as medical surge capacity,

14 addressing blood supply chain, workforce modernization,

15 telehealth access and infrastructure, initial advanced man16

ufacturing, novel dispensing, enhancements to the U.S.

17 Commissioned Corps, and other preparedness and re18

sponse activities: *Provided*, That funds appropriated under

19 this paragraph in this Act may be used to develop and

20 demonstrate innovations and enhancements to manufac21

turing platforms to support such capabilities: *Provided*

22 *further*, That the Secretary of Health and Human Services

23 shall purchase vaccines developed using funds made avail24

able under this paragraph in this Act to respond to an

25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the

2 public health need: *Provided further*, That products pur3

chased by the Federal government with funds made avail4

able under this paragraph in this Act, including vaccines,

5 therapeutics, and diagnostics, shall be purchased in ac6

cordance with Federal Acquisition Regulation guidance on

7 fair and reasonable pricing: *Provided further*, That the

8 Secretary may take such measures authorized under cur9

rent law to ensure that vaccines, therapeutics, and

10 diagnostics developed from funds provided in this Act will

11 be affordable in the commercial market: *Provided further*,

12 That in carrying out the previous proviso, the Secretary

13 shall not take actions that delay the development of such

14 products: *Provided further*, That products purchased with

15 funds appropriated under this paragraph in this Act may,

16 at the discretion of the Secretary of Health and Human

17 Services, be deposited in the Strategic National Stockpile

18 under section 319F–2 of the Public Health Service Act:

19 *Provided further*, That of the amount appropriated under

20 this paragraph in this Act, not more than

21 $16,000,000,000 shall be for the Strategic National

22 Stockpile under section 319F–2(a) of such Act: *Provided*

23 *further*, That funds appropriated under this paragraph in

24 this Act may be transferred to, and merged with, the fund

25 authorized by section 319F–4, the Covered Counter745

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1 measure Process Fund, of the Public Health Service Act:

2 *Provided further*, That of the amount appropriated under

3 this paragraph in this Act, not less than $250,000,000

4 shall be available for grants to or cooperative agreements

5 with entities that are either grantees or sub-grantees of

6 the Hospital Preparedness Program authorized in section

7 319C–2 of the Public Health Service Act or that meet

8 such other criteria as the Secretary may prescribe, with

9 such awards issued under such section or section 311 of

10 such Act: *Provided further*, That of the amount provided

11 under this paragraph in this Act, not less than

12 $3,500,000,000 shall be available to the Biomedical Ad13

vanced Research and Development Authority for necessary

14 expenses of manufacturing, production, and purchase, at

15 the discretion of the Secretary, of vaccines, therapeutics,

16 diagnostics, and small molecule active pharmaceutical in17

gredients, including the development, translation, and

18 demonstration at scale of innovations in manufacturing

19 platforms: *Provided further*, That funds in the previous

20 proviso may be used for the construction or renovation of

21 U.S.-based next generation manufacturing facilities, other

22 than facilities owned by the United States Government:

23 *Provided further*, That of the amount appropriated under

24 this paragraph in this Act, funds may be used to reim25

burse the Department of Veterans Affairs for expenses in746

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1 curred by the Veterans Health Administration to prevent,

2 prepare for, and respond to coronavirus, and to provide

3 medical care for such purposes to individuals not otherwise

4 eligible for care: *Provided further*, That funds used for the

5 preceding proviso shall be made available to reimburse the

6 Department of Veterans Affairs only if the Secretary of

7 Health and Human Services certifies to the Committees

8 on Appropriations of the House of Representatives and the

9 Senate that funds available for assignments under Public

10 Law 93–288, as amended, are insufficient and such funds

11 are necessary to reimburse the Department of Veterans

12 Affairs for expenses incurred to provide health care to ci13

vilians: *Provided further*, That the Secretary shall notify

14 the Committees on Appropriations of the House of Rep15

resentatives and the Senate not less than 3 days prior to

16 such certification: *Provided further*, That of the amounts

17 appropriated under this paragraph in this Act, not more

18 than $289,000,000 may be transferred as necessary to

19 other federal agencies for necessary expenses related to

20 medical care that are incurred to prevent, prepare for, and

21 respond to coronavirus for persons eligible for treatment

22 pursuant to section 322 of the Public Health Service Act,

23 as amended, as determined by the Secretary of the recipi24

ent agency: *Provided further*, That of the amount appro25

priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement

2 with the National Academies of Sciences, Engineering,

3 and Medicine not later than 60 days after the date of en4

actment of this Act to examine, and, in a manner that

5 does not compromise national security, report on, the se6

curity of the United States medical product supply chain:

7 *Provided further*, That funds appropriated under this

8 paragraph in this Act may be used for grants for the con9

struction, alteration, or renovation of non-federally owned

10 facilities to improve preparedness and response capability

11 at the State and local level: *Provided further*, That funds

12 appropriated under this paragraph in this Act may be

13 used for the construction, alteration, or renovation of non14

federally owned facilities for the production of vaccines,

15 therapeutics, and diagnostics where the Secretary deter16

mines that such a contract is necessary to secure sufficient

17 amounts of such supplies: *Provided further*, That such

18 amount is designated by the Congress as being for an

19 emergency requirement pursuant to section

20 251(b)(2)(A)(i) of the Balanced Budget and Emergency

21 Deficit Control Act of 1985.

22 For an additional amount for the ‘‘Public Health and

23 Social Services Emergency Fund’’, $275,000,000, to re24

main available until September 30, 2022, to prevent, pre25

pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds

2 appropriated under this paragraph shall be transferred to

3 ‘‘Health Resources and Services Administration—Ryan

4 White HIV/AIDS Program’’ to remain available until Sep5

tember 30, 2022 for modifications to existing contracts,

6 and supplements to existing grants and cooperative agree7

ments under parts A, B, C, D, and section 2692(a) of

8 title XXVI of the Public Health Service Act (referred to

9 as ‘‘PHS’’ Act) to respond to coronavirus, domestically or

10 internationally: *Provided further*, That supplements made

11 in the preceding proviso shall be awarded using a data12

driven methodology determined by the Secretary: *Provided*

13 *further*, That sections 2604(c), 2612(b), and 2651(c) of

14 the PHS Act shall not apply to funds under this para15

graph: *Provided further*, That $5,000,000 of the funds ap16

propriated under this paragraph shall be transferred to

17 ‘‘Health Resources and Services Administration—Health

18 Care Systems’’ to remain available until September 30,

19 2022, for activities under sections 1271 and 1273 of the

20 PHS Act to improve the capacity of poison control centers

21 to respond to increased calls: *Provided further*, That

22 $180,000,000 of the funds appropriated under this para23

graph shall be transferred to ‘‘Health Resources and Serv24

ices Administration—Rural Health’’ to remain available

25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of

2 the PHS Act and sections 711 and 1820 of the Social

3 Security Act to prevent, prepare for, and respond to

4 coronavirus, domestically or internationally: *Provided fur*5

*ther*, That of the funding in the previous proviso, no less

6 than $15,000,000 shall be allocated to tribes, tribal orga7

nizations, urban Indian health organizations, or health

8 service providers to tribes: *Provided further*, That section

9 1820(g)(3)(A), section 1820(g)(3)(D) and section

10 1820(g)(3)(E) of such Act shall not apply to funds in the

11 preceding two provisos: *Provided further*, That funds ap12

propriated under this heading in this Act may be made

13 available to restore amounts, either directly or through re14

imbursement, for obligations incurred to prevent, prepare

15 for, and respond to coronavirus, domestically or inter16

nationally, prior to the date of enactment of this Act: *Pro*17

*vided further*, That for the purposes of any funding pro18

vided for fiscal year 2020 for the Health Centers Program

19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),

20 maintaining or increasing health center capacity and staff21

ing levels during a public health emergency related to

22 coronavirus shall be deemed a cost of prevention, diag23

nosis, and treatment of coronavirus: *Provided further*,

24 That such amount is designated by the Congress as being

25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 For an additional amount for ‘‘Public Health and So4

cial Services Emergency Fund’’, $100,000,000,000, to re5

main available until expended, to prevent, prepare for, and

6 respond to coronavirus, domestically or internationally, for

7 necessary expenses to reimburse, through grants or other

8 mechanisms, eligible health care providers for health care

9 related expenses or lost revenues that are attributable to

10 coronavirus: *Provided*, That these funds may not be used

11 to reimburse expenses or losses that have been reimbursed

12 from other sources or that other sources are obligated to

13 reimburse: *Provided further*, That recipients of payments

14 under this paragraph shall submit reports and maintain

15 documentation as the Secretary determines are needed to

16 ensure compliance with conditions that are imposed by

17 this paragraph for such payments, and such reports and

18 documentation shall be in such form, with such content,

19 and in such time as the Secretary may prescribe for such

20 purpose: *Provided further*, That ‘‘eligible health care pro21

viders’’ means public entities, Medicare or Medicaid en22

rolled suppliers and providers, and such for-profit entities

23 and not-for-profit entities not otherwise described in this

24 proviso as the Secretary may specify, within the United

25 States (including territories), that provide diagnoses, test751

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1 ing, or care for individuals with possible or actual cases

2 of COVID–19: *Provided further*, That the Secretary of

3 Health and Human Services shall, on a rolling basis, re4

view applications and make payments under this para5

graph in this Act: *Provided further*, That funds appro6

priated under this paragraph in this Act shall be available

7 for building or construction of temporary structures, leas8

ing of properties, medical supplies and equipment includ9

ing personal protective equipment and testing supplies, in10

creased workforce and trainings, emergency operation cen11

ters, retrofitting facilities, and surge capacity: *Provided*

12 *further*, That, in this paragraph, the term ‘‘payment’’

13 means a pre-payment, prospective payment, or retrospec14

tive payment, as determined appropriate by the Secretary:

15 *Provided further*, That payments under this paragraph

16 shall be made in consideration of the most efficient pay17

ment systems practicable to provide emergency payment:

18 *Provided further*, That to be eligible for a payment under

19 this paragraph, an eligible health care provider shall sub20

mit to the Secretary of Health and Human Services an

21 application that includes a statement justifying the need

22 of the provider for the payment and the eligible health

23 care provider shall have a valid tax identification number:

24 *Provided further*, That, not later than 3 years after final

25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and

2 Human Services shall transmit a final report on audit

3 findings with respect to this program to the Committees

4 on Appropriations of the House of Representatives and the

5 Senate: *Provided further*, That nothing in this section lim6

its the authority of the Inspector General or the Comp7

troller General to conduct audits of interim payments at

8 an earlier date: *Provided further*, That not later than 60

9 days after the date of enactment of this Act, the Secretary

10 of Health and Human Services shall provide a report to

11 the Committees on Appropriations of the House of Rep12

resentatives and the Senate on obligation of funds, includ13

ing obligations to such eligible health care providers sum14

marized by State of the payment receipt: *Provided further*,

15 That such reports shall be updated and submitted to such

16 Committees every 60 days until funds are expended: *Pro*17

*vided further*, That such amount is designated by the Con18

gress as being for an emergency requirement pursuant to

19 section 251(b)(2)(A)(i) of the Balanced Budget and

20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ‘‘Education Stabiliza24

tion Fund’’, $30,750,000,000, to remain available through

25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,

2 That such amount is designated by the Congress as being

3 for an emergency requirement pursuant to section

4 251(b)(2)(A)(i) of the Balanced Budget and Emergency

5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount

9 made available under this heading in this Act to carry out

10 the Education Stabilization Fund, the Secretary shall first

11 allocate—

12 (1) not more than 1/2 of 1 percent to the out13

lying areas on the basis of their respective needs, as

14 determined by the Secretary, in consultation with

15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of

17 Interior, in consultation with the Secretary of Edu18

cation, for programs operated or funded by the Bu19

reau of Indian Education; and

20 (3) 1 percent for grants to States with the

21 highest coronavirus burden to support activities

22 under this heading in this Act, for which the Sec23

retary shall issue a notice inviting applications not

24 later than 30 days of enactment of this Act and ap754

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1 prove or deny applications not later than 30 days

2 after receipt.

3 (b) RESERVATIONS.—After carrying out subsection

4 (a), the Secretary shall reserve the remaining funds made

5 available as follows:

6 (1) 9.8 percent to carry out section 18002 of

7 this title.

8 (2) 43.9 percent to carry out section 18003 of

9 this title.

10 (3) 46.3 percent to carry out section 18004 of

11 this title.

12 GOVERNOR’S EMERGENCY EDUCATION RELIEF FUND

13 SEC. 18002. (a) GRANTS.—From funds reserved

14 under section 18001(b)(1) of this title, the Secretary shall

15 make Emergency Education Relief grants to the Governor

16 of each State with an approved application. The Secretary

17 shall issue a notice inviting applications not later than 30

18 days of enactment of this Act and shall approve or deny

19 applications not later than 30 days after receipt.

20 (b) ALLOCATIONS.—The amount of each grant under

21 subsection (a) shall be allocated by the Secretary to each

22 State as follows:

23 (1) 60 percent on the basis of their relative

24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative

2 number of children counted under section 1124(c) of

3 the Elementary and Secondary Education Act of

4 1965 (referred to under this heading as ‘‘ESEA’’).

5 (c) USES OF FUNDS.—Grant funds awarded under

6 subsection (b) may be used to—

7 (1) provide emergency support through grants

8 to local educational agencies that the State edu9

cational agency deems have been most significantly

10 impacted by coronavirus to support the ability of

11 such local educational agencies to continue to pro12

vide educational services to their students and to

13 support the on-going functionality of the local edu14

cational agency;

15 (2) provide emergency support through grants

16 to institutions of higher education serving students

17 within the State that the Governor determines have

18 been most significantly impacted by coronavirus to

19 support the ability of such institutions to continue to

20 provide educational services and support the on21

going functionality of the institution; and

22 (3) provide support to any other institution of

23 higher education, local educational agency, or edu24

cation related entity within the State that the Gov25

ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac2

tivities described in section 18003(d)(1) of this title

3 or the Higher Education Act, the provision of child

4 care and early childhood education, social and emo5

tional support, and the protection of education-re6

lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to

8 the Secretary any funds received under this section that

9 the Governor does not award within one year of receiving

10 such funds and the Secretary shall reallocate such funds

11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY

13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved

15 under section 18001(b)(2) of this title, the Secretary shall

16 make elementary and secondary school emergency relief

17 grants to each State educational agency with an approved

18 application. The Secretary shall issue a notice inviting ap19

plications not later than 30 days of enactment of this Act

20 and approve or deny applications not later than 30 days

21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each

23 grant under subsection (a) shall be allocated by the Sec24

retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in

2 the most recent fiscal year.

3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN4

CIES.—Each State shall allocate not less than 90 percent

5 of the grant funds awarded to the State under this section

6 as subgrants to local educational agencies (including char7

ter schools that are local educational agencies) in the State

8 in proportion to the amount of funds such local edu9

cational agencies and charter schools that are local edu10

cational agencies received under part A of title I of the

11 ESEA of 1965 in the most recent fiscal year.

12 (d) USES OF FUNDS.—A local educational agency

13 that receives funds under this title may use the funds for

14 any of the following:

15 (1) Any activity authorized by the ESEA of

16 1965, including the Native Hawaiian Education Act

17 and the Alaska Native Educational Equity, Support,

18 and Assistance Act (20 U.S.C. 6301 et seq.), the In19

dividuals with Disabilities Education Act (20 U.S.C.

20 1400 et seq.) (‘‘IDEA’’), the Adult Education and

21 Family Literacy Act (20 U.S.C. 1400 et seq.), the

22 Carl D. Perkins Career and Technical Education

23 Act of 2006 (20 U.S.C. 2301 et seq.) (‘‘the Perkins

24 Act’’), or subtitle B of title VII of the McKinney758

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et

2 seq.).

3 (2) Coordination of preparedness and response

4 efforts of local educational agencies with State, local,

5 Tribal, and territorial public health departments,

6 and other relevant agencies, to improve coordinated

7 responses among such entities to prevent, prepare

8 for, and respond to coronavirus.

9 (3) Providing principals and others school lead10

ers with the resources necessary to address the

11 needs of their individual schools.

12 (4) Activities to address the unique needs of

13 low-income children or students, children with dis14

abilities, English learners, racial and ethnic minori15

ties, students experiencing homelessness, and foster

16 care youth, including how outreach and service deliv17

ery will meet the needs of each population.

18 (5) Developing and implementing procedures

19 and systems to improve the preparedness and re20

sponse efforts of local educational agencies.

21 (6) Training and professional development for

22 staff of the local educational agency on sanitation

23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean

2 the facilities of a local educational agency, including

3 buildings operated by such agency.

4 (8) Planning for and coordinating during long5

term closures, including for how to provide meals to

6 eligible students, how to provide technology for on7

line learning to all students, how to provide guidance

8 for carrying out requirements under the Individuals

9 with Disabilities Education Act (20 U.S.C. 1401 et

10 seq.) and how to ensure other educational services

11 can continue to be provided consistent with all Fed12

eral, State, and local requirements.

13 (9) Purchasing educational technology (includ14

ing hardware, software, and connectivity) for stu15

dents who are served by the local educational agency

16 that aids in regular and substantive educational

17 interaction between students and their classroom in18

structors, including low-income students and stu19

dents with disabilities, which may include assistive

20 technology or adaptive equipment.

21 (10) Providing mental health services and sup22

ports.

23 (11) Planning and implementing activities re24

lated to summer learning and supplemental after25

school programs, including providing classroom in760

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1 struction or online learning during the summer

2 months and addressing the needs of low-income stu3

dents, students with disabilities, English learners,

4 migrant students, students experiencing homeless5

ness, and children in foster care.

