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(Original Signature of Member)

116TH CONGRESS
2D SESSION



Making emergency supplemental appropriations for the fiscal year ending
September 30, 2020, and for other purposes.



IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____



Making emergency supplemental appropriations for the fiscal
year ending September 30, 2020, and for other purposes.

1 *B* *U* *n* *a* *c* *t* *i* *n* *g* *U* *n* *i* *t* *e* *d* *S* *u* *p* *p* *l* *e* *m* *e* *n* *t* *a* *r* *y* *S* *e* *c* *t* *i* *o* *n* *H* *o* *u* *s* *e* *R* *e* *s* *p* *o* *n* *s* *a* *b* *i* *l* *i* *t* *y*
2 *U* *n* *i* *t* *e* *d* *S* *u* *p* *p* *l* *e* *m* *e* *n* *t* *a* *r* *y* *A* *u* *t* *h* *o* *r* *C* *o* *m* *m* *i* *t* *e* *e* *s* *a* *b* *i* *l* *i* *t* *y*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Take Responsibility
5 for Workers and Families Act".

6 SEC. 2. TABLE OF CONTENTS.

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Title IV—Energy and Water Development and Related Agencies
Title V—Financial Services and General Government
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Title VII—Interior, Environment, and Related Agencies
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Title IV—Continued Connectivity

Title V—Don't Break Up the T-Band

DIVISION V—GROW ACT

DIVISION W—OTHER MATTERS

DIVISION X—OTHER MATTERS

1 SEC. 3. REFERENCES.

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

6 DIVISION A—THIRD CORONAVIRUS PRE-
7 PAREDNESS AND RESPONSE SUPPLE-
8 MENTAL APPROPRIATIONS ACT, 2020
9 TITLE I—AGRICULTURE, RURAL DEVELOP-

1 coronavirus, to supplement amounts otherwise available
2 for commodity grading, inspection, and audit activities:
3 *R., and d.* That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for “Food Safety and In-
9 spection Service”, \$33,000,000, to prevent, prepare for,
10 and respond to coronavirus, for the support of temporary
11 and intermittent workers, temporary inspection relocation,
12 and overtime inspection costs: *R., and d.* 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 FARM SERVICE AGENCY

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$3,000,000, to prevent, prepare for, and respond
21 to coronavirus, for temporary staff and overtime expenses:
22 *R., and d.* That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 RURAL BUSINESS—COOPERATIVE SERVICE

2 RURAL BUSINESS PROGRAM ACCOUNT

3 For an additional amount for “Rural Business Pro-
4 gram Account”, \$20,500,000, to remain available until
5 September 30, 2021, to prevent, prepare for, and respond
6 to coronavirus, for the cost of loans for rural business de-
7 velopment programs authorized by section 310B and de-
scribed in subsection (g) of section 310B of the Consoli-

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

FOOD AND NUTRITION S

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

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES

5 FOOD AND DRUG ADMINISTRATION

6 SALARIES AND EXPENSES

7 For an additional amount for "Salaries and Ex-
8 penses", \$80,000,000, to remain available until expended,
9 to prevent, prepare for, and respond to coronavirus, for
10 efforts on potential medical product shortages, enforce-
11 ment work against counterfeit or misbranded products,
12 work on Emergency Use Authorizations, pre- and post-
market work on medical countermeasures,

1 grant shall be in a rural area without sufficient access to
2 broadband: *P.L. 111-224, § 10101*. That for purposes of such
3 pilot program, a rural area without sufficient access to
4 broadband shall be defined as 10 Mbps downstream and
5 1 Mbps upstream, and such definition shall be reevaluated
6 and redefined, as necessary, on an annual basis by the
7 Secretary of Agriculture: *P.L. 111-224, § 10101*. That an entity
8 to which a grant is made under the pilot program shall
9 not use a grant to overbuild or duplicate broadband expan-
10 sion efforts made by any entity that has received a
11 broadband loan from the Rural Utilities Service: *P.L. 111-224*
12 *§ 10101*. That priority consideration for grants shall be
13 given to previous applicants now eligible as a result of ad-

1 striking "\$23,615,098,000" and inserting
2 "\$32,615,098,000".

3 SEC. 10103. The matter under the heading "Supple-
4 mental Nutrition Assistance Program" in division B of the
5 Further Consolidated Appropriations Act, 2020 (Public
6 Law 116-94) is amended by inserting before "*and*,"

1 SEC. 10105. In addition to amounts otherwise made
2 available, \$200,000,000, to remain available through Sep-
3 tember 30, 2021, to prevent, prepare for, and respond to
4 coronavirus, shall be available for the Secretary of Agri-
5 culture to provide grants to the Commonwealth of the
6 Northern Mariana Islands, Puerto Rico, and American
7 Samoa for nutrition assistance: *P. d d*. 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 SEC. 10106. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *P. d d*. That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *P. d d*. That amounts
18 made available by this section are designated by the Con-
19 gress as being for an emergency requirement pursuant to
20 section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 SEC. 10107. Notwithstanding any other provision of
23 law, funds made available under each heading in this title
24 shall only be used for the purposes specifically described
25 under that heading.

1 TITLE II—COMMERCE, JUSTICE, SCIENCE, AND
2 RELATED AGENCIES
3 DEPARTMENT OF COMMERCE
4 ECONOMIC DEVELOPMENT ADMINISTRATION
5 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
6 (INCLUDING TRANSFERS OF FUNDS)

1 ously for 2 years, to positions in the Economic Develop-
 2 ment Administration in the same manner that competitive
 3 service employees with competitive status are considered
 4 for transfer, reassignment, or promotion to such positions,
 5 and an individual appointed under this proviso shall be-
 6 come a career-conditional employee, unless the employee
 7 has already completed the service requirements for career
 8 tenure: *But see also*, . That within the amount appro-
 9 priated in this paragraph, \$4,000,000 shall be transferred
 10 to "Office of Inspector General" for carrying out inves-
 11 tigation and audits related to the funding provided under
 12 this heading: *But see also*, . That such amount is des-
 13 igned by the Congress as being for an emergency re-
 14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
 15 anced Budget and Emergency Deficit Control Act of 1985.

16 MINORITY BUSINESS DEVELOPMENT AGENCY

17 MINORITY BUSINESS DEVELOPMENT

18 For an additional amount for "Minority Business De-
 19 velopment" for necessary expenses for the Business Cen-
 20 ters and Specialty Centers, including any cost sharing re-
 21 quirements that may exist, for assisting minority business
 22 enterprises to prevent, prepare for, and respond to
 23 coronavirus, including identifying and accessing local,
 24 State, and Federal government assistance related to such
 25 virus, \$15,000,000, to remain available until September

1 30, 2021: *P. and d.* That such amount is designated by
2 Congress as being for an emergency requirement pursuant
3 to section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
6 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

7 For an additional amount for "Scientific and Tech-
8 nical Research and Services" for necessary expenses to
9 prevent, prepare for, and respond to coronavirus,

1 development and manufacturing of medical counter-

2 measures and biomedical equipment and supplies: *B*, -

d d,

1 paragraph shall be made only with the same requirements,
2 conditions, compliance, and certification as fiscal year
3 2016: *P, d d*. That such amount is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.

7 JUVENILE JUSTICE PROGRAMS

8 For an additional amount for “Juvenile Justice Pro-
9 grams”, \$100,000,000, to remain available until Sep-
10 tember 30, 2021, to prevent, prepare for, and respond to
11 coronavirus, of which \$75,000,000 shall be for programs
12 authorized by section 221 of the Juvenile Justice and De-
13 linquency Prevention Act of 1974 (“the 1974 Act”), and
14 \$25,000,000 for delinquency prevention, as authorized by
15 section 261 of the 1974 Act: *P, d d*. That such amount
16 is designated by the Congress as being for an emergency
17 requirement pursuant to section 251(b)(2)(A)(i) of the
18 Balanced Budget and Emergency Deficit Control Act of
19 1985.

20 SCIENCE

21 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

22 SAFETY, SECURITY AND MISSION SERVICES

23 For an additional amount for “Safety, Security and
24 Mission Services”, \$100,000,000, to remain available until
25 September 30, 2021, to prevent, prepare for, and respond

1 AGENCY OPERATIONS AND AWARD MANAGEMENT

2 For an additional amount for "Agency Operations
3 and Award Management", \$2,000,000, to prevent, pre-
4 pare for, and respond to coronavirus, domestically and
5 internationally, including to administer research grants

1 set forth in such sections, except that all references in sec-
2 tions 502 and 503 to 1997 and 1998 shall be deemed to
3 refer instead to 2020 and 2021, respectively, and except
4 that sections 501 and 503 of Public Law 104–134 (ref-
5 erenced by Public Law 105–119) shall not apply to the
amount made available under this heading:

1 SEC. 10202. (a) Funds appropriated in this title for
2 the National Science Foundation may be made available

- 1 (2) Any such employee shall be entitled to 40
- 2 hours of paid leave under division E of the Families
- 3 First Coronavirus Response Act.

1 an emergency requirement pursuant to section

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

3 NATIONAL GUARD PERSONNEL, ARMY

4 For an additional amount for National Guard Per-
5 sonnel, Army, \$804,529,000, for necessary expenses to
6 prevent, prepare for, and respond to coronavirus: *R.* -
7 *And d.* That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, AIR FORCE

12 For an additional amount for National Guard Per-
13 sonnel, Air Force, \$402,063,000, for necessary expenses
14 to prevent, prepare for, and respond to coronavirus: *R.* -
15 *And d.* That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
gency Deficit Control Act of 1985.

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

3 OPERATION AND MAINTENANCE, NAVY

4 For an additional amount for “Operation and Main-
5 tenance, Navy”, \$568,408,000, to remain available until
6 September 30, 2021, to prevent, prepare for, and respond
7 to coronavirus: *P. and d.* That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, MARINE CORPS

12 For an additional amount for “Operation and Main-
13 tenance, Marine Corps”, \$70,000,000, to remain available
14 until September 30, 2021, to prevent, prepare for, and re-
15 spond to coronavirus: *P. and d.* That such amount is des-
16 igned by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 OPERATION AND MAINTENANCE, AIR FORCE

20 For an additional amount for “Operation and Main-
21 tenance, Air Force”, \$154,000,000, to remain available
22 until September 30, 2021, to prevent, prepare for, and re-
23 spond to coronavirus: *P. and d.* That such amount is des-
24 igned by the Congress as being for an emergency re-

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for “Operation and Main-
5 tenance, Defense-Wide”, \$927,800,000, to remain avail-
6 able until September 30, 2021, to prevent, prepare for,
7 and respond to coronavirus: *R., and d.* 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 OPERATION AND MAINTENANCE, ARMY RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Army Reserve”, \$48,000,000, to remain available
15 until September 30, 2021, to prevent, prepare for, and re-
16 spond to coronavirus: *R., and d.* That such amount is des-
17 igned by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

21 For an additional amount for “Operation and Main-
22 tenance, Army National Guard”, \$194,002,000, to remain
23 available until September 30, 2021, to prevent, prepare
24 for, and respond to coronavirus: *R., and d.* That such
25 amount is designated by the Congress as being for an

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 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

5 For an additional amount for "Operation and Main-
 6 tenance, Air National Guard", \$79,406,000, to remain
 7 available until September 30, 2021, to prevent, prepare
 8 for, and respond to coronavirus: *P. and d.* 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 PROCUREMENT

14 DEFENSE PRODUCTION ACT PURCHASES

15 For an additional amount for "Defense Production
 16 Act Purchases", \$500,000,000 to remain available until
 17 September 30, 2022, to prevent, prepare for, and respond
 18 to coronavirus: *P. and d.* That the Secretary of Defense
 19 may waive the requirements of 50 U.S.C. 5433(a)(6) on
 20 a case-by-case basis upon three days prior written notifica-
 21 tion to the Committees on Appropriations and Banking,
 22 Housing, and Urban Affairs of the Senate, and the Com-
 23 mittees on Appropriations and Financial Services of the
 24 House of Representatives. *P. and d. and .* That such
 25 amount is designated by the Congress as being for an

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 OTHER DEPARTMENT OF DEFENSE PROGRAMS

5 DEFENSE HEALTH PROGRAM

6 For an additional amount for “Defense Health Pro-
7 gram”, \$3,805,500,000, to prevent, prepare for, and re-
8 spond to coronavirus; of which \$3,561,500,000 shall be
9 for operation and maintenance to remain available until
10 September 30, 2020; and of which \$244,000,000, to re-
11 main available for obligation until September 30, 2021,
12 shall be for research, development, test and evaluation:
13 *And*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 GENERAL PROVISIONS—THIS TITLE

18 SEC. 10301. Notwithstanding any other provision of
19 law, funds made available under each heading in this title
20 shall only be used for the purposes specifically described
21 under that heading.

22 SEC. 10302. Upon the determination of the Secretary
23 of Defense that such action is necessary in the national
24 interest, the Secretary may transfer up to \$500,000,000
25 between the appropriations or funds made available to the

1 Department of Defense for expenses relating to the use
2 of the National Guard in response to coronavirus: Pro-
3 vided, That such funds may only be transferred among
4 military personnel and operation and maintenance ac-
5 counts for the National Guard provided for in this title:
6 Provided further, That the Secretary shall notify the Con-
7 gress promptly of each transfer made pursuant to the au-
8 thority in this section: Provided further, That the author-
9 ity provided in this section is in addition to any other
10 transfer authority available to the Department of Defense
11 and is subject to the same terms and conditions as the
12 authority provided in section 8005 of the Department of
13 Defense Appropriations Act, 2020: Provided further, That
14 the transfer authority in sections 8005 and 9002 of the
15 Department of Defense Appropriations Act, 2020, shall
16 not apply to amounts appropriated or otherwise made
17 available in this title.

18 SEC. 10303. Notwithstanding section 2208(l)(3) of
19 title 10, United States Code, during fiscal year 2020, the
20 amount of advance billings rendered or imposed by De-
21 fense working capital funds may exceed \$1,000,000,000.
22 In the preceding sentence, the term "advance billing" has
23 the meaning given the term in section 2208(l)(4) of such
24 title.

1 TITLE IV—ENERGY AND WATER
2 DEVELOPMENT AND RELATED AGENCIES
3 CORPS OF ENGINEERS—CIVIL
4 DEPARTMENT OF THE ARMY
5 CORPS OF ENGINEERS—CIVIL
6 OPERATION AND MAINTENANCE

7 For an additional amount for “Operation and Main-
8 tenance”, \$50,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus: *R., and d.* That such amount is designated by
11 the Congress as being for an emergency requirement pur-
12 suant to section 251(b)(2)(A)(i) of the Balanced Budget
13 and Emergency Deficit Control Act of 1985.

14 EXPENSES

15 For an additional amount for “Expenses”,
16 \$20,000,000, to remain available until September 30,
17 2021, to prevent, prepare for, and respond to coronavirus:
18 *R., and d.* That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

1 DEPARTMENT OF THE INTERIOR
2 BUREAU OF RECLAMATION
3 WATER AND RELATED RESOURCES
4 (INCLUDING TRANSFER OF FUNDS)

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 for necessary expenses related to providing support and
8 access to scientific user facilities in the Office of Science,
9 including equipment, enabling technologies, and personnel
10 associated with the operations of those scientific user fa-
11 cilities: *P., and d.* 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 DEPARTMENTAL ADMINISTRATION
16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for "Departmental Admin-
18 istration", \$28,000,000, to remain available until Sep-
19 tember 30, 2021, for necessary expenses related to sup-
20 porting remote access for personnel to prevent, prepare
21 for, and respond to coronavirus: *P., and d.* That funds ap-
22 propriated under this paragraph in this Act may be trans-
23 ferred to, and merged with, other appropriation accounts
24 of the Department of Energy for necessary expenses re-
25 lated to supporting remote access for personnel to prevent,

1 through reimbursement, for obligations incurred for the
2 same purposes to prevent, prepare for, and respond to
3 coronavirus prior to the date of enactment of this Act.

SEC

- 1 (A) of budget authority appropriated;
- 2 (B) that is obligated;
- 3 (C) of unobligated balances; and
- 4 (D) of any other budgetary resources;
- 5 (2) from which accounts and in what amount—
- 6 (A) appropriations are obligated for each
- 7 program activity; and
- 8 (B) outlays are made for each program ac-
- 9 tivity;
- 10 (3) from which accounts and in what amount—
- 11 (A) appropriations are obligated for each
- 12 object class; and
- 13 (B) outlays are made for each object class;
- 14 and
- 15 (4) for each program activity, the amount—
- 16 (A) obligated for each object class; and
- 17 (B) of outlays made for each object class.
- 18 *P. 11 d d 1 1 1 1*, That the information required to
- 19 be published pursuant to the preceding proviso shall
- 20 be published in such a format that amounts allows
- 21 such information to be sorted by the public law that
- 22 provided the relevant obligational authority: *P. 11 -*
- 23 *1 d d 1 1 1 1*, That such amounts are designated by
- 24 the Congress as being for an emergency requirement

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

3 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

1 INTERNAL REVENUE SERVICE

2 TAXPAYER SERVICES

3 For an additional amount for "Taxpayer Services",
4 \$236,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *P. And d.* That not later than 30 days after the date of
7 the enactment of this Act, the Commissioner of the Inter-
8 nal Revenue Service shall submit to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate a spend plan for such funds: *P. And d.* That

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency

1 priations of the House of Representatives and Senate of
2 such transfer.

3 THE JUDICIARY

T

1 INDEPENDENT AGENCIES
 2 ELECTION ASSISTANCE COMMISSIONS
 3 SALARIES AND EXPENSES

4 For an additional amount for "Salaries and Ex-
 5 penses", \$5,000,000, to assist States with contingency
 6 planning, preparation, and resilience of elections for Fed-
 7 eral office: *Read*, That such amount is designated by
 8 the Congress as being for an emergency requirement pur-
 9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
 10 and Emergency Deficit Control Act of 1985.

11 ELECTION ADMINISTRATION GRANTS

12 For an additional amount for payments by the Elec-
 13 tion Assistance Commission to States for contingency
 14 planning, preparation, and resilience of elections for Fed-
 15 eral office, \$4,000,000,000 to remain available until Sep-
 16 tember 30, 2021: *Read*, That under this heading the
 17 term "State" means each of the 50 States, the District
 18 of Columbia, the Commonwealth of Puerto Rico, Guam,
 19 American Samoa, the United States Virgin Islands, and
 20 the Commonwealth of the Northern Mariana Islands: *Read*, -
 21 *Read*, That the amount of the payments made to
 22 a State under this heading shall be consistent with section
 23 103 of the Help America Vote Act of 2002 (52 U.S.C.
 24 20903): *Read*, That for the purposes of the
 25 preceding proviso, each reference to "\$5,000,000" in sec-

1 tion 103 shall be deemed to refer to "\$7,500,000": *B., -*
 2 *And d A e, e, .* That not less than 50 percent of the amount
 3 of the payment made to a State under this heading shall
 4 be allocated in cash or in kind to the units of local govern-
 5 ment which are responsible for the administration of elec-
 6 tions for Federal office in the State: *B., And d A e, e, .*
 7 That such amount is designated by the Congress as being
 8 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 FEDERAL COMMUNICATIONS COMMISSION

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
 penses", \$200,000,000, ,

1 and upon the advance notification of the Committees on
2 Appropriations of the House of Representatives and the
3 Senate: *Re, and d d*, That such amount is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.

7 EMERGENCY CONNECTIVITY FUND

8 For an additional amount for the “Emergency
9 Connectivity Fund”, as authorized under title II of divi-
10 sion U of the Take Responsibility for Workers and Fami-
11 lies Act, for the provision of Wi-fi hotspots and connected
12 devices to schools and libraries, \$2,000,000,000, to remain
13 available until September 30, 2021: *Re, and d*, 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 EMERGENCY BROADBAND CONNECTIVITY FUND

19 For an additional amount for the “Emergency
20 Broadband Connectivity Fund”, as authorized under title
21 III of division U of the Take Responsibility for Workers
22 and Families Act, for the provision of an emergency life-
23 line broadband benefit, \$1,000,000,000, to remain avail-
24 able until September 30, 2021: *Re, and d*, That such
25 amount is designated by the Congress as being for an

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

GENERAL

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

4 OFFICE OF PERSONNEL MANAGEMENT
5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses”, \$12,100,000, to prevent, prepare for, and re-
8 spond to coronavirus: *P, and d*, That such amount is des-
9 ignated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 SMALL BUSINESS ADMINISTRATION
13 BUSINESS STABILIZATION LOAN PROGRAMS

14 For an additional amount for the cost of direct loans
15 authorized under section 8 of the COVID-19 Relief for
16 Small Businesses Act of 2020, such sums as may be nec-
17 essary to make up to \$100,000,000,000 in direct loans
18 through September 30, 2022, to remain available until ex-
19 pended, and for an additional amount for the cost of guar-
20 anteed loans authorized under section 9 of the COVID-
21 19 Relief for Small Businesses Act of 2020,
22 \$100,000,000,000, to remain available until expended:
23 *P, and d*, That, notwithstanding any other provision of
24 law, no amounts made available under this heading shall
25 be available for transfer to another budget account: *P, -*

1 *And also,* That such amount is designated by the Con-
2 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 ECONOMIC INJURY GRANTS

6 For an additional amount for the cost of providing
7 economic recovery grants for small businesses impacted by
8 coronavirus as authorized by section 2 of the COVID-19
9 Relief for Small Businesses Act of 2020,
10 \$100,000,000,000, to remain available until September
11 30, 2021: *And also,* That the Administrator shall notify

1 tion 7(b)(2)(D) of the Small Business Act, coronavirus
 2 shall be deemed to be a disaster and amounts available
 3 under “Disaster Loans Program Account” for the cost of
 4 direct loans in any fiscal year may be used to make eco-
 5 nomic injury disaster loans under such section in response
 6 to the coronavirus: *Repealed*. That none of the
 7 funds provided under this heading in this Act may be used
 8 for indirect administrative expenses: *Repealed*.
 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: *Repealed*. That
 13 amounts repurposed under this heading that were pre-
 14 viously designated by the Congress as an emergency re-
 15 quirement pursuant to the Balanced Budget and Emer-
 16 gency Deficit Control Act of 1985 are designated by the
 17 Congress as an emergency requirement pursuant to sec-
 18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
 19 gency Deficit Control Act of 1985.

20 **SMALL BUSINESS DEBT RELIEF**

21 For an additional amount for the cost of loan debt
 22 relief as authorized by section 3 of the COVID–19 Relief
 23 for Small Businesses Act of 2020, \$16,800,000,000 to re-
 main available until September 30, 2021:

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

4 BUSINESS LOANS PROGRAM ACCOUNT

5 For an additional amount for “Business Loans Pro-
6 gram Account”, for the cost of direct loans and loan guar-
7 antees, such sums as may be necessary for the period of
8 fiscal years 2020 and 2021, of which \$10,200,000, to re-
9 main available until expended shall be for the cost of direct
10 loans, such sums as may be necessary for the period of
11 fiscal years 2020 and 2021, to remain available until ex-
12 pended, shall be for the cost of guaranteed loans, including
13 loan modifications authorized by sections 4, 5, 6, and 7
14 of the COVID-19 Relief for Small Businesses Act of
2020, and for the cost of guaranteed loans under section

1 *Notwithstanding any other provision*
 2 of law, no amounts made available under this heading
 3 shall be available for transfer to another budget account:

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

8 NEW MARKETS VENTURE CAPITAL PROGRAM

9 For an additional amount for the “New Markets Ven-
 10 ture Capital Program” for the costs of grants and guaran-
 11 teed loans authorized under the part B of the Small Busi-
 12 ness Investment Act of 1958, such sums as may be nec-
 13 essary, of which **[\$2,000,000,000]** shall be for grants au-
 14 thorized under section 358 of the Small Business Invest-
 15 ment Act of 1958 and such sums as may be necessary
 16 to guarantee \$10,000,000,000 in debentures, to remain
 17 available until expended: *Notwithstanding*
 18 any other provision of law, no amounts made available
 19 under this heading shall be available for transfer to an-
 20 other budget account: *Notwithstanding any other provision*, That such amount
 21 is designated by the Congress as being for an emergency
 22 requirement pursuant to section 251(b)(2)(A)(i) of the
 23 Balanced Budget and Emergency Deficit Control Act of
 24 1985.

1 INTERMEDIARY LENDING PROGRAM

2 For an additional amount for the cost of the “Inter-
3 mediary Lending Program” as authorized by section 16
4 of the COVID–19 Relief for Small Businesses Act of
5 2020, \$50,000,000, to remain available until September
6 30, 2021: *P., and d.* That such amount is designated by
7 the Congress as being for an emergency requirement pur-
8 suant to section 251(b)(2)(A)(i) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

11 For an additional amount for “Entrepreneurial De-
12 velopment Programs” for grants to small business devel-
13 opment centers, women’s business centers, and chapters
14 of the service corps of retired executives, as authorized
15 under section 14 of the COVID–19 Relief for Small Busi-
16 nesses Act of 2020, \$240,000,000, to remain available
17 until September 30, 2021, of which \$190,000,000 shall
18 be for grants to small business development centers and
19 \$50,000,000 shall for grants to women’s business centers
and chapters of the service corps of retired executives:

1 SALARIES AND EXPENSES

2 For an additional amount for “Salaries and Ex-
3 penses”, \$805,000,000, to remain available until Sep-
4 tember 30, 2021, to carry out the requirements of the
5 COVID–19 Relief for Small Businesses Act of 2020, of
6 which \$80,000,000 shall be for marketing, management,
7 and technical assistance under section 7(m) of the Small
8 Business Act (15 U.S.C. 636(m)(4)) by intermediaries
9 that make microloans under the microloan program, and
10 of which \$25,000,000 shall be for resources and services
11 in languages other than English, as authorized in section
12 18 of the COVID–19 Relief for Small Businesses Act of
13 2020: *Provided*, That such amount is designated by the
14 Congress as being for an emergency requirement pursuant
15 to section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 ADMINISTRATIVE PROVISION—SMALL BUSINESS

18 ADMINISTRATION

19 SEC. 10502. Notwithstanding section 7(b)(2)(D) of
20 the Small Business Act, the Small Business Administra-
21 tion shall issue a disaster declaration for each State and
22 territory for coronavirus.

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

3 TRANSPORTATION AND SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for "Operations and Sup-
6 port", \$100,000,000, to prevent, prepare for, and respond
7 to coronavirus; of which \$54,000,000 is for enhanced sani-
8 tation at airport security checkpoints; of which
9 \$26,000,000 is for overtime and travel costs for Transpor-
10 tation Security Officers; and of which \$20,000,000 is for
11 the purchase of explosive trace detection swabs: *R., and d,*

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 CYBERSECURITY AND INFRASTRUCTURE SECURITY

5 AGENCY

6 OPERATIONS AND SUPPORT

7 For an additional amount for “Operations and Sup-
8 port”, \$14,400,000, to prevent, prepare for, and respond
9 to coronavirus through interagency critical infrastructure
10 coordination and related activities: *P., and d.* 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 FEDERAL EMERGENCY MANAGEMENT AGENCY

16 OPERATIONS AND SUPPORT

17 For an additional amount for “Operations and Sup-
18 port”, \$45,000,000, for facilities and information tech-
19 nology to prevent, prepare for, and respond to coronavirus:
20 *P., and d.* That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

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

3 DISASTER RELIEF FUND

4 For an additional amount for “Disaster Relief
5 Fund”, \$2,000,000,000, to remain available until ex-
6 pended: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

1 emergency requirement or as being for disaster relief pur-
2 suant to the Balanced Budget and Emergency Deficit
3 Control Act are designated by the Congress as being for
4 an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985 or as being for disaster relief
7 pursuant to section 251(b)(2)(D) of the Balanced Budget
8 and Emergency Deficit Control Act of 1985.

SEC

1 for a position at level II of the Executive Schedule under
2 section 5313 of title 5, United States Code.

3 (c) Notwithstanding any other provisions of law, an
4 Executive agency shall not be liable for damages, fees, in-
5 terests, or costs of any kind as a result of any delay occur-
6 ring prior to the date of enactment of this Act in payments
7 made pursuant to this section.

8 (d) This section shall take effect as if enacted on De-
9 cember 31, 2019.

10 (e) Amounts repurposed under this section that were
11 previously designated by the Congress, respectively, as an
12 emergency requirement or as being for disaster relief pur-
13 suant to the Balanced Budget and Emergency Deficit
14 Control Act are 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 or as being for disaster relief
18 pursuant to section 251(b)(2)(D) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 SEC. 10605. The Secretary of Homeland Security,
21 under the authority granted under section 205(b) of the
22 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
23 30301 note) shall extend the deadline by which States are
24 required to meet the driver license and identification card

1 (G) training provided specifically in anticipation
2 of or in response to the event on which such emer-
3 gency declaration is predicated;

4 (H) personal protective equipment and other
5 critical supplies for first responders; and

6 (I) public health and medical supplies; and

1 retary of State, Attorney General or Secretary of Labor,
2 as appropriate, shall temporarily suspend or modify any
3 procedural requirement with which an applicant, peti-
4 tioner, or other person or entity must otherwise comply
5 under the immigration laws, as defined in section
6 101(a)(17) of the Immigration and Nationality Act (8
7 U.S.C. 1101(a)(17)), or any regulation pertaining thereto,
8 when necessary to—

9 (1) promote government efficiency;

10 (2) ensure the timely and fair adjudication of
11 applications or petitions;

12 (3) prevent hardship to applicants, petitioners,
13 beneficiaries, or other persons or entities, including
14 by granting automatic or other extensions or renew-
15 als when necessary to protect individuals from lapses
16 in status or work authorization; or

17 (4) protect the public interest.

18 (b) Notwithstanding any other provision law, the re-
19 quirements of chapter 5 of title 5, U.S. Code (commonly
20 known as the Administrative Procedure Act), or any other
21 law relating to rulemaking, information collection or publi-
22 cation in the Federal Register shall not apply to any ac-
23 tion taken under the authority of this section.

24 (c) SPECIFIC AUTHORITY FOR EXPIRING STATUSES
25 OR WORK AUTHORIZATION.—Notwithstanding any provi-

1 sion of the Immigration and Nationality Act or any other
2 provision of law, with respect to any alien whose status,
3 whether permanent, temporary, or deferred, or employ-
4 ment authorization has expired within the 30 days pre-
5 ceding the date of the enactment of this act, or will expire
6 by the later of one year from the date of enactment of
7 this act or 90 days from the rescission of the March 13,
8 2020 Presidential Proclamation declaring a national emer-
9 gency, the Secretary of Homeland Security shall automati-
10 cally extend such status or work authorization for the
11 same time period as the alien's status or work authoriza-
12 tion.

13 (d) The amounts made available by this section are
14 designated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985

SEC

- 1 information technology: *P. Ad d. . . .* That the limita-
- 2 tion on welfare assistance funds included in the matter

1 BUREAU OF INDIAN EDUCATION
2 OPERATION OF INDIAN EDUCATION PROGRAMS
3 For an additional amount for “Operation of Indian
4 Education Programs”, \$69,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, including, in addition to amounts
7 otherwise available, support for Tribally-Controlled Col-
8 leges and Universities, salaries, transportation, and infor-

1 outbreak including but not limited to: purchase of equip-
2 ment and supplies to disinfect and clean buildings and
3 public areas, support law enforcement and emergency
4 management operations, biosurveillance of wildlife and en-
5 vironmental persistence studies, employee overtime and
6 special pay expenses, and for other response, mitigation,

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

4 INSULAR AFFAIRS

5 For an additional amount for “Assistance to Terri-
6 tories”, \$55,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, for territorial
9 assistance, specifically for general technical assistance:
10 *Re, and d.* That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 ENVIRONMENTAL PROTECTION AGENCY

15 SCIENCE AND TECHNOLOGY

16 For an additional amount for “Science and Tech-
17 nology”, \$2,250,000, to remain available until September
18 30, 2021, to prevent, prepare for, and respond to
19 coronavirus, of which \$750,000 shall be for necessary ex-
20 penses for cleaning and disinfecting equipment or facilities
21 of, or for use by, the Environmental Protection Agency,
22 and \$1,500,000 shall be for research on methods to reduce
23 the risks from environmental transmission of coronavirus
24 via contaminated surfaces or materials: *Re, and d.* That

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.

ENVIRONMENTAL P

1 for use by, the Environmental Protection Agency: *P., -*
2 *Ad d, , ,* That such amount is designated by the Con-
3 gress as being for an emergency requirement pursuant to
4 section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 HAZARDOUS SUBSTANCE SUPERFUND

7 For an additional amount for "Hazardous Substance
8 Superfund", \$770,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus: *P., Ad d,* That such funds shall be for nec-
11 essary expenses for cleaning and disinfecting equipment
12 or facilities of, or for use by, the Environmental Protection
13 Agency: *P., Ad d, , ,* That such amount is designated
14 by the Congress as being for an emergency requirement
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
16 et and Emergency Deficit Control Act of 1985.

17 DEPARTMENT OF AGRICULTURE

18 FOREST SERVICE

19 FOREST AND RANGELAND RESEARCH

20 For an additional amount for "Forest and Rangeland
21 Research", \$3,000,000, to remain available until Sep-
22 tember 30, 2021, for the reestablishment of abandoned or
23 failed experiments associated with coronavirus restric-
24 tions: *P., Ad d,* That such amount is designated by the

- 1 Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and

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 WILDLAND FIRE MANAGEMENT

5 For an additional amount for “Wildland Fire Man-
6 agement” to supplement amounts otherwise available for
7 Preparedness, \$7,000,000, to remain available until Sep-
8 tember 30, 2021, for personal protective equipment and
9 necessary expenses of first responders to prevent, prepare
10 for, and respond to coronavirus: *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 DEPARTMENT OF HEALTH AND HUMAN
16 SERVICES

17 INDIAN HEALTH SERVICE

18 INDIAN HEALTH SERVICES

19 For an additional amount for “Indian Health Serv-
20 ices”, \$1,032,000,000, to remain available until Sep-
21 tember 30, 2021, for preparedness, response, surveillance,
22 and health service activities for coronavirus, including for
23 public health support, electronic health record moderniza-
24 tion, telehealth and other IT upgrades, Purchased/Re-
25 ferred care, Catastrophic Health Emergency Fund, com-

1 munity health representatives, Urban Indian Organiza-
2 tions, Tribal Epidemiology Centers, and other activities to
3 protect the safety of patients and staff: *B., d d*. That
4 none of the funds appropriated by this Act to the Indian
5 Health Service for the Electronic Health Record system
6 shall be made available for obligation to execute a Request
7 for Proposal for selection of core components appropriate
8 to support the initial capacity of the system unless the
9 Committees on Appropriations of the House of Represent-
10 atives and the Senate have been briefed 90 days in ad-
11 vance of such execution of a Request for Proposal: *B., -*
12 *d d*. That of the amount provided in this para-
13 graph, not less than \$450,000,000 shall be distributed
14 through Tribal shares and contracts with Urban Indian
15 Organizations: *B., d d*. That any amounts pro-
16 vided in this paragraph not allocated pursuant to the pre-
17 ceding proviso shall be allocated at the discretion of the
18 Director of the Indian Health Service: *B., d d*.
19 That such amounts may be used to supplement amounts
20 otherwise available under "Indian Health Facilities": *B., -*
21 *d d*. That such amounts, if transferred to Tribes
22 and Tribal organizations under the Indian Self-Deter-
23 mination and Education Assistance Act, will be trans-
24 ferred on a one-time basis and that these non-recurring
25 funds are not part of the amount required by 25 U.S.C.

1 5325, and that such amounts may only be used for the

1 prevent coronavirus and other emerging infectious disease
2 cases: *P. and d.* That such amount is designated by the
3 Congress as being for an emergency requirement pursuant
4 to section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 INSTITUTE OF AMERICAN INDIAN AND ALASKA

7 NATIVE CULTURE

8 PAYMENT TO THE INSTITUTE

9 For an additional amount for "Payment to the Insti-
10 tute", \$78,000, to remain available until September 30,

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
 2 ARTS
 3 OPERATIONS AND MAINTENANCE

4 For an additional amount for "Operations and Main-
 5 tenance", \$35,000,000, to remain available until Sep-
 6 tember 30, 2021, for operations and maintenance require-
 7 ments related to the consequences of coronavirus: *R., -*
 8 *And d,* That notwithstanding the provisions of 20 U.S.C.
 9 76h et seq., funds provided in this Act shall be made avail-
 10 able to cover operating expenses required to ensure the
 11 continuity of the John F. Kennedy Center for the Per-
 12 forming Arts and its affiliates, including for employee
 13 compensation and benefits, grants, contracts, payments
 14 for rent or utilities, fees for artists or performers, informa-
 15 tion technology, and other administrative expenses: *R., -*
 16 *And d* *And d*, That no later than October 31, 2020, the
 17 Board of Trustees of the Center shall submit a report to
 18 the Committees on Appropriations of the House of Rep-
 19 resentatives and Senate that includes a detailed expla-
 20 nation of the distribution of the funds provided herein:
 21 *R., And d* *And d*, That such amount is designated by the
 22 Congress as being for an emergency requirement pursuant

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES

3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For an additional amount for "Grants and Adminis-
6 tration", \$300,000,000, to remain available until Sep-
7 tember 30, 2021, for grants to respond to the impacts of
8 coronavirus: *Referred*. That such funds are available
9 under the same terms and conditions as grant funding ap-
10 propriated to this heading in P.L. 116-94: *Referred*.
11 That 40 percent of such funds shall be distributed
12 to State arts agencies and regional arts organizations and
13 60 percent of such funds shall be for direct grants: *Referred*.
14 That such amount is designated by the Con-
15 gress as being for an emergency requirement pursuant to
16 section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985:

18 NATIONAL ENDOWMENT FOR THE HUMANITIES
19 GRANTS AND ADMINISTRATION

20 For an additional amount for "Grants and Adminis-
21 tration", \$300,000,000, to remain available until Sep-
22 tember 30, 2021, for grants to respond to the impacts of
23 coronavirus: *Referred*. That such funds are available
24 under the same terms and conditions as grant funding ap-
25 propriated to this heading in Public Law 116-94: *Referred*.

1 That 40 percent of such funds shall be dis-
2 tributed to state humanities councils and 60 percent of
3 such funds shall be for direct grants: *But, add the following*,
4 That such amount is designated by the Congress as being
5 for an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 GENERAL PROVISIONS

9 SEC. 10701. Notwithstanding any other provision of
10 law, funds made available under the heading “National
11 Foundation on the Arts and the Humanities—National
12 Endowment for the Arts—Grants and Administration” for
13 each of fiscal years 2019 and 2020 for grants for the pur-
14 poses described in section 5(c) of the National Foundation
15 on the Arts and Humanities Act of 1965 (20 U.S.C.
16 954(c)) may also be used by the recipients of such grants
17 for purposes of the general operations of such recipients
18 and the matching requirements under subsections (e),
19 (g)(4)(A), and (p)(3) of section 5 of the National Founda-
20 tion on the Arts and Humanities Act of 1965 (20 U.S.C.
21 954) may be waived with respect to such grants.

22 SEC. 10702. Notwithstanding any other provision of
23 law, funds made available under the heading “National
24 Foundation on the Arts and the Humanities—National

1 Endowment for the Humanities—Grants and Administra-
2 tion'' for each of fiscal years 2019 and 2020 for grants
3 for the purposes described in section 7(c) and 7(h)(1) of
4 the National Foundation on the Arts and Humanities Act
5 of 1965 may also be used by the recipients of such grants
6 for purposes of the general operations of such recipients
7 and the matching requirements under subsection
8 (h)(2)(A) of section 7 of the National Foundation on the
9 Arts and Humanities Act of 1965 may be waived with re-
10 spect to such grants.

11 TITLE VIII—DEPARTMENTS OF LABOR,
12 HEALTH AND HUMAN SERVICES, AND EDU-
13 CATION, AND RELATED AGENCIES

14 DEPARTMENT OF LABOR

15 EMPLOYMENT AND TRAINING ADMINISTRATION

16 TRAINING AND EMPLOYMENT SERVICES

17 For an additional amount for "Training and Employ-
18 ment Services", \$960,000,000, to remain available until
19 September 30, 2021, to prevent, prepare for, and respond
20 to coronavirus through activities under the Workforce In-

1 (2) \$227,000,000 for grants to States for youth
2 activities, including supportive services;

3 (3) \$261,000,000 for grants to States for dis-
4 located worker employment and training activities,
5 including supportive services and needs-related pay-
6 ments;

7 (4) \$250,000,000 for the Dislocated Worker
8 Assistance National Reserve, of which \$150,000,000
9 shall be for the Strengthening Community College
10 Training Grant program as outlined under the head-
11 ing "Training and Employment Services" in para-
12 graph (2)(A)(ii) of title I of division A of Public Law
13 116–94 to assist community colleges in meeting the
14 educational and training needs of their communities
15 as a result of coronavirus;

16 (5) \$10,000,000 for Migrant and Seasonal
17 Farmworker programs, including for emergency sup-
18 portive services to farmworkers, of which \$500,000
19 shall be available for the collection and dissemina-
20 tion of electronic and printed materials related to
21 coronavirus;

1 JOB CORPS

2 For an additional amount for "Job Corps",
3 \$100,000,000, to remain available until September 30,
4 2021, to prevent, prepare for, and respond to coronavirus,
5 including for student services: *P., and d.* 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 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
11 SERVICE OPERATIONS

12 For an additional amount for "State Unemployment
13 and Insurance and Employment Service Operations",
14 \$150,000,000, to remain available until September 30,
15 2021, to prevent, prepare for, and respond to coronavirus
16 through grants to States in accordance with section 6 of
17 the Wagner-Peyser Act: *P., and d.* That such amount is
18 designated by the Congress as being for an emergency re-
19 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
20 anced Budget and Emergency Deficit Control Act of 1985.

21 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
22 AMERICANS

23 For an additional amount for "Community Service
24 Employment for Older Americans", \$120,000,000, to re-
25 main available until September 30, 2021, to prevent, pre-

1 related thereto: *P. and d.* That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-

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

3 DEPARTMENTAL MANAGEMENT
4 OFFICE OF INSPECTOR GENERAL
5 SALARIES AND EXPENSES

6 For an additional amount for “Office of Inspector
7 General”, \$1,500,000, to remain available until September
8 30, 2022, for oversight of activities supported with funds
9 appropriated to the Department of Labor: *P., and d.* That
10 such amount is designated by the Congress as being for
11 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 VETERANS EMPLOYMENT AND TRAINING
15 For an additional amount for “Veterans Employment
16 and Training,” \$15,000,000, to remain available through
17 September 30, 2021, to prevent, prepare for, and respond
18 to coronavirus, including for programs to assist homeless
19 veterans and veterans at risk of homelessness: *P., and d.*
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES

HEALTH

- 1 provided under this heading in this Act shall be through
- 2 modifications to existing contracts and supplements to ex-
- 3 isting grants and cooperative agreements under parts A

1 organizations, urban Indian health organizations, or
2 health service providers to tribes, for such purposes includ-
3 ing to carry out surveillance, epidemiology, laboratory ca-
4 pacity, infection control, mitigation, communications, and
5 other preparedness and response activities: *P., d d* -
6 *, ,* That every grantee that received a Public Health
7 Emergency Preparedness grant for fiscal year 2019 shall
8 receive not less than 100 percent of that grant level from
9 funds provided in the first proviso under this heading in
10 this Act, and not less than \$125,000,000 of such funds
11 shall be allocated to tribes, tribal organizations, urban In-
12 dian health organizations, or health service providers to
13 tribes: *P., d d* *, ,* That the Director of the Centers
14 for Disease Control and Prevention ("CDC") may satisfy
15 the funding thresholds outlined in the preceding two pro-
16 visos by making awards through other grant or coopera-
17 tive agreement mechanisms: *P., d d* *, ,* That of the
18 amount provided under this heading in this Act, not less
19 than \$1,000,000,000 shall be for global disease detection
20 and emergency response: *P., d d* *, ,* That of the
21 amount provided under this heading in this Act,
22 \$500,000,000 shall be for public health data surveillance
23 and analytics infrastructure modernization: *P., d d* -
24 *, ,* That funds appropriated under this heading in this
25 Act may be used for grants for the rent, lease, purchase,

1 acquisition, construction, alteration, or renovation of non-
2 Federally owned facilities to improve preparedness and re-
3 sponse capability at the State and local level: *P.L. 104-190* -
4 *, § 101*, That funds may be used for purchase and insurance
5 of official motor vehicles in foreign countries: *P.L. 104-190* -
6 *, § 101*, That such amount 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 NATIONAL INSTITUTES OF HEALTH

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For an additional amount for “National Heart, Lung,
13 and Blood Institute”, \$103,400,000, to remain available
14 until September 30, 2024, to prevent, prepare for, and re-
15 spond to coronavirus, domestically or internationally: *P.L.* -
16 *104-190*, That such amount is designated by the Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985.

20 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

21 DISEASES

22 For an additional amount for “National Institute of
23 Allergy and Infectious Diseases”, \$550,000,000, to re-
24 main available until September 30, 2024, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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

3 NATIONAL LIBRARY OF MEDICINE

4 For an additional amount for “National Library of
5 Medicine”, \$10,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally: *Repealed*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
13 SCIENCES

14 For an additional amount for “National Center for
15 Advancing Translational Sciences”, \$36,000,000, to re-
16 main available until September 30, 2024, to prevent, pre-
17 pare for, and respond to coronavirus, domestically or
18 internationally: *Repealed*, That such amount is designated
19 by the Congress as being for an emergency requirement
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985.

22 OFFICE OF THE DIRECTOR

23 For an additional amount for “Office of the Direc-
24 tor”, \$30,000,000, to remain available until September
25 30, 2024, to prevent, prepare for, and respond to

1 coronavirus, domestically or internationally: *P., and d,*
2 That the funds provided under this heading in this Act
3 shall be available for the Common Fund established under
4 section 402A(c)(1) of the Public Health Service Act: *P., -*
5 *and d, , ,* That such amount is designated by the Con-
6 gress as being for an emergency requirement pursuant to

1 funds made available under this heading in this Act shall
2 be for services to the homeless population: *P. 11-11-11* -
3 *11-11-11*, That \$10,000,000 of the funds made available under
4 this heading in this Act shall be for the National Child
Traumatic Stress Network: *P. 11-11-11*, *11-11-11*, That not less

1 rity Act, and section 1013 of the Medicare Prescription
 2 Drug, Improvement, and Modernization Act of 2003: *Re-*
 3 *vised*, That section 947(c) of the Public Health Service
 4 Act shall not apply to funds made available under this
 5 heading in this Act: *Revised*, *Revised*, *Revised*, *Revised*. 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 CENTERS FOR MEDICARE & MEDICAID SERVICES

11 PROGRAM MANAGEMENT

12 For an additional amount for “Program Manage-
 13 ment”, \$550,000,000, to remain available until September
 14 30, 2022 to prevent, prepare for, and respond to
 15 coronavirus, of which \$100,000,000 shall be for necessary
 16 expenses of the survey and certification program,
 17 prioritizing nursing home facilities in localities with com-
 18 munity transmission of coronavirus: *Revised*, *Revised*, That such
 19 amount is designated by the Congress as being for an
 20 emergency requirement pursuant to section
 21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 22 Deficit Control Act of 1985.

1 Tribal general revenue funds for child care assistance for
2 low-income families without regard to requirements in sec-
3 tion 658E(c)(3)(D), section 658E(c)(3)(E), section
4 658G(a), or section 658G(c) of the Child Care and Devel-
5 opment Block Grant Act ("CCDBG Act"): *P.L. 116-163*. That
6 funds made available under this heading in this Act may
7 also be used for costs of waiving family copayments and
8 covering costs typically paid through family copayments,
9 continued payments and assistance to child care providers
10 in cases of decreased enrollment, child absences, or pro-
11 vider closures related to coronavirus, and to ensure child
12 care providers are able to remain open or reopen as appro-
13 priate and applicable: *P.L. 116-163*. That States, Ter-
14 ritories, and Tribes are encouraged to place conditions on
15 payments to child care providers that ensure that child
16 care providers use a portion of funds received to continue
17 to pay the salaries and wages of staff: *P.L. 116-163*.
18 That such funds may be used for mobilizing emergency
19 child care services, for providing temporary assistance to
20 eligible child care providers to support costs associated
21 with coronavirus, and for supporting child care resource
22 and referral services: *P.L. 116-163*. That States, Terri-
23 tories, and Tribes are authorized to use funds appro-
24 priated under this heading to provide child care assistance
25 to health care sector employees, emergency responders,

1 sanitation workers, and other workers deemed essential

1 CHILDREN AND FAMILIES SERVICES PROGRAMS

2 For an additional amount for "Children and Families
3 Services Programs", \$5,202,000,000, to remain available
4 until September 30, 2021, which shall be used as follows:

5 (1) \$1,000,000,000 for making payments under
6 the Head Start Act to be allocated in an amount
7 that bears the same ratio to such portion as the
8 number of enrolled children served by the agency in-
9 volved bears to the number of enrolled children by
10 all Head Start agencies: *Provided*, That none of the
11 funds appropriated in this paragraph shall be in-
12 cluded in the calculation of the "base grant" in sub-
13 sequent fiscal years, as such term is defined in sec-
14 tions 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of
15 the Head Start Act: *Provided* ~~also~~, That funds
16 appropriated in this paragraph are not subject to
17 the allocation requirements of section 640(a) of the
18 Head Start Act and in addition to allowable uses of
19 fund in 45 CFR 1301–1305, shall be allowable for
20 developing and implementing procedures and sys-
21 tems to improve the coordination, preparedness and
22 response efforts with State, local, tribal, an terri-
23 torial public health departments, and other relevant
24 agencies; cost of meals and snacks not reimbursed
25 by the Secretary of Agriculture; mental health serv-

1 ices and supports; mental health crisis response and
2 intervention services; training and professional devel-
3 opment for staff on infectious disease management;
4 purchasing necessary supplies and contracted serv-
5 ices to sanitize and clean facilities and vehicles, if
6 applicable; and other costs that are necessary to
7 maintain and resume the operation of programs,
8 such as substitute staff, technology infrastructure,
9 or other emergency assistance: *P., Ad d A, , ,*
10 That up to \$600,000,000 shall be available for the
11 purpose of operating supplemental summer pro-
12 grams through non-competitive grant supplements to
13 existing grantees determined to be most ready to op-
14 erate those programs by the Office of Head Start:
15 *P., Ad d A, , ,* That not more than \$15,000,000
16 shall be available for Federal administrative ex-
17 penses and shall remain available through Sep-
18 tember 30, 2021: *P., Ad d A, , ,* That obligations
19 incurred for the purposes provided herein prior to
20 the date of enactment of this subdivision may be
21 charged to funds appropriated under this heading.

22 (2) \$2,500,000,000 for activities to carry out
23 the Community Services Block Grant Act: *P., Ad d,*
24 That of the amount made available in this para-
25 graph in this Act, \$50,000,000 shall be available for

1 Section 303(a) of the Family Violence and Preven-
2 tion and Services Act: *P.L. 111-320*. That the Secretary
3 may use amounts made available in the preceding
4 proviso for providing temporary housing and in-per-
5 son assistance to victims of family, domestic, and
6 dating violence: *P.L. 111-320*. That for funds ob-
7 ligated during the period of any public health emer-
8 gency declared under section 319 of the Public
9 Health Service Act with respect to coronavirus, the
10 Secretary may waive the matching funds require-
11 ment in section 306(c)(4) of such Act.

12 (5) \$100,000,000 for carrying out activities

1 and 411 of the OAA: *Part 411*, That of the amount
2 made available under this heading in this Act,

1 OFFICE OF THE SECRETARY
2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
3 FUND

4 For an additional amount for “Public Health and So-
5 cial Services Emergency Fund”, \$6,077,000,000, to re-
6 main available until September 30, 2024, to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally, including the development of necessary
9 countermeasures and vaccines, prioritizing platform-based
10 technologies with U.S.-based manufacturing capabilities,
11 the purchase of vaccines, therapeutics, diagnostics, and
12 necessary medical supplies, as well as medical surge capac-
13 ity, workforce modernization, enhancements to the U.S.
14 Commissioned Corps, telehealth access and infrastructure,
15 initial advanced manufacturing, and related administra-
16 tive activities: *P. and d.* That no less than \$1,000,000,000
17 shall be dedicated to the development, translation and
18 demonstration at scale of innovations in manufacturing
19 platforms to support vitally necessary medical counter-
20 measures to support a reliable U.S.-sourced supply chain
21 of: (a) vaccines, (b) therapeutics, (c) small molecule APIs
22 (active pharmaceutical ingredients), including construc-
23 tion costs: *P. and d.* That the Secretary of Health
24 and Human Services shall purchase vaccines developed
25 using funds made available under this heading in this Act

1 to respond to an outbreak or pandemic related to
2 coronavirus in quantities determined by the Secretary to
3 be adequate to address the public health need: *P. and d*
4 *...* That products purchased by the Federal govern-
ment with funds made available 603.00Me4:1andemic maaltidingavi

1 gloves, goggles and glasses, gowns, head covers, masks,
 2 and respirators, as well as deployment of personal protec-
 3 tive equipment during the previous week, reported by state
 4 and other jurisdiction: *P., Ad d ▲ , ,* That after the
 5 date that a report is required to be submitted pursuant
 6 to the preceding proviso, amounts made available for “De-
 7 partment of Health and Human Services—Office of the
 8 Secretary—General Departmental Management” in Pub-
 9 lic Law 116–94 for salaries and expenses of the Immediate
 10 Office of the Secretary shall be reduced by \$250,000 for
 11 each day that such report has not been submitted: *P., -*
 12 *Ad d ▲ , ,* That such amount is designated by the Con-
 13 gress as being for an emergency requirement pursuant to
 14 section 251(b)(2)(A)(i) of the Balanced Budget and
 15 Emergency Deficit Control Act of 1985.

16 For an additional amount for “Public Health and So-
 17 cial Services Emergency Fund”, \$100,000,000,000, to re-
 18 main available until expended, to prevent, prepare for, and
 19 respond to coronavirus, to provide grants to public enti-
 20 ties, not-for-profit entities, and Medicare and Medicaid en-
 21 rolled suppliers and institutional providers, including for-
 22 profit entities, to reimburse for health care related ex-
 23 penses or lost revenues directly attributable to the public
 24 health emergency resulting from the coronavirus: *P., -*
 25 *Ad d ,* That grants shall be awarded in coordination with

1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-

1 DEPARTMENT OF EDUCATION

2 STATE FISCAL STABILIZATION FUND

3 For an additional amount for "State Fiscal Stabiliza-
4 tion Fund", \$30,000,000,000, to remain available until
5 September 30, 2022, to prevent, prepare for, and respond
6 to coronavirus: *P. d. d.*, That the Secretary of Education
7 (referred to under this heading as "Secretary") shall make
8 grants to the Governor of each State for support of ele-
9 mentary, secondary, and postsecondary education and, as
10 applicable, early childhood education programs and serv-
11 ices: *P. d. d.*, That of the amount made available,
12 the Secretary shall first allocate up to one-half of 1 per-
13 cent to the outlying areas and one-half of 1 percent to
14 the Bureau of Indian Education (BIE) for activities con-
15 sistent with this heading under such terms and conditions
16 as the Secretary may determine: *P. d. d.*, That
17 of the amount made available, the Secretary shall allocate
18 1 percent of funds to provide grants to States with the
19 highest coronavirus burden to support activities under this
20 heading: *P. d. d.*, That the Secretary shall issue
21 a notice inviting applications not later than 30 days of
22 enactment of this Act and approve or deny applications
23 not later than 30 days after receipt: *P. d. d.*, That
24 the Secretary may reserve up to \$30,000,000 for adminis-
25 tration and oversight of the activities under this heading:

1 *P., Ad d A , ,* That the Secretary shall allocate 61 per-
2 cent of the remaining funds made available to carry out
3 this heading to the States on the basis of their relative
4 population of individuals aged 5 through 24 and allocate
5 39 percent on the basis of their relative number of children
6 counted under section 1124(c) of the Elementary and Sec-
7 ondary Education Act of 1965 (referred to under this
8 heading as "ESEA") as State grants: *P., Ad d A , ,*
9 That State grants shall support statewide elementary, sec-
10 ondary, and postsecondary activities; subgrants to local
11 educational agencies; and, subgrants to public institutions
12 of higher education: *P., Ad d A , ,* That States shall
13 allocate not less than 30 percent of the funds received
14 under the sixth proviso as subgrants to local educational
15 agencies on the basis of their relative number of children
16 counted under section 1124(c) of the ESEA: *P., Ad d A , -*
17 *, ,* That States shall allocate not less than 30 percent
18 of the funds received under the sixth proviso as subgrants
19 to public institutions of higher education on the basis of
20 the relative share of full-time equivalent students who re-
21 ceived Pell Grants at the institution in the previous award
22 year and of the total enrollment of full-time equivalent stu-
23 dents at the institution in the previous award year: *P., -*
24 *Ad d A , ,* That the Governor shall return to the Sec-
25 retary any funds received that the Governor does not

1 online academic instruction; provide assistance for chil-
2 dren and families to promote equitable participation in
3 quality online learning; plan and implement activities re-
4 lated to summer learning, including providing classroom
5 instruction or quality online learning during the summer
6 months; plan for and coordinate during long-term clo-
7 sures, provide technology for quality online learning to all
8 students, and how to support the needs of low-income stu-
9 dents, racial and ethnic minorities, students with disabil-
10 ities, English learners, students experiencing homeless-
11 ness, and children in foster care, including how to address
12 learning gaps that are created or exacerbated due to long-
13 term closures; and other activities that are necessary to
14 maintain the operation of and continuity of services in
15 local educational agencies, including maintaining employ-
16 ment of existing personnel: *B. And d* . . . That a public
17 institution of higher education that receives funds under
18 this heading shall use funds for education and general ex-
19 penditures and grants to students for expenses directly re-
20 lated to coronavirus and the disruption of campus oper-
21 ations (which may include emergency financial aid to stu-
22 dents for food, housing, technology, health care, and child
23 care costs that shall not be required to be repaid by such
24 students) or for the acquisition of technology and services
25 directly related to the need for distance learning and the

1 training of faculty and staff to use such technology and
2 services (which shall not include paying contractors a por-
3 tion of tuition revenue or for pre-enrollment recruitment
4 activities): *R., And d h e , e* . That priority shall be given
5 to under-resourced institutions, institutions with high bur-
6 den due to the coronavirus, and institutions who do not
7 possess distance education capabilities at the time of en-
8 actment of this Act: *R., And d h e , e* . That an institution
9 of higher education may not use funds received under this
10 heading to increase its endowment or provide funding for
11 capital outlays associated with facilities related to ath-
12 letics, sectarian instruction, or religious worship: *R., And d*
13 *h e , e* . That funds may be used to support hourly work-
14 ers, such as education support professionals, classified
15 school employees, and adjunct and contingent faculty: *R., -*
16 *And d h e , e* . That a Governor of a State desiring to re-
17 ceive an allocation under this heading shall submit an ap-
18 plication at such time, in such manner, and containing
19 such information as the Secretary may reasonably require:
20 *R., And d h e , e* . That a State's application shall include
21 assurances that the State will maintain support for ele-
22 mentary and secondary education in fiscal year 2020, fis-
23 cal year 2021, and fiscal year 2022 at least at the level
24 of such support that is the average of such State's support
25 for elementary and secondary education in the 3 fiscal

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

5 STUDENT AID ADMINISTRATION

1 HIGHER EDUCATION

2 For an additional amount for “Higher Education”,
3 \$9,500,000,000, to remain available until September 30,
4 2020, to prevent, prepare for, and respond to coronavirus,
5 including under parts A and B of title III, part A of title
6 V, subpart 4 of part A of title VII, and part B of title
7 VII of the Higher Education Act, which may be used to
8 defray expenses (including lost revenue, reimbursement
9 for expenses already incurred, technology costs associated
10 with a transition to distance education, faculty and staff
11 trainings, and payroll) incurred by institutions of higher
12 education and for grants to students for any component
13 of the student’s cost of attendance (as defined under sec-
14 tion 472 of the Higher Education Act), including food,
15 housing, course materials, technology, health care, and
16 child care as follows:

17 (1) \$1,500,000,000 for parts A and B of title
18 III, part A of title V, and subpart 4 of part A of
19 title VII to address needs directly related to
20 coronavirus: *And*, That the Secretary of Edu-
21 cation shall allow institutions to use prior awards
22 under the authorities covered by the preceding pro-
23 viso to prevent, prepare for, and respond to
24 coronavirus;

1 *P., Ad d A, ,* That institutions receiving funds under
2 the heading State Fiscal Stabilization Fund (not including
3 amounts provided through state-based financial aid) shall
4 not be eligible for additional funding for part B of title
5 VII under this heading: *P., Ad d A, ,* That such pay-
6 ments shall not be used to increase endowments or provide
7 funding for capital outlays associated with facilities re-
8 lated to athletics, sectarian instruction, or religious wor-
9 ship: *P., Ad d A, ,* That such amounts is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.

13 HOWARD UNIVERSITY

14 For an additional amount for "Howard University",
15 \$13,000,000, to remain available until September 30,
16 2020, to prevent, prepare for, and respond to coronavirus,
17 including to help defray the expenses (which may include
18 lost revenue, reimbursement for expenses already in-
19 curred, technology costs associated with a transition to
20 distance learning, faculty and staff trainings, and payroll)
21 directly caused by coronavirus and to enable grants to stu-
22 dents for expenses directly related to coronavirus and the
23 disruption of university operations (which may include
24 food, housing, transportation, technology, health care, and
25 child care): *P., Ad d,* That such amount is designated by

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

D

1 paragraph (1): *B., and d.* That amounts made available
2 pursuant to this paragraph shall remain available until
3 September 30, 2021, and shall be available for the same
4 purposes and under the same authorities that they were
5 originally made available in Public Law 116–94.

6 (b)(1) The remaining unobligated balances of funds
7 as of September 30, 2020, from amounts provided to
8 “Corporation for National and Community Service—Sala-
9 ries and Expenses” in title IV of Division A of the Further
10 Consolidated Appropriations Act, 2020 (Public Law 116–
11 94), are hereby permanently rescinded.

12 (2) In addition to any amounts otherwise provided,
13 there is hereby appropriated on September 30, 2020, for
14 an additional amount for fiscal year 2020, an amount
15 equal to the unobligated balances rescinded pursuant to
16 paragraph (1): *B., and d.* That amounts made available
17 pursuant to this paragraph shall remain available until
18 September 30, 2021, and shall be available for the same
19 purposes and under the same authorities that they were
20 originally made available in Public Law 116–94.

21 (c)(1) The remaining unobligated balances of funds
22 as of September 30, 2020, from amounts provided to
23 “Corporation for National and Community Service—Of-
24 fice of Inspector General” in title IV of Division A of the

1 Further Consolidated Appropriations Act, 2020 (Public
2 Law 116–94), are hereby permanently rescinded.

3 (2) In addition to any amounts otherwise provided,
4 there is hereby appropriated on September 30, 2020, for
5 an additional amount for fiscal year 2020, an amount
6 equal to the unobligated balances rescinded pursuant to
7 paragraph (1): *Id.*, That amounts made available
8 pursuant to this paragraph shall remain available until
9 September 30, 2021, and shall be available for the same
10 purposes and under the same authorities that they were
11 originally made available in Public Law 116–94.

12 CORPORATION FOR PUBLIC BROADCASTING

13 For an additional amount for “Corporation for Public
14 Broadcasting”, \$300,000,000, to remain available until
15 September 30, 2020, to prevent, prepare for, and respond
16 to coronavirus, including for fiscal stabilization grants to
17 public telecommunications entities, with no deduction for
18 administrative or other costs of the Corporation, to main-
19 tain programming and services and preserve small and
20 rural stations threatened by declines in non-Federal reve-
21 nues, of which \$50,000,000 shall be used to support the
public television system: *Id.*

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 For an additional amount for “Institute of Museum
3 and Library Services”, \$500,000,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, including grants to States, muse-
6 ums, territories and tribes to expand digital network ac-
7 cess, purchase tablets and other internet-enabled devices,
8 for operational expenses, and provide technical support
9 services: *Repealed*. That any matching funds requirements
10 for States, museums, or tribes are waived: *Repealed*.
11 *Repealed*. That such amount is designated by the Congress as
12 being for an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RAILROAD RETIREMENT BOARD

16 LIMITATION ON ADMINISTRATION

17 For an additional amount for “Limitation on Admin-
18 istration”, \$10,000,000, to remain available until Sep-
19 tember 30, 2020, to prevent, prepare for, and respond to
20 coronavirus, including the purchase of information tech-
21 nology equipment to improve the mobility of the work-
22 force, and to provide for additional hiring or overtime
23 hours as needed to administer the Railroad Unemploy-
24 ment Insurance Act: *Repealed*. That such amount is des-
25 igned by the Congress as being for an emergency re-

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

3 SOCIAL SECURITY ADMINISTRATION

4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 For an additional amount for “Limitation on Admin-
6 istrative Expenses”, \$510,000,000, to remain available
7 until September 30, 2021, for necessary expenses to pre-
8 vent, prepare for, and respond to coronavirus, including
9 paying the salaries and benefits of employees affected as
10 a result of office closures, telework, phone and commu-
11 nication services for employees, overtime costs, and sup-
12 plies, and for resources necessary for processing disability
13 and retirement workloads and backlogs, of which the
14 amount made available under this heading in this Act,
15 \$210,000,000 shall be for the purposes of issuing emer-
16 gency assistance payments: *Revised 1/1/20*. That such
17 amount is designated by the Congress as being for an

1 SEC. 10803. (a) Funds appropriated in this title may
2 be made available to restore amounts, either directly or
3 through reimbursement, for obligations incurred by agen-
4 cies of the Department of Health and Human Services to
5 prevent, prepare for, and respond to coronavirus, domesti-
6 cally or internationally, prior to the date of enactment of
7 this Act. This subsection shall not apply to obligations in-

1 (1) public notice has been given; and

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

4 SEC. 10805. 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 inter-
10 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 Man-
15 agement: Provided further, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 10806. Of the funds appropriated by this title
19 under the heading "Public Health and Social Services
20 Emergency Fund", \$4,000,000 shall be transferred to,
21 and merged with, funds made available under the heading
22 "Office of the Secretary, Office of Inspector General", and
23 shall remain available until expended, for oversight of ac-
24 tivities supported with funds appropriated to the Depart-
25 ment of Health and Human Services in this Act: Provided,

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

7 SEC. 10807. Of the funds provided under the heading
8 “CDC–Wide Activities and Program Support”,
9 \$1,000,000,000, to remain available until expended, shall
10 be available to the Director of the CDC for deposit in the
11 Infectious Diseases Rapid Response Reserve Fund estab-
12 lished by section 231 of division B of Public Law 115–
13 245.

14 SEC. 10808. (a) PREMIUM PAY AUTHORITY.—
15 If services performed by an employee of the Department
16 of Health and Human Services during fiscal year 2020
17 are determined by the head of the agency to be primarily
18 related to preparation, prevention, or response to SARS–
19 CoV–2 or another coronavirus with pandemic potential,
20 any premium pay for such services shall be disregarded
21 in calculating the aggregate of such employee’s basic pay
22 and premium pay for purposes of a limitation under sec-
23 tion 5547(a) of title 5, United States Code, or under any
24 other provision of law, whether such employee’s pay is
25 paid on a biweekly or calendar year basis.

1 (3) For purposes of applying this subsection to
2 an employee under a premium pay limit established
3 under an authority other than section 5547 of title
4 5, United States Code, the agency responsible for
5 administering such limit shall determine what pay-
6 ments are considered premium pay.

7 (e) EFFECTIVE DATE.—This section shall take ef-
7 fect as if ec(14 sct(iFpT51on) -15Februarority) -152Code,

1 ment of Homeland Security—Countering Weapons of
2 Mass Destruction Office—Federal Assistance” for costs
3 incurred under other transaction authority and related to
4 screening for coronavirus, domestically or internationally,
5 including costs incurred prior to the enactment of such
6 Act.

7 (b) The amounts repurposed under subsection (a)
8 that were previously designated by the Congress as 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 are designated by the Con-
12 gress as an emergency requirement pursuant to such sec-
13 tion of such Act.

14 TITLE IX—LEGISLATIVE BRANCH

15 SENATE

16 CONTINGENT EXPENSES OF THE SENATE

17 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

18 For an additional amount for “Sergeant at Arms and
19 Doorkeeper of the Senate”, \$1,000,000, to remain avail-
20 able until expended, to prevent, prepare for, and respond
21 to coronavirus: *Re, and d*, That such amount is designated
22 by the Congress as being for an emergency requirement
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
24 et and Emergency Deficit Control Act of 1985.

1 MISCELLANEOUS ITEMS

2 For an additional amount for “Miscellaneous Items”,
3 \$9,000,000, to remain available until expended, to pre-
4 vent, prepare for, and respond to coronavirus: *R., and d.*
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 HOUSE OF REPRESENTATIVES

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$25,000,000, to remain available until September
13 30, 2021, except that \$5,000,000 shall remain available
14 until expended, for necessary expenses of the House of
15 Representatives to prevent, prepare for, and respond to
16 coronavirus, to be allocated in accordance with a spend
17 plan submitted to the Committee on Appropriations of the
18 House of Representatives by the Chief Administrative Of-
19 ficer and approved by such Committee: *R., and d.* 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.

1 JOINT ITEMS

2 OFFICE OF THE ATTENDING PHYSICIAN

3 For an additional amount for "Office of the Attend-
4 ing Physician", \$400,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus: *Provided*, That such amount is designated by
7 the Congress as being for an emergency requirement pur-
8 suant to section 251(b)(2)(A)(i) of the Balanced Budget
9 and Emergency Deficit Control Act of 1985.

10 CAPITOL POLICE

11 SALARIES

12 For an additional amount for "Salaries",

1

ARCHITECT OF THE CAPITOL
CAPITAL CONSTRUCTION AND O

1 to section 251(b)(2)(A)(i) of the Balanced Budget and

1 working due to measures taken in the Capitol complex to
2 combat coronavirus, not to exceed \$84,000 per month,
3 from amounts in the appropriations account "MIS-
4 CELLANEOUS ITEMS" within the contingent fund of
5 the Senate.

6 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
7 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
8 OPMENT CENTER

9 SEC. 10902. The Library of Congress shall reimburse
10 Little Scholars Child Development Center for salaries for
employees incurred from April 1, 2020, to September 30,

1 emergency situation, the payment of the salary of
2 other employees of the Center.”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(C) During an emergency situation, the pay-
6 ment of such other expenses for activities carried out
7 under this section as the Chief Administrative Offi-
8 cer determines appropriate.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to fiscal year 2020
11 and each succeeding fiscal year.

1

(1) APPROVAL REQUIRED.—The Chief Adminis-

1 (b) AVAILABILITY OF APPROPRIATIONS.—The au-

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

8 For an additional amount for “General Operating
9 Expenses, Veterans Benefits Administration”,
10 \$13,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus:
12 *R., and d.* That such amount is designated by the Congress
13 as being for an emergency requirement pursuant to sec-
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 VETERANS HEALTH ADMINISTRATION
17 MEDICAL SERVICES

18 For an additional amount for “Medical Services”,
19 \$14,432,000,000, to remain available until September 30,
20 2021, to prevent, prepare for, and respond to coronavirus,
21 including related impacts on health care delivery: *R., -*
22 *and d.* That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 MEDICAL COMMUNITY CARE

2 For an additional amount for "Medical Community
3 Care", \$2,100,000,000, to remain available until Sep-
4 tember 30, 2021, to prevent, prepare for, and respond to

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

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL ADMINISTRATION

5 For an additional amount for “General Administra-
6 tion”, \$6,000,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus:
8 *R., and d.* That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 INFORMATION TECHNOLOGY SYSTEMS

13 For an additional amount for “Information Tech-
14 nology Systems”, \$3,000,000,000, to remain available
15 until September 30, 2021, to prevent, prepare for, and re-
16 spond to coronavirus, including related impacts on health
17 care delivery: *R., and d.* That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 OFFICE OF INSPECTOR GENERAL

22 For an additional amount for “Office of Inspector
23 General”, \$14,300,000, to remain available until Sep-
24 tember 30, 2022, for oversight of activities funded by this
25 title and administered by the Department of Veterans Af-

- 1 fairs: P_n and d , That such amount is designated by the
- 2 Congress as being for an emergency requirement pursuant

1 TITLE XI—DEPARTMENT OF STATE, FOREIGN
2 OPERATIONS, AND RELATED PROGRAMS

3 DEPARTMENT OF STATE

4 ADMINISTRATION OF FOREIGN AFFAIRS

5 DIPLOMATIC PROGRAMS

6 For an additional amount for “Diplomatic Pro-
7 grams”, \$315,000,000, to remain available until Sep-
8 tember 30, 2022, for necessary expenses to prevent, pre-
9 pare for, and respond to coronavirus, including for evacu-
10 ation expenses, emergency preparedness, and maintaining
11 consular operations: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 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, for necessary expenses to prevent, prepare for, and

1 BILATERAL ECONOMIC ASSISTANCE
2 FUNDS APPROPRIATED TO THE PRESIDENT
3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance”, \$300,000,000, to remain available until ex-
6 pended, for necessary expenses to prevent, prepare for,
7 and respond to coronavirus: *Re, and d*, 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 DEPARTMENT OF STATE
13 MIGRATION AND REFUGEE ASSISTANCE

14 For an additional amount for “Migration and Ref-
15 ugee Assistance”, \$300,000,000, to remain available until
16 expended, for necessary expenses to prevent, prepare for,
17 and respond to coronavirus: *Re, and d*, That such amount
18 is designated by the Congress as being for an emergency
19 requirement pursuant to section 251(b)(2)(A)(i) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 INDEPENDENT AGENCIES
23 PEACE CORPS

24 For an additional amount for “Peace Corps”,
25 \$90,000,000, to remain available until September 30,

1 2022, for necessary expenses to prevent, prepare for, and
2 respond to coronavirus: *P. and d.* That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS — THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

SEC. 11101. The authora1 52onavirus:

1 United States abroad who are unable to obtain such serv-
 2 ices or support otherwise: *P. and d.* That such assistance
 3 shall be provided on a reimbursable basis to the extent
 4 feasible: *P. and d.* That such reimbursements may
 5 be credited to the applicable Department of State appro-
 6 priation, to remain available until expended: *P. and d.*
 7 That the Secretary shall prioritize providing medical
 8 services or related support to individuals eligible for the
 9 health program under section 904 of the Foreign Service
 10 Act of 1980 (22 U.S.C. 4084): *P. and d.* That the
 11 authority made available pursuant to this section shall ex-
 12 pire on September 30, 2022.

13 SEC. 11107. Notwithstanding section 6(b) of the De-
 14 partment of State Authorities Act of 2006 (Public Law
 15 109–472), during fiscal years 2020 and 2021, passport
 16 and immigrant visa surcharges collected in any fiscal year
 17 pursuant to the fourth paragraph under the heading “Dip-
 18 lomatic and Consular Programs” in title IV of the Consoli-
 19 dated Appropriations Act, 2005 (division B of Public Law
 20 108–447 (8 U.S.C. 1714)) may be obligated and expended
 21 on the costs of providing consular services: *P. and d.* That
 22 such funds should be prioritized for American citizen serv-
 23 ices.

24 SEC. 11108. The Secretary of State is authorized to
 25 enter into contracts with individuals for the provision of

personal services (as described in section 104 of part 37

1 SEC. 11110. The first proviso under the heading
2 “Millennium Challenge Corporation” in title III of the De-
3 partment of State, Foreign Operations, and Related Pro-
4 grams Appropriations Act, 2020 (division G of Public Law
5 116–94) is amended by striking “\$105,000,000” and in-
6 serting in lieu thereof “\$107,000,000”.

7 SEC. 11111. Notwithstanding any other provision of
8 law, any oath of office required by law may, in particular
9 circumstances that could otherwise pose health risks, be
10 administered remotely, subject to appropriate verification:
11 *And*, That prior to exercising the authority of this
12 section, the Secretary of State shall submit a report to
13 the Committee on Appropriations and the Committee on
14 Foreign Relations of the Senate and the Committee on
15 Appropriations and the Committee on Foreign Affairs of
16 the House of Representatives describing the process and
17 procedures for administering such oaths, including appro-

1 and mitigate an international economic crisis resulting

1 poration Act (22 U.S.C. 282 et seq.) is amended by
2 adding at the end the following new section:

3 “SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE
4 ARTICLES OF AGREEMENT.

5 “(a) VOTES AUTHORIZED.—The United States Gov-
6 ernor of the Corporation is authorized to vote in favor of—

7 “(1) a resolution to increase the authorized cap-

1 tion from a four-fifths majority to an eighty-five percent
2 majority.”.

3 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
4 can Development Bank Act (22 U.S.C. 290i et seq.)
5 is amended by adding at the end the following new
6 section:

7 “SEC. 1345. SEVENTH CAPITAL INCREASE.

8 “(a) SUBSCRIPTION AUTHORIZED.—

9 “(1) IN GENERAL.—The United States Gov-
10 ernor of the Bank may subscribe on behalf of the
11 United States to 532,023 additional shares of the
12 capital stock of the Bank.

13 “(2) LIMITATION.—Any subscription by the
14 United States to the capital stock of the Bank shall
15 be effective only to such extent and in such amounts
16 as are provided in advance in appropriations Acts.

17 “(b) AUTHORIZATIONS OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—In order to pay for the in-
19 crease in the United States subscription to the Bank
20 under subsection (a), there are authorized to be ap-
21 propriated, without fiscal year limitation,
22 \$7,286,587,008 for payment by the Secretary of the
23 Treasury.

1 “(A) \$437,190,016 shall be for paid in
2 shares of the Bank; and

3 “(B) \$6,849,396,992 shall be for callable
4 shares of the Bank.”.

5 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
6 can Development Fund Act (22 U.S.C. 290g et seq.)
7 is amended by adding at the end the following new
8 section:

9 “SEC. 226. FIFTEENTH REPLENISHMENT.

10 “(a) IN GENERAL.—The United States Governor of
11 the Fund is authorized to contribute on behalf of the

1 (I) by redesignating paragraphs
2 (3), (4), and (5) as paragraphs (4),
3 (5), and (6), respectively;

4 (II) by inserting after paragraph
5 (2) the following new paragraph:

6 “(3) In order to carry out the purposes of a
7 one-time decision of the Executive Directors of the
8 International Monetary Fund (the Fund) to expand
9 the resources of the New Arrangements to Borrow,
10 established pursuant to the decision of January 27,
11 1997, referred to in paragraph (1), the Secretary of
12 the Treasury is authorized to make loans, in an
13 amount not to exceed the dollar equivalent of
14 28,202,470,000 of Special Drawing Rights, in addi-
15 tion to any amounts previously authorized under this
16 section, except that prior to activation of the New
17 Arrangements to Borrow, the Secretary of the
18 Treasury shall report to Congress whether supple-
19 mentary resources are needed to forestall or cope
20 with an impairment of the international monetary
21 system and whether the Fund has fully explored
22 other means of funding to the Fund.”; and

23 (III) in paragraph (5), as so re-
24 designated, by striking “paragraph
25 (3)” and inserting “paragraph (4)”.

1

(ii) in paragraph (6), as so redesign-

1 thority' '' and inserting ''all that follows through 'Agree-
2 ment, the administering authority' ''.

3 (c) DISPUTE SETTLEMENT.—Subsection (j) of sec-
4 tion 504 of the United States-Mexico-Canada Agreement
5 Implementation Act (134 Stat. 76) is amended in the item
6 proposed to be inserted into the table of contents of such
7 Act relating to section 414 by striking ''determination''
8 and inserting ''determinations''.

9 (d) EFFETIVE DATE.—Each amendment made by
10 this section shall take effect as if included in the enact-
11 ment of the United States-Mexico-Canada Agreement Im-
12 plementation Act.

13 (e) NORTH AMERICAN DEVELOPMENT BANK: LIM-
14 TATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The
15 Secretary of the Treasury may subscribe without fiscal
16 year limitation to the callable capital portion of the United
17 States share of capital stock of the North American Devel-
18 opment Bank in an amount not to exceed \$1,020,000,000.
19 The authority in the preceding sentence shall be in addi-
20 tion to any other authority provided by previous Acts.

21 (f) The amounts provided by the amendments made
22 by this section are designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 SEC. 11114. Notwithstanding any other provision of
2 law, funds made available under each heading in this title
3 shall only be used for the purposes specifically described
4 under that heading.

5 TITLE XII
6 TRANSPORTATION, HOUSING AND URBAN
7 DEVELOPMENT, AND RELATED AGENCIES
8 DEPARTMENT OF TRANSPORTATION
9 OFFICE OF THE SECRETARY
10 SALARIES AND EXPENSES

11 For an additional amount for "Salaries and Ex-
12 penses", \$1,753,000, to remain available until September
13 30, 2020, to prevent, prepare for, and respond to
14 coronavirus, including necessary expenses for operating
15 costs and capital outlays: *And*. That such amounts
16 are in addition to any other amounts made available for
this purpose:

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

3 PAYMENT TO AIR CARRIERS

4 In addition to funds made available to the "Payment
 5 to Air Carriers" program in Public Law 116-94 to carry
 6 out the essential air service program under sections 41731
 7 through 41742 of title 49, United States Code,
 8 \$100,000,000, to be derived from the general fund and
 9 made available to the Essential Air Service and Rural Im-
 10 provement Fund, to remain available until expended: *P., -*
 11 *Ad d,* That in determining between or among carriers
 12 competing to provide service to a community, the Sec-
 13 retary may consider the relative subsidy requirements of
 14 the carriers: *P., Ad d ▲ , ,* That basic essential air
 15 service minimum requirements shall not include the 15-
 16 passenger capacity requirement under section 41732(b)(3)
 17 of such title: *P., Ad d ▲ , ,* That none of the funds in
 18 this Act or any other Act shall be used to enter into a
 19 new contract with a community located less than 40 miles
 20 from the nearest small hub airport before the Secretary
 21 has negotiated with the community over a local cost share:
 22 *P., Ad d ▲ , ,* That amounts authorized to be distrib-
 23 uted for the essential air service program under section
 24 41742(b) of title 49, United States Code, shall be made
 25 available from amounts otherwise provided to the Admin-

1 istrator of the Federal Aviation Administration: *P., Ad d*
2 , That the Administrator may reimburse such
3 amounts from fees credited to the account established
4 under section 45303 of such title: *P., Ad d* , That
5 such amount is designated by the Congress as being for

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

3 PANDEMIC RELIEF FOR AVIATION WORKERS

4 For necessary expenses for providing pandemic relief
5 for aviation workers, \$40,000,000,000, to remain available
6 until September 30, 2021 of which \$37,000,000,000 shall
7 be for the purposes authorized in section 101(a)(1)(A) of
8 title I of division R of the Take Responsibility for Workers
9 and Families Act, and \$3,000,000,000, shall be for the
10 purposes authorized in section 101(a)(1)(B) of title I of
11 division R of the Take Responsibility for Workers and
12 Families Act: *Repealed*. That such amount is designated
13 by the Congress as being for an emergency requirement
14 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
15 et and Emergency Deficit Control Act of 1985.

16 In addition, for the cost of making direct loans and
17 loan guarantees in accordance with the terms and condi-
18 tions in sections 101–103 and 105 of title I of division
19 R of the Take Responsibility for Workers and Families
20 Act, such sums as may be necessary to remain available
21 until September 30, 2021: *Repealed*. That such costs, in-
22 cluding the cost of modifying such loans, shall be defined
23 by section 502 of the Congressional Budget Act of 1974:
24 *Repealed*. That subject to section 502 of the Con-
25 gressional Budget Act of 1974, during fiscal years 2020

1 and 2021, the aggregate sum of the principle for direct
2 loans and guaranteed loans shall not exceed
3 \$21,000,000,000: *But not to exceed*. That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 FEDERAL AVIATION ADMINISTRATION

8 OPERATIONS

1 grants in accordance with the terms and conditions in sec-
2 tion 401 of title IV division R of the Take Responsibility
3 for Workers and Families Act, \$10,000,000,000, to re-
4 main available until expended: *P., and d,* That amounts
5 made available under this heading in this Act shall be de-
6 rived from the general fund: *P., and d, , , ,* That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
Deficit Control Act of 1985.

1 the Fixing America's Surface Transportation Act (division
2 A of Public Law 114-94): *P. 1 d d*, That a State shall
3 not be required to pay the National Railroad Passenger

1 in this Act as if such funds were provided under section
2 5307 of title 49, United States Code, and apportion such
3 funds in accordance with section 5336 of such title (other
4 than subsections (h)(1) and (h)(4)), sections 5311, 5337,
5 and 5340 of title 49, United States Code, and apportion
6 such funds in accordance with such sections, except that

1 up to 100 percent: *P. Ad d A e , e* . That the amount
2 made available under this heading shall be derived from
3 the general fund and shall not be subject to any limitation
4 on obligations for transit programs set forth in any Act:
5 *P. Ad d A e , e* . That such amount is designated by the
6 Congress as being for an emergency requirement pursuant

1 able under this heading in this Act shall be for necessary
2 expenses of the Office of Inspector General to carry out
3 the provisions of the Inspector General Act of 1978, as
4 amended: *By the Committee on Governmental Operations, U.S. Senate.* That the amounts made avail-
able under this heading in this Act shall be used .u

1 poration", the Secretary of Transportation may not waive
2 the requirements under section 24312 of title 49, United
3 States Code, and section 24305(f) of title 49, United
4 States Code: *P., And d,* That for amounts made available
5 by this Act under such headings the Secretary shall re-
6 quire the National Railroad Passenger Corporation to
7 comply with the Railway Retirement Act of 1974 (45
8 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
9 151 et seq.), and the Railroad Unemployment Insurance
10 Act (45 U.S.C. 351 et seq.): *P., And d A e , e ,* That not
11 later than 7 days after the date of enactment of this Act
12 and each subsequent 7 days thereafter, the Secretary shall
13 notify the House and Senate Committees on Appropria-
14 tions, the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives, and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 of any National Railroad Passenger Corporation employee
18 furloughs as a result of efforts to prevent, prepare for,
19 and respond to coronavirus: *P., And d A e , e ,* That in the
20 event of any National Railroad Passenger Corporation em-
21 ployee furloughs as a result of efforts to prevent, prepare
22 for, and respond to coronavirus, the Secretary shall re-
23 quire the National Railroad Passenger Corporation to pro-
24 vide such employees the opportunity to be recalled to their
25 previously held positions as intercity passenger rail service

1 is restored to March 1, 2020 levels and not later than the
2 date on which intercity passenger rail service has been
3 fully restored to March 1, 2020 levels.

4 DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT

6 MANAGEMENT AND ADMINISTRATION

7 ADMINISTRATIVE SUPPORT OFFICES

8 For an additional amount for “Administrative Sup-
9 port Offices”, \$10,000,000, to remain available until Sep-
10 tember 30, 2021, to prevent, prepare for, and respond to
11 coronavirus: *P., and d.* That such amount is designated by
12 the Congress as being for an emergency requirement pur-
13 suant to section 251(b)(2)(A)(i) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 PROGRAM OFFICES

16 For an additional amount for “Program Offices”,
17 \$10,000,000, to remain available until September 30,
18 2030, to prevent, prepare for, and respond to coronavirus:
19 *P., and d.* That of the sums appropriated under this head-
20 ing in this Act—

21 (1) \$2,500,000 shall be available for the Office
22 of Public and Indian Housing;

23 (2) \$5,000,000 shall be available for the Office
24 of Community Planning and Development; and

1 H of the Further Consolidated Appropriations Act, 2020
2 (Public Law 116–94) may be used for the other expenses
3 as described in the preceding proviso in addition to their
4 other available uses: *P.L. 116–94, § 10101*. That of the
5 amounts made available under this heading in this Act,
6 \$500,000,000 shall be available for adjustments in the cal-
7 endar year 2020 section 8 renewal funding allocations, in-
8 cluding Mainstream vouchers, for public housing agencies
9 that experience a significant increase in voucher per-unit
10 costs due to extraordinary circumstances or that, despite
11 taking reasonable cost savings measures, as determined by
12 the Secretary, would otherwise be required to terminate
13 rental assistance for families as a result of insufficient
14 funding: *P.L. 116–94, § 10101*. That the Secretary shall allo-
15 cate amounts provided in the preceding proviso based on
16 need, as determined by the Secretary: *P.L. 116–94, § 10101*.

1 retary may waive, or specify alternative requirements for,
2 any provision of any statute or regulation that the Sec-
3 retary administers in connection with the use of the
4 amounts made available under this heading and the same
5 heading of Public Law 116–94 (except for requirements
6 related to fair housing, nondiscrimination, labor stand-
7 ards, and the environment), upon a finding by the Sec-
8 retary that any such waivers or alternative requirements
9 are necessary for the safe and effective administration of
10 these funds to prevent, prepare for, and respond to
11 coronavirus: *P., Ad d A, ,* . That the Secretary shall no-
12 tify the public through the Federal Register or other ap-
13 propriate means to ensure the most expeditious allocation
14 of this funding of any such waiver or alternative require-
15 ment in order for such waiver or alternative requirement
16 to take effect, and that such public notice may be provided
17 at a minimum on the Internet at the appropriate Govern-
18 ment web site or through other electronic media, as deter-
19 mined by the Secretary: *P., Ad d A, ,* . That any such
20 waivers or alternative requirements shall remain in effect
21 for the time and duration specified by the Secretary in
22 such public notice and may be extended if necessary upon
23 additional notice by the Secretary: *P., Ad d A, ,* . That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

1 ed under such headings, may be used for all of the pur-
2 poses described in the preceding proviso: *And also,*
3 That the expanded uses and funding flexibilities described
4 in the previous two provisos shall be available to all public
5 housing agencies through December 31, 2020, except that
6 the Secretary may extend the period under which such
7 flexibilities shall be available in additional 12 month incre-
8 ments upon a finding that individuals and families as-

1 alternative requirement in order for such waiver or alter-
 2 native requirement to take effect, and that such public no-
 3 tice may be provided at a minimum on the Internet at
 4 the appropriate Government web site or through other
 5 electronic media, as determined by the Secretary: *P. and d*
 6 *▲, ,* That any such waivers or alternative requirements
 7 shall remain in effect for the time and duration specified
 8 by the Secretary in such public notice and may be ex-
 9 tended if necessary upon additional notice by the Sec-
 10 retary: *P. and d ▲, ,* That amounts repurposed under
 11 this heading that were previously designated by the Con-
 12 gress as an emergency requirement pursuant to the Bal-
 13 anced Budget and Emergency Deficit Control Act of 1985
 14 are designated by the Congress as an emergency require-
 15 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
 16 Budget and Emergency Deficit Control Act of 1985 *P. -*
 17 *and d ▲, ,* That such amount is designated by the Con-
 18 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.

NATIVE AMERICAN PROGRAMS

1 (1) \$250,000,000 shall be for the Native Amer-
2 ican Housing Block Grants program, as authorized
3 under title I of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996
5 (“NAHASDA”) (25 U.S.C. 4111 et seq.): *P., and d,*
6 That amounts made available in this paragraph shall
7 be distributed according to the same funding for-
8 mula used in fiscal year 2020: *P., and d ▲, , ,*
9 That such amounts may be used to cover the cost
10 of and reimbursement of allowable costs to prevent,
11 prepare for, and respond to coronavirus incurred by
12 a recipient regardless of the date on which such
13 costs were incurred: *P., and d ▲, , ,* That the Sec-
14 retary may waive, or specify alternative require-
15 ments for, any provision of any statute or regulation
16 that the Secretary administers in connection with
17 the use of amounts made available in this paragraph
18 and in paragraph (1) under this heading in division
19 H of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94) (except for requirements
21 related to fair housing, nondiscrimination, labor
22 standards, and the environment), upon a finding by
23 the Secretary that any such waivers or alternative
24 requirements are necessary to expedite or facilitate
25 the use of such amounts, including to prevent, pre-

1 curred: *Public Law 114-166*. That, notwithstanding sec-
2 tion 105(a)(8) of the Housing and Community De-
3 velopment Act of 1974 (42 U.S.C. 5301 et seq.),
4 there shall be no percent limitation on the use of
5 amounts for public services activities to prevent, pre-
6 pare for, and respond to coronavirus: *Public Law 114-166*.
That the preceding proviso shall apply to all

1 such waivers shall apply retroactively to activities to
 2 prevent, prepare for, and respond to coronavirus car-
 3 ried out with any amounts described in the pre-
 4 ceding proviso:

5 *P., And d* . . . 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 COMMUNITY PLANNING AND DEVELOPMENT

10 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

11 For an additional amount for carrying out the
 12 “Housing Opportunities for Persons with AIDS” pro-
 13 gram, as authorized by the AIDS Housing Opportunity
 14 Act (42 U.S.C. 12901 et seq.), \$130,000,000, to remain
 15 available until September 30, 2021, except that amounts
 16 allocated pursuant to section 854(c)(5) of such Act shall
 17 remain available until September 30, 2022, to provide ad-
 18 ditional funds to maintain operations and for rental assist-
 19 ance, supportive services, and other necessary actions, in
 20 order to prevent, prepare for, and respond to the
 21 coronavirus: *P., And d*, That not less than \$100,000,000
 22 of the amount provided under this heading in this Act
 23 shall be allocated pursuant to the formula in section 854
 24 of such Act using the same data elements as utilized pur-
 25 suant to that same formula in fiscal year 2020: *P., And d*

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 COMMUNITY DEVELOPMENT FUND

5 For an additional amount for “Community Develop-
6 ment Fund”, \$15,000,000,000, for assistance under the
7 community development block grant program under title
8 I of the Housing and Community Development Act of

1 mined by the Secretary, using best available data and that
2 such allocations shall be made within 45 days of enact-
3 ment of this Act: *P.L. 116-127, § 116(a)*. That any remaining
4 amounts shall be distributed directly to the State or unit
5 of general local government, at the discretion of the Sec-
6 retary, according to a formula based on factors to be de-
7 termined by the Secretary, prioritizing risk of trans-
8 mission of coronavirus, number of coronavirus cases com-
9 pared to the national average, and economic and housing
10 market disruptions resulting from coronavirus: *P.L. 116-127, § 116(b)*.
11 That such allocations may be made on a rolling
12 basis as additional needs develop and data becomes avail-
13 able: *P.L. 116-127, § 116(c)*. That the Secretary shall make all
14 such allocations based on the best available data at the
15 time of allocation: *P.L. 116-127, § 116(d)*. That amounts made
16 available in the preceding provisos may be used to reim-
17 burse allowable costs consistent with the purposes of this
18 heading in this Act incurred by a State or locality regard-
19 less of the date on which such costs were incurred: *P.L. 116-127, § 116(e)*.
20 That section 116(b) of such Act (42 U.S.C.
21 5316(b)) and any implementing regulations, which require
22 grantees to submit their final statements of activities no
23 later than August 16 of a given fiscal year, shall not apply
24 to final statements submitted in accordance with sections
25 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2))

1 and (a)(3)) and comprehensive housing affordability strat-
2 egies submitted in accordance with section 105 of the
3 Cranston-Gonzalez National Affordable Housing Act (42
4 U.S.C. 12705) for fiscal years 2019 and 2020: *P., Ad d*
5 *▲, ,* That such final statements and comprehensive
6 housing affordability strategies shall instead be submitted
7 not later than August 16, 2021: *P., Ad d ▲, ,* That
8 the Secretary may waive, or specify alternative require-
9 ments for, any provision of any statute or regulation that
10 the Secretary administers in connection with the use of
11 amounts made available under this heading and for fiscal
12 years 2019 and 2020 (except for requirements related to
13 fair housing, nondiscrimination, labor standards, and the
14 environment), if the Secretary finds that good cause exists
15 for the waiver or alternative requirement and such waiver
16 or alternative requirement would not be inconsistent with
17 the overall purpose of title I of the Housing and Commu-
18 nity Development Act of 1974 , including for the purposes
19 of addressing the impact of coronavirus: *P., Ad d ▲, ,*
20 That any such waiver or alternative requirement shall not
21 take effect before the expiration of the 5-day period that
22 begins on the date on which the Secretary notifies the pub-
23 lic through the Federal Register or other appropriate
24 means, including by means of the Internet at the appro-
25 priate Government web site or through other electronic

1 media, as determined by the Secretary: *P.L. 116-136, § 104*,
2 That of the amounts made available under this heading,
3 up to \$10,000,000 shall be made available for capacity
4 building and technical assistance to support the use of
5 such amounts to expedite or facilitate infectious disease
6 response: *P.L. 116-136, § 104*. That, notwithstanding sections
7 104(a)(2), (a)(3), and (c) of the Housing and Community
8 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
9 and (c)) and section 105 of the Cranston-Gonzalez Na-
10 tional Affordable Housing Act (42 U.S.C. 12705), a
11 grantee may not be required to amend its statement of
12 activities in order to engage in activities to prevent, pre-
13 pare, and respond to coronavirus or the economic and
14 housing disruption caused by such virus, but shall make
15 public a report within 180 days of the end of the crisis
16 which fully accounts for those activities: *P.L. 116-136, § 104*,
17 That a grantee may not be required to hold in-person pub-

1 health reasons, a grantee may carry out virtual public
2 hearings to fulfill applicable public hearing requirements
3 for all grants from funds made available under this head-
4 ing in this and prior Acts: *P., Ad d A e , e* . That any such
5 virtual hearings shall provide reasonable notification and
6 access for citizens in accordance with the grantee's certifi-
7 cations, timely responses from local officials to all citizen
8 questions and issues, and public access to all questions
9 and responses: *P., Ad d A e , e* . That, notwithstanding
10 subsection 105(a)(8) of the Housing and Community De-
11 velopment Act of 1974 (42 U.S.C. 5305(a)(8)), there shall
12 be no percent limitation for the use of funds for public
13 services activities to prevent, prepare, and respond to
14 coronavirus or the economic and housing disruption
15 caused by it: *P., Ad d A e , e* . That the preceding proviso
16 shall apply to all such activities carried out with grants
17 of funds made available under this heading and for fiscal
18 years 2019 and 2020: *P., Ad d A e , e* . That the Sec-
19 retary shall ensure there are adequate procedures in place
20 to prevent any duplication of benefits as defined by section
21 312 of the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5155) and act in accord-
23 ance with section 1210 of the Disaster Recovery Reform
24 Act of 2018 (division D of Public Law 115–254; 132 Stat.
25 3442) and section 312 of the Robert T. Stafford Disaster

1 unit of general local government by a formula to be devel-
 2 oped by the Secretary and that such allocations shall be
 3 made within 45 days of enactment of this Act: *P.L. 114-185, § 10101*
 4 *(a)(1)*. That such formula shall allocate such amounts for
 5 the benefit of unsheltered homeless, sheltered homeless,
 6 and those at risk of homelessness to geographical areas
 7 with the greatest need based on the risk of increasing
 8 transmission of coronavirus, rising rates of sheltered and
 9 unsheltered homelessness, and disruptions to economic
 10 and housing markets and other factors, as determined by
 11 the Secretary: *P.L. 114-185, § 10101*. That not less than every
 12 60 days thereafter, the Secretary shall allocate a minimum
 13 of an additional \$500,000,000: *P.L. 114-185, § 10101*. That
 14 amounts in the preceding proviso shall be allocated by a
 15 formula to be developed by the Secretary which takes into
 16 consideration the factors contained in the third proviso
 17 under this heading, in addition to the best available data
 18 on the number of coronavirus cases and disruptions in eco-
 19 nomic and housing markets, and other factors as deter-
 20 mined by the Secretary: *P.L. 114-185, § 10101*. That such
 21 amounts may be used to reimburse allowable costs con-
 22 sistent with the purposes of this heading incurred by a
 23 State or locality regardless of the date on which such costs
 24 were incurred: *P.L. 114-185, § 10101*. That individuals and fam-
 25 ilies who are very low-income (as such term is defined in

1 section 3(b) of the United States Housing Act of 1937
 2 (42 U.S.C. 1437a(b)) shall be considered "at risk of home-
 3 lessness" and eligible for homelessness prevention assist-
 4 ance if they meet the criteria in subparagraphs (B) and
 5 (C) of section 401(1) of the McKinney-Vento Homeless
 6 Act (42 U.S.C. 11360(1)(B) and (C)): *P., Ad d A e , e ,*
 7 That any individuals and families who are low-income (as
 8 such term is defined in section 3(b) of the United States
 9 Housing Act of 1937 (42 U.S.C. 1437a(b)) shall be eligi-
 10 ble for rental assistance: *P., Ad d A e , e ,* That recipients
 11 may deviate from applicable procurement standards when
 12 procuring goods and services consistent with the purposes
 13 of this heading: *P., Ad d A e , e ,* That a recipient may
 14 use up to 10 percent of its allocation for administrative
 15 purposes: *P., Ad d A e , e ,* That the use of such amounts
 16 shall not be subject to the consultation, citizen participa-
 17 tion, or match requirements that otherwise apply to the
 18 Emergency Solutions Grants program, except that a re-
 19 cipient must publish how it has and will utilize its alloca-
 20 tion at a minimum on the Internet at the appropriate Gov-
 21 ernment web site or through other electronic media: *P., -*
 22 *Ad d A e , e ,* That the spending cap established pursuant
 23 to section 415(b) of the McKinney-Vento Homeless Act
 24 (42 U.S.C. 11374) shall not apply to such amounts: *P., -*
 25 *Ad d A e , e ,* That such amounts may be used to provide

1 ministers in connection with the obligation or use by the
2 recipient of these amounts, if the Secretary finds that
3 good cause exists for the waiver or alternative requirement
4 and such waiver or alternative requirement is consistent
5 with the purposes described under this heading: *P., and d*
6 *▲, , ,*. That any such waivers shall be deemed to be effec-
7 tive as of the date a State or unit of local government
8 began preparing for coronavirus and shall apply to the use
9 of amounts provided under this heading and amounts pro-
10 vided under the same heading in fiscal year 2020 used
11 by recipients for the purposes described under this head-
12 ing: *P., and d ▲, , ,*. That the Secretary shall notify the
13 public through the Federal Register or other appropriate
14 means, 5 days before the effective date, of any such waiver
15 or alternative requirement, and that such public notice
16 may be provided on the Internet at the appropriate Gov-
17 ernment web site or through other electronic media, as
18 determined by the Secretary: *P., and d ▲, , ,*. That up
19 to 1 percent of amounts made available under this heading
20 in this Act may be used to increase prior awards made
21 to existing technical assistance providers with experience
22 in providing health care services in order to provide an
23 immediate increase in capacity building and technical as-
24 sistance to recipients of the Emergency Solutions Grants
25 program under this heading and under the same heading

1 in fiscal years 2018, 2019 and 2020: *Provided that*,
2 That none of the funds provided under this heading may
3 be used to require people experiencing homelessness to re-
4 ceive treatment or perform any other prerequisite activi-
5 ties as a condition for receiving shelter, housing, or other
6 services: *Provided that*, That such amount is designated
7 by the Congress as being for an emergency requirement
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985.

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

3 HOUSING PROGRAMS

4 ASSISTED HOUSING STABILITY

5 For an additional amount for assistance to owners
6 or sponsors of properties receiving project-based assist-
7 ance pursuant to section 202 of the Housing Act of 1959
8 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez
9 National Affordable Housing Act (42 U.S.C. 8013), or
10 section 8 of the United States Housing Act of 1937, as
11 amended, (42 U.S.C. 1437f), \$1,100,000,000, to remain
12 available until expended, unless otherwise specified: *P., -*
13 *add*, That such amounts shall be used to prevent, pre-
14 pare for, and respond to coronavirus: *P., add* *▲, , ,*
15 That of the amounts made available under this heading
16 in this Act:

17 (1) \$1,000,000,000 shall be for "Project-Based
18 Rental Assistance" to supplement funds already
19 available for expiring or terminating section 8
20 project-based subsidy contracts (including section 8
21 moderate rehabilitation contracts), for amendments
22 to section 8 project-based subsidy contracts (includ-
23 ing section 8 moderate rehabilitation contracts), for
24 contracts entered into pursuant to section 441 of the
25 McKinney-Vento Homeless Assistance Act (42

1 U.S.C. 11401), for renewal of section 8 contracts for
2 units in projects that are subject to approved plans
3 of action under the Emergency Low Income Housing
4 Preservation Act of 1987 or the Low-Income Hous-
5 ing Preservation and Resident Homeownership Act
6 of 1990, and for administrative and other expenses
7 associated with project-based activities and assist-
8 ance funded under this paragraph;

9 (2) \$75,000,000, to remain available until Sep-
10 tember 30, 2022, shall be for "Housing for the El-
11 derly" to supplement funds already available for
12 project rental assistance for the elderly under section
13 202(c)(2) of such Housing Act of 1959, including
14 amendments to contracts for such assistance and re-
15 newal of expiring contracts for such assistance for
16 up to a 1-year term, for senior preservation rental
17 assistance contracts, including renewals, as author-
18 ized by section 811(e) of the American Housing and
19 Economic Opportunity Act of 2000, as amended,
20 and for supportive services associated with the hous-
21 ing for the elderly as authorized by such section
22 202: *Provided*, That funds made available
23 under this paragraph shall be used to provide emer-
24 gency assistance for continuation of contracts for
25 project rental assistance and amendment to such

1 contracts, supportive services, existing service coordi-
2 nators, one-time grants to hire additional service co-
3 ordinators, other staffing, rent supports, and emer-
4 gency preparedness relating to coronavirus; and

5 (3) \$25,000,000, to remain available until Sep-
6 tember 30, 2023, shall be for “Housing for Persons
7 with Disabilities” to supplement funds already avail-
8 able for project rental assistance for supportive
9 housing for persons with disabilities under section
10 811(d)(2) of such Cranston-Gonzalez National Af-
11 fordable Housing Act, for project assistance con-
12 tracts pursuant to section 202(h) of the Housing
13 Act of 1959 (Public Law 86–372; 73 Stat. 667), in-
14 cluding amendments to contracts for such assistance
15 and renewal of expiring contracts for such assistance
16 for up to a 1-year term, for project rental assistance
17 to State housing finance agencies and other appro-
18 priate entities as authorized under section 811(b)(3)
19 of the Cranston-Gonzalez National Housing Act, and
20 for supportive services associated with the housing
21 for persons with disabilities as authorized by section
22 811(b)(1) of such Act:

23 *Revised* That for the purposes of addressing the

1 or regulation that the Secretary administers in connection
2 with the use of amounts made available under this heading
3 in this Act (except for requirements related to fair hous-
4 ing, nondiscrimination, labor standards, and the environ-
5 ment) upon a finding by the Secretary that any such waiv-
6 ers or alternative requirements are necessary to expedite
7 or facilitate the use of such amounts: *P., Ad d*
8 That the Secretary shall notify the public through the
9 Federal Register or other appropriate means of any such
10 waiver or alternative requirement in order for such waiver
11 or alternative requirement to take effect, and that such
12 public notice may be provided at minimum on the Internet
13 at the appropriate Government web site or through other
14 electronic media, as determined by the Secretary: *P., Ad d*
15 *Ad d*. That up to 1 percent of the amounts provided
16 under paragraphs (1), (2) and (3) may be used to make
17 new awards or increase prior awards made to existing
18 technical assistance providers, without competition, to pro-
19 vide an immediate increase in capacity building and tech-
20 nical assistance available to recipients of amounts identi-
21 fied in the preceding proviso, to remain available until
22 September 30, 2024: *P., Ad d* *Ad d*. That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

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

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for “Fair Housing Activi-
6 ties”, \$7,000,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 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 Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which \$4,000,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and \$3,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 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 September

1 30, 2021: *P.L. 116-260*, That the amount made available
2 under this heading in this Act shall be for necessary sala-
3 ries and expenses of the Office of Inspector General in
4 carrying out the Inspector General Act of 1978 and to
5 conduct audits and investigations of activities carried out
6 with amounts made available in this Act to the Depart-
7 ment of Housing and Urban Development to prevent, pre-
8 pare for, and respond to coronavirus: *P.L. 116-260, § 101*,
9 That the Inspector General shall have independent author-
10 ity over all personnel issues within this office: *P.L. 116-260*
11 *§ 101, (c)*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate: *P. 1111*. That each report shall
3 include estimated personnel and administrative costs, as
4 well as the total amount of funding apportioned, allotted,
5 obligated, and expended, to date: *P. 1111*. That
6 each such report shall be updated and submitted to such
7 Committees every 60 days until all funds are expended
8 or expire: *P. 1111*. That reports submitted pursu-
9 ant to this section shall satisfy the requirements of section
10 1701 of division A of Public Law 116–127.

11 SEC. 13102. Each amount appropriated or made
12 available by this Act is in addition to amounts otherwise
13 appropriated for the fiscal year involved.

14 SEC. 13103. In this Act, the term “coronavirus”
15 means SARS–CoV–2 or another coronavirus with pan-
16 demic potential.

17 SEC. 13104. No part of any appropriation contained
18 in this Act shall remain available for obligation beyond
19 the current fiscal year unless expressly so provided herein.

20 SEC. 13105. Unless otherwise provided for by this
21 Act, the additional amounts appropriated by this Act to
22 appropriations accounts shall be available under the au-
23 thorities and conditions applicable to such appropriations
24 accounts for fiscal year 2020.

1 SEC. 13106. Each amount designated in this Act by
2 the Congress as being for an emergency requirement pur-
3 suant to section 251(b)(2)(A)(i) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985 shall be avail-
5 able (or rescinded or transferred, if applicable) only if the
6 President subsequently so designates all such amounts
7 and transmits such designations to the Congress.

8 SEC. 13107. Any amount appropriated by this Act,
9 designated by the Congress as an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985 and subse-
12 quently so designated by the President, and transferred
13 pursuant to transfer authorities provided by this Act shall
14 retain such designation.

15 SEC. 13108. Notwithstanding any other provision of
16 law, and subject to the availability of appropriations,
17 funds made available by this Act or any other Act may
18 be used to modify the terms and conditions of a contract,
19 or other agreement, without consideration, to authorize a
20 federal agency to reimburse at contract billing rates not
21 to exceed an average of 40 hours per week any contractor
22 paid leave, including sick leave, the contractor provides to
23 its employees to ensure the effective response to the de-
24 clared national emergency for the coronavirus pandemic
25 event. Such authority shall apply only to a contractor

1 whose employees cannot perform work on a federally-
2 owned or leased facility or site due to federal government
3 directed closures or other restrictions, and who cannot
4 telework because their job duties cannot be performed re-
5 motely during the declared national emergency for the
6 coronavirus pandemic event. This authority also shall
7 apply to subcontractors. The amounts made available by
8 this section are designated by the Congress as an emer-
9 gency requirement pursuant to section 251(b)(2)(A)(i) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985.

12 This division may be cited as the “Third Coronavirus
13 Preparedness and Response Supplemental Appropriations
14 Act, 2020”.

15 **DIVISION B—EMERGENCY FAM-**
16 **ILY AND MEDICAL LEAVE EX-**
17 **PANSION ACT**

18 SEC. 20001. REFERENCES.

19 Except as otherwise expressly provided, whenever in
20 this division an amendment or repeal is expressed in terms
21 of an amendment to, or repeal of, a section or other provi-
22 sion, the reference shall be considered to be made to a
23 section or other provision of the Family and Medical Leave
24 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the

1 Emergency Family and Medical Leave Expansion Act
2 (Public Law 116–127).

3 SEC. 20002. EMPLOYER CLARIFICATION.

4 Section 101(4) is amended by adding at the end the
5 following:

6 “(C) CLARIFICATION.—Subparagraph
7 (A)(i) shall not apply with respect to a public
8 agency described in subparagraph (A)(iii).”.

9 SEC. 20003. EMERGENCY LEAVE EXTENSION.

10 Section 102(a)(1)(F) is amended by striking “De-
11 cember 31, 2020” and inserting “December 31, 2021”.

12 SEC. 20004. EMERGENCY LEAVE DEFINITIONS.

13 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
14 amended in subparagraph (A), by striking “sections
15 101(2)(A) and 101(2)(B)(ii)” and inserting “section
16 101(2)”.

17 (b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B)
18 is amended by striking “fewer than 500 employees” and
19 inserting “1 or more employees”.

20 (c) PARENT.—Section 110(a)(1) is amended by add-
21 ing at the end the following:

22 “(C) PARENT.—In lieu of the definition in
23 section 101(7), the term ‘parent’, with respect
24 to an employee, means any of the following:

1 “(i) A biological, foster, or adoptive
2 parent of the employee.

3 “(ii) A stepparent of the employee.

4 “(iii) A parent-in-law of the employee.

5 “(iv) A parent of a domestic partner
6 of the employee.

7 “(v) A legal guardian or other person
8 who stood in loco parentis to an employee
9 when the employee was a child.”.

10 (d) QUALIFYING NEED RELATED TO A PUBLIC
11 HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended
12 to read as follows:

13 “(A) QUALIFYING NEED RELATED TO A
14 PUBLIC HEALTH EMERGENCY.—The term
15 ‘qualifying need related to a public health emer-
16 gency’, with respect to leave, means that the

1 “(I) the exposure of the employee
2 to COVID-19; or

3 “(II) exhibition of symptoms of
4 COVID-19 by the employee.

5 “(ii) To care for a family member of
6 an eligible employee with respect to whom
7 a public official having jurisdiction or a
8 health care provider makes a determina-
9 tion that the presence of such family mem-
10 ber in the community would jeopardize the
11 health of other individuals in the commu-
12 nity because of—

13 “(I) the exposure of the family
14 member to COVID-19; or

15 “(II) exhibition of symptoms of
16 COVID-19 by the family member.

17 “(iii) To care for the son or daughter
18 of such employee if the school or place of
19 care has been closed, or the child care pro-
20 vider of such son or daughter is unavail-

1 provider is unavailable, due to a public
2 health emergency.”.

3 (e) FAMILY MEMBER.—Section 110(a)(2) is amended
4 by adding at the end the following:

5 “(E) FAMILY MEMBER.—The term ‘family
6 member’, with respect to an employee, means
7 any of the following:

“(i) A parent of the employee.

1 “(ii) COMMITTED RELATIONSHIP DE-
2 FINED.—The term ‘committed relationship’
3 means a relationship between 2 individuals,
4 each at least 18 years of age, in which
5 each individual is the other individual’s
6 sole domestic partner and both individuals
7 share responsibility for a significant meas-
8 ure of each other’s common welfare. The
9 term includes any such relationship be-
10 tween 2 individuals that is granted legal
11 recognition by a State or political subdivi-

1 (A) in the header, by striking “10 DAYS”
2 and inserting “2 WORKWEEKS”; and

3 (B) in subparagraph (A), by striking “10
4 days” and inserting “2 workweeks”;

5 (C) in subparagraph (B), by inserting, “,
6 including leave provided under section 5102 of
7 the Emergency Paid Sick Leave Act (Public
8 Law 116–127),” after “medical or sick leave”;
9 and

10 (D) by inserting at the end the following:

11 “(C) EMPLOYER REQUIREMENT.—An em-
12 ployer may not require an employee to sub-
13 stitute any leave described in subparagraph (B)
14 for leave under section 102(a)(1)(F).

15 “(D) RELATIONSHIP TO OTHER FAMILY
16 AND MEDICAL LEAVE.—Leave taken under sub-
17 subparagraph (F) of section 102(a)(1) shall not
18 count towards the 12 weeks of leave to which
19 an employee is entitled under subparagraphs
20 (A) through (E) of such section.”; and

21 (2) in paragraph (2)(A), by striking “10 days”
22 and inserting “2 workweeks”.

23 SEC. 20007. WAGE RATE.

24 Section 110(b)(2)(B)(I) is amended to read as fol-
25 lows:

1 “(I) an amount that is not less
2 than the greater of—

3 “(aa) the minimum wage
4 rate in effect under section
5 6(a)(1) of the Fair Labor Stand-
6 ards Act of 1938 (29 U.S.C.
7 206(a)(1));

8 “(bb) the minimum wage
9 rate in effect for such employee
10 in the applicable State or locality,

1 (1) in section 3103(b), by striking “Employees”
2 and inserting, “Notwithstanding section
3 102(a)(1)(A) of the Family and Medical Leave Act
4 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and
5 (2) by striking sections 3104 and 3105.

6 DIVISION C—EMERGENCY PAID 7 SICK LEAVE ACT AMENDMENTS

8 SEC. 30001. REFERENCES.

9 Except as otherwise expressly provided, whenever in
10 this division an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of division E of the Families
14 First Coronavirus Response Act (Public Law 116–127).

15 SEC. 30002. PAID SICK TIME REQUIREMENT.

16 (a) USES.—Section 5102(a) is amended to read as
17 follows:

18 “(a) IN GENERAL.—An employer shall provide to
19 each employee employed by the employer paid sick time
20 for any of the following uses:

21 “(1) To self-isolate because the employee is di-
22 agnosed with COVID–19.

23 “(2) To obtain a medical diagnosis or care if
24 such employee is experiencing the symptoms of
25 COVID–19.

1 SEC. 30005. DEFINITIONS.

2 (a) EMPLOYEE.—Section 5110(1)(A)(i) is amend-
3 ed—

4 (1) by striking “terms” and inserting “term”;

5 and

6 (2) by striking “paragraph (5)(A)” and insert-
7 ing “paragraph (2)(A)”.

8 (b) EMPLOYER.—Section 5110(2)(B) is amended—

9 (1) by striking “terms” and inserting “term”;

10 (2) by amending subclause (I) of clause (i) to
11 read as follows:

1 “(4) FMLA TERMS.—The terms ‘health care
2 provider’, ‘next of kin’, ‘son or daughter’, and
3 ‘spouse’ have the meanings given such terms in sec-
4 tion 101 of the Family and Medical Leave Act of
5 1993 (29 U.S.C. 2611).”.

(d) PAID SICK

“(6) D

1 “(E) A next of kin of the employee or a
2 person for whom the employee is next of kin;

3 “(F) A grandparent or grandchild of the
4 employee; or

5 “(G) A domestic partner of the employee.

6 “(8) FFCRA TERMS.—The terms ‘child care
7 provider’ and ‘school’ have the meanings given such
8 terms in section 110(a)(2) of the Family and Med-
9 ical and Leave Act of 1993.

10 “(9) PARENT.—The term ‘parent’, with respect
11 to an employee, means any of the following:

12 “(A) A biological, foster, or adoptive par-
13 ent of the employee.

14 “(B) A stepparent of the employee.

15 “(C) A parent-in-law of the employee.

16 “(D) A parent of a domestic partner of the
17 employee.

18 “(E) A legal guardian or other person who
19 stood in loco parentis to an employee when the
20 employee was a child.”.

21 SEC. 30006. REGULATORY AUTHORITIES.

22 (a) IN GENERAL.—Division E is amended by striking
23 section 5111.

24 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
25 ulation issued under section 5111 of division E of the

1 Families First Coronavirus Response Act (Public Law
2 116–127), as in effect on the day before the date of the
3 enactment of this Act, shall have no force or effect.

4 DIVISION D—COVID-19 WORK-
5 ERS FIRST PROTECTION ACT
6 OF 2020

1 scribed in paragraph (2), promulgate an emergency
2 temporary standard to protect from occupational ex-
3 posure to SARS-CoV-2—

4 (A) employees of health care sector em-
5 ployers;

6 (B) employees of employers in the para-
7 medic and emergency medical services, includ-
8 ing such services provided by firefighters and
9 other emergency responders; and

10 (C) employees in other sectors and occupa-
11 tions whom the Centers for Disease Control and
12 Prevention or the Occupational Safety and
13 Health Administration identifies as having ele-
14 vated risk.

15 (2) CONSULTATION.—In developing the stand-
16 ard under this subsection, the Secretary shall con-
17 sult with professional associations and representa-
18 tives of the employees in the occupations and sectors
19 described in subparagraphs (A) through (C) of para-
20 graph (1) and the employers of such employees.

21 (3) ENFORCEMENT DISCRETION.—If the Sec-
22 retary of Labor determines it is not feasible for an
23 employer to comply with a requirement of the stand-
24 ard promulgated under this subsection (such as a
25 shortage of the necessary personal protective equip-

1 ment), the Secretary may exercise discretion in the
2 enforcement of such requirement if the employer
3 demonstrates that the employer—

4 (A) is exercising due diligence to come into
5 compliance with such requirement; and

6 (B) is implementing alternative methods
7 and measures to protect employees.

8 (4) EXTENSION OF STANDARD.—Notwith-
9 standing paragraphs (2) and (3) of section 6(c) of
10 the Occupational Safety and Health Act of 1970 (29
11 U.S.C. 655(c)), the emergency temporary standard
12 promulgated under this subsection shall be in effect
13 until the date on which the final standard promul-
14 gated under subsection (b) is in effect.

15 (5) STATE PLAN ADOPTION.—With respect to a
16 State with a State plan that has been approved by
17 the Secretary of Labor under section 18 of the Oc-
18 cupational Safety and Health Act of 1970 (29
19 U.S.C. 667), not later than 14 days after the date
 of enactment of this Act, such State shall promul-

1 (1) to protect employees from occupational ex-
2 posure to infectious pathogens, including novel
3 pathogens; and

4 (2) that shall be effective and enforceable in the
5 same manner and to the same extent as a standard
6 promulgated under section 6(b) of the Occupational
7 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

8 (c) REQUIREMENTS.—Each standard promulgated
9 under this section shall—

10 (1) require the employers of the employees in
11 the occupations and sectors described in subpara-
12 graphs (A) through (C) of subsection (a)(1) to de-
13 velop and implement a comprehensive infectious dis-
14 ease exposure control plan;

15 (2) provide no less protection for novel patho-
16 gens than precautions mandated by standards
17 adopted by a State plan that has been approved by
18 the Secretary of Labor under section 18 of the Oc-
19 cupational Safety and Health Act of 1970 (29
20 U.S.C. 667); and

1 transmission of infectious agents in healthcare
2 settings; and

3 (B) relevant scientific research on novel
4 pathogens.

5 SEC. 40003. SURVEILLANCE, TRACKING, AND INVESTIGA-
6 TION OF WORK-RELATED CASES OF COVID-19
7 AMONG HEALTH CARE WORKERS.

8 The Director of the Centers for Disease Control and
9 Prevention, in conjunction with the Director of the Na-
10 tional Institute for Occupational Safety and Health,
11 shall—

12 (1) collect and analyze case reports and other
13 data on COVID-19, to identify and evaluate the ex-
14 tent, nature, and source of COVID-19 among em-
15 ployees in the occupations and sectors described in
16 subparagraphs (A) through (C) of section 2(a)(1);

17 (2) investigate, as appropriate, individual cases
18 of COVID-19 among such employees to evaluate the
19 source of exposure and adequacy of infection and ex-
20 posure control programs and measures;

21 (3) provide regular periodic reports on COVID-
22 19 disease among such employees to the public; and

23 (4) based on such reports and investigations
24 make recommendations on needed actions or guid-
25 ance to protect such employees from COVID-19.

1 DIVISION E—COVID-19 WORK-
2 FORCE EMERGENCY RE-
3 SPONSE ACT OF 2020

4 SEC. 50001. SHORT TITLE.

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Workforce Emergency Response Act of 2020”.

7 SEC. 50002. DEFINITIONS.

8 In this Act:

9 (1) CORONAVIRUS.—The term “coronavirus”
10 means coronavirus as defined in section 506 of the
11 Coronavirus Preparedness and Response Supple-
12 mental Appropriations Act, 2020 (Public Law 116-
13 123).