6 (12) Other activities that are necessary to

7 maintain the operation of and continuity of services

8 in local educational agencies and continuing to em9

ploy existing staff of the local educational agency.

10 (e) STATE FUNDING.—With funds not otherwise allo11

cated under subsection (c), a State may reserve not more

12 than 1/2 of 1 percent for administrative costs and the re13

mainder for emergency needs as determined by the state

14 educational agency to address issues responding to

15 coronavirus, which may be addressed through the use of

16 grants or contracts.

17 (f) REALLOCATION.—A State shall return to the Sec18

retary any funds received under this section that the State

19 does not award within 1 year of receiving such funds and

20 the Secretary shall reallocate such funds to the remaining

21 States in accordance with subsection (b).

22 HIGHER EDUCATION EMERGENCY RELIEF FUND

23 SEC. 18004. (a) IN GENERAL.—The Secretary shall

24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu2

cation to prevent, prepare for, and respond to

3 coronavirus, by apportioning it—

4 (A) 75 percent according to the relative

5 share of full-time equivalent enrollment of Fed6

eral Pell Grant recipients who are not exclu7

sively enrolled in distance education courses

8 prior to the coronavirus emergency; and

9 (B) 25 percent according to the relative

10 share of full-time equivalent enrollment of stu11

dents who were not Federal Pell Grant recipi12

ents who are not exclusively enrolled in distance

13 education courses prior to the coronavirus

14 emergency.

15 (2) 7.5 percent for additional awards under

16 parts A and B of title III, parts A and B of title

17 V, and subpart 4 of part A of title VII of the Higher

18 Education Act to address needs directly related to

19 coronavirus, that shall be in addition to awards

20 made in section 18004(a)(1) of this title, and allo21

cated by the Secretary proportionally to such pro22

grams based on the relative share of funding appro23

priated to such programs in the Further Consoli24

dated Appropriations Act, 2020 (Public Law 116–

25 94) and which may be used to defray expenses (in762

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1 cluding lost revenue, reimbursement for expenses al2

ready incurred, technology costs associated with a

3 transition to distance education, faculty and staff

4 trainings, payroll) incurred by institutions of higher

5 education and for grants to students for any compo6

nent of the student’s cost of attendance (as defined

7 under section 472 of the Higher Education Act), in8

cluding food, housing, course materials, technology,

9 health care, and child care.

10 (3) 2.5 percent for part B of title VII of the

11 Higher Education Act for institutions of higher edu12

cation that the Secretary determines have the great13

est unmet needs related to coronavirus, which may

14 be used to defray expenses (including lost revenue,

15 reimbursement for expenses already incurred, tech16

nology costs associated with a transition to distance

17 education, faculty and staff trainings, payroll) in18

curred by institutions of higher education and for

19 grants to students for any component of the stu20

dent’s cost of attendance (as defined under section

21 472 of the Higher Education Act), including food,

22 housing, course materials, technology, health care,

23 and child care.

24 (b) DISTRIBUTION.—The funds made available to

25 each institution under subsection (a)(1) shall be distrib763

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1 uted by the Secretary using the same systems as the Sec2

retary otherwise distributes funding to each institution

3 under title IV of the Higher Education Act of 1965 (20

4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified

6 in subsection (a), an institution of higher education receiv7

ing funds under this section may use the funds received

8 to cover any costs associated with significant changes to

9 the delivery of instruction due to the coronavirus, so long

10 as such costs do not include payment to contractors for

11 the provision of pre-enrollment recruitment activities; en12

dowments; or capital outlays associated with facilities re13

lated to athletics, sectarian instruction, or religious wor14

ship. Institutions of higher education shall use no less

15 than 50 percent of such funds to provide emergency finan16

cial aid grants to students for expenses related to the dis17

ruption of campus operations due to coronavirus (includ18

ing eligible expenses under a student’s cost of attendance,

19 such as food, housing, course materials, technology, health

20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants

22 under section 18004(a)(3) of this title, the Secretary shall

23 give priority to any institution of higher education that

24 is not otherwise eligible for funding under paragraphs (1)

25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re2

lated to expenses associated with coronavirus.

3 (2) A Historically Black College and University or a

4 Minority Serving Institution may use prior awards pro5

vided under titles III, V, and VII of the Higher Education

6 Act to prevent, prepare for, and respond to coronavirus.

7 (e) REPORT.—An institution receiving funds under

8 this section shall submit a report to the Secretary, at such

9 time and in such manner as the Secretary may require,

10 that describes the use of funds provided under this section.

11 ASSISTANCE TO NON-PUBLIC SCHOOLS

12 SEC. 18005. (a) IN GENERAL.—A local educational

13 agency receiving funds under sections 18002 or 18003 of

14 this title shall provide equitable services in the same man15

ner as provided under section 1117 of the ESEA of 1965

16 to students and teachers in non-public schools, as deter17

mined in consultation with representatives of non-public

18 schools.

19 (b) PUBLIC CONTROL OF FUNDS.—The control of

20 funds for the services and assistance provided to a non21

public school under subsection (a), and title to materials,

22 equipment, and property purchased with such funds, shall

23 be in a public agency, and a public agency shall administer

24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision

2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti5

tution of higher education, or other entity that receives

6 funds under ‘‘Education Stabilization Fund’’, shall to the

7 greatest extent practicable, continue to pay its employees

8 and contractors during the period of any disruptions or

9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections

12 18001–18006 of this title, as used in such sections—

13 (1) the terms ‘‘elementary education’’ and ‘‘sec14

ondary education’’ have the meaning given such

15 terms under State law;

16 (2) the term ‘‘institution of higher education’’

17 has the meaning given such term in title I of the

18 Higher Education Act of 1965 (20 U.S.C. 1001 et

19 seq.);

20 (3) the term ‘‘Secretary’’ means the Secretary

21 of Education;

22 (4) the term ‘‘State’’ means each of the 50

23 States, the District of Columbia, and the Common24

wealth of Puerto Rico;

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1 (5) the term ‘‘cost of attendance’’ has the

2 meaning given such term in section 472 of the High3

er Education Act of 1965.

4 (6) the term ‘‘Non-public school’’ means a non5

public elementary and secondary school that (A) is

6 accredited, licensed, or otherwise operates in accord7

ance with State law; and (B) was in existence prior

8 to the date of the qualifying emergency for which

9 grants are awarded under this section;

10 (7) the term ‘‘public school’’ means a public ele11

mentary or secondary school; and

12 (8) any other term used that is defined in sec13

tion 8101 of the Elementary and Secondary Edu14

cation Act of 1965 (20 U.S.C. 7801) shall have the

15 meaning given the term in such section.

16 MAINTENANCE OF EFFORT

17 SEC. 18008. (a) A State’s application for funds to

18 carry out sections 18002 or 18003 of this title shall in19

clude assurances that the State will maintain support for

20 elementary and secondary education, and State support

21 for higher education (which shall include State funding to

22 institutions of higher education and state need-based fi23

nancial aid, and shall not include support for capital

24 projects or for research and development or tuition and

25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of

2 such State’s support for elementary and secondary edu3

cation and for higher education provided in the 3 fiscal

4 years preceding the date of enactment of this Act.

5 (b) The secretary may waive the requirement in sub6

section (a) for the purpose of relieving fiscal burdens on

7 States that have experienced a precipitous decline in fi8

nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for ‘‘Safe Schools and Citi11

zenship Education’’, $100,000,000, to remain available

12 through September 30, 2021, to prevent, prepare for, and

13 respond to coronavirus, domestically or internationally, to

14 supplement funds otherwise available for ‘‘Project

15 SERV’’, including to help elementary, secondary and post16

secondary schools clean and disinfect affected schools, and

17 assist in counseling and distance learning and associated

18 costs: *Provided*, That such amount is designated by the

19 Congress as being for an emergency requirement pursuant

20 to section 251(b)(2)(A)(i) of the Balanced Budget and

21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for ‘‘Gallaudet University’’,

24 $7,000,000, to remain available through September 30,

25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray

2 the expenses directly caused by coronavirus and to enable

3 grants to students for expenses directly related to

4 coronavirus and the disruption of university operations:

5 *Provided*, That such amount is designated by the Congress

6 as being for an emergency requirement pursuant to sec7

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer8

gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for ‘‘Student Aid Adminis11

tration’’, $40,000,000, to remain available through Sep12

tember 30, 2021, to prevent, prepare for, and respond to

13 coronavirus, domestically or internationally, for carrying

14 out part D of title I, and subparts 1, 3, 9 and 10 of part

15 A, and parts B, C, D, and E of title IV of the HEA, and

16 subpart 1 of part A of title VII of the Public Health Serv17

ice Act: *Provided*, That such amount is designated by the

18 Congress as being for an emergency requirement pursuant

19 to section 251(b)(2)(A)(i) of the Balanced Budget and

20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for ‘‘Howard University’’,

23 $13,000,000, to remain available through September 30,

24 2021, to prevent, prepare for, and respond to coronavirus,

25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable

2 grants to students for expenses directly related to

3 coronavirus and the disruption of university operations:

4 *Provided*, That such amount is designated by the Congress

5 as being for an emergency requirement pursuant to sec6

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer7

gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for ‘‘Program Administra11

tion’’, $8,000,000, to remain available through September

12 30, 2021 to prevent, prepare for, and respond to

13 coronavirus, domestically or internationally: *Provided*,

14 That such amount is designated by the Congress as being

15 for an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for ‘‘Office of the Inspector

20 General’’, $7,000,000, to remain available through Sep21

tember 30, 2022, to prevent, prepare for, and respond to

22 coronavirus, domestically or internationally, including for

23 salaries and expenses necessary for oversight and audit

24 of programs, grants, and projects funded in this Act to

25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re2

quirement pursuant to section 251(b)(2)(A)(i) of the Bal3

anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for ‘‘Corporation for Public

6 Broadcasting’’, $75,000,000, to remain available through

7 September 30, 2021, to prevent, prepare for, and respond

8 to coronavirus, including for fiscal stabilization grants to

9 public telecommunications entities, as defined by 47

10 U.S.C. 397(12), with no deduction for administrative or

11 other costs of the Corporation, to maintain programming

12 and services and preserve small and rural stations threat13

ened by declines in non-Federal revenues: *Provided*, That

14 such amount is designated by the Congress as being for

15 an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

20 AND ADMINISTRATION

21 For an additional amount for ‘‘Institute of Museum

22 and Library Services’’, $50,000,000, to remain available

23 until September 30, 2021, to prevent, prepare for, and re24

spond to coronavirus, including grants to States, terri25

tories and tribes to expand digital network access, pur771

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1 chase internet accessible devices, and provide technical

2 support services: *Provided*, That any matching funds re3

quirements for States, tribes, libraries, and museums are

4 waived for grants provided with funds made available

5 under this heading in this Act: *Provided further*, That such

6 amount is designated by the Congress as being for an

7 emergency requirement pursuant to section

8 251(b)(2)(A)(i) of the Balanced Budget and Emergency

9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the ‘‘Railroad Retire13

ment Board’’, $5,000,000, to remain available until Sep14

tember 30, 2021, to prevent, prepare for, and respond to

15 coronavirus, including the purchase of information tech16

nology equipment to improve the mobility of the workforce

17 and provide for additional hiring or overtime hours as

18 needed to administer the Railroad Unemployment Insur19

ance Act: *Provided*, That such amount is designated by

20 the Congress as being for an emergency requirement pur21

suant to section 251(b)(2)(A)(i) of the Balanced Budget

22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for ‘‘Limitation on Admin4

istrative Expenses’’, $300,000,000, to remain available

5 through September 30, 2021 to prevent, prepare for, and

6 respond to coronavirus, domestically or internationally, in7

cluding paying the salaries and benefits of all employees

8 affected as a result of office closures, telework, phone and

9 communication services for employees, overtime costs, and

10 supplies, and for resources necessary for processing dis11

ability and retirement workloads and backlogs: *Provided*,

12 That such amount is designated by the Congress as being

13 for an emergency requirement pursuant to section

14 251(b)(2)(A)(i) of the Balanced Budget and Emergency

15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be

19 used by the Secretary of the Department of Health and

20 Human Services to appoint, without regard to the provi21

sions of sections 3309 through 3319 of title 5 of the

22 United States Code, candidates needed for positions to

23 perform critical work relating to coronavirus for which—

24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv2

ices has determined that such a public health threat

3 exists.

4 SEC. 18109. Funds made available by this title may

5 be used to enter into contracts with individuals for the

6 provision of personal services (as described in section 104

7 of part 37 of title 48, Code of Federal Regulations (48

8 CFR 37.104)) to support the prevention of, preparation

9 for, or response to coronavirus, domestically and inter10

nationally, subject to prior notification to the Committees

11 on Appropriations of the House of Representatives and the

12 Senate: *Provided*, That such individuals may not be

13 deemed employees of the United States for the purpose

14 of any law administered by the Office of Personnel Man15

agement: *Provided further*, That the authority made avail16

able pursuant to this section shall expire on September

17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee

19 during fiscal year 2020 are determined by the head of the

20 agency to be primarily related to preparation, prevention,

21 or response to coronavirus, any premium pay for such

22 services shall be disregarded in calculating the aggregate

23 of such employee’s basic pay and premium pay for pur24

poses of a limitation under section 5547(a) of title 5,

25 United States Code, or under any other provision of law,

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1 whether such employee’s pay is paid on a biweekly or cal2

endar year basis.

3 (b) Any overtime pay for such services shall be dis4

regarded in calculating any annual limit on the amount

5 of overtime pay payable in a calendar or fiscal year.

6 (c) With regard to such services, any pay that is dis7

regarded under either subsection (a) or (b) shall be dis8

regarded in calculating such employee’s aggregate pay for

9 purposes of the limitation in section 5307 of such title 5.

10 (d)(1) Pay that is disregarded under subsection (a)

11 or (b) shall not cause the aggregate of the employee’s basic

12 pay and premium pay for the applicable calendar year to

13 exceed the rate of basic pay payable for a position at level

14 II of the Executive Schedule under section 5313 of title

15 5, United States Code, as in effect at the end of such cal16

endar year.

17 (2) For purposes of applying this subsection to an

18 employee who would otherwise be subject to the premium

19 pay limits established under section 5547 of title 5, United

20 States Code, ‘‘premium pay’’ means the premium pay paid

21 under the provisions of law cited in section 5547(a).

22 (3) For purposes of applying this subsection to an

23 employee under a premium pay limit established under an

24 authority other than section 5547 of title 5, United States

25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium

2 pay.

3 (e) This section shall take effect as if enacted on Feb4

ruary 2, 2020.

5 (f) If application of this section results in the pay6

ment of additional premium pay to a covered employee of

7 a type that is normally creditable as basic pay for retire8

ment or any other purpose, that additional pay shall not—

9 (1) be considered to be basic pay of the covered

10 employee for any purpose; or

11 (2) be used in computing a lump-sum payment

12 to the covered employee for accumulated and ac13

crued annual leave under section 5551 or section

14 5552 of title 5, United States Code.

15 SEC. 18111. Funds appropriated by this title to the

16 heading ‘‘Department of Health and Human Services’’

17 may be transferred to, and merged with, other appropria18

tion accounts under the headings ‘‘Centers for Disease

19 Control and Prevention’’, ‘‘Public Health and Social Serv20

ices Emergency Fund’’, ‘‘Administration for Children and

21 Families’’, ‘‘Administration for Community Living’’, and

22 ‘‘National Institutes of Health’’ to prevent, prepare for,

23 and respond to coronavirus following consultation with the

24 Office of Management and Budget: *Provided*, That the

25 Committees on Appropriations of the House of Represent776

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1 atives and the Senate shall be notified 10 days in advance

2 of any such transfer: *Provided further*, That, upon a deter3

mination that all or part of the funds transferred from

4 an appropriation by this title are not necessary, such

5 amounts may be transferred back to that appropriation:

6 *Provided further*, That none of the funds made available

7 by this title may be transferred pursuant to the authority

8 in section 205 of division A of Public Law 116–94 or sec9

tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date

11 of enactment of this Act, the Secretary of Health and

12 Human Services shall provide a detailed spend plan of an13

ticipated uses of funds made available to the Department

14 of Health and Human Services in this Act, including esti15

mated personnel and administrative costs, to the Commit16

tees on Appropriations of the House of Representatives

17 and the Senate: *Provided*, That such plans shall be up18

dated and submitted to such Committees every 60 days

19 until September 30, 2024: *Provided further*, That the

20 spend plans shall be accompanied by a listing of each con21

tract obligation incurred that exceeds $5,000,000 which

22 has not previously been reported, including the amount of

23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title

25 under the heading ‘‘Public Health and Social Services

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1 Emergency Fund’’, up to $4,000,000 shall be transferred

2 to, and merged with, funds made available under the head3

ing ‘‘Office of the Secretary, Office of Inspector General’’,

4 and shall remain available until expended, for oversight

5 of activities supported with funds appropriated to the De6

partment of Health and Human Services to prevent, pre7

pare for, and respond to coronavirus, domestically or

8 internationally: *Provided*, That the Inspector General of

9 the Department of Health and Human Services shall con10

sult with the Committees on Appropriations of the House

11 of Representatives and the Senate prior to obligating such

12 funds: *Provided further*, That the transfer authority pro13

vided by this section is in addition to any other transfer

14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of

16 the Coronavirus Preparedness and Response Supple17

mental Appropriations Act, 2020 (Public Law 116–123)

18 shall be paid to the ‘‘Department of Homeland Security—

19 Countering Weapons of Mass Destruction Office—Federal

20 Assistance’’account for costs incurred, including to reim21

burse costs incurred prior to the enactment of this Act,

22 under other transaction authority and related to screening

23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the

2 term in section 506 of the Coronavirus Preparedness and

3 Response Supplemental Appropriations Act, 2020.

4 (c) The amounts repurposed in this section that were

5 previously designated by the Congress as an emergency

6 requirement pursuant to the Balanced Budget and Emer7

gency Deficit Control Act of 1985 are designated by the

8 Congress as an emergency requirement pursuant to sec9

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer10

gency Deficit Control Act of 1985.