14 (2) COVID-19 NATIONAL EMERGENCY.—The
15 term “COVID-19 national emergency” means the
16 national emergency declared by the President under
17 the National Emergencies Act (50 U.S.C. 1601 et
18 seq.) on March 13, 2020, with respect to the

1 SEC. 50003. WORKFORCE RESPONSE ACTIVITIES.

2 (a) IN GENERAL.—The purpose of this section is to
3 provide the increased flexibility needed for State and local
4 areas to provide continuity of services during the COVID–
5 19 national emergency.

6 (b) ADMINISTRATIVE COSTS.—Notwithstanding sec-
7 tion 128(b)(4) of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3163(b)(4)), of the funds allocated
9 to a local area, including a single State local area, under
10 subtitle B of title I of such Act (29 U.S.C. 3151 et seq.)
11 that remain unobligated for program year 2019, an
12 amount up to 20 percent may be used for the administra-
13 tive costs of carrying out local workforce investment activi-
14 ties under chapter 2 or chapter 3 of subtitle B of title
15 I of such Act (29 U.S.C. 3151 et seq.), as long as any
16 amount used under this subsection that exceeds the
17 amount authorized for administrative costs under section
18 128(b)(4)(A) of such Act (29 U.S.C. 3163(b)(4)) is used
19 to respond to the COVID–19 national emergency.

20 (c) RAPID RESPONSE ACTIVITIES.—

21 (1) STATEWIDE RAPID RESPONSE.—Of the re-
22 served by a Governor under section 128(a) of the
23 Workforce Innovation and Opportunity Act (29
24 U.S.C. 3163(a)) for statewide activities that remain
25 unobligated for program year 2019, such funds may
26 be used for the statewide rapid response activities

1 described in section 134(a)(2)(A) of such Act (29
2 U.S.C. 3174(a)(2)(A)) for responding to the
3 COVID–19 national emergency.

4 (2) LOCAL BOARDS.—Of the funds reserved by
5 a Governor under section 133(a)(2) of such Act (29
6 U.S.C. 3173(a)(2)) that remain unobligated for pro-
7 gram year 2019, such funds may be distributed by
8 the Governor not later than 30 days after the date
9 of enactment of this Act to local boards most im-
10 pacted by the coronavirus, at the determination of
11 the Governor, for rapid response activities related to
12 responding to the COVID–19 national emergency.

13 **DIVISION F—FAMILY SUPPORT**
14 **PROVISIONS**

15 SEC. 60001. CONTINUED SAFE OPERATION OF CHILD WEL-
16 FARE PROGRAMS AND SUPPORT FOR OLDER
17 FOSTER YOUTH.

1 such Act for fiscal year 2020 is deemed to be
2 \$78,000,000.

3 (b) PROGRAMMATIC FLEXIBILITY.—With respect to
4 the period that begins on March 1, 2020, and ends with
5 the close of calendar year 2020:

6 (1) ELIMINATION OF AGE LIMITATIONS ON ELI-
7 GIBILITY FOR ASSISTANCE.—Eligibility for services
8 or assistance under a State program operated pursu-
9 ant to section 477 of the Social Security Act shall
10 be provided without regard to the age of the recipi-
11 ent.

12 (2) SUSPENSION OF WORK AND EDUCATION RE-

1 (4) AUTHORITY TO WAIVE RULES CONFLICTING
2 WITH NEEDED ASSISTANCE AND SERVICES.—The
3 Secretary may waive any requirement imposed by or
4 under part B or E of title IV of the Social Security
5 Act (including any limitation on the ability of con-
6 tractors pursuant to such part B or E to apply for
7 no-cost contract extensions) that the Secretary
8 deems to be in conflict with using funds made avail-
9 able pursuant to this section or other statutes for
10 the provision of financial, education, work, housing,
11 and other assistance and services needed in response
12 to the public health emergency declared by the Sec-
13 retary pursuant to section 319 of the Public Health
14 Service Act on January 31, 2020, entitled “Deter-
15 mination that a Public Health Emergency Exists
16 Nationwide as the Result of the 2019 Novel
17 Coronavirus”.

18 (5) AUTHORITY OF STATES TO DETERMINE
19 HOW DAILY ACTIVITIES MAY BE CONDUCTED RE-
20 MOTELY.—The Secretary may allow a State to de-
21 termine how daily activities under the State plan de-
22 veloped under part B of title IV of the Social Secu-
23 rity Act and the State program funded under section
24 477 of such Act may be conducted through elec-
25 tronic means to comply with public health guidelines

1 relating to social distancing, including conducting
2 any required court proceedings pertaining to chil-
3 dren in care. In making any such determination, the
4 State shall work to ensure that the safety and health
5 of each child in care remains paramount.

6 (6) COUNTING OF REMOTE CASEWORKER VISITS

AS IN-

1 1101(a) of the Social Security Act for purposes of title
2 IV of the Social Security Act, and includes an Indian tribe,
3 tribal organization, or tribal consortium with an applica-
4 tion and plan approved under this section 477(j) of such
5 Act for fiscal year 2020.

6 SEC. 60002. ALLOWING HOME VISITING PROGRAMS TO CON-
7 TINUE SERVING FAMILIES SAFELY.

8 (a) IN GENERAL.—For purposes of section 511 of the
9 Social Security Act, during the period that begins on Feb-
10 ruary 1, 2020, and ends with the close of calendar year
11 2020—

12 (1) a virtual home visit shall be considered a
13 home visit;

14 (2) funding for, and staffing levels of, a pro-
15 gram conducted pursuant to such section shall not
16 be reduced on account of reduced enrollment in the
17 program; and

18 (3) funds provided for such a program may be
19 used—

1 are needed to conduct and support a virtual
2 home visit; and

3 (C) to provide emergency supplies (such as
4 diapers, formula, non-perishable food, water,
5 hand soap and hand sanitizer) to families
6 served.

7 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
8 (a), the term “virtual home visit” means a visit that is
9 conducted solely by electronic means.

10 (c) AUTHORITY TO DELAY DEADLINES.—

11 (1) IN GENERAL.—The Secretary of Health and
12 Human Services may extend the deadline by which
13 a requirement of section 511 of the Social Security
14 Act must be met, by such period of time as the Sec-
15 retary deems appropriate.

16 (2) GUIDANCE.—The Secretary shall provide to
17 eligible entities funded under section 511 of the So-
18 cial Security Act information on the parameters
19 used in extending a deadline under paragraph (1) of
20 this subsection.

21 SEC. 60003. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT
22 PROGRAMS.

23 (a) IN GENERAL.—With respect to the period that
24 begins on March 1, 2020, and ends with the close of cal-
25 endar year 2021:

1 (1) The Secretary of Health and Human Serv-
2 ices (in this subsection referred to as the "Sec-
3 retary") may increase any percentage in effect for
4 purposes of section 455(a)(1) of the Social Security
5 Act to not more than 100 percent.

6 (2) On application of an Indian tribe therefor,
7 the Secretary may waive any matching funds re-
8 quirement imposed on the tribe under section 455(f)
9 of such Act.

10 (3) Paragraphs (2) and (8) of section 409(a) of

1 not complete or reliable for purposes of section
2 458(b)(5)(B) of such Act, on the basis of the failure
3 of the State to submit OCSE Form 396 or 34 in a
4 timely manner.

5 (7) The Secretary may not impose a penalty or
6 take any other adverse action against a State for
7 failure to comply with section 454A(g)(1)(A)(i) of
8 such Act.

9 (8) The Secretary may not disapprove a State
10 plan submitted pursuant to part D of title IV of
11 such Act for failure of the plan to meet the require-
12 ment of section 454(1) of such Act, and may not im-
13 pose a penalty or take any other adverse action
14 against a State with such a plan that meets that re-
15 quirement for failure to comply with that require-
16 ment.

17 (9) To the extent that a preceding provision of
18 this section applies with respect to a provision of law
19 applicable to a program operated by an Indian tribe
20 or tribal organization (as defined in subsections (e)
21 and (l) of section 4 of the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C. 450b)),
23 that preceding provision shall apply with respect to
24 the Indian tribe or tribal organization.

1 program funded with qualified State expenditures
2 (as defined in section 409(a)(7)(B)(i) of such Act)
3 during the applicable period, or has imposed a pen-
4 alty for failure to comply with a work requirement
5 during the period, the Secretary shall reduce the
6 grant payable to the State under section 403(a)(1)
7 of such Act or the grant payable to the tribe under
8 section 412(a)(1) of such Act, as the case may be,
9 for fiscal year 2021 by an amount equal to 5 percent
10 of the State or tribal family assistance grant, as the
11 case may be.

12 (2) APPLICABILITY OF CERTAIN PROVISIONS.—
13 For purposes of subsections (c) and (d) of section
14 409 of the Social Security Act, paragraph (1) of this
15 subsection shall be considered to be included in sec-
16 tion 409(a) of such Act.

17 (d) DEFINITIONS.—In this section:

18 (1) APPLICABLE PERIOD.—The term “applica-
19 ble period” means the period that begins on March
20 1, 2020, and ends with the close of calendar year
21 2020.

22 (2) WORK REQUIREMENT.—The term “work re-
23 quirement” means a requirement to engage in a
24 work activity (as defined in section 407(d) of the So-
25 cial Security Act).

1 (3) TERMS.—Each other term has the
2 meaning of the term in section 419 of the Social
3 Security Act (42 U.S.C. 419).

4 **DIVISION G—HEALTH POLICIES**

5 **TITLE I—MEDICAID**

6 SEC. 70101. INCREASING FEDERAL SUPPORT TO STATE
7 MEDICAID PROGRAMS DURING ECONOMIC
8 DOWNTURNS.

9 (a) IN GENERAL.—Section 1905 of the Social Secu-
10 rity Act (42 U.S.C. 1396d) is amended—

11 (1) in subsection (b), by striking “and (ff)” and
12 inserting “(ff), and (gg)”; and

13 (2) by adding at the end the following new sub-
14 section:

“(gg) INCREASED FMAP DURING E

1 “(2) ECONOMIC DOWNTURN QUARTER.—

2 “(A) IN GENERAL.—

3 “(i) IN GENERAL.—In this subsection,

4 the term ‘economic downturn quarter’

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), for purposes of deter-
3 mining unemployment rates for a State
4 and a quarter under this paragraph, the
5 Secretary shall use data from the Local
6 Area Unemployment Statistics from the
7 Bureau of Labor Statistics.

8 “(ii) APPLICATION TO CERTAIN TER-
9 RITORIES.—In the case of the Virgin Is-
10 lands, Guam, the Northern Mariana Is-
11 lands, or American Samoa, the Secretary
12 shall use data from the U–6 unemployment
13 measure of the Bureau of Labor Statistics
14 to make any necessary determinations
15 under subparagraph (A).

16 “(3) FMAP INCREASE DURING ECONOMIC
17 DOWNTURN QUARTER.—

18 “(A) IN GENERAL.—During a fiscal quar-
19 ter that is an economic downturn quarter with
20 respect to a State, the Federal medical assist-
21 ance percentage otherwise determined for the
22 State and quarter under subsection (b) and, if
23 applicable, the Federal medical assistance per-
24 centage applicable under subsection (y), (z)(2),
25 or (ff) with respect to medical assistance fur-

1 “(D) SCOPE OF APPLICATION.—Any in-
2 crease to the Federal medical assistance per-
3 centage of a State for a fiscal quarter under
4 this paragraph shall only apply with respect to
5 payments for amounts expended by the State
6 for medical assistance for services furnished
7 during such quarter and shall not apply with
8 respect to—
9 “(i) disproportionate share hospital
10 payments described in section 1923;

1 July 1, 2020, the Secretary shall, with respect
2 to each State—

3 “(i) determine the increase (if any)
4 that is expected to apply to the Federal
5 medical assistance percentage of such
6 State for such quarter under this sub-
7 section based on the projections made for
8 the State and quarter under subparagraph
9 (B); and

10 “(ii) shall apply such increase to the
11 Federal medical assistance percentage of
12 the State for purposes of making payments
to the State for amounts expended during

1 “(5) RETROSPECTIVE APPLICATION OF OVER-
2 THE-LIMIT FMAP INCREASES.—

3 “(A) IN GENERAL.—If a State has excess
4 percentage points with respect to an economic
5 downturn quarter and an applicable FMAP (as
6 determined under subparagraph (B)), the State
7 may elect to apply such excess percentage
8 points to increase such applicable FMAP for
9 one or more quarters during the look-back pe-
10 riod for the State and economic downturn quar-
11 ter in accordance with this paragraph.

12 “(B) EXCESS PERCENTAGE POINTS.—For
13 purposes of this paragraph, the number of ex-
14 cess percentage points for a State, economic
15 downturn quarter, and an applicable FMAP
16 shall be equal to the number of percentage
17 points by which—

18 “(i) the applicable FMAP for the
19 State and quarter (after application of
20 paragraph (3) but without regard to sub-
21 paragraph (C) of such paragraph); exceeds

22 “(ii) 95 percent.

23 “(C) EFFECT OF APPLICATION OF EXCESS
24 PERCENTAGE POINTS.—If a State elects to
25 apply excess percentage points to an applicable

1 FMAP to a quarter during a look-back period
2 under this paragraph, the Secretary shall deter-
3 mine the additional amount of payment under
4 section 1903(a) to which the State would have
5 been entitled for such quarter if the applicable
6 FMAP (as so increased) had been in effect for
7 such quarter, and shall treat such additional
8 amount as an underpayment for such quarter.

9 “(D) DISTRIBUTION OF EXCESS PERCENT-
10 AGE POINTS.—A State that has excess percent-
11 age points with respect to an economic down-

1 FMAP for such quarter exceeding 100 per-
2 cent.

3 “(ii) SCOPE OF APPLICATION.—Any
4 increase to an applicable FMAP of a State
5 for a fiscal quarter under this paragraph—

6 “(I) shall only apply with respect
7 to payments for amounts expended by
8 the State for medical assistance for
9 services furnished during such quarter
10 to which such applicable FMAP is ap-
11 plicable; and

12 “(II) shall not apply with respect
13 to payments described in paragraph
14 (3)(D).

15 “(F) DEFINITIONS.—In this paragraph:

16 “(i) APPLICABLE FMAP.—The term
17 ‘applicable FMAP’ means, with respect to
18 a State and fiscal quarter—

19 “(I) the Federal medical assist-
20 ance percentage determined for the
21 State and quarter under subsection
22 (b);

23 “(II) the Federal medical assist-
24 ance percentage applicable under sub-
25 section (y);

1 “(III) the Federal medical assist-
2 ance percentage applicable under sub-
3 section (z)(2); or

4 “(IV) the Federal medical assist-
5 ance percentage determined for the
6 State and quarter under subsection
7 (ff).

8 “(ii) LOOK-BACK PERIOD.—The term
9 ‘look-back period’ means, with respect to a
10 State and a fiscal quarter that is an eco-
11 nomic downturn quarter for the State, the
12 period of 4 fiscal quarters that ends with
13 the fourth quarter which precedes the most
14 recent fiscal quarters that was not an eco-
15 nomic downturn quarter for the State.

16 “(6) REQUIREMENT FOR ALL STATES.—A State
17 may not receive an increase in the Federal medical
18 assistance percentage for such State under this sub-
19 section, with respect to a fiscal quarter, if—

 “(A) eligibility standards, methodologies,

1 day of the most recent fiscal quarter that was
2 not an economic downturn quarter for the
3 State;

4 “(B) the amount of any premium imposed
5 by the State pursuant to section 1916 or 1916A
6 during such quarter, with respect to an indi-
7 vidual enrolled under such plan (or waiver), ex-
8 ceeds the amount of such premium as of the
9 date described in subparagraph (A); or

10 “(C) the State fails to provide that an in-
11 dividual who is enrolled for benefits under such
12 plan (or waiver) as of the date described in sub-
paragraph (A) or enrolls for benefits under

1 (b) EXCLUSION OF ECONOMIC DOWNTURN FMAP
2 INCREASES FROM TERRITORIAL CAPS.—Section 1108 of
3 the Social Security Act (42 U.S.C. 1308) is amended—

4 (1) in subsection (f), in the matter preceding
5 paragraph (1), by striking “subsection (g) and sec-
6 tion 1935(e)(1)(B)” and inserting “subsections (g)
7 and (h) and section 1935(e)(1)(B)”; and

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

“(h) EXCLUSION FROM C

1 (42 U.S.C. 1320b–5(g)), the Secretary of Health and
2 Human Services shall not take any action (through pro-
3 mulgation of regulation, issue of regulatory guidance, or
4 otherwise) to—

5 (1) finalize or otherwise implement provisions
6 contained in the proposed rule published on Novem-
7 ber 18, 2019, on pages 63722 through 63785 of vol-
8 ume 84, Federal Register (relating to parts 430,
9 433, 447,455, and 457 of title 42, Code of Federal
10 Regulations); or

11 (2) promulgate or implement any rule or provi-
12 sion similar to the provisions described in paragraph
13 (1) pertaining to the Medicaid program established
14 under title XIX of the Social Security Act (42
15 U.S.C. 1396 et seq.) or the State Children’s Health
16 Insurance Program established under title XXI of
17 such Act (42 U.S.C. 1397aa et seq.).

18 (b) CONTINUATION OF OTHER SECRETARIAL AU-
19 THORITY.—Nothing in this section shall be construed as
20 prohibiting the Secretary during the period described in
21 subsection (a) from taking any action (through promulga-
22 tion of regulation, issuance of regulatory guidance, or
23 other administrative action) to enforce a provision of law
24 in effect as of the date of enactment of this section with
25 respect to the Medicaid program established under title

1 XIX of the Social Security Act (42 U.S.C. 1396 et seq.)
2 or the State Children’s Health Insurance Program estab-
3 lished under title XXI of such Act (42 U.S.C. 1397aa et
4 seq.), or to promulgate or implement a new rule or provi-
5 sion during such period with respect to such programs,
6 other than a rule or provision described in subsection (a)
7 and subject to the prohibition set forth in that subsection.

8 SEC. 70103. AUTHORITY TO AWARD MEDICAID HCBS
9 GRANTS TO RESPOND TO THE COVID-19 PUB-
10 LIC HEALTH EMERGENCY.

N (a) IN GENERAL.—The Secretary is authorized to

1 enrolled for medical assistance under a State Med-
2 icaid program.

3 (3) HOME AND COMMUNITY-BASED SERV-
4 ICES.—The term “home and community-based serv-
5 ices” means, with respect to a State Medicaid pro-
6 gram, home and community-based services (includ-
7 ing home health and personal care services) that are
8 provided under the State’s qualified HCBS program
9 or that could be provided under such a program but
10 are otherwise provided under the Medicaid program.

11 (4) INDIAN TRIBE.—The term “Indian tribe”

1 the end of the COVID–19 public health emer-
2 gency period.

3 (B) USE OF FUNDS.—A State to which a
4 grant is made under this section shall only use
5 grant funds in accordance with subsection (d).

6 (C) MAINTENANCE OF STATE EFFORT.—
7 Federal funds paid to a State pursuant to this
8 section must be used to supplement, but not
9 supplant, the level of State funds expended for
10 home and community-based services for eligible
11 individuals programs in effect for such individ-
12 uals at the time the grant is awarded under
13 this section.

14 (4) MONTHLY GRANT PAYMENT AMOUNTS.—

15 (A) IN GENERAL.—Subject to paragraph
16 (5), the Secretary shall pay to each State that
17 is awarded a grant under this section, for each
18 month during the State’s grant period (as de-
19 fined in subparagraph (C)), an amount equal to
20 15 percent of the amount determined for the
21 State under subparagraph (B).

22 (B) AVERAGE MONTHLY HCBS EXPENDI-
23 TURES.—The amount determined for a State
24 under this subparagraph is the amount equal
25 to—

1 (i) the sum of—

2 (I) the average annual amount of
3 State expenditures under title XIX of
4 the Social Security Act (42 U.S.C.
5 1396 et seq.) that are attributable to
6 providing medical assistance for home
7 and community-based services for the
8 3 most recent fiscal years for which
9 data is available; and

10 (II) the average annual amount,
11 if any, received by the State pursuant
12 to an MFP demonstration project
13 conducted under section 6071 of the
14 Deficit Reduction Act of 2005 (42
15 U.S.C. 1396a note) for the 3 most re-
16 cent fiscal years for which data is
17 available; divided by

18 (ii) 12.

19 (C) GRANT PERIOD DEFINED.—In this
20 paragraph, the term “grant period” means,
21 with respect to a State, the period of months—

22 (i) beginning with the month in which
23 the Secretary approves the State’s applica-
24 tion for a grant under this section; and

1 (ii) ending with the 12th month that
2 begins after the end of the COVID-19
3 public health emergency period.

4 (5) GRANTS TO INDIAN TRIBES.—

5 (A) IN GENERAL.—During the COVID-19
6 public health emergency period, the Secretary
7 may award grants to an Indian tribe in the
8 same manner, and subject to the same require-
9 ments, as apply to a State, except as otherwise
10 provided in this paragraph.

11 (B) APPLICATION.—Any Indian tribe seek-
12 ing a grant under this section shall submit to
13 the Secretary an application that includes (in

1

cent of the amount determined for the

1 (D) REDUCTION OF STATE GRANT
2 AMOUNTS.—If any State in which lies a service
3 area or areas identified by an Indian tribe in a

1 (2) PERMISSIBLE USES DURING THE EMER-
2 GENCY PERIOD.—The purposes described in this
3 paragraph for which a State may use grant funds
4 awarded under this section are the following:

5 (A) To increase rates for home health and
6 direct service worker agencies to provide home
7 and community-based services under the State
8 Medicaid program, provided that any agency or
9 individual that receives payment under such an
10 increased rate increases the compensation it
11 pays its home health or direct service workers.

12 (B) To provide paid sick leave, paid family
13 leave, and paid medical leave for home health
14 workers and direct service workers.

15 (C) To provide hazard pay, overtime pay,
16 and shift differential pay for home health work-
17 ers and direct service workers.

18 (D) To provide home and community-
19 based services to eligible individuals who are on
20 waiting lists for programs approved under sec-
21 tions 1115 or 1915 of the Social Security Act
22 (42 U.S.C. 1315, 1396n).

23 (E) To purchase emergency supplies and
24 equipment necessary to enhance access to serv-

1 ices and to protect the health and well-being of
2 home health workers and direct service workers.

3 (F) To pay for home health worker and di-
4 rect service worker travel to conduct home and
5 community-based services.

6 (G) To recruit new direct service workers
7 and home health workers.

8 (H) To support family care providers of el-
9 igible individuals with needed supplies and
10 equipment and pay.

11 (I) To pay for training for direct service
12 workers and home health workers that is spe-
13 cific to the COVID-19 public health emergency.

14 (J) To pay for assistive technologies, staff-
15 ing, and other costs incurred during the public
16 health emergency in order to facility community
17 integration and ensure an individual's person-
 centered service plan continue to be fully imple-

1 services and have chosen to temporarily move to
2 a more restrictive setting.

3 (L) To prepare information and public
4 health and educational materials in accessible
5 formats about prevention, treatment, recovery
6 and other aspects of COVID-19 for eligible in-
7 dividuals, their families, and the general com-
8 munity served by home health and direct service
9 agencies, including formats accessible to people
10 with low literacy or intellectual disabilities.

11 (M) To pay for American sign language in-
12 terpreters to assist in providing home and com-
13 munity-based services to eligible individuals and
14 to inform the general public about COVID-19.

15 (N) To allow for day service providers to
16 shift to providing home-based services.

17 (O) To pay for COVID-19 testing in home
18 settings.

1 awarded under this section is to assist eligible indi-
2 viduals who had to relocate to a nursing facility or
3 institutional setting from their homes during the
4 COVID-19 public health emergency period in—

5 (A) moving back to their homes (including
6 by paying for moving costs);

7 (B) resuming home and community-based
8 services;

9 (C) receiving mental health services and
10 necessary rehabilitative service to regain skills
11 lost while relocated during the public health
12 emergency period; and

13 (D) continuing home and community-based
14 services for eligible individuals who were served
15 from a waiting list for such services during the
16 public health emergency period.

17 (e) REPORTING REQUIREMENTS.—

18 (1) STATE REPORTING REQUIREMENTS.—Not
19 later than 18 months after the end of the COVID-
20 19 public health emergency period, any State that
21 received a grant under this section shall submit a re-
22 port to the Secretary that contains the following in-
23 formation:

24 (A) Activities and programs that were
25 funded using grant amounts.

1 (B) The number of eligible individuals who
2 were served by such activities and programs.

3 (C) The number of eligible individuals who
4 were able to resume home and community-
5 based services as a result of such activities and
6 programs.

7 (2) HHS REPORT.—Not later than 18 months
8 after the end of the COVID–19 public health emer-
9 gency period, the Secretary shall issue a public sum-
10 mary of the grants awarded under this section.

11 (f) APPROPRIATION.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 there are appropriated for fiscal year 2020 from any
14 funds in the Treasury not otherwise appropriated
15 such sums as are necessary to carry out this section,
16 to remain available until expended.

17 (2) AVAILABILITY OF APPROPRIATIONS.—
18 Amounts made available under paragraph (1) shall
19 not be available for the awarding of grants to States
20 that do not submit an application for such a grant
21 before the date described in subsection (c)(3)(A).

22 (3) UNUSED GRANT FUNDS.—A State that re-
23 ceives a grant under this section shall return to the
24 Secretary any portion of such grant that is unused
25 as of the date that is 1 year after the last day of

1 the COVID-19 public health emergency period, and
2 such returned portion shall revert to the Treasury.

3 (g) PROVIDING HOME AND COMMUNITY-BASED
4 SERVICES IN ACUTE CARE HOSPITALS.—Section 1902(h)
5 of the Social Security Act (42 U.S.C. 1396a(h)) is amend-
6 ed—

7 (1) by inserting “(1)” after “(h)”;

8 (2) by inserting “, home and community-based
9 services provided under subsection (c), (d), or (i) of
10 section 1915 or under a waiver under section 1115,
11 self-directed personal assistance services provided
12 pursuant to a written plan of care under section
13 1915(j), and home and community-based attendant
14 services and supports under section 1915(k)” before
15 the period; and

16 (3) by adding at the end the following:

17 “(2) Nothing in this title, title XVIII, or title XI shall
18 be construed as prohibiting receipt of any care or services
19 specified in paragraph (1) in an acute care hospital that
20 are—

21 “(A) identified in an individual’s person-cen-
22 tered plan of services and supports (or comparable
23 plan of care);

“(B) provided to meet needs of the individual

1 (2) in paragraph (4)(A)(i), by inserting before
2 the semicolon the following: “(if applicable) or for
3 calendar quarters occurring during the period begin-
4 ning on the date that is 6 months after the end of
5 the emergency period described in section
6 1135(g)(1)(B) and ending on the date that is 1 year
7 after the end of such period”.

8 SEC. 70105. COVERAGE AT NO COST SHARING OF COVID-19
9 VACCINE AND TREATMENT.

10 (a) MEDICAID.—

11 (1) IN GENERAL.—Section 1905(a)(4) of the
12 Social Security Act (42 U.S.C. 1396d(a)(4)) is
13 amended—

14 (A) by striking “and (D)” and inserting
15 “(D)”; and

16 (B) by striking the semicolon at the end
17 and inserting “; (E) a COVID-19 vaccine li-
18 censed under section 351 of the Public Health
19 Service Act and the administration of such vac-
20 cine; and (F) items and services furnished for
21 the treatment of COVID-19 or a condition that
22 may complicate the treatment of COVID-19;”.

(2) PROHIBITION

1 Act (42 U.S.C. 13960), as amended by section
2 6004(a)(2)(A) of the Families First
3 Coronavirus Response Act, are each amended—
4 (i) in subparagraph (F), by striking
5 “or” at the end;
6 (ii) in subparagraph (G), by striking
7 “; and” and inserting “, or”; and
8 (iii) by adding at the end the fol-
9 lowing subparagraphs:
10 “(H) a COVID–19 vaccine licensed under
11 section 351 of the Public Health Service Act
12 and the administration of such vaccine, or

1 (ii) by adding at the end the following
2 clauses:

3 “(xii) A COVID–19 vaccine licensed
4 under section 351 of the Public Health
5 Service Act and the administration of such
6 vaccine.

7 “(xiii) An item or service furnished
8 for the treatment of COVID–19 or a con-
9 dition that may complicate the treatment
10 of COVID–19.”.

11 (C) CLARIFICATION.—The amendments
12 made this subsection shall apply with respect to
13 a State plan of a territory in the same manner
14 as a State plan of one of the 50 States.

15 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
16 GRAM.—Section 1928 of the Social Security Act (42
17 U.S.C. 1396s) is amended—

18 (1) in subsection (a)(1)—

19 (A) in subparagraph (A), by striking “;
20 and” and inserting a semicolon;

21 (B) in subparagraph (B), by striking the
22 period and inserting “; and”; and

23 (C) by adding at the end the following sub-
24 paragraph:

1 “(C) each vaccine-eligible child (as defined
2 in subsection (b)) is entitled to receive a
3 COVID–19 vaccine from a program-registered
4 provider (as defined in subsection (h)(8)) with-
5 out charge for—

6 “(i) the cost of such vaccine; or

7 “(ii) the administration of such vac-
8 cine.”;

9 (2) in subsection (c)(2)—

10 (A) in subparagraph (C)(ii), by inserting “,
11 but may not impose a fee for the administration
12 of a COVID–19 vaccine” before the period; and

13 (B) by adding at the end the following sub-
14 paragraph:

15 “(D) The provider will provide and admin-
16 ister an approved COVID–19 vaccine to a vac-
17 cine-eligible child in accordance with the same
18 requirements as apply under the preceding sub-
19 paragraphs to the provision and administration
20 of a qualified pediatric vaccine to such a
21 child.”; and

22 (3) in subsection (d)(1), in the first sentence,
23 by inserting “, including with respect to a COVID–
24 19 vaccine licensed under section 351 of the Public
25 Health Service Act” before the period.

1 (c) CHIP.—

2 (1) IN GENERAL.—Section 2103(c) of the So-
3 cial Security Act (42 U.S.C. 1397cc(c)), as amended
4 by section 6004(b)(1) of the Families First
5 Coronavirus Response Act, is amended by adding at
6 the end the following paragraph:

7 “(11) COVERAGE OF COVID–19 VACCINES AND
8 TREATMENT.—The child health assistance provided
9 to a targeted low-income child shall include coverage
10 of—

11 “(A) any COVID–19 vaccine licensed
12 under section 351 of the Public Health Service
13 Act and the administration of such vaccine; and

14 “(B) any item or service furnished for the
15 treatment of COVID–19 or a condition that
16 may complicate the treatment of COVID–19.”.

17 (2) PROHIBITION OF COST SHARING.—Section
18 2103(e)(2) of the Social Security Act (42 U.S.C.
19 1397cc(e)(2)), as amended by section 6004(b)(3) of
20 the Families First Coronavirus Response Act, is
21 amended—

22 (A) in the paragraph header, by inserting
23 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
24 before “OR PREGNANCY-RELATED ASSISTANCE”;
25 and

1 (B) by striking “visits described in section
2 1916(a)(2)(G), or” and inserting “services de-
3 scribed in section 1916(a)(2)(G), vaccines de-
4 scribed in section 1916(a)(2)(H), items or serv-
5 ices described in section 1916(a)(2)(I), or”.

6 (d) CONFORMING AMENDMENTS.—Section 1937 of
7 the Social Security Act (42 U.S.C. 1396u–7) is amend-
8 ed—

9 (1) in subsection (a)(1)(B), by inserting “,
10 under subclause (XXIII) of section
11 1902(a)(10)(A)(ii),” after “section
12 1902(a)(10)(A)(i)”; and

13 (2) in subsection (b)(5), by adding before the
14 period the following: “, and, effective on the date of
15 the enactment of the Take Responsibility for Work-
16 ers and Families Act, must comply with subpara-
17 graphs (F) through (I) of subsections (a)(2) and
18 (b)(2) of sections 1916 and 1916A”.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of enactment of
21 this Act and shall apply with respect to a COVID–19 vac-
22 cine beginning on the date that such vaccine is licensed
23 under section 351 of the Public Health Service Act (42
24 U.S.C. 262).

1 SEC. 70106. OPTIONAL COVERAGE AT NO COST SHARING OF
2 COVID-19 TREATMENT AND VACCINES UNDER
3 MEDICAID FOR UNINSURED INDIVIDUALS.

4 (a) IN GENERAL.—Section 1902(a)(10) of the Social
5 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
6 matter following subparagraph (G), by striking “and any
7 visit described in section 1916(a)(2)(G)” and inserting the
8 following: “, any COVID–19 vaccine that is administered
9 during any such portion (and the administration of such
10 vaccine), any item or service that is furnished during any
11 such portion for the treatment of COVID–19 or a condi-
12 tion that may complicate the treatment of COVID–19,
13 and any services described in section 1916(a)(2)(G)”.

14 (b) DEFINITION OF UNINSURED INDIVIDUAL.—Sub-
15 section (ss) of section 1902 of the Social Security Act (42
16 U.S.C. 1396a), as added by section 6004(a)(3)(C) of the
17 Families First Coronavirus Response Act, is amended to
18 read as follows:

19 “(ss) UNINSURED INDIVIDUAL DEFINED.—For pur-
20 poses of this section, the term ‘uninsured individual’
21 means, notwithstanding any other provision of this title,
22 any individual who is not covered by minimum essential
23 coverage (as defined in section 5000A(f)(1) of the Internal
24 Revenue Code of 1986).”.

25 (c) CLARIFICATION REGARDING EMERGENCY SERV-
26 ICES FOR CERTAIN INDIVIDUALS.—Section 1903(v)(2) of

1 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
2 ed by adding at the end the following flush sentence:

3 “For purposes of subparagraph (A), care and serv-
4 ices described in such subparagraph include any in
5 vitro diagnostic product described in section
6 1905(a)(3)(B) that is administered during any por-
7 tion of the emergency period described in such sec-
8 tion beginning on or after the date of the enactment
9 of this sentence (and the administration of such
10 product), any COVID–19 vaccine that is adminis-
11 tered during any such portion (and the administra-
12 tion of such vaccine), any item or service that is fur-
13 nished during any such portion for the treatment of
14 COVID–19 or a condition that may complicate the
15 treatment of COVID–19, and any services described
16 in section 1916(a)(2)(G).”.

17 (d) INCLUSION OF COVID–19 CONCERN AS AN
18 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-
19 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
20 adding at the end the following flush sentence:

21 “Such term includes any indication that an alien de-
22 scribed in paragraph (1) may have contracted
23 COVID–19.”.

1 SEC. 70107. TEMPORARY INCREASE IN MEDICAID FEDERAL
2 FINANCIAL PARTICIPATION FOR TELE-
3 HEALTH SERVICES.

4 (a) IN GENERAL.—Subject to subsection (b), for each
5 calendar quarter occurring during the period beginning on
6 the first day of the emergency period defined in paragraph
7 (1)(B) of section 1135(g) of the Social Security Act (42
8 U.S.C. 1320b–5(g)) and ending on the last day of the cal-
9 endar quarter in which the last day of such emergency
10 period occurs, in the case of a State that has expenditures
11 for telehealth services furnished during such quarter for
12 which payment may be made to the State under section
13 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)),
14 the percentage of Federal financial participation otherwise
15 required to be paid to such State under such section for
16 such amounts expended shall be increased by one percent-
17 age point.

18 (b) REQUIREMENTS.—A State described in sub-
19 section (a) may not receive the percentage increase in Fed-
20 eral financial participation described in such subsection
21 with respect to a calendar quarter unless the State pro-
22 vides for telehealth services under the State plan approved
23 under such title XIX (or a waiver of such plan) during
24 such quarter in the same manner and to the same extent
25 that telehealth services are covered under section 1834(m)
26 of the Social Security Act (42 U.S.C. 1395m(m)), includ-

1 ing pursuant to any waiver under section 1135 of such
2 Act (42 U.S.C. 1320b-5). Nothing in the preceding sen-
3 tence shall be construed as requiring a State to pay for
4 telehealth services furnished to an individual eligible under
5 the State plan (or waiver) at a rate that would exceed the
6 payment amount that otherwise would be made under the
7 State plan (or waiver) for such services.

8 SEC. 70108. EXTENSION OF FULL FEDERAL MEDICAL AS-
9 SISTANCE PERCENTAGE TO INDIAN HEALTH
10 CARE PROVIDERS.

11 Section 1905 of the Social Security Act (42 U.S.C.
12 1396d) is amended—

13 (1) in subsection (a)(9), by inserting “and in-
14 cluding such services furnished in any location by or
15 through an Indian health care provider (as defined
16 in section 1932(h)(4)(A))” before the semicolon; and

17 (2) in subsection (b)—

18 (A) by inserting “(whether or not such
19 services are provided within such a facility)”
20 following “received through an Indian Health
21 Service facility,”; and

22 (B) by striking “Indian Health Care Im-
23 provement Act)” and inserting “Indian Health
24 Care Improvement Act), or through an Urban
25 Indian organization (as defined in section 4 of

- 1 the Indian Health Care Improvement Act) pur-
- 2 suant to a grant or contract with the Indian

Islands, or American Samoa as communicated

1 (3) by adding at the end the following new
2 paragraph:

3 “(8) an individual who lawfully resides in the
4 United States in accordance with a Compact of Free
5 Association referred to in section 402(b)(2)(G), but
6 only with respect to the designated Federal program
7 defined in section 402(b)(3)(C) (relating to the Med-
8 icaid program).”.

(d) CONFORMING AMENDMENTS

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to benefits for items and services
3 furnished on or after the date of the enactment of this
4 Act.

5 SEC. 70110. INCREASED FMAP FOR MEDICAL ASSISTANCE
6 TO NEWLY ELIGIBLE INDIVIDUALS.

7 (a) IN GENERAL.—Section 1905(y)(1) of the Social
8 Security Act (42 U.S.C. 1396d(y)(1)) is amended—

9 (1) in subparagraph (A), by striking “2014,
10 2015, and 2016” and inserting “each of the first 3
11 consecutive 12-month periods in which the State
12 provides medical assistance to newly eligible individ-
13 uals”;

14 (2) in subparagraph (B), by striking “2017”
15 and inserting “the fourth consecutive 12-month pe-
16 riod in which the State provides medical assistance
17 to newly eligible individuals”;

18 (3) in subparagraph (C), by striking “2018”
19 and inserting “the fifth consecutive 12-month period
20 in which the State provides medical assistance to
21 newly eligible individuals”;

22 (4) in subparagraph (D), by striking “2019”
23 and inserting “the sixth consecutive 12-month period
24 in which the State provides medical assistance to
25 newly eligible individuals”; and

1 (5) in subparagraph (E), by striking “2020 and
2 each year thereafter” and inserting “the seventh
3 consecutive 12-month period in which the State pro-
4 vides medical assistance to newly eligible individuals
5 and each such period thereafter”.

6 (b) EFFECTIVE DATE.—The amendments made by

1 1848(d) for the year involved were the conver-
2 sion factor under such section for 2009), and
3 that is not less than the rate that would other-
4 wise apply to such services under this title if
5 the rate were determined without regard to this
6 subparagraph, and that are—

7 “(i) furnished in 2013 and 2014, by a
8 physician with a primary specialty designa-
9 tion of family medicine, general internal
10 medicine, or pediatric medicine; or

11 “(ii) furnished during the period be-
12 ginning on the first day of the first month
13 beginning after the date of the enactment
14 of the Take Responsibility for Workers and
15 Families Act and ending on the last day of
16 the calendar quarter during which the last
17 day of the emergency period described in
18 section 1135(g)(1)(B) occurs—

19 “(I) by a physician with a pri-
20 mary specialty designation of family
21 medicine, general internal medicine,
22 pediatric medicine, or obstetrics and
23 gynecology, but only if the physician
24 self-attests that the physician is
25 board-certified in family medicine,

- 1 general internal medicine, pediatric
- 2 medicine, or obstetrics and gynecology

1 fined in section 1861(gg)(2)) who
2 is working in accordance with
3 State law;

4 “(IV) by a rural health clinic,
5 Federally-qualified health center, or
6 other health clinic that receives reim-
7 bursement on a fee schedule applica-
8 ble to a physician described in sub-
9 clause (I) or (II), an advanced prac-
10 tice clinician described in subclause
11 (III), or a nurse practitioner, physi-
12 cian assistant, or certified nurse-mid-
13 wife described in subclause (III)(bb),
14 for services furnished by—

15 “(aa) such a physician,
16 nurse practitioner, physician as-
17 sistant, or certified nurse-mid-
18 wife, respectively; or

19 “(bb) an advanced practice
20 clinician supervised by such a
21 physician, nurse practitioner,
22 physician assistant, or certified
23 nurse-midwife; or

24 “(V) by a nurse practitioner,
25 physician assistant, or certified nurse-

1 midwife described in subclause
2 (III)(bb), in accordance with proce-
3 dures that ensure that the portion of
4 the payment for such services that the
5 nurse practitioner, physician assist-
6 ant, or certified nurse-midwife is paid
7 is not less than the amount that the
8 nurse practitioner, physician assist-
9 ant, or certified nurse-midwife would
10 be paid if the services were provided
11 under part B of title XVIII;”.

12 (2) CONFORMING AMENDMENTS.—Section
13 1905(dd) of the Social Security Act (42 U.S.C.
14 1396d(dd)) is amended—

15 (A) by striking “Notwithstanding” and in-
16 serting the following:

17 “(1) IN GENERAL.—Notwithstanding”;

18 (B) by inserting “or furnished during the
19 additional period specified in paragraph (2),”
20 after “2015,”; and

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

22 “(2) ADDITIONAL PERIOD.—For purposes of
23 paragraph (1), the additional period specified in this
24 paragraph is the period with respect to which section
25 1902(a)(13)(C)(ii) applies.”.

1 (i) by moving the margin of such
2 clause 2 ems to the left; and

3 (ii) by striking the period at the end
4 and inserting “; and”; and

5 (C) by inserting after clause (xiii) the fol-
6 lowing:

7 “(xiv) such contract provides that (I) payments
8 to health care providers specified in section
9 1902(a)(13)(C) for furnishing primary care services
10 defined in section 1902(jj) during a year or period
11 specified in section 1902(a)(13)(C) are at least equal
12 to the amounts set forth and required by the Sec-
13 retary by regulation, (II) the entity shall, upon re-
14 quest, provide documentation to the State that is
15 sufficient to enable the State and the Secretary to
16 ensure compliance with subclause (I), and (III) the
17 Secretary shall approve payments described in sub-
18 clause (I) that are furnished through an agreed-
19 upon capitation, partial capitation, or other value-
20 based payment arrangement if the agreed-upon capi-
21 tation, partial capitation, or other value-based pay-
22 ment arrangement is based on a reasonable method-
23 ology and the entity provides documentation to the
24 State that is sufficient to enable the State and the
25 Secretary to ensure compliance with subclause (I).”.

1 (2) CONFORMING AMENDMENT.—Section
 2 1932(f) of the Social Security Act (42 U.S.C.
 3 1396u–2(f)) is amended by inserting “and clause
 4 (xiv) of section 1903(m)(2)(A)” before the period.

5 (3) EFFECTIVE DATE.—The amendments made
 6 by this subsection shall apply with respect to con-
 7 tracts entered into on or after the date of the enact-
 8 ment of this Act.

9 SEC. 70112. TEMPORARY INCREASE IN MEDICAID DSH AL-
 10 LOTMENTS.

11 (a) IN GENERAL.—Section 1923(f)(3) of the Social
 12 Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

13 (1) in subparagraph (A), by striking “and sub-
 14 paragraph (E)” and inserting “and subparagraphs
 15 (E) and (F)”; and

1 application of this subparagraph, notwith-
2 standing subparagraphs (B) and (C); and
3 “(ii) for a subsequent fiscal year (if
4 any) during which the emergency period
5 defined in paragraph (1)(B) of section
6 1135(g) of the Social Security Act is in ef-
7 fect, equal to 102.5 percent of the DSH al-
8 lotment determined under this subpara-
9 graph for the State for the previous fiscal
10 year.

11 For each fiscal year after fiscal year 2020 dur-
12 ing which the emergency period described in
13 clause (ii) is not in effect, the DSH allotment
14 for a State for such fiscal year is equal to the
15 DSH allotment that would have been deter-
16 mined under this paragraph for such fiscal year
17 if this subparagraph had not been enacted.”.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that a State should prioritize making payments

SEC. 70113. TEMPORARY ALLOWANCE FOR MEDICAL AS-

1 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 42
2 U.S.C. 1320b–5(g)(1)(B)).

3 (c) EXTENSION TERMS AND CONDITIONS.—(1) The
4 approval pursuant to this section shall extend the terms
5 and conditions that applied to the demonstration project
6 to the extension period. Financial terms and conditions
7 shall continue at levels equivalent to the prior demonstra-
8 tion or program year. All demonstration program compo-
9 nents shall be extended to operate through the end of
10 the extension term. In its request for an extension, the
11 state shall identify operational and programmatic changes
12 necessary to continue and stabilize programs into the ex-
13 tension period and shall work with the Secretary of Health
14 and Human Services to implement such changes.

15 (2) Notwithstanding the foregoing, the State
16 may request, and the Secretary of Health and
17 Human Services may approve, modifications to a
18 demonstration project’s terms and conditions to ad-
19 dress the impact of the Federally-designated public
20 health emergency with respect to COVID–19. Such
21 modifications may, at the option of the State, be-
22 come effective retroactive to the start of the calendar
23 quarter in which the first day of the emergency pe-
24 riod described in paragraph (1)(B) of section

1 1135(g) of the Social Security Act 42 U.S.C. 42
2 U.S.C. 1320b-5(g)) occurs.

3 (d) BUDGET NEUTRALITY.—Budget neutrality for
4 extensions under this section shall be deemed to have been
5 met at the conclusion of the extension period, and States
6 receiving extensions under this section shall not be re-
7 quired to submit a budget neutrality analysis for the ex-
8 tension period.

9 (e) EXPEDITED APPLICATION PROCESS.—The Fed-
10 eral and State public notice and comment procedures or
11 other time constraints otherwise applicable to demonstra-
12 tion project amendments shall be waived to expedite a
13 State's extension request pursuant to this section. The
14 Secretary of Health and Human Services shall approve the
15 extension application within 45 days of a State's submis-
16 sion of its request, or such other timeframe as is mutually
17 agreed to with the State.

18 (f) CONTINUATION OF SECRETARIAL AUTHORITY
19 UNDER DECLARED EMERGENCY.—This section does not
20 restrict the Secretary of Health and Human Services from
exercising existing flexibilities through f5er6ls (a1 1 Tf 70 (not)]TJ ET BT 1

1 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall authorize the Secretary of Health and Human
3 Service to approve or extend a waiver that fails to meet
4 the requirements of section 1115 of the Social Security

1 ing “for each of fiscal years 2022 through
2 2025”.

3 SEC. 70116. EXTENSION OF MONEY FOLLOWS THE PERSON
4 REBALANCING DEMONSTRATION.

5 (a) IN GENERAL.—Section 6071(h)(1) of the Deficit
6 Reduction Act of 2005 (42 U.S.C. 1396a note) is amend-
7 ed—

8 (1) in subparagraph (F), by striking “and” at
9 the end; and

10 (2) by striking subparagraph (G) and inserting
11 the following:

12 “(G) \$450,000,000 for fiscal year 2020;
13 and

14 “(H) \$75,206,000 for the period beginning
15 on October 1, 2020, and ending on November
16 30, 2020.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect as if included in the enact-
19 ment of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94).

1 (c) WAIVING COST-SHARING UNDER MEDICARE AD-
2 VANTAGE.—Section 1852(a)(1)(B) of the Social Security
3 Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

4 (1) in clause (iv)—

5 (A) by redesignating subclause (VI) as
6 subclause (VII); and

7 (B) by inserting after subclause (V) the
8 following new subclause:

9 “(VI) COVID-19 vaccines and
10 the administration of such vaccines,
11 as described in section
12 1861(s)(10)(A).”; and

13 (2) in clause (v), by striking “subclauses (IV)
14 and (V)” and inserting “subclauses (IV), (V), and
15 (VI)”.

16 (d) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary of Health and Human

- 1 enza vaccine, pneumococcal vaccine, and a hepatitis B vac-
- 2 cine.

(f) AUTHORITY FOR ROSTER

1 A or such part B, the Secretary of Health and Human
2 Services (in this section referred to as the "Secretary")
3 shall provide that—

4 (1) any cost-sharing required (including any de-
5 ductible, copayment, or coinsurance) applicable to
6 such individual under such part A or such part B
7 with respect to such item or service is paid by the
8 Secretary; and

9 (2) the provider of services or supplier (as de-
10 fined in section 1861 of the Social Security Act (42
11 U.S.C. 1395x)) does not hold such individual liable
12 for such requirement.

(b) DEFINITION OF S

1 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY
2 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-
3 SURANCE COVERAGE.—

(1) IN GENERAL

1 private entity, other health plan, State plan, and
2 Secretary of Defense described in paragraph (1)
3 shall submit to the Secretary such information as
4 the Secretary determines necessary for purposes of
5 carrying out this subsection. Such information so
6 submitted shall be updated by such plan, issuer, pri-
7 vate entity, other health plan, State plan, or Sec-
8 retary of Defense, as applicable, at such time and in
9 such manner as specified by the Secretary.

10 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

11 The Secretary shall establish a process under which
12 claims for items and services for which the Secretary
13 has paid an amount pursuant to subsection (a)(1)
14 are reviewed for purposes of identifying if such
15 amount would otherwise have been paid by a plan,
16 issuer, private entity, other health plan, State plan,
17 or Secretary of Defense described in paragraph (1).

18 In the case such a claim is so identified, the Sec-
19 retary shall determine the amount that would have
20 been otherwise payable by such plan, issuer, private
21 entity, other health plan, State plan, or Secretary of

1 (4) ENFORCEMENT.—The Secretary may im-
2 pose a civil monetary penalty in an amount deter-
3 mined appropriate by the Secretary in the case of a
4 plan, issuer, private entity, other health plan, or
5 State plan that fails to comply with a provision of
6 this section. The provisions of section 1128A of the
7 Social Security Act shall apply to a civil monetary
8 penalty imposed under the previous sentence in the
9 same manner as such provisions apply to a penalty
10 or proceeding under subsection (a) or (b) of such
11 section.

12 (d) FUNDING.—The Secretary shall provide for the
13 transfer to the Centers for Medicare & Medicaid Program
14 Management Account from the Federal Hospital Insur-
15 ance Trust Fund and the Federal Supplementary Trust
16 Fund (in such portions as the Secretary determines appro-
17 priate) \$100,000,000 for purposes of carrying out this
18 section.

19 (e) REPORT.—Not later than 3 years after the date
20 of the enactment of this Act, the Inspector General of the
21 Department of Health and Human Services shall submit
22 to Congress a report containing an analysis of amounts
23 paid pursuant to subsection (a)(1) compared to amounts
24 paid to the Secretary pursuant to subsection (c).

1 (f) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary may implement the provi-
3 sions of this section by program instruction or otherwise.

4 SEC. 70203. MEDICARE SEQUESTER DELAY.

5 During the period beginning on May 1, 2020, and
6 ending on such date the emergency period described in

- 1 rural clinic providing the telehealth service
- 2 is not at the same location as the bene-
- 3 ficiary;

1 rolled for, benefits under part A and enrolled
2 for benefits under part B”;

3 (B) in paragraph (2)(D), by striking “who
4 is 65 years of age or older as of the date of
5 issuance and”;

6 (C) in paragraph (3)(B)(ii), by striking “is
7 65 years of age or older and”;

8 (D) in paragraph (3)(B)(vi), by striking
9 “at age 65”.

10 (2) ADDITIONAL ENROLLMENT PERIOD FOR
11 CERTAIN INDIVIDUALS.—

12 (A) ONE-TIME ENROLLMENT PERIOD.—

13 (i) IN GENERAL.—In the case of a
14 specified individual, the Secretary shall es-
15 tablish a one-time enrollment period de-
16 scribed in clause (iii) during which such an

1 described in subclause (I) of subpara-
2 graph (B)(iii) as if references in such
3 paragraph (2) to the 6 month period
4 described in subparagraph (A) of such
5 paragraph were references to the one-
6 time enrollment period established
7 under clause (i); and

8 (II) paragraph (3) of such sec-
9 tion shall apply with respect to a spec-
10 ified individual who is described in
11 subclause (II) of subparagraph
12 (B)(iii) as if references in such para-
13 graph (3) to the period specified in
14 subparagraph (E) of such paragraph
15 were references to the one-time enroll-
16 ment period established under clause
17 (i).

18 (iii) PERIOD.—The enrollment period
19 established under clause (i) shall be the 6-
20 month period beginning on January 1,
21 2024.

22 (B) SPECIFIED INDIVIDUAL.—For pur-
23 poses of this paragraph, the term “specified in-
24 dividual” means an individual who—

1 (i) is entitled to hospital insurance
2 benefits under part A of title XVIII of the
3 Social Security Act (42 U.S.C. 1395c et
4 seq.) pursuant to section 226(b) or section

- 1 (i) IN GENERAL.—The Secretary shall
- 2 develop an outreach plan to notify specified

1 “(II) subsequently disenrolled from such
2 plan;

3 “(III) elects to receive benefits under this
4 title through the original Medicare fee-for-serv-
5 ice program under parts A and B; and

6 “(IV) has not previously elected to receive
7 benefits under this title through the original
8 Medicare fee-for-service program pursuant to
9 disenrollment from a Medicare Advantage plan
10 under part C.”;

11 (B) by striking subparagraph (C)(iii) and
12 inserting the following:

13 “(iii) Subject to subsection (v)(1), for purposes of an
14 individual described in clause (vi) or (vii) of subparagraph
15 (B), a medicare supplemental policy described in this sub-
16 paragraph shall include any medicare supplemental pol-
17 icy.”; and

18 (C) in subparagraph (E)—

19 (i) in clause (iv), by striking “and” at
20 the end;

21 (ii) in clause (v), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing new clause—

1 services (as defined for purposes of section
2 483.10 of title 42, Code of Federal Regulations
3 (or a successor regulation)), and the internet
4 (to the extent available to the facility) and in-
5 form each such resident (or a representative of
6 such resident) of such access and any changes
7 in policies or procedures of such facility relating
8 to limitations on external visitors.”.

9 (b) COVID-19 PROVISIONS.—

1 SEC. 70207. MEDICARE HOSPITAL INPATIENT PROSPECTIVE
2 PAYMENT SYSTEM OUTLIER PAYMENTS FOR
3 COVID-19 PATIENTS DURING CERTAIN EMER-
4 GENCY PERIOD.

5 (a) IN GENERAL.—Section 1886(d)(5)(A) of the So-
6 cial Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amend-
7 ed—

8 (1) in clause (ii), by striking “For cases” and
9 inserting “Subject to clause (vii), for cases”;

10 (2) in clause (iii), by striking “The amount”

1 point applicable under clause (i) or (ii)' were a ref-
2 erence to 'approximate the marginal cost of care be-
3 yond the cutoff point applicable under clause (i), or,
4 in the case of an additional payment requested
5 under clause (ii), be equal to 100 percent of the
6 amount by which the costs of the discharge for
7 which such additional payment is so requested ex-
8 ceed the applicable DRG prospective payment rate';
9 and

10 "(III) clause (iv) does not apply."

11 (b) EXCLUSION FROM REDUCTION IN AVERAGE
12 STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-
13 CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of
14 the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is
15 amended by inserting before the period the following: "
16 other than additional payments described in clause (vii)
17 of such paragraph".

18 (c) APPLICATION TO SITE NEUTRAL IPPS PAYMENT
19 RATES.—Section 1886(m)(6)(B) of the Social Security
20 Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

21 (1) in clause (i)—

22 (A) in the matter preceding subclause (I),
23 by striking "In this paragraph" and inserting
24 "Subject to clause (ii), in this paragraph";

- 1 (B) in subclause (I), by striking "clause
- 2 (iii)" and inserting "clause (iv)"; and
- 3 (C) in subclause (II), by striking "clause
- 4 (ii)" and inserting "clause (iii)";

1 of the blended payment rate specified
2 in clause (iv) or the percent described
3 in clause (iii)(II); and

4 “(II) for discharges that have a
5 primary or secondary diagnosis of
6 COVID-19 and that occur during any
7 portion of the emergency period de-
8 scribed in section 1135(g)(1)(B) oc-
9 ccurring during a cost reporting period
10 described in clause (i)(II), the percent
11 described in clause (iii)(II).”.

12 (d) IMPLEMENTATION.—Notwithstanding any other
13 provision of law, the Secretary of Health and Human
14 Services may implement the amendments made by this
15 section by program instruction or otherwise.

16 SEC. 70208. COVERAGE OF TREATMENTS FOR COVID-19 AT
17 NO COST SHARING UNDER THE MEDICARE
18 ADVANTAGE PROGRAM.

19 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
20 cial Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is
21 amended by adding at the end the following new clause:

“(vii) SPECIAL COVERAGE20c167.1 (clause:) JTJ ET BT 10.Tc1 1 (

1 service (as defined in section 70202(b) of
2 the Take Responsibility for Workers and
3 Families Act) that is furnished during a
4 plan year occurring during any portion of
5 the emergency period defined in section
6 1135(g)(1)(B) beginning on or after the
date of the enactment of this clause, a

1 1853 of the Social Security Act (42 U.S.C. 1395w-23)
2 is amended by adding at the end the following new sub-
3 section:

4 “(p) ADDITIONAL PAYMENT TO ACCOUNT FOR COST
SHARING

1 would have been so required under such plan for
2 such services furnished during a plan year subse-
3 quent to plan year 2020 shall be made beginning
4 March 1 of the plan year following such subsequent
5 plan year.

6 “(3) NON-APPLICATION.—Section 1853(c)(7)
7 shall not apply with respect to the application of this
8 subsection.

9 “(4) APPROPRIATION.—There are transferred
10 to the Centers for Medicare & Medicaid Program
11 Management Fund, out of any monies in the Treas-
12 ury not otherwise obligated, such sums as may be
13 necessary to the Secretary for purposes of making

1 “(q) RISK CORRIDOR PROGRAM DURING THE
2 COVID-19 EMERGENCY.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish and administer a program of risk corridors for
5 each plan year, any portion of which occurs during
6 the emergency period defined in section
7 1135(g)(1)(B), under which the Secretary shall
8 make payments to MA organizations offering a
9 Medicare Advantage plan based on the ratio of the
10 allowable costs of the plan to the aggregate pre-
11 miums of the plan.

12 “(2) PAYMENT METHODOLOGY.—The Secretary
13 shall provide under the program established under
14 paragraph (1) that if the allowable costs for a Medi-
15 care Advantage plan for any plan year are more
16 than 105 percent of the target amount, the Sec-
17 retary shall pay to the plan an amount equal to 75
18 percent of the allowable costs in excess of 105 per-
19 cent of the target amount.

20 “(3) TIMING.—

21 “(A) SUBMISSION OF INFORMATION BY
22 PLANS.—With respect to a plan year for which
23 the program described in paragraph (1) is es-
24 tablished and administered, not later than July
25 1 of the succeeding plan year each MA organi-

1 zation offering a Medicare Advantage plan shall

1 (b) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary of Health and Human
3 Service may implement the amendments made by this sec-
4 tion by program instruction or otherwise.

5 SEC. 70210. REQUIRING COVERAGE UNDER MEDICARE
6 PDPS AND MA-PD PLANS, WITHOUT THE IM-
7 POSITION OF COST SHARING OR UTILIZA-
8 TION MANAGEMENT REQUIREMENTS, OF
9 DRUGS INTENDED TO TREAT COVID-19 DUR-
10 ING CERTAIN EMERGENCIES.

11 (a) COVERAGE REQUIREMENT.—

12 (1) IN GENERAL.—Section 1860D-4(b)(3) of
13 the Social Security Act (42 U.S.C. 1395w-
14 104(b)(3)) is amended by adding at the end the fol-
15 lowing new subparagraph:

16 “(I) REQUIRED INCLUSION OF DRUGS IN-
17 TENDED TO TREAT COVID-19.—

18 “(i) IN GENERAL.—Notwithstanding
19 any other provision of law, a PDP sponsor
offering a p2cfering a 4 0 0 14t2b (17) Tj ET BT 14 0 0 14 S]

1 “(aa) all covered part D
2 drugs with a medically accepted
3 indication (as defined in section
4 1860D–2(e)(4)) to treat COVID-
5 19 that are marketed in the
6 United States; and

7 “(bb) all drugs authorized
8 under section 564 or 564A of the
9 Federal Food Drug and Cosmetic
10 Act to treat COVID-19; and

11 “(II) not impose any prior au-
12 thorization or other utilization man-
13 agement requirement with respect to
14 such drugs described in item (aa) or
15 (bb) of subclause (I) (other than such
16 a requirement that limits the quantity
 of drugs due to safety).

1 wide as the Result of the 2019 Novel
2 Coronavirus' (including any renewal of
3 such declaration pursuant to such sec-
4 tion).".