11 SEC. 18115. (a) IN GENERAL.—Every laboratory

12 that performs or analyzes a test that is intended to detect

13 SARS–CoV–2 or to diagnose a possible case of COVID–

14 19 shall report the results from each such test, to the Sec15

retary of Health and Human Services in such form and

16 manner, and at such timing and frequency, as the Sec17

retary may prescribe until the end of the Secretary’s Pub18

lic Health Emergency declaration with respect to COVID–

19 19 or any extension of such declaration.

20 (b) LABORATORIES COVERED.—The Secretary may

21 prescribe which laboratories must submit reports pursuant

22 to this section.

23 (c) IMPLEMENTATION.—The Secretary may make

24 prescriptions under this section by regulation, including

25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures

2 otherwise required by section 553 of title 5, United States

3 Code.

4 (d) REPEALER.—Section 1702 of division A of the

5 Families First Coronavirus Response Act is repealed.

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1 TITLE IX

2 LEGISLATIVE BRANCH

3 SENATE

4 CONTINGENT EXPENSES OF THE SENATE

5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

6 For an additional amount for ‘‘Sergeant at Arms and

7 Doorkeeper of the Senate’’, $1,000,000, to remain avail8

able until expended, to prevent, prepare for, and respond

9 to coronavirus, domestically or internationally: *Provided*,

10 That such amount is designated by the Congress as being

11 for an emergency requirement pursuant to section

12 251(b)(2)(A)(i) of the Balanced Budget and Emergency

13 Deficit Control Act of 1985.

14 MISCELLANEOUS ITEMS

15 For an additional amount for ‘‘Miscellaneous Items’’,

16 $9,000,000, to remain available until expended, to pre17

vent, prepare for, and respond to coronavirus, domestically

18 or internationally, subject to approval by the Committee

19 on Appropriations of the Senate and the Senate Com20

mittee on Rules and Administration: *Provided*, That such

21 amount is designated by the Congress as being for an

22 emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for ‘‘Salaries and Ex4

penses’’, $25,000,000, to remain available until September

5 30, 2021, except that $5,000,000 shall remain available

6 until expended, to prevent, prepare for, and respond to

7 coronavirus, domestically or internationally, to be allo8

cated in accordance with a spend plan submitted to the

9 Committee on Appropriations of the House of Representa10

tives by the Chief Administrative Officer and approved by

11 such Committee: *Provided*, That such amount is des12

ignated by the Congress as being for an emergency re13

quirement pursuant to section 251(b)(2)(A)(i) of the Bal14

anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for ‘‘Office of the Attend18

ing Physician’’, $400,000, to remain available until ex19

pended, to prevent, prepare for, and respond to

20 coronavirus, domestically or internationally: *Provided*,

21 That such amount is designated by the Congress as being

22 for an emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for ‘‘Salaries’’,

4 $12,000,000, to remain available until September 30,

5 2021, to prevent, prepare for, and respond to coronavirus,

6 domestically or internationally: *Provided*, That the Capitol

7 Police may transfer amounts appropriated under this

8 heading in this Act to ‘‘General Expenses’’ without the

9 approval requirement of 2 U.S.C. 1907(a): *Provided fur*10

*ther*, That such amount is designated by the Congress as

11 being for an emergency requirement pursuant to section

12 251(b)(2)(A)(i) of the Balanced Budget and Emergency

13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for ‘‘Capital Construction

17 and Operations’’, $25,000,000, to remain available until

18 September 30, 2021, to prevent, prepare for, and respond

19 to coronavirus, domestically or internationally, including

20 to purchase and distribute cleaning and sanitation prod21

ucts throughout all facilities and grounds under the care

22 of the Architect of the Capitol, wherever located, and any

23 related services and operational costs: *Provided*, That the

24 Architect of the Capitol shall provide a report within 30

25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and

2 House of Representatives, the Senate Committee on Rules

3 and Administration, and the Committee on House Admin4

istration on expenditure of funds from amounts appro5

priated under this heading in this Act: *Provided further*,

6 That this amount shall be in addition to any other funds

7 available for such purposes in appropriations Acts for the

8 legislative branch: *Provided further*, That such amount is

9 designated by the Congress as being for an emergency re10

quirement pursuant to section 251(b)(2)(A)(i) of the Bal11

anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ‘‘Salaries and Ex15

penses’’, $700,000, to remain available until September

16 30, 2020, to prevent, prepare for, and respond to

17 coronavirus, domestically or internationally, to be made

18 available to the Little Scholars Child Development Center,

19 subject to approval by the Committees on Appropriations

20 of the Senate and House of Representatives, the Senate

21 Committee on Rules and Administration, and the Com22

mittee on House Administration: *Provided*, That such

23 amount is designated by the Congress as being for an

24 emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for ‘‘Salaries and Ex6

penses’’, $20,000,000, to remain available until expended,

7 to prevent, prepare for, and respond to coronavirus, do8

mestically or internationally, for audits and investigations

9 and for reimbursement of the Tiny Findings Child Devel10

opment Center for salaries for employees, as authorized

11 by this Act: *Provided*, That not later than 90 days after

12 the date of enactment of this Act, the Government Ac13

countability Office shall submit to the Committees on Ap14

propriations of the House of Representatives and the Sen15

ate a spend plan specifying funding estimates and a

16 timeline for such audits and investigations: *Provided fur*17

*ther*, That $600,000 shall be made available to the Tiny

18 Findings Child Development Center, subject to approval

19 by the Committees on Appropriations of the Senate and

20 House of Representatives, the Senate Committee on Rules

21 and Administration, and the Committee on House Admin22

istration: *Provided further*, That such amount is des23

ignated by the Congress as being for an emergency re24

quirement pursuant to section 251(b)(2)(A)(i) of the Bal25

anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES

3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE

4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim6

burse the Senate Employee Child Care Center for per7

sonnel costs incurred starting on April 1, 2020, for em8

ployees of such Center who have been ordered to cease

9 working due to measures taken in the Capitol complex to

10 combat coronavirus, not to exceed $84,000 per month,

11 from amounts in the appropriations account ‘‘Miscella12

neous Items’’ within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES

14 AND EXPENSES OF HOUSE OF REPRESENTATIVES

15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING

17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)

18 of the Legislative Branch Appropriations Act, 1992 (2

19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period

21 at the end and inserting the following: ‘‘, and, at the

22 option of the Chief Administrative Officer during an

23 emergency situation, the payment of the salary of

24 other employees of the Center.’’; and

25 (2) by adding at the end the following new sub26

paragraph:

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1 ‘‘(C) During an emergency situation, the

2 payment of such other expenses for activities

3 carried out under this section as the Chief Ad4

ministrative Officer determines appropriate.’’.

5 (b) EFFECTIVE DATE.—The amendment made by

6 subsection (a) shall apply with respect to fiscal year 2020

7 and each succeeding fiscal year.

8 PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF

9 GOODS AND SERVICES DURING THE CORONAVIRUS

10 EMERGENCY

11 SEC. 19003. (a) AUTHORIZATION TO MAKE PAY12

MENTS.—Notwithstanding any other provision of law and

13 subject to subsection (b), during an emergency situation,

14 the Chief Administrative Officer of the House of Rep15

resentatives may make payments under contracts with

16 vendors providing goods and services to the House in

17 amounts and under terms and conditions other than those

18 provided under the contract in order to ensure that those

19 goods and services remain available to the House through20

out the duration of the emergency.

21 (b) CONDITIONS.—

22 (1) APPROVAL REQUIRED.—The Chief Adminis23

trative Officer may not make payments under the

24 authority of subsection (a) without the approval of

25 the Committee on House Administration of the

26 House of Representatives.

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1 (2) AVAILABILITY OF APPROPRIATIONS.—The

2 authority of the Chief Administrative Officer to

3 make payments under the authority of subsection

4 (a) is subject to the availability of appropriations to

5 make such payments.

6 (c) APPLICABILITY.—This section shall apply with re7

spect to fiscal year 2020 and each succeeding fiscal year.

8 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES

9 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL10

OPMENT CENTER

11 SEC. 19004. The Library of Congress shall reimburse

12 Little Scholars Child Development Center for salaries for

13 employees incurred from April 1, 2020, to September 30,

14 2020, for employees of such Center who have been ordered

15 to cease working due to measures taken in the Capitol

16 complex to combat coronavirus, not to exceed $113,000

17 per month, from amounts in the appropriations account

18 ‘‘Library of Congress—Salaries and Expenses’’.

19 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS

20 DURING THE CORONAVIRUS EMERGENCY

21 SEC. 19005. (a) AUTHORIZING PAYMENTS.—Not22

withstanding section 3324(a) of title 31, United States

23 Code, or any other provision of law and subject to sub24

section (b), if the employees of a contractor with a service

25 contract with the Architect of the Capitol are furloughed

26 or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to

2 the impacts of coronavirus, the Architect of the Capitol

3 may continue to make the payments provided for under

4 the contract for the weekly salaries and benefits of such

5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au7

thority of the Architect of the Capitol to make payments

8 under the authority of subsection (a) is subject to the

9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol

11 shall promulgate such regulations as may be necessary to

12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of

15 title 39, United States Code, is amended by striking the

16 period at the end of the first sentence and inserting the

17 following: ‘‘, and in the case of the Commission, to waive

18 this paragraph in the case of mailings sent in response

19 to or to address threats to life safety.’’.

20 (b) EFFECTIVE DATE.—The amendments made by

21 this subsection shall apply with respect to mailings sent

22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso

25 under the heading ‘‘Library of Congress—Salaries and

26 Expenses’’ in division E of the Further Consolidated Ap789

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1 propriations Act, 2020 (Public Law 116–94), strike ‘‘

2 $504,164,000’’ and insert ‘‘ $510,164,000’’.

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and

5 Medical Leave Act of 1993 (as added by section 3102 of

6 the Families First Coronavirus Response Act (Public Law

7 116–127)) is amended—

8 (1) by inserting before ‘‘In lieu of’’ the fol9

lowing:

10 ‘‘(i) IN GENERAL.—’’; and

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

12 ‘‘(ii) SPECIAL RULE.—For purposes of

13 applying section 102(a)(1)(F) and this sec14

tion under the Congressional Account15

ability Act of 1995, in lieu of the definition

16 in section 202(a)(2)(B) of that Act (2

17 U.S.C. 1312(a)(2)(B)), the term ‘eligible

18 employee’ means a covered employee (as

19 defined in section 101 of that Act (2

20 U.S.C. 1301)) who has been employed for

21 at least 30 calendar days by the employing

22 office (as so defined) with respect to whom

23 leave is requested under section

24 102(a)(1)(F).’’.

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES

2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP3

MENT CENTER

4 SEC. 19009. The Government Accountability Office

5 may reimburse the Tiny Findings Child Development Cen6

ter for salaries for employees incurred from April 1, 2020,

7 to September 30, 2020, for employees of such Center who

8 have been ordered to cease working due to measures taken

9 in the Capitol complex to combat coronavirus, not to ex10

ceed $100,000 per month, from amounts in the appropria11

tions account ‘‘Government Accountability Office—Sala12

ries and Expenses’’.

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—

15 (1) the term ‘‘appropriate congressional com16

mittees’’ means—

17 (A) the Committee on Appropriations of

18 the Senate;

19 (B) the Committee on Homeland Security

20 and Governmental Affairs of the Senate;

21 (C) the Committee on Health, Education,

22 Labor, and Pensions of the Senate;

23 (D) the Committee on Appropriations of

24 the House of Representatives;

25 (E) the Committee on Homeland Security

26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re2

form of the House of Representatives; and

3 (G) the Committee on Energy and Com4

merce of the House of Representatives; and

5 (2) the term ‘‘Comptroller General’’ means the

6 Comptroller General of the United States.

7 (b) AUTHORITY.—The Comptroller General shall con8

duct monitoring and oversight of the exercise of authori9

ties, or the receipt, disbursement, and use of funds made

10 available, under this Act or any other Act to prepare for,

11 respond to, and recover from the Coronavirus 2019 pan12

demic and the effect of the pandemic on the health, econ13

omy, and public and private institutions of the United

14 States, including public health and homeland security ef15

forts by the Federal Government and the use of selected

16 funds under this or any other Act related to the

17 Coronavirus 2019 pandemic and a comprehensive audit

18 and review of charges made to Federal contracts pursuant

19 to authorities provided in the Coronavirus Aid, Relief, and

20 Economic Security Act.

21 (c) BRIEFINGS AND REPORTS.—In conducting moni22

toring and oversight under subsection (b), the Comptroller

23 General shall—

24 (1) during the period beginning on the date of

25 enactment of this Act and ending on the date on

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1 which the national emergency declared by the Presi2

dent under the National Emergencies Act (50

3 U.S.C. 1601 et seq.) with respect to the Coronavirus

4 Disease 2019 (COVID–19) expires, offer regular

5 briefings on not less frequently than a monthly basis

6 to the appropriate congressional committees regard7

ing Federal public health and homeland security ef8

forts;

9 (2) publish reports regarding the ongoing moni10

toring and oversight efforts, which, along with any

11 audits and investigations conducted by the Comp12

troller General, shall be submitted to the appropriate

13 congressional committees and posted on the website

14 of the Government Accountability Office—

15 (A) not later than 90 days after the date

16 of enactment of this Act, and every other

17 month thereafter until the date that is 1 year

18 after the date of enactment of this Act; and

19 (B) after the period described in subpara20

graph (A), on a periodic basis; and

21 (3) submit to the appropriate congressional

22 committees additional reports as warranted by the

23 findings of the monitoring and oversight activities of

24 the Comptroller General.

25 (d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni2

toring and oversight activities under this section, the

3 Comptroller General shall have access to records,

4 upon request, of any Federal, State, or local agency,

5 contractor, grantee, recipient, or subrecipient per6

taining to any Federal effort or assistance of any

7 type related to the Coronavirus 2019 pandemic

8 under this Act or any other Act, including private

9 entities receiving such assistance.

10 (2) COPIES.—The Comptroller General may

11 make and retain copies of any records accessed

12 under paragraph (1) as the Comptroller General de13

termines appropriate.

14 (3) INTERVIEWS.—In addition to such other au15

thorities as are available, the Comptroller General or

16 a designee of the Comptroller General may interview

17 Federal, State, or local officials, contractor staff,

18 grantee staff, recipients, or subrecipients pertaining

19 to any Federal effort or assistance of any type re20

lated to the Coronavirus 2019 pandemic under this

21 or any other Act, including private entities receiving

22 such assistance.

23 (4) INSPECTION OF FACILITIES.—As deter24

mined necessary by the Comptroller General, the

25 Government Accountability Office may inspect facili794

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1 ties at which Federal, State, or local officials, con2

tractor staff, grantee staff, or recipients or sub3

recipients carry out their responsibilities related to

4 the Coronavirus 2019 pandemic.

5 (5) ENFORCEMENT.—Access rights under this

6 subsection shall be subject to enforcement consistent

7 with section 716 of title 31, United States Code.

8 (e) RELATIONSHIP TO EXISTING AUTHORITY.—

9 Nothing in this section shall be construed to limit, amend,

10 supersede, or restrict in any manner any existing author11

ity of the Comptroller General.

12 NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE

13 REGISTER OF COPYRIGHTS

14 SEC. 19011. (a) AMENDMENT.—Chapter 7 of title

15 17, United States Code, is amended by adding at the end

16 the following:

17 **‘‘§ 710. Emergency relief authority**

18 ‘‘(a) EMERGENCY ACTION.—If, on or before Decem19

ber 31, 2021, the Register of Copyrights determines that

20 a national emergency declared by the President under the

21 National Emergencies Act (50 U.S.C. 1601 et seq.) gen22

erally disrupts or suspends the ordinary functioning of the

23 copyright system under this title, or any component there24

of, including on a regional basis, the Register may, on a

25 temporary basis, toll, waive, adjust, or modify any timing

26 provision (including any deadline or effective period, ex795

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1 cept as provided in subsection (c)) or procedural provision

2 contained in this title or chapters II or III of title 37,

3 Code of Federal Regulations, for no longer than the Reg4

ister reasonably determines to be appropriate to mitigate

5 the impact of the disruption caused by the national emer6

gency. In taking such action, the Register shall consider

7 the scope and severity of the particular national emer8

gency, and its specific effect with respect to the particular

9 provision, and shall tailor any remedy accordingly.

10 ‘‘(b) NOTICE AND EFFECT.—Any action taken by the

11 Register in response to a national emergency pursuant to

12 subsection (a) shall not be subject to section 701(e) or

13 subchapter II of chapter 5 of title 5, United States Code,

14 and chapter 7 of title 5, United States Code. The provision

15 of general public notice detailing the action being taken

16 by the Register in response to the national emergency

17 under subsection (a) is sufficient to effectuate such action.

18 The Register may make such action effective both prospec19

tively and retroactively in relation to a particular provision

20 as the Register determines to be appropriate based on the

21 timing, scope, and nature of the public emergency, but any

22 action by the Register may only be retroactive with respect

23 to a deadline that has not already passed before the dec24

laration described in subsection (a).

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1 ‘‘(c) STATEMENT REQUIRED.—Except as provided in

2 subsection (d), not later than 20 days after taking any

3 action that results in a provision being modified for a cu4

mulative total of longer than 120 days, the Register shall

5 submit to Congress a statement detailing the action taken,

6 the relevant background, and rationale for the action.

7 ‘‘(d) EXCEPTIONS.—The authority of the Register to

8 act under subsection (a) does not extend provisions under

9 this title requiring the commencement of an action or pro10

ceeding in Federal court within a specified period of time,

11 except that if the Register adjusts the license availability

12 date defined in section 115(e)(15), such adjustment shall

13 not affect the ability to commence actions for any claim

14 of infringement of exclusive rights provided by paragraphs

15 (1) and (3) of section 106 against a digital music provider

16 arising from the unauthorized reproduction or distribution

17 of a musical work by such digital music provider in the

18 course of engaging in covered activities that accrued after

19 January 1, 2018, provided that such action is commenced

20 within the time periods prescribed under section

21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from

22 the adjusted license availability date. If the Register ad23

justs the license availability date, the Register must pro24

vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with

2 a detailed explanation of why such adjustment is needed.

3 ‘‘(e) COPYRIGHT TERM EXCEPTION.—The authority

4 of the Register to act under subsection (a) does not extend

5 to provisions under chapter 3, except section 304(c), or

6 section 1401(a)(2).

7 ‘‘(f) OTHER LAWS.—Notwithstanding section 301 of

8 the National Emergencies Act (50 U.S.C. 1631), the au9

thority of the Register under subsection (a) is not contin10

gent on a specification made by the President under such

11 section or any other requirement under that Act (other

12 than the emergency declaration under section 201(a) of

13 such Act (50 U.S.C. 1621(a))). The authority described

14 in this section supersedes the authority of title II of the

15 National Emergencies Act (50 U.S.C. 1621 et seq.).’’.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—

17 The table of sections for chapter 7 of title 17, United

18 States Code, is amended by adding at the end the fol19

lowing:

‘‘710. Emergency relief authority.’’.

20 (c) EMERGENCY REQUIREMENT.—The amount pro21

vided by this section is designated by the Congress as

22 being for an emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for ‘‘General Operating

7 Expenses, Veterans Benefits Administration’’,

8 $13,000,000, to remain available until September 30,

9 2021, to prevent, prepare for, and respond to coronavirus,

10 domestically or internationally: *Provided*, That such

11 amount is designated by the Congress as being for an

12 emergency requirement pursuant to section

13 251(b)(2)(A)(i) of the Balanced Budget and Emergency

14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for ‘‘Medical Services’’,

18 $14,432,000,000, to remain available until September 30,

19 2021, to prevent, prepare for, and respond to coronavirus,

20 domestically or internationally, including related impacts

21 on health care delivery, and for support to veterans who

22 are homeless or at risk of becoming homeless: *Provided*,

23 That such amount is designated by the Congress as being

24 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

2 Deficit Control Act of 1985.

3 MEDICAL COMMUNITY CARE

4 For an additional amount for ‘‘Medical Community

5 Care’’, $2,100,000,000, to remain available until Sep6

tember 30, 2021, to prevent, prepare for, and respond to

7 coronavirus, domestically or internationally, including re8

lated impacts on health care delivery: *Provided*, That such

9 amount is designated by the Congress as being for an

10 emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for ‘‘Medical Support and

15 Compliance’’, $100,000,000, to remain available until

16 September 30, 2021, to prevent, prepare for, and respond

17 to coronavirus, domestically or internationally, including

18 related impacts on health care delivery: *Provided*, That

19 such amount is designated by the Congress as being for

20 an emergency requirement pursuant to section

21 251(b)(2)(A)(i) of the Balanced Budget and Emergency

22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for ‘‘Medical Facilities’’,

25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,

2 domestically or internationally, including related impacts

3 on health care delivery: *Provided*, That such amount is

4 designated by the Congress as being for an emergency re5

quirement pursuant to section 251(b)(2)(A)(i) of the Bal6

anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ‘‘General Administra10

tion’’, $6,000,000, to remain available until September 30,

11 2021, to prevent, prepare for, and respond to coronavirus,

12 domestically or internationally: *Provided*, That such

13 amount is designated by the Congress as being for an

14 emergency requirement pursuant to section

15 251(b)(2)(A)(i) of the Balanced Budget and Emergency

16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ‘‘Information Tech19

nology Systems’’, $2,150,000,000, to remain available

20 until September 30, 2021, to prevent, prepare for, and re21

spond to coronavirus, domestically or internationally, in22

cluding related impacts on health care delivery: *Provided*,

23 That the Secretary shall transmit to the Committees on

24 Appropriations of both Houses of Congress a spend plan

25 detailing the allocation of such funds between pay and as801

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1 sociated costs, operations and maintenance, and informa2

tion technology systems development: *Provided further*,

3 That after such transmittal is provided, funds may only

4 be reprogrammed among the three subaccounts referenced

5 in the previous proviso after the Secretary of Veterans Af6

fairs submits notice to the Committees on Appropriations

7 of both Houses of Congress: *Provided further*, That such

8 amount is designated by the Congress as being for an

9 emergency requirement pursuant to section

10 251(b)(2)(A)(i) of the Balanced Budget and Emergency

11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ‘‘Office of Inspector

14 General’’, $12,500,000, to remain available until Sep15

tember 30, 2022, to prevent, prepare for, and respond to

16 coronavirus, domestically or internationally, for oversight

17 and audit of programs, activities, grants and projects

18 funded under this title: *Provided*, That such amount is

19 designated by the Congress as being for an emergency re20

quirement pursuant to section 251(b)(2)(A)(i) of the Bal21

anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE

23 FACILITIES

24 For an additional amount for ‘‘Grants for Construc25

tion of State Extended Care Facilities’’, $150,000,000, to

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1 remain available until September 30, 2021, to prevent,

2 prepare for, and respond to coronavirus, domestically or

3 internationally, including to modify or alter existing hos4

pital, nursing home, and domiciliary facilities in State

5 homes: *Provided*, That such amount is designated by the

6 Congress as being for an emergency requirement pursuant

7 to section 251(b)(2)(A)(i) of the Balanced Budget and

8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ‘‘Armed Forces Re12

tirement Home Trust Fund’’, $2,800,000, to remain avail13

able until September 30, 2021, to prevent, prepare for,

14 and respond to coronavirus, to be paid from funds avail15

able in the Armed Forces Retirement Home Trust Fund:

16 *Provided*, That of the amounts made available under this

17 heading from funds available in the Armed Forces Retire18

ment Home Trust Fund, $2,800,000 shall be paid from

19 the general fund of the Treasury to the Trust Fund: *Pro*20

*vided further*, That the Chief Executive Officer of the

21 Armed Forces Retirement Home shall submit to the Com22

mittees on Appropriations of both Houses of Congress

23 monthly reports detailing obligations, expenditures, and

24 planned activities: *Provided further*, That such amount is

25 designated by the Congress as being for an emergency re803

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1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal2

anced Budget and Emergency Deficit Control Act of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart6

ment of Veterans Affairs in this title, under the ‘‘Medical

7 Services’’, ‘‘Medical Community Care’’, ‘‘Medical Support

8 and Compliance’’, and ‘‘Medical Facilities’’ accounts may

9 be transferred among the accounts to prevent, prepare for,

10 and respond to coronavirus, domestically and internation11

ally: *Provided*, That any transfers among the ‘‘Medical

12 Services’’, ‘‘Medical Community Care’’, ‘‘Medical Support

13 and Compliance’’, and ‘‘Medical Facilities’’ accounts of 2

14 percent or less of the total amount appropriated to an ac15

count in this title may take place subject to notification

16 from the Secretary of Veterans Affairs to the Committees

17 on Appropriations of both Houses of Congress of the

18 amount and purpose of the transfer: *Provided further*,

19 That any transfers among the ‘‘Medical Services’’, ‘‘Med20

ical Community Care’’, ‘‘Medical Support and Compli21

ance’’, and ‘‘Medical Facilities’’ accounts in excess of 2

22 percent of the total amount appropriated to an account

23 in this title, or exceeding a cumulative 2 percent for all

24 of the funds provided in this title, may take place only

25 after the Secretary requests from the Committees on Ap804

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1 propriations of both Houses of Congress the authority to

2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this

4 title the Secretary of Veterans Affairs shall submit to the

5 Committees on Appropriations of both Houses of Congress

6 monthly reports detailing obligations, expenditures, and

7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term ‘‘public health

10 emergency’’ means an emergency with respect to COVID–

11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE13

COMMUNICATIONS PROVIDERS TO EXPAND TELE14

MENTAL HEALTH SERVICES FOR ISOLATED VET15

ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any

17 other provision of law, the Secretary of Veterans Affairs

18 may enter into short-term agreements or contracts with

19 telecommunications companies to provide temporary, com20

plimentary or subsidized, fixed and mobile broadband

21 services for the purposes of providing expanded mental

22 health services to isolated veterans through telehealth or

23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand

26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include

2 veterans already receiving care from the Department

3 who may not be eligible for mental health services or

4 other health care services delivered through tele5

health or VA Video Connect.

6 (2) PRIORITY.—For purposes of expanding eli7

gibility under paragraph (1), the Secretary shall

8 prioritize—

9 (A) veterans who are in unserved and un10

derserved areas;

11 (B) veterans who reside in rural and highly

12 rural areas, as defined in the Rural-Urban

13 Commuting Areas coding system of the Depart14

ment of Agriculture;

15 (C) low-income veterans; and

16 (D) any other veterans that the Secretary

17 considers to be at a higher risk for suicide and

18 mental health concerns during isolation periods

19 due to a public health emergency.

20 (c) DEFINITIONS.—In this section:

21 (1) TELEHEALTH.—

22 (A) IN GENERAL.—The term ‘‘telehealth’’

23 means the use of electronic information and

24 telecommunications technologies to support and

25 promote long-distance clinical health care, pa806

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1 tient and professional health-related education,

2 public health, and health administration.

3 (B) TECHNOLOGIES.—For purposes of

4 subparagraph (A), telecommunications tech5

nologies include videoconferencing, the internet,

6 streaming media, and terrestrial and wireless

7 communications.

8 (2) VA VIDEO CONNECT.—The term ‘‘VA Video

9 Connect’’ means the program of the Department of

10 Veterans Affairs to connect veterans with their

11 health care team from anywhere, using encryption to

12 ensure a secure and private session.

13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH

14 EMERGENCY

15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE16

QUIREMENTS.—During a public health emergency, occu17

pancy rate requirements for State homes for purposes of

18 receiving per diem payments set forth in section 51.40(c)

19 of title 38, Code of Federal Regulations, or successor regu20

lations, shall not apply.

21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE22

MENTS.—During a public health emergency, the veteran

23 percentage requirements for State homes set forth in sec24

tion 51.210(d) of title 38, Code of Regulations, or suc25

cessor regulations, and in agreements for grants to con26

struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP2

PLIES.—

3 (1) IN GENERAL.—During a public health

4 emergency, the Secretary of Veterans Affairs may

5 provide to State homes medicines, personal protec6

tive equipment, medical supplies, and any other

7 equipment, supplies, and assistance available to the

8 Department of Veterans Affairs.

9 (2) PROVISION OF EQUIPMENT.—Personal pro10

tective equipment may be provided under paragraph

11 (1) through the All Hazards Emergency Cache of

12 the Department of Veterans Affairs or any other

13 source available to the Department.

14 (d) DEFINITIONS.—In this section:

15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The

16 term ‘‘personal protective equipment’’ means any

17 protective equipment required to prevent the wearer

18 from contracting COVID–19, including gloves, N–95

19 respirator masks, gowns, goggles, face shields, or

20 other equipment required for safety.

21 (2) PUBLIC HEALTH EMERGENCY.—The term

22 ‘‘public health emergency’’ means an emergency with

23 respect to COVID–19 declared by a Federal, State,

24 or local authority.

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1 (3) STATE HOME.—The term ‘‘State home’’ has

2 the meaning given that term in section 101(19) of

3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM

5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE7

NEWALS.—For the Veteran Directed Care program of the

8 Department of Veterans Affairs (in this section referred

9 to as the ‘‘Program’’), during a public health emergency,

10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency

12 on aging process new enrollments and six-month re13

newals for the Program via an in-person or home

14 visit; and

15 (2) allow new enrollments and sixth-month re16

newals for the Program to be conducted via tele17

phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During

19 a public health emergency, the Secretary shall not suspend

20 or dis-enroll a veteran or caregiver of a veteran from the

21 Program unless—

22 (1) requested to do so by the veteran or a rep23

resentative of the veteran; or

24 (2) a mutual decision is made between the vet25

eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from

2 the Program.

3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur4

ing a public health emergency, the Secretary may waive

5 the requirement for signed, mailed paperwork to confirm

6 the enrollment or renewal of a veteran in the Program

7 and may allow verbal consent of the veteran via telephone

8 or telehealth modality to suffice for purposes of such en9

rollment or renewal.

10 (d) WAIVER OF OTHER REQUIREMENTS.—During a

11 public health emergency, the Secretary shall waive—

12 (1) any penalty for late paperwork relating to

13 the Program; and

14 (2) any requirement to stop payments for vet15

erans or caregivers of veterans under the Program

16 if they are out of State for more than 14 days.

17 (e) AREA AGENCY ON AGING DEFINED.—In this sec18

tion, the term ‘‘area agency on aging’’ has the meaning

19 given that term in section 102 of the Older Americans Act

20 of 1965 (42 U.S.C. 3002).

21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF

22 PROSTHETIC APPLIANCES THROUGH NON-DEPART23

MENT PROVIDERS DURING PUBLIC HEALTH EMER24

GENCY

25 SEC. 20007. The Secretary of Veterans Affairs shall

26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance

2 under section 1714 or 1719 of title 38, United States

3 Code, are able to receive such an appliance that the Sec4

retary determines is needed from a non-Department of

5 Veterans Affairs provider under a contract with the De6

partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT

8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH

9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any

11 other provision of law, the Secretary of Veterans Affairs

12 may waive any limitation on pay for an employee of the

13 Department of Veterans Affairs during a public health

14 emergency for work done in support of response to the

15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the

18 Secretary waives a limitation under subsection (a),

19 the Secretary shall submit to the Committee on Vet20

erans’ Affairs of the Senate and the Committee on

21 Veterans’ Affairs of the House of Representatives a

22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under

24 paragraph (1) for a waiver or waivers in a month

25 shall include the following:

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1 (A) Where the waiver or waivers were

2 used, including in which component of the De3

partment and, as the case may be, which med4

ical center of the Department.

5 (B) For how many employees the waiver or

6 waivers were used, disaggregated by component

7 of the Department and, if applicable, medical

8 center of the Department.

9 (C) The average amount by which each

10 payment exceeded the waived pay limitation

11 that was waived, disaggregated by component of

12 the Department and, if applicable, medical cen13

ter of the Department.

14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS

15 AFFAIRS DEFINED.—In this section, the term ‘‘employee

16 of the Department of Veterans Affairs’’ includes any em17

ployee of the Department of Veterans Affairs, regardless

18 of the authority under which the employee was hired.

19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF

20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME

21 HEALTH WORKERS

22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—

23 (1) IN GENERAL.—During a public health

24 emergency, the Secretary of Veterans Affairs shall

25 provide to employees and contractors of the Depart26

ment of Veterans Affairs personal protective equip812

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1 ment necessary to provide home care to veterans

2 under the laws administered by the Secretary.

3 (2) SOURCE OF EQUIPMENT.—Personal protec4

tive equipment may be provided under paragraph (1)

5 through the All Hazards Emergency Cache of the

6 Department or any other source available to the De7

partment.

8 (b) DEFINITIONS.—In this section:

9 (1) HOME CARE.—The term ‘‘home care’’ has

10 the meaning given that term in section 1803(c) of

11 title 38, United States Code.

12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The

13 term ‘‘personal protective equipment’’ means any

14 protective equipment required to prevent the wearer

15 from contracting COVID–19, including gloves, N–95

16 respirator masks, gowns, goggles, face shields, or

17 other equipment required for safety.

18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR19

POSES OF ELIGIBILITY FOR VETERANS PENSION AND

20 OTHER VETERANS BENEFITS

21 SEC. 20010. Amounts paid to a person under the

22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and

23 Economic Security Act shall not be treated as income or

24 resources for purposes of determining eligibility for pen25

sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec2

retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS

4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall

6 ensure that telehealth capabilities are available during a

7 public health emergency for case managers of, and home8

less veterans participating in, the Department of Housing

9 and Urban Development–Department of Veterans Affairs

10 Supportive Housing program (commonly referred to as

11 ‘‘HUD–VASH’’).