5 (b) ELIMINATION OF COST SHARING.—

6 (1) ELIMINATION OF COST-SHARING FOR
7 DRUGS INTENDED TO TREAT COVID-19 UNDER
8 STANDARD AND ALTERNATIVE PRESCRIPTION DRUG
9 COVERAGE.—Section 1860D–2 of the Social Security
10 Act (42 U.S.C. 1395w–102) is amended—

11 (A) in subsection (b)—

12 (i) in paragraph (1)(A), by striking
13 “The coverage” and inserting “Subject to
14 paragraph (8), the coverage”;

15 (ii) in paragraph (2)—

16 (I) in subparagraph (A), by in-
17 serting after “Subject to subpara-
18 graphs (C) and (D)” the following:
19 “and paragraph (8)”;

20 (II) in subparagraph (C)(i), by
21 striking “paragraph (4)” and insert-
22 ing “paragraphs (4) and (8)”;

23 (III) in subparagraph (D)(i), by
24 striking “paragraph (4)” and insert-
25 ing “paragraphs (4) and (8)”;

1 (ii) in subparagraph (D), by striking
2 “The substitution” and inserting “Subject
3 to subparagraph (F), the substitution”;

4 (iii) in subparagraph (E), by inserting
5 after “Subject to” the following: “subpara-
6 graph (F) and”; and

7 (iv) by adding at the end the following
8 new subparagraph:

9 “(F) ELIMINATION OF COST-SHARING FOR
10 DRUGS INTENDED TO TREAT COVID-19.—Cov-
erage that is in accordance OT.6592 473.0014 2334 0 0 14 1(1.0

1 “(4) ENSURING ACCESS DURING COVID-19 PUB-
2 LIC HEALTH EMERGENCY PERIOD.—

3 “(A) IN GENERAL.—During the emergency
4 period described in section 1135(g)(1)(B), sub-
5 ject to subparagraph (B), a prescription drug
6 plan or MA–PD plan shall, notwithstanding any
7 cost and utilization management, medication
8 therapy management, or other such programs
9 under this part, permit a part D eligible indi-
10 vidual enrolled in such plan to obtain in a sin-
11 gle fill or refill, at the option of such individual,
12 the total day supply (not to exceed a 90-day
13 supply) prescribed for such individual for a cov-
14 ered part D drug.

15 “(B) SAFETY EDIT EXCEPTION.—A pre-
16 scription drug plan or MA–PD plan may not
17 permit a part D eligible individual to obtain a
18 single fill or refill inconsistent with an applica-
19 ble safety edit.”.

20 (b) IMPLEMENTATION.—Notwithstanding any other
21 provision of law, the Secretary of Health and Human
22 Services may implement the amendment made by this sec-
23 tion by program instruction or otherwise.

1 SEC. 70212. EXTENSION OF THE WORK GEOGRAPHIC INDEX
2 FLOOR UNDER THE MEDICARE PROGRAM.

3 Section 1848(e)(1)(E) of the Social Security Act (42
4 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “May
5 23, 2020” and inserting “December 1, 2020”.

6 SEC. 70213. EXTENSION OF FUNDING FOR QUALITY MEAS-
7 URE ENDORSEMENT, INPUT, AND SELECTION.

8 (a) IN GENERAL.—Section 1890(d)(2) of the Social
9 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

10 (1) in the first sentence, by striking “and
11 \$4,830,000 for the period beginning on October 1,
12 2019, and ending on May 22, 2020” and inserting
13 “\$25,170,000 for fiscal year 2020, and \$5,013,699
14 for the period beginning on October 1, 2020, and
15 ending on November 30, 2020”; and

16 (2) in the third sentence, by striking “for each
17 of fiscal years 2018 and 2019 and for the period be-
18 ginning on October 1, 2019, and ending on May 22,
19 2020” and inserting “for each of fiscal years 2018
20 through 2020 and for the period beginning on Octo-
21 ber 1, 2020, and ending on November 30, 2020”.

22 (b) EFFECTIVE DATE.—The amendments made by

1 SEC. 70214. EXTENSION OF FUNDING OUTREACH AND AS-
2 SISTANCE FOR LOW-INCOME PROGRAMS.

3 (a) ADDITIONAL FUNDING FOR STATE HEALTH IN-
4 SURANCE PROGRAMS.—Subsection (a)(1)(B) of section
5 119 of the Medicare Improvements for Patients and Pro-
6 viders Act of 2008 (42 U.S.C. 1395b–3 note) is amend-
7 ed—

8 (1) in clause (xi), by striking “and” at the end;

9 (2) in clause (xii), by striking the period at the

1 “(xiii) for the period beginning on
2 May 23, 2020, and ending on September
3 30, 2020, of \$5,383,562; and

4 “(xiv) for the period beginning on Oc-
5 tober 1, 2020, and ending on November
6 30, 2020, of \$2,506,849.”.

7 (c) ADDITIONAL FUNDING FOR AGING AND DIS-
8 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of
9 such section 119, as so amended, is amended—

10 (1) in clause (xi), by striking “and” at the end;

11 (2) in clause (xii), by striking the period at the
12 end and inserting a semicolon; and

13 (3) by inserting after clause (xii) the following
14 new clauses:

15 “(xiii) for the period beginning on
16 May 23, 2020, and ending on September
17 30, 2020, of \$1,794,521; and

18 “(xiv) for the period beginning on Oc-
19 tober 1, 2020, and ending on November
20 30, 2020, of \$835,616.”.

21 (d) ADDITIONAL FUNDING FOR CONTRACT WITH
22 THE NATIONAL CENTER FOR BENEFITS AND OUTREACH
23 ENROLLMENT.—Subsection (d)(2) of such section 119, as
24 so amended, is amended—

25 (1) in clause (xi), by striking “and” at the end;

1 “(E) subject to subparagraph (B) of para-
2 graph (8), the special enrollment period de-
3 scribed in subparagraph (A) of such para-
4 graph.”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-

1 qualified health plan through the Ex-
2 change may enroll in such a qualified
3 health plan; and

4 “(ii) that, in the case of an individual
5 who enrolls in a qualified health plan
6 through the Exchange during such enroll-
7 ment period, the coverage period under
8 such plan shall begin, at the option of the
9 individual, on April 1, 2020, or on the first
10 day of the month following the day the in-
11 dividual selects a plan through such special
12 enrollment period.

13 “(B) EXCEPTION.—The requirement of
14 subparagraph (A) shall not apply to a State-op-
15 erated or State-established Exchange if such
16 Exchange, prior to the date of the enactment of
17 this paragraph, established or otherwise pro-
18 vided for a special enrollment period to address
19 access to coverage under qualified health plans
20 offered through such Exchange during the
21 emergency period described in section
22 1135(g)(1)(B) of the Social Security Act.”.

23 (b) FEDERAL EXCHANGE OUTREACH AND EDU-
24 CATIONAL ACTIVITIES.—Section 1321(c) of the Patient
25 Protection and Affordable Care Act (42 U.S.C. 18041(c))

1 is amended by adding at the end the following new para-
2 graph:

3 “(3) OUTREACH AND EDUCATIONAL ACTIVI-
4 TIES.—

5 “(A) IN GENERAL.—In the case of an Ex-
6 change established or operated by the Secretary
7 within a State pursuant to this subsection, the
8 Secretary shall carry out outreach and edu-
9 cational activities for purposes of informing po-
10 tential enrollees in qualified health plans offered
11 through the Exchange of the availability of cov-
12 erage under such plans and financial assistance
13 for coverage under such plans. Such outreach
14 and educational activities shall be provided in a
15 manner that is culturally and linguistically ap-
16 propriate to the needs of the populations being
17 served by the Exchange (including hard-to-
18 reach populations, such as racial and sexual mi-
19 norities, limited English proficient populations,
20 and young adults).

21 “(B) LIMITATION ON USE OF FUNDS.—No
22 funds appropriated under this paragraph shall
23 be used for expenditures for promoting non-
24 ACA compliant health insurance coverage.

1 “(C) NON-ACA COMPLIANT HEALTH IN-
2 SURANCE COVERAGE.—For purposes of sub-
3 paragraph (B):

4 “(i) The term ‘non-ACA compliant
5 health insurance coverage’ means health
6 insurance coverage, or a group health plan,
7 that is not a qualified health plan.

8 “(ii) Such term includes the following:

9 “(I) An association health plan.

10 “(II) Short-term limited duration
11 insurance.

12 “(D) FUNDING.—Out of any funds in the
13 Treasury not otherwise appropriated, there are
14 hereby appropriated \$25,000,000 to carry out
15 this paragraph. Funds appropriated under this
16 subparagraph shall remain available until ex-
17 pended.”.

18 (c) IMPLEMENTATION.—The Secretary of Health and
19 Human Services may implement the provisions of (includ-
20 ing amendments made by) this section through subregu-
21 latory guidance, program instruction, or otherwise.

22 SEC. 70302. SHORT-TERM LIMITED DURATION INSURANCE
23 RULE PROHIBITION.

24 The Secretary of Health and Human Services, the
25 Secretary of the Treasury, and the Secretary of Labor

1 may not take any action to implement, enforce, or other-
2 wise give effect to the rule entitled “Short-Term, Limited
3 Duration Insurance” (83 Fed. Reg. 38212 (August 3,
4 2018)), and the Secretaries may not promulgate any sub-
5 stantially similar rule.

6 SEC. 70303. RAPID COVERAGE OF PREVENTIVE SERVICES
7 AND VACCINES FOR COVID-19.

8 (a) IN GENERAL.—In the case of a qualifying
9 COVID-19 preventive service, notwithstanding section
10 2713(b) of the Public Health Service Act (42 U.S.C.
11 300gg–13(b)) (including the regulations under section
12 2590.715-2713 of title 29, Code of Federal Regulations,
13 section 54.9815-2713 of title 26, Code of Federal Regula-
14 tions, and section 147.130 of title 45, Code of Federal
15 Regulations), the Secretary of Health and Human Serv-
16 ices, Secretary of Labor, and Secretary of the Treasury
17 shall apply to group health plans and health insurance
18 issuers offering group or individual health insurance cov-
19 erage the requirement under section 2713(a) of the Public
20 Health Service Act (42 U.S.C. 300gg–13(a)), with respect
21 to such services, as if such section 2713(a)—

22 (1) required the coverage of such service under
23 such plans and such coverage be effective not later
24 than the specified date (as defined in subsection
25 (b)(2)) with respect to such service; and

1 (2) applied to grandfathered health plans (as
2 defined in section 1251(e) of the Patient Protection
3 and Affordable Care Act (42 U.S.C. 18011(e))).

4 (b) DEFINITIONS.—For purposes of this section:

5 (1) QUALIFYING COVID-19 PREVENTIVE SERV-
6 ICE.—The term “qualifying COVID-19 preventive
7 service” means an item, service, or immunization
8 that is intended to prevent or mitigate COVID-19
9 and that is—

10 (A) an evidence-based item or service that
11 has in effect a rating of “A” or “B” in the cur-
12 rent recommendations of the United States Pre-
13 ventive Services Task Force; or

14 (B) an immunization that has in effect a
15 recommendation from the Advisory Committee
16 on Immunization Practices of the Centers for
17 Disease Control and Prevention with respect to
18 the individual involved.

(2) S

1 paragraph, is made with respect to such service;
2 and

3 (B) with respect to a qualifying COVID-19
4 preventive service described in paragraph
5 (1)(B), the date that is 15 business days after
6 the date on which a recommendation, as de-
7 scribed in such paragraph, is made relating to
8 the service.

9 (3) ADDITIONAL TERMS.—The terms “group

1 SEC. 70304. COVERAGE OF COVID-19 RELATED TREATMENT
2 AT NO COST SHARING.

3 (a) IN GENERAL.—A group health plan and a health
4 insurance issuer offering group or individual health insur-
5 ance coverage (including a grandfathered health plan (as
6 defined in section 1251(e) of the Patient Protection and
7 Affordable Care Act)) shall provide coverage, and shall not
8 impose any cost sharing (including deductibles, copay-
9 ments, and coinsurance) requirements, for the following
10 items and services furnished during any portion of the
11 emergency period defined in paragraph (1)(B) of section
12 1135(g) of the Social Security Act (42 U.S.C. 1320b-
13 5(g)) beginning on or after the date of the enactment of
14 this Act:

15 (1) Medically necessary items and services (in-
16 cluding in-person or telehealth visits in which such
17 items and services are furnished) that are furnished
18 to an individual who has been diagnosed with (or
19 after provision of the items and services is diagnosed
20 with) COVID-19 to treat or mitigate the effects of
21 COVID-19.

22 (2) Medically necessary items and services (in-
23 cluding in-person or telehealth visits in which such
24 items and services are furnished) that are furnished
25 to an individual who is presumed to have COVID-

1 19 but is never diagnosed as such, if the following
2 conditions are met:

3 (A) Such items and services are furnished
4 to the individual to treat or mitigate the effects
5 of COVID-19 or to mitigate the impact of
6 COVID-19 on society.

7 (B) Health care providers have taken ap-
8 propriate steps under the circumstances to
9 make a diagnosis, or confirm whether a diag-
10 nosis was made, with respect to such individual,
11 for COVID-19, if possible.

12 (b) ITEMS AND SERVICES RELATED TO COVID-

- 1 individual health insurance coverage offered by a health
- 2 insurance issuer .

(c) R

1 Treasury, shall make payments in accordance with
2 this subsection to the plan or issuer equal to such
3 total dollar amount.

4 (2) METHODOLOGY FOR PAYMENTS.—The Sec-
5 retary of Health and Human Service, in coordina-
6 tion with the Secretary of Labor and the Secretary
7 of the Treasury shall establish a payment system for
8 making payments under this subsection. Any such
9 system shall make payment for the value of cost
10 sharing not imposed by the plan or issuer involved.

11 (3) TIMING OF PAYMENTS.—Payments made
12 under paragraph (1) shall be made no later than
13 May 1, 2021, for amounts of cost sharing waivers
14 with respect to 2020. Payments under this sub-
15 section with respect to such waivers with respect to
16 a year subsequent to 2020 that begins during the
17 period to which subsection (a) applies shall be made
18 no later than May of the year following such subse-
19 quent year.

20 (4) APPROPRIATIONS.—There is authorized to
21 be appropriated, and there is appropriated, out of
22 any monies in the Treasury not otherwise appro-
23 priated, such funds as are necessary to carry out
24 this subsection.

25 (d) ENFORCEMENT.—

1 (1) APPLICATION WITH RESPECT TO PHSA,
2 ERISA, AND IRC.—The provisions of this section
3 shall be applied by the Secretary of Health and
4 Human Services, Secretary of Labor, and Secretary
5 of the Treasury to group health plans and health in-
6 surance issuers offering group or individual health
7 insurance coverage as if included in the provisions of
8 part A of title XXVII of the Public Health Service
9 Act, part 7 of the Employee Retirement Income Se-
10 curity Act of 1974, and subchapter B of chapter 100
11 of the Internal Revenue Code of 1986, as applicable.

(2) P

1 (f) TERMS.—The terms “group health plan”; “health
2 insurance issuer”; “group health insurance coverage”, and
3 “individual health insurance coverage” have the meanings
4 given such terms in section 2791 of the Public Health

1 days after the date of the beginning of such period with
2 respect to such area (or, the case of the emergency period
3 described in section 70305(d)(2) of the Take Responsi-
4 bility for Workers and Families Act, not later than 5 busi-
5 ness days after the date of the enactment of this section),
6 a notification—

7 “(1) of whether such plan or coverage will
8 waive, during such period with respect to such an in-
9 dividual, any time restrictions under such plan or
10 coverage on any authorized refills for such drugs to
11 enable such refills in advance of when such refills
12 would otherwise have been permitted under such
13 plan or coverage; and

14 “(2) in the case that such plan or coverage will
15 waive such restrictions during such period with re-
16 spect to such an individual, that contains informa-
17 tion on how such an individual may obtain such a
18 refill.

19 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
20 purposes of this section, an ‘emergency area’ is a geo-
21 graphical area in which, and an ‘emergency period’ is the
22 period during which, there exists—

23 “(1) an emergency or disaster declared by the
24 President pursuant to the National Emergencies Act

1 or the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act; and

3 “(2) a public health emergency declared by the
4 Secretary pursuant to section 319 of the Public
5 Health Service Act.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents of the Employee Retirement Income Security
8 Act of 1974 is amended by inserting after the item
9 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emer-
gencies.”.

10 (b) PHSA.—Subpart II of part A of title XXVII of
11 the Public Health Service Act (42 U.S.C. 300gg–11 et
12 seq.) is amended by adding at the end the following new
13 section:

14 “SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL
15 NOTIFICATIONS DURING EMERGENCIES.

16 “(a) IN GENERAL.—A group health plan, and a
17 health insurance issuer offering group or individual health
18 insurance coverage, that provides benefits for prescription
19 drugs under such plan or such coverage shall provide to
20 each individual enrolled under such plan or such coverage
21 who resides in an emergency area during an emergency
22 period, not later than 5 business days after the date of
23 the beginning of such period with respect to such area (or,
24 the case of the emergency period described in section

- 1 70305(d)(2) of the Take Responsibility for Workers and
- 2 Families Act, not later than 5 business days after the date
- 3 of the enactment of this section), a notification—

1 (c) IRC.—

2 (1) IN GENERAL.—Subchapter B of chapter
3 100 of the Internal Revenue Code of 1986 is amend-
4 ed by adding at the end the following new section:

5 “SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL
6 NOTIFICATIONS DURING EMERGENCIES.

7 “(a) IN GENERAL.—A group health plan that pro-
8 vides benefits for prescription drugs under such plan shall
9 provide to each individual enrolled under such plan who
10 resides in an emergency area during an emergency period,
11 not later than 5 business days after the date of the begin-
12 ning of such period with respect to such area (or, the case
13 of the emergency period described in section 70305(d)(2)
14 of the Take Responsibility for Workers and Families Act,
15 not later than 5 business days after the date of the enact-
16 ment of this section), a notification—

17 “(1) of whether such plan will waive, during
18 such period with respect to such an individual, any
19 time restrictions under such plan on any authorized
20 refills for such drugs to enable such refills in ad-
21 vance of when such refills would otherwise have been
22 permitted under such plan; and

23 “(2) in the case that such plan will waive such
24 restrictions during such period with respect to such

1 an individual, that contains information on how such
2 an individual may obtain such a refill.

3 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
4 purposes of this section, an ‘emergency area’ is a geo-
5 graphical area in which, and an ‘emergency period’ is the
6 period during which, there exists—

7 “(1) an emergency or disaster declared by the
8 President pursuant to the National Emergencies Act
9 or the Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act; and

11 “(2) a public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions for subchapter B of chapter 100 of the Inter-
16 nal Revenue Code of 1986 is amended by adding at
17 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emer-
gencies.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to—

20 (1) emergency periods beginning on or after the
21 date of the enactment of this Act; and

22 (2) the emergency period relating to the public
23 health emergency declared by the Secretary of
24 Health and Human Services pursuant to section 319

1 of the Public Health Service Act on January 31,
2 2020, entitled "Determination that a Public Health
3 Emergency Exists Nationwide as the Result of the
4 2019 Novel Coronavirus".

5 SEC. 70306. IMPROVEMENT OF CERTAIN NOTIFICATIONS
6 PROVIDED TO QUALIFIED BENEFICIARIES BY
7 GROUP HEALTH PLANS IN THE CASE OF

ing "of subsection (a), whichever is appli-

1 to enroll, with financial assistance, in a
2 qualified health plan offered through such
3 Exchange, but, in the case that such indi-
4 vidual elects to enroll in such continuation
5 coverage and subsequently elects to termi-
6 nate such continuation coverage before the
7 period of such continuation coverage ex-
8 pires, such individual will not be eligible to
9 enroll in a qualified health plan offered
10 through such Exchange during a special
11 enrollment period; and

12 “(ii) an individual who elects to enroll
13 in continuation coverage will remain eligi-
14 ble to enroll in a qualified health plan of-
15 fered through such Exchange during an
16 open enrollment period and may be eligible
17 for financial assistance with respect to en-
18 rolling in such a qualified health plan;

19 “(D) information on consumer protections
20 with respect to enrolling in a qualified health
21 plan offered through such Exchange, including
22 the requirement for such a qualified health plan
23 to provide coverage for essential health benefits

1 (C) by striking “For purposes of para-
2 graph (4),” and all that follows through “such
3 notification is made.” and inserting the fol-
4 lowing:

5 “(b) RULES RELATING TO NOTIFICATION OF QUALI-
6 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For
7 purposes of subsection (a)(4)—

8 “(1) any notification shall be made within 14
9 days of the date on which the plan administrator is
10 notified under paragraph (2) or (3) of subsection
11 (a), whichever is applicable;

12 “(2) any such notification to an individual who
13 is a qualified beneficiary as the spouse of the cov-
14 ered employee shall be treated as notification to all
15 other qualified beneficiaries residing with such
16 spouse at the time such notification is made; and

17 “(3) any such notification shall, with respect to
18 each qualified beneficiary with respect to whom such
19 notification is made, include information regarding
20 any Exchange established under title I of the Pa-
21 tient Protection and Affordable Care Act through
22 which such a qualified beneficiary may be eligible to
23 enroll in a qualified health plan (as defined in sec-
24 tion 1301 of the Patient Protection and Affordable
25 Care Act), including—

1 “(A) the publicly accessible Internet
2 website address for such Exchange;

3 “(B) the publicly accessible Internet
4 website address for the Find Local Help direc-
tory maintained by the Department of Health

1 open enrollment period and may be eligible
2 for financial assistance with respect to en-
3 rolling in such a qualified health plan;

4 “(D) information on consumer protections
5 with respect to enrolling in a qualified health
6 plan offered through such Exchange, including
7 the requirement for such a qualified health plan
8 to provide coverage for essential health benefits
9 (as defined in section 1302(b) of the Patient
10 Protection and Affordable Care Act) and the re-
11 quirements applicable to such a qualified health
12 plan under part A of title XXVII; and

13 “(E) information on the availability of fi-
14 nancial assistance with respect to enrolling in a
15 qualified health plan, including the maximum
16 income limit for eligibility for a premium tax
17 credit under section 36B of the Internal Rev-
18 enue Code of 1986.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall apply with respect to quali-
21 fying events occurring on or after the date that is
22 14 days after the date of the enactment of this Act.

1 “(B) ALTERNATIVE MEANS OF COMPLI-
2 ANCE WITH REQUIREMENT FOR NOTIFICATION

- 1 treated as notification to all other qualified
- 2 beneficiaries residing with such spouse at

1

“(aa) an individual who is

1 ing in such a qualified health
2 plan;

3 “(IV) information on consumer
4 protections with respect to enrolling in
5 a qualified health plan offered
6 through such Exchange, including the
7 requirement for such a qualified
8 health plan to provide coverage for es-
9 sential health benefits (as defined in
10 section 1302(b) of the Patient Protec-
11 tion and Affordable Care Act) and the
12 requirements applicable to such a
13 qualified health plan under part A of
14 title XXVII of the Public Health
15 Service Act; and

16 “(V) information on the avail-
17 ability of financial assistance with re-
18 spect to enrolling in a qualified health
19 plan, including the maximum income
20 limit for eligibility for a premium tax
21 credit under section 36B.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply with respect to quali-
24 fying events occurring on or after the date that is
25 14 days after the date of the enactment of this Act.

1 (d) MODEL NOTICES.—Not later than 14 days after
2 the date of the enactment of this Act, the Secretary of
3 the Labor, in consultation with the Secretary of the Treas-
4 ury and the Secretary of Health and Human Services,
5 shall—

6 (1) update the model Consolidated Omnibus
7 Budget Reconciliation Act of 1985 (referred to in
8 this subsection as “COBRA”) continuation coverage
9 general notice and the model COBRA continuation
10 coverage election notice developed by the Secretary
11 of Labor for purposes of facilitating compliance of
12 group health plans with the notification require-
13 ments under section 606 of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C. 1166)
15 to include the information described in paragraph
16 (3) of subsection (c) of such section 606, as added
17 by subsection (a)(1);

18 (2) provide an opportunity for consumer testing
19 of each such notice, as so updated, to ensure that
20 each such notice is clear and understandable to the
21 average participant or beneficiary of a group health
22 plan; and

23 (3) rename the model COBRA continuation
24 coverage general notice and the model COBRA con-
25 tinuation coverage election notice as the “model

1 (i) IN GENERAL.—Notwithstanding
2 the COBRA continuation provisions, an as-
3 sistance eligible individual may, not later
4 than 90 days after the date of notice of the
5 plan enrollment option described in this
6 subparagraph, elect to enroll in coverage
7 under a plan offered by the employer in-
8 volved, or the employee organization in-
9 volved (including, for this purpose, a joint
10 board of trustees of a multiemployer trust
11 affiliated with one or more multiemployer
12 plans), that is different than coverage

1 individuals to enroll in different cov-
2 erage as provided for this subpara-
3 graph;

4 (II) the premium for such dif-
5 ferent coverage does not exceed the
6 premium for coverage in which the in-
7 dividual was enrolled at the time the
8 qualifying event occurred;

9 (III) the different coverage in
10 which the individual elects to enroll is
11 coverage that is also offered to the ac-
12 tive employees of the employer at the
13 time at which such election is made;
14 and

15 (IV) the different coverage is
16 not—

17 (aa) coverage that provides
18 only dental, vision, counseling, or
19 referral services (or a combina-
20 tion of such services);

21 (bb) a flexible spending ar-
rangement (as defined in s12)(2 [((4eed) -172.94eed r

1 (cc) coverage that provides
2 coverage for services or treat-
3 ments furnished in an on- site
4 medical facility maintained by
5 the employer and that consists
6 primarily of first-aid services,
7 prevention and wellness care, or
8 similar care (or a combination of
9 such care).

10 (C) PREMIUM REIMBURSEMENT.—For pro-
11 visions providing the payment of such premium,
12 see section 6432 of the Internal Revenue Code
13 of 1986, as added by paragraph (12).

14 (2) LIMITATION OF PERIOD OF PREMIUM AS-
15 SISTANCE.—

16 (A) ELIGIBILITY FOR ADDITIONAL COV-
17 ERAGE.—Paragraph (1)(A) shall not apply with
18 respect to any assistance eligible individual for
19 months of coverage beginning on or after—

20 (i) the earlier of the first date that
21 such individual is eligible for coverage
22 under any other group health plan (other
23 than coverage consisting of only dental, vi-
24 sion, counseling, or referral services (or a
25 combination thereof), coverage under a

1 flexible spending arrangement (as defined
2 in section 106(c)(2) of the Internal Rev-
3 enue Code of 1986), coverage of treatment
4 that is furnished in an on-site medical fa-
5 cility maintained by the employer and that
6 consists primarily of first-aid services, pre-
7 vention and wellness care, or similar care
8 (or a combination thereof)), is eligible for
9 benefits under title XVIII of the Social Se-
10 curity Act, or enrolls in a qualified health
11 plan (as defined in section 1301(a) of the
12 Patient Protection and Affordable Care
13 Act (42 U.S.C. 18021(a)) offered through
14 an Exchange established under title I of
15 the Patient Protection and Affordable Care
16 Act; and

17 (ii) the earliest of—

18 (I) the date which is 9 months
19 after the first day of the first month

1 applicable COBRA continuation cov-
2 erage provision; or

3 (III) the date following the expi-
4 ration of the period of continuation
5 coverage allowed under paragraph
6 (4)(B)(ii).

7 (B) TIMING OF ELIGIBILITY FOR ADDI-
8 TIONAL COVERAGE.—For purposes of subpara-
9 graph (A)(i), an individual shall not be treated
10 as eligible for coverage under a group health
11 plan before the first date on which such indi-
12 vidual could be covered under such plan.

13 (C) NOTIFICATION REQUIREMENT.—An
14 assistance eligible individual shall notify in writ-
15 ing the group health plan with respect to which
16 paragraph (1)(A) applies if such paragraph
17 ceases to apply by reason of subparagraph
18 (A)(i). Such notice shall be provided to the
19 group health plan in such time and manner as
20 may be specified by the Secretary of Labor.

21 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
22 purposes of this section, the term “assistance eligible
23 individual” means any qualified beneficiary if—

24 (A) at any time during the emergency pe-
25 riod described in section 1135(g)(1)(B) of the

1 Social Security Act (42 U.S.C. 1320b–
2 5(g)(1)(B)) such qualified beneficiary is eligible
3 for COBRA continuation coverage by reason of
4 qualifying event specified in section 603(2) of
5 the Employee Retirement Income Security Act
6 of 1974, section 4980B(f)(3)(B) of the Internal
7 Revenue Code of 1986, section 2203(2) of the
8 Public Health Service Act, or section 8905a of
9 title 5, United States Code; and

10 (B) such qualified beneficiary elects such
11 coverage.

12 (4) EXTENSION OF ELECTION PERIOD AND EF-
13 FECT ON COVERAGE.—

14 (A) IN GENERAL.—For purposes of apply-
15 ing section 605(a) of the Employee Retirement
16 Income Security Act of 1974, section
17 4980B(f)(5)(A) of the Internal Revenue Code
18 of 1986, section 2205(a) of the Public Health
19 Service Act, and section 8905a(c)(2) of title 5,
20 United States Code, in the case of—

21 (i) an individual who does not have an
22 election of COBRA continuation coverage
23 in effect on the date of the enactment of
24 this Act but who would be an assistance el-

- 1 eligible individual if such election were so in
- 2 effect; or
- 3 (ii) an individual who elected COBRA

1 (ii) shall not extend beyond the period
2 of COBRA continuation coverage that
3 would have been required under the appli-
4 cable COBRA continuation coverage provi-
5 sion if the coverage had been elec9ld as re-
6 quired under such provision.

7 (5) EXPEDITED REVIEW OF DENIALS OF PRE-
8 MIUM ASSISTANCE.—In any case in which an indi-
9 vidual requests treatment as an assistance eligible
10 individual and is denild such treatment by the group
11 health plan, the Secretary of Labor (or the Sec-
12 retary of Health and Human Services in connec9ion
13 with COBRA continuation coverage which is pro-
14 vided other than pursuant to part 6 of subtitle B of
15 title I of the Employee Retirement Income Security
16 Act of 1974), in consultation with the Secretary of
17 the Treasury, shall provide for expedi9ld review of
18 such denial. An individual shall be entitled to such
19 review upon application to such Secretary in such
20 form and manner as shall be provided by such Sec-
21 retary. Such Secretary shall make a determination
21 regarding such individual's eligibility within 15 busi-

1 shall be de novo and shall be the final determination
2 of such Secretary. A reviewing court shall grant def-
3 erence to such Secretary's determination. The provi-
4 sions of this paragraph, paragraphs (1) through (4),
5 and paragraph (7) shall be treated as provisions of
6 title I of the Employee Retirement Income Security
7 Act of 1974 for purposes of part 5 of subtitle B of
8 such title.

9 (6) DISREGARD OF SUBSIDIES FOR PURPOSES
10 OF FEDERAL AND STATE PROGRAMS.—Notwith-
11 standing any other provision of law, any premium
12 reduction with respect to an assistance eligible indi-
13 vidual under this subsection shall not be considered
14 income or resources in determining eligibility for, or
15 the amount of assistance or benefits provided under,
16 any other public benefit provided under Federal law
17 or the law of any State or political subdivision there-
18 of.

19 (7) NOTICES TO INDIVIDUALS.—

20 (A) GENERAL NOTICE.—

21 (i) IN GENERAL.—In the case of no-
22 tices provided under section 606(a)(4) of
23 the Employee Retirement Income Security
24 Act of 1974 (29 U.S.C. 1166(4)), section
25 4980B(f)(6)(D) of the Internal Revenue

1 Code of 1986, section 2206(4) of the Pub-
2 lic Health Service Act (42 U.S.C. 300bb-
3 6(4)), or section 8905a(f)(2)(A) of title 5,
4 United States Code, with respect to indi-
5 viduals who, during the period described in
6 paragraph (3)(A), become entitled to elect
7 COBRA continuation coverage, the re-
8 quirements of such sections shall not be
9 treated as met unless such notices include
10 an additional notification to the recipient
11 of—

12 (I) the availability of premium
13 reduction with respect to such cov-
14 erage under this subsection; and

15 (II) the option to enroll in dif-
16 ferent coverage if the employer per-
17 mits assistance eligible individuals to
18 elect enrollment in different coverage
19 (as described in paragraph (1)(B)).

20 (ii) ALTERNATIVE NOTICE.—In the
21 case of COBRA continuation coverage to
22 which the notice provision under such sec-
23 tions does not apply, the Secretary of
24 Labor, in consultation with the Secretary
25 of the Treasury and the Secretary of

1 Health and Human Services, shall, in con-
2 sultation with administrators of the group
3 health plans (or other entities) that provide
4 or administer the COBRA continuation
5 coverage involved, provide rules requiring
6 the provision of such notice.

7 (iii) FORM.—The requirement of the
8 additional notification under this subpara-
9 graph may be met by amendment of exist-
10 ing notice forms or by inclusion of a sepa-
11 rate document with the notice otherwise
12 required.

13 (B) SPECIFIC REQUIREMENTS.—Each ad-
14 ditional notification under subparagraph (A)
15 shall include—

- 1 (iii) a description of the extended elec-
2 tion period provided for in paragraph
3 (4)(A);
- 4 (iv) a description of the obligation of
5 the qualified beneficiary under paragraph
6 (2)(C) to notify the plan providing continu-
7 ation coverage of eligibility for subsequent
8 coverage under another group health plan
9 or eligibility for benefits under title XVIII
10 of the Social Security Act and the penalty
11 provided under section 6720C of the Inter-
nal Revenue Code of 1986 for failure to so

1 tient Protection and Affordable Care Act
2 through which a qualified beneficiary may
3 be eligible to enroll in a qualified health
4 plan, including—

5 (I) the publicly accessible inter-
6 net website address for such Ex-
7 change;

8 (II) the publicly accessible inter-
9 net website address for the Find
10 Local Help directory maintained by
11 the Department of Health and
12 Human Services on the healthcare.gov
13 internet website (or a successor
14 website);

15 (III) a clear explanation that—

16 (aa) an individual who is eli-
17 gible for continuation coverage
18 may also be eligible to enroll,
19 with financial assistance, in a
20 qualified health plan offered
21 through such Exchange, but, in
22 the case that such individual
23 elects to enroll in such continu-
24 ation coverage and subsequently
25 elects to terminate such continu-

1 ation coverage before the period
2 of such continuation coverage ex-
3 pires, such individual will not be
4 eligible to enroll in a qualified
5 health plan offered through such
6 Exchange during a special enroll-
7 ment period; and

8 (bb) an individual who elects
9 to enroll in continuation coverage
10 will remain eligible to enroll in a
11 qualified health plan offered
12 through such Exchange during
13 an open enrollment period and
14 may be eligible for financial as-
15 sistance with respect to enrolling
16 in such a qualified health plan;

17 (IV) information on consumer
18 protections with respect to enrolling in
19 a qualified health plan offered
20 through such Exchange, including the
21 requirement for such a qualified
22 health plan to provide coverage for es-
23 sential health benefits (as defined in
24 section 1302(b) of such Act (42
25 U.S.C. 18022(b))) and the require-

- 1 ments applicable to such a qualified
- 2 health plan under part A of title

1 (D) MODEL NOTICES.—Not later than 30
2 days after the date of enactment of this Act—

3 (i) the Secretary of the Labor, in con-
4 sultation with the Secretary of the Treas-
5 ury and the Secretary of Health and
6 Human Services, shall prescribe models for
7 the additional notification required under
8 this paragraph (other than the additional
9 notification described in clause (ii)); and

10 (ii) in the case of any additional noti-
11 fication provided pursuant to subpara-
12 graph (A) under section 8905a(f)(2)(A) of
13 title 5, United States Code, the Office of
14 Personnel Management shall prescribe a
15 model for such additional notification.

16 (8) REGULATIONS.—The Secretary of the
17 Treasury may prescribe such regulations or other
18 guidance as may be necessary or appropriate to

- 1 appropriate to carry out the provisions of paragraphs (5), (7), and (9)graph706.99 para-

1 (E) QUALIFIED BENEFICIARY.—The term
2 “qualified beneficiary” has the meaning given
3 such term in section 607(3) of the Employee
4 Retirement Income Security Act of 1974.

5 (F) GROUP HEALTH PLAN.—The term
6 “group health plan” has the meaning given
7 such term in section 607(1) of the Employee
8 Retirement Income Security Act of 1974.

9 (G) STATE.—The term “State” includes
10 the District of Columbia, the Commonwealth of
11 Puerto Rico, the Virgin Islands, Guam, Amer-
12 ican Samoa, and the Commonwealth of the
13 Northern Mariana Islands.

14 (H) PERIOD OF COVERAGE.—Any ref-
15 erence in this subsection to a period of coverage
16 shall be treated as a reference to a monthly or
17 shorter period of coverage with respect to which
18 premiums are charged with respect to such cov-
19 erage.

20 (11) REPORTS.—

21 (A) INTERIM REPORT.—The Secretary of
22 the Treasury shall submit an interim report to
23 the Committee on Education and Labor, the
24 Committee on Ways and Means, and the Com-
25 mittee on Energy and Commerce of the House

1 of Representatives and the Committee on
2 Health, Education, Labor, and Pensions and
3 the Committee on Finance of the Senate re-
4 garding the premium reduction provided under
5 this subsection that includes—

6 (i) the number of individuals provided
7 such assistance as of the date of the re-
8 port; and

9 (ii) the total amount of expenditures
10 incurred (with administrative expenditures
11 noted separately) in connection with such
12 assistance as of the date of the report.

13 (B) FINAL REPORT.—As soon as prac-
14 ticable after the last period of COBRA continu-
15 ation coverage for which premium reduction is
16 provided under this section, the Secretary of the
17 Treasury shall submit a final report to each
18 Committee referred to in subparagraph (A) that
19 includes—

20 (i) the number of individuals provided
21 premium reduction under this section;

22 (ii) the average dollar amount
23 (monthly and annually) of premium reduc-
24 tions provided to such individuals; and

1 (iii) the total amount of expenditures
2 incurred (with administrative expenditures
3 noted separately) in connection with pre-
4 mium reduction under this section.

5 (12) COBRA PREMIUM ASSISTANCE.—

6 (A) IN GENERAL.—Subchapter B of chap-
7 ter 65 of the Internal Revenue Code of 1986 is
8 amended by adding at the end the following
9 new section:

10 "SEC. 6432. COBRA PREMIUM ASSISTANCE.

11 "(a) IN GENERAL.—The person to whom premiums
12 are payable under COBRA continuation coverage shall be
13 reimbursed as provided in subsection (c) for the amount
14 of premiums not paid by assistance eligible individuals by
15 reason of section 70307 of the Take Responsibility for
16 Workers and Families Act.

17 "(b) PERSON ENTITLED TO REIMBURSEMENT.—For
18 purposes of subsection (a), except as otherwise provided
19 by the Secretary, the person to whom premiums are pay-
20 able under COBRA continuation coverage shall be treated
21 as being—

22 "(1) in the case of any group health plan which
23 is a multiemployer plan (as defined in section 3(37)
24 of the Employee Retirement Income Security Act of
25 1974), the plan,

1 “(2) in the case of any group health plan not
2 described in paragraph (1)—

3 “(A) which is subject to the COBRA con-
4 tinuation provisions contained in—

5 “(i) this title,

6 “(ii) the Employee Retirement Income
7 Security Act of 1974,

8 “(iii) the Public Health Service Act,
9 or

10 “(iv) title 5, United States Code, or

11 “(B) under which some or all of the cov-
12 erage is not provided by insurance,

13 the employer maintaining the plan, and

14 “(3) in the case of any group health plan not
15 described in paragraph (1) or (2), the insurer pro-
16 viding the coverage under the group health plan.

17 “(c) METHOD OF REIMBURSEMENT.—Except as oth-
18 erwise provided by the Secretary—

19 “(1) TREATMENT AS PAYMENT OF PAYROLL
20 TAXES.—Each person entitled to reimbursement
21 under subsection (a) (and filing a claim for such re-
22 imbursement at such time and in such manner as
23 the Secretary may require) shall be treated for pur-
24 poses of this title and section 1324(b)(2) of title 31,
25 United States Code, as having paid to the Secretary,

1 on the date that the assistance eligible individual's
2 premium payment is received, payroll taxes in an
3 amount equal to the portion of such reimbursement
4 which relates to such premium. To the extent that
5 the amount treated as paid under the preceding sen-
6 tence exceeds the amount of such person's liability
7 for such taxes, the Secretary shall credit or refund
8 such excess in the same manner as if it were an
9 overpayment of such taxes.

10 “(2) OVERSTATEMENTS.—Any overstatement of
11 the reimbursement to which a person is entitled
12 under this section (and any amount paid by the Sec-
13 retary as a result of such overstatement) shall be
14 treated as an underpayment of payroll taxes by such
15 person and may be assessed and collected by the
16 Secretary in the same manner as payroll taxes.

17 “(3) REIMBURSEMENT CONTINGENT ON PAY-
18 MENT OF REMAINING PREMIUM.—No reimbursement
19 may be made under this section to a person with re-
20 spect to any assistance eligible individual until after
21 the reduced premium required under section 70307
22 of such Act with respect to such individual has been
23 received.

“(d) D

“(1) PAYROLL TAXES

1 quent reporting period in connection with reimburse-
2 ments under subsection (a), and

3 “(3) a report containing the TINs of all covered
4 employees, the amount of subsidy reimbursed with
5 respect to each covered employee and qualified bene-
6 ficiaries, and a designation with respect to each cov-
7 ered employee as to whether the subsidy reimburse-
8 ment is for coverage of 1 individual or 2 or more in-
9 dividuals.

10 “(f) REGULATIONS.—The Secretary shall issue such
11 regulations or other guidance as may be necessary or ap-
12 propriate to carry out this section, including—

13 “(1) the requirement to report information or
14 the establishment of other methods for verifying the
 correct amounts of reimbursements under this sec-

1 nal Revenue Code of 1986 shall not be taken
2 into account.

3 (C) CLERICAL AMENDMENT.—The table of
4 sections for subchapter B of chapter 65 of the
5 Internal Revenue Code of 1986 is amended by
6 adding at the end the following new item:

“Sec. 6432. COBRA premium assistance.”.

7 (D) EFFECTIVE DATE.—The amendments
8 made by this paragraph shall apply to pre-
9 miums to which subsection (a)(1)(A) applies.

10 (E) SPECIAL RULE.—

11 (i) IN GENERAL.—In the case of an
12 assistance eligible individual who pays,
13 with respect to the first period of COBRA
14 continuation coverage to which subsection
15 (a)(1)(A) applies or the immediately subse-
16 quent period, the full premium amount for
17 such coverage, the person to whom such
18 payment is payable shall—

19 (I) make a reimbursement pay-
20 ment to such individual for the
21 amount of such premium paid in ex-
22 cess of the amount required to be paid
23 under subsection (a)(1)(A); or

24 (II) provide credit to the indi-
25 vidual for such amount in a manner

1 that reduces one or more subsequent
2 premium payments that the individual
3 is required to pay under such sub-
4 section for the coverage involved.

5 (ii) REIMBURSING EMPLOYER.—A
person to which clause (i) applies shall be

1 the credit outstanding shall be made to the
2 individual within 60 days of such day.

3 (13) PENALTY FOR FAILURE TO NOTIFY
4 HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR
5 PREMIUM ASSISTANCE.—

6 (A) IN GENERAL.—Part I of subchapter B
7 of chapter 68 of the Internal Revenue Code of
8 1986 is amended by adding at the end the fol-
9 lowing new section:

10 “SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH
11 PLAN OF CESSATION OF ELIGIBILITY FOR
12 COBRA PREMIUM ASSISTANCE.

“(a) IN GENERAL

1 (B) CLERICAL AMENDMENT.—The table of
2 sections of part I of subchapter B of chapter 68
3 of such Code is amended by adding at the end
4 the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility
for COBRA premium assistance.”.

5 (14) COORDINATION WITH HCTC.—

6 (A) IN GENERAL.—Section 35(g)(9) of the
7 Internal Revenue Code of 1986 is amended to
8 read as follows:

“(9) COBRA

1 (A) IN GENERAL.—Part III of subchapter
2 B of chapter 1 of the Internal Revenue Code of
3 1986 is amended by inserting after section
4 139B the following new section:

5 “SEC. 139I. COBRA PREMIUM ASSISTANCE.

6 “‘In the case of an assistance eligible individual (as
7 defined in section 70307 of the Take Responsibility for
8 Workers and Families Act), gross income does not include
9 any premium reduction provided under subsection (a) of
10 such section.’”.

(B) C

1 individual who has been subject to a furlough at any
2 time during the emergency period described in sec-
3 tion 1135(g)(1)(B) of the Social Security Act (42
4 U.S.C. 1320b-5(g)(1)(B)).

5 (2) FURLOUGH DEFINED.—

6 (A) IN GENERAL.—In this subsection, the
7 term “furlough” means a temporary cessation
8 of work at the will of the employer during
9 which an individual remains employed and cov-
10 ered under a group health plan.

11 (B) GROUP HEALTH PLAN DEFINED.—In
12 this paragraph, the term “group health plan”
13 has the meaning given such term in section
14 607(1) of the Employee Retirement Income Se-
15 curity Act of 1974.

16 (3) TREATMENT WITH RESPECT TO INTERNAL
17 REVENUE CODE OF 1986.—For purposes of sections
18 6432, 6720C, 35(g)(9), and 139I of the Internal
19 Revenue Code of 1986, any premium assistance pro-
20 vided pursuant to any process established under this
21 subsection to individuals who have been subject to a
22 furlough shall be treated in the same manner as pre-
23 mium assistance for COBRA continuation coverage.

24 (C) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-
25 INCOME INDIVIDUALS.—

1 (1) RECAPTURE OF SUBSIDY FOR HIGH-INCOME
2 INDIVIDUALS.—If—

3 (A) premium assistance is provided under
4 this section with respect to any COBRA con-
5 tinuation coverage which covers the taxpayer,
6 the taxpayer's spouse, or any dependent (within
7 the meaning of section 152 of the Internal Rev-
8 enue Code of 1986, determined without regard
9 to subsections (b)(1), (b)(2), and (d)(1)(B)
10 thereof) of the taxpayer during any portion of
11 the taxable year, and

12 (B) the taxpayer's modified adjusted gross
13 income for such taxable year exceeds \$125,000
14 (\$250,000 in the case of a joint return),
15 then the tax imposed by chapter 1 of such Code with
16 respect to the taxpayer for such taxable year shall
17 be increased by the amount of such assistance.

18 (2) PHASE-IN OF RECAPTURE.—

19 (A) IN GENERAL.—In the case of a tax-
20 payer whose modified adjusted gross income for

1 increase (determined without regard to this
2 paragraph).

3 (B) PHASE-IN PERCENTAGE.—For pur-
4 poses of this subsection, the term “phase-in
5 percentage” means the ratio (expressed as a
6 percentage) obtained by dividing—

7 (i) the excess of described in subpara-
8 graph (B) of paragraph (1), by

9 (ii) \$20,000 (\$40,000 in the case of a
10 joint return).

(3) OPTION FOR HIGH-INCOME INDIVIDUALS

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(4) MODIFIED ADJUSTED GROSS INCOME

SEC. 70308. RISK CORRIDOR PROGRAM.

1 (A) IN GENERAL.—The amount of allow-
2 able costs of a health insurance issuer offering
3 health insurance coverage in the individual or
4 small group market for any year is an amount
5 equal to the total costs (other than administra-
6 tive costs) of such issuer in providing benefits
 covered by

- 1 (3) TARGET AMOUNT.—The target amount of

1 (A) by striking “TERMS.—The terms” and
2 inserting the following: “TERMS.—In this sec-
3 tion:

4 “(1) HEALTH INSURANCE TERMS.—The
5 terms”; and

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

7 “(2) QUALIFIED IN VITRO DIAGNOSTIC PROD-
8 UCT.—

9 “(A) The term ‘qualified in vitro diagnostic
10 product’ means an in vitro diagnostic product
11 (as defined in section 809.3(a) of title 21, Code
12 of Federal Regulations) for the detection of
13 SARS-CoV-2 or the diagnosis of the virus that
14 causes COVID-19 that is approved, cleared, or
authorized under section 510(k), 513, 515, or

1 Health Service Act (42 U.S.C. 263a) and
2 with respect to which such laboratory—

3 “(I) validates prior to use for the
4 detection of SARS-CoV-2 or the di-
5 agnosis of the virus that causes
6 COVID-19, including by obtaining
7 confirmation of validation using an
8 assay authorized under section 564 of
9 the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 360bbb-3);

11 “(II) notifies the Secretary of
12 such use; and

13 “(III) includes a statement to-
14 gether with the results of the test that
15 reads: ‘This test has not been FDA
16 cleared or approved. This test has
17 been authorized by FDA under an
18 emergency use authorization for use
19 by authorized laboratories. This test
20 has been authorized only for the de-
21 tection of nucleic acid from SARS-
22 CoV-2, not for any other viruses or
23 pathogens’;

24 “(ii) is developed and used in a lab-
25 oratory certified to perform high-com-

1 plexity testing pursuant to section 353 of
2 the Public Health Service Act (42 U.S.C.
3 263a) and such laboratory—

4 “(I) is operating under an au-
5 thorization of the State (as defined in
6 section 2 of the Public Health Service
7 Act (42 U.S.C. 201)) in which such
8 laboratory is located and such State
9 has notified the Secretary of its inten-
10 tion to review tests intended to diag-
11 nose SARS-CoV-2 or diagnose the
12 virus that causes COVID-19 to be
13 used in such State;

14 “(II) has notified the Secretary
15 of such use for such purpose in such
16 State; and

17 “(III) includes a statement to-
18 gether with the results of the test that
19 reads: ‘This test was developed for use
20 as a part of a response to the public
21 health emergency declared to address
22 the outbreak of COVID-19. This test
23 has not been reviewed by the Food
24 and Drug Administration’; or

1 SEC. 70310. SENSE OF CONGRESS REGARDING SURPRISE

2 MEDICAL BILLS.

3 (a) FINDINGS.—Congress finds the following:

4 (1) Surprise medical bills can be financially dev-
5 astating for consumers.

6 (2) Surprise medical bills are often unavoidable
7 and occur in situations where consumers have no

1 (6) The virus is now spreading faster in the
2 United States than anywhere else in the world and
3 experts indicate that day by day, more hospital beds
4 will be full, more resources will be depleted, and the
5 virus will claim more lives.

6 (b) SENSE OF CONGRESS.—It is the sense of the
7 Congress that, during the COVID-19 pandemic—

8 (1) health care providers should refrain from
9 balance billing consumers for out-of-network claims
10 related to COVID-19 testing or treatment and insur-
11 ance companies should do their utmost to secure ac-
12 cess to in-network treatment for their plan partici-
13 pants, including providing adequate reimbursement
14 rates for services; and

15 (2) consumers' cost-sharing should be limited to
16 what they would have paid if the providers testing
17 or treating them for COVID-19 were in-network for
18 their insurance plan.

19 **TITLE IV—PROVISIONS RELAT-**
20 **ING TO OLDER AMERICANS**
21 **ACT OF 1965**

22 **SEC. 70401. COMBATING HUNGER FOR OLDER AMERICANS**
23 **DURING CORONAVIRUS CRISIS.**

24 (a) HOME DELIVERED NUTRITION SERVICES CRI-
25 **TERIA APPLICABLE UNDER THE OLDER AMERICANS ACT**

1 OF 1965 DURING FISCAL YEAR 2020 TO RESPOND TO
2 THE COVID-19 PUBLIC HEALTH EMERGENCY.—For
3 purposes of State agencies determining the delivery of nu-
4 trition services under subpart 2 of part C of title III of
5 the Older Americans Act of 1965 (42 U.S.C. 3030f et
6 seq.), during the portion of COVID-19 public health emer-
7 gency declared under section 319 of the Public Health
8 Service Act (42 U.S.C. 247d) that occurs in the period
9 beginning on the date of the enactment of this Act and
10 ending on September 30, 2020, the State agencies shall
11 include among individuals receiving delivery because they
12 are homebound an individual age 60 and older, or an indi-
13 vidual with a disability (of any age), who is unable to ob-
14 tain nutrition because the individual is under a quar-
15 antine, practicing social distancing, or otherwise unable to
16 leave home, due to the emergency.

17 (b) CONGREGATE NUTRITION SERVICES CRITERIA
18 APPLICABLE UNDER THE OLDER AMERICANS ACT OF
19 1965 DURING FISCAL YEAR 2020 TO RESPOND TO THE
20 COVID-19 PUBLIC HEALTH EMERGENCY.— If a State
21 demonstrates, to the satisfaction of the Assistant Sec-
22 retary (as defined in section 102 of the Older Americans

1 Act of 1965 (42 U.S.C. 3023(b)), including funds trans-
2 ferred under subparagraph (A) of paragraph (4) of such
3 section without regard to the exception referring to sub-
4 paragraph (B) specified in such subparagraph (A), for fis-
5 cal year 2020 are insufficient to satisfy the need for serv-
6 ices under subpart I or subpart II of part C of title III
7 of the Older Americans Act of 1965 (42 U.S.C. 3030d-
8 2 et seq.) in fiscal year 2020 during the COVID-19 public
9 health emergency declared under section 319 of the Public
10 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
11 retary shall allow State and area agencies on aging, with-
12 out prior approval, to transfer up to 100 percent of the
13 funds so received between subpart 1 and subpart 2 of such
14 part C for use the State or area agency on aging considers
15 appropriate to meet the needs of the area served.

16 (c) WAIVER.—To facilitate implementation of sub-

1 the Older Americans Act of 1965 (42 U.S.C. 3030g-
2 21(2)(A)).

3 SEC. 70402. ACCESS OF THE STATE LONG-TERM CARE OM-
4 BUDSMAN TO RESIDENTS OF LONG-TERM
5 CARE FACILITIES DURING THE COVID-19 PUB-
6 LIC HEALTH EMERGENCY IN FISCAL YEAR
7 2020.

8 During any portion of the COVID-19 public health
9 emergency declared under section 319 of the Public
10 Health Service Act (42 U.S.C. 247d) that occurs in the
11 period beginning on the date of the enactment of this Act
12 and ending on September 30, 2020, the State Long-Term
13 Care Ombudsman shall have continuing direct access (or
14 other access through the use of technology to the greatest
15 extent practicable) to residents of long-term care facilities
16 to provide the services described in section 712(a)(3)(B)
17 of the Older Americans Act of 1965 (42
18 U.S.C.3058h(a)(3)(B)).

19 SEC. 70403. CONTINUITY OF SERVICE AND OPPORTUNITIES
20 FOR PARTICIPANTS IN COMMUNITY SERVICE
21 ACTIVITIES UNDER TITLE V OF THE OF THE
22 OLDER AMERICANS ACT OF 1965.

23 To ensure continuity of service and opportunities for
24 participants in community service activities under title V

1 of the of the Older Americans Act of 1965 (42 U.S.C.
2 3056–3056p), the Secretary of Labor—

3 (1)(A) may allow for individuals participating
4 in such activities as of March 1, 2020, to extend
5 their participation for a period that exceeds the pe-
6 riod described in section 518(a)(3)(B)(i) of such Act
7 if the Secretary determines such extension is appro-
8 priate due to the effects of the COVID-19 public
9 heath emergency declared under section 319 of the
10 Public Health Service Act (42 U.S.C. 247d), and

11 (B) may extend the average participation cap
12 for eligible individuals applicable to grantees under
13 section 502(b)(1)(C) of such Act to a cap the Sec-
14 retary determines is appropriate due to the effects of
15 the COVID-19 public heath emergency declared
16 under section 319 of the Public Health Service Act
17 (42 U.S.C. 247d), and

18 (2) may increase the amount available to pay
19 the authorized administrative costs to an amount
20 not to exceed 20 percent of the grant amount if the
21 Secretary determines that such increase is necessary
22 to adequately respond to the additional administra-
23 tive needs to respond to the COVID-19 public health
24 emergency declared under section 319 of the Public
25 Health Service Act (42 U.S.C. 247d).

1 TITLE V—PUBLIC HEALTH

1 “(1) IN GENERAL.—The Secretary, acting
2 through the Director of the Centers for Disease
3 Control and Prevention, shall—

4 “(A) conduct activities to expand, enhance,
5 and improve applicable public health data sys-
6 tems used by the Centers for Disease Control
7 and Prevention, related to the interoperability
8 and improvement of such systems (including as
9 it relates to preparedness for, prevention and
10 detection of, and response to public health
11 emergencies); and

12 “(B) award grants or cooperative agree-
13 ments to State, local, Tribal, or territorial pub-
14 lic health departments for the expansion and
15 modernization of public health data systems, to
16 assist public health departments in—

17 “(i) assessing current data infrastruc-
18 ture capabilities and gaps to improve and
19 increase consistency in data collection,
20 storage, analysis and, as appropriate, to
21 improve dissemination of public health-re-
22 lated information;

23 “(ii) improving secure public health
24 data collection, transmission, exchange,
25 maintenance, and analysis;

1 “(iii) improving the secure exchange
2 of data between the Centers for Disease
3 Control and Prevention, State, local, Trib-
4 al, and territorial public health depart-
5 ments, public health organizations, and
6 health care providers, including by public
7 health officials in multiple jurisdictions
8 within such State, as appropriate, and by

1 near real-time data monitoring, to support
2 rapid public health responses;

3 “(vii) supporting activities within the
4 applicable jurisdiction related to the expan-
5 sion and modernization of electronic case
6 reporting; and

7 “(viii) developing and disseminating
8 information related to the use and impor-
9 tance of public health data.

10 “(2) DATA STANDARDS.—In carrying out para-
11 graph (1), the Secretary, acting through the Direc-
12 tor of the Centers for Disease Control and Preven-
13 tion, shall, as appropriate and in consultation with
14 the Office of the National Coordinator for Health
15 Information Technology, designate data and tech-
16 nology standards (including standards for interoper-
17 ability) for public health data systems, with def-
18 erence given to standards published by consensus-
19 based standards development organizations with
20 public input and voluntary consensus-based stand-
21 ards bodies.

22 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
23 Secretary may develop and utilize public-private
24 partnerships for technical assistance, training, and
25 related implementation support for State, local,

- 1 Tribal, and territorial public health departments,
- 2 and the Centers for Disease Control and Prevention,

1 “(d) CONSULTATION.—The Secretary, acting
2 through the Director of the Centers for Disease Control
3 and Prevention, shall consult with State, local, Tribal, and
4 territorial health departments, professional medical and
5 public health associations, associations representing hos-
6 pitals or other health care entities, health information
7 technology experts, and other appropriate public or private
8 entities regarding the plan and grant program to mod-
9 ernize public health data systems pursuant to this section.
10 Activities under this subsection may include the provision
11 of technical assistance and training related to the ex-
12 change of information by such public health data systems
13 used by relevant health care and public health entities at
14 the local, State, Federal, Tribal, and territorial levels, and
15 the development and utilization of public-private partner-
16 ships for implementation support applicable to this sec-
17 tion.

18 “(e) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this section, the Secretary
20 shall submit a report to the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate and the Com-
22 mittee on Energy and Commerce of the House of Rep-
23 resentatives that includes—

24 “(1) a description of any barriers to—

1 “(A) public health authorities imple-
2 menting interoperable public health data sys-
3 tems and electronic case reporting;

4 “(B) the exchange of information pursuant

1 SEC. 70503. REPORTING ON COVID-19 TESTING AND RE-
SULTS.

- 1 "\$31,200,00 for each of fiscal years 2020 and 2021 and
- 2 \$11,200,000 for each of fiscal years 2022 and 2023".
- 3 SEC. 70507. FLEXIBILITY FOR MEMBERS OF NATIONAL

1 SEC. 70508. READY RESERVE CORPS.

2 (a) COMMISSIONED CORPS AND READY RESERVE
3 CORPS.—Section 203 of the Public Health Service Act (42
4 U.S.C. 204) is amended—

5 (1) in subsection (a)(1), by striking “ a Ready
6 Reserve Corps for service in time of national emer-
7 gency” and inserting “, for service in time of a pub-
8 lic health or national emergency, a Ready Reserve
9 Corps”; and

10 (2) in subsection (c)—

11 (A) in the heading, by striking “RE-
12 SEARCH” and inserting “RESERVE CORPS”;

13 (B) in paragraph (1), by inserting “during
14 public health or national emergencies” before
15 the period;

16 (C) in paragraph (2)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “, consistent with
19 paragraph (1)” after “shall”;

20 (ii) in subparagraph (C), by inserting
21 “during such emergencies” after “mem-
22 bers”; and

23 (iii) in subparagraph (D), by inserting
24 “, consistent with subparagraph (C)” be-
25 fore the period; and

26 (D) by adding at the end the following:

1 “(3) STATUTORY REFERENCES TO RESERVE.—
2 A reference in any Federal statute, except in the
3 case of subsection (b), to the ‘Reserve Corps’ of the
4 Public Health Service or to the ‘reserve’ of the Pub-
5 lic Health Service shall be deemed to be a reference
6 to the Ready Reserve Corps.”.

7 (b) DEPLOYMENT READINESS.—Section
8 203A(a)(1)(B) of the Public Health Service Act (42
9 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Re-
10 serves” and inserting “Ready Reserve Corps”.

(c) R

1 (B) in paragraph (2), by striking “Regular
2 or Reserve Corps” and inserting “Regular
3 Corps or Ready Reserve Corps”; and

4 (4) in subsection (f), by striking “the Regular
5 or Reserve Corps of”.

6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—

9 (1) in subsection (a), by adding at the end the
10 following:

11 “(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.

13 “(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.

15 “(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment.”; and

18 (2) in subsection (b)—

19 (A) by striking “Secretary of Health, Edu-
20 cation, and Welfare or his designee” and insert-
21 ing “Secretary of Health and Human Services
22 or the designee of such secretary”;

23 (B) by striking “(b) The authority vested”
24 and inserting the following:

25 “(b)(1) The authority vested”;

1 (C) by striking “For purposes of” and in-
2 serting the following:

3 “(2) For purposes of”; and

4 (D) by adding at the end the following:

5 “(3) For purposes of paragraph (19) of subsection
6 (a), the terms ‘Military department’, ‘Secretary con-

1 (1) the professional is providing health care
2 services in response to such public health emergency,
3 as a volunteer; and

4 (2) the act or omission occurs—

5 (A) in the course of providing health care
6 services;

7 (B) in the health care professional's capac-
8 ity as a volunteer;

9 (C) in the course of providing health care
10 services that are within the scope of the license,
11 registration, or certification of the volunteer, as
12 defined by the State of licensure, registration,
13 or certification; and

14 (D) in a good faith belief that the indi-
15 vidual being treated is in need of health care
16 services.