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP13

PORTIVE SERVICES FOR VERY LOW-INCOME VET14

ERAN FAMILIES IN PERMANENT HOUSING DURING A

15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,

17 nothing in subsection (e)(1) of section 2044 of title 38,

18 United States Code, may be construed as limiting amounts

19 that may be made available for carrying out subsections

20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS

22 FOR HOMELESS VETERANS DURING A PUBLIC

23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the

25 case of a public health emergency, no authorization of ap26

propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be

2 appropriated for carrying out subchapter II of chapter 20

3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case

5 of a public health emergency, the Secretary of Veterans

6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and

8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections

10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet12

erans Health Administration Handbook 1162.01(1), dated

13 July 12, 2013, and amended June 30, 2014, and titled

14 ‘‘Grant and Per Diem (GPD) Program’’, or any other pro15

vision of law, for the duration of a public health emer16

gency, the Secretary—

17 (1) shall waive any requirement to discharge a

18 veteran from the grant and per diem program of the

19 Veterans Health Administration after the veteran is

20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re22

cipients and eligible entities under the program for

23 any additional days of absence when a veteran has

24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections

2 20003 through 20013 of this title in this Act are des3

ignated by the Congress as being for an emergency re4

quirement pursuant to section 251(b)(2)(A)(i) of the Bal5

anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for ‘‘Diplomatic Pro6

grams’’, $324,000,000, to remain available until Sep7

tember 30, 2022, to prevent, prepare for, and respond to

8 coronavirus, including for necessary expenses to maintain

9 consular operations and to provide for evacuation expenses

10 and emergency preparedness: *Provided*, That such amount

11 is designated by the Congress as being for an emergency

12 requirement pursuant to section 251(b)(2)(A)(i) of the

13 Balanced Budget and Emergency Deficit Control Act of

14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL

16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for ‘‘Operating Expenses’’,

20 $95,000,000, to remain available until September 30,

21 2022, to prevent, prepare for, and respond to coronavirus:

22 *Provided*, That such amount is designated by the Congress

23 as being for an emergency requirement pursuant to sec24

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer25

gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for ‘‘International Disaster

5 Assistance’’, $258,000,000, to remain available until ex6

pended, to prevent, prepare for, and respond to

7 coronavirus: *Provided*, That such amount is designated by

8 the Congress as being for an emergency requirement pur9

suant to section 251(b)(2)(A)(i) of the Balanced Budget

10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for ‘‘Migration and Ref14

ugee Assistance’’, $350,000,000, to remain available until

15 expended, to prevent, prepare for, and respond to

16 coronavirus: *Provided*, That such amount is designated by

17 the Congress as being for an emergency requirement pur18

suant to section 251(b)(2)(A)(i) of the Balanced Budget

19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for ‘‘Peace Corps’’,

23 $88,000,000, to remain available until September 30,

24 2022, to prevent, prepare for, and respond to coronavirus:

25 *Provided*, That such amount is designated by the Congress

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1 as being for an emergency requirement pursuant to sec2

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer3

gency Deficit Control Act of 1985.

4 GENERAL PROVISIONS—THIS TITLE

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 21001. The authorities and limitations of sec7

tion 402 of the Coronavirus Preparedness and Response

8 Supplemental Appropriations Act (division A of Public

9 Law 116–123) shall apply to funds appropriated by this

10 title as follows:

11 (1) Subsections (a), (d), (e), and (f) shall apply

12 to funds under the heading ‘‘Diplomatic Programs’’;

13 and

14 (2) Subsections (c), (d), (e), and (f) shall apply

15 to funds under the heading ‘‘International Disaster

16 Assistance’’.

17 SEC. 21002. Funds appropriated by this title under

18 the headings ‘‘Diplomatic Programs’’, ‘‘Operating Ex19

penses’’, and ‘‘Peace Corps’’ may be used to reimburse

20 such accounts administered by the Department of State,

21 the United States Agency for International Development,

22 and the Peace Corps, as appropriate, for obligations in23

curred to prevent, prepare for, and respond to coronavirus

24 prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section

2 406(b) of the Coronavirus Preparedness and Response

3 Supplemental Appropriations Act, 2020 (division A of

4 Public Law 116–123) shall apply to funds appropriated

5 by this title: *Provided*, That the requirement to jointly

6 submit such report shall not apply to the Director of the

7 Peace Corps: *Provided further*, That reports required by

8 such section may be consolidated and shall include infor9

mation on all funds made available to such Federal agen10

cies to prevent, prepare for, and respond to coronavirus.

11 SEC. 21004. Section 7064(a) of the Department of

12 State, Foreign Operations, and Related Programs Appro13

priations Act, 2020 (division G of Public Law 116–94)

14 is amended by striking ‘‘ $100,000,000’’ and inserting in

15 lieu thereof ‘‘ $110,000,000’’, and by adding the following

16 before the period at the end: ‘‘: *Provided*, That no amounts

17 may be used that were designated by the Congress for

18 Overseas Contingency Operations/Global War on Ter19

rorism pursuant to the Concurrent Resolution on the

20 Budget or the Balanced Budget and Emergency Deficit

21 Control Act of 1985’’.

22 SEC. 21005. The Department of State, Foreign Oper23

ations, and Related Programs Appropriations Act, 2020

24 (division G of Public Law 116–94) is amended under the

25 heading ‘‘Emergencies in the Diplomatic and Consular

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1 Service’’ in title I by striking ‘‘ $1,000,000’’ and inserting

2 in lieu thereof ‘‘ $5,000,000’’.

3 SEC. 21006. The Department of State, Foreign Oper4

ations, and Related Programs Appropriations Act, 2020

5 (division G of Public Law 116–94) is amended under the

6 heading ‘‘Millennium Challenge Corporation’’ in title III

7 by striking ‘‘ $105,000,000’’ in the first proviso and in8

serting in lieu thereof ‘‘ $107,000,000’’.

9 SEC. 21007. Notwithstanding any other provision of

10 law, and in addition to leave authorized under any other

11 provision of law, the Secretary of State and the Adminis12

trator of the United States Agency for International De13

velopment may, in order to prevent, prepare for, and re14

spond to coronavirus, provide additional paid leave to ad15

dress employee hardships resulting from coronavirus: *Pro*16

*vided*, That this authority shall apply to leave taken since

17 January 29, 2020, and may be provided abroad and do18

mestically: *Provided further*, That the Secretary and the

19 Administrator shall consult with the Committee on Appro20

priations and the Committee on Foreign Relations of the

21 Senate and the Committee on Appropriations and the

22 Committee on Foreign Affairs of the House of Representa23

tives prior to implementation of such authority: *Provided*

24 *further*, That the authority made available pursuant to

25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre2

pare for, and respond to coronavirus, may exercise the au3

thorities of section 3(j) of the State Department Basic Au4

thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med5

ical services or related support for private United States

6 citizens, nationals, and permanent resident aliens abroad,

7 or third country nationals connected to such persons or

8 to the diplomatic or development missions of the United

9 States abroad, who are unable to obtain such services or

10 support otherwise: *Provided*, That such assistance shall be

11 provided on a reimbursable basis to the extent feasible:

12 *Provided further*, That such reimbursements may be cred13

ited to the applicable Department of State appropriation

14 and shall remain available until expended: *Provided fur*15

*ther*, That the Secretary shall prioritize providing medical

16 services or related support to individuals eligible for the

17 health program under section 904 of the Foreign Service

18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the

19 authority made available pursuant to this section shall ex20

pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De22

partment of State Authorities Act of 2006 (Public Law

23 109–472; 120 Stat. 3556), during fiscal year 2020, pass24

port and immigrant visa surcharges collected in any fiscal

25 year pursuant to the fourth paragraph under the heading

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1 ‘‘Diplomatic and Consular Programs’’ in the Department

2 of State and Related Agency Appropriations Act, 2005

3 (title IV of division B of Public Law 108–447; 8 U.S.C.

4 1714) may be obligated and expended for the costs of pro5

viding consular services: *Provided*, That such funds should

6 be prioritized for United States citizen services: *Provided*

7 *further*, That not later than 90 days after the expiration

8 of this authority, the Secretary of State shall provide a

9 report to the Committee on Appropriations and the Com10

mittee on Foreign Relations of the Senate and the Com11

mittee on Appropriations and the Committee on Foreign

12 Affairs of the House of Representatives detailing the spe13

cific expenditures made pursuant to this authority: *Pro*14

*vided further*, That the amount provided by this section

15 is designated by the Congress as being for an emergency

16 requirement pursuant to section 251(b)(2)(A)(i) of the

17 Balanced Budget and Emergency Deficit Control Act of

18 1985.

19 SEC. 21010. The Department of State and the

20 United States Agency for International Development are

21 authorized to enter into contracts with individuals for the

22 provision of personal services (as described in section 104

23 of part 37 of title 48, Code of Federal Regulations and

24 including pursuant to section 904 of the Foreign Service

25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and

2 abroad, subject to prior consultation with, and the notifi3

cation procedures of, the Committee on Appropriations

4 and the Committee on Foreign Relations of the Senate

5 and the Committee on Appropriations and the Committee

6 on Foreign Affairs of the House of Representatives: *Pro*7

*vided*, That such individuals may not be deemed employees

8 of the United States for the purpose of any law adminis9

tered by the Office of Personnel Management: *Provided*

10 *further*, That not later than 15 days after utilizing this

11 authority, the Secretary of State shall provide a report to

12 the Committee on Appropriations and the Committee on

13 Foreign Relations of the Senate and the Committee on

14 Appropriations and the Committee on Foreign Affairs of

15 the House of Representatives on the overall staffing needs

16 for the Office of Medical Services: *Provided further*, That

17 the authority made available pursuant to this section shall

18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of

20 law, the Secretary of State and the Administrator of the

21 United States Agency for International Development may

22 authorize any oath of office required by law to, in par23

ticular circumstances that could otherwise pose health

24 risks, be administered remotely, subject to appropriate

25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis2

trator shall each submit a report to the Committee on Ap3

propriations and the Committee on Foreign Relations of

4 the Senate and the Committee on Appropriations and the

5 Committee on Foreign Affairs of the House of Representa6

tives describing the process and procedures for admin7

istering such oaths, including appropriate verification:

8 *Provided further*, That the authority made available pursu9

ant to this section shall expire on September 30, 2021.

10 SEC. 21012. (a) PURPOSES.—For purposes of

11 strengthening the ability of foreign countries to prevent,

12 prepare for, and respond to coronavirus and to the adverse

13 economic impacts of coronavirus, in a manner that would

14 protect the United States from the spread of coronavirus

15 and mitigate an international economic crisis resulting

16 from coronavirus that may pose a significant risk to the

17 economy of the United States, each paragraph of sub18

section (b) shall take effect upon enactment of this Act.

19 (b) CORONAVIRUS RESPONSES.—

20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA21

TION REPLENISHMENT.—The International Develop22

ment Association Act (22 U.S.C. 284 et seq.) is

23 amended by adding at the end the following new sec24

tion:

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1 **‘‘SEC. 31. NINETEENTH REPLENISHMENT.**

2 ‘‘(a) IN GENERAL.—The United States Governor of

3 the International Development Association is authorized

4 to contribute on behalf of the United States

5 $3,004,200,000 to the nineteenth replenishment of the re6

sources of the Association, subject to obtaining the nec7

essary appropriations.

8 ‘‘(b) AUTHORIZATION OF APPROPRIATIONS.—In

9 order to pay for the United States contribution provided

10 for in subsection (a), there are authorized to be appro11

priated, without fiscal year limitation, $3,004,200,000 for

12 payment by the Secretary of the Treasury.’’.

13 (2) INTERNATIONAL FINANCE CORPORATION

14 AUTHORIZATION.—The International Finance Cor15

poration Act (22 U.S.C. 282 et seq.) is amended by

16 adding at the end the following new section:

17 **‘‘SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**

18 **ARTICLES OF AGREEMENT.**

19 ‘‘(a) VOTES AUTHORIZED.—The United States Gov20

ernor of the Corporation is authorized to vote in favor of—

21 ‘‘(1) a resolution to increase the authorized cap22

ital stock of the Corporation by 16,999,998 shares,

23 to implement the conversion of a portion of the re24

tained earnings of the Corporation into paid-in cap25

ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital

2 stock, without any cash contribution;

3 ‘‘(2) a resolution to increase the authorized cap4

ital stock of the Corporation on a general basis by

5 4,579,995 shares; and

6 ‘‘(3) a resolution to increase the authorized cap7

ital stock of the Corporation on a selective basis by

8 919,998 shares.

9 ‘‘(b) AMENDMENT OF THE ARTICLES OF AGREE10

MENT.—The United States Governor of the Corporation

11 is authorized to agree to and accept an amendment to arti12

cle II, section 2(c)(ii) of the Articles of Agreement of the

13 Corporation that would increase the vote by which the

14 Board of Governors of the Corporation may increase the

15 capital stock of the Corporation from a four-fifths major16

ity to an eighty-five percent majority.’’.

17 (3) AFRICAN DEVELOPMENT BANK.—The Afri18

can Development Bank Act (22 U.S.C. 290i et seq.)

19 is amended by adding at the end the following new

20 section:

21 **‘‘SEC. 1345. SEVENTH CAPITAL INCREASE.**

22 ‘‘(a) SUBSCRIPTION AUTHORIZED.—

23 ‘‘(1) IN GENERAL.—The United States Gov24

ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the

2 capital stock of the Bank.

3 ‘‘(2) LIMITATION.—Any subscription by the

4 United States to the capital stock of the Bank shall

5 be effective only to such extent and in such amounts

6 as are provided in advance in appropriations Acts.

7 ‘‘(b) AUTHORIZATION OF APPROPRIATIONS.—

8 ‘‘(1) IN GENERAL.—In order to pay for the in9

crease in the United States subscription to the Bank

10 under subsection (a), there are authorized to be ap11

propriated, without fiscal year limitation,

12 $7,286,587,008 for payment by the Secretary of the

13 Treasury.

14 ‘‘(2) SHARE TYPES.—Of the amount authorized

15 to be appropriated under paragraph (1)—

16 ‘‘(A) $437,190,016 shall be for paid in

17 shares of the Bank; and

18 ‘‘(B) $6,849,396,992 shall be for callable

19 shares of the Bank.’’.

20 (4) AFRICAN DEVELOPMENT FUND.—The Afri21

can Development Fund Act (22 U.S.C. 290g et seq.)

22 is amended by adding at the end the following new

23 section:

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1 **‘‘SEC. 226. FIFTEENTH REPLENISHMENT.**

2 ‘‘(a) IN GENERAL.—The United States Governor of

3 the Fund is authorized to contribute on behalf of the

4 United States $513,900,000 to the fifteenth replenish5

ment of the resources of the Fund, subject to obtaining

6 the necessary appropriations.

7 ‘‘(b) AUTHORIZATION OF APPROPRIATIONS.—In

8 order to pay for the United States contribution provided

9 for in subsection (a), there are authorized to be appro10

priated, without fiscal year limitation, $513,900,000 for

11 payment by the Secretary of the Treasury.’’.

12 (5) INTERNATIONAL MONETARY FUND AUTHOR13

IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the

15 Bretton Woods Agreements Act (22 U.S.C.

16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs

19 (3), (4), and (5) as paragraphs (4),

20 (5), and (6), respectively;

21 (II) by inserting after paragraph

22 (2) the following new paragraph:

23 ‘‘(3) In order to carry out the purposes of a

24 one-time decision of the Executive Directors of the

25 International Monetary Fund (the Fund) to expand

26 the resources of the New Arrangements to Borrow,

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1 established pursuant to the decision of January 27,

2 1997, referred to in paragraph (1), the Secretary of

3 the Treasury is authorized to make loans, in an

4 amount not to exceed the dollar equivalent of

5 28,202,470,000 of Special Drawing Rights, in addi6

tion to any amounts previously authorized under this

7 section, except that prior to activation of the New

8 Arrangements to Borrow, the Secretary of the

9 Treasury shall report to Congress whether supple10

mentary resources are needed to forestall or cope

11 with an impairment of the international monetary

12 system and whether the Fund has fully explored

13 other means of funding to the Fund.’’;

14 (III) in paragraph (5), as so re15

designated, by striking ‘‘paragraph

16 (3)’’ and inserting ‘‘paragraph (4)’’;

17 and

18 (IV) in paragraph (6), as so re19

designated, by striking ‘‘December 16,

20 2022’’ and inserting ‘‘December 31,

21 2025’’; and

22 (ii) in subsection (e)(1) by striking

23 ‘‘(a)(2),’’ each place such term appears

24 and inserting ‘‘(a)(2), (a)(3),’’.

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1 (B) EMERGENCY DESIGNATION.—The

2 amount provided by this paragraph is des3

ignated by the Congress as being for an emer4

gency requirement pursuant to section

5 251(b)(2)(A)(i) of the Balanced Budget and

6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for ‘‘Salaries and Ex6

penses’’, $1,753,000, to remain available until expended,

7 to prevent, prepare for, and respond to coronavirus, in8

cluding necessary expenses for operating costs and capital

9 outlays: *Provided*, That such amounts are in addition to

10 any other amounts made available for this purpose: *Pro*11

*vided further*, That obligations of amounts under this

12 heading in this Act shall not be subject to the limitation

13 on obligations under the heading ‘‘Office of the Sec14

retary—Working Capital Fund’’ in division H of the Fur15

ther Consolidated Appropriations Act, 2020 (Public Law

16 116–94): *Provided further*, That such amount is des17

ignated by the Congress as being for an emergency re18

quirement pursuant to section 251(b)(2)(A)(i) of the Bal19

anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the ‘‘Payments to

22 Air Carriers’’ program in Public Law 116–94 to carry out

23 the essential air service program under section 41731

24 through 41742 of title 49, United States Code,

25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air

2 Service and Rural Improvement Fund, to remain available

3 until expended, to prevent, prepare for, and respond to

4 coronavirus: *Provided*, That such amount is designated by

5 the Congress as being for an emergency requirement pur6

suant to section 251(b)(2)(A)(i) of the Balanced Budget

7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for ‘‘Grants-In-Aid for Air11

ports’’, $10,000,000,000, to prevent, prepare for, and re12

spond to coronavirus, to remain available until expended:

13 *Provided*, That amounts made available under this head14

ing in this Act shall be derived from the general fund of

15 the Treasury: *Provided further*, That funds provided under

16 this heading in this Act shall only be available to sponsors

17 of airports defined in section 47102 of title 49, United

18 States Code: *Provided further*, That funds provided under

19 this heading in this Act shall not otherwise be subject to

20 the requirements of chapter 471 of such title: *Provided*

21 *further*, That notwithstanding the previous proviso, section

22 47112(b) of such title shall apply to funds provided for

23 any contract awarded (after the date of enactment) for

24 airport development and funded under this heading: *Pro*25

*vided further*, That funds provided under this heading in

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1 this Act may not be used for any purpose not directly re2

lated to the airport: *Provided further*, That of the amounts

3 appropriated under this heading in this Act—

4 (1) Not less than $500,000,000 shall be avail5

able to pay a Federal share of 100 percent of the

6 costs for which a grant is made under Public Law

7 116–94: *Provided*, That any remaining funds after

8 the apportionment under this paragraph (1) shall be

9 distributed as described in paragraph (2) under this

10 heading in this Act;

11 (2) Not less than $7,400,000,000 shall be avail12

able for any purpose for which airport revenues may

13 lawfully be used: *Provided*, That 50 percent of such

14 funds shall be allocated among all commercial serv15

ice airports based on each sponsor’s calendar year

16 2018 enplanements as a percentage of total 2018

17 enplanements for all commercial service airports:

18 *Provided further*, That the remaining 50 percent of

19 such funds shall be allocated among all commercial

20 service airports based on an equal combination of

21 each sponsor’s fiscal year 2018 debt service as a

22 percentage of the combined debt service for all com23

mercial service airports and each sponsor’s ratio of

24 unrestricted reserves to their respective debt service:

25 *Provided further*, That the Federal share payable of

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1 the costs for which a grant is made under this para2

graph shall be 100 percent:

3 (3) Up to $2,000,000,000 shall be available for

4 any purpose for which airport revenues may lawfully

5 be used, and: (A) be apportioned as set forth in sec6

tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or

7 47114(c)(1)(H) of title 49, United States Code; (B)

8 not be subject to the reduced apportionments of 49

9 U.S.C. 47114(f); and (C) have no maximum appor10

tionment limit, notwithstanding 47114(c)(1)(C)(iii)

11 of title 49, United States Code: *Provided*, That any

12 remaining funds after the apportionment under this

13 paragraph (3) shall be distributed as described in

14 paragraph (2) under this heading in this Act: *Pro*15

*vided further*, That the Federal share payable of the

16 costs for which a grant is made under this para17

graph shall be 100 percent; and

18 (4) Not less than $100,000,000 shall be for

19 general aviation airports for any purpose for which

20 airport revenues may lawfully be used, and, which

21 the Secretary shall apportion directly to each eligible

22 airport, as defined in section 47102(8) of title 49,

23 United States Code, based on the categories pub24

lished in the most current National Plan of Inte25

grated Airport Systems, reflecting the percentage of

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1 the aggregate published eligible development costs

2 for each such category, and then dividing the allo3

cated funds evenly among the eligible airports in

4 each category, rounding up to the nearest thousand

5 dollars: *Provided*, That the Federal share payable of

6 the costs for which a grant is made under this para7

graph shall be 100 percent:

8 *Provided further*, That the Administrator of the Federal

9 Aviation Administration may retain up to 0.1 percent of

10 the funds provided under this heading in this Act to fund

11 the award and oversight by the Administrator of grants

12 made under this heading in this Act: *Provided further*,

13 That obligations of funds under this heading in this Act

14 shall not be subject to any limitations on obligations pro15

vided in Public Law 116–94: *Provided further*, That all

16 airports receiving funds under this heading in this Act

17 shall continue to employ, through December 31, 2020, at

18 least 90 percent of the number of individuals employed

19 (after making adjustments for retirements or voluntary

20 employee separations) by the airport as of the date of en21

actment of this Act: *Provided further*, That the Secretary

22 may waive the workforce retention requirement in the pre23

vious proviso, if the Secretary determines the airport is

24 experiencing economic hardship as a direct result of the

25 requirement, or the requirement reduces aviation safety

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1 or security: *Provided further*, That the workforce retention

2 requirement shall not apply to nonhub airports or nonpri3

mary airports receiving funds under this heading in this

4 Act: *Provided further*, That such amount is designated by

5 the Congress as being for an emergency requirement pur6

suant to section 251(b)(2)(A)(i) of the Balanced Budget

7 and Emergency Deficit Control Act of 1985.

8 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

9 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

10 Of prior year unobligated contract authority and liq11

uidating cash provided for Motor Carrier Safety in the

12 Transportation Equity Act for the 21st Century (Public

13 Law 105–178), SAFETEA–LU (Public Law 109–59), or

14 other appropriations or authorization acts, in addition to

15 amounts already appropriated in fiscal year 2020 for

16 ‘‘Motor Carrier Safety Operations and Programs’’,

17 $150,000 in additional obligation limitation is provided

18 and repurposed for obligations incurred to support activi19

ties to prevent, prepare for, and respond to coronavirus.

20 FEDERAL RAILROAD ADMINISTRATION

21 SAFETY AND OPERATIONS

22 For an additional amount for ‘‘Safety and Oper23

ations’’, $250,000, to remain available until September

24 30, 2021, to prevent, prepare for, and respond to

25 coronavirus: *Provided*, That such amount is designated by

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1 the Congress as being for an emergency requirement pur2

suant to section 251(b)(2)(A)(i) of the Balanced Budget

3 and Emergency Deficit Control Act of 1985.

4 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

5 RAILROAD PASSENGER CORPORATION

6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for ‘‘Northeast Corridor

8 Grants to the National Railroad Passenger Corporation’’,

9 $492,000,000, to remain available until expended, to pre10

vent, prepare for, and respond to coronavirus, including

11 to enable the Secretary of Transportation to make or

12 amend existing grants to the National Railroad Passenger

13 Corporation for activities associated with the Northeast

14 Corridor, as authorized by section 11101(a) of the Fixing

15 America’s Surface Transportation Act (division A of Pub16

lic Law 114–94): *Provided*, That amounts made available

17 under this heading in this Act may be transferred to and

18 merged with ‘‘National Network Grants to the National

19 Railroad Passenger Corporation’’ to prevent, prepare for,

20 and respond to coronavirus: *Provided further*, That such

21 amount is designated by the Congress as being for an

22 emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 NATIONAL NETWORK GRANTS TO THE NATIONAL

2 RAILROAD PASSENGER CORPORATION

3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for ‘‘National Network

5 Grants to the National Railroad Passenger Corporation’’,

6 $526,000,000, to remain available until expended, to pre7

vent, prepare for, and respond to coronavirus, including

8 to enable the Secretary of Transportation to make or

9 amend existing grants to the National Railroad Passenger

10 Corporation for activities associated with the National

11 Network as authorized by section 11101(b) of the Fixing

12 America’s Surface Transportation Act (division A of Pub13

lic Law 114–94): *Provided*, That a State shall not be re14

quired to pay the National Railroad Passenger Corpora15

tion more than 80 percent of the amount paid in fiscal

16 year 2019 under section 209 of the Passenger Rail Invest17

ment and Improvement Act of 2008 (Public Law 110–

18 432) and that not less than $239,000,000 of the amounts

19 made available under this heading in this Act shall be

20 made available for use in lieu of any increase in a State’s

21 payment: *Provided further*, That amounts made available

22 under this heading in this Act may be transferred to and

23 merged with ‘‘Northeast Corridor Grants to the National

24 Railroad Passenger Corporation’’ to prevent, prepare for,

25 and respond to coronavirus: *Provided further*, That such

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1 amount is designated by the Congress as being for an

2 emergency requirement pursuant to section

3 251(b)(2)(A)(i) of the Balanced Budget and Emergency

4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for ‘‘Transit Infrastructure

8 Grants’’, $25,000,000,000, to remain available until ex9

pended, to prevent, prepare for, and respond to

10 coronavirus: *Provided*, That the Secretary of Transpor11

tation shall provide funds appropriated under this heading

12 in this Act as if such funds were provided under section

13 5307 of title 49, United States Code, and section 5311

14 of title 49, United States Code and apportion such funds

15 in accordance with section 5336 of such title (other than

16 subsections (h)(1) and (h)(4)), section 5311 (other than

17 subsection (b)(3) and (c)(1)(A)), section 5337 and section

18 5340 of title 49, United States Code, and apportion such

19 funds in accordance with such sections except that funds

20 apportioned under section 5337 shall be added to funds

21 apportioned under 5307 for administration under 5307:

22 *Provided further*, That the Secretary shall allocate the

23 amounts provided in the preceding proviso under sections

24 5307, 5311, 5337, and 5340 of title 49, United States

25 Code, among such sections in the same ratio as funds were

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1 provided in the fiscal year 2020 appropriations: *Provided*

2 *further*, That funds apportioned under this heading in this

3 Act shall be apportioned not later than 7 days after the

4 date of enactment of this Act: *Provided further*, That

5 funds shall be apportioned using the fiscal year 2020 ap6

portionment formulas: *Provided further*, That not more

7 than three-quarters of 1 percent, but not to exceed

8 $75,000,000, of the funds for transit infrastructure grants

9 provided under this heading in this Act shall be available

10 for administrative expenses and ongoing program manage11

ment oversight as authorized under sections 5334 and

12 5338(f)(2) of title 49, United States Code, and shall be

13 in addition to any other appropriations for such purpose:

14 *Provided further*, That notwithstanding subsection (a)(1)

15 or (b) of section 5307 of title 49, United States Code,

16 funds provided under this heading are available for the

17 operating expenses of transit agencies related to the re18

sponse to a coronavirus public health emergency as de19

scribed in section 319 of the Public Health Service Act,

20 including, beginning on January 20, 2020, reimbursement

21 for operating costs to maintain service and lost revenue

22 due to the coronavirus public health emergency, including

23 the purchase of personal protective equipment, and paying

24 the administrative leave of operations personnel due to re25

ductions in service: *Provided further*, That such operating

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1 expenses are not required to be included in a transpor2

tation improvement program, long-range transportation,

3 statewide transportation plan, or a statewide transpor4

tation improvement program: *Provided further*, That the

5 Secretary shall not waive the requirements of section 5333

6 of title 49, United States Code, for funds appropriated

7 under this heading in this Act or for funds previously

8 made available under section 5307 of title 49, United

9 States Code, or sections 5311, 5337, or 5340 of such title

10 as a result of the coronavirus: *Provided further*, That un11

less otherwise specified, applicable requirements under

12 chapter 53 of title 49, United States Code, shall apply to

13 funding made available under this heading in this Act, ex14

cept that the Federal share of the costs for which any

15 grant is made under this heading in this Act shall be, at

16 the option of the recipient, up to 100 percent: *Provided*

17 *further*, That the amount made available under this head18

ing in this Act shall be derived from the general fund and

19 shall not be subject to any limitation on obligations for

20 transit programs set forth in any Act: *Provided further*,

21 That such amount is designated by the Congress as being

22 for an emergency requirement pursuant to section

23 251(b)(2)(A)(i) of the Balanced Budget and Emergency

24 Deficit Control Act of 1985.

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1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for ‘‘Operations and Train4

ing’’, $3,134,000, to remain available until September 30,

5 2021, to prevent, prepare for, and respond to coronavirus:

6 *Provided*, That of the amounts made available under this

7 heading in this Act, $1,000,000 shall be for the operations

8 of the United States Merchant Marine Academy: *Provided*

9 *further*, That such amount is designated by the Congress

10 as being for an emergency requirement pursuant to sec11

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer12

gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for ‘‘State Maritime Acad15

emy Operations’’, $1,000,000, to remain available until

16 September 30, 2021, to prevent, prepare for, and respond

17 to coronavirus: *Provided*, That amounts made available

18 under this heading in this Act shall be for direct payments

19 for State Maritime Academies: *Provided further*, That

20 such amount is designated by the Congress as being for

21 an emergency requirement pursuant to section

22 251(b)(2)(A)(i) of the Balanced Budget and Emergency

23 Deficit Control Act of 1985.

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1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For an additional amount for ‘‘Office of Inspector

4 General’’, $5,000,000, to remain available until expended,

5 to prevent, prepare for, and respond to coronavirus: *Pro*6

*vided*, That the funding made available under this heading

7 in this Act shall be used for conducting audits and inves8

tigations of projects and activities carried out with funds

9 made available in this Act to the Department of Transpor10

tation to prevent, prepare for, and respond to coronavirus:

11 *Provided further*, That such amount is designated by the

12 Congress as being for an emergency requirement pursuant

13 to section 251(b)(2)(A)(i) of the Balanced Budget and

14 Emergency Deficit Control Act of 1985.

15 DEPARTMENT OF HOUSING AND URBAN

16 DEVELOPMENT

17 MANAGEMENT AND ADMINISTRATION

18 ADMINISTRATIVE SUPPORT OFFICES

19 For an additional amount for ‘‘Administrative Sup20

port Offices’’, $35,000,000, to remain available until Sep21

tember 30, 2021, to prevent, prepare for, and respond to

22 coronavirus, for the Office of the Chief Financial Officer,

23 including for Department-wide salaries and expenses, In24

formation Technology purposes, and to support the De25

partment’s workforce in a telework environment: *Provided*,

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1 That the amounts provided under this heading in this Act

2 shall be in addition to amounts otherwise available for

3 such purposes, including amounts made available under

4 the heading ‘‘Program Offices’’ in this Act: *Provided fur*5

*ther*, That such amount is designated by the Congress as

6 being for an emergency requirement pursuant to section

7 251(b)(2)(A)(i) of the Balanced Budget and Emergency

8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for ‘‘Program Offices’’,

11 $15,000,000, to remain available until September 30,

12 2021, to prevent, prepare for, and respond to coronavirus:

13 *Provided*, That of the sums appropriated under this head14

ing in this Act—

15 (1) $5,000,000 shall be available for the Office

16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office

18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the

20 Congress as being for an emergency requirement pursuant

21 to section 251(b)(2)(A)(i) of the Balanced Budget and

22 Emergency Deficit Control Act of 1985.

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1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for ‘‘Tenant-Based Rental

4 Assistance’’, $1,250,000,000, to remain available until ex5

pended, to prevent, prepare for, and respond to

6 coronavirus, including to provide additional funds for pub7

lic housing agencies to maintain normal operations and

8 take other necessary actions during the period that the

9 program is impacted by coronavirus: *Provided*, That of the

10 amounts made available under this heading in this Act,

11 $850,000,000 shall be available for both administrative

12 expenses and other expenses of public housing agencies for

13 their section 8 programs, including Mainstream vouchers:

14 *Provided further*, That such other expenses shall be new

15 eligible activities to be defined by the Secretary and shall

16 include activities to support or maintain the health and

17 safety of assisted individuals and families, and costs re18

lated to retention and support of participating owners:

19 *Provided further*, That amounts made available under

20 paragraph (3) under this heading in Public Law 116–94

21 may be used for such other expenses, as described in the

22 previous proviso, in addition to their other available uses:

23 *Provided further*, That of the amounts made available

24 under this heading in this Act, $400,000,000 shall be

25 available for adjustments in the calendar year 2020 sec846

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1 tion 8 renewal funding allocations, in addition to any other

2 appropriations available for such purpose, including Main3

stream vouchers, for public housing agencies that experi4

ence a significant increase in voucher per-unit costs due

5 to extraordinary circumstances or that, despite taking rea6

sonable cost savings measures, as determined by the Sec7

retary, would otherwise be required to terminate rental as8

sistance for families as a result of insufficient funding:

9 *Provided further*, That the Secretary shall allocate

10 amounts provided in the previous proviso based on need,

11 as determined by the Secretary: *Provided further*, That the

12 Secretary may waive, or specify alternative requirements

13 for, any provision of any statute or regulation that the

14 Secretary administers in connection with the use of the

15 amounts made available under this heading and the same

16 heading of Public Law 116–94 (except for requirements

17 related to fair housing, nondiscrimination, labor stand18

ards, and the environment), upon a finding by the Sec19

retary that any such waivers or alternative requirements

20 are necessary for the safe and effective administration of

21 these funds, consistent with the purposes described under

22 this heading in this Act, to prevent, prepare for, and re23

spond to coronavirus: *Provided further*, That the Secretary

24 shall notify the public through the Federal Register or

25 other appropriate means of any such waiver or alternative

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1 requirement to ensure the most expeditious allocation of

2 this funding, and in order for such waiver or alternative

3 requirement to take effect, and that such public notice

4 may be provided, at a minimum, on the Internet at the

5 appropriate Government web site or through other elec6

tronic media, as determined by the Secretary: *Provided*

7 *further*, That any such waivers or alternative requirements

8 shall remain in effect for the time and duration specified

9 by the Secretary in such public notice and may be ex10

tended if necessary upon additional notice by the Sec11

retary: *Provided further*, That to prevent, prepare for, and

12 respond to coronavirus, the notification required by sec13

tion 223 of Public Law 116–6 and section 221 of Public

14 Law 116–94 shall not apply to the award of amounts pro15

vided under paragraph (2) of this heading in Public Law

16 116–6 or under paragraph (7)(B) of this heading in Pub17

lic Law 116–94 in support of the family unification pro18

gram under section 8(x) of such Act: *Provided further*,

19 That the Secretary may award any remaining unobligated

20 balances appropriated under this heading in prior Acts for

21 incremental tenant-based assistance contracts under sec22

tion 811 of the Cranston-Gonzalez National Affordable

23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,

24 and respond to coronavirus, without competition, includ25

ing for extraordinary administrative fees: *Provided further*,

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1 That no less than 25 percent of such amounts shall be