17 (b) EXCEPTIONS.—Subsection (a) does not apply if—

18 (1) the harm was caused by an act or omission
19 constituting willful or criminal misconduct, gross
20 negligence, reckless misconduct, or a conscious fla-
21 grant indifference to the rights or safety of the indi-
22 vidual harmed by the health care professional; or

23 (2) the health care professional rendered the
24 health care services under the influence (as deter-

1 mined pursuant to applicable State law) of alcohol
2 or an intoxicating drug.

3 (c) PREEMPTION.—

4 (1) IN GENERAL.—This section preempts the
5 laws of a State or any political subdivision of a State
6 to the extent that such laws are inconsistent with
7 this section, unless such laws provide greater protec-
8 tion from liability.

9 (2) VOLUNTEER PROTECTION ACT.—Protec-
10 tions afforded by this section are in addition to those
11 provided by the Volunteer Protection Act of 1997
12 (Public Law 105–19).

13 (d) DEFINITIONS.—In this section—

14 (1) the term “harm” includes physical, non-
15 physical, economic, and noneconomic losses;

16 (2) the term “health care professional” means
17 an individual who is licensed, registered, or certified
18 under Federal or State law to provide health care
19 services;

20 (3) the term “health care services” means any
21 services provided by a health care professional, or by
22 any individual working under the supervision of a
23 health care professional that relate to—

24 (A) the diagnosis, prevention, or treatment
25 of COVID-19; or

1 (B) the assessment or care of the health of
2 a human being for COVID-19; and

3 (4) the term “volunteer” means a health care
4 professional who, with respect to the health care

1 (2) during the period of the public health emer-
2 gency declared by the Secretary of Health and
3 Human Services pursuant to section 319 of the Pub-
4 lic Health Service Act (42 U.S.C. 247d) on January
5 31, 2020 with respect to COVID-19.

6 **Subtitle B—Tribal Health**

7 SEC. 70521. IMPROVING STATE, LOCAL, AND TRIBAL PUB-
8 LIC HEALTH SECURITY.

9 Section 319C–1 of the Public Health Service Act (42
10 U.S.C. 247d–3a) is amended—

11 (1) in the section heading, by striking “AND
12 LOCAL” and inserting “, LOCAL, AND TRIBAL”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

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

17 (ii) in subparagraph (C), by striking
18 “and” at the end and inserting “or”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) be an Indian tribe, tribal organiza-
22 tion, or a consortium of Indian tribes or tribal
23 organizations; and”; and

24 (B) in paragraph (2)—

- 1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, as applicable”
3 after “including”;
- 4 (ii) in subparagraph (A)(viii)—
- 5 (I) by inserting “and tribal”
6 after “with State”;
- 7 (II) by striking “(as defined in
8 section 8101 of the Elementary and
9 Secondary Education Act of 1965)”
10 and inserting “and tribal educational

1 (4) in subsection (h)—

2 (A) in paragraph (1)(A)—

3 (i) by striking “through 2023” and
4 inserting “and 2020”; and

5 (ii) by inserting before the period “;
6 and \$690,000,000 for each of fiscal years
7 2021 through 2023 for awards pursuant to
8 paragraph (3) (subject to the authority of
9 the Secretary to make awards pursuant to
10 paragraphs (4) and (5)) and paragraph
11 (8), of which not less than \$5,000,000
12 shall be reserved each fiscal year for
13 awards under paragraph (8)”;

14 (B) in the heading of paragraph (3), by in-
15 serting “FOR STATES” after “AMOUNT”; and

16 (C) by adding at the end the following:

17 “(8) TRIBAL ELIGIBLE ENTITIES.—

18 “(A) DETERMINATION OF FUNDING
19 AMOUNT.—

20 “(i) IN GENERAL.—The Secretary
21 shall award at least 10 cooperative agree-
22 ments under this section, in amounts not
23 less than the minimum amount determined
24 under clause (ii), to eligible entities de-
25 scribed in subsection (b)(1)(D) that sub-

1 mits to the Secretary an application that
2 meets the criteria of the Secretary for the
3 receipt of such an award and that meets
4 other reasonable implementation conditions
5 established by the Secretary, in consulta-
6 tion with Indian tribes, for such awards. If
7 the Secretary receives more than 10 appli-
8 cations under this section from eligible en-
9 tities described in subsection (b)(1)(D)
10 that meet the criteria and conditions de-
11 scribed in the previous sentence, the Sec-
12 retary, in consultation with Indian tribes,
13 may make additional awards under this
14 section to such entities.

15 “(ii) MINIMUM AMOUNT.—In deter-
16 mining the minimum amount of an award
17 pursuant to clause (i), the Secretary, in
18 consultation with Indian tribes, shall first
19 determine an amount the Secretary con-
20 siders appropriate for the eligible entity.

21 “(B) AVAILABLE UNTIL EXPENDED.—
22 Amounts provided to a tribal eligible entity
23 under a cooperative agreement under this sec-
24 tion for a fiscal year and remaining unobligated
25 at the end of such year shall remain available

1 to such entity during the entirety of the per-
2 formance period, for the purposes for which
3 said funds were provided.

4 “(C) NO MATCHING REQUIREMENT.—Sub-
5 paragraphs (B), (C), and (D) of paragraph (1)
6 shall not apply with respect to cooperative
7 agreements awarded under this section to eligi-
8 ble entities described in subsection (b)(1)(D).”;
9 and
10 (5) by adding at the end the following:

“(I) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE

1 er or alternative requirement is necessary for
2 the effective delivery and administration of this
3 program with respect to eligible entities de-
4 scribed in subsection (b)(1)(D).

5 “(B) EXCEPTION.—The Secretary may not
6 waive or specify alternative requirements under
7 subparagraph (A) relating to labor standards or
8 the environment.

9 “(3) CONSULTATION.—The Secretary shall con-
10 sult with Indian tribes and tribal organizations on
11 the design of this program with respect to such
12 tribes and organizations to ensure the effectiveness
13 of the program in enhancing the security of Indian
tribes with respect aaph

1 SEC. 70522. PROVISION OF ITEMS TO INDIAN PROGRAMS
2 AND FACILITIES.

3 (a) STRATEGIC NATIONAL STOCKPILE.—Section
4 319F–2(a)(3)(G) of the Public Health Service Act (42
5 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting “, and,
6 in the case that the Secretary deploys the stockpile under
7 this subparagraph, ensure, in coordination with the appli-
8 cable States and programs and facilities, that appropriate
9 drugs, vaccines and other biological products, medical de-
10 vices, and other supplies are deployed by the Secretary di-
11 rectly to health programs or facilities operated by the In-
12 dian Health Service, an Indian tribe, a tribal organization
13 (as those terms are defined in section 4 of the Indian Self-
14 Determination and Education Assistance Act (25 U.S.C.
15 5304)), or an inter-tribal consortium (as defined in section
16 501 of the Indian Self-Determination and Education As-
17 sistance Act (25 U.S.C. 5381)) or through an urban In-
18 dian organization (as defined in section 4 of the Indian
19 Health Care Improvement Act), while avoiding duplicative
20 distributions to such programs or facilities” before the
21 semicolon.

22 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-
23 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the
24 Public Health Service Act (42 U.S.C. 241 et seq.) is
25 amended by inserting after section 319F–4 the following:

1 "SEC. 319F-5. DISTRIBUTION OF QUALIFIED PANDEMIC OR

1 "SEC. 520A. DISCONTINUANCE OR INTERRUPTION IN THE

1 “(2) REQUIRED INCLUSIONS.—A notification
2 under paragraph (1) shall include each of the fol-
3 lowing:

4 “(A) The name of the device, including the
5 Device Identifier or National Product Code for
6 the device, if applicable.

7 “(B) The name of the manufacturer of the
8 device.

9 “(C) The reason for the notification, in-
10 cluding whether any of the following reasons
11 apply:

12 “(i) Requirements related to com-
13 plying with quality system regulations.

14 “(ii) Shortage of a material used in
15 the manufacture of the device.

16 “(iii) Shortage of a component, part,
17 or accessory of the device.

18 “(iv) Delay in shipping of the device.

19 “(v) Increased demand for the device.

20 “(vi) Natural disaster.

21 “(vii) Cyber security.

22 “(viii) Facility closure.

23 “(ix) Other reasons as the Secretary
24 deems appropriate.

1 hospitals, physicians and other health care providers,
2 patients, and supply chain partners.

3 “(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that the disclo-
7 sure of such information would adversely affect pub-
8 lic health, such as by increasing the possibility of an
9 unnecessary over-purchase or other disruption of the
10 availability of medical products to patients.

11 “(c) CONFIDENTIALITY.—Nothing in this section
12 shall be construed as authorizing the Secretary to disclose
13 any information that is a trade secret or confidential infor-
14 mation subject to section 552(b)(4) of title 5, United
15 States Code, or section 1905 of title 18, United States
16 Code.

17 “(d) FAILURE TO MEET REQUIREMENTS.—If a per-
18 son fails to submit information as required under sub-
19 section (a)—

20 “(1) the Secretary shall issue a letter to such
21 person setting forth the basis for noncompliance and
22 informing such person of a failure to comply;

23 “(2) within 30 calendar days from the issuance
24 of a letter under paragraph (1), the person who re-
25 ceives such letter shall submit to the Secretary a

1 written response to such letter setting forth the
2 basis for noncompliance and providing information
3 required under subsection (a); and

4 “(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the public website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (c), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 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 “(e) 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 a device described
21 in subsection (a), the Secretary may—

22 “(1) expedite the review of premarket submis-
23 sions under sections 510(k), 513(f)(2), 515, and
24 520(m), that could help mitigate or prevent such
25 shortage; or

1 “(2) expedite an inspection or reinspection of
2 an establishment that could help mitigate or prevent
3 such shortage.

4 “(f) EFFECT OF NOTIFICATION.—The submission of
5 a notification under subsection (a) shall not be con-
strued—

1 (A) by striking “(h) The term” and insert-
2 ing “(h)(1) The term”; and

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

4 “(2) The term ‘counterfeit device’ means a device
5 which, or the container, packaging, or labeling of which,
6 without authorization, bears a trademark, trade name, or
7 other identifying mark, imprint, or symbol, or any likeness
8 thereof, or is manufactured using a design, of a device
9 manufacturer, packer, or distributor other than the person
10 or persons who in fact manufactured, packed, or distrib-

1 SEC. 70533. 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 med-
7 ical supplies, and other supplies required for the adminis-
8 tration of drugs, vaccines and other biological products,
9 medical devices, and diagnostic tests)’” after “other sup-
10 plies”.

11 SEC. 70534. REPORTING REQUIREMENT FOR DRUG MANU-
12 FACTURERS.

13 (a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—
14 Section 510(i) of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 360(i)) is amended by inserting at the end
16 the following new paragraph:

1 (3) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3)(A) Subject to subparagraph (B), each person
4 who registers with the Secretary under this section shall
5 report to the Secretary by electronic means in a form and
6 manner as specified by the Secretary, with regard to
7 drugs, once during the month of March of each year, once
8 during the month of June of each year, once during the
9 month of September of each year, and once during the
10 month of December of each year, on the amount of each
11 listed drug that was manufactured, prepared, propagated,
12 compounded, or processed at each establishment reg-
13 istered by such person since the date the person last made
14 a report under this paragraph. Such amount shall include
15 the number of dosage units for each finished drug product
16 intended for distribution in the United States, or amount
17 of active pharmaceutical ingredient intended for distribu-
18 tion in the United States. The Secretary may require in-
19 formation reported under this subparagraph to be further
20 delineated in such manner as the Secretary determines ap-
21 propriate.

22 “(B) Notwithstanding subparagraph (A), the Sec-
23 retary may issue an order exempting certain biological
24 products or categories of biological products licensed
25 under section 351 of the Public Health Service Act from

1 some or all of the reporting requirements under such sub-
2 paragraph if the Secretary determines that the application
3 of such requirements to such products (or categories
4 thereof) is not necessary to protect the public health.”.

5 (c) RULES OF CONSTRUCTION.—

6 (1) Nothing in the amendments made by this
7 section shall be construed—

8 (A) to limit or narrow, in any manner, the
9 meaning or application of the provisions of sub-
10 section (i) or (j) of section 510 of the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C.
12 360); or

13 (B) to affect any determination under ei-
14 ther such subsection made prior to the date of
15 enactment of this Act.

16 (2) Nothing in the amendments made by this
17 section shall be construed—

18 (A) to limit or narrow the ability of the
19 Secretary of Health and Human Services to
20 share confidential commercial information pur-
21 suant to a memorandum of understanding, en-
22 tered into before, on, or after the date of enact-
23 ment of this section, between the Food and
24 Drug Administration and another Federal de-
25 partment or agency; or

1 (B) as authorizing the Secretary to dis-
2 close any information that is confidential com-
3 mercial or trade secret information subject to
4 section 552(b)(4) of title 5, United States Code,
5 or section 1905 of title 18, United States Code.

6 SEC. 70535. NATIONAL CENTERS OF EXCELLENCE IN CON-
7 TINUOUS PHARMACEUTICAL MANUFAC-
8 TURING.

9 (a) IN GENERAL.—Section 3016 of the 21st Century
10 Cures Act (21 U.S.C. 399h) is amended to read as follows:

11 “SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-
12 TINUOUS PHARMACEUTICAL MANUFAC-
13 TURING.

14 “(a) IN GENERAL.—The Secretary of Health and
15 Human Services, acting through the Commissioner of
16 Food and Drugs—

17 “(1) shall solicit and, beginning not later than
18 one year after the date of enactment of the National
19 Centers of Excellence in Continuous Pharmaceutical
20 Manufacturing Act of 2019, receive requests from
21 institutions of higher education to be designated as
22 a National Center of Excellence in Continuous Phar-
23 maceutical Manufacturing (in this section referred to
24 as a ‘National Center of Excellence’) to support the

1 advancement and development of continuous manu-
2 facturing; and

3 “(2) shall so designate any institution of higher
4 education that—

5 “(A) requests such designation; and

6 “(B) meets the criteria specified in sub-
7 section (c).

8 “(b) REQUEST FOR DESIGNATION.—A request for
9 designation under subsection (a) shall be made to the Sec-
10 retary at such time, in such manner, and containing such
11 information as the Secretary may require. Any such re-
12 quest shall include a description of how the institution of
13 higher education meets or plans to meet each of the cri-
14 teria specified in subsection (c).

“(c) CRITERIA FOR DESIGNATION D

1 generic and nonprescription manufacturers, contract
2 manufacturers, and other entities;

3 “(3) proven capacity to design and demonstrate
4 new, highly effective technology for use in contin-
5 uous manufacturing;

6 “(4) a track record for creating and transfer-
7 ring knowledge with respect to continuous manufac-
8 turing;

9 “(5) the potential to train a future workforce
10 for research on and implementation of advanced
11 manufacturing and continuous manufacturing; and

12 “(6) experience in participating in and leading
13 a continuous manufacturing technology partnership
14 with other institutions of higher education, large and
15 small pharmaceutical manufacturers, generic and
16 nonprescription manufacturers, contract manufac-
17 turers, and other entities—

18 “(A) to support companies with continuous
19 manufacturing in the United States;

20 “(B) to support Federal agencies with
21 technical assistance, which may include regu-
22 latory and quality metric guidance as applica-
23 ble, for advanced manufacturing and continuous
24 manufacturing;

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1 stitution of higher education enter into an agreement with
2 the Secretary under which the institution agrees—

3 “(1) to collaborate directly with the Food and
4 Drug Administration to publish the reports required
5 by subsection (g);

6 “(2) to share data with the Food and Drug Ad-
7 ministration regarding best practices and research
8 generated through the funding under subsection (f);

9 “(3) to develop, along with industry partners
10 (which may include large and small biopharma-
11 ceutical manufacturers, generic and nonprescription
12 manufacturers, and contract manufacturers) and an-
13 other institution or institutions designated under
14 this section, if any, a roadmap for developing a con-
15 tinuous manufacturing workforce;

16 “(4) to develop, along with industry partners
17 and other institutions designated under this section,
18 a roadmap for strengthening existing, and devel-
19 oping new, relationships with other institutions; and

20 “(5) to provide an annual report to the Food
21 and Drug Administration regarding the institution’s
22 activities under this section, including a description
23 of how the institution continues to meet and make
24 progress on the criteria listed in subsection (c).

25 “(f) FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall award
2 funding, through grants, contracts, or cooperative
3 agreements, to the National Centers of Excellence
4 designated under this section for the purpose of
5 studying and recommending improvements to contin-
6 uous manufacturing, including such improvements
7 as may enable the Centers—

8 “(A) to continue to meet the conditions
9 specified in subsection (e); and

10 “(B) to expand capacity for research on,
11 and development of, continuing manufacturing.

12 “(2) CONSISTENCY WITH FDA MISSION.—As a
13 condition on receipt of funding under this sub-
14 section, a National Center of Excellence shall agree
15 to consider any input from the Secretary regarding
16 the use of funding that would—

17 “(A) help to further the advancement of
18 continuous manufacturing through the National
19 Center of Excellence; and

20 “(B) be relevant to the mission of the
21 Food and Drug Administration.

“(3) A

1 “(4) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed as precluding a Na-
3 tional Center for Excellence designated under this
4 section from receiving funds under any other provi-
5 sion of this Act or any other Federal law.

6 “(g) ANNUAL REVIEW AND REPORTS.—

7 “(1) ANNUAL REPORT.—Beginning not later
8 than one year after the date on which the first des-
9 ignation is made under subsection (a), and annually
thereafter, the Secretary shall—

1 that such National Centers of Excellence continue to
2 meet the criteria for designation under this section.

3 “(3) REPORT ON LONG-TERM VISION OF FDA
4 ROLE.—Not later than 2 years after the date on
5 which the first designation is made under subsection
6 (a), the Secretary, in consultation with the National
7 Centers of Excellence designated under this section,
8 shall submit a report to the Congress on the long-
9 term vision of the Department of Health and
10 Human Services on the role of the Food and Drug
11 Administration in supporting continuous manufac-
12 turing, including—

13 “(A) a national framework of principles re-
14 lated to the implementation and regulation of
15 continuous manufacturing;

16 “(B) a plan for the development of Federal
17 regulations and guidance for how advanced
18 manufacturing and continuous manufacturing
19 can be incorporated into the development of
20 pharmaceuticals and regulatory responsibilities
21 of the Food and Drug Administration; and

22 “(C) appropriate feedback solicited from
23 the public, which may include other institutions,
24 large and small biopharmaceutical manufactur-

1 ers, generic and nonprescription manufacturers,
2 and contract manufacturers.

3 “(h) DEFINITIONS.—In this section:

4 “(1) ADVANCED MANUFACTURING.—The term
5 ‘advanced manufacturing’ means an approach for
6 the manufacturing of pharmaceuticals that incor-
7 porates novel technology, or uses an established
8 technique or technology in a new or innovative way
9 (such as continuous manufacturing where the input
10 materials are continuously transformed within the
11 process by two or more unit operations) that en-
12 hances drug quality or improves the manufacturing
13 process.

14 “(2) CONTINUOUS MANUFACTURING.—The
15 term ‘continuous manufacturing’—

16 “(A) means a process where the input ma-
17 terials are continuously fed into and trans-
18 formed within the process, and the processed
19 output materials are continuously removed from
20 the system; and

21 “(B) consists of an integrated process that
22 consists of a series of two or more unit oper-
23 ations.

24 “(3) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 meaning given such term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 “(4) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Health and Human Services, acting
5 through the Commissioner of Food and Drugs.”.

6 (b) TRANSITION RULE.—Section 3016 of the 21st
7 Century Cures Act (21 U.S.C. 399h), as in effect on the
8 day before the date of the enactment of this section, shall
9 apply with respect to grants awarded under such section
10 before such date of enactment.

11 Subtitle D—Public Health 12 Extenders

13 SEC. 70541. EXTENSION FOR COMMUNITY HEALTH CEN-
14 TERS, THE NATIONAL HEALTH SERVICE
15 CORPS, AND TEACHING HEALTH CENTERS
16 THAT OPERATE GME PROGRAMS.

17 (a) COMMUNITY HEALTH CENTERS.—Section
18 10503(b)(1) of the Patient Protection and Affordable
19 Care Act (42 U.S.C. 254b–2(b)(1)) is amended—

20 (1) in subparagraph (E), by striking “and” at
21 the end;

22 (2) in subparagraph (F), by striking “,
23 \$4,000,000,000 for fiscal year 2019, and
24 \$2,575,342,466 for the period beginning on October

1 1, 2019, and ending on May 22, 2020; and” and in-
2 sserting a semicolon; and

3 (3) by adding at the end the following:

4 “(G) \$4,000,000,000 for each of fiscal
5 years 2019 and 2020; and

6 “(H) \$668,493,151 for the period begin-
7 ning on October 1, 2020, and ending on No-
8 vember 30, 2020; and”.

9 (b) NATIONAL HEALTH SERVICE CORPS.—Section
10 10503(b)(2) of the Patient Protection and Affordable
11 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

12 (1) in subparagraph (F), by striking “and
13 2019; and” and inserting “through 2020; and”;

14 (2) in subparagraph (G), by striking
15 “\$199,589,041 for the period beginning on October
16 1, 2019, and ending on May 22, 2020” and insert-
17 ing “\$51,808,220 for the period beginning on Octo-
18 ber 1, 2020, and ending on November 30, 2020.”

19 (c) TEACHING HEALTH CENTERS THAT OPERATE
20 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
340H(g)(1) of the Public Health Service Act (42 U.S.C.

1 (2) by striking “\$81,445,205 for the period be-
2 ginning on October 1, 2019, and ending on May 22,
3 2020” and inserting “\$21,141,096 for the period be-
4 ginning on October 1, 2020, and ending on Novem-
5 ber 30, 2020”.

6 SEC. 70542. DIABETES PROGRAMS.

7 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
8 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is
9 amended by striking “and 2019, and \$96,575,342 for the

1 (1) in subsection (a)—

2 (A) in paragraph (1), in the matter pre-
3 ceding subparagraph (A), by striking “and
4 2019 and for the period beginning October 1,
5 2019, and ending May 22, 2020” and inserting
6 “through 2020 and for the period beginning on
7 October 1, 2020, and ending on November 30,
8 2020”;

9 (B) in paragraph (2)(A), by striking “and
10 2019 and for the period beginning October 1,
11 2019, and ending May 22, 2020” and inserting
12 “through 2020, and for the period beginning on
13 October 1, 2020, and ending on November 30,
14 2020”; and

15 (C) in paragraphs (1), (2)(A), and
16 (2)(B)(i), by striking “with respect to such pe-
17 riod, for fiscal year 2020” each place it appears
18 and inserting “with respect to such period, for
19 fiscal year 2021”; and

20 (2) in subsection (f)(1), by striking “and 2019
21 and \$48,287,671 for the period beginning October 1,
22 2019, and ending May 22, 2020” and inserting
23 “through 2020, and \$12,534,247 for the period be-
24 ginning on October 1, 2020, and ending on Novem-
25 ber 30, 2020”.

1 **Subtitle F—Miscellaneous**

2 SEC. 70561. HEALTH PROVIDER LOAN PROGRAM.

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of enactment of this title, the Secretary shall estab-
5 lish a program under which loans shall be made to eligible
6 health care organizations to assist such organizations with
7 anticipated revenue loss or higher operating costs as a re-
8 sult of the COVID-19 emergency.

9 (b) PROGRAM REQUIREMENTS.—The Secretary shall
10 establish standards and guidelines for application, loan
11 amount, repayment, and extension, and shall consider the
12 eligible health care organization’s financial condition, serv-
13 ice in an area heavily impacted by the COVID-19 emer-
14 gency, or other factors deemed appropriate.

15 (c) ELIGIBLE HEALTH CARE ORGANIZATIONS.—To
16 be eligible for a loan under subsection (a), an entity
17 shall—

18 (1) be a health care provider or supplier that
19 receives assistance or otherwise participates in the
20 Medicare or Medicaid program under title XVIII or
21 XIX of the Social Security Act (42 U.S.C. 1395 and
22 1396 et seq.), including a hospital, critical access
23 hospital, skilled nursing facility, physician practice,
24 home health provider, community health center, am-
25 bulatory surgical care center, or hospice; and

1 (2) submit to the Secretary an application at
2 such time, in such manner, and containing such in-
3 formation as the Secretary may require.

4 (d) TERMS AND CONDITIONS.—

5 (1) INTEREST.—A loan under this section shall
6 have a rate of interest of not to exceed 2 percent.
7 Interest shall begin to accrue on the date that is 60
8 days after the date of origination.

9 (2) TERM.—The term of a loan under this sec-
10 tion shall be 1 year minus one day. A borrower shall
11 have the option to extend such term for a total of
12 not to exceed 19 years. Further extensions may be
13 granted if approval by the Secretary.

14 (3) SECURITY.—An eligible health care organi-
15 zation shall not be required to provide security for
16 a loan under this section.

17 (4) PAYMENTS.—Loan payments shall be made
18 on a biannual basis.

19 (e) DEFINITIONS.—In this section:

20 (1) COVID-19 EMERGENCY.—The term
21 “COVID-19 emergency” means the national emer-

- 1 (2) SECRETARY.—The term “Secretary” means
- 2 the Secretary of Health and Human Services.
- 3 (f) USE OF CERTAIN FUNDS.—Loan recipients may

1 gency (as defined in section 561(e)(1)), including such ex-
2 penses or losses occurring after January 20, 2020.

3 (b) PRIORITY.—The Secretary shall, in making pay-
4 ments under this section, prioritize making such payments
5 to—

6 (1) eligible covered entities for—

7 (A) the furnishing of charity care;

8 (B) the building or construction of tem-
9 porary structures;

10 (C) the leasing of properties;

11 (D) the acquisition of medical supplies and
12 equipment, including personal protective equip-
13 ment and testing supplies;

14 (E) increased workforce and trainings;

15 (F) emergency operation centers;

16 (G) construction or retrofitting of facilities;

17 (H) forgone revenue unlikely to be earned
18 in the future; and

19 (I) surge capacity; and

20 (2) eligible covered entities that have high vol-
21 umes of health care related expenses or lost revenues
22 directly attributable to the COVID-19 emergency.

23 (c) PAYMENTS.—

24 (1) IN GENERAL.—The Secretary shall make
25 payments under this section in coordination with the

1 Administrator of the Centers for Medicare & Med-
2 icaid Services and in consideration of the most effi-
3 cient payment systems to provide emergency pay-
4 ment to eligible covered entities.

5 (2) PAYMENT SYSTEM.—The Secretary shall
6 make payments under this section—

7 (A) in the form of a pre-payment, prospec-
8 tive payment, and retrospective payment; and

9 (B) on a reoccurring basis.

10 (d) ELIGIBILITY.—In order to be eligible for a pay-
11 ment under this section, a covered entity shall—

12 (1) submit to the Secretary an application that
13 includes a statement justifying the need of the entity
14 for the payment;

15 (2) have a valid tax identification number; and

16 (3) not be barred from participation in any
17 Federal health program.

(e) AUDIT.—Not later than 3 years after the award7 (provide) -325.7 (em

1 carrying out this section, which Fund shall consist
2 of amounts appropriated under paragraph (2).

3 (2) APPROPRIATIONS.—There is appropriated,
4 out of amounts in the Treasury not otherwise appro-
5 priated, to the Health Provider Assistance Fund
6 \$100,000,000,000, to remain available until ex-
7 pended, for the purpose of making the payments
8 under this section.

9 (3) LIMITATION.—The amounts appropriated
10 under paragraph (1) may not be used to reimburse
11 expenses or losses that have been reimbursed from
12 other sources, or that other sources are obligated to
13 reimburse.

14 (g) CLARIFICATION.—No individual, employer, or
15 other entity may be restricted from participating in or
16 benefitting from any exemption or benefit under this sec-
17 tion, based on any factor that is unrelated to its qualifica-
18 tions to perform the required services.

19 (h) DEFINITIONS.—In this section:

20 (1) COVERED ENTITY.—The term “covered en-
21 tity” means an entity that provides medical diag-
22 noses or health care services relating to actual or
23 possible cases of COVID-19.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of Health and Human Services.

1 DIVISION H—EMERGENCY
2 CORONAVIRUS PANDEMIC
3 UNEMPLOYMENT COMPENSA-
4 TION ACT OF 2020

5 SEC. 80001. SHORT TITLE.

6 This division may be cited as the “Emergency

1 **TITLE I—FEDERAL BENEFIT**
2 **ENHANCEMENTS**

3 SEC. 80101. EMERGENCY INCREASE IN UNEMPLOYMENT
4 COMPENSATION BENEFITS.

5 (a) FEDERAL-STATE AGREEMENTS.—Any State
6 which desires to do so may enter into and participate in
7 an agreement under this section with the Secretary of
8 Labor (hereinafter in this section referred to as the “Sec-
9 retary”). Any State which is a party to an agreement
10 under this section may, upon providing 30 days’ written
11 notice to the Secretary, terminate such agreement.

12 (b) PROVISIONS OF AGREEMENT.—

13 (1) IN GENERAL.—Any agreement under this
14 section shall provide the following:

15 (A) FEDERAL PANDEMIC UNEMPLOYMENT
16 COMPENSATION.—The State agency of the
17 State will make payments of regular compensa-
18 tion to individuals in amounts and to the extent
19 that they would be determined if the State law
20 of the State were applied, with respect to any
21 week for which the individual is (disregarding
22 this section) otherwise entitled under the State
23 law to receive regular compensation, as if such
24 State law had been modified in a manner such
25 that the amount of regular compensation (in-

1 including dependents' allowances) payable for any
2 week shall be equal to—

3 (i) the amount determined under the
4 State law (before the application of this
5 paragraph), plus

6 (ii) an additional amount of \$600 (in
7 this section referred to as "Federal Pan-
8 demic Unemployment Compensation").

9 (B) FEDERAL PANDEMIC SHORT-TIME
10 COMPENSATION.—In the case of a State that
11 provides under the State law for the payment of
12 short-time compensation under a short-time
13 compensation program (as defined in section
14 3306(v) of the Internal Revenue Code of 1986),
15 the State agency of the State will make pay-
16 ments of compensation (as defined in subsection
17 (h) of such section) to employees participating
18 in such program in amounts and to the extent
19 that they would be determined under such pro-
20 gram if the State law of the State were applied,
21 with respect to any week for which the indi-

1 the amount of compensation payable for any
2 week shall be equal to the amount determined
3 under the State law (before the application of
4 this paragraph) plus \$300 (in this section re-
5 ferred to as “Federal Pandemic Short-Time
6 Compensation”).

7 (2) ALLOWABLE METHODS OF PAYMENT.—Any
8 Federal Pandemic Unemployment Compensation or
9 Federal Pandemic Short-Time Compensation pro-
10 vided for in accordance with paragraph (1) shall be
11 payable either—

12 (A) as an amount which is paid at the
13 same time and in the same manner as any com-
14 pensation otherwise payable for the week in-
15 volved; or

16 (B) at the option of the State, by pay-
17 ments which are made separately from, but on
18 the same weekly basis as, any compensation
19 otherwise payable.

20 (c) NONREDUCTION RULE.—An agreement under
21 this section shall not apply (or shall cease to apply) with
22 respect to a State upon a determination by the Secretary
23 that the method governing the computation of regular
24 compensation under the State law of that State has been
25 modified in a manner such that the maximum benefit enti-

1 tlement and the average weekly benefit amount of regular
2 compensation (or short-time compensation in the case of
3 a State described in subsection (b)(1)(B)) which will be
4 payable during the period of the agreement (determined
5 disregarding any Federal Pandemic Unemployment Com-
6 pensation or Federal Pandemic Short-Time Compensa-
7 tion) will be less than the maximum benefit entitlement
8 and the average weekly benefit amount of regular com-
9 pensation (or short-time compensation) which would oth-
10 erwise have been payable during such period under the
11 State law, as in effect on January 1, 2020.

12 (d) PAYMENTS TO STATES.—

13 (1) IN GENERAL.—

14 (A) FULL REIMBURSEMENT.—There shall
15 be paid to each State which has entered into an
16 agreement under this section an amount equal
17 to 100 percent of—

18 (i) the total amount of Federal Pan-
19 demic Unemployment Compensation paid
20 to individuals by the State pursuant to
21 such agreement;

22 (ii) the total amount of Federal Pan-
23 demic Short-Time Compensation paid to
24 individuals by the State pursuant to such
25 agreement; and

1 (iii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

5 (B) TERMS OF PAYMENTS.—Sums payable
6 to any State by reason of such State's having
7 an agreement under this section shall be pay-
8 able, either in advance or by way of reimburse-
9 ment (as determined by the Secretary), in such
10 amounts as the Secretary estimates the State
11 will be entitled to receive under this section for
 each calendar month, reduced or increased, as

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

5 (e) APPLICABILITY.—

6 (1) IN GENERAL.—An agreement entered into
7 under this section shall apply to weeks of unemploy-
8 ment—

9 (A) beginning on or after March 13, 2020;

10 and

11 (B) ending on or before January 1, 2021.

12 (2) TRANSITION RULE FOR INDIVIDUALS RE-
13 MAINING ENTITLED TO REGULAR COMPENSATION AS
14 OF JUNE 30, 2021.—In the case of any individual
15 who, as of the date specified in paragraph (1)(B),
16 has not yet exhausted all rights to regular com-
17 pensation under the State law of a State with re-
18 spect to a benefit year that began before such date
19 (or short-time compensation in the case of a State
20 described in subsection (b)(1)(B)), Federal Pan-

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

3 (2) REPAYMENT.—In the case of individuals
4 who have received amounts of Federal Pandemic
5 Unemployment Compensation or Federal Pandemic
6 Short-Time Compensation to which they were not
7 entitled, the State shall require such individuals to
8 repay the amounts of such Federal Pandemic Unem-
9 ployment Compensation or Federal Pandemic Short-
10 Time Compensation to the State agency, except that
11 the State agency may waive such repayment if it de-
12 termines that—

13 (A) the payment of such Federal Pandemic
14 Unemployment Compensation or Federal Pan-
15 demic Short-Time Compensation was without
16 fault on the part of any such individual; and

17 (B) such repayment would be contrary to
18 equity and good conscience.

(3) R

1 compensation payable to such individual under
2 any State or Federal unemployment compensa-
3 tion law administered by the State agency or
4 under any other State or Federal law adminis-
5 tered by the State agency which provides for
6 the payment of any assistance or allowance with
7 respect to any week of unemployment, during
8 the 3-year period after the date such individuals
9 received the payment of the Federal Pandemic
10 Unemployment Compensation or Federal Pan-
11 demic Short-Time Compensation to which they
12 were not entitled, in accordance with the same
13 procedures as apply to the recovery of overpay-
14 ments of regular unemployment benefits paid
15 by the State.

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

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

1 tion law, and only in that manner and to that extent.
2 tent.

3 (g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—
4 FITS.—

5 (1) IN GENERAL.—Each agreement under this
6 section shall include provisions to provide that the
7 purposes of the preceding provisions of this section
8 shall be applied with respect to unemployment benefits
9 described in subsection (i)(3) to the same extent
10 and in the same manner as if those benefits were
11 regular compensation.

12 (2) ELIGIBILITY AND TERMINATION RULES.—
13 Federal Pandemic Unemployment Compensation—

14 (A) shall not be payable, pursuant to this
15 subsection, with respect to any unemployment
16 benefits described in subsection (i)(3) for any
17 week beginning on or after the date specified in
18 subsection (e)(1)(B), except in the case of an
19 individual who was eligible to receive Federal
20 Pandemic Unemployment Compensation in connection
21 with any regular compensation or any unemployment
22 benefits described in subsection (i)(3) for any period
23 of unemployment ending before such date; and

1 (B) shall in no event be payable for any
2 week beginning after the date specified in sub-
3 section (e)(3).

4 (h) TREATMENT OF FEDERAL PANDEMIC UNEM-
5 PLOYMENT COMPENSATION AND FEDERAL PANDEMIC
6 SHORT-TIME COMPENSATION PAYMENTS.—

 (1) PAYMENT TO BE DISREGARDED FOR PUR-

1 eral-State Extended Unemployment Compensation
2 Act of 1970 (26 U.S.C. 3304 note);

3 (2) the term “maximum benefit entitlement”
4 means the amount of regular compensation payable
5 to an individual with respect to the individual’s ben-
6 efit year; and

7 (3) any reference to unemployment benefits de-
8 scribed in this paragraph shall be considered to refer
9 to—

10 (A) extended compensation (as defined by
11 section 205 of the Federal-State Extended Un-
12 employment Compensation Act of 1970); and

13 (B) unemployment compensation (as de-
14 fined by section 85(b) of the Internal Revenue
15 Code of 1986) provided under any program ad-
16 ministered by a State under an agreement with
17 the Secretary.

18 SEC. 80102. TEMPORARY FINANCING OF SHORT-TIME COM-
19 PENSATION PAYMENTS IN STATES WITH PRO-
GRAMS IN LAW. tō1&(B) 1tendePt toPRO-

1 (as defined in section 3306(v) of the Internal Rev-
2 enue Code of 1986) under the provisions of the
3 State law.

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

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

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

11 (1) beginning on or after March 13, 2020; and

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

13 (c) NEW PROGRAMS.—Subject to paragraphs (1)(B)
14 and (2) of subsection (b), if at any point after the date
15 of the enactment of this Act the State enacts a State law
16 providing for the payment of short-time compensation
17 under a short-time compensation program that meets the
18 definition of such a program under section 3306(v) of the
19 Internal Revenue Code of 1986, the State shall be eligible
20 for payments under this section after the effective date
21 of such enactment.

(d) F

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

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

7 (e) DEFINITIONS.—In this section:

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

(2) STATE;

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

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

(b) PROVISIONS OF F

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

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

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

19 (c) PAYMENTS TO STATES.—

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

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

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

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

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

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

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

3 (1) beginning on or after March 13, 2020; and

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

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

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

15 (2) subject to paragraphs (1)(B) and (2) of sec-
16 tion 2(b), shall be eligible to receive payments under
17 section 2 after the effective date of such State law.

18 (f) DEFINITIONS.—In this section:

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

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

1 SEC. 80104. EMERGENCY FLEXIBILITY FOR SHORT-TIME
2 COMPENSATION.

3 Notwithstanding any other law, if a State modifies
4 its unemployment compensation law and policies with re-
5 spect to availability for work and work search test require-
6 ments for short-time compensation on an emergency tem-
7 porary basis as needed to respond to the spread of
8 COVID-19, such modifications shall be disregarded for
9 the purposes of applying section 303 of the Social Security

1 (3) ELIGIBILITY.—

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

5 (B) CLARIFICATION.—A State admin-
6 istering a short-time compensation program
7 that does not meet the definition of a short-
8 time compensation program under section
9 3306(v) of the Internal Revenue Code of 1986,
10 and a State with an agreement under section 3,

1 (B) short-time compensation program is
2 subject to discontinuation or is not scheduled to
3 take effect within 12 months of the certifi-
4 cation.

5 (d) USE OF FUNDS.—The amount of any grant
6 awarded under this section shall be used for the implemen-
 tation of short-time compensation programs and the over-

1 (g) to provide for outreach and to share best practices with
2 respect to this section and short-time compensation pro-
3 grams.

4 (f) RECOUPMENT.—The Secretary shall establish a
5 process under which the Secretary shall recoup the
6 amount of any grant awarded under paragraph (1) or (2)
7 of subsection (a) if the Secretary determines that, during
8 the 5-year period beginning on the first date that any such
9 grant is awarded to the State, the State—

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

12 (2) failed to meet appropriate requirements
13 with respect to such program (as established by the
14 Secretary).

15 (g) FUNDING.—There are appropriated for fiscal
16 year 2020, out of moneys in the Treasury not otherwise
17 appropriated, to the Secretary, \$100,000,000 to carry out
18 this section, to remain available until December 31, 2020.

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

22 (i) DEFINITIONS.—In this section:

23 (1) SECRETARY.—The term “Secretary” means
24 the Secretary of Labor.

1 (2) SHORT-TIME COMPENSATION PROGRAM.—

2 The term “short-time compensation program” has
3 the meaning given such term in section 3306(v) of
4 the Internal Revenue Code of 1986.

5 (3) STATE; STATE AGENCY; STATE LAW.—The

6 terms “State”, “State agency”, and “State law”
7 have the meanings given those terms in section 205
8 of the Federal-State Extended Unemployment Com-
9 pensation Act of 1970 (26 U.S.C. 3304 note).

10 SEC. 80106. EMERGENCY EXTENDED BENEFIT PERIOD FOR

11 2020.

12 (a) IN GENERAL.—For purposes of section 203 of the
13 Federal-State Extended Unemployment Compensation Act
14 of 1970 (26 U.S.C. 3304 note), and notwithstanding any
15 other provision of such section, an emergency extended
16 benefit period shall be deemed to occur with respect to
17 each State as follows:

18 (1) in the case of a State with respect to which
19 an extended benefit period is not in effect (without
20 regard to this section) for the 1st week beginning
21 after the date of enactment of this Act, an emer-
22 gency extended benefit period is deemed to begin
23 with such week with respect to such State; and

24 (2) in the case of a State with respect to which
25 an extended benefit period is otherwise in effect

1 (without regard to this section) for such week, an
2 emergency extended benefit period is deemed to
3 begin with the week following the last week of such
4 extended benefit period.

5 (b) SPECIAL RULE WITH RESPECT TO CERTAIN
6 STATES.—In the case of a State described in subsection
7 (a)(1) with respect to which an extended benefit period
8 would (but for this section) begin during an emergency
9 extended benefit period, such extended benefit period shall
10 begin with the week following the last week of such emer-
11 gency extended benefit period.

(c) ADDITIONAL

1 any other State unemployment compensation
2 law or to compensation under any other Federal
3 law;

4 (B) are not receiving any State or private
5 paid leave (as defined in subsection (g)) with
6 respect to such week; and

7 (C) attest that—

8 (i) the individual is not able or avail-
9 able to work due to COVID-19 with re-
10 spect to such week (as determined under
11 paragraph (4)); and

12 (ii) but for COVID-19 (as determined
13 under paragraph (4)), the individual would
14 be able and available to work during such
15 week.

16 (2) AMOUNT OF PANDEMIC SELF-EMPLOYMENT
17 AND JOB ENTRANT COMPENSATION.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the amount of Pandemic
20 Self-Employment and Job Entrant Compensa-
21 tion payable to an individual for a week under
22 an agreement under subsection (a) shall be
23 \$300.

24 (B) HIGHER PAYMENT FOR CERTAIN INDI-
25 VIDUALS.—Notwithstanding subparagraph (A),

1 (4) NOT ABLE OR AVAILABLE TO WORK DUE TO
2 COVID-19.—For purposes of this subsection, an indi-
3 vidual shall be considered to be not able or available
4 to work due to COVID-19 with respect to a week
5 during any part of which the individual is not able
6 or available to work because—

7 (A) the individual has a current diagnosis
8 of COVID-19;

9 (B) the individual is under quarantine (in-

1 COVID-19-related closing of a school or other
2 care facility or care program, for a child or
3 other individual unable to provide self-care.

4 (5) COORDINATION WITH CERTAIN TAX CRED-
5 ITS.—Notwithstanding paragraph (1), no individual
6 may become entitled to Pandemic Self-Employment
7 and Job Entrant Compensation under an agreement
8 under subsection (a) unless the individual makes an
9 irrevocable election (at such time and in such man-
10 ner as the Secretary of the Treasury may provide)
11 to have sections 7002 and 7004 of the Families
12 First Coronavirus Response Act not apply with re-
13 spect to such individual. An individual who makes
14 such an election shall not be treated as an individual
15 to whom a credit is allowable under such sections.

16 (c) PAYMENTS TO STATES.—

17 (1) IN GENERAL.—

18 (A) FULL REIMBURSEMENT.—There shall
19 be paid to each State which has entered into an
20 agreement under this section an amount equal
21 to 100 percent of—

22 (i) the total amount of Pandemic Self-
23 Employment and Job Entrant Compensa-
24 tion paid to individuals by the State pursu-
25 ant to such agreement; and

1 (ii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

5 (B) TERMS OF PAYMENTS.—Sums payable
6 to any State by reason of such State's having
7 an agreement under this section shall be pay-
8 able, either in advance or by way of reimburse-
9 ment (as determined by the Secretary), in such
10 amounts as the Secretary estimates the State
11 will be entitled to receive under this section for
12 each calendar month, reduced or increased, as
13 the case may be, by any amount by which the
14 Secretary finds that his estimates for any prior
15 calendar month were greater or less than the
16 amounts which should have been paid to the

1 Trust Fund (as established by section 904(a) of
2 such Act (42 U.S.C. 1104(a)) shall be used to
3 make payments to States pursuant to para-
4 graph (1).

5 (B) TRANSFER OF FUNDS.—Notwith-
6 standing any other provision of law, the Sec-
7 retary of the Treasury shall transfer from the
8 general fund of the Treasury (from funds not

1 disclose a material fact, and as a result of such false
2 statement or representation or of such nondisclosure
3 such individual has received an amount of Pandemic
4 Self-Employment and Job Entrant Compensation to
5 which such individual was not entitled, such indi-
6 vidual—

7 (A) shall be ineligible for further Pandemic
8 Self-Employment and Job Entrant Compensa-
9 tion in accordance with the provisions of the ap-
10 plicable State unemployment compensation law
11 relating to fraud in connection with a claim for
12 unemployment compensation; and

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

15 (2) REPAYMENT.—In the case of individuals
16 who have received amounts of Pandemic Self-Em-
17 ployment and Job Entrant Compensation to which
18 they were not entitled, the State shall require such
19 individuals to repay the amounts of such Pandemic
20 Self-Employment and Job Entrant Compensation to
21 the State agency, except that the State agency may
22 waive such repayment if it determines that—

23 (A) the payment of such Pandemic Self-
24 Employment and Job Entrant Compensation

1 was without fault on the part of any such indi-
2 vidual; and

3 (B) such repayment would be contrary to
4 equity and good conscience.

5 (3) RECOVERY BY STATE AGENCY.—

6 (A) IN GENERAL.—The State agency may
7 recover the amount to be repaid, or any part
8 thereof, by deductions from any Pandemic Self-

1 (B) OPPORTUNITY FOR HEARING.—No re-
2 payment shall be required, and no deduction
3 shall be made, until a determination has been
4 made, notice thereof and an opportunity for a
5 fair hearing has been given to the individual,
6 and the determination has become final.

1 months, for purposes of determining the eligibility of
Tc the recipient (or the recipient's spouse or family) for

1 which ends either when the qualifying event is no

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

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

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

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

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

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

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

17 **TITLE IV—EMERGENCY ASSIST-**

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

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

6 (c) APPROPRIATIONS.—Out of any funds in the
7 Treasury not otherwise appropriated, there are appro-
8 priated \$50,000,000 to cover the costs of additional bene-
9 fits payable due to the application of subsection (a). Upon
10 the exhaustion of the funds appropriated under this sub-
11 section, subsection (a) shall no longer apply with respect
12 to any registration period beginning after the date of ex-
13 haustion of funds.

14 (d) DEFINITIONS.—For purposes of this section,
15 “registration period” has the meaning given such term
16 under section 1 of the Railroad Unemployment Insurance
17 Act.

18 SEC. 80402. ENHANCED BENEFITS UNDER THE RAILROAD
19 UNEMPLOYMENT INSURANCE ACT.

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

23 “(5)(A) Notwithstanding paragraph (3), subsection
24 (c)(1)(B), and any other limitation on total benefits in this
25 Act, for registration periods beginning on or after April

1 for benefits or assistance, or the amount or extent of bene-
2 fits or assistance, under any Federal program or under
3 any State or local program financed in whole or in part
4 with Federal funds.”.

5 SEC. 80403. EXTENDED UNEMPLOYMENT BENEFITS UNDER
6 THE RAILROAD UNEMPLOYMENT INSURANCE
7 ACT.

8 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
9 road Unemployment Insurance Act (45 U.S.C.
10 352(c)(2)(D)(iii)) is amended—

11 (1) by striking “July 1, 2008” and inserting
12 “July 15, 2019”;

1 2(c)(2)(D) as in effect on the day before the date of enact-
2 ment of this Act.

3 SEC. 80404. TREATMENT OF PAYMENTS FROM THE RAIL-
4 ROAD UNEMPLOYMENT INSURANCE AC-
5 COUNT.

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

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

11 (2) in subparagraph (C), by inserting “and” at
12 the end; and

13 (3) by inserting after subparagraph (C) the fol-
14 lowing new subparagraph:

15 “(D) any payment made from the Railroad Un-
16 employment Insurance Account (established by sec-
17 tion 10 of the Railroad Unemployment Insurance
18 Act) for the purpose of carrying out the Railroad
19 Unemployment Insurance Act, and funds appro-
20 priated or transferred to or otherwise deposited in
21 such Account,”.

(b) EFFECTIVE DATE.—The treatment of payments

1 Act and shall apply only to obligations incurred on or after
 2 such effective date for such payments.

3 **DIVISION I—FINANCIAL**
 4 **SERVICES**

5 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

6 (a) SHORT TITLE.—This division may be cited as the
 7 “Financial Protections and Assistance for America’s Con-
 8 sumers, States, Businesses, and Vulnerable Populations
 9 Act”.

10 (b) TABLE OF CONTENTS.—The table of contents for
 11 this division is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to this division.
- Sec. 3. Severability.

TITLE I—PROTECTING CONSUMERS, RENTERS, HOMEOWNERS
 AND PEOPLE EXPERIENCING HOMELESSNESS

- Sec. 101. Direct stimulus payments for families.
- Sec. 102. Suspension of requirements regarding tenant contribution toward rent.
- Sec. 103. Temporary moratorium on eviction filings.
- Sec. 104. Suspension of other consumer loan payments.
- Sec. 105. Emergency rental assistance.
- Sec. 106. Emergency homeless assistance.
- Sec. 107. Participation of Indian Tribes and tribally designated housing entities in Continuum of Care Program.
- Sec. 108. Housing Assistance Fund.
- Sec. 109. Mortgage forbearance.
- Sec. 110. Bankruptcy protections.
- Sec. 111. Debt collection.
- Sec. 112. Disaster Protection for Workers’ Credit.
- Sec. 113. Student loans.
- Sec. 114. Waiver of in-person appraisal requirements.

TITLE II—ASSISTING SMALL BUSINESSES AND COMMUNITY
FINANCIAL INSTITUTIONS

- Sec. 201. Small Business Credit Facility.
- Sec. 202. Small Business Financial Assistance Program.
- Sec. 203. Suspension of small business and non-profit loan payments.
- Sec. 204. Reauthorization of the State Small Business Credit Initiative Act of 2010.
- Sec. 205. Funding of the Initiative to Build Growth Equity Funds for Minority Businesses.
- Sec. 206. Community Development Financial Institutions Fund supplemental appropriation authorization.
- Sec. 207. Minority depository institution.
- Sec. 208. Loans to MDIs and CDFIs.
- Sec. 209. Insurance of transaction accounts.

TITLE III—SUPPORTING STATE, TERRITORY, AND LOCAL
GOVERNMENTS

- Sec. 301. Muni Facility.
- Sec. 302. Temporary waiver and reprogramming authority.

TITLE IV—PROMOTING FINANCIAL STABILITY AND
TRANSPARENT MARKETS

- Sec. 401. Temporary halt to rulemakings unrelated to COVID-19.
- Sec. 402. Temporary ban on stock buybacks.
- Sec. 403. Disclosures related to supply chain disruption risk.
- Sec. 404. Disclosures related to global pandemic risk.
- Sec. 405. Oversight of Federal aid related to COVID-19.
- Sec. 406. International financial institutions.
- Sec. 407. Conditions on Federal aid to corporations.
- Sec. 408. Authority for warrants and debt instruments.
- Sec. 409. Authorization to participate in the New Arrangements to Borrow of the International Monetary Fund.

1 SEC. 2. REFERENCES TO THIS DIVISION.

2 In this division, any reference to “this Act” shall be
3 deemed a reference to this division.

4 SEC. 3. SEVERABILITY.

5 If any provision of this Act or the application of such
6 provision to any person or circumstance is held to be un-
7 constitutional, the remainder of this Act, and the applica-
8 tion of the provisions of this Act, to any person or cir-
9 cumstance shall not be affected thereby.

10 TITLE I—PROTECTING CON-
11 SUMERS, RENTERS, HOME-
12 OWNERS AND PEOPLE EXPE-
13 RIENCING HOMELESSNESS

14 [SEC. 101. DIRECT STIMULUS PAYMENTS FOR FAMILIES.

15 [(a) DEFINITIONS.—In this section:]

16 [(1) DIGITAL DOLLAR.—The term “digital dol-
17 lar” shall mean—]

18 [(A) a balance expressed as a dollar value
19 ek; reserve or
20 consisting of digital ledger entries that are re-
21 corded as liabilities in the accounts of any Fed-
22 eral reserve bank; or]

[(B) an electronic unit of value, redeem-
able by an eligible financial institution (as de-



1 【(2) DIGITAL DOLLAR WALLET.—The term
2 “digital dollar wallet” shall mean a digital wallet or
3 account, maintained by a Federal reserve bank on
4 behalf of any person, that represents holdings in an
5 electronic device or service that is used to store dig-
6 ital dollars that may be tied to a digital or physical
7 identity.】

8 【(3) MEMBER BANK.—The term “member
9 bank” means a member bank of the Board of Gov-
10 ernors of the Federal Reserve System.】

【

1 payments to qualified individuals beginning on the
2 first day of the first month beginning after the date
3 of the enactment of this Act and ending on the later
4 of—】
5 【(A) the date of the termination by the

1 【(i) For a qualified individual age 18
2 or older, \$2,000.】

3 【(ii) For a qualified individual under
4 age 18, \$1,000.】

5 【(B) INCOME LIMITATION.—The amount
6 of a payment under subparagraph (A) shall be
7 reduced (but not below zero) by 5 percent of so
8 much of the individual’s adjusted gross income
9 as exceeds \$75,000. The Secretary of the
10 Treasury shall adjust such amount as appro-
11 priate to account for individuals filing joint re-
12 turns.】

13 【(3) METHOD OF DELIVERY.—

14 【(A) IN GENERAL.—The Secretary of the
15 Treasury, acting through the Commissioner of
16 the Internal Revenue Service, shall make the
17 payments required under paragraph (1)—】

18 【(i) first, by direct deposit (including
19 to a pass-through digital dollar wallet), if
20 the Commissioner has sufficient informa-
21 tion to make direct deposit payments to
22 the applicable individual; and】

23 【(ii) otherwise, by check.】

24 【(B) OUTREACH.—The Secretary of the
25 Treasury, acting through the Commissioner of

1 the Internal Revenue Service, shall establish a
2 system for a qualified individual to provide the
3 Internal Revenue Service with the individual's
4 direct deposit information and shall perform
5 outreach to inform the public of such system.】

6 【(4) ACCESSING PAYMENTS.—If a payment is
7 deposited (by any method) into an account of a
8 qualified individual at an insured depository institu-
9 tion (as defined in section 3 of the Federal Deposit
10 Insurance Act) or insured credit union (as defined in
11 section 101 of the Federal Credit Union Act), such
12 funds shall be available for withdrawal on the same
13 day, to the fullest extent possible.】

14 【(5) FUNDING.—The Secretary of the Treasury
15 shall, before each monthly payment required under
16 subsection (a), notify the Board of Governors of the
17 Federal Reserve System of the aggregate amount of
18 such payment, and the Board of Governors shall
19 issue notes in such amount and transfer such notes
20 to the Secretary of the Treasury for use in making
21 such payments.】

22 【(c) MANDATE FOR MEMBER BANKS TO MAINTAIN
23 PASS-THROUGH DIGITAL DOLLAR WALLETS.—】

24 【(1) OBLIGATIONS OF MEMBER BANKS.—

1 [(A) IN GENERAL.—Member banks are
2 hereby directed to establish and maintain pass-

1 shall not be deemed assets or liabilities of
2 the member bank or its affiliates for pur-
3 poses of any capital or liquidity regulation
4 promulgated by Federal or State banking
5 authorities.】

6 【(C) APPLICATION.—Member banks with
7 total consolidated assets in excess of
8 \$10,000,000,000 shall promptly offer individ-
9 uals the ability to apply, through online or tele-
10 phonic means, for a pass-through digital dollar
11 wallets.】

12 【(2) TERMS.—Member banks shall ensure that
13 a pass-through digital dollar wallet established under
14 this section—】

15 【(A) may not be subject to any account
16 fees, minimum balances, or maximum bal-
17 ances;】

18 【(B) shall pay interest at a rate not below
19 the greater of—】

20 【(i) the rate of interest on required
21 reserves; and】

22 【(ii) the rate of interest on excess re-
23 serves;】

24 【(C) shall provide functionality and service
25 levels not less favorable than those that the

1 bank for actual and reasonable operational
2 costs incurred by the member bank in offering
3 pass-through digital dollar wallets.】

4 【(B) RULEMAKING.—The Board of Gov-
5 ernors of the Federal Reserve System shall
6 issue rules to carry out subparagraph (A).】

7 【(4) AUTHORITY OF THE BOARD.—Member
8 banks shall be subject to such rules as may be im-
9 posed by the Board of Governors of the Federal Re-
10 serve System in connection with maintaining pass-
11 through digital dollar wallets.】

【(d) AUTHORITY FOR

1 posed by the Board of Governors of the Federal Re-
2 serve System, each Federal reserve bank shall main-
3 tain digital dollar wallets.】

4 【(2) MANDATE.—

5 【(A) IN GENERAL.—Not later than Janu-
6 ary 1, 2021, all Federal reserve banks shall
7 make digital dollar wallets available to all citi-
8 zens and legal permanent residents of the
9 United States and business entities for which
10 the principal place of business is located in the
11 United States.】

12 【(B) EXCEPTION.—In geographic areas
13 where physical access to a branch of a Federal
14 reserve bank is limited, Federal reserve banks
15 serving such areas shall partner with United
16 States Postal Service branch offices to ensure
17 access and availability to application and ac-
18 count services for digital dollar wallets.】

19 【(3) TERMS OF DIGITAL DOLLAR WALLETS.—
20 Federal reserve banks shall ensure that digital dollar
21 wallets established under this section—】

22 【(A) may not be subject to any account

1 【(B) shall pay interest at a rate not below
2 the greater of—】

3 【(i) the rate of interest on required
4 reserves; and】

5 【(ii) the rate of interest on excess re-
6 serves;】

7 【(C) shall provide access to debit cards,
8 online account access, automatic bill-pay and
9 mobile banking services, customer service, and
10 such other services as the Board determines,
11 except that digital dollar wallets shall not in-
12 clude overdraft coverage.】

13 【(D) shall provide, in conjunction with the
14 United States Postal Service, access to auto-
15 mated teller machines to be maintained on be-
16 half of the Board by the United States Postal

1 [(G) shall provide holders with reasonable
2 protection against losses caused by fraud or se-
3 curity breaches.]

4 [(4) BANK SECRECY ACT.—In establishing and
5 maintaining digital dollar wallets, each Federal re-
6 serve bank shall comply with section 21 of the Fed-
7 eral Deposit Insurance Act (12 U.S.C. 1829b), sec-
8 tion 123 of Public Law 91–508, subchapter II of
9 chapter 53 of title 31, United States Code.]

10 [(5) PENALTIES.—The Board of Governors of
11 the Federal Reserve System shall, by rule, establish
12 penalties applicable to Federal reserve banks and
13 employees of such banks for violations of privacy ob-
14 ligations relating to digital dollar wallets that are
15 similar to the penalties imposed by the Commis-
16 sioner of the Internal Revenue Service with respect
17 to violations of privacy obligations relating to Fed-
18 eral tax returns.]

19 [(f) REGULATIONS.—The Board of Governors of the
20 Federal Reserve System shall promulgate regulations to
21 carry out this section.]

- 1 dwelling unit in assisted housing to pay any contribution
- 2 toward rent for occupancy in such dwelling unit shall be

1 States Housing Act of 1937 (42 U.S.C. 1437f(o)),
2 reimburse such agencies in an amount sufficient to
3 cover any increase in housing assistance payments
4 resulting from the suspension of tenant rent pay-

1 such nonpayment adversely affect a tenant or mem-
2 ber of a tenant household's credit score.

3 (d) ASSISTED HOUSING.—For purposes of this sec-
4 tion, the term “assisted housing” means housing or a
5 dwelling unit assisted under—

6 (1) section 213, 220, 221(d)(3), 221(d)(4),
7 223(e), 231, or 236 of the National Housing Act
8 (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

9 (2) section 101 of the Housing and Urban De-
10 velopment Act of 1965 (12 U.S.C. 1701s);

11 (3) section 202 of the Housing Act of 1959 (12
12 U.S.C. 1701q);

13 (4) section 811 of the Cranston-Gonzales Na-
14 tional Affordable Housing Act (42 U.S.C. 8013);

15 (5) title II of the Cranston-Gonzalez National
16 Affordable Housing Act (42 U.S.C. 12701 et seq.);

17 (6) subtitle D of title VIII of the Cranston-Gon-
18 zalez National Affordable Housing Act (42 U.S.C.
19 12901 et seq.);

20 (7) title I of the Housing and Community De-
21 velopment Act of 1974 (42 U.S.C. 5301 et seq.);

22 (8) section 8 of the United States Housing Act
23 of 1937 (42 U.S.C. 1437f);

1 (9) the public housing program under title I of
the United States Housing Act of 1937 (42 U.S.C.

1 (c) DEFINITIONS.—For purposes of this section, the
2 following definitions shall apply:

3 (1) COVERED DWELLING.—The term “covered
4 dwelling” means a dwelling that is occupied by a
5 tenant—

(A) pursuant to a residential lease;3t—

1 (8) take or threaten to take any action to en-
2 force collection, or any adverse action for non-
3 payment of a debt, or for nonappearance at any
4 hearing relating to a debt;

5 (9) commence or continue any action to cause
6 or to seek to cause the collection of a debt, including
7 pursuant to a court order issued before the end of
8 the 120-day period following the end of the COVID-
9 19 emergency, from wages, Federal benefits, or
10 other amounts due to a consumer by way of garnish-
11 ment, deduction, offset, or other seizure;

12 (10) cause or seek to cause the collection of a
13 debt, including pursuant to a court order issued be-
14 fore the end of the 120-day period following the end
15 of the COVID-19 emergency, by levying on funds
16 from a bank account or seizing any other assets of
17 a consumer;

18 (11) commence or continue an action to evict a
19 consumer from real or personal property; or

20 (12) disconnect or terminate service from utility
21 service, including electricity, natural gas, tele-
22 communications or broadband, water, or sewer.

23 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed to prohibit a consumer from volun-
25 tarily paying, in whole or in part, a debt.

1 (c) REPAYMENT PERIOD.—After the expiration of the
2 COVID–19 emergency, with respect to a debt described
3 under subsection (a), a debt collector—

4 (1) may not add to the debt balance any inter-
5 est or fee prohibited by subsection (a);

6 (2) shall, for credit with a defined term or pay-
7 ment period, extend the time period to repay the
8 debt balance by 1 payment period for each payment
9 that a consumer missed during the COVID–19
10 emergency, with the payments due in the same
11 amounts and at the same intervals as the pre-exist-
12 ing payment schedule;

13 (3) shall, for an open end credit plan (as de-
14 fined under section 103 of the Truth in Lending
15 Act) or other credit without a defined term, allow
16 the consumer to repay the debt balance in a manner
17 that does not exceed the amounts permitted by for-
18 mulas under section 170(c) of the Truth in Lending
19 Act and regulations promulgated thereunder;

20 (4) shall, when the consumer notifies the debt
21 collector, offer reasonable and affordable repayment
22 plans, loan modifications, refinancing, options with a

1 (1) IN GENERAL.—During the COVID-19
2 emergency, without prior consent of a consumer
3 given directly to a debt collector during the COVID-
4 19 emergency, or the express permission of a court
5 of competent jurisdiction, a debt collector may only
6 communicate in writing in connection with the col-
7 lection of any debt (other than debt related to a fed-
8 erally related mortgage loan).

9 (2) REQUIRED DISCLOSURES.—

10 (A) IN GENERAL.—All written communica-
11 tions described under paragraph (1) shall in-
12 form the consumer that the communication is
13 for informational purposes and is not an at-
14 tempt to collect a debt.

15 (B) REQUIREMENTS.—The disclosure re-
16 quired under subparagraph (A) shall be made—

17 (i) in type or lettering not smaller
18 than 14-point bold type;

19 (ii) separate from any other disclo-
20 sure;

21 (iii) in a manner designed to ensure
22 that the recipient sees the disclosure clear-
23 ly;

24 (iv) in English and Spanish and in
25 any additional languages in which the debt

1 collector communicates, including the lan-
2 guage in which the loan was negotiated, to
3 the extent known by the debt collector; and

4 (v) may be provided by first-class mail
5 or electronically, if the borrower has other-
6 wise consented to electronic communication
7 with the debt collector and has not revoked
8 such consent.

9 (C) ORAL NOTIFICATION.—Any oral notifi-
10 cation shall be provided in the language the
11 debt collector otherwise uses to communicate
12 with the borrower.

13 (D) WRITTEN TRANSLATIONS.—In pro-
14 viding written notifications in languages other
15 than English in this Section, a debt collector
16 may rely on written translations developed by
17 the Bureau of Consumer Financial Protection.

18 (e) VIOLATIONS.—

19 (1) IN GENERAL.—Any person who violates this
20 section shall—

(A) except as provided under subparagraph

1 (B) be liable to the consumer for an
2 amount 10 times the amounts described in such
3 section 813, for each violation.

4 (2) PREDISPUTE ARBITRATION AGREEMENTS.—
5 Notwithstanding any other provision of law, no
6 predispute arbitration agreement or predispute joint-
7 action waiver shall be valid or enforceable with re-
8 spect to a dispute brought under this section, includ-
9 ing a dispute as to the applicability of this section,
10 which shall be determined under Federal law.

11 (f) TOLLING.—Except as provided in subsection
12 (g)(5), any applicable time limitations, including statutes
13 of limitations, related to a debt under Federal or State
14 law shall be tolled during the COVID–19 emergency.

15 (g) CLAIMS OF AFFECTED CREDITORS AND DEBT

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19 to any action asserting a taking under the Fifth
20 Amendment of the Constitution of the United States
21 as a result of this section or seeking a declaratory
22 judgment regarding the constitutionality of this sec-
23 taken without just compensation shall be evalu-
ated—

1 (A) with consideration of the likelihood of
2 full and timely payment of the obligation with-
3 out the actions taken pursuant to this section;
4 and

5 (B) without consideration of any assistance
6 provided directly or indirectly to the consumer
7 from other Federal, State, and local govern-
8 ment programs instituted or legislation enacted
9 in response to the COVID-19 emergency.

10 (2) SCOPE OF JUST COMPENSATION.—In an ac-
11 tion described in paragraph (1), any assistance or
12 benefit provided directly or indirectly to the person
13 from other Federal, State, and local government
14 programs instituted in or legislation enacted re-
15 sponse to the COVID-19 emergency, shall be
16 deemed to be compensation for the property taken,
17 even if such assistance or benefit is not specifically
18 provided as compensation for property taken by this
19 section.

20 (3) APPEALS.—Any appeal from an action
21 under this section shall be treated under section 158
22 of title 28, United States Code, as if it were an ap-
23 peal in a case under title 11, United States Code.

24 (4) REPOSE.—Any action asserting a taking
25 under the Fifth Amendment to the Constitution of

1 the United States as a result of this section shall be
2 brought within not later than 180 days after the end
3 of the COVID–19 emergency.

4 (h) CREDIT FACILITY FOR OTHER PURPOSES.—

5 (1) ESTABLISHMENT.—The Board of Governors
6 of the Federal Reserve System shall establish a facil-
7 ity that the Board of Governors shall use to make
8 payments to covered financial institutions to com-
9 pensate such institutions for documented financial
10 losses caused by the suspension of payments re-
11 quired under this section .

12 (2) COVERED FINANCIAL INSTITUTION DE-
13 FINED.—In this subsection, the term “covered finan-
14 cial institution” means the holder of a loan described
15 under this section.

16 (i) DEFINITIONS.—In this section:

17 (1) CONSUMER.—The term “consumer” means
18 any individual obligated or allegedly obligated to pay
19 any debt.

20 (2) COVID–19 EMERGENCY.—The term
21 “COVID–19 emergency” means the period that be-
22 gins upon the date of the enactment of this Act and
23 ends on the date of the termination by the Federal
24 Emergency Management Agency of the emergency
25 declared on March 13, 2020, by the President under

the Robert T. Stafford Disaster Relief and Emer-

1 6-month period that begins upon the termination by the
2 Federal Emergency Management Agency of the emergency
3 declared on March 13, 2020, by the President under the
4 Robert T. Stafford Disaster Relief and Emergency Assist-
5 ance Act (42 U.S.C. 4121 et seq.) relating to the
6 Coronavirus Disease 2019 (COVID-19) pandemic, as if
7 subparagraph (C) were repealed.

8 (d) 3-YEAR AVAILABILITY.—Each grantee of
9 amounts made available pursuant to subsection (a) shall
10 expend—

11 (1) at least 60 percent of such grant amounts
12 within 2 years of the date that such funds became
13 available to the grantee for obligation; and

14 (2) 100 percent of such grant amounts within
15 3 years of such date.

16 The Secretary may recapture any amounts not expended
17 in compliance with paragraph (1) of this subsection and
18 reallocate such amounts to grantees in compliance with
19 the formula referred to in subsection (h)(1)(A) of this sec-
20 tion.

21 (e) RENT RESTRICTIONS.—Paragraph (1) of section
22 576.106(d) of the Secretary's regulations (24 C.F.R.
23 576.106(d)(1)) shall be applied, with respect to rental as-
24 sistance made available with amounts made available pur-

1 Vento Homeless Assistance Act (42 U.S.C.
2 11373) to, and notify, each State, metropolitan
3 city, and urban county that is to receive a di-
4 rect grant of such amounts; and

5 (B) not later than 120 days after the date
6 of the enactment of this Act, allocate any re-
7 maining amounts to eligible grantees by a for-
8 mula to be developed by the Secretary of Hous-
9 ing and Urban Development that takes into
10 consideration the formula referred to in sub-
11 paragraph (A) of this paragraph, and the need
12 for emergency rental assistance under this sec-
13 tion, including severe housing cost burden
14 among extremely low- and very low-income
15 renters and disruptions in housing and eco-
16 nomic conditions, including unemployment.

17 (2) ALLOCATIONS TO STATES.—A State recipi-
18 ent of an allocation under this section may elect to
19 directly administer up to 50 percent of its allocation
20 to carry out activities eligible under this section.

21 (3) ELECTION NOT TO ADMINISTER.—If a
22 grantee elects not to receive funds under this sec-
23 tion, such funds shall be allocated to the State re-
24 cipient in which the grantee is located.

(i) INAPPLICABILITY OF MATCHING REQUIRE

1 scribed in paragraph (2), the Secretary shall direct
2 grantees to resume pre-crisis public hearing require-
3 ments.

4 (2) VIRTUAL PUBLIC HEARINGS.—During the
5 period that national or local health authorities rec-
6 ommend social distancing and limiting public gath-
7 erings for public health reasons, a grantee may ful-
8 fill applicable public hearing requirements for all
9 grants from funds made available pursuant to this

1 tions Grants program under subtitle B of title IV of the
2 McKinney-Vento Homeless Assistance Act (42 U.S.C.
3 11371 et seq.) \$15,500,000,000 for grants under such
4 subtitle in accordance with this section to respond to needs
5 arising from the public health emergency relating to
6 Coronavirus Disease 2019 (COVID-19).

(b) FORMULA

1 made available pursuant to subsection (a) may also be
2 used for costs of the following activities:

3 (1) Providing training on infectious disease pre-
4 vention and mitigation.

5 (2) Providing hazard pay, including for time
6 worked before the effectiveness of this clause, for
7 staff working directly to prevent and mitigate the
8 spread of coronavirus or COVID-19 among people
9 experiencing or at risk of homelessness.

10 (3) Reimbursement of costs for eligible activi-
11 ties (including activities described in this paragraph)
12 relating to preventing, preparing for, or responding
13 to the coronavirus or COVID-19 that were accrued
14 before the date of the enactment of this Act.

15 Use of such amounts for activities described in this para-
16 graph shall not be considered use for administrative pur-
17 poses for purposes of section 418 of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11377).

19 (d) INAPPLICABILITY OF PROCUREMENT STAND-
20 ARDS.—To the extent amounts made available pursuant
21 to subsection (a) are used to procure goods and services
22 relating to activities to prevent, prepare for, or respond
23 to the coronavirus or COVID-19, the standards and re-
24 quirements regarding procurement that are otherwise ap-
25 plicable shall not apply.

(e) INAPPLICABILITY OF HABITABILITY AND

1 (except for any requirements related to fair housing,

1 other electronic media, as determined by the Sec-

1 SEC. 107. PARTICIPATION OF INDIAN TRIBES AND TRIB-
2 ALLY DESIGNATED HOUSING ENTITIES IN
3 CONTINUUM OF CARE PROGRAM.

4 (a) IN GENERAL.—Title IV of the McKinney-Vento
5 Homeless Assistance Act (42 U.S.C. 11360 et seq.) is
6 amended—

7 (1) in section 401 (42 U.S.C. 11360)—

8 (A) by redesignating paragraphs (10)
9 through (33) as paragraphs (12) through (35),
10 respectively;

11 (B) by redesignating paragraphs (8) and
12 (9) as paragraphs (9) and (10), respectively;

13 (C) by inserting after paragraph (7) the
14 following:

15 “(8) FORMULA AREA.—The term ‘formula area’
16 has the meaning given the term in section 1000.302
17 of title 24, Code of Federal Regulations, or any suc-
18 cessor regulation.”;

19 (D) in paragraph (9), as so redesignated,
20 by inserting “a formula area,” after “non-
21 entitlement area,”; and

22 (E) by inserting after paragraph (10), as
23 so redesignated, the following:

24 “(11) INDIAN TRIBE.—The term ‘Indian Tribe’
25 has the meaning given the term ‘Indian tribe’ in sec-
26 tion 4 of the Native American Housing Assistance

1 and Self-Determination Act of 1996 (25 U.S.C.
2 4103)."; and

3 (2) in subtitle C (42 U.S.C. 11381 et seq.), by
4 adding at the end the following:

5 "SEC. 435. PARTICIPATION OF INDIAN TRIBES AND TRIB-
6 ALLY DESIGNATED HOUSING ENTITIES.

7 "Notwithstanding any other provision of this title, for
8 purposes of this subtitle, an Indian Tribe or tribally des-

(1) SECRETARY.—The term “Secretary” means

1 (2) SMALL STATE MINIMUM.—Each State shall
2 receive no less than \$125,000,000 for the purposes
3 established in subsection (b).

4 (d) DISBURSEMENT OF FUNDS.—

5 (1) INITIAL DISBURSEMENT.—The Secretary
6 shall disburse to the State housing finance agencies
7 not less than 1/2 of the amount made available pur-
8 suant to this section, and in accordance with the al-
9 locations established under subsection (c), not later
10 than 120 days after the date of enactment of this
11 Act. The Secretary or designee shall enter into a
12 contract with each State housing finance agency,
13 which may be amended from time to time, estab-
14 lishing the terms of the use of such funds prior to
15 the disbursement of such funds.

16 (2) SECOND DISBURSEMENT.—The Secretary
17 shall disburse all funds made available pursuant to
18 this section, and in accordance with the allocations
19 established under subsection (c), not later than 180
20 days after the date of enactment of this Act.

21 (e) PERMISSIBLE USES OF FUND.—

22 (1) IN GENERAL.—Funds made available to
23 State housing finance agencies pursuant to this sec-
24 tion may be used for the purposes established under
25 subsection (b), which may include—

1 (A) mortgage payment assistance;

2 (B) financial assistance to allow a bor-
3 rower to reinstate their mortgage following a
4 period of forbearance;

5 (C) principal reduction;

6 (D) utility payment assistance, including
7 electric, gas, and water payment assistance;

8 (E) any program established under the
9 Housing Finance Agency Innovation Fund for
10 the Hardest Hit Housing Markets;

11 (F) reimbursement of funds expended by a
12 State or local government during the period be-
13 ginning on January 21, 2020, and ending on
14 the date that the first funds are disbursed by
15 the State under the Housing Assistance Fund,
16 for the purpose of providing housing or utility
17 assistance to individuals or otherwise providing
18 funds to prevent foreclosure or eviction of a
19 homeowner or prevent mortgage delinquency or
20 loss of housing or critical utilities as a response
21 to the coronavirus disease 2019 (COVID-19)
22 pandemic; and

23 (G) any other assistance to prevent evic-
24 tion, mortgage delinquency or default, fore-
25 closure, or the loss of essential utility services.

1 (2) ADMINISTRATIVE EXPENSES.—Not greater
2 than 10 percent of the amount allocated to a State
3 pursuant to subsection (c) may be used by a State
4 housing financing agency for administrative ex-
5 penses. Any amounts allocated to administrative ex-
6 penses that are no longer necessary for administra-
7 tive expenses may be used in accordance with para-
8 graph (1).

9 (f) APPROPRIATION.—There is authorized to be ap-
10 propriated for the fiscal year ending September 30, 2020,
11 to remain available until expended or transferred or cred-
12 ited under subsection (h), \$35,000,000,000 to the Hous-
13 ing Assistance Fund established under subsection (b).

14 (g) USE OF HOUSING FINANCE AGENCY INNOVATION
15 FUND FOR THE HARDEST HIT HOUSING MARKETS
16 FUNDS.—A State housing finance agency may reallocate
17 any administrative or programmatic funds it has received
18 as an allocation from the Housing Finance Agency Inno-
 vation Fund for the Hardest Hit Housing Markets created

1 when allocating resources from the Housing Assistance
2 Fund using the process established under subsection (c)
3 and shall remain available for the uses permitted and
4 under the terms and conditions established by the contract
5 with Secretary created pursuant to subsection (d)(1) and
6 the terms of subsection (h).

7 (h) RESCISSION OF FUNDS.—Any funds that have
8 not been allocated by a State housing finance agency to
9 provide assistance as described under subsection (e) by
10 December 31, 2030, shall be reallocated by the Secretary
11 in the following manner:

12 (1) 65 percent shall be transferred or credited
13 to the Housing Trust Fund established under sec-
14 tion 1338 of the Federal Housing Enterprises Fi-
15 nancial Safety and Soundness Act of 1992 (12
16 U.S.C. 4568); and

17 (2) 35 percent shall be transferred or credited
18 to the Capital Magnet Fund under section 1339 of
19 the Federal Housing Enterprises Financial Safety
20 and Soundness Act of 1992 (12 U.S.C. 4569).

(i) R

1 data by State and by program within each State, both for
2 the past quarter and throughout the life of the program—

3 (1) the amount of funds allocated;

4 (2) the amount of funds disbursed;

5 (3) the number of households and individuals
6 assisted;

7 (4) the acceptance rate of applicants;

8 (5) the average amount of assistance provided
9 per household receiving assistance;

10 (6) the average length of assistance provided
11 per household receiving assistance;

12 (7) the income ranges of households for each
13 household receiving assistance; and

14 (8) the outcome 12 months after the household
15 has received assistance.

16 SEC. 109. MORTGAGE FORBEARANCE.

17 (a) FINDINGS.—

18 (1) FINDINGS.—Congress finds that—

19 (A) the collection of debts involves the use
20 of the mails and wires and other instrumental-
21 ities of interstate commerce;

22 (B) at times of major disaster or emer-
23 gency, the income of consumers is often im-
24 paired and their necessary daily expenses often
25 increase;

1 (C) temporary forbearance benefits not
2 only consumer and small business debtors, but
3 also other creditors by avoiding downward col-
4 lateral price spirals triggered by an increase in

1 (F) in response to the 2008 financial cri-
2 sis, Congress created a safe harbor for mort-
3 gage servicers that undertook loan modifica-
4 tions;

5 (G) in response to the 2008 financial cri-
6 sis, the Home Affordable Modification Program
7 paid mortgage servicers to undertake loan
8 modifications;

9 (H) as part of the 2012 joint State-Fed-
10 eral National Mortgage Settlement, mortgage
11 servicers committed to undertaking loan modi-
12 fications; and

13 (I) investors in mortgage securitizations
14 are or should be aware of servicers' thin cap-
15 italization, liquidity constraints, the extent and
16 history of servicing regulation and therefore do
17 not have a reasonable expectation that the
18 terms of servicing contracts will be enforceable
19 at times of national financial crisis.

20 (4) DETERMINATION.—It is the sense of the
21 Congress that, on the basis of the findings described
22 under paragraphs (1), (2), and (3), the Congress de-
23 termines that the provisions of this Act are nec-
24 essary and proper for the purpose of carrying into
25 execution the powers of the Congress to regulate

1 commerce among the several States and to establish
2 uniform bankruptcy laws.

3 (b) PROHIBITION ON FORECLOSURES AND REPOS-
4 SESSIONS DURING THE COVID-19 EMERGENCY.—

5 (1) PROHIBITION ON FORECLOSURES.—The
6 Real Estate Settlement Procedures Act of 1974 (12
7 U.S.C. 2601 et seq.) is amended—

8 (A) in section 3 (12 U.S.C. 2602)—

9 (i) in paragraph (8), by striking
10 “and” at the end;

11 (ii) in paragraph (9), by striking the
12 period at the end and inserting “; and”;
13 and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(10) the term ‘COVID-19 emergency’ means
17 the period that begins upon the date of the enact-
18 ment of this Act and ends on the date of the termi-
19 nation by the Federal Emergency Management
20 Agency of the emergency declared on March 13,
21 2020, by the President under the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 4121 et seq.) relating to the Coronavirus
24 Disease 2019 (COVID-19) pandemic.”; and

1 (B) in section 6(k)(1) (12 U.S.C.
2 2605(k)(1))—

3 (i) in subparagraph (D), by striking
4 “or” at the end;

5 (ii) by redesignating subparagraph
6 (E) as subparagraph (G); and

7 (iii) by inserting after subparagraph
8 (D) the following:

9 “(E) commence or continue any judicial
10 foreclosure action or non-judicial foreclosure
11 process or any action to evict a consumer fol-
12 lowing a foreclosure during the COVID-19
13 emergency or the 180-day period following such
14 emergency (except that such prohibition shall
15 not apply to a mortgage secured by a dwelling
16 that the servicer has determined after exer-
17 cising reasonable diligence is vacant or aban-
18 doned);

19 “(F) fail to toll the time in a foreclosure
20 process on a property during the COVID-19
21 emergency or the 180-day period following such
22 emergency (except that such prohibition shall
23 not apply to a mortgage secured by a dwelling
24 that the servicer has determined after exer-

- 1 cising reasonable diligence is vacant or aban-
- 2 doned); or''.

1 any additional documentation to receive such
2 forbearance.

3 “(B) LENGTH OF FORBEARANCE; EXTEN-
4 SION.—A forbearance requested pursuant to
5 subparagraph (A) shall be provided for a period
6 of 180 days, and may be extended upon request
7 of the borrower for an additional 180 days.

8 “(C) TREATMENT OF TENANTS.—A bor-
9 rower receiving a forbearance under this sub-
10 section with respect to a mortgage secured by
11 a dwelling that has tenants, whether or not the
12 borrower also lives in the dwelling, shall provide
13 the tenants with rent relief for a period not less
14 than the period covered by the forbearance.

15 “(2) AUTOMATIC FORBEARANCE FOR DELIN-
16 QUENT BORROWERS.—

17 “(A) IN GENERAL.—Notwithstanding any
18 other law governing forbearance relief, during
19 the COVID-19 emergency, any borrower who is
20 or becomes 60 days or more delinquent on a
21 mortgage obligation shall automatically be
22 granted a 180-day forbearance, which may be
23 extended upon request of the borrower for an
24 additional 180 days. Such a borrower may elect
25 to continue making regular payments by noti-

1 fying the servicer of the mortgage obligation of
2 such election.

3 “(B) NOTICE TO BORROWER.—The
4 servicer of a mortgage obligation placed in for-
5 bearance pursuant to subparagraph (A) shall
6 provide the borrower written notification of the
7 forbearance and its duration as well as informa-
8 tion about available loss mitigation options and
9 the right to end the forbearance and resume
10 making regular payments.

11 “(C) TREATMENT OF PAYMENTS DURING
12 FORBEARANCE.—Any payments made by the
13 borrower during the forbearance period shall be
14 credited to the borrower’s account in accord-
15 ance with section 129F of the Truth in Lending
16 Act (15 U.S.C. 1639f) or as the borrower may
17 otherwise instruct that is consistent with the
18 terms of the mortgage loan contract.

19 “(3) REQUIREMENTS FOR SERVICERS.—

20 “(A) NOTIFICATION.—

21 “(i) IN GENERAL.—Each servicer of a
22 federally related mortgage loan shall notify
23 the borrower of their right to request for-
24 bearance under paragraph (1)—

1 “(I) not later than 14 days after
2 the date of enactment of this sub-
3 section; and

4 “(II) until the end of COVID-19
5 emergency—

1 “(BB) at least as clear-
2 ly and conspicuously as the
3 most clear and conspicuous
4 disclosure on the document;

5 “(bb) shall include the noti-
6 fication of the availability of lan-
7 guage assistance and housing
8 counseling produced by the Fed-
9 eral Housing Finance Agency
10 under subsection (o); and

11 “(cc) may be provided by
12 first-class mail or electronically,
13 if the borrower has otherwise
14 consented to electronic commu-
15 nication with the servicer and has
16 not revoked such consent.

17 “(II) ORAL NOTIFICATION.—Any
18 oral notification required under clause
19 (i) shall be provided in the language
20 the servicer otherwise uses to commu-
21 nicate with the borrower.

22 “(III) WRITTEN TRANS-
23 LATIONS.—In providing written notifi-
24 cations in languages other than
25 English under subclause (I), a

1 servicer may rely on written trans-
2 lations developed by the Federal
3 Housing Finance Agency or the Bu-
4 reau.

5 “(B) OTHER REQUIREMENTS.—

6 “(i) FORBEARANCE REQUIRED.—

7 Upon receiving a request for forbearance
8 from a consumer under paragraph (1) or
9 placing a borrower in automatic forbear-
10 ance under paragraph (2), a servicer shall
11 provide the forbearance for not less than
12 180 days, and an additional 180 days at
13 the request of the borrower, provided that
14 the borrower will have the option to dis-
15 continue the forbearance at any time.

16 “(ii) PROHIBITION ON FEES, PEN-
17 ALTIES, AND INTEREST.—During the pe-
18 riod of a forbearance under this sub-
19 section, no fees, penalties or additional in-
20 terest beyond the amounts scheduled or
21 calculated as if the borrower made all con-
22 tractual payments on time and in full
23 under the terms of the mortgage contract
 in effect at the time the borrower enters

1 “(iii) TREATMENT OF ESCROW PAY-
2 MENTS.—If a borrower in forbearance
3 under this subsection is required to make
4 payments to an escrow account, the
5 servicer shall pay or advance the escrow
6 disbursements in a timely manner (defined
7 as on or before the deadline to avoid a
8 penalty), regardless of the status of the
9 borrower’s payments. The servicer may col-
10 lect any resulting escrow shortage or defi-
11 ciency from the borrower after the forbear-
12 ance period ends, in a lump sum payment,
13 spread over 60 months, or capitalized into
14 the loan, at the borrower’s election.”.

15 (d) NOTIFICATION OF LANGUAGE ASSISTANCE AND
16 HOUSING COUNSELING.—Section 6 of the Real Estate
17 Settlement Procedures Act of 1974 (12 U.S.C. 2605), as
18 amended by subsection (c), is further amended by adding
19 at the end the following:

 “(o) NOTIFICATION OF

- 1 assistance and housing counseling in substantially the
- 2 same form, and in at least the same languages, as

1 ceedings shall not terminate a borrower's eligibility
2 for a moratorium, loan reamortization, special serv-
3 icing, or other foreclosure alternative."; and

4 (4) by adding at the end the following:

5 “(d) REQUIREMENT.—The Secretary shall comply
6 with subsection (k)(1), (n), and (o) of section 6 of the
7 Real Estate Settlement Procedures Act of 1974 with re-
8 spect to any single-family loans it holds or services.”.

9 (f) FORBEARANCE OF RESIDENTIAL MORTGAGE
10 LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES (5+
11 UNITS).—

12 (1) IN GENERAL.—During the COVID-19
13 emergency, a multifamily borrower experiencing a fi-

1 (A) IN GENERAL.—Upon receipt of an oral
2 or written request for forbearance from a multi-
3 family borrower, a servicer shall—

4 (i) document the financial hardship;

5 (ii) provide the forbearance for not
6 less than 180 days; and

7 (iii) provide the forbearance for an ad-
8 ditional 180 days upon the request of the
9 borrower at least 30 days prior to the end
10 of the forbearance period described under
11 subparagraph (A).

12 (B) RIGHT TO DISCONTINUE.—A multi-
13 family borrower shall have the option to dis-
14 continue the forbearance at any time.

15 (4) RENTER PROTECTIONS.—During the term
16 of a forbearance under this section, a multifamily
17 borrower may not—

18 (A) evict a tenant for nonpayment of rent;

19 or

20 (B) apply or accrue any fees or other pen-
21 alties on renters for nonpayment of rent.

22 (5) OBLIGATION TO BRING THE LOAN CUR-
23 RENT.—A multifamily borrower shall bring a loan
24 placed in forbearance under this section current
25 within the earlier of—

1 (A) 12 months after the conclusion of the
2 forbearance period; or

3 (B) receipt of any business interruption in-
4 surance proceeds by the multifamily borrower.

5 (6) DEFINITION.—For the purposes of this sub-
6 section, the term “multifamily borrower” means a
7 borrower of a residential mortgage loan that is se-
8 cured by a lien against a property comprising five or
9 more dwelling units.

10 (g) FEDERAL RESERVE CREDIT FACILITY FOR
11 MORTGAGE SERVICERS.—

12 (1) IN GENERAL.—The Board of Governors of
13 the Federal Reserve System and the Secretary of the
14 Treasury, pursuant to the authority granted under
15 section 13(3) of the Federal Reserve Act, directly
16 (or indirectly through an intermediary, such as the
17 Federal National Mortgage Association, the Federal
18 Home Loan Mortgage Corporation, the Government

1 Act with respect to mortgage loans (the “af-
2 fected mortgages”); and

3 (B) may extend further credit to mortgage
4 servicers for other liquidity needs due to the ac-
5 tual or imminent delinquency or default on
6 mortgage loans due to the COVID-19 emer-
7 gency.

8 (2) NON-COMPLIANT SERVICERS.—A mortgage
9 servicer shall not be eligible for assistance under
10 paragraph (1) if the provider is in violation of any
11 requirement under this Act, and fails to promptly
12 cure any such violation upon notice or discovery
13 thereof.

14 (3) PAYMENTS AND PURCHASES.—Credit ex-
15 tended under paragraph (1)(A) shall be in an
16 amount sufficient to—

17 (A) cover—

18 (i) the pass-through payment of prin-
19 cipal and interest to mortgage-backed se-
20 curities holders;

21 (ii) the payment of taxes and insur-
22 ance to third parties; and

23 (iii) the temporary reimbursement of
24 modification costs and fees due to servicers
25 that will be deferred until such time as a

1 forbearance period terminates, due in each
2 case on, or in respect of, such affected
3 mortgage loans or related mortgage-backed
4 securities;

5 (B) purchase affected mortgages from
6 pools of securitized mortgages

7 (4) COLLATERAL.—The credit authorized by
8 this section shall be secured by the pledgor’s interest
9 in accounts receivable, loans, or related interests re-
10 sulting from the payment advances made on the af-
11 fected mortgages by the mortgage servicers.

12 (5) CREDIT SUPPORT.—The Secretary of the
13 Treasury shall provide credit support to the Board
14 of Governors of the Federal Reserve System for the
15 program required by this section.

16 (6) CONFLICT WITH OTHER LAWS.—Notwith-
17 standing any Federal or State law to the contrary,
18 the Federal National Mortgage Association, the Fed-
19 eral Home Loan Mortgage Corporation, and the
20 Government National Mortgage Association may
21 permit the pledge or grant of a security interest in
22 the pledgor’s interest in such accounts receivable or
23 loans or related interests and honor or permit the
24 enforcement of such pledge or grant in accordance
25 with its terms.

1 (7) DURATION.—The extension of credit by the
2 Board of Governors of the Federal Reserve System
3 and credit support from the Secretary of the Treas-
4 ury under this section shall be available until the
5 later of—

6 (A) 6 months after the end of the COVID-
7 19 emergency; and

8 (B) the date on which on the Board of
9 Governors of the Federal Reserve System and
10 the Secretary of the Treasury determine such
11 credit and credit support should no longer be
12 available to address the liquidity concern ad-
13 dressed by this section.

14 (8) AMENDMENTS TO NATIONAL HOUSING
15 ACT.—Section 306(g)(1) of the National Housing
16 Act (12 U.S.C. 1721(g)(1)) is amended—

17 (A) by inserting the following new sentence
18 after the fourth sentence in the paragraph: “In
19 any case in which (I) the President declares a
20 major disaster or emergency for the nation or
21 any area that in either case has been affected
22 by damage or other adverse effects of sufficient
23 severity and magnitude to warrant major dis-
24 aster assistance under the Robert T. Stafford
25 Disaster Relief and Emergency Assistance Act

1 or other Federal law, (II) upon request of an
2 Issuer of any security, the Association elects to
3 extend to the Issuer one or more of the disaster
4 assistance or emergency programs that the As-
5 sociation determines to be available to account
6 for the Issuer's failure or anticipated failure to
7 receive from the mortgagor the full amount of
8 principal and interest due, then (III) the Asso-
9 ciation may elect not to declare the Issuer to be
10 in default because of such request for such dis-

1 (h) SAFE HARBOR.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of law, whenever a servicer of residential
4 mortgages of residential mortgage-backed securi-
5 ties—

6 (A) grants a borrower relief under section
7 6(n) and 6(p) of the Real Estate Settlement
8 Procedures Act of 1974 with respect to a resi-
9 dential mortgage originated before April 1,
10 2020, including a mortgage held in a
11 securitization or other investment vehicle, and

12 (B) the servicer or trustee or issuer owes
13 a duty to investors or other parties regarding
14 the standard for servicing such mortgage,
15 the servicer shall be deemed to have satisfied the
16 such a duty, and the servicer shall not be liable to
17 any party who is owed such a duty and shall not be
18 subject to any injunction, stay, or other equitable re-
19 lief to such party, based upon its good faith compli-
20 ance with the provisions of 6(n) and 6(p) of the Real
21 Estate Settlement Procedures Act of 1974. Any per-
22 son, including a trustee or issuer, who cooperates
23 with a servicer when such cooperation is necessary
24 for the servicer to implement the provisions of 6(n)
25 and 6(p) of the Real Estate Settlement Procedures

1 Act of 1974 shall be protected from liability in the
2 same manner.

3 (2) STANDARD INDUSTRY PRACTICE.—Compli-
4 ance with 6(n) and 6(p) of the Real Estate Settle-
5 ment Procedures Act of 1974 during the COVID–19
6 emergency shall constitute standard industry prac-
7 tice for purposes of all Federal and State laws.

8 (3) DEFINITIONS.—As used in this sub-
9 section—

10 (A) the term “servicer” has the meaning
11 given that term under section 6(i)(2) of the
12 Real Estate Settlement Procedures Act of 1974
13 (12 U.S.C. 2605(i)(2)); and

14 (B) the term “securitization vehicle” has
15 the meaning given that term under section
16 129A(f)(3) of the Truth in Lending Act (15
17 U.S.C. 1639a(f)(3)).

18 (4) RULE OF CONSTRUCTION.—No provision of
19 paragraph (1) or (2) shall be construed as affecting
20 the liability of any servicer or person for actual
21 fraud in servicing of a loan or for the violation of
22 a State or Federal law.

23 (i) POST-PANDEMIC MORTGAGE REPAYMENT OP-
24 TIONS.—Section 6 of the Real Estate Settlement Proce-
25 dures Act of 1974 (12 U.S.C. 2605), as amended by sub-

1 section (d), is further amended by adding at the end the
2 following:

3 “(p) POST-PANDEMIC MORTGAGE REPAYMENT OP-
4 TIONS.—With respect to a federally related residential
5 mortgage loan, before the end of any forbearance provided
6 under subsection (n), servicers shall—

7 “(1) evaluate the borrower’s ability to return to
8 making regular mortgage payments;

9 “(2) if the borrower is able to return to making
10 regular mortgage payments at the end of the for-
11 bearance period—

12 “(A) modify the borrower’s loan to extend
13 the term for the same period as the length of
14 the forbearance, with all payments that were
15 not made during the forbearance distributed at
16 the same intervals as the borrower’s existing
17 payment schedule and evenly distributed across
18 those intervals, with no penalties, late fees, ad-
19 ditional interest accrued beyond the amounts
20 scheduled or calculated as if the borrower made
21 all contractual payments on time and in full
22 under the terms of the mortgage contract in ef-
23 fect at the time the borrower entered into the
24 forbearance, and with no modification fee
25 charged to the borrower; or

1 “(B) if the borrower elects to modify the
2 loan to capitalize a resulting escrow shortage or
3 deficiency, the servicer may modify the bor-
4 rower’s loan by re-amortizing the principal bal-
5 ance and extending the term of the loan suffi-
6 cient to maintain the regular mortgage pay-
7 ments; and

8 “(C) notify the borrower in writing of the
9 extension, including provision of a new payment
10 schedule and date of maturity, and that the
11 borrower shall have the election of prepaying
12 the suspended payments at any time, in a lump
13 sum or otherwise;

14 “(3) if the borrower is financially unable to re-
15 turn to making periodic mortgage payments as pro-
16 vided for in the mortgage contract at the end of the
17 COVID-19 emergency—

18 “(A) evaluate the borrower for all loan
19 modification options, without regard to whether
20 the borrower has previously requested, been of-
21 fered, or provided a loan modification or other
22 loss mitigation option and without any require-
23 ment that the borrower come current before
24 such evaluation or as a condition of eligibility
25 for such modification, including—

1 “(i) further extending the borrower’s
2 repayment period;

3 “(ii) reducing the principal balance of
4 the loan; or

5 “(iii) other modification or loss miti-
6 gation options available to the servicer
7 under the terms of any investor require-
8 ments and existing laws and policies; and

9 “(B) if the borrower qualifies for such a
10 modification, the service shall offer a loan with
11 such terms as to provide a loan with such terms
12 as to provide an affordable payment, with no
13 penalties, late fees, additional interest beyond
14 the amounts scheduled or calculated as if the
15 borrower made all contractual payments on
16 time and in full under the terms of the mort-
17 gage contract in effect at the time the borrower
18 entered into the forbearance, and with no modi-
19 fication fees charged to the borrower; and

20 “(4) if a borrower is granted a forbearance on
21 payments that would be owed pursuant to a trial
22 loan modification plan—

23 “(A) any forbearance of payments shall
24 not be treated as missed or delinquent pay-

1 ments or otherwise negatively affect the bor-
2 rower's ability to complete their trial plan;

3 “(B) any past due amounts as of the end
4 of the trial period, including unpaid interest,
5 real estate taxes, insurance premiums, and as-
6 sessments paid on the borrower's behalf, will be
7 added to the mortgage loan balance, but only to
8 the extent that such charges are not fees associ-
9 ated with the granting of the forbearance, such
10 as late fees, modification fees, or unpaid inter-
11 est from the period of the forbearance beyond
12 the amounts scheduled or calculated as if the
13 borrower made all contractual payments on
14 time and in full under the terms of the mort-
15 gage contract in effect at the time the borrower
16 entered into the forbearance; and

17 “(C) if the borrower is unable to resume

1 (j) CLAIMS OF AFFECTED INVESTORS AND OTHER
2 PARTIES.—Any action asserting a taking under the Fifth
3 Amendment to the Constitution of the United States as
4 a result of this subsection shall be brought not later than
5 180 days after the end of the COVID–19 emergency.

6 (k) EXTENSION OF THE GSE PATCH.—The Director
7 of the Bureau of Consumer Financial Protection shall re-
8 vise section 1026.43(e)(4)(iii)(B) of title 12, Code of Fed-
9 eral Regulations, to extend the sunset of the special rule
10 provided under such section 1026.43(e)(4) until January
11 1, 2022, or such later date as may be determined by the
12 Bureau.

13 (l) DEFINITIONS.—In this section:

14 (1) COVID–19 EMERGENCY.—The term
15 “COVID–19 emergency” means the period that be-
16 gins upon the date of the enactment of this Act and
17 ends on the date of the termination by the Federal
18 Emergency Management Agency of the emergency
19 declared on March 13, 2020, by the President under
20 the Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
22 ing to the Coronavirus Disease 2019 (COVID–19)
23 pandemic.

24 (2) MANUFACTURED HOME.—The term “manu-
25 factured home” has the meaning given that term

1 under section 603 of the National Manufactured
2 Housing Construction and Safety Standards Act of
3 1974 (42 U.S.C. 5402).

4 (3) MOTOR VEHICLE.—The term “motor vehi-
5 cle” has the meaning given that term under Section
6 1029(f) of the Consumer Financial Protection Act of
7 2010 (12 U.S.C. 5519(f)).

8 (4) RESIDENTIAL MORTGAGE LOAN.—The term
9 “residential mortgage loan” means any consumer
10 credit transaction that is secured by a mortgage,
11 deed of trust, or other equivalent consensual security
12 interest on residence consisting of a single dwelling
13 unit that is occupied by the mortgagor.

14 SEC. 110. BANKRUPTCY PROTECTIONS.

(a) I

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if the exemption for such property permitted by applicable

1 SEC. 111. DEBT COLLECTION.

2 (a) TEMPORARY DEBT COLLECTION MORATORIUM
3 DURING THE COVID-19 EMERGENCY PERIOD.—

4 (1) IN GENERAL.—The Fair Debt Collection
5 Practices Act (15 U.S.C. 1692 et seq.) is amended
6 by inserting after section 812 the following:

7 “§812A. Temporary debt collection moratorium dur-
8 ing the COVID-19 emergency period

9 “(a) DEFINITIONS.—In this section:

10 “(1) CONSUMER.—The term ‘consumer’ means
11 any natural person obligated or allegedly obligated
12 to pay any debt.

13 “(2) COVID-19 EMERGENCY PERIOD.—The
14 term ‘COVID-19 emergency period’ means the pe-
riod that begins upon the date of the en 1448 399 Tm 3ONof

1 “(4) DEBT.—The term ‘debt’—

2 “(A) means any past due obligation or al-
3 leged obligation of a consumer, non-profit orga-
4 nization, or small business to pay money—

5 “(i) arising out of a transaction in
6 which the money, property, insurance, or
7 services which are the subject of the trans-
8 action are primarily for personal, family,
9 business, non-profit, or household pur-
10 poses, whether or not such obligation has
11 been reduced to judgment;

12 “(ii) owed to a local, State, or Federal
13 government;

14 “(B) does not include federally related
15 mortgages (as defined under section 3 of the
16 Real Estate Settlement Procedures Act of
17 1974) unless a deficiency judgment has been
18 made with respect to such federally related
19 mortgage.

20 “(5) DEBT COLLECTOR.—The term ‘debt col-
21 lector’ includes a creditor and any person or entity
22 that engages in the collection of debt (including the
23 Federal Government or a State government) whether
24 or not the debt is allegedly owed to or assigned to
25 that person or entity.

1 “(6) DEPOSITORY INSTITUTION.—The term ‘de-
2 pository institution’—

3 “(A) has the meaning given that term
4 under section 3 of the Federal Deposit Insur-
5 ance Act; and

6 “(B) means a Federal or State credit
7 union (as such terms are defined, respectively,
8 under section 101 of the Federal Credit Union
9 Act.)

10 “(7) NON-PROFIT ORGANIZATION.—The term
11 ‘non-profit organization’ means an organization de-
12 scribed in section 501(c)(3) of the Internal Revenue
13 Code of 1986 and exempt from taxation under sub-
14 section (a) of such section.

15 “(8) SMALL BUSINESS.—The term ‘small busi-
16 ness’ has the meaning given the term ‘small business
17 concern’ under section 3 of the Small Business Act
18 (15 U.S.C. 632).

19 “(b) PROHIBITIONS.—Notwithstanding any other

1 consumer, small business, or non-profit organization
2 to the balance of an account;

3 “(2) suing or threatening to sue a consumer,
4 small business, or non-profit for a past-due debt;

5 “(3) continuing litigation initiated before the
6 date of enactment of this section to collect a debt
7 from a consumer, small business, or non-profit orga-
8 nization;

9 “(4) enforcing a security interest, including
10 through repossession or foreclosure, against a con-
11 sumer, small business, or non-profit organization;

12 “(5) reporting a past due debt of a consumer,
13 small business, or non-profit organization to a con-
14 sumer reporting agency;

15 “(6) taking or threatening to take any action to
16 enforce collection, or any adverse action against a
17 consumer, small business, or non-profit organization
18 for non-payment or for non-appearance at any hear-
19 ings related to a debt;

20 “(7) except with respect to enforcing an order
21 for child support or spousal support, initiating or
22 continuing any action to cause or to seek to cause
23 the collection of a debt from wages, Federal benefits,
24 or other amounts due to a consumer, small business,
25 or non-profit organization, by way of garnishment,

1 deduction, offset, or other seizure, or to cause or
2 seek to cause the collection of a debt by seizing
3 funds from a bank account or any other assets held
4 by such consumer, small business, or non-profit or-
5 ganization;

6 “(8) in the case of action or collection described
7 under paragraph (7) that was initiated prior to the
8 beginning of the date of such disaster or emergency,
9 failing to suspend the action or collection until 120
10 days after the end of the COVID–19 emergency pe-
11 riod;

12 “(9) upon the termination of the incident period
13 for such disaster or emergency, failing to extend the
14 time period to pay an obligation by one payment pe-
15 riod for each payment that a consumer, small busi-
16 ness, or non-profit organization missed during the
17 incident period, with the payments due in the same
18 amounts and at the same intervals as the pre-exist-
19 ing payment schedule of the consumer, small busi-
20 ness, or non-profit organization (as applicable) or, if
21 the debt has no payment periods, allow the con-
22 sumer, small business, or non-profit a reasonable
23 time in which to repay the debt in affordable pay-
24 ments;

- 1 “(10) disconnecting a consumer, small business,
- 2 or non-profit organization from a utility prepaid or
- 3 post-paid electricity, natural gas, telecommuni-
- 4 cations, broadband, water, or sewer service; or
- 5 “(11) exercising a right to set off provision con-
- 6 tained in any consumer, small business, or non-prof-

1 (A) by adding at the end the following:

2 “§ 140B. Confessions of judgment prohibition

3 “(a) IN GENERAL.—During a period described under
4 section 812A(b) of the Fair Debt Collection Practices Act,
5 no person may directly or indirectly take or receive from
6 another person or seek to enforce an obligation that con-
7 stitutes or contains a cognovit or confession of judgment
8 (for purposes other than executory process in the State
9 of Louisiana), warrant of attorney, or other waiver of the
10 right to notice and the opportunity to be heard in the
11 event of suit or process thereon.

12 “(b) EXEMPTION.—The exemption in section 104(1)
13 shall not apply to this section.

14 “(c) DEBT DEFINED.—In this section, the term
15 ‘debt’ means any obligation of a person to pay to another
16 person money—

17 “(1) regardless of whether the obligation is ab-
18 solute or contingent, if the understanding between
19 the parties is that any part of the money shall be
20 or may be returned;

21 “(2) that includes the right of the person pro-
22 viding the money to an equitable remedy for breach
23 of performance if the breach gives rise to a right to
24 payment; and

1 “(3) regardless of whether the obligation or
2 right to an equitable remedy described in paragraph
3 (2) has been reduced to judgment or is fixed, contin-
gent, matured, unmatured, disputed, undisputed, se-

1 120 days after the end of the incident period
2 designated in such declaration; or

3 “(B) the period ending 120 days after the
4 date of termination by the Federal Emergency
5 Management Administration of the emergency
6 declared on March 13, 2020, by the President
7 under the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 4121
9 et seq.) relating to the Coronavirus Disease
10 2019 (COVID–19) pandemic.

“(3) MAJOR DISASTER

- 1 No person may furnish any adverse item of information
- 2 (except information related to a felony criminal conviction)
- 3 relating to a consumer that was the result of any action
- 4 or inaction that occurred during a covered major disaster

1 “(1) request the deletion of adverse items of in-
2 formation under subsection (f); and

3 “(2) request a consumer report or score, with-
4 out charge to the consumer, under subsection (g).

5 “(f) DELETION OF ADVERSE ITEMS OF INFORMA-
6 TION RESULTING FROM THE CORONAVIRUS DISEASE
7 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

8 “(1) REPORTING.—

9 “(A) IN GENERAL.—Not later than 60
10 days after the date of enactment of this sub-
11 section, the Bureau shall create a website for
12 consumers to report, under penalty of perjury,
13 economic hardship as a result of the
14 coronavirus disease (COVID–19) outbreak or a
15 major disaster (if the consumer is a resident of
16 the affected area covered by such major dis-
17 aster) for the purpose of extending credit report
18 protection for an additional 270 days after the
19 end of the COVID–19 emergency period or cov-
20 ered major disaster period, as applicable.

21 “(B) DOCUMENTATION.—The Bureau
22 shall—

23 “(i) not require any documentation
24 from a consumer to substantiate the eco-
25 nomic hardship; and

1 “(ii) provide notice to the consumer
2 that a report under subparagraph (A) is
3 under penalty of perjury.

4 “(C) REPORTING PERIOD.—A consumer
5 may report economic hardship under subpara-
6 graph (A) during the COVID–19 emergency pe-
7 riod or a covered major disaster period, as ap-
8 plicable, and for 60 days thereafter.

9 “(2) DATABASE.—The Bureau shall establish
10 and maintain a secure database that—

11 “(A) is accessible to each consumer report-
12 ing agency described in section 603(p) and na-
13 tionwide specialty consumer reporting agency
14 for purposes of fulfilling their duties under
15 paragraph (3) to check and automatically delete
16 any adverse item of information (except infor-
17 mation related to a felony criminal conviction)
18 reported that occurred during the COVID–19
19 emergency period or a covered major disaster
20 period with respect to a consumer; and

21 “(B) contains the information reported
22 under paragraph (1).

23 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
24 MATION BY NATIONWIDE CONSUMER REPORTING

1 “(A) IN GENERAL.—A consumer who has
2 filed a report of economic hardship with the
3 Bureau may submit a request, without charge
4 to the consumer, to a consumer reporting agen-
5 cy to delete from the consumer’s file an adverse
6 item of information (except information related
7 to a felony criminal conviction) that was a re-
8 sult of an action or inaction that occurred dur-

1 “(g) FREE CREDIT REPORT AND SCORES.—

2 “(1) IN GENERAL.—During the COVID–19
3 emergency period or a covered major disaster period
4 and ending 12 months after the expiration of the
5 COVID–19 emergency period or covered major dis-
6 aster period, as applicable, each consumer reporting
7 agency as described under 603(p) and nationwide
8 specialty consumer reporting agency shall make all
9 disclosures described under section 609 upon request
10 by a consumer, by mail or online, without charge to
11 the consumer and without limitation as to the num-
12 ber of requests. A consumer reporting agency shall
13 also supply a consumer, upon request and without
14 charge, with a credit score that—

15 “(A) is derived from a credit scoring model
16 that is widely distributed to users by the con-
17 sumer reporting agency for the purpose of any
18 extension of credit or other transaction des-
19 ignated by the consumer who is requesting the

1 “(2) TIMING.—A file disclosure or credit score
2 under paragraph (1) shall be provided to the con-
3 sumer not later than—

4 “(A) 7 days after the date on which the re-
5 quest is received if the request is made by mail;
6 and

7 “(B) not later than 15 minutes if the re-
8 quest is made online.

9 “(3) ADDITIONAL REPORTS.—A file disclosure
10 provided under paragraph (1) shall be in addition to
11 any disclosure requested by the consumer under sec-
12 tion 612(a).

13 “(4) PROHIBITION.—A consumer reporting
14 agency that receives a request under paragraph (1)
15 may not request or require any documentation from
16 the consumer that demonstrates that the consumer
17 was impacted by the coronavirus disease (COVID-
18 19) outbreak or a major disaster (except to verify
19 that the consumer resides in an area covered by the
20 major disaster) as a condition of receiving the file
21 disclosure or score.

22 “(h) POSTING OF RIGHTS.—Not later than 30 days
23 after the date of enactment of this section, each consumer
24 reporting agency shall prominently post and maintain a
25 direct link on the homepage of the public website of the

1 consumer reporting agency information relating to the
2 right of consumers to—

3 “(1) request the deletion of adverse items of in-
4 formation (except information related to a felony
5 criminal conviction) under subsection (f); and

6 “(2) request consumer file disclosures and

1 were incurred during the COVID–19 emergency pe-
2 riod or covered major disaster period).

3 “(j) CREDIT SCORING MODELS.—A person that cre-
4 ates and implements credit scoring models may not treat
5 the absence, omission, or deletion of any information pur-
6 suant to this section as a negative factor or negative value
7 in credit scoring models created or implemented by such
8 person.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of contents for the Fair Credit
11 Reporting Act is amended by inserting after the
12 item relating to section 605B the following:

“605C. Reporting of information during major disasters.”.

13 (c) LIMITATIONS ON NEW CREDIT SCORING MODELS
14 DURING THE COVID–19 EMERGENCY AND MAJOR DIS-
15 ASTERS.—The Fair Credit Reporting Act (15 U.S.C. 1681
16 et seq.) is amended—

17 (1) by adding at the end the following:

18 “§ 630. Limitations on new credit scoring models dur-
19 ing the COVID–19 emergency and major
20 disasters

21 “With respect to a person that creates and imple-
22 ments credit scoring models, such person may not, during
23 the COVID–19 emergency period or a covered major dis-
24 aster period (as such terms are defined under section
25 605C), create or implement a new credit scoring model

1 (including a revision to an existing scoring model) if the
2 new credit scoring model would identify a significant per-
3 centage of consumers as being less creditworthy when
4 compared to the previous credit scoring models created or
5 implemented by such person.”; and

6 (2) in the table of contents for such Act, by
7 adding at the end the following new item:

“630. Limitations on new credit scoring models during major disasters.”.

8 SEC. 113. STUDENT LOANS.

9 (a) PAYMENTS FOR FEDERAL STUDENT LOAN BOR-

1 “(A) income-based repayment authorized
2 under section 493C for loans made, insured, or
3 guaranteed under part B or part D; or

4 “(B) income contingent repayment author-
5 ized under section 455(e) for loans made under
6 part D.

7 “(3) INVOLUNTARY COLLECTION.—The term
8 ‘involuntary collection’ means—

9 “(A) a wage garnishment authorized under
10 section 488A of this Act or section 3720D of
11 title 31, United States Code;

12 “(B) a reduction of tax refund by amount
13 of debt authorized under section 3720A of title
14 31, United States Code;

15 “(C) a reduction of any other Federal ben-
16 efit payment by administrative offset authorized
17 under section 3716 of title 31, United States
18 Code (including a benefit payment due to an in-
19 dividual under the Social Security Act or any
20 other provision described in subsection
21 (c)(3)(A)(i) of such section); and

22 “(D) any other involuntary collection activ-
23 ity, including any collection activity through
24 which a borrower is compelled to make pay-
25 ments on a private student loan.

1 “(4) COVID-19 EMERGENCY PERIOD.—For
2 purposes of this Act, the term ‘COVID-19 emer-
3 gency period’ means the period that begins upon the
4 date of the enactment of this Act and ends upon the
5 date of the termination by the Federal Emergency
6 Management Administration of the emergency de-
7 clared on March 13, 2020, by the President under
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
10 ing to the Coronavirus Disease 2019 (COVID-19)
11 pandemic.

12 “(b) COVID-19 NATIONAL EMERGENCY STUDENT
13 LOAN REPAYMENT ASSISTANCE.—

14 “(1) AUTHORITY.—Effective on the date of the
15 enactment of this section, during the COVID-19
16 emergency period and the 6-month period imme-
17 diately following, the Secretary of Education shall
18 for each borrower of a loan made, insured, or guar-
19 anteed under part B, D, or E, pay the total amount
20 due for such month on the loan, based on the pay-
21 ment plan selected by the borrower or the borrower’s
22 loan status.

23 “(2) NO CAPITALIZATION OF INTEREST.—With
24 respect to any loan in repayment during the
25 COVID-19 national emergency period and the 6-

1 month period immediately following, interest due on
2 loans made, insured, or guaranteed under part B, D,
3 or E during such period shall not be capitalized at
4 any time during the COVID-19 national emergency
5 period and the 6-month period immediately fol-
6 lowing.

7 “(3) APPLICABILITY OF PAYMENTS.—Any pay-
8 ment made by the Secretary of Education under this
9 section shall be considered by the Secretary of Edu-
10 cation, or by a lender with respect to a loan made,
11 insured, or guaranteed under part B—

1 “(4) REPORTING TO CONSUMER REPORTING
2 AGENCIES.—During the period in which the Sec-
3 retary of Education is making payments on a loan
4 under paragraph (1), the Secretary shall ensure
5 that, for the purpose of reporting information about
6 the loan to a consumer reporting agency, any pay-
7 ment made by the Secretary is treated as if it were

1 “(6) SUSPENSION OF INVOLUNTARY COLLEC-
2 TION.—During the COVID–19 national emergency
3 period and the 6-month period immediately fol-
4 lowing, the Secretary of Education, or other holder
5 of a loan made, insured, or guaranteed under part
6 B, D, or E, shall immediately take action to halt all
7 involuntary collection related to the loan.

8 “(7) MANDATORY FORBEARANCE.—During the
9 period in which the Secretary of Education is mak-
10 ing payments on a loan under paragraph (1), the
11 Secretary, or a lender or guaranty agency for a loan
12 made under part B, shall grant the borrower for-
13 bearance as follows:

14 “(A) A temporary cessation of all pay-
15 ments on the loan other than the payments of
16 interest and principal on the loan that are made
17 under paragraph (1).

18 “(B) For borrowers who are delinquent
19 but who are not yet in default before the date
20 on which the Secretary begins making payments
21 under paragraph (1), the retroactive application
22 of forbearance to address any delinquency.”.

23 (2) FFEL AMENDMENT.—Section 428(c)(8) of
24 the Higher Education Act of 1965 (20 U.S.C.

- 1 1078(c)(8)) is amended by striking “and for which”
- 2 and all that follows through “this subsection”.

(b) PAYMENTS FOR PRIVATE

1 “(3) REPORTING TO CONSUMER REPORTING
2 AGENCIES.—During the period in which the Sec-
3 retary of the Treasury is making payments on a
4 loan under paragraph (1), the Secretary shall ensure
5 that, for the purpose of reporting information about
6 the loan to a consumer reporting agency, any pay-
7 ment made by the Secretary is treated as if it were
8 a regularly scheduled payment made by a borrower.

9 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
10 Not later than 15 days following the date of enact-
11 ment of this subsection, and monthly thereafter dur-
12 ing the COVID–19 national emergency period and
13 the 6-month period immediately following, the Sec-
14 retary of the Treasury shall provide a notice to all
15 borrowers of private education loans—

16 “(A) informing borrowers of the actions
17 taken under this subsection;

18 “(B) providing borrowers with an easily
19 accessible method to opt out of the benefits pro-
20 vided under this subsection; and

21 “(C) notifying the borrower that the pro-
22 gram under this subsection is a temporary pro-
23 gram and will end 6 months after the COVID–
24 19 national emergency period ends.

1 (A) The total amount of each covered loan
2 and each private education loan of the bor-
3 rower; or

4 (B) \$10,000.

5 (2) NOTIFICATION OF BORROWERS.—Not later
6 than 270 days after the last day of the COVID-19
7 emergency period, the Secretaries concerned shall
8 notify each qualified borrower of—

9 (A) the requirements to provide loan relief
10 to such borrower under this section; and

11 (B) the opportunity for such borrower to
12 make an election under paragraph (3)(A) with
13 respect to the application of such loan relief to
14 the covered loans and private education loans of
15 such borrower.

16 (3) DISTRIBUTION OF FUNDING.—

17 (A) ELECTION BY BORROWER.—Not later
18 than 45 days after a notice is sent under para-
19 graph (2), a qualified borrower may elect to
20 apply the amount determined with respect to
21 such borrower under paragraph (1) to—

22 (i) any covered loan of the borrower;

23 (ii) any private education loan of the
24 borrower; and

1 sured, or guaranteed under part B shall report,
2 to the satisfaction of the Secretary of Edu-
3 cation, the information necessary to calculate
4 the amount to be applied under paragraph (1).

5 (B) SECRETARY OF TREASURY.—Holders
6 and servicers of private education loans shall
7 report, to the satisfaction of the Secretary of
8 the Treasury, the information necessary to cal-
9 culate the amount to be applied under para-
10 graph (1).

11 (5) MEMORANDUM OF UNDERSTANDING.—The
12 Secretaries concerned shall enter into a memo-
13 randum of understanding to carry out this sub-
14 section.

15 (6) DEFINITIONS.—In this subsection:

16 (A) COVERED LOAN.—The term “covered
17 loan” means—

18 (i) a loan made, insured, or guaran-
19 teed under part B of title IV of the Higher
20 Education Act of 1965 (20 U.S.C. 1071 et
21 seq.);

22 (ii) a loan made under part D of title
23 IV of the Higher Education Act of 1965
24 (20 U.S.C. 1087a et seq.); and

1 (iii) a Federal Perkins Loan made
2 pursuant to part E of title IV of the High-
3 er Education Act of 1965 (20 U.S.C.
4 1087aa et seq.).

5 (B) COVID-19 EMERGENCY PERIOD.—
6 The term “COVID-19 emergency period”
7 means the period that begins upon the date of
8 the enactment of this Act and ends upon the
9 date of the termination by the Federal Emer-
10 gency Management Administration of the emer-
11 gency declared on March 13, 2020, by the
12 President under the Robert T. Stafford Dis-
13 aster Relief and Emergency Assistance Act (42
14 U.S.C. 4121 et seq.) relating to the
15 Coronavirus Disease 2019 (COVID-19) pan-
16 demic.

17 (C) PRIVATE EDUCATION LOAN.—The
18 term “private education loan” has the meaning
19 given the term in section 140 of the Truth in
20 Lending Act (15 U.S.C. 1650).

21 (D) QUALIFIED BORROWER.—The term
22 “qualified borrower” means a borrower of a
23 covered loan or a private education loan.

24 (E) SECRETARIES CONCERNED.—The term
25 “Secretaries concerned” means—

- 1 (i) the Secretary of Education, with
- 2 respect to covered loans and borrowers of
- 3 such covered loans; and

1 (1) IN GENERAL.—Part III of subchapter B of
2 chapter 1 of the Internal Revenue Code of 1986 is
3 amended by inserting after section 139H the fol-
4 lowing new section:

5 “SEC. 139I. STUDENT LOAN PAYMENTS RESULTING FROM
6 THE COVID-19 NATIONAL EMERGENCY.