2 allocated proportionally to public housing agencies who re3

ceived awards in the 2017 and 2019 competitions for such

4 purposes within 60 days of enactment of this Act: *Pro*5

*vided further*, That the waiver and alternative require6

ments authority provided under this heading in this Act

7 shall also apply to such incremental tenant-based assist8

ance contract amounts: *Provided further*, That such

9 amount is designated by the Congress as being for an

10 emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for ‘‘Public Housing Oper15

ating Fund’’, as authorized by section 9(e) of the United

16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),

17 $685,000,000, to remain available until September 30,

18 2021, to prevent, prepare for, and respond to coronavirus,

19 including to provide additional funds for public housing

20 agencies to maintain normal operations and take other

21 necessary actions during the period that the program is

22 impacted by coronavirus: *Provided*, That the amount pro23

vided under this heading in this Act shall be combined

24 with the amount appropriated for the same purpose under

25 the same heading of Public Law 116–94, and distributed

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1 to all public housing agencies pursuant to the Operating

2 Fund formula at part 990 of title 24, Code of Federal

3 Regulations: *Provided further*, That for the period from

4 the enactment of this Act through December 31, 2020,

5 such combined total amount may be used for eligible ac6

tivities under subsections (d)(1) and (e)(1) of such section

7 9 and for other expenses related to preventing, preparing

8 for, and responding to coronavirus, including activities to

9 support or maintain the health and safety of assisted indi10

viduals and families, and activities to support education

11 and child care for impacted families: *Provided further*,

12 That amounts made available under the headings ‘‘Public

13 Housing Operating Fund’’ and ‘‘Public Housing Capital

14 Fund’’ in prior Acts, except for any set-asides listed under

15 such headings, may be used for all of the purposes de16

scribed in the previous proviso: *Provided further*, That the

17 expanded uses and funding flexibilities described in the

18 previous two provisos shall be available to all public hous19

ing agencies through December 31, 2020, except that the

20 Secretary may extend the period under which such flexi21

bilities shall be available in additional 12 month incre22

ments upon a finding that individuals and families as23

sisted by the public housing program continue to require

24 expanded services due to coronavirus: *Provided further*,

25 That the Secretary may waive, or specify alternative re850

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1 quirements for, any provision of any statute or regulation

2 that the Secretary administers in connection with the use

3 of such combined total amount or funds made available

4 under the headings ‘‘Public Housing Operating Fund’’

5 and ‘‘Public Housing Capital Fund’’ in prior Acts (except

6 for requirements related to fair housing, nondiscrimina7

tion, labor standards, and the environment), upon a find8

ing by the Secretary that any such waivers or alternative

9 requirements are necessary for the safe and effective ad10

ministration of these funds to prevent, prepare for, and

11 respond to coronavirus: *Provided further*, That the Sec12

retary shall notify the public through the Federal Register

13 or other appropriate means of any such waiver or alter14

native requirement, to ensure the most expeditious alloca15

tion of this funding, in order for such waiver or alternative

16 requirement to take effect, and that such public notice

17 may be provided, at a minimum, on the Internet at the

18 appropriate Government web site or through other elec19

tronic media, as determined by the Secretary: *Provided*

20 *further*, That any such waivers or alternative requirements

21 shall remain in effect for the time and duration specified

22 by the Secretary in such public notice and may be ex23

tended if necessary upon additional notice by the Sec24

retary: *Provided further*, That such amount is designated

25 by the Congress as being for an emergency requirement

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1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg2

et and Emergency Deficit Control Act of 1985.

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for ‘‘Native American Pro5

grams’’, $300,000,000, to remain available until Sep6

tember 30, 2024, to prevent, prepare for, and respond to

7 coronavirus, for activities and assistance authorized under

8 title I of the Native American Housing Assistance and

9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.

10 4111 et seq.), and under title I of the Housing and Com11

munity Development Act of 1974 with respect to Indian

12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the

13 amounts made available under this heading in this Act are

14 as follows:

15 (1) No less than $200,000,000 shall be avail16

able for the Native American Housing Block Grants

17 program, as authorized under title I of NAHASDA:

18 *Provided*, That amounts made available under this

19 paragraph shall be distributed according to the same

20 funding formula used in fiscal year 2020: *Provided*

21 *further*, That such amounts shall be used by recipi22

ents to prevent, prepare for, and respond to

23 coronavirus, including to maintain normal operations

24 and fund eligible affordable housing activities under

25 NAHASDA during the period that the program is

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1 impacted by coronavirus: *Provided further*, That

2 amounts provided under this heading in this Act

3 may be used to cover or reimburse allowable costs to

4 prevent, prepare for, and respond to coronavirus

5 that are incurred by a recipient, including for costs

6 incurred prior to the date of enactment of this Act:

7 *Provided further*, That the Secretary may waive, or

8 specify alternative requirements for, any provision of

9 any statute or regulation that the Secretary admin10

isters in connection with the use of amounts made

11 available under this paragraph or under the same

12 paragraph in Public Law 116–94 (except for re13

quirements related to fair housing, nondiscrimina14

tion, labor standards, and the environment), upon a

15 finding by the Secretary that any such waivers or al16

ternative requirements are necessary to expedite or

17 facilitate the use of such amounts to prevent, pre18

pare for, and respond to coronavirus: *Provided fur*19

*ther*, That any such waivers shall be deemed to be

20 effective as of the date an Indian tribe or tribally

21 designated housing entity began preparing for

22 coronavirus and shall apply to the amounts made

23 available under this paragraph and to the previously

24 appropriated amounts described in the previous pro25

viso; and

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1 (2) Up to $100,000,000 shall be available for

2 grants to Indian tribes under the Indian Community

3 Development Block Grant program under title I of

4 the Housing and Community Development Act of

5 1974, notwithstanding section 106(a)(1) of such

6 Act, to prevent, prepare for, and respond to

7 coronavirus, for emergencies that constitute immi8

nent threats to health and safety: *Provided*, That the

9 Secretary shall prioritize, without competition, allo10

cations of these amounts for activities and projects

11 designed to prevent, prepare for, and respond to

12 coronavirus: *Provided further*, That not to exceed 20

13 percent of any grant made with funds appropriated

14 under this paragraph shall be expended for planning

15 and management development and administration:

16 *Provided further*, That amounts provided under this

17 heading in this Act may be used to cover or reim18

burse allowable costs to prevent, prepare for, and re19

spond to coronavirus incurred by a recipient, includ20

ing for costs incurred prior to the date of enactment

21 of this Act: *Provided further*, That, notwithstanding

22 section 105(a)(8) of such Act (42 U.S.C.

23 5305(a)(8)), there shall be no per centum limitation

24 for the use of funds for public services activities to

25 prevent, prepare for, and respond to coronavirus:

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1 *Provided further*, That the previous proviso shall

2 apply to all such activities for grants of funds made

3 available under this paragraph or under paragraph

4 (4) of this heading in Public Law 116–94: *Provided*

5 *further*, That the Secretary may waive, or specify al6

ternative requirements for, any provision of any stat7

ute or regulation that the Secretary administers in

8 connection with the use of amounts made available

9 under this paragraph or under paragraph (4) in

10 Public Law 116–94 (except for requirements related

11 to fair housing, nondiscrimination, labor standards,

12 and the environment), upon a finding by the Sec13

retary that any such waivers or alternative require14

ments are necessary to expedite or facilitate the use

15 of such amounts to prevent, prepare for, and re16

spond to coronavirus: *Provided further*, That any

17 such waivers shall be deemed to be effective as of

18 the date an Indian tribe began preparing for

19 coronavirus and shall apply to the amounts made

20 available under this paragraph and to the previously

21 appropriated amounts described in the previous pro22

viso:

23 *Provided further*, That such amount is designated by the

24 Congress as being for an emergency requirement pursuant

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1 to section 251(b)(2)(A)(i) of the Balanced Budget and

2 Emergency Deficit Control Act of 1985.

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the

6 ‘‘Housing Opportunities for Persons with AIDS’’ pro7

gram, as authorized by the AIDS Housing Opportunity

8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain

9 available until September 30, 2021, except that amounts

10 allocated pursuant to section 854(c)(5) of such Act shall

11 remain available until September 30, 2022, to provide ad12

ditional funds to maintain operations and for rental assist13

ance, supportive services, and other necessary actions, in

14 order to prevent, prepare for, and respond to coronavirus:

15 *Provided*, That not less than $50,000,000 of the amount

16 provided under this heading in this Act shall be allocated

17 pursuant to the formula in section 854 of such Act using

18 the same data elements as utilized pursuant to that same

19 formula in fiscal year 2020: *Provided further*, That up to

20 $10,000,000 of the amount provided under this heading

21 in this Act shall be to provide an additional one-time, non22

renewable award to grantees currently administering exist23

ing contracts for permanent supportive housing that ini24

tially were funded under section 854(c)(5) of such Act

25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such

2 awards shall be made proportionally to their existing

3 grants: *Provided further*, That such awards are not re4

quired to be spent on permanent supportive housing: *Pro*5

*vided further*, That, notwithstanding section 859(b)(3)(B)

6 of such Act, housing payment assistance for rent, mort7

gage, or utilities payments may be provided for a period

8 of up to 24 months: *Provided further*, That, to protect per9

sons who are living with HIV/AIDS, such amounts pro10

vided under this heading in this Act may be used to self11

isolate, quarantine, or to provide other coronavirus infec12

tion control services as recommended by the Centers for

13 Disease Control and Prevention for household members

14 not living with HIV/AIDS: *Provided further*, That such

15 amounts may be used to provide relocation services, in16

cluding to provide lodging at hotels, motels, or other loca17

tions, for persons living with HIV/AIDS and household

18 members not living with HIV/AIDS: *Provided further*,

19 That, notwithstanding section 856(g) of such Act (42

20 U.S.C. 12905(g)), a grantee may use up to 6 percent of

21 its award under this Act for administrative purposes, and

22 a project sponsor may use up to 10 percent of its sub23

award under this Act for administrative purposes: *Pro*24

*vided further*, That such amounts provided under this

25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head2

ing incurred by a grantee or project sponsor regardless

3 of the date on which such costs were incurred: *Provided*

4 *further*, That any regulatory waivers the Secretary may

5 issue may be deemed to be effective as of the date a grant6

ee began preparing for coronavirus: *Provided further*, That

7 any additional activities or authorities authorized pursu8

ant to this Act may also apply at the discretion and upon

9 notice of the Secretary to all amounts made available

10 under this same heading in Public Law 116–94 if such

11 amounts are used by grantees for the purposes described

12 under this heading: *Provided further*, That up to 2 percent

13 of amounts made available under this heading in this Act

14 may be used, without competition, to increase prior

15 awards made to existing technical assistance providers to

16 provide an immediate increase in capacity building and

17 technical assistance available to grantees under this head18

ing and under the same heading in prior Acts: *Provided*

19 *further*, That such amount is designated by the Congress

20 as being for an emergency requirement pursuant to sec21

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer22

gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for ‘‘Community Develop25

ment Fund’’, $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond

2 to coronavirus: *Provided*, That up to $2,000,000,000 of

3 the amount made available under this heading in this Act

4 shall be distributed pursuant to section 106 of the Hous5

ing and Community Development Act of 1974 (42 U.S.C.

6 5306) to grantees that received allocations pursuant to

7 that same formula in fiscal year 2020, and that such allo8

cations shall be made within 30 days of enactment of this

9 Act: *Provided further*, That, in addition to amounts allo10

cated pursuant to the preceding proviso, an additional

11 $1,000,000,000 shall be allocated directly to States and

12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,

13 prepare for, and respond to coronavirus within the State

14 or insular area, including activities within entitlement and

15 nonentitlement communities, based on public health needs,

16 risk of transmission of coronavirus, number of coronavirus

17 cases compared to the national average, and economic and

18 housing market disruptions, and other factors, as deter19

mined by the Secretary, using best available data and that

20 such allocations shall be made within 45 days of enact21

ment of this Act: *Provided further*, That remaining

22 amounts shall be distributed directly to the State or unit

23 of general local government, at the discretion of the Sec24

retary, according to a formula based on factors to be de25

termined by the Secretary, prioritizing risk of trans859

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1 mission of coronavirus, number of coronavirus cases com2

pared to the national average, and economic and housing

3 market disruptions resulting from coronavirus: *Provided*

4 *further*, That such allocations may be made on a rolling

5 basis based on the best available data at the time of alloca6

tion: *Provided further*, That amounts made available in the

7 preceding provisos may be used to cover or reimburse al8

lowable costs consistent with the purposes of this heading

9 in this Act incurred by a State or locality regardless of

10 the date on which such costs were incurred: *Provided fur*11

*ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))

12 and any implementing regulations, which requires grant13

ees to submit their final statements of activities no later

14 than August 16 of a given fiscal year, shall not apply to

15 final statements submitted in accordance with sections

16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)

17 and (a)(3)) and comprehensive housing affordability strat18

egies submitted in accordance with section 105 of the

19 Cranston-Gonzalez National Affordable Housing Act (42

20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*

21 *further*, That such final statements and comprehensive

22 housing affordability strategies shall instead be submitted

23 no later than August 16, 2021: *Provided further*, That the

24 Secretary may waive, or specify alternative requirements

25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of

2 amounts made available under this heading in this Act and

3 under the same heading in Public Law 116–94 and Public

4 Law 116–6 (except for requirements related to fair hous5

ing, nondiscrimination, labor standards, and the environ6

ment), upon a finding by the Secretary that any such

7 waivers or alternative requirements are necessary to expe8

dite or facilitate the use of such amounts to prevent, pre9

pare for, and respond to coronavirus: *Provided further*,

10 That up to $10,000,000 of amounts made available under

11 this heading in this Act may be used to make new awards

12 or increase prior awards to existing technical assistance

13 providers, without competition, to provide an immediate

14 increase in capacity building and technical assistance to

15 support the use of amounts made available under this

16 heading in this Act and under the same heading in prior

17 Acts to prevent, prepare for, and respond to coronavirus:

18 *Provided further*, That, notwithstanding sections

19 104(a)(2), (a)(3), and (c) of the Housing and Community

20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),

21 and (c)) and section 105 of the Cranston-Gonzalez Na22

tional Affordable Housing Act (42 U.S.C. 12705), a

23 grantee may adopt and utilize expedited procedures to pre24

pare, propose, modify, or amend its statement of activities

25 for grants from amounts made available under this head861

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1 ing in this Act and under the same heading in Public Law