7 “Gross income shall not include any payment made
8 on behalf of the taxpayer under section 493E(b)(1) of the
9 Higher Education Act of 1965, section 140(h) of the
10 Truth in Lending Act, or section 114(c) of the Financial
11 Protections and Assistance for America’s Consumers,
12 States, Businesses, and Vulnerable Populations.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions for part III of subchapter B of chapter 1 of
15 the Internal Revenue Code of 1986 is amended by
16 inserting after the item relating to section 139H the
17 following new item:

 “Sec. 139I. Student loan payments resulting from the COVID-19 national
 emergency.”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply to taxable years begin-
20 ning after December 31, 2019.

21 SEC. 114. WAIVER OF IN-PERSON APPRAISAL REQUIRE-
22 MENTS.

23 (a) FINDING.—The Congress finds that as the coun-
24 try continues to grapple with the impact of the spread of

1 COVID–19, several adjustments are needed to ensure that
2 mortgage processing can continue to function without sig-
3 nificant delays ,despite requirements that would otherwise
4 require in-person interactions.

5 (b) WAIVER.—

6 (1) IN GENERAL.—Until the end of the
7 COVID–19 emergency, any appraisal that is con-
8 ducted for a loan with respect to which applicable
9 law would otherwise require the performance of an
10 interior inspection may be performed without an in-
11 terior inspection, if—

12 (A) an exterior inspection is performed in
13 conjunction with other methods to maximize
14 credibility, including verifiable contemporaneous
15 video or photographic documentation by the
16 borrower and borrower observations; and

17 (B) the applicable lender, guarantor, regu-

1 and consistent with the exterior view, and shall em-
2 ploy all available methods to maximize accuracy
3 while maintaining safety.

4 (c) RULEMAKING.—Not later than the end of the 1-
5 week period beginning on the date of enactment of this
6 Act, the Federal Housing Commissioner of the Federal
7 Housing Agency and the Director of the Federal Housing
8 Finance Agency shall issue such rules or guidance as may
9 be necessary to ensure that such agencies, the Federal
10 Home Loan Mortgage Corporation, the Federal National
11 Mortgage Association, and the Federal home loan banks
12 make any adjustments to mortgage processing require-
13 ments that may be necessary to provide flexibility to avoid
14 in-person interactions while preserving the goals of the
15 programs and consumer protection.

16 (d) COVID–19 EMERGENCY DEFINED.—In this sec-
17 tion, the term “COVID–19 emergency” means the period
18 that begins upon the date of the enactment of this Act
19 and ends on the date of the termination by the Federal
20 Emergency Management Agency of the emergency de-
21 clared on March 13, 2020, by the President under the
22 Robert T. Stafford Disaster Relief and Emergency Assist-
23 ance Act (42 U.S.C. 4121 et seq.) relating to the
24 Coronavirus Disease 2019 (COVID–19) pandemic.

1 SEC. 115. SUPPLEMENTAL FUNDING FOR COMMUNITY DE-
2 VELOPMENT BLOCK GRANTS.

3 (a) FUNDING AND ALLOCATIONS.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated
6 \$12,000,000,000 for assistance in accordance with
7 this section under the community development block
8 grant program under title I of the Housing and
9 Community Development Act of 1974 (42 U.S.C.
10 5301 et seq.).

11 (2) INITIAL ALLOCATION.—\$6,000,000,000 of
12 the amount made available pursuant to paragraph
13 (1) shall be distributed pursuant to section 106 of
14 such Act (42 U.S.C. 5306) to grantees and such al-
15 locations shall be made within 30 days after the date
16 of the enactment of this Act.

17 (3) SUBSEQUENT ALLOCATION.—

18 (A) IN GENERAL.—The \$6,000,000,000
19 made available pursuant to paragraph (1) that
20 remains after allocation pursuant to paragraph
21 (2) shall be allocated, not later than 45 days
22 after the date of the enactment of this Act, di-
23 rectly to States to prevent, prepare for, and re-
24 spond to coronavirus within the State, including

1 (5) ROLLING ALLOCATIONS.—Allocations under

(2) N

1 shall instead be submitted not later than August 16,
2 2021.

3 (3) AMENDMENTS.—Notwithstanding sub-
4 sections (a)(2), (a)(3), and (c) of section 104 of the
5 Housing and Community Development Act of 1974
6 (42 U.S.C. 5304) and section 105 of the Cranston-
7 Gonzalez National Affordable Housing Act (42
8 U.S.C. 12705), a grantee may not be required to
9 amend its statement of activities in order to engage
10 in activities to prevent, prepare, and respond to
11 coronavirus or the economic and housing disruption
12 caused by it, but shall make public a report within
13 180 days of the end of the crisis which fully ac-
14 counts for such activities.

15 (f) PUBLIC HEARINGS.—

16 (1) INAPPLICABILITY OF IN-PERSON HEARING
17 REQUIREMENTS.—A grantee may not be required to
18 hold in-person public hearings in connection with its
19 citizen participation plan, but shall provide citizens
20 with notice and a reasonable opportunity to com-
21 ment of not less than 15 days.

22 (2) VIRTUAL PUBLIC HEARINGS.—During the
23 period that national or local health authorities rec-
24 ommend social distancing and limiting public gath-
25 erings for public health reasons, a grantee may ful-

1 fill applicable public hearing requirements for all
2 grants from funds made available pursuant to sub-
3 section (a)(1) and under the heading “Department
4 of Housing and Urban Development—Community
5 Planning and Development—Community Develop-
6 ment Fund” in appropriation Acts for fiscal years
7 2019 and 2020 by carrying out virtual public hear-
8 ings. Any such virtual hearings shall provide reason-
9 able notification and access for citizens in accord-
10 ance with the grantee’s certifications, timely re-
sponses from local officials to all citizen questions

1 19 emergency period'' means the period that begins upon
2 the date of the enactment of this Act and ends upon the
3 date of the termination by the Federal Emergency Man-
4 agement Agency of the emergency declared on March 13,
5 2020, by the President under the Robert T. Stafford Dis-
6 aster Relief and Emergency Assistance Act (42 U.S.C.
7 4121 et seq.) relating to the Coronavirus Disease 2019
8 (COVID-19) pandemic.

9 (b) SUSPENSION OF COMMUNITY SERVICE, WORK,
10 PRESENCE IN UNIT, AND MINIMUM RENT REQUIRE-

1 the United States Housing Act of 1937 (42
2 U.S.C. 1437f(o)) for failure to enter into a
3 lease for an assisted dwelling unit;

4 (B) in the case of any eligible household on
5 whose behalf such a housing choice voucher has
6 been made available, if as of the termination of
7 the COVID-19 emergency period such avail-
8 ability has not terminated (including by reason
9 of subparagraph (A)) and such voucher has not
10 been used to enter into a lease for an assisted
11 dwelling unit, the public housing agency making
12 such voucher available may not terminate such
13 availability until the expiration of the 60-day
14 period beginning upon the termination of the
15 COVID-19 emergency period; and

16 (C) during the COVID-19 emergency pe-
17 riod, clause (i) of section 8(o)(8)(A) of the
18 United States Housing Act of 1937 (42 U.S.C.
19 1437f(o)(8)A)(i); relating to initial inspection of
20 dwelling units) shall not apply, except that in
21 any case in which an inspection of a dwelling
22 unit for which a housing assistance payment is
23 established is not conducted before an assist-
24 ance payment is made for such dwelling unit—

1 (i) such clause shall be applied by
2 substituting “the expiration of the 90-day
3 period beginning on the termination of the
4 COVID–19 emergency period (as such
5 term is defined in section 117(a) of the Fi-
6 nancial Protections and Assistance for
7 America’s Consumers, States, Businesses,
8 and Vulnerable Populations Act)” for “any
9 assistance payment is made”; and

10 (ii) the public housing agency shall in-
11 form the tenant household and the owner
12 of such dwelling unit of the inspection re-
13 quirement applicable to such dwelling unit
14 pursuant to clause (i).

15 (2) RURAL HOUSING VOUCHERS.—Notwith-
16 standing any other provision of law, the Secretary of
17 Agriculture shall provide that the same restrictions
18 and requirements applicable under paragraph (1) to
14 19 voucher assistance under section 8(o) of the United
20 States Housing Act of 1937 shall apply with respect
21 to voucher assistance under section 542 of the Hous-
22 ing Act of 1949 (42 U.S.C. 1490r). In applying such
restrictions and requirements, remtp]TJ ET Bf70 TJ Ec.V.1 (90-day)]T

1 the program under such section 542 is carried out
2 in accordance with the purposes of such restrictions
3 and requirements.

4 (d) SUSPENSION OF INCOME REVIEWS.—During the
5 COVID–19 emergency period, the Secretary of Housing
6 and Urban Development and the Secretary of Agriculture
7 shall waive any requirements under law or regulation re-
8 quiring review of the income of an individual or household
9 for purposes of assistance under a housing assistance pro-
10 gram administered by such Secretary, except—

11 (1) in the case of review of income upon the ini-
12 tial provision of housing assistance; or

13 (2) if such review is requested by an individual
14 or household due to a loss of income.

15 (e) AUTHORITY TO SUSPEND OR DELAY DEAD-
16 LINES.—During the COVID–19 emergency period, the
17 Secretary of Housing and Urban Development and the
18 Secretary of Agriculture may suspend or delay any dead-

1 velopment shall suspend scoring under the Section 8 Man-
2 agement Assessment Program and the Public Housing As-
3 sessment System during the period beginning upon the
4 date of the enactment of this Act and ending upon expira-
5 tion of the 90-day period that begins upon the termination
6 of the COVID-19 emergency period.

7 (g) REQUIREMENTS REGARDING RESIDUAL RE-
CEIPTS AND RESERVE F

1 Housing and Community Development Act of 1992 (42
2 U.S.C. 13632) for costs of providing service coordinators
3 for purposes of coordinating services to prevent, prepare
4 for, or respond to the public health emergency relating to
5 Coronavirus Disease 2019 (COVID-19).

6 (b) HIRING.—In the hiring of staff using amounts
7 made available pursuant to this section, grantees shall

- 1 of the 12-month period beginning upon such allocation
- 2 shall be recaptured by the Secretary.

1 thorized to be appropriated for contracts,
2 grants, and other assistance—

3 (i) \$55,000,000 for the Fair Housing
4 Initiatives Program under section 561 of
5 the Housing and Community Development
6 Act of 1987 (42 U.S.C. 3616a); and

7 (ii) \$35,000,000 for the Fair Housing
8 Assistance Program under the Fair Hous-
9 ing Act (42 U.S.C. 3601 et seq.).

10 Amounts made available pursuant to this sub-
11 paragraph may be used by such organizations
12 and agencies to establish the capacity to and to
13 carry out activities and services by telephone
14 and online means, including for individuals with
15 limited English proficiency and individuals with
16 a disability in accordance with requirements
17 under the Americans With Disabilities Act of
18 1990.

19 (B) PRIVATE ENFORCEMENT INITIA-
20 TIVE.—In entering into contracts for private
21 enforcement initiatives under 561(b) of the
22 Housing and Community Development Act of
23 1987 (42 U.S.C. 3616a(b)) using amounts
24 made available pursuant to subparagraph (A)(i)
25 of this subsection, the Secretary of Housing

1 and Urban Development shall give priority to
2 applications from qualified fair housing enforce-
3 ment organizations that have at least 2 years of
4 fair housing testing experience.

5 (C) 3-YEAR AVAILABILITY.—Any amounts
6 made available pursuant subparagraph (A) that
7 are allocated for a grantee and remain unex-
8 pended upon the expiration of the 3-year period
9 beginning upon such allocation shall be recap-
10 tured by the Secretary.

11 (2) OFFICE OF FAIR HOUSING AND EQUAL OP-
12 PORTUNITY.—There is authorized to be appropriated
13 \$200,000,000 for the Office of Fair Housing and
14 Equal Opportunity of the Department of Housing
15 and Urban Development for costs of fully staffing
16 such Office to ensure robust enforcement of the Fair
17 Housing Act during the COVID–19 pandemic, in-
18 cluding ensuring that—

19 (A) assistance provided under this Act is
20 provided and administered in a manner that af-
21 firmatively furthers fair housing in accordance
22 with the Fair Housing Act;

23 (B) such Office has sufficient capacity for
24 intake of housing discrimination complaints by

1 individuals with limited English proficiency and
2 individuals with a disability in accordance with
3 requirements under the Americans With Dis-
4 abilities Act of 1990 and section 504 of the Re-
5 habilitation Act of 1973 (29 U.S.C. 794); and

6 (C) such Office has the capacity to respond
7 to all housing discrimination complaints made
8 during the COVID-19 pandemic within time
9 limitations required under law.

10 In the hiring of staff using amounts made available
11 pursuant to this subsection, the Secretary of Hous-
12 ing and Urban Development shall consider and hire,
13 at all levels of employment and to the greatest ex-
14 tent possible, a diverse staff, including by race, eth-
15 nicity, gender, and disability status. The Secretary
16 shall submit a report to the Congress describing
17 compliance with the preceding sentence on a quar-
18 terly basis, for each of the first 4 calendar quarters
19 ending after the date of the enactment of this Act.

(c) FAIR H

1 under housing assistance programs of the Depart-
2 ment prohibiting, during the COVID-19 emergency
3 period, of any showings of occupied assisted dwelling
4 units to prospective tenants.

5 (2) EDUCATION.—There is authorized to be ap-
6 propriated \$10,000,000 for the Office of Fair Hous-
7 ing and Equal Opportunity of the Department of
8 Housing and Urban Development to carry out a na-
9 tional media campaign to educate the public of in-
10 creased housing rights during COVID-19 emergency
11 period, that provides that information and materials
12 used in such campaign are available—

13 (A) in the languages used by communities
14 with limited English proficiency

15 (B) to persons with disabilities.

16 SEC. 119. HUD COUNSELING PROGRAM AUTHORIZATION.

17 (a) FINDINGS.—The Congress finds the following:

18 (1) The spread of COVID-19, which is now
19 considered a global pandemic, is expected to nega-
20 tively impact the incomes of potentially millions of
21 homeowners, making it difficult for them to pay
22 their mortgages on time.

23 (2) Housing counseling is critical to ensuring
24 that homeowners have the resources they need to

1 navigate the loss mitigation options available to

1 Emergency Assistance Act (42 U.S.C. 4121 et seq.)
2 relating to the Coronavirus Disease 2019 (COVID-
3 19) pandemic.

(b) STRENGTHENING C

1 (2) PUBLIC AVAILABILITY.—The Secretary of
2 Commerce shall place all reports submitted under
3 paragraph (1) on an appropriate website available to
4 the public, in an easily searchable format.

5 (3) SUNSET.—The requirements under this sec-
6 tion shall terminate after the expenditure of all
7 funds appropriated pursuant to the authorizations
8 under subsection (a).

9 TITLE II—ASSISTING SMALL
10 BUSINESSES AND COMMU-
11 NITY FINANCIAL INSTITU-
12 TIONS

13 SEC. 201. SMALL BUSINESS CREDIT FACILITY.

14 (a) ESTABLISHMENT.—The Board of Governors of
15 the Federal Reserve System shall establish a credit facility
16 to provide loans to small businesses during the COVID-
17 19 emergency.

18 (b) DEFINITIONS.—In this section:

19 (1) COVID-19 EMERGENCY.—The term
20 “COVID-19 emergency” means the period that be-
21 gins upon the date of the enactment of this Act and
22 ends on the date of the termination by the Federal
23 Emergency Management Agency of the emergency
24 declared on March 13, 2020, by the President under
25 the Robert T. Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C. 4121 et seq.) relat-
2 ing to the Coronavirus Disease 2019 (COVID-19)
3 pandemic.

(2) SMALL BUSINESS

1 (c) ZERO-INTEREST LOANS.—Loans made by or
2 guaranteed by the Secretary under this section shall be
3 zero-interest loans, if the small business receiving such
4 loan does not involuntarily terminate any employee of the
5 small business during the COVID–19 emergency.

6 (d) ADVANCE.—

7 (1) IN GENERAL.—Upon request from an appli-
8 cant for a loan under this section, the Secretary may
9 provide to such applicant an advance, in cash, to
10 such applicant.

11 (2) AMOUNT.—An advance provided under
12 paragraph (1) shall be in an amount equal to the
13 revenue of the applicant for the period beginning
14 January 1, 2020 and ending January 31, 2020.

15 (3) PROCEDURES.—

16 (A) REVIEW.—The Secretary shall have 1
17 week from the receipt of a request for an ad-
18 vance under paragraph (1) to conduct a risk as-
19 sessment of the applicant to determine whether
20 to approve or deny such request.

21 (B) APPROVAL.—If the Secretary does not
22 deny a request under subparagraph (A), the ad-
23 vance shall be directly deposited into the ac-
24 count identified by the applicant.

(C) REMAINING FUNDS.—Not later than 4

1 (C) charge a fee triggered by the non-
2 payment of a debt;

3 (D) sue or threaten to sue for nonpayment
4 of a debt;

5 (E) continue litigation to collect a debt
6 that was initiated before the date of enactment
7 of this section;

8 (F) submit or cause to be submitted a con-
9 fession of judgment to any court;

10 (G) enforce a security interest through re-

1 issued before the end of the 120-day period fol-
2 lowing the end of the COVID-19 emergency, by
3 levying on funds from a bank account or seizing
4 any other assets of a small business or non-
5 profit;

6 (K) commence or continue an action to
7 evict a small business or non-profit from real or
8 personal property; or

9 (L) disconnect or terminate service from
10 utility service, including electricity, natural gas,
11 telecommunications or broadband, water, or
12 sewer.

13 (2) RULE OF CONSTRUCTION.—Nothing in this
14 subsection may be construed to prohibit a small
15 business or non-profit from voluntarily paying, in
16 whole or in part, a debt.

17 (3) REPAYMENT PERIOD.—After the expiration
18 of the COVID-19 emergency, with respect to a debt
19 described under paragraph (1), a debt collector—

20 (A) may not add to the debt balance any

interest or a Nt(aph)1.4 208.6 (any)]TJ ET BT 14 0 0 14 205.9999

1 missed during the COVID-19 emergency, with
2 the payments due in the same amounts and at
3 the same intervals as the pre-existing payment
4 schedule;

5 (C) shall, for an open end credit plan (as
6 defined under section 103 of the Truth in
7 Lending Act) or other credit without a defined
8 term, allow the small business or non-profit to
9 repay the debt balance in a manner that does
10 not exceed the amounts permitted by formulas
11 under section 170(c) of the Truth in Lending
12 Act and regulations promulgated thereunder;
13 and

14 (D) shall, when the small business or non-
15 profit notifies the debt collector, offer reason-
16 able and affordable repayment plans, loan
17 modifications, refinancing, options with a rea-
18 sonable time in which to repay the debt.

19 (4) COMMUNICATIONS IN CONNECTION WITH
20 THE COLLECTION OF A DEBT.—

21 (A) IN GENERAL.—During the COVID-19
22 emergency, without prior consent of a small
23 business or non-profit given directly to a debt
24 collector during the COVID-19 emergency, or
25 the express permission of a court of competent

1 jurisdiction, a debt collector may only commu-
2 nicate in writing in connection with the collec-
3 tion of any debt (other than debt related to a
4 federally related mortgage loan).

5 (B) REQUIRED DISCLOSURES.—

6 (i) IN GENERAL.—All written commu-
7 nications described under subparagraph
8 (A) shall inform the small business or non-
9 profit that the communication is for infor-
10 mational purposes and is not an attempt to
11 collect a debt.

12 (ii) REQUIREMENTS.—The disclosure
13 required under clause (i) shall be made—

14 (I) in type or lettering not small-
15 er than 14-point bold type;

16 (II) separate from any other dis-
17 closure;

18 (III) in a manner designed to en-
19 sure that the recipient sees the disclo-
20 sure clearly;

21 (IV) in English and Spanish and
22 in any additional languages in which
23 the debt collector communicates, in-
24 cluding the language in which the

1

loan was negotiated, to the extent

1 a debt collector for purposes of that sec-
2 tion.

3 (B) PREDISPUTE ARBITRATION AGREE-
4 MENTS.—Notwithstanding any other provision
5 of law, no predispute arbitration agreement or
6 predispute joint-action waiver shall be valid or
7 enforceable with respect to a dispute brought
8 under this section, including a dispute as to the
9 applicability of this section, which shall be de-
10 termined under Federal law.

11 (6) TOLLING.—Except as provided in para-
12 graph (7)(D), any applicable time limitations, in-
13 cluding statutes of limitations, related to a debt
14 under Federal or State law shall be tolled during the
15 COVID-19 emergency.

16 (7) CLAIMS OF AFFECTED CREDITORS AND
17 DEBT COLLECTORS.—

18 (A) VALUATION OF PROPERTY.—With re-
19 spect to any action asserting a taking under the
Fifth Amendment of 3.00 0 0 11action a21Tc1 1fth a 19

- 1 (i) with consideration of the likelihood
2 of full and timely payment of the obliga-
3 tion without the actions taken pursuant to
4 this section; and
- 5 (ii) without consideration of any as-
6 sistance provided directly or indirectly to
7 the small business or non-profit from other
8 Federal, State, and local government pro-
9 grams instituted or legislation enacted in
10 response to the COVID-19 emergency.

(B) SCOPE OF JUST COMPENSATION.—In

1 (D) REPOSE.—Any action asserting a tak-
2 ing under the Fifth Amendment to the Con-
3 stitution of the United States as a result of this
4 section shall be brought within not later than
5 180 days after the end of the COVID–19 emer-
6 gency.

7 (8) DEFINITIONS.—In this section:

8 (A) COVID–19 EMERGENCY.—The term
9 “COVID–19 emergency” means the period that
10 begins upon the date of the enactment of this
11 Act and ends on the date of the termination by
12 the Federal Emergency Management Agency of
13 the emergency declared on March 13, 2020, by
14 the President under the Robert T. Stafford Dis-
15 aster Relief and Emergency Assistance Act (42
16 U.S.C. 4121 et seq.) relating to the
17 Coronavirus Disease 2019 (COVID–19) pan-
18 demic.

19 (B) CREDITOR.—The term “creditor”
20 means—

21 (i) any person who offers or extends
22 credit creating a debt or to whom a debt
23 is owed or other obligation for payment;

24 (ii) any lessor of real or personal
25 property; or

1 section 3 of the Real Estate Settlement Proce-
dures Act of 1974 (12 U.S.C. 2602).

1 SEC. 204. REAUTHORIZATION OF THE STATE SMALL BUSI-
2 NESS CREDIT INITIATIVE ACT OF 2010.

3 The State Small Business Credit Initiative Act of
4 2010 (15 U.S.C. 5701 et seq.) is amended—

5 (1) by striking “2009 allocation” each place
6 such term appears and inserting “2019 allocation”;

7 (2) by striking “2010 allocation” each place
such term appears and inserting “2020 allocation”;

1 (D) in subparagraph (C)—

2 (i) in the subparagraph heading, by
3 striking “2008 STATE EMPLOYMENT DE-
4 CLINE DEFINED” and inserting “2018
5 STATE EMPLOYMENT DECLINE DEFINED”;

6 (ii) in clause (i), by striking “Decem-
7 ber 2007” and inserting “December
8 2017”; and

9 (iii) in clause (ii), by striking “Decem-
10 ber 2008” and inserting “December
11 2018”;

12 (6) in section 3003(b)(3)—

13 (A) in the section heading, by striking
“2010 ALLOCATION FORMULA

1 (7) in section 3005(e), by striking “to the Sec-
2 retary a report” and inserting “to the Secretary and
3 Congress a report”;

4 (8) in section 3007—

5 (A) in subsection (a)(1), by striking “ to
6 the Secretary a report” and inserting “to the
7 Secretary and Congress a report”; and

8 (B) in subsection (b)—

9 (i) by striking “March 31, 2011” and
10 inserting “March 31, 2021”; and

11 (ii) by striking “to the Secretary” and
12 inserting “to the Secretary and Congress”;

13 and

14 (9) in section 3009—

15 (A) in subsection (b), by striking
16 “\$1,500,000,000” and inserting
17 “\$10,000,000,000”;

18 (B) in subsection (c), by adding at the end
19 the following new sentence: “At the end of such
20 period, any amounts that remain unexpended or
21 unobligated shall be transferred to the Commu-
22 nity Development Financial Institutions Fund
23 established under section 104(a) of the Riegle
24 Community Development and Regulatory Im-
25 provement Act of 1994.”.

1 est-bearing accounts pending disbursement, and any inter-
2 est which accrues may be retained without returning such
3 interest to the Treasury of the United States and interest
4 earned may be obligated and expended for the purposes
5 for which the grant was made available without further
6 appropriation.

(d) REPORTING AND AUDIT R

1 (4) FUND MANAGERS.—Fund managers shall
2 annually report on their fund management activities,
3 including—

1 and (e) of such section 108 shall not apply to the provision
2 of such assistance.

3 SEC. 207. MINORITY DEPOSITORY INSTITUTION.

4 (a) SENSE OF CONGRESS ON FUNDING THE LOAN-
5 LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.—The
6 sense of Congress is the following:

7 (1) The Community Development Financial In-
8 stitutions Fund (the “CDFI Fund”) is an agency of
9 the Department of the Treasury, and was estab-
10 lished by the Riegle Community Development and
11 Regulatory Improvement Act of 1994. The mission
12 of the CDFI Fund is “to expand economic oppor-
13 tunity for underserved people and communities by
14 supporting the growth and capacity of a national
15 network of community development lenders, inves-
16 tors, and financial service providers”. A community
17 development financial institution (a “CDFI”) is a

1 lows organizations to participate in various CDFI
2 Fund programs as follows:

3 (A) The Bank Enterprise Award Program,
4 which provides FDIC-insured depository institu-

1 housing solutions and related economic develop-
2 ment activities.

3 (F) The Bond Guarantee Program, a
4 source of long-term, patient capital for CDFIs
5 to expand lending and investment capacity for
6 community and economic development purposes.

7 (2) The Department of the Treasury is author-
8 ized to create multi-year grant programs designed to
9 encourage low-to-moderate income individuals to es-
10 tablish accounts at federally insured banks, and to
11 improve low-to-moderate income individuals' access
12 to such accounts on reasonable terms.

13 (3) Under this authority, grants to participants
14 in CDFI Fund programs may be used for loan-loss
15 reserves and to establish small-dollar loan programs
16 by subsidizing related losses. These grants also allow
17 for the providing recipients with the financial coun-
18 seling and education necessary to conduct trans-
19 actions and manage their accounts. These loans pro-
20 vide low-cost alternatives to payday loans and other
21 nontraditional forms of financing that often impose
22 excessive interest rates and fees on borrowers, and
23 lead millions of Americans to fall into debt traps.
24 Small-dollar loans can only be made pursuant to

1 terms, conditions, and practices that are reasonable
2 for the individual consumer obtaining the loan.

3 (4) Program participation is restricted to eligi-
4 ble institutions, which are limited to organizations
5 listed in section 501(c)(3) of the Internal Revenue
6 Code and exempt from tax under 501(a) of such
7 Code, federally insured depository institutions, com-
8 munity development financial institutions and State,
9 local, or Tribal government entities.

10 (5) Since its founding, the CDFI Fund has
11 awarded over \$3,300,000,000 to CDFIs and CDEs,
12 allocated \$54,000,000,000 in tax credits, and
13 \$1,510,000,000 in bond guarantees. According to
14 the CDFI Fund, some programs attract as much as
15 \$10 in private capital for every \$1 invested by the
16 CDFI Fund. The Administration and the Congress
17 should prioritize appropriation of funds for the loan
18 loss reserve fund and technical assistance programs
19 administered by the Community Development Finan-
20 cial Institution Fund, as included in the version of
21 the “Financial Services and General Government
22 Appropriations Act, 2020” (H.R. 3351) that passed
23 the House of Representatives on June, 26, 2019.

24 (b) DEFINITIONS.—In this section:

1 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
2 STITUTION.—The term “community development fi-
3 nancial institution” has the meaning given under
4 section 103 of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (12
6 U.S.C. 4702).

7 (2) MINORITY DEPOSITORY INSTITUTION.—The
8 term “minority depository institution” has the
9 meaning given under section 308 of the Financial
10 Institutions Reform, Recovery, and Enforcement Act
11 of 1989 (12 U.S.C. 1463 note), as amended by this
12 Act.

13 (c) INCLUSION OF WOMEN’S BANKS IN THE DEFINI-
14 TION OF MINORITY DEPOSITORY INSTITUTION.—Section
15 308(b)(1) of the Financial Institutions Reform, Recovery,
16 and Enforcement Act of 1989 (12 U.S.C. 1463 note) is
17 amended—

18 (1) by redesignating subparagraphs (A), (B),
19 and (C) as clauses (i), (ii), and (iii), respectively;

20 (2) by striking “means any” and inserting the
21 following: “means—

22 “(A) any”; and

23 (3) in clause (iii) (as so redesignated), by strik-
24 ing the period at the end and inserting “; or”; and

1 (3) APPLICATION.—A depository institution
2 that does not receive a notification described in
3 paragraph (2) may submit an application to the ap-
4 propriate Federal banking agency demonstrating
5 that the depository institution qualifies for designa-
6 tion as an impact bank.

7 (4) ADDITIONAL DATA OR OVERSIGHT.—A de-
8 pository institution is not required to submit addi-
9 tional data to an appropriate Federal banking agen-
10 cy or be subject to additional oversight from such an
11 agency if such data or oversight is related specifi-
12 cally and solely for consideration for a designation
13 as an impact bank.

14 (5) REMOVAL OF DESIGNATION.—If an appro-

1 mination that such depository institution no
2 longer meets the criteria for the designation; or

3 (B) file an appeal in accordance with pro-
4 cedures established by the appropriate Federal
5 banking agency.

6 (7) RULEMAKING.—Not later than 1 year after
7 the date of the enactment of this Act, the appro-
8 priate Federal banking agencies shall jointly issue
9 rules to carry out the requirements of this sub-
10 section, including by providing a definition of a low-
11 income borrower.

12 (8) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
13 TIONS.—In this subsection, the terms “depository
14 institution” and “appropriate Federal banking agen-
15 cy” have the meanings given such terms, respec-
16 tively, in section 3 of the Federal Deposit Insurance

1 the respective covered regulator on meeting the goals
2 established by section 308 of the Financial Institu-
3 tions Reform, Recovery, and Enforcement Act of
4 1989 (12 U.S.C. 1463 note) to preserve the present
5 number of covered minority institutions, preserve the
6 minority character of minority-owned institutions in
7 cases involving mergers or acquisitions, provide tech-
8 nical assistance, and encourage the creation of new
9 covered minority institutions. The scope of the work
10 of each such Minority Depository Institutions Advi-
11 sory Committee shall include an assessment of the
12 current condition of covered minority institutions,
13 what regulatory changes or other steps the respec-
14 tive agencies may be able to take to fulfill the re-
15 quirements of such section 308, and other issues of
16 concern to minority depository institutions.

17 (3) MEMBERSHIP.—

18 (A) IN GENERAL.—Each Minority Deposi-
19 tory Institutions Advisory Committee shall con-
20 sist of no more than 10 members, who—

21 (i) shall serve for one two-year term;

22 (ii) shall serve as a representative of
23 a depository institution or an insured cred-
24 it union with respect to which the respec-
25 tive covered regulator is the covered regu-

1 lator of such depository institution or in-
2 sured credit union; and

3 (iii) shall not receive pay by reason of
4 their service on the advisory committee,
5 but may receive travel or transportation
6 expenses in accordance with section 5703
7 of title 5, United States Code.

8 (B) DIVERSITY.—To the extent prac-
9 ticable, each covered regulator shall ensure that
10 the members of Minority Depository Institu-
11 tions Advisory Committee of such agency reflect
12 the diversity of depository institutions.

13 (4) MEETINGS.—

14 (A) IN GENERAL.—Each Minority Deposi-
15 tory Institutions Advisory Committee shall meet

1 mittee on Banking, Housing, and Urban
2 Affairs of the Senate; and

3 (ii) one member of the majority party
4 and one member of the minority party of
5 any relevant subcommittees of such com-
6 mittees.

7 (5) NO TERMINATION OF ADVISORY COMMIT-
8 TEES.—The termination requirements under section
9 14 of the Federal Advisory Committee Act (5 U.S.C.
10 app.) shall not apply to a Minority Depository Insti-
11 tutions Advisory Committee established pursuant to
12 this subsection.

13 (6) DEFINITIONS.—In this subsection:

14 (A) COVERED REGULATOR.—The term
15 “covered regulator” means the Comptroller of
16 the Currency, the Board of Governors of the
17 Federal Reserve System, the Federal Deposit
18 Insurance Corporation, and the National Credit
19 Union Administration.

20 (B) COVERED MINORITY INSTITUTION.—
21 The term “covered minority institution” means
22 a minority depository institution (as defined in
23 section 308(b) of the Financial Institutions Re-
24 form, Recovery, and Enforcement Act of 1989
25 (12 U.S.C. 1463 note)) or a minority credit

1 union (as defined in section 1204(c) of the Fi-
2 nancial Institutions Reform, Recovery, and En-
3 forcement Act of 1989, as amended by this
4 Act).

5 (C) DEPOSITORY INSTITUTION.—The term
6 “depository institution” has the meaning given
7 under section 3 of the Federal Deposit Insur-
8 ance Act (12 U.S.C. 1813).

9 (D) INSURED CREDIT UNION.—The term
10 “insured credit union” has the meaning given
11 in section 101 of the Federal Credit Union Act
12 (12 U.S.C. 1752).

13 (7) TECHNICAL AMENDMENT.—Section 308(b)
14 of the Financial Institutions Reform, Recovery, and
15 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
16 amended by adding at the end the following new
17 paragraph:

18 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
19 pository institution’ means an ‘insured depository in-
20 stitution’ (as defined in section 3 of the Federal De-
21 posit Insurance Act (12 U.S.C. 1813)) and an in-
22 sured credit union (as defined in section 101 of the
23 Federal Credit Union Act (12 U.S.C. 1752)).”.

24 (f) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
25 INSTITUTIONS.—

1 (1) IN GENERAL.—Section 308 of the Financial
2 Institutions Reform, Recovery, and Enforcement Act
3 of 1989 (12 U.S.C. 1463 note) is amended—

4 (A) by adding at the end the following new
5 subsection:

6 “(d) FEDERAL DEPOSITS.—The Secretary of the
7 Treasury shall ensure that deposits made by Federal agen-
8 cies in minority depository institutions and impact banks
9 are fully collateralized or fully insured, as determined by
10 the Secretary. Such deposits shall include reciprocal de-
11 posits as defined in section 337.6(e)(2)(v) of title 12, Code
12 of Federal Regulations (as in effect on March 6, 2019).”;

13 and

14 (B) in subsection (b), as amended by sec-
15 tion 6(g), by adding at the end the following
16 new paragraph:

17 “(4) IMPACT BANK.—The term ‘impact bank’
18 means a depository institution designated by an ap-
19 propriate Federal banking agency pursuant to sec-
20 tion 5 of the Ensuring Diversity in Community
21 Banking Act of 2020.”.

22 (2) TECHNICAL AMENDMENTS.—Section 308 of

1 (A) in the matter preceding paragraph (1),
2 by striking “section—” and inserting “sec-
3 tion:”; and

4 (B) in the paragraph heading for para-
5 graph (1), by striking “FINANCIAL” and insert-
6 ing “DEPOSITORY”.

7 (g) MINORITY BANK DEPOSIT PROGRAM.—

8 (1) IN GENERAL.—Section 1204 of the Finan-
9 cial Institutions Reform, Recovery, and Enforcement
10 Act of 1989 (12 U.S.C. 1811 note) is amended to
11 read as follows:

12 “SEC. 1204. EXPANSION OF USE OF MINORITY BANKS AND
13 MINORITY CREDIT UNIONS.

“(a) MINORITY

1 “(B) maintain and publish a list of all de-
2 pository institutions and credit unions that have
3 been certified pursuant to subparagraph (A);
4 and

5 “(C) periodically distribute the list de-
6 scribed in subparagraph (B) to—

7 “(i) all Federal departments and
8 agencies;

9 “(ii) interested State and local govern-
10 ments; and

11 “(iii) interested private sector compa-
12 nies.

13 “(3) INCLUSION OF CERTAIN ENTITIES ON
14 LIST.—A depository institution or credit union that,
15 on the date of the enactment of this section, has a
16 current certification from the Secretary of the
17 Treasury stating that such depository institution or
18 credit union is a minority bank or minority credit
19 union shall be included on the list described under
20 paragraph (2)(B).

21 “(b) EXPANDED USE AMONG FEDERAL DEPART-
22 MENTS AND AGENCIES.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the establishment of the program described in sub-
25 section (a), the head of each Federal department or

1 agency shall develop and implement standards and
2 procedures to ensure, to the maximum extent possible
3 as permitted by law, the use of minority banks
4 and minority credit unions to serve the financial
5 needs of each such department or agency.

6 “(2) REPORT TO CONGRESS.—Not later than 2
7 years after the establishment of the program described
8 in subsection (a), and annually thereafter,
9 the head of each Federal department or agency shall
10 submit to Congress a report on the actions taken to
11 increase the use of minority banks and minority
12 credit unions to serve the financial needs of each
13 such department or agency.

14 “(c) DEFINITIONS.—For purposes of this section:

15 “(1) CREDIT UNION.—The term ‘credit union’
16 has the meaning given the term ‘insured credit
17 union’ in section 101 of the Federal Credit Union
18 Act (12 U.S.C. 1752).

19 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
20 pository institution’ has the meaning given the term
21 ‘insured depository institution’ in section 3 of the
22 Federal Deposit Insurance Act (12 U.S.C. 1813).

23 “(3) MINORITY.—The term ‘minority’ means
24 any Black American, Native American, Hispanic
25 American, or Asian American.

1 “(4) MINORITY BANK.—The term ‘minority
2 bank’ means a minority depository institution as de-
3 fined in section 308 of this Act.

4 “(5) MINORITY CREDIT UNION.—The term ‘mi-
5 nority credit union’ means any credit union for
6 which more than 50 percent of the membership (in-
7 cluding board members) of such credit union are mi-
8 nority individuals, as determined by the National
9 Credit Union Administration pursuant to section
10 308 of this Act.”.

11 (2) CONFORMING AMENDMENTS.—The fol-
12 lowing provisions are amended by striking
13 “1204(c)(3)” and inserting “1204(c)”:

14 (A) Section 808(b)(3) of the Community

1 (A) Data, based on voluntary self-identi-
2 fication, on the racial, ethnic, and gender com-
3 position of the examiners of each covered regu-
4 lator, disaggregated by length of time served as
5 an examiner.

6 (B) The status of any examiners of cov-
7 ered regulators, based on voluntary self-identi-
8 fication, as a veteran.

9 (C) Whether any covered regulator, as of
10 the date on which the report required under
11 this subsection is submitted, has adopted a pol-
12 icy, plan, or strategy to promote racial, ethnic,
13 and gender diversity among examiners of the
14 covered regulator.

15 (D) Whether any special training is devel-
16 oped and provided for examiners related specifi-
17 cally to working with banks that serve commu-
18 nities that are predominantly minorities, low in-
19 come, or rural, and the key focus of such train-
20 ing.

21 (2) BEST PRACTICES.—Each Office of Minority
22 and Women Inclusion of a covered regulator shall
23 develop, provide to the head of the covered regulator,

1 (A) for increasing the diversity of can-
2 didates applying for examiner positions, includ-
3 ing through outreach efforts to recruit diverse
4 candidate to apply for entry-level examiner posi-
5 tions; and

6 (B) for retaining and providing fair consid-
7 eration for promotions within the examiner
8 staff for purposes of achieving diversity among
9 examiners.

10 (3) COVERED REGULATOR DEFINED.—In this
11 subsection, the term “covered regulator” means the
12 Comptroller of the Currency, the Board of Gov-
13 ernors of the Federal Reserve System, the Federal
14 Deposit Insurance Corporation, and the National
15 Credit Union Administration.

1 “(ii)(I) with respect to an insured deposi-
2 tory institution, of a person to vote 25 per cen-
3 tum or more of any class of voting securities of
4 such institution; or

5 “(II) with respect to an insured depository
6 institution that is an impact bank (as des-
7 ignated pursuant to section 5 of the Ensuring
8 Diversity in Community Banking Act of 2020)
9 or a minority depository institution (as defined
10 in section 308(b) of the Financial Institutions
11 Reform, Recovery, and Enforcement Act of
12 1989), of an individual to vote 30 percent of
13 more of any class of voting securities of such an
14 impact bank or a minority depository institu-
15 tion.”.

16 (2) RULEMAKING.—The appropriate Federal
17 banking agency (as defined in section 3 of the Fed-
18 eral Deposit Insurance Act (12 U.S.C. 1813)) shall
19 jointly issue rules for de novo minority depository in-
20 stitutions and de novo impact banks (as designated
21 pursuant to section 5) to allow 3 years to meet the
22 capital requirements otherwise applicable to minority
23 depository institutions and impact banks.

24 (3) REPORT.—Not later than 1 year after the
25 date of the enactment of this Act, the appropriate

1 Federal banking agencies shall jointly submit to
2 Congress a report on—

3 (A) the principal causes for the low num-
4 ber of de novo minority depository institutions
5 during the 10-year period preceding the date of
6 the report;

7 (B) the main challenges to the creation of
8 de novo minority depository institutions and de
9 novo impact banks; and

10 (C) regulatory and legislative consider-
11 ations to promote the establishment of de novo
12 minority depository institutions and de novo im-
13 pact banks.

(j) REQUIREMENT TO MENTOR

1 firm that is a minority depository institution or a
2 community development financial institution.

3 (2) REPORT.—Not later than 6 months after
4 the date of the enactment of this Act and annually
5 thereafter, the Secretary of the Treasury shall sub-
6 mit to Congress a report on participants in a cov-
7 ered mentor-protege program, including an analysis
8 of outcomes of such program.

9 (3) PROCEDURES.—The Secretary of the Treas-
10 ury shall publish procedures for compliance with the
11 requirements of this subsection for large financial
12 institutions.

13 (4) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-
15 GRAM.—The term “covered mentor-protege pro-
16 gram” means a mentor-protege program estab-
17 lished by the Secretary of the Treasury pursu-
18 ant to section 45 of the Small Business Act (15

1 posit Insurance Corporation, or the Na-
2 tional Credit Union Administration; and

3 (ii) that has total consolidated assets
4 greater than or equal to \$50,000,000,000.

5 (k) CUSTODIAL DEPOSIT PROGRAM FOR COVERED
6 MINORITY DEPOSITORY INSTITUTIONS AND IMPACT
7 BANKS.—

(1) E

1 (i) IN GENERAL.—The Secretary shall
2 establish a custodial deposit account for
3 each qualifying account with the eligible
4 custodial entity designated to make depos-
5 its with covered banks for each such quali-
6 fying account.

7 (ii) AMOUNT.—The Secretary shall
8 deposit a total amount not greater than 5
9 percent of a qualifying account into any
10 custodial deposit accounts established
11 under subparagraph (A).

12 (iii) DEPOSITS WITH PROGRAM PAR-
13 TICIPANTS.—

14 (I) MONTHLY DEPOSITS.—Each
15 month, each eligible custodial entity
16 designated by the Secretary shall de-
17 posit an amount not greater than the
18 insured amount, in the aggregate,
19 from each custodial deposit account,
20 in a single covered bank.

21 (II) LIMITATION.—With respect
22 to the funds of an individual quali-
23 fying account, the eligible custodial
24 entity may not deposit an amount

1 greater than the insured amount in a
2 single covered bank.

3 (III) INSURED AMOUNT DE-
4 FINED.—In this clause, the term “in-
5 sured amount” means the amount
6 that is the greater of—

7 (aa) the standard maximum
8 deposit insurance amount (as de-
9 fined in section 11(a)(1)(E) of
10 the Federal Deposit Insurance
11 Act (12 U.S.C. 1821(a)(1)(E)));
12 or

13 (bb) such higher amount ne-
14 gotiated between the Secretary
15 and the Corporation under which
16 the Corporation will insure all de-
17 posits of such higher amount.

18 (iv) LIMITATIONS.—The total amount
19 of funds deposited under the Program in a
20 covered bank may not exceed the lesser
21 of—

22 (I) 10 percent of the average
23 amount of deposits held by such cov-
24 ered bank in the previous quarter; or

25 (II) \$100,000,000.

1 (C) INTEREST.—

2 (i) IN GENERAL.—Each eligible custo-
3 dial entity designated by the Secretary
4 shall—

5 (I) collect interest from each cov-
6 ered bank in which such custodial en-
7 tity deposits funds pursuant to sub-
8 paragraph (B); and

9 (II) disburse such interest to the
10 Secretary each month.

11 (ii) INTEREST RATE.—The rate of any
12 interest collected under this subparagraph
13 may not exceed 50 percent of the discount
14 window primary credit interest rate most
15 recently published on the Federal Reserve
16 Statistical Release on selected interest
17 rates (daily or weekly), commonly referred
18 to as the H.15 release (commonly known
19 as the “Federal funds rate”).

20 (D) STATEMENTS.—Each eligible custodial
21 entity designated by the Secretary shall submit
22 to the Secretary monthly statements that in-
23 clude the total amount of funds deposited with,
24 and interest rate received from, each covered

1 bank by the eligible custodial entity on behalf of
2 qualifying entities.

3 (E) RECORDS.—The Secretary shall issue
4 a quarterly report to Congress and make pub-
5 licly available a record identifying all covered
6 banks participating in the Program and
7 amounts deposited under the Program in cov-
8 ered banks.

9 (4) REQUIREMENTS RELATING TO DEPOSITS.—
10 Deposits made with covered banks under this sub-
11 section may not—

12 (A) be considered by the Corporation to be
13 funds obtained, directly or indirectly, by or
14 through any deposit broker for deposit into 1 or
15 more deposit accounts (as described under sec-
16 tion 29 of the Federal Deposit Insurance Act
17 (12 U.S.C. 1831f)); or

18 (B) be subject to insurance fees from the
19 Corporation that are greater than insurance
20 fees for typical demand deposits not obtained,
21 directly or indirectly, by or through any deposit
22 broker (commonly known as “core deposits”).

(5) M

1 (iv) failed comply with safety and
2 soundness standards, as documented in
3 writing by the primary regulator of the
4 covered bank.

5 (7) DEFINITIONS.—In this subsection:

6 (A) CORPORATION.—The term “Corpora-
7 tion” means the Federal Deposit Insurance
8 Corporation.

9 (B) COVERED BANK.—The term “covered
10 bank” means—

11 (i) a minority depository institution
12 that is regulated by the Corporation or the
13 National Credit Union Administration that
14 is well capitalized (as defined in section
15 38(b) of the Federal Deposit Insurance
16 Act (12 U.S.C. 1831o(b))); or

17 (ii) a depository institution designated
18 pursuant to section 5 of the Ensuring Di-
19 versity in Community Banking Act of 2020
20 that is well capitalized (as defined in sec-
21 tion 38(b) of the Federal Deposit Insur-
ance Act (12 U.S.C. 1831o(b))).

1 (i) an insured depository institution
2 (as defined in section 3 of the Federal De-
3 posit Insurance Act (12 U.S.C. 1813)),

4 (ii) an insured credit union (as de-
5 fined in section 101 of the Federal Credit
6 Union Act (12 U.S.C. 1752)), or

7 (iii) or a well capitalized State-char-
8 tered trust company,

9 designated by the Secretary under subsection
10 (k)(3)(A).

11 (D) FEDERAL BANK SECRECY LAWS.—The
12 term “Federal bank secrecy laws” means—

13 (i) section 21 of the Federal Deposit
14 Insurance Act (12 U.S.C. 1829b);

15 (ii) section 123 of Public Law 91-
16 508; and

17 (iii) subchapter II of chapter 53 of
18 title 31, United States Code.

19 (E) QUALIFYING ACCOUNT.—The term
20 “qualifying account” means any account estab-
21 lished in the Department of the Treasury
22 that—

23 (i) is controlled by the Secretary; and

1 (ii) is expected to maintain a balance
2 greater than \$200,000,000 for the fol-
3 lowing calendar month.

4 (F) SECRETARY.—The term “Secretary”
5 means the Secretary of the Treasury.

6 (G) WELL CAPITALIZED.—The term “well
7 capitalized” has the meaning given in section
8 38 of the Federal Deposit Insurance Act (12
9 U.S.C. 1831o).

10 (I) STREAMLINED COMMUNITY DEVELOPMENT FI-
11 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

12 (1) APPLICATION PROCESSES.—Not later than
13 12 months after the date of the enactment of this
14 Act and with respect to any person having assets
15 under \$3,000,000,000 that submits an application
16 for deposit insurance with the Federal Deposit In-
17 surance Corporation that could also become a com-
18 munity development financial institution, the Fed-
19 eral Deposit Insurance Corporation, in consultation
20 with the Administrator of the Community Develop-
21 ment Financial Institutions Fund, shall—

22 (A) develop systems and procedures to
23 record necessary information to allow the Ad-
24 ministrator to conduct preliminary analysis for

1 such person to also become a community devel-
2 opment financial institution; and

3 (B) develop procedures to streamline the
4 application and annual certification processes
5 and to reduce costs for such person to become,
6 and maintain certification as, a community de-
7 velopment financial institution that serves low-
8 and moderate-income neighborhoods (as defined
9 under the Community Reinvestment Act of
10 1977 (12 U.S.C. 2901 et seq.)).

11 (2) REPORT ON IMPLEMENTATION.—Not later
12 than 18 months after the date of the enactment of
13 this Act, the Federal Deposit Insurance Corporation
14 shall submit to Congress a report describing the sys-
tems and procedures required under paragraph (1).

1 “(F) applicants for deposit insurance that
2 could also become a community development fi-
3 nancial institution (as defined in section 103 of
4 the Riegle Community Development and Regu-
5 latory Improvement Act of 1994), a minority
6 depository institution (as defined in section 308
7 of the Financial Institutions Reform, Recovery,

710C1

1 System shall provide zero-interest loans to minority depos-
2 itory institutions and community development financial in-
3 stitutions to help mitigate the economic impact of
4 COVID–19 in low-income, underserved communities.

5 (b) ASSET LIMITATION.—Subsection (a) shall only
6 apply to minority depository institutions and community
7 development financial institutions with less than
8 \$1,000,000,000 in assets.

9 (c) INTEREST TO RESUME 18 MONTHS AFTER PAN-
10 DEMIC.—Notwithstanding subsection (a), the Board of
11 Governors shall charge interest on loans made pursuant
12 to subsection (a) after the end of the 18-month period be-
13 ginning at the end of the COVID–19 emergency period,
14 at a rate to be determined by the Board of Governors
15 based on the interest amount charged under the discount
16 window lending programs.

17 (d) COVID–19 PANDEMIC DEFINED.—In this sec-
18 tion, the term “COVID–19 emergency period” means the
19 period that begins upon the date of the enactment of this
20 Act and ends upon the date of the termination by the Fed-
21 eral Emergency Management Administration of the emer-
22 gency declared on March 13, 2020, by the President under
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 4121 et seq.) relating to the
25 Coronavirus Disease 2019 (COVID–19) pandemic.

1 SEC. 209. INSURANCE OF TRANSACTION ACCOUNTS.

2 (a) BANKS AND SAVINGS ASSOCIATIONS.—

3 (1) AMENDMENTS.—Section 11(a)(1) of the
4 Federal Deposit Insurance Act (12 U.S.C.
5 1821(a)(1)) is amended—

6 (A) in subparagraph (B)—

7 (i) by striking “The net amount” and
8 inserting the following:

9 “(i) IN GENERAL.—Subject to clause
10 (ii), the net amount”; and

11 (ii) by adding at the end the following
12 new clauses:

13 “(ii) AUTHORIZATION FOR INSURANCE
14 FOR TRANSACTION ACCOUNTS.—Notwith-
15 standing clause (i), the Corporation may
16 fully insure the net amount that any de-
17 positor at an insured depository institution
18 maintains in a transaction account. Such
19 amount shall not be taken into account
20 when computing the net amount due to
21 such depositor under clause (i).

22 “(iii) TRANSACTION ACCOUNT DE-
23 FINED.—For purposes of this subpara-
24 graph, the term ‘transaction account’ has
25 the meaning given that term under section

1 19 of the Federal Reserve Act (12 U.S.C.
2 461).”; and

3 (B) in subparagraph (C), by striking “sub-
4 paragraph (B)” and inserting “subparagraph
5 (B)(i)”.

6 (2) PROSPECTIVE REPEAL.—Effective January
7 1, 2022, section 11(a)(1) of the Federal Deposit In-
8 surance Act (12 U.S.C. 1821(a)(1)), as amended by
9 paragraph (1), is amended—

10 (A) in subparagraph (B)—

11 (i) by striking “DEPOSIT.—” and all
12 that follows through “clause (ii), the net
13 amount” and insert “DEPOSIT.—The net
14 amount”; and

15 (ii) by striking clauses (ii) and (iii);
 and

1 (i) by striking “Subject to the provi-
2 sions of paragraph (2), the net amount”
3 and inserting the following:

4 “(i) NET AMOUNT OF INSURANCE
5 PAYABLE.—Subject to clause (ii) and the
6 provisions of paragraph (2), the net
7 amount”; and

8 (ii) by adding at the end the following
9 new clauses:

10 “(ii) AUTHORIZATION FOR INSURANCE
11 FOR TRANSACTION ACCOUNTS.—Notwith-
12 standing clause (i), the Board may fully in-
13 sure the net amount that any member or
14 depositor at an insured credit union main-
15 tains in a transaction account. Such
16 amount shall not be taken into account
17 when computing the net amount due to
18 such member or depositor under clause (i).

19 “(iii) TRANSACTION ACCOUNT DE-
20 FINED.—For purposes of this subpara-
21 graph, the term ‘transaction account’ has
22 the meaning given that term under section
23 19 of the Federal Reserve Act (12 U.S.C.
461).”; and

- 1 (B) in subparagraph (B), by striking “sub-
- 2 paragraph (A)” and inserting “subparagraph
- 3 (A)(i)”.

1 Robert T. Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 4121 et seq.) relating to the
3 Coronavirus Disease 2019 (COVID-19) pandemic.

4 TITLE III—SUPPORTING STATE,

1 (1) AUTHORITY.—Within seven days after the
2 date of enactment of this subsection, the Federal
3 Reserve Board of Governors shall establish a facility
4 to buy and sell, at home or abroad, bills, notes,
5 bonds, and warrants that are issued by any State or
6 political subdivision thereof between March 1, 2020,
7 and July 1, 2021, in order to fund a public health
8 or public service response to the COVID–19 pan-
9 demic. The Board of Governors of the Federal Re-
10 serve System may extend the authority under this
11 subsection if the Board determines necessary.

12 (2) REQUIRED PURCHASES.—The Board of
13 Governors of the Federal Reserve System shall es-
14 tablish policies and procedures to require the direct
15 placement of bills, notes, bonds, and warrants de-
16 scribed in paragraph (1) with the Board at an inter-
17 est cost that does not exceed the Federal funds rate
18 target for short-term interbank lending, within seven
19 days after the date of enactment of this section.

20 (3) REVIEW OF SPENDING.—During the 3-year
21 period beginning on the date on which all purchases
22 under this section are completed, relevant Federal
23 authorities shall review such purchases to determine
24 if funds were diverted from legitimate public health
25 or public services responses to the COVID–19 pan-

(iii) the maintenance and delivery of

1 (1) IN GENERAL.—With respect to a covered
2 grant awarded to a State, territory, or local govern-
3 ment by a Federal financial regulator, the Federal
4 financial regulator may, upon request, permit the

1 (B) with respect to which the period of
2 performance does not expire before January 1,
3 2023.

4 (2) FEDERAL FINANCIAL REGULATOR.—The
5 term “Federal financial regulator” means the Board
6 of Governors of the Federal Reserve System, the
7 Bureau of Consumer Financial Protection, the De-
8 partment of Housing and Urban Development, the
9 Department of the Treasury (other than the Inter-
10 nal Revenue Service), the Federal Deposit Insurance
11 Corporation, the Office of the Comptroller of the
12 Currency, the National Credit Union Administra-
13 tion, and the Securities and Exchange Commission.

14 **TITLE IV—PROMOTING FINAN-**
15 **CIAL STABILITY AND TRANS-**
16 **PARENT MARKETS**

17 **SEC. 401. TEMPORARY HALT TO RULEMAKINGS UNRE-**

1 (2) shall keep open and extend any ongoing
2 public comment period related to a proposed or final
3 rule, unless such rule is related to responding to the
4 COVID–19 emergency.

5 (b) NOTICE AND SUNSET OF EMERGENCY AC-
6 TIONS.—The Federal financial regulators shall—

7 (1) provide the Committee on Financial Serv-
8 ices of the House of Representatives and the Com-
9 mittee on Banking, Housing, and Urban Affairs of
10 the Senate with a notice of any regulatory actions
11 taken during the COVID–19 emergency period,
12 along with an explanation of how such action was
13 necessary and appropriate in response to the
14 COVID–19 emergency; and

15 (2) limit the period of effectiveness of any ac-
16 tion taken in response to the COVID–19 emergency
17 to be not longer than 12-months following the end
18 of the COVID–19 emergency period.

(c) VOTING BY REGULATORS.—Any action taken pur-

1 period'' means the period that begins upon the date
2 of the enactment of this Act and ends upon the date
3 of the termination by the Federal Emergency Man-
4 agement Agency of the emergency declared on
5 March 13, 2020, by the President under the Robert
6 T. Stafford Disaster Relief and Emergency Assist-

1 and ending 120 days after the end of the COVID-19
2 emergency period.

3 (b) EARLY TERMINATION.—The Securities and Ex-
4 change Commission may terminate the prohibition under
5 subsection (a) after the end of the COVID-19 emergency
6 period and before the end of the 120-day period described
7 under subsection (a), if—

8 (1) the Commission determines such termi-
9 nation is in the public interest; and

10 (2) immediately notifies the Congress and the
11 public of such determination and the reason for such
12 determination, including on the website of the Com-
13 mission.

14 (c) ENFORCEMENT; RULEMAKING.—

15 (1) IN GENERAL.—The Securities and Ex-
16 change Commission shall have the authority to en-
17 force this Act and may issue such rules as may be
18 necessary to carry out this Act.

19 (2) COMMISSION VOTING.—Any action taken by
20 the Commission pursuant to this section may only be
21 taken upon a unanimous vote of the commissioners.

22 (d) DEFINITIONS.—In this section:

23 (1) COVID-19 EMERGENCY PERIOD.—The
24 term “COVID-19 emergency period” means the pe-
25 riod that begins upon the date of the enactment of

1 “(I) risks of dependency upon
2 sole sourcing arrangements or
3 sourcing concentrated in one geo-
4 graphic locality;

5 “(II) shipping risks; and

6 “(III) risks arising from natural
7 disasters, pandemics, extreme weath-
8 er, armed conflicts, refugee and re-
9 lated disruptions, trade conflicts or
10 disruptions, and labor wage, safety,
11 and health care practices; and

12 “(ii) the impacts any risk or disrup-
13 tion identified in clause (i) would have on
14 the issuer’s workforce, suppliers, and cus-
15 tomers;

16 “(B) the issuer’s business continuity or
17 other contingency plans that will be imple-
18 mented in the case of a supply chain disruption
19 in order to mitigate such risks and impacts;
20 and

21 “(C) all other material information.

“(2) U

1 SEC. 404. DISCLOSURES RELATED TO GLOBAL PANDEMIC
2 RISK.

3 (a) IN GENERAL.—Section 13 of the Securities Ex-
4 change Act of 1934 (15 U.S.C. 78m), as amended by sec-
5 tion 403, is further amended by adding at the end the
6 following:

7 “(t) DISCLOSURES RELATED TO GLOBAL PANDEMIC
8 RISK.—

9 “(1) IN GENERAL.—Each issuer required to file
10 current reports under subsection (a) shall, in the
11 event the World Health Organization declares a pan-
12 demic, file a report with the Commission containing
13 a description of—

14 “(A) the risks and exposures to the issuer
15 related to the pandemic, including risks to
16 health and worker safety faced by the issuer’s
17 employees and independent contractors;

18 “(B) the steps the issuer is taking to miti-
19 gate such risks and exposures, including meas-
20 ures to protect the workforce, including infor-
21 mation related to wages, healthcare, and leave;

22 “(C) a preliminary view on the effect the
23 pandemic may have on the issuer’s business,
24 solvency, and workforce; and

25 “(D) all other material information.

1 regulatory system and submit regular reports to
2 Congress on the following:

3 (A) The use of Federal aid provided during
4 the COVID-19 emergency.

5 (B) The impact of Federal aid related to
6 COVID-19 on the financial markets and finan-
7 cial institutions.

8 (3) MEMBERSHIP.—

9 (A) IN GENERAL.—The Oversight Panel
10 shall consist of 5 members, as follows:

11 (i) 1 member appointed by the Speak-
12 er of the House of Representatives.

13 (ii) 1 member appointed by the minor-
14 ity leader of the House of Representatives.

15 (iii) 1 member appointed by the ma-
16 jority leader of the Senate.

17 (iv) 1 member appointed by the mi-
18 nority leader of the Senate.

19 (v) 1 member appointed by the Speak-
20 er of the House of Representatives and the
21 majority leader of the Senate, after con-
22 sultation with the minority leader of the
23 Senate and the minority leader of the
24 House of Representatives.

1 (B) PAY.—Each member of the Oversight
2 Panel shall each be paid at a rate equal to the
3 daily equivalent of the annual rate of basic pay
4 for level I of the Executive Schedule for each
5 day (including travel time) during which such
6 member is engaged in the actual performance of
7 duties vested in the Commission.

8 (C) PROHIBITION OF COMPENSATION OF
9 FEDERAL EMPLOYEES.—Members of the Over-
10 sight Panel who are full-time officers or em-
11 ployees of the United States or Members of
12 Congress may not receive additional pay, allow-
13 ances, or benefits by reason of their service on
14 the Oversight Panel.