2 116–94 and Public Law 116–6: *Provided further*, That

3 under such expedited procedures, the grantee need not

4 hold in-person public hearings, but shall provide citizens

5 with notice and a reasonable opportunity to comment of

6 no less than 5 days: *Provided further*, That, for as long

7 as national or local health authorities recommend social

8 distancing and limiting public gatherings for public health

9 reasons, a grantee may create virtual public hearings to

10 fulfill applicable public hearing requirements for all grants

11 from funds made available under this heading in this Act

12 and under the same heading in Public Law 116–94 and

13 Public Law 116–6: *Provided further*, That any such virtual

14 hearings shall provide reasonable notification and access

15 for citizens in accordance with the grantee’s certifications,

16 timely responses from local officials to all citizen questions

17 and issues, and public access to all questions and re18

sponses: *Provided further*, That, notwithstanding section

19 105(a)(8) of the Housing and Community Development

20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per

21 centum limitation for the use of funds for public services

22 activities to prevent, prepare for, and respond to

23 coronavirus: *Provided further*, That the previous proviso

24 shall apply to all such activities for grants of funds made

25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–

2 6: *Provided further*, That the Secretary shall ensure there

3 are adequate procedures in place to prevent any duplica4

tion of benefits as required by section 312 of the Robert

5 T. Stafford Disaster Relief and Emergency Assistance Act

6 (42 U.S.C. 5155) and in accordance with section 1210 of

7 the Disaster Recovery Reform Act of 2018 (division D of

8 Public Law 115–254; 132 Stat. 3442), which amended

9 section 312 of the Robert T. Stafford Disaster Relief and

10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*

11 *further*, That such amount is designated by the Congress

12 as being for an emergency requirement pursuant to sec13

tion 251(b)(2)(A)(i) of the Balanced Budget and Emer14

gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for ‘‘Homeless Assistance

17 Grants’’, $4,000,000,000, to remain available until Sep18

tember 30, 2022, to prevent, prepare for, and respond to

19 coronavirus, among individuals and families who are

20 homeless or receiving homeless assistance and to support

21 additional homeless assistance and homelessness preven22

tion activities to mitigate the impacts created by

23 coronavirus under the Emergency Solutions Grants pro24

gram as authorized under subtitle B of title IV of the

25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to

2 $2,000,000,000 of the amount appropriated under this

3 heading in this Act shall be distributed pursuant to 24

4 CFR 576.3 to grantees that received allocations pursuant

5 to that same formula in fiscal year 2020, and that such

6 allocations shall be made within 30 days of enactment of

7 this Act: *Provided further*, That, remaining amounts shall

8 be allocated directly to a State or unit of general local

9 government by a formula to be developed by the Secretary

10 and that such allocations shall be made within 90 days

11 of enactment of this Act: *Provided further*, That such for12

mula shall allocate such amounts for the benefit of

13 unsheltered homeless, sheltered homeless, and those at

14 risk of homelessness, to geographical areas with the great15

est need based on factors to be determined by the Sec16

retary, such as risk of transmission of coronavirus, high

17 numbers or rates of sheltered and unsheltered homeless,

18 and economic and housing market conditions as deter19

mined by the Secretary: *Provided further*, That individuals

20 and families whose income does not exceed the Very Low-

21 Income Limit of the area, as determined by the Secretary,

22 shall be considered ‘‘at risk of homelessness’’ and shall

23 be eligible for homelessness prevention if they meet the

24 criteria in section 401(1)(B) and (C) of such Act (42

25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be

2 used to cover or reimburse allowable costs to prevent, pre3

pare for, and respond to coronavirus that are incurred by

4 a State or locality, including for costs incurred prior to

5 the date of enactment of this Act: *Provided further*, That

6 recipients may deviate from applicable procurement stand7

ards when procuring goods and services to prevent, pre8

pare for, and respond to coronavirus: *Provided further*,

9 That a recipient may use up to 10 percent of its allocation

10 for administrative purposes: *Provided further*, That the

11 use of amounts provided under this heading in this Act

12 shall not be subject to the consultation, citizen participa13

tion, or match requirements that otherwise apply to the

14 Emergency Solutions Grants program, except that a re15

cipient must publish how it has and will utilize its alloca16

tion, at a minimum, on the Internet at the appropriate

17 Government web site or through other electronic media:

18 *Provided further*, That the spending cap established pursu19

ant to section 415(b) of such Act (42 U.S.C. 11374) shall

20 not apply to amounts provided under this heading in this

21 Act: *Provided further*, That amounts provided under this

22 heading in this Act may be used to provide temporary

23 emergency shelters (through leasing of existing property,

24 temporary structures, or other means) to prevent, prepare

25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum

2 periods of use required by section 416(c)(1) of such Act

3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal

4 habitability and environmental review standards and re5

quirements shall not apply to the use of such amounts for

6 those temporary emergency shelters that have been deter7

mined by State or local health officials to be necessary

8 to prevent, prepare for, and respond to coronavirus: *Pro*9

*vided further*, That amounts provided under this heading

10 in this Act may be used for training on infectious disease

11 prevention and mitigation and to provide hazard pay, in12

cluding for time worked prior to the date of enactment

13 of this Act, for staff working directly to prevent, prepare

14 for, and respond to coronavirus among persons who are

15 homeless or at risk of homelessness, and that such activi16

ties shall not be considered administrative costs for pur17

poses of the 10 percent cap: *Provided further*, That in ad18

ministering the amounts made available under this head19

ing in this Act, the Secretary may waive, or specify alter20

native requirements for, any provision of any statute or

21 regulation that the Secretary administers in connection

22 with the obligation by the Secretary or the use by the re23

cipient of these amounts (except for requirements related

24 to fair housing, nondiscrimination, labor standards, and

25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists

2 for the waiver or alternative requirement and such waiver

3 or alternative requirement is necessary to prevent, prepare

4 for, and respond to coronavirus: *Provided further*, That

5 any such waivers shall be deemed to be effective as of the

6 date a State or unit of local government began preparing

7 for coronavirus and shall apply to the use of amounts pro8

vided under this heading in this Act and amounts provided

9 under the same heading for the Emergency Solutions

10 Grant program in prior Acts used by recipients to prevent,

11 prepare for, and respond to coronavirus: *Provided further*,

12 That the Secretary shall notify the public through the

13 Federal Register or other appropriate means of any such

14 waiver or alternative requirement, and that such public

15 notice may be provided, at a minimum, on the Internet

16 at the appropriate Government web site or through other

17 electronic media, as determined by the Secretary: *Provided*

18 *further*, That any additional activities or authorities au19

thorized pursuant to this Act, including any waivers and

20 alternative requirements established by the Secretary pur21

suant to this Act, may also apply at the discretion and

22 upon notice of the Secretary with respect to all amounts

23 made available for the Emergency Solutions Grants pro24

gram under the heading ‘‘Homeless Assistance Grants’’

25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up

2 to 1 percent of amounts made available under this heading

3 in this Act may be used to make new awards or increase

4 prior awards made to existing technical assistance pro5

viders with experience in providing health care services to

6 homeless populations, without competition, to provide an

7 immediate increase in capacity building and technical as8

sistance available to recipients of amounts for the Emer9

gency Solutions Grants program under this heading in this

10 Act and under the same heading in prior Acts: *Provided*

11 *further*, That none of the funds provided under this head12

ing in this Act may be used to require people experiencing

13 homelessness to receive treatment or perform any other

14 prerequisite activities as a condition for receiving shelter,

15 housing, or other services: *Provided further*, That such

16 amount is designated by the Congress as being for an

17 emergency requirement pursuant to section

18 251(b)(2)(A)(i) of the Balanced Budget and Emergency

19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for ‘‘Project-Based Rental

23 Assistance’’, $1,000,000,000, to remain available until ex24

pended, to prevent, prepare for, and respond to

25 coronavirus, including to provide additional funds to main868

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1 tain normal operations and take other necessary actions

2 during the period that the program is impacted by

3 coronavirus, for assistance to owners or sponsors of prop4

erties receiving project-based assistance pursuant to sec5

tion 8 of the United States Housing Act of 1937 (42

6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may

7 waive, or specify alternative requirements for, any provi8

sion of any statute or regulation that the Secretary admin9

isters in connection with the use of amounts made avail10

able under this heading in this Act (except for require11

ments related to fair housing, nondiscrimination, labor

12 standards, and the environment), upon a finding by the

13 Secretary that any such waivers or alternative require14

ments are necessary to expedite or facilitate the use of

15 such amounts to prevent, prepare for, and respond to

16 coronavirus, and such waiver or alternative requirement

17 is consistent with the purposes described under this head18

ing in this Act: *Provided further*, That the Secretary shall

19 notify the public through the Federal Register or other

20 appropriate means of any such waiver or alternative re21

quirement in order for such waiver or alternative require22

ment to take effect, and that such public notice may be

23 provided, at a minimum, on the Internet at the appro24

priate Government web site or through other electronic

25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being

2 for an emergency requirement pursuant to section

3 251(b)(2)(A)(i) of the Balanced Budget and Emergency

4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ‘‘Housing for the El7

derly’’, $50,000,000, to remain available until September

8 30, 2023, to prevent, prepare for, and respond to

9 coronavirus, including to provide additional funds to main10

tain normal operations and take other necessary actions

11 during the period that the program is impacted by

12 coronavirus, for assistance to owners or sponsors of prop13

erties receiving project-based assistance pursuant to sec14

tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),

15 as amended: *Provided*, That of the amount provided under

16 this heading in this Act, up to $10,000,000 shall be for

17 service coordinators and the continuation of existing con18

gregate service grants for residents of assisted housing

19 projects: *Provided further*, That the Secretary may waive,

20 or specify alternative requirements for, any provision of

21 any statute or regulation that the Secretary administers

22 in connection with the use of amounts made available

23 under this heading in this Act (except for requirements

24 related to fair housing, nondiscrimination, labor stand25

ards, and the environment), upon a finding by the Sec870

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1 retary that any such waivers or alternative requirements

2 are necessary to expedite or facilitate the use of such

3 amounts to prevent, prepare for, and respond to

4 coronavirus, and such waiver or alternative requirement

5 is consistent with the purposes described under this head6

ing in this Act: *Provided further*, That the Secretary shall

7 notify the public through the Federal Register or other

8 appropriate means of any such waiver or alternative re9

quirement in order for such waiver or alternative require10

ment to take effect, and that such public notice may be

11 provided, at a minimum, on the Internet at the appro12

priate Government web site or through other electronic

13 media, as determined by the Secretary: *Provided further*,

14 That such amount is designated by the Congress as being

15 for an emergency requirement pursuant to section

16 251(b)(2)(A)(i) of the Balanced Budget and Emergency

17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for ‘‘Housing for Persons

20 with Disabilities’’, $15,000,000, to remain available until

21 September 30, 2023, to prevent, prepare for, and respond

22 to coronavirus, including to provide additional funds to

23 maintain normal operations and take other necessary ac24

tions during the period that the program is impacted by

25 coronavirus, for assistance to owners or sponsors of prop871

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1 erties receiving project-based assistance pursuant to sec2

tion 811 of the Cranston-Gonzalez National Affordable

3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,

4 That the Secretary may waive, or specify alternative re5

quirements for, any provision of any statute or regulation

6 that the Secretary administers in connection with the use

7 of amounts made available under this heading in this Act

8 (except for requirements related to fair housing, non9

discrimination, labor standards, and the environment),

10 upon a finding by the Secretary that any such waivers or

11 alternative requirements are necessary to expedite or fa12

cilitate the use of such amounts to prevent, prepare for,

13 and respond to coronavirus, and such waiver or alternative

14 requirement is consistent with the purposes described

15 under this heading in this Act: *Provided further*, That the

16 Secretary shall notify the public through the Federal Reg17

ister or other appropriate means of any such waiver or

18 alternative requirement in order for such waiver or alter19

native requirement to take effect, and that such public no20

tice may be provided, at a minimum, on the Internet at

21 the appropriate Government web site or through other

22 electronic media, as determined by the Secretary: *Provided*

23 *further*, That such amount is designated by the Congress

24 as being for an emergency requirement pursuant to sec872

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer2

gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for ‘‘Fair Housing Activi6

ties’’, $2,500,000, to remain available until September 30,

7 2021, for contracts, grants, and other assistance, as au8

thorized by title VIII of the Civil Rights Act of 1968, as

9 amended by the Fair Housing Amendments Act of 1988,

10 and section 561 of the Housing and Community Develop11

ment Act of 1987, to prevent, prepare for, and respond

12 to coronavirus, of which $1,500,000 shall be for the Fair

13 Housing Assistance Program Partnership for Special En14

forcement grants to address fair housing issues relating

15 to coronavirus, and $1,000,000 shall be for the Fair Hous16

ing Initiatives Program for education and outreach activi17

ties under such section 561 to educate the public about

18 fair housing issues related to coronavirus: *Provided*, That

19 such amount is designated by the Congress as being for

20 an emergency requirement pursuant to section

21 251(b)(2)(A)(i) of the Balanced Budget and Emergency

22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for ‘‘Office of Inspector

25 General’’, $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro*2

*vided*, That the funding made available under this heading

3 in this Act shall be used for conducting audits and inves4

tigations of projects and activities carried out with funds

5 made available in this Act to the Department of Housing

6 and Urban Development to prevent, prepare for, and re7

spond to coronavirus: *Provided further*, That such amount

8 is designated by the Congress as being for an emergency

9 requirement pursuant to section 251(b)(2)(A)(i) of the

10 Balanced Budget and Emergency Deficit Control Act of

11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the

14 Airport and Airway Trust Fund for ‘‘Federal Aviation Ad15

ministration—Operations’’ in title XI of division B of the

16 Bipartisan Budget Act of 2018 (Public Law 115–123),

17 up to $25,000,000 may be used to prevent, prepare for,

18 and respond to coronavirus: *Provided*, That amounts

19 repurposed in this section that were previously designated

20 by the Congress as an emergency requirement pursuant

21 to the Balanced Budget and Emergency Deficit Control

22 Act of 1985 are designated by the Congress as an emer23

gency requirement pursuant to section 251(b)(2)(A)(i) of

24 the Balanced Budget and Emergency Deficit Control Act

25 of 1985.

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1 SEC. 22002. For amounts made available by this Act

2 under the headings ‘‘Northeast Corridor Grants to the Na3

tional Railroad Passenger Corporation’’ and ‘‘National

4 Network Grants to the National Railroad Passenger Cor5

poration’’, the Secretary of Transportation may not waive

6 the requirements under section 24312 of title 49, United

7 States Code, and section 24305(f) of title 49, United

8 States Code: *Provided*, That for amounts made available

9 by this Act under such headings the Secretary shall re10

quire the National Railroad Passenger Corporation to

11 comply with the Railway Retirement Act of 1974 (45

12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.

13 151 et seq.), and the Railroad Unemployment Insurance

14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not

15 later than 7 days after the date of enactment of this Act

16 and each subsequent 7 days thereafter, the Secretary shall

17 notify the House and Senate Committees on Appropria18

tions, the Committee on Transportation and Infrastruc19

ture of the House of Representatives, and the Committee

20 on Commerce, Science, and Transportation of the Senate

21 of any National Railroad Passenger Corporation employee

22 furloughs as a result of efforts to prevent, prepare for,

23 and respond to coronavirus: *Provided further*, That in the

24 event of any National Railroad Passenger Corporation em25

ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re2

quire the National Railroad Passenger Corporation to pro3

vide such employees the opportunity to be recalled to their

4 previously held positions as intercity passenger rail service

5 is restored to March 1, 2020 levels and not later than the

6 date on which intercity passenger rail service has been

7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,

9 section 127(i)(1)(A) of title 23, United States Code, shall

10 read as if and apply to situations in which: the President

11 has declared an emergency or a major disaster under the

12 Robert T. Stafford Disaster Relief and Emergency Assist13

ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the

15 remaining unobligated balances of funds made available

16 for the youth homelessness demonstration under the head17

ing ‘‘Department of Housing and Urban Development—

18 Community Planning and Development—Homeless As19

sistance Grants’’ in the Consolidated Appropriations Act,

20 2018 (Public Law 115–141) are hereby permanently re21

scinded, and an amount of additional new budget author22

ity equivalent to the amount rescinded is hereby appro23

priated, to remain available until September 30, 2021, in

24 addition to other funds as may be available for such pur25

poses, and shall be available, without additional competi876

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1 tion, for completing the funding of awards made pursuant

2 to the fiscal year 2018 youth homelessness demonstration.

3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY

4 SEC. 22005. (a) IN GENERAL.—The Secretary of

5 Transportation (referred to in this section as the ‘‘Sec6

retary’’) may waive or postpone any requirement under

7 section 402, 404, 405, or 412 of title 23, United States

8 Code, section 4001 of the FAST Act (Public Law 114–

9 94; 129 Stat. 1497), or part 1300 of title 23, Code of

10 Federal Regulations (or successor regulations), if the Sec11

retary determines that—

12 (1) the Coronavirus Disease 2019 (COVID-19)

13 is having a substantial impact on—

14 (A) the ability of States to implement or

15 carry out any grant, campaign, or program

16 under those provisions; or

17 (B) the ability of the Secretary to carry

18 out any responsibility of the Secretary with re19

spect to a grant, campaign, or program under

20 those provisions; or

21 (2) the requirements of those provisions are

22 having a substantial impact on the ability of States

23 or the Secretary to address the Coronavirus Disease

24 2019 (COVID–19).

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1 (b) REPORT.—The Secretary shall periodically sub2

mit to the relevant committees of Congress a report de3

scribing—

4 (1) each determination made by the Secretary

5 under subsection (a); and

6 (2) each waiver or postponement of a require7

ment under that subsection.

8 (c) EMERGENCY REQUIREMENT.—The amount pro9

vided by this section is designated by the Congress as

10 being for an emergency requirement pursuant to section

11 251(b)(2)(A)(i) of the Balanced Budget and Emergency

12 Deficit Control Act of 1985.

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1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made

4 available by this Act is in addition to amounts otherwise

5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained

7 in this Act shall remain available for obligation beyond

8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this

10 Act, the additional amounts appropriated by this Act to

11 appropriations accounts shall be available under the au12

thorities and conditions applicable to such appropriations

13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not15

withstanding any other provision of law, funds made avail16

able in this Act, or transferred pursuant to authorization

17 granted in this Act, may only be used to prevent, prepare

18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,

20 13002, and 18114 of this Act, reimbursements made pur21

suant to authority in this Act, or to funds made available

22 in this Act for the Emergency Reserve Fund, established

23 pursuant to section 7058(c)(1) of division J of Public Law

24 115–31, or to funds made available in this Act for the

25 Infectious Diseases Rapid Response Reserve Fund, estab879

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1 lished pursuant to section 231 of division B of Public Law

2 115–245.

3 (c) This section shall not apply to title VI of this Act.

4 SEC. 23005. In this Act, the term ‘‘coronavirus’’

5 means SARS–CoV–2 or another coronavirus with pan6

demic potential.

7 SEC. 23006. Each amount designated in this Act by

8 the Congress as being for an emergency requirement pur9

suant to section 251(b)(2)(A)(i) of the Balanced Budget

10 and Emergency Deficit Control Act of 1985 shall be avail11

able (or rescinded or transferred, if applicable) only if the

12 President subsequently so designates all such amounts

13 and transmits such designations to the Congress.

14 SEC. 23007. Any amount appropriated by this Act,

15 designated by the Congress as an emergency requirement

16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg17

et and Emergency Deficit Control Act of 1985 and subse18

quently so designated by the President, and transferred

19 pursuant to transfer authorities provided by this Act shall

20 retain such designation.

21 BUDGETARY EFFECTS

22 SEC. 23008. (a) STATUTORY PAYGO SCORE23

CARDS.—The budgetary effects of this division shall not

24 be entered on either PAYGO scorecard maintained pursu25

ant to section 4(d) of the Statutory Pay As-You-Go Act

26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary

2 effects of this division shall not be entered on any PAYGO

3 scorecard maintained for purposes of section 4106 of H.

4 Con. Res. 71 (115th Congress).

5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—

6 Notwithstanding Rule 3 of the Budget Scorekeeping

7 Guidelines set forth in the joint explanatory statement of

8 the committee of conference accompanying Conference Re9

port 105–217 and section 250(c)(7) and (c)(8) of the Bal10

anced Budget and Emergency Deficit Control Act of 1985,

11 the budgetary effects of this division shall be estimated

12 for purposes of section 251 of such Act.

13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA14

TION.—Solely for the purpose of calculating a breach with15

in a category for fiscal year 2020 pursuant to section

16 251(a)(6) or section 254(g) of the Balanced Budget and

17 Emergency Deficit Control Act of 1985, and notwith18

standing any other provision of this division, the budg19

etary effects from this division shall be counted as

20 amounts designated as being for an emergency require21

ment pursuant to section 251(b)(2)(A) of such Act.

22 This division may be cited as the ‘‘Emergency Appro23

priations for Coronavirus Health Response and Agency

24 Operations’’.