15 (D) TRAVEL EXPENSES.—Each member
16 shall receive travel expenses, including per diem
17 in lieu of subsistence, in accordance with appli-
18 cable provisions under subchapter I of chapter
19 57 of title 5, United States Code.

20 (E) QUORUM.—Four members of the Over-
21 sight Panel shall constitute a quorum but a
22 lesser number may hold hearings.

23 (F) VACANCIES.—A vacancy on the Over-
24 sight Panel shall be filled in the manner in
25 which the original appointment was made.

1 or any Federal financial support in the form of
2 a grant, loan, or loan guarantee.

3 (b) SPECIAL INSPECTOR GENERAL AUTHORITY OVER
4 FEDERAL AID RELATED TO COVID-19.—Section 121 of
5 the Emergency Economic Stabilization Act of 2008 (12
6 U.S.C. 5231) is amended—

7 (1) in subsection (k)—

8 (A) in paragraph (1), by striking “or” at
9 the end;

10 (B) in paragraph (2), by striking the pe-
11 riod at the end and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(3) the date on which all Federal aid related
14 to the COVID-19 emergency is repaid.”; and

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

16 “(l) RESPONSIBILITY WITH RESPECT TO FEDERAL
17 AID RELATED TO COVID-19.—

 “(1) I

1 “(A) COVID–19 EMERGENCY.—The term
2 ‘COVID–19 emergency’ means the period that
3 begins upon the date of the enactment of this
4 Act and ends one year after the termination by
5 the Federal Emergency Management Agency of
6 the emergency declared on March 13, 2020, by
7 the President under the Robert T. Stafford Dis-
8 aster Relief and Emergency Act (42 U.S.C.
9 4121 et seq.) relating to the Coronavirus Dis-
10 ease 2019 (COVID–19) pandemic.

11 “(B) FEDERAL AID.—The term ‘Federal
12 aid’ means any emergency lending provided
13 under section 13(3) of the Federal Reserve Act
14 or any Federal financial support in the form of
15 a grant, loan, or loan guarantee.”.

16 SEC. 406. INTERNATIONAL FINANCIAL INSTITUTIONS.

17 (a) UNITED STATES PARTICIPATION IN, AND CON-
18 TRIBUTIONS TO, THE NINETEENTH REPLENISHMENT OF
19 THE RESOURCES OF THE INTERNATIONAL DEVELOPMENT
20 ASSOCIATION.— The International Development Associa-
21 tion Act (22 U.S.C. 284 et seq.) is amended by adding
22 at the end the following:

23 “SEC. 31. NINETEENTH REPLENISHMENT.

24 “(a) The United States Governor of the International
25 Development Association is authorized to contribute on

1 (c) UNITED STATES PARTICIPATION IN, AND CON-
2 TRIBUTIONS TO, THE SEVENTH CAPITAL INCREASE FOR
3 THE AFRICAN DEVELOPMENT BANK.— The African De-

1 “(A) \$437,190,016 shall be for paid in
2 shares of the Bank; and

3 “(B) \$6,849,396,992 shall be for callable
4 shares of the Bank.”.

5 SEC. 407. CONDITIONS ON FEDERAL AID TO CORPORA-
6 TIONS.

7 (a) REQUIREMENTS ON ALL CORPORATIONS UNTIL
 FEDERAL AID RELATED TO

1

(5) BAN ON FEDERAL LOBBYING.—The cor-

1 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78c); and
3 (II) the term "employee" has the

1 (2) POLITICAL SPENDING DISCLOSURES.—

2 (A) IN GENERAL.—With respect to an ac-
3 celerated filer, the disclosures required under
4 this paragraph are—

5 (i) a description of any expenditure
6 for political activities made during the pre-
7 ceding quarter;

8 (ii) the date of each expenditure for
9 political activities;

10 (iii) the amount of each expenditure
11 for political activities;

12 (iv) if the expenditure for political ac-
13 tivities was made in support of or opposed
14 to a candidate, the name of the candidate
15 and the office sought by, and the political
16 party affiliation of, the candidate;

17 (v) the name or identity of trade asso-
18 ciations or organizations described in sec-
19 tion 501(c) of the Internal Revenue Code
20 of 1986 and exempt from tax under sec-
21 tion 501(a) of such Code which receive
22 dues or other payments as described in
23 paragraph (1)(A)(i)(III);

24 (vi) a summary of each expenditure
25 for political activities made during the pre-

1 ceding year in excess of \$10,000, and each
2 expenditure for political activities for a
3 particular election if the total amount of
4 such expenditures for that election is in ex-
5 cess of \$10,000;

6 (vii) a description of the specific na-
7 ture of any expenditure for political activi-
8 ties the corporation intends to make for
9 the forthcoming fiscal year, to the extent
10 the specific nature is known to the cor-
11 poration; and

12 (viii) the total amount of expenditures
13 for political activities intended to be made
14 by the corporation for the forthcoming fis-
15 cal year.

16 (B) DEFINITIONS.—In this paragraph:

17 (i) EXPENDITURE FOR POLITICAL AC-
18 TIVITIES.—The term “expenditure for po-
19 litical activities”—

20 (I) means—

21 (aa) an independent expend-
22 iture (as defined in section
23 301(17) of the Federal Election
24 Campaign Act of 1971 (52
25 U.S.C. 30101(17)));

1 employed or hired by the corpora-
2 tion;

3 (bb) communications by a
4 corporation to its shareholders
5 and executive or administrative
6 personnel and their families; or

7 (cc) the establishment and
8 administration of contributions to
9 a separate segregated fund to be
10 utilized for political purposes by
11 a corporation.

12 (ii) EXCEPTION.—The term “corpora-
13 tion” does not include an investment com-
14 pany registered under section 8 of the In-
15 vestment Company Act of 1940 (15 U.S.C.
16 80a–8).

17 (3) HUMAN CAPITAL MANAGEMENT DISCLO-
18 SURES.—With respect to an accelerated filer, the
19 disclosures required under this paragraph are the
20 following:

21 (A) Workforce demographic information,
22 including the number of full-time employees,
23 the number of part-time employees, the number
24 of contingent workers (including temporary and
25 contract workers), and any policies or practices

- 1 relating to subcontracting, outsourcing, and
- 2 insourcing.

1

(iii) policies and practices of the cor-

1 tion 11(c) of the Occupational Safety and
2 Health Act of 1970.

3 (G) Workforce compensation and incen-
4 tives, including information about—

5 (i) total workforce compensation, in-
6 cluding disaggregated information about
7 compensation for full-time, part-time, and
8 contingent workers;

9 (ii) policies and practices about how
10 performance, productivity, and sustain-
11 ability are considered when setting pay and
12 making promotion decisions; and

13 (iii) policies and practices relating to
14 any incentives and bonuses provided to em-
15 ployees below the named executive level
16 and any policies or practices designed to
17 counter any risks create by such incentives
18 and bonuses.

19 (H) Workforce recruiting, including infor-
20 mation about the quality of hire, new hire en-
21 gagement rate, and new hire retention rate.

22 (4) ENVIRONMENTAL, SOCIAL AND GOVERN-
23 ANCE DISCLOSURES.—With respect to an accelerated
24 filer, the disclosures required under this paragraph
25 are disclosures that satisfy the recommendations of

1 the Task Force on Climate-related Financial Disclo-
2 sures of the Financial Stability Board as reported in
3 June, 2017.

4 (5) FEDERAL AID DISCLOSURES.—With respect
5 to an accelerated filer, the disclosure required under
6 this paragraph is a description of how the Federal
7 aid related to COVID–19 received by the corporation
8 is being used to support the corporation’s employees.

9 (6) DISCLOSURES OF FINANCIAL PERFORMANCE
10 ON A COUNTRY-BY-COUNTRY BASIS.—

11 (A) IN GENERAL.—With respect to an ac-
12 celerated filer, the disclosures required under
13 this paragraph are the following:

14 (i) CONSTITUENT ENTITY INFORMA-
15 TION.—Information on any constituent en-
16 tity of the corporation, including the fol-
17 lowing:

18 (I) The complete legal name of
19 the constituent entity.

20 (II) The tax jurisdiction, if any,
21 in which the constituent entity is resi-
22 dent for tax purposes.

23 (III) The tax jurisdiction in
24 which the constituent entity is orga-

1 (IV) Total income tax paid on a
2 cash basis to all tax jurisdictions.

3 (V) Total accrued tax expense re-
4 corded on taxable profits or losses.

5 (VI) Stated capital.

6 (VII) Total accumulated earn-
7 ings.

8 (VIII) Total number of employ-
9 ees on a full-time equivalent basis.

10 (IX) Net book value of tangible
11 assets, which, for purposes of this sec-
12 tion, does not include cash or cash
13 equivalents, intangibles, or financial
14 assets.

15 (iii) SPECIAL RULES.—The informa-
16 tion listed in clause (ii) shall be provided,
17 in aggregated or consolidated form, for any
18 constituent entity or entities that have no
19 tax jurisdiction of residence. In addition, if
20 a constituent entity is an owner of a con-
21 stituent entity that does not have a juris-
22 diction of tax residence, then the owner's
23 share of such entity's revenues and profits
24 will be aggregated or consolidated with the

1 information for the owner's tax jurisdiction
2 of residence.

3 (B) DEFINITIONS.—In this paragraph—

4 (i) the term “constituent entity”
5 means, with respect to an accelerated filer,
6 any separate business entity of the acceler-
7 ated filer;

8 (ii) the term “tax jurisdiction”—

9 (I) means a country or a jurisdic-
10 tion that is not a country but that has
11 fiscal autonomy; and

12 (II) includes a territory or pos-
13 session of the United States that has
14 fiscal autonomy.

15 (C) PERMANENT REQUIREMENTS ON ALL CORPORA-
16 TIONS RECEIVING FEDERAL AID RELATED TO COVID-
17 19.—Any corporation that receives Federal aid related to
18 COVID-19 shall permanently comply with the following:

19 (1) PAID LEAVE FOR WORKERS.—The corpora-
20 tion shall provide at least 14 days of paid leave to
21 workers (employees and contractors, full-time and
22 part-time) who—

23 (A) are unable to telework;

24 (B) need to be isolated or quarantined to
25 prevent the spread of COVID-19; or

1 above the pay level the worker was earning before
2 the emergency.

3 (3) MAINTENANCE OF COLLECTIVE BARGAINING
4 AGREEMENTS.—The corporation may not alter any
5 collective bargaining agreement that was in place at
6 the beginning of the COVID–19 emergency.

7 (e) ENFORCEMENT; RULEMAKING.—The Securities
8 and Exchange Commission and the Secretary of the
9 Treasury shall have the authority to enforce this section
10 and may issue such rules as may be necessary to carry
11 out this section.

12 (f) DEFINITIONS.—In this section:

13 (1) ACCELERATED FILER.—The Securities and
14 Exchange Commission shall define the term “accel-
15 erated filer” for purposes of this section.

16 (2) CEO TO MEDIAN WORKER PAY RATIO.—
17 With respect to an accelerated filer, the term “CEO
18 to median worker pay ratio” means the ratio of—

19 (A) the annual total compensation of the
20 chief executive officer (or any equivalent posi-
21 tion) of the corporation; and

22 (B) the median of the annual total com-
23 pensation of all employees of the corporation,
24 except the chief executive officer (or any equiva-
25 lent position) of the corporation.

(3) COVID-19 EMERGENCY

1 (1) ASSET.—The term “asset” means any fi-
2 nancial instrument that the Secretary, after con-
3 sultation with the Chairman of the Board of Gov-
4 ernors of the Federal Reserve System, determines
5 the purchase of which or the guarantee of which is
6 necessary to promote economic stability.

7 (2) COMPANY.—The term “company” means
8 any entity that is not subject to the prohibitions in
9 subsection (e).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 (b) WARRANT OR SENIOR DEBT INSTRUMENT.—The
13 Secretary may not purchase, or make any commitment to
14 purchase, or guarantee, or make any commitment to guar-
15 antee, any asset in response to the coronavirus disease
16 (COVID–19) outbreak, unless the Secretary receives from
17 the company from which such assets are to be purchased
18 or are to be guaranteed—

19 (1) in the case of a company, the securities of

1 voting stock, or a senior debt instrument from such
2 company.

3 (c) TERMS AND CONDITIONS.—The terms and condi-
4 tions of any warrant or senior debt instrument required
5 under subsection (b) shall meet the following require-
6 ments:

7 (1) PURPOSES.—Such terms and conditions
8 shall, at a minimum, be designed—

9 (A) to provide for reasonable participation
10 by the Secretary, for the benefit of taxpayers,
11 in equity appreciation in the case of a warrant
12 or other equity security, or a reasonable interest
13 rate premium, in the case of a debt instrument;
14 and

15 (B) to provide additional protection for the
16 taxpayer against losses from sale of assets by
17 the Secretary and any associated administrative
18 expenses.

19 (2) TERMS OF PREFERRED VOTING STOCK.—
20 Any preferred voting stock received from a company
21 should include the following terms:

22 (A) VOTING RIGHTS.—The Secretary shall
23 have the right to vote on matters brought be-
24 fore the stockholders generally. The Secretary
25 shall control a percentage of votes equal to the

1 (ii) 35 percent shall be transferred or
2 credited to the Capital Magnet Fund under
3 section 1339 of the Federal Housing En-
4 terprises Financial Safety and Soundness
5 Act of 1992 (12 U.S.C. 4569).

6 (4) CONVERSION.—The warrant shall provide
7 that if, after the warrant is received by the Sec-
8 retary under this section, the company that issued
9 the warrant is no longer listed or traded on a na-
10 tional securities exchange or securities association,
11 as described in subsection (b)(1), the Secretary will
12 have an option to convert the warrants to senior
13 debt to ensure that the Treasury is appropriately
14 compensated for the value of the warrant, in an
15 amount determined by the Secretary for the primary
16 benefit of taxpayers.

17 (5) PROTECTIONS.—Any warrant representing
18 securities to be received by the Secretary under this
19 section shall contain anti-dilution provisions of the

1 distributions, mergers, and other forms of reorga-
2 nization or recapitalization.

3 (6) EXERCISE PRICE.—The exercise price for
4 any warrant issued pursuant to this section shall be
5 set by the Secretary, for the primary benefit of tax-
6 payers.

7 (7) SUFFICIENCY.—The company shall guar-
8 antee to the Secretary that it has authorized shares
9 of stock available to fulfill its obligations under this
10 section. Should the company not have sufficient au-
11 thorized shares, including preferred shares that may
12 carry dividend rights equal to a multiple number of
13 common shares, the Secretary may, to the extent
14 necessary for the primary benefit of taxpayers, ac-
15 cept a senior debt note in an amount, and on such
16 terms as will compensate the Secretary with equiva-
17 lent value, in the event that a sufficient shareholder
18 vote to authorize the necessary additional shares
19 cannot be obtained.

20 (d) EXCEPTIONS.—The Secretary may establish an
21 exception to the requirements of this section and appro-
22 priate alternative requirements for any participating com-
23 pany that is legally prohibited from issuing securities and
24 debt instruments, so as not to allow circumvention of the
25 requirements of this section.

1 (e) PROHIBITIONS OF FOREIGN COMPANIES.—

1 (I) substantially all of the prop-
2 erties held directly or indirectly by a
3 domestic corporation; or

4 (II) substantially all of the assets
5 of, or substantially all of the prop-
6 erties constituting a trade or business
7 of, a domestic partnership; and

8 (ii) after the acquisition, either—

9 (I) more than 50 percent of the
10 stock (by vote or value) of the entity
11 is held—

12 (aa) in the case of an acqui-
13 sition with respect to a domestic
14 corporation, by former share-
15 holders of the domestic corpora-
16 tion by reason of holding stock in
17 the domestic corporation; or

18 (bb) in the case of an acqui-
19 sition with respect to a domestic
20 partnership, by former partners
21 of the domestic partnership by
22 reason of holding a capital or
23 profits interest in the domestic
24 partnership; or

1 lations for determining whether an affili-
2 ated group has substantial business activi-
3 ties for purposes of clause (i), except that
4 such regulations may not treat any group
5 as having substantial business activities if
6 such group would not be considered to
7 have substantial business activities under
 the regulations prescribed under section

1 rity Act of 2002 (6 U.S.C. 395(c)(1)) shall
2 apply.

3 (5) REGULATIONS REGARDING MANAGEMENT
4 AND CONTROL.—

5 (A) IN GENERAL.—The Secretary shall, for
6 purposes of this subsection, prescribe regula-
7 tions for purposes of determining cases in which
8 the management and control of an expanded af-
9 filiated group is to be treated as occurring, di-
10 rectly or indirectly, primarily within the United
11 States. The regulations prescribed under the
12 preceding sentence shall apply to periods after
13 May 8, 2014.

14 (B) EXECUTIVE OFFICERS AND SENIOR
15 MANAGEMENT.—The regulations prescribed
16 under subparagraph (A) shall provide that the
17 management and control of an expanded affili-
18 ated group shall be treated as occurring, di-
19 rectly or indirectly, primarily within the United
20 States if substantially all of the executive offi-
21 cers and senior management of the expanded
22 affiliated group who exercise day-to-day respon-
23 sibility for making decisions involving strategic,
24 financial, and operational policies of the ex-
25 panded affiliated group are based or primarily

1 in an amount not to exceed the dollar equivalent of
2 28,202,470,000 of Special Drawing Rights, in addi-
3 tion to any amounts previously authorized under this
4 section; except that prior to activation of the New
5 Arrangements to Borrow, the Secretary shall report
6 to Congress on whether supplementary resources are
7 needed to forestall or cope with an impairment of
8 the international monetary system and whether the
9 Fund has fully explored other means of funding to
10 the Fund.”; and

11 (B) in paragraph (6) (as so redesignated
12 by subparagraph (A) of this paragraph), by
13 striking “December 16, 2022” and inserting
14 “December 31, 2025”; and
15 (2) in subsection (e)(1), by inserting “(a)(3),”

1 the subsidy amounts necessary for such loans and loan
2 guarantees in accordance with the provisions of the Fed-
3 eral Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

4 (c) LOANS AND LOAN GUARANTEES.—

5 (1) IN GENERAL.—The Secretary shall review
6 and decide on applications for loans and loan guar-
7 antees under this section and may enter into agree-
8 ments to make or guarantee loans to one or more
9 obligors if the Secretary determines, in the Sec-
10 retary's discretion, that—

11 (A) the obligor is a eligible business for
12 which credit is not reasonably available at the
13 time of the transaction;

14 (B) the intended obligation by the obligor
15 is prudently incurred; and

16 (C) the loan is sufficiently secured.

17 (2) TERMS AND LIMITATIONS.—

18 (A) FORMS; TERMS AND CONDITIONS.—
19 Subject to section 407 of this division, a loan
20 or loan guarantee shall be issued under this
21 section in such form and on such terms and
22 conditions and contain such covenants, rep-
23 resentatives, warranties, and requirements (in-
24 cluding requirements for audits) as the Sec-
25 retary determines appropriate. Any loans made

1 by the Secretary under this section shall be at
2 a rate not less than a rate determined by the
3 Secretary taking into consideration the current
4 average yield on outstanding marketable obliga-
5 tions of the United States of comparable matu-
6 rity.

7 (B) PROCEDURES.—As soon as prac-
8 ticable, but in no case later than 10 days after
9 the date of enactment of this Act, the Secretary
10 shall publish procedures for application and
11 minimum requirements, which may be supple-
12 mented by the Secretary in the Secretary's dis-
13 cretion, for the making of loans and loan guar-
14 antees under this section.

(d) FINANCIAL P

1 nancial success of the eligible business, would par-
2 ticipate in the gains of the eligible business or its se-
3 curity holders through the use of such instruments
4 as warrants, stock options, common or preferred
5 stock, or other appropriate equity instruments.

6 (e) DEPOSIT OF PROCEEDS.—Amounts collected by
7 the Secretary under this section, including the proceeds
8 of investments, earnings, and interest collected, shall be
9 deposited in the Treasury as miscellaneous receipts.

10 (f) ADMINISTRATIVE EXPENSES.—Notwithstanding
11 any other provision of law, the Secretary may use
12 \$100,000,000 of the funds made available under this sec-
13 tion to pay costs and administrative expenses associated
14 with the provision of direct loans or guarantees authorized
15 under this section.

16 (g) CONFORMING AMENDMENT.—Section 5302(a)(1)
17 of title 31, United States Code, is amended—

18 (1) by striking “and” before “section 3”; and

19 (2) by inserting “Financial Protections and As-

20 sistance for America’s Consumers, States, Busi-

21 nesses, and Vulnerable Populations Act,” before

22 “and for investing”.

1 SEC. 413. OVERSIGHT AND REPORTS.

2 (a) OVERSIGHT.—

3 (1) SIGTARP.—As provided for under section

1 (2) REPORT.—Not later than 9 months after
2 the date of enactment of this Act, and annually
3 thereafter through the year succeeding the last year
4 for which loans or loan guarantees provided under
5 section 410 are in effect, the Comptroller General
6 shall submit to the Committee on Financial Services,
7 the Committee on Appropriations, and the Com-
8 mittee on the Budget of the House of Representa-
9 tives and the Committee on Banking, Housing, and
10 Urban Affairs, the Committee on Appropriations,
11 and the Committee on the Budget of the Senate a
12 report on the loans and loan guarantees provided
13 under section 410.

14 (d) DIVERSITY REPORT.—The Congressional
15 COVID–19 Aid Oversight Panel, in conjunction with the
16 SIGTARP, shall collect diversity data from any corpora-
17 tion that receives Federal aid related to COVID–19, and
18 issue a report that will be made publicly available no later
19 than one year after the disbursement of funds. In addition
20 to any other data, the report shall include the following:

21 (1) EMPLOYEE DEMOGRAPHICS.—The gender,
22 race, and ethnic identity (and to the extent possible,
23 results disaggregated by ethnic group) of the cor-
24 poration’s employees, as otherwise known or pro-
25 vided voluntarily for the total number of employees

1 (full- and part-time) and the career level of employ-
2 ees (executive and manager versus employees in
3 other roles).

4 (2) SUPPLIER DIVERSITY.—The number and
5 dollar value invested with minority- and women-
6 owned suppliers (and to the extent possible, results
7 disaggregated by ethnic group), including profes-
8 sional services (legal and consulting) and asset man-
9 agers, and deposits and other accounts with minority
10 depository institutions, as compared to all vendor in-
11 vestments.

12 (3) PAY EQUITY.—A comparison of pay
13 amongst racial and ethnic minorities (and to the ex-
14 tent possible, results disaggregated by ethnic group)
15 as compared to their white counterparts and com-
16 parison of pay between men and women for similar
17 roles and assignments.

18 (4) CORPORATE BOARD DIVERSITY.—Corporate
19 board demographic data, including total number of
20 board members, gender, race and ethnic identity of
21 board members (and to the extent possible, results
22 disaggregated by ethnic group), as otherwise known
or provided BT 14 0 0pay (and TJ ET BT 14 PORATE of

1 (5) DIVERSITY AND INCLUSION OFFICES.—The
2 reporting structure of lead diversity officials, number
3 of staff and budget dedicated to diversity and inclu-
4 sion initiatives.

5 (e) DIVERSITY AND INCLUSION INITIATIVES.—Any
6 corporation that receives Federal aid related to COVID-
7 19 must maintain officials and budget dedicated to diver-
8 sity and inclusion initiatives for no less than 5 years after
9 disbursement of funds.

10 SEC. 414. DEFINITIONS.

11 In this title:

12 (1) COVERED LOSS.—The term “covered loss”
13 includes losses, direct or incremental, incurred as a
14 result of COVID-19, as determined by the Sec-
15 retary.

16 (2) ELIGIBLE BUSINESS.—The term “eligible
17 business” means a United States business that has
18 incurred covered losses such that the continued oper-
19 ations of the business are jeopardized, as determined
20 by the Secretary, and that has not otherwise applied
21 for or received economic relief in the form of loans
22 or loan guarantees provided under any other provi-
23 sion of this Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury, or the designee of the
3 Secretary of the Treasury.

4 SEC. 415. RULE OF CONSTRUCTION.

5 Nothing in this title shall be construed to allow the
6 Secretary to provide relief to eligible businesses except in
7 the form of secured loans and loan guarantees as provided
8 in this title and under terms and conditions that are in
9 the interest of the Federal Government.

10 TITLE V—PANDEMIC PLANNING
11 AND GUIDANCE FOR CON-
12 SUMERS AND REGULATORS

13 SEC. 501. IMPROVING CORPORATE GOVERNANCE
14 THROUGH DIVERSITY.

15 (a) PURPOSE.—The purpose of this section, and the
16 amendment made by this section, is to create account-
17 ability to ensure that corporate boards reflect the diversity
18 and perspectives of the communities and consumers im-
19 pacted by the hardships due to the coronavirus disease
20 (COVID–19) outbreak and future major disasters.

21 (b) SUBMISSION OF DATA RELATING TO DIVERSITY
22 BY ISSUERS.—

23 (1) IN GENERAL.—Section 13 of the Securities
24 Exchange Act of 1934 (15 U.S.C. 78m) is amended
25 by adding at the end the following:

1 “(s) SUBMISSION OF DATA RELATING TO DIVER-
2 SITY.—

3 “(1) DEFINITIONS.—In this subsection—

4 “(A) the term ‘executive officer’ has the
5 meaning given the term in section 230.501(f) of
6 title 17, Code of Federal Regulations, as in ef-
7 fect on the date of enactment of this subsection;
8 and

9 “(B) the term ‘veteran’ has the meaning
10 given the term in section 101 of title 38, United
11 States Code.

12 “(2) SUBMISSION OF DISCLOSURE.—Each
13 issuer required to file an annual report under sub-
14 section (a) shall disclose in any proxy statement and
15 any information statement relating to the election of
16 directors filed with the Commission the following:

17 “(A) Data, based on voluntary self-identi-
18 fication, on the racial, ethnic, and gender com-
19 position of—

20 “(i) the board of directors of the
21 issuer;

22 “(ii) nominees for the board of direc-
23 tors of the issuer; and

24 “(iii) the executive officers of the
25 issuer.

1 “(B) The status of any member of the
2 board of directors of the issuer, any nominee
3 for the board of directors of the issuer, or any
4 executive officer of the issuer, based on vol-
5 untary self-identification, as a veteran.

6 “(C) Whether the board of directors of the
7 issuer, or any committee of that board of direc-
8 tors, has, as of the date on which the issuer
9 makes a disclosure under this paragraph,
10 adopted any policy, plan, or strategy to promote
11 racial, ethnic, and gender diversity among—

12 “(i) the board of directors of the
13 issuer;

14 “(ii) nominees for the board of direc-
15 tors of the issuer; or

16 “(iii) the executive officers of the
17 issuer.

18 “(3) ALTERNATIVE SUBMISSION.—In any 1-
19 year period in which an issuer required to file an an-
20 nual report under subsection (a) does not file with
21 the Commission a proxy statement relating to the
22 election of directors or an information statement, the
23 issuer shall disclose the information required under
24 paragraph (2) in the first annual report of issuer

1 that the issuer submits to the Commission after the
2 end of that 1-year period.

3 “(4) ANNUAL REPORT.—Not later than 18
4 months after the date of the enactment of this sub-
5 section, and annually thereafter, the Commission
6 shall submit to the Committee on Financial Services
7 of the House of Representatives and to the Com-
8 mittee on Banking, Housing, and Urban Affairs of
9 the Senate and publish on the website of the Com-
10 mission a report that analyzes the information dis-
11 closed pursuant to paragraphs (1), (2), and (3) and
12 identifies any trends in such information.

“(5) BEST PRACTICES¹⁰

14 GENERAL.—The Director of the
15 Office of Minority and Women Inclusion of the
16 Commission shall, not later than the end of the
17 3-year period beginning on the date of the en-
18 actment of this subsection and every three
19 years thereafter, publish best practices for com-
20 pliance with this subsection.

21 “(B) C¹⁰
22 fice of Minority and Women Inclusion of the
23 Commission may, pursuant to subchapter II of
24 chapter 5 of title 5, United States Code, solicit

1 public comments related to the best practices
2 published under subparagraph (A).”.

3 (2) RULEMAKING.—

4 (A) IN GENERAL.—The Securities and Ex-

1 composed of representatives from the government,
2 academia, and the private sector.

3 (2) STUDY AND RECOMMENDATIONS.—The Ad-
4 visory Group shall—

5 (A) carry out a study that identifies strate-
6 gies that can be used to increase gender, racial,
7 and ethnic diversity among members of boards
8 of directors of issuers; and

9 (B) not later than 9 months after the es-
10 tablishment of the Advisory Group, submit a re-
11 port to the Commission, the Committee on Fi-
12 nancial Services of the House of Representa-
13 tives, and the Committee on Banking, Housing,
14 and Urban Affairs of the Senate that—

15 (i) describes any findings from the
16 study conducted pursuant to subparagraph
17 (A); and

18 (ii) makes recommendations of strate-
19 gies that issuers could use to increase gen-
20 der, racial, and ethnic diversity among
21 board members.

22 (3) ANNUAL REPORT.—Not later than 1 year
23 following the submission of a report pursuant to
24 paragraph (2), and annually thereafter, the Commis-
25 sion shall submit a report to the Committee on Fi-

1 nancial Services of the House of Representatives and
2 the Committee on Banking, Housing, and Urban Af-
3 fairs of the Senate that describes the status of gen-
4 der, racial, and ethnic diversity among members of
5 the board of directors of issuers.

6 (4) PUBLIC AVAILABILITY OF REPORTS.—The
7 Commission shall make all reports of the Advisory
8 Group available to issuers and the public, including
9 on the website of the Commission.

10 (5) DEFINITIONS.—For the purposes of this
11 subsection:

12 (A) ISSUER.—The term “issuer” has the
13 meaning given the term in section 3 of the Se-
14 curities Exchange Act of 1934.

15 (B) COMMISSION.—The term “Commis-
16 sion” means the Securities and Exchange Com-
17 mission.

18 SEC. 502. DIVERSE INVESTMENT ADVISERS.

19 (a) FINDINGS.—The Congress finds the following:

20 (1) Diverse individual-owned and controlled
21 firms continue to face obstacles, such as discrimina-
22 tion and other related barriers, when competing for
23 investment adviser services opportunities, including
24 Federal opportunities.

1 (2) The Government Accountability Office
2 found in September 2017 that asset management
3 firms (also known as firms providing investment ad-
4 viser services) registered in the United States man-
5 age more than \$70,000,000,000,000 of assets and
6 that minority- and women-owned asset management
7 firms manage less than 1 percent of such assets.

8 (3) Conscious efforts to facilitate diverse and
9 inclusive firm selection for investment advisers serv-
10 ices opportunities are required to overcome obstacles
11 facing diverse individual-owned and controlled firms,
12 especially as women- and minority-owned businesses
13 across the financial services sector struggle to re-
14 cover from the impacts of the coronavirus disease
15 (COVID-19) outbreak and future major disasters.

16 (4) Despite evidence that women and minority-
17 owned firms perform as well as and sometimes out-
18 perform their industry counterparts, they are not
19 consistently selected to manage institutional assets.
20 Although women and minority-owned firms account
21 for approximately 8.6 percent of the asset manage-
22 ment industry, recent reports show that they only
23 manage 1.1 percent of all assets under management
24 or \$785 billion out of \$71.4 trillion, and are under-
25 represented as managers in every asset class.

1 (b) INVESTMENT ADVISER CONTRACTING BY PER-
2 SONS REGISTERED WITH THE SECURITIES AND EX-
 CHANGE COMMISSION

1 vite at least one such diverse individual-owned

1 the dollar value of all contracts with all firms
2 providing the services of investment advisers for
3 externally managed funds;

4 “(C) the efforts made by the person to
5 communicate opportunities for investment ad-
6 viser services for externally managed funds to
7 diverse-individual owned and controlled firms
8 providing the services of investment advisers for
9 externally managed funds;

10 “(D) the number of diverse-individual

- 1 include all information required to be filed in the re-
- 2 port under paragraph (1) in such Form ADV filing.

“(3) A

1 “(2) a diverse individual-owned and controlled
2 firm with assets under \$100,000,000.

3 “(d) DEFINITIONS.—For the purposes of this section:

4 “(1) AFFILIATED PERSON.—The term ‘affili-
5 ated person’ has the meaning given that term under
6 section 2(a) of the Investment Company Act of
7 1940.

8 “(2) DIVERSE INDIVIDUAL-OWNED AND CON-
9 TROLLED FIRM.—The term ‘diverse individual-owned
10 and controlled firm’ means a firm—

11 “(A) which is at least 51 percent owned by
12 one or more individuals who are women, minori-
13 ties, or veterans; or

14 “(B) whose management and daily busi-
15 ness operations are—

16 “(i) in the case of a firm the shares
17 of which are traded on a national securities
18 exchange, controlled by a board with a ma-
19 jority of members who are women, minori-
20 ties, or veterans; and

21 “(ii) in the case of any other firm, at
22 least 51 percent controlled by one or more
23 individuals who are women, minorities, or
24 veterans.

1 “(3) INVESTMENT ADVISER.—The term ‘invest-
2 ment adviser’ has the meaning given the term in sec-
3 tion 202(a)(11) of the Investment Advisers Act of
4 1940.

5 “(4) MINORITY.—The term ‘minority’ has the
6 meaning given the term in section 308(b) of the Fi-
7 nancial Institutions Reform, Recovery, and Enforce-
8 ment Act of 1989 and also includes any indigenous
9 person in the United States or its territories.

10 “(5) UNAFFILIATED SUB-ADVISER TO A REG-
11 ISTERED INVESTMENT COMPANY.—With respect to a
12 registered investment company, the term ‘unaffili-
13 ated sub-adviser to a registered investment company’
14 means a person described under section 2(a)(20)(B)
15 of the Investment Company Act of 1940 that is not
16 an affiliated person of a person described under sec-
17 tion 2(a)(20)(A) of the Investment Company Act of
18 1940.

19 “(6) VETERAN.—The term ‘veteran’ has the
20 meaning given the term in section 101 of title 38,
21 United States Code.”.

22 (c) INVESTMENT ADVISER CONTRACTING BY PER-
23 SONS REGISTERING SECURITIES.—The Securities Ex-
24 change Act of 1934 is amended by inserting after section
25 13A the following:

1 "SEC. 13B. INVESTMENT ADVISER CONTRACTING REQUIRE-
2 MENTS.

3 "(a) IN GENERAL.—Any issuer required to file an an-
4 nual report under section 13 shall, when contracting for
5 the services of an investment adviser for externally man-
6 age funds—

7 "(1) publish, unless prohibited by law or regula-
8 tion, a request for proposal for such services; and

9 "(2) if one or more diverse individual owned
10 and controlled firms submits a proposal to provide
11 such services that satisfies the criteria set forth in

1 contracted for that were provided by a diverse indi-
2 vidual-owned and controlled firm;

3 “(2) the dollar value of any contracts with di-
4 verse-individual owned and controlled firms pro-
5 viding the services of investment advisers for exter-
6 nally managed funds as a percentage of the dollar
7 value of all contracts with all firms providing the
8 services of investment advisers for externally man-
9 aged funds;

10 “(3) the efforts made by the issuer to commu-
11 nicate investment adviser services for externally
12 managed funds contract opportunities to diverse-in-
13 dividual owned and controlled firms providing the
14 services of investment advisers for externally man-
15 aged funds;

16 “(4) the number of diverse-individual owned
17 and controlled firms that were considered by the
18 issuer to provide the services of investment advisers
19 for externally managed funds and, with respect to
20 each such firm, the race and gender of the owners
21 of such firm; and

22 “(5) for any investment adviser services for ex-
23 ternally managed funds contract opportunity in
24 which a diverse-individual owned and controlled firm
25 was not considered, a description of why a diverse-

1 sistance Act (42 U.S.C. 4121 et seq.) relating to the
2 Coronavirus Disease 2019 (COVID–19) pandemic.

3 SEC. 503. FINANCIAL LITERACY EDUCATION COMMISSION
4 EMERGENCY RESPONSE.

5 (a) PURPOSE.—The purpose of this section is to pro-
6 vide financial literacy education, including information on
7 access to banking services and other financial products,
8 for individuals seeking information and resources as they
9 recover from any financial distress caused by the
10 coronavirus disease (COVID–19) outbreak and future
11 major disasters.

12 (b) FINANCIAL LITERACY AND EDUCATION COMMIS-
13 SION RESPONSE TO THE COVID–19 EMERGENCY.—

14 (1) SPECIAL MEETING.—Not later than the end
15 of the 60-day period beginning on the date of enact-
16 ment of this section, the Financial Literacy and
17 Education Commission (the “Commission”) shall
18 convene a special meeting to discuss and plan assist-
19 ance related to the financial impacts of the COVID–
20 19 emergency.

21 (2) UPDATE OF THE COMMISSION’S WEBSITE.—

22 (A) IN GENERAL.—Not later than the end
23 of the 60-day period beginning on the date of
24 enactment of this section, the Commission shall
25 update the website of the Commission with a

1 full list of tools to help individuals recover from
2 any financial hardship as a result of the
3 COVID-19 emergency.

(B) S

1 the Bureau of Consumer Financial Protection shall,
2 jointly and not later than the end of the 30-day pe-
3 riod following the date on which the meeting re-
4 quired under paragraph (1) is held and all updates
5 required under paragraph (2) have been completed,
6 report to Congress on the implementation of this
7 section.

8 (4) COVID-19 EMERGENCY DEFINED.—In this
9 subsection, the term “COVID-19 emergency” means
10 the emergency declared on March 13, 2020, by the
11 President under the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 4121
13 et seq.) relating to the Coronavirus Disease 2019
14 (COVID-19) pandemic.

15 SEC. 504. INTERAGENCY PANDEMIC GUIDANCE FOR CON-
16 SUMERS.

17 (a) INTERAGENCY PANDEMIC GUIDANCE.—

18 (1) GUIDANCE.—Not later than the end of the
19 60-day period beginning on the date of enactment of
20 this section, the Federal financial regulators shall
21 issue interagency regulatory guidance on prepared-
22 ness, flexibility, and relief options for consumers in
23 pandemics and major disasters, such as deferment,
24 forbearance, affordable payment plan options, and

1 other options such as delays on debt collections and
2 wage garnishments.

3 (2) UPDATES.—The Federal financial regu-
4 lators shall update the guidance required under
5 paragraph (1) as necessary to keep such guidance
6 current.

7 (b) PANDEMIC PREPAREDNESS TESTING.—

8 (1) IN GENERAL.—Not later than the end of
9 the 2-year period beginning on the date of enact-
10 ment of this section, and every 5 years thereafter,
11 the Federal financial regulators shall carry out test-
12 ing along with the institutions regulated by the Fed-
13 eral financial regulators to determine how effectively
14 such institutions will be able to respond to a pan-
15 demic or major disaster.

16 (2) REPORT.—After the end of each test re-

1 the Bureau of Consumer Financial Protection, the
2 Comptroller of the Currency, the Director of the
3 Federal Housing Finance Agency, the Federal De-
4 posit Insurance Corporation, the National Credit
5 Union Administration, the Secretary of Agriculture,
6 and the Secretary of Housing and Urban Develop-
7 ment.

8 (2) MAJOR DISASTER.—The term “major dis-
9 aster” means a major disaster declared by the Presi-
10 dent under section 401 of the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (42
12 U.S.C. 5170), under which assistance is authorized
13 under section 408 of such Act (42 U.S.C. 5174), or
14 section 501 of such Act (42 U.S.C. 5191).

15 SEC. 505. SEC PANDEMIC GUIDANCE FOR INVESTORS.

16 (a) PANDEMIC GUIDANCE.—

17 (1) GUIDANCE.—Not later than the end of the
18 60-day period beginning on the date of enactment of

1 (2) UPDATES.—The Commission shall update
2 the guidance required under paragraph (1) as nec-
3 essary to keep such guidance current.

4 (b) PANDEMIC PREPAREDNESS TESTING.—

5 (1) IN GENERAL.—Not later than the end of
6 the 60-day period beginning on the date of enact-
7 ment of this Act, and every 5 years thereafter, the
8 Securities and Exchange Commission shall carry out
9 testing along with the entities regulated by the Com-
10 mission to determine how effectively such entities
11 will be able to respond to a pandemic or major dis-
12 aster.

13 (2) REPORT.—After the end of each test re-
14 quired under paragraph (1), the Commission shall
15 issue a report to Congress containing the results of
16 such test and any regulatory or legislative rec-
17 ommendations the Commission may have to increase
18 pandemic preparedness.

19 (c) MAJOR DISASTER DEFINED.—In this section, the
20 term “major disaster” means a major disaster declared
21 by the President under section 401 of the Robert T. Staf-
22 ford Disaster Relief and Emergency Assistance Act (42
23 U.S.C. 5170), under which assistance is authorized
24 under section 408 of such Act (42 U.S.C. 5174), or sec-
25 tion 501 of such Act (42 U.S.C. 5191).

1 SEC. 506. UPDATES OF THE PANDEMIC INFLUENZA PLAN
2 AND NATIONAL PLANNING FRAMEWORKS.

3 (a) IN GENERAL.—Not later than one year following
4 the end of the Declaration of the National Emergency, the
5 President shall ensure that the Pandemic Influenza Plan
6 (2017 Update) and the National Planning Frameworks
7 are updated. The Secretary of the Treasury, in consulta-
8 tion with the Federal financial regulators, shall provide
9 to the President the following:

10 (1) An assessment of the effectiveness of cur-
11 rent plans and strategies to address the economic, fi-
12 nancial, and monetary issues arising from a pan-
13 demic or other disaster.

14 (2) A description of the most significant chal-
15 lenges to protecting the economy, the financial sys-
16 tem, and consumers, during a pandemic or other
17 disaster, including the specific challenges experi-
18 enced by women, racial and ethnic minorities, di-
19 verse-owned businesses, veterans, and the disabled.

20 (3) Actions that could be carried out in a crisis,
21 as defined by the preparedness plans described in
22 subsection (a), such as the following:

23 (A) Significant increases of unemployment
24 insurance benefits (including payment amounts)

1 old, including freelancers and the self-employed,
2 during the crisis.

3 (B) Loan deference, modification, and for-
4 bearance mechanisms of all consumer and busi-
5 ness payments, allowing long-term repayment
6 plans and excluding no industries, during the
7 crisis.

8 (C) Suspension of foreclosure and eviction
9 proceedings taken against individuals or busi-
10 nesses during the crisis.

11 (D) Suspension of all negative consumer
12 credit reporting during the crisis.

13 (E) Prohibition of debt collection, reposses-
14 sion, and garnishment of wages during the cri-
15 sis.

16 (F) Provision of emergency homeless as-
17 sistance during the crisis.

18 (G) An increase in Community Develop-
19 ment Block Grants during the crisis and to im-
20 prove community response.

21 (H) Reduction of hurdles in the form of
22 waivers and authorities to modify existing hous-
23 ing and homelessness programs to facilitate re-
24 sponse to the crisis.

1

(I) Expand the size standards for eligible

- 1 individual retirement accounts for the calendar
- 2 years of which the crisis is occurring.

(b) S

1 of the Currency, the National Credit Union Adminis-
2 tration, and the Securities and Exchange Commis-
3 sion.

4 DIVISION J—EDUCATION RELIEF
5 AND OTHER PROGRAMS
6 TITLE I—EDUCATION
7 PROVISIONS

8 SEC. 100101. SHORT TITLE.

9 This title may be cited as the “COVID–19 Pandemic
10 Education Relief Act of 2020”.

11 SEC. 100102. DEFINITIONS.

12 In this title:

13 (1) CORONAVIRUS.—The term “coronavirus”
14 has the meaning given that term in section 506 of
15 the Coronavirus Preparedness and Response Supple-
16 mental Appropriations Act, 2020 (Public Law 116–
17 123).

18 (2) INSTITUTION OF HIGHER EDUCATION.—The
19 term “institution of higher education” has the
20 meaning given that term in section 102 of the High-
21 er Education Act of 1965 (20 U.S.C. 1002).

22 (3) QUALIFYING EMERGENCY.—The term
23 “qualifying emergency” means—

1 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
2 to funds made available for award years 2019–2020 and
3 2020–2021, the Secretary shall waive the requirement
4 that a participating institution of higher education provide
5 a non-Federal share to match Federal funds provided to
6 the institution for the programs authorized pursuant to
7 subpart 3 of part A and part C of title IV of the Higher
8 Education Act of 1965 (20 U.S.C. 1070b et seq. and
9 1087–51 et seq.) for all awards made under such pro-
10 grams during such award years, except nothing in this
11 subsection shall affect the non-Federal share requirement
12 under section 443(c)(3) of such Act that applies to private
13 for-profit organizations.

14 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
15 sections 413D, 442, and 488 of the Higher Education Act
16 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
17 a period of a qualifying emergency, an institution may
18 transfer up to 100 percent of the institution’s unexpended
19 allotment under section 442 of such Act to the institu-
20 tion’s allotment under section 413D of such Act, but may
21 not transfer any funds from the institution’s unexpended
22 allotment under section 413D of such Act to the institu-
23 tion’s allotment under section 442 of such Act.

1 SEC. 100104. USE OF SUPPLEMENTAL EDUCATIONAL OP-
2 PORTUNITY GRANTS FOR EMERGENCY AID.

3 (a) IN GENERAL.—Notwithstanding section 413B of
4 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
5 an institution of higher education may reserve any amount
6 of an institution’s allocation under subpart 3 of part A
7 of title IV of the Higher Education Act of 1965 (20 U.S.C.
8 1070b et seq.) for a fiscal year to award, in such fiscal
9 year, emergency financial aid grants to assist under-
10 graduate or graduate students for unexpected expenses

1 cation, if such scholarship-granting organization dis-
2 burses the full allocated amount provided to the in-
3 stitution of higher education to the recipients.

4 (c) SPECIAL RULE.—Any emergency financial aid

1 essary to receive work study funds, as a one time
2 grant or as multiple payments.

3 (2) Payments shall not be made to any student
4 who was not eligible for work study or was not com-
5 pleting the work obligation necessary to receive work
6 study funds under such part prior to the occurrence
7 of the qualifying emergency.

8 (3) Any payments made to affected work-study
9 students under this subsection shall meet the match-
10 ing requirements of section 443 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1087–53), unless
12 such matching requirements are waived by the Sec-
13 retary.

14 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
15 DENT.—In this section, the term “affected work-study
16 student” means a student enrolled at an eligible institu-
17 tion participating in the program under part C of title IV
18 of the Higher Education Act of 1965 (20 U.S.C. 1087–
19 51 et seq.) who—

20 (1) received a work-study award under section
21 443 of the Higher Education Act of 1965 (20
22 U.S.C. 1087–53) for the academic year during which
23 a qualifying emergency occurred;

24 (2) earned Federal work-study wages from such
25 eligible institution for such academic year; and

- 1 (3) was prevented from fulfilling the student's
- 2 work-study obligation for all or part of such aca-

1 SEC. 100108. INSTITUTIONAL REFUNDS AND FEDERAL STU-
2 DENT LOAN FLEXIBILITY.

3 (a) INSTITUTIONAL WAIVER.—

4 (1) IN GENERAL.—The Secretary shall waive
5 the institutional requirement under section 484B of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1091b) with respect to the amount of grant or loan
8 assistance (other than assistance received under part
9 C of title IV of such Act) to be returned under such
10 section if a recipient of assistance under title IV of
11 the Higher Education Act of 1965 (20 U.S.C. 1070
12 et seq.) withdraws from the institution of higher
13 education during the payment period or period of
14 enrollment as a result of a qualifying emergency.

15 (2) WAIVERS.—The Secretary shall require
16 each institution using a waiver relating to the with-
17 drawal of recipients under this subsection to report
18 the number of such recipients, the amount of grant
19 or loan assistance (other than assistance received
20 under part C of title IV of such Act) associated with
21 each such recipient, and the total amount of grant
22 or loan assistance (other than assistance received
23 under part C of title IV of such Act) for which each
24 institution has not returned assistance under title IV
25 to the Secretary.

1 (b) STUDENT WAIVER.—The Secretary shall waive
2 the amounts that students are required to return under
3 section 484B of the Higher Education Act of 1965 (20
4 U.S.C. 1091b) with respect to Federal Pell Grants or
5 other grant assistance if the withdrawals on which the re-
6 turns are based are withdrawals by students who withdrew
7 from the institution of higher education as a result of a
8 qualifying emergency.

9 (c) CANCELING LOAN OBLIGATION.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
12 cel the borrower’s obligation to repay the entire portion
13 of a loan made under part D of title IV of such Act (20
14 U.S.C. 1087a et seq.) associated with a payment period
15 for a recipient of such loan who withdraws from the insti-
16 tution of higher education during the payment period as
17 a result of a qualifying emergency.

18 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
19 standing any other provision of the Higher Education Act
20 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
21 assistance under title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1070 et seq.), an institution of higher
23 education may, as a result of a qualifying emergency, pro-
24 vide a student with an approved leave of absence that does
25 not require the student to return at the same point in the

1 academic program that the student began the leave of ab-
2 sence if the student returns within the same semester (or
3 the equivalent).

4 SEC. 100109. SATISFACTORY ACADEMIC PROGRESS.

5 Notwithstanding section 484 of the Higher Education
6 Act of 1965 (20 U.S.C. 1091), in determining whether a
7 student is maintaining satisfactory academic progress for
8 purposes of title IV of the Higher Education Act of 1965
9 (20 U.S.C. 1070 et seq.), an institution of higher edu-
10 cation may, as a result of a qualifying emergency, exclude
11 from the quantitative component of the calculation any at-
12 tempted credits that were not completed by such student
13 without requiring an appeal by such student.

14 SEC. 100110. CONTINUING EDUCATION AT AFFECTED FOR-
15 EIGN INSTITUTIONS.

16 (a) IN GENERAL.—Notwithstanding section 481(b)
17 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
18 with respect to a foreign institution, in the case of a public
19 health emergency, major disaster or emergency, or na-
20 tional emergency declared by the applicable government
21 authorities in the country in which the foreign institution
22 is located, the Secretary may permit any part of an other-
23 wise eligible program to be offered via distance education
24 for the duration of such emergency or disaster and the

1 following payment period for purposes of title IV of the
2 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

3 (b) ELIGIBILITY.—An otherwise eligible program
4 that is offered in whole or in part through distance edu-
5 cation by a foreign institution between March 1, 2020, and
6 the date of enactment of this Act shall be deemed eligible
7 for the purposes of part D of title IV of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
9 tion of the emergency or disaster affecting the institution
10 as described in subsection (a) and the following payment
11 period for purposes of title IV of the Higher Education
12 Act of 1965 (20 U.S.C. 1070 et seq.). An institution of

1 (A) PUBLIC OR OTHER NONPROFIT INSTI-
2 TUTIONS.—A foreign institution that is a public
3 or other nonprofit institution may enter into a
4 written arrangement under paragraph (1) only
5 with an institution of higher education de-
6 scribed in section 101 of such Act (20 U.S.C.
7 1001).

8 (B) OTHER INSTITUTIONS.—A foreign in-
9 stitution that is a graduate medical school,
10 nursing school, or a veterinary school and that
11 is not a public or other nonprofit institution
12 may enter into a written arrangement under
13 paragraph (1) with an institution of higher edu-
14 cation described in section 101 or section 102
15 of such Act (20 U.S.C. 1001 and 1002).

16 (3) REPORT ON USE.—An institution of higher
17 education that uses the authority described in para-
18 graph (2) shall report such use to the Secretary—

19 (A) for the 2019–2020 award year, not
20 later than June 30, 2020; and

21 (B) for an award year subsequent to the
22 2019–2020 award year, not later than 30 days
23 after such use.

24 (4) REPORT FROM THE SECRETARY.—Not later
25 than 180 days after the date of enactment of this

1 Act, and every 180 days thereafter for the duration
2 of the applicable disaster or emergency and the fol-
3 lowing payment period, the Secretary shall submit to
4 the authorizing committees (as defined in section
5 103 of the Higher Education Act of 1965 (20
6 U.S.C. 1003)) a report that identifies each foreign
7 institution that entered into a written arrangement
8 authorized under paragraph (1).

9 SEC. 100111. HBCU CAPITAL FINANCING.

10 (a) DEFERMENT PERIOD.—

11 (1) IN GENERAL.—Notwithstanding any provi-
12 sion of title III of the Higher Education Act of 1965
13 (20 U.S.C. 1051 et seq.), or any regulation promul-
14 gated under such title, the Secretary may grant a
15 deferment, for the duration of a qualifying emer-
16 gency, to an institution of higher education that has
17 received a loan under part D of title III of such Act
18 (20 U.S.C. 1066 et seq.).

19 (2) TERMS.—During the deferment period
20 granted under this subsection—

21 (A) the institution of higher education

shall not be 21 ti(ighrgraph69.00Eragr-137.1 ghragra)]Tic1.4 (nom

1 (B) the Secretary shall make principal and
2 interest payments otherwise due under the loan
3 agreement.

4 (3) CLOSING.—At the closing of a loan deferred
5 under this subsection, terms shall be set under
6 which the institution of higher education shall be re-
7 quired to repay the Secretary for the payments of
8 principal and interest made by the Secretary during
9 the deferment, on a schedule that begins upon re-
10 payment to the lender in full on the loan agreement,
11 except in no case shall repayment be required to
12 begin before the date that is 1 full fiscal year after
13 the date that is the end of the qualifying emergency.

14 (b) TERMINATION DATE.—

15 (1) IN GENERAL.—The authority provided
16 under this section to grant a loan deferment under
17 subsection (a) shall terminate on the date on which
18 the qualifying emergency is no longer in effect.

19 (2) DURATION.—Any provision of a loan agree-
20 ment or insurance agreement modified by the au-
21 thority under this section shall remain so modified
22 for the duration of the period covered by the loan
23 agreement or insurance agreement.

24 (c) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, and every 180 days thereafter

1 during the period beginning on the first day of the quali-
2 fying emergency and ending on September 30 of the fiscal
3 year following the end of the qualifying emergency, the
4 Secretary shall submit to the authorizing committees (as
5 defined in section 103 of the Higher Education Act of
6 1965 (20 U.S.C. 1003)) a report that identifies each insti-
7 tution of higher education that received assistance under
8 this section.

9 SEC. 100112. WAIVER AUTHORITY AND REPORTING RE-
10 QUIREMENT FOR INSTITUTIONAL AID.

(a) WAIVER AUTHORITY

1 er Education Act of 1965 (20 U.S.C. 1068(d)
2 and 1103(e));

3 (B) the wait-out period set forth in section
4 313(d) of the Higher Education Act of 1965
5 (20 U.S.C. 1059(d));

6 (C) the allotment requirements under
7 paragraphs (2) and (3) of subsection 318(e) of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1059e(e)), and references to “the academic year
10 preceding the beginning of that fiscal year” in
11 paragraph (1);

12 (D) the allotment requirements under sub-
13 sections (b), (c), and (g) of section 324 of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1063), and references to “the end of the school
16 year preceding the beginning of that fiscal
17 year” under subsection (a) and references to
18 “the academic year preceding such fiscal year”
19 under subsection (h) of such section;

20 (E) subparagraphs (A), (C), (D), and (E)

1 (F) subparagraphs (A), (C), (D), and (E)
2 of section 723(f)(3) and section 724(f)(3) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1136a(f)(3) and 1136b(f)(3)), and references to
5 “previous academic year” under subparagraph
6 (B) of such sections; and

7 (G) the allotment restriction set forth in
8 section 318(d)(4) and 323(c)(2) of the Higher
9 Education Act of 1965 (20 U.S.C. 1059e(d)(4)
10 and 1062(c)(2)); and

11 (2) waive or modify any statutory or regulatory
12 provision to ensure that institutions that were re-
13 ceiving assistance under title III, title V, or subpart
14 4 of part A of title VII of such Act (20 U.S.C. 1051
15 et seq.; 1101 et seq.; 1136a et seq.) at the time of

1 not expended or used for the purposes for which the funds

1 assistance), at the request of an institution of higher edu-
2 cation or other recipient of a grant (not including indi-
3 vidual recipients of Federal student financial assistance)
4 as a result of a qualifying emergency, for the period begin-
5 ning on the first day of the qualifying emergency and end-
6 ing on September 30 of the fiscal year following the end
7 of the qualifying emergency.

8 (b) MATCHING REQUIREMENT MODIFICATIONS.—
9 Notwithstanding any other provision of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
11 is authorized to modify any Federal share or other finan-
12 cial matching requirement for a grant awarded on a com-
13 petitive basis, or a grant awarded under part A or B of
14 title III or subpart 4 of part A of title VII of the Higher
15 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
16 seq.; 1136a et seq.) at the request of an institution of
17 higher education or other grant recipient as a result of
18 a qualifying emergency, for the period beginning on the
19 first day of the qualifying emergency and ending on Sep-
20 tember 30 of the fiscal year following the end of the quali-
21 fying emergency.

22 (c) REPORTS.—Not later than 180 days after the
23 date of enactment of this Act, and every 180 days there-
24 after for the duration of the period beginning on the first
25 day of the qualifying emergency and ending on September

1 30 of the fiscal year following the end of the qualifying
2 emergency, the Secretary shall submit to the authorizing
3 committees (as defined in section 103 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
5 fies each institution of higher education or other grant re-
6 cipient that received a modification under this section.

7 SEC. 100114. SERVICE OBLIGATIONS FOR TEACHERS.

8 (a) TEACH GRANTS.—For the purposes of section
9 420N of the Higher Education Act of 1965 (20 U.S.C.
10 1070g–2), during a qualifying emergency, the Secretary—

11 (1) may modify the categories of extenuating
12 circumstances under which a recipient of a grant
13 under subpart 9 of part A of title IV of such Act
14 who is unable to fulfill all or part of the recipient’s
15 service obligation may be excused from fulfilling that
16 portion of the service obligation; and

17 (2) shall consider teaching service that, as a re-
18 sult of a qualifying emergency, is part-time or tem-
19 porarily interrupted to be full-time service and to
20 fulfill the service obligations under section 420N.

(b) TEACHER L

1 (1) the teaching service of a borrower is tempo-
2 rarily interrupted due to a qualifying emergency;
3 and

4 (2) after the temporary interruption due to a
5 qualifying emergency, the borrower resumes teaching
6 service and completes a total of five years of quali-
7 fying teaching service under such sections, including

1 “(2) INCOME-DRIVEN REPAYMENT.—The term
2 ‘income-driven repayment’ means—

3 “(A) income-based repayment authorized
4 under section 493C for loans made, insured, or
5 guaranteed under part B or part D; or

6 “(B) income contingent repayment author-
7 ized under section 455(e) for loans made under
8 part D.

9 “(3) INVOLUNTARY COLLECTION.—The term
10 ‘involuntary collection’ means—

11 “(A) a wage garnishment authorized under
12 section 488A of this Act or section 3720D of
13 title 31, United States Code;

14 “(B) a reduction of tax refund by amount
15 of debt authorized under section 3720A of title
16 31, United States Code;

17 “(C) a reduction of any other Federal ben-
18 efit payment by administrative offset authorized
19 under section 3716 of title 31, United States
20 Code (including a benefit payment due to an in-
21 dividual under the Social Security Act or any
22 other provision described in subsection
23 (c)(3)(A)(i) of such section); and

24 “(D) any other involuntary collection activ-
25 ity.

1 sured, or guaranteed under part B, D, or E during
2 such period shall not be capitalized at any time dur-
3 ing the national emergency.

4 “(3) APPLICABILITY OF PAYMENTS.—Any pay-
5 ment made by the Secretary under this section shall

1 action to halt all involuntary collection related to the
2 loan until the date on which the national emergency
3 ends.

4 “(c) WAIVER OF INTEREST DURING NATIONAL
5 EMERGENCY.—Notwithstanding any other provision of
6 law, the Secretary shall pay any interest that would other-
7 wise be charged or accrue during a national emergency
8 on any loan made, insured, or guaranteed under part B,
9 D, or E.

10 “(d) TRANSITION PERIOD.—Upon the termination of
11 a national emergency, the Secretary shall carry out a pro-
12 gram to provide for a transition period of 90 days, begin-
13 ning on the day after the last day of the national emer-
14 gency, during which—

15 “(1) the Secretary shall provide not less than 3
16 notices to borrowers indicating when the borrower’s
17 normal payment obligations will resume; and

18 “(2) any missed payments by a borrower under
19 part B, D, or E shall not—

20 “(A) result in fees or penalties; or

21 “(B) be reported to any consumer report-
22 ing agency or otherwise impact the borrower’s
23 credit history.

24 “(e) IMPLEMENTATION IN FFEL ENTITIES.—To fa-
25 cilitate implementation of this section—

1 “(1) lenders and guaranty agencies holding
2 loans made, insured, or guaranteed under part B
3 shall report, to the satisfaction of the Secretary, in-
4 formation to verify at the borrower level the amount
5 of payments made under this section; and

6 “(2) the Secretary shall have the authority to
7 establish a payment schedule for purposes of this
8 section for loans made, insured, or guaranteed under
9 part B and not held by the Secretary.

“(f) W

1 the Take Responsibility for Workers and Families
2 Act.”.

3 (2) FFEL AMENDMENT.—Section 428(c)(8) of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1078(c)(8)) is amended by striking “and for which”
6 and all that follows through “this subsection”.

7 (3) APPLICABILITY.—The requirement of the
8 Secretary to make payments under section 493E of
9 the Higher Education Act of 1965, as added by
10 paragraph 1, shall apply to payments due after the
11 date of enactment of this Act.

(b) MINIMUM RELIEF FOR S

1 (3) The Higher Education Act of 1965 (20
2 U.S.C. 1001 et seq.).

3 (4) The Carl D. Perkins Career and Technical
4 Education Act of 2006 (20 U.S.C. 2301 et seq.)

5 **TITLE II—OTHER PROGRAMS**

6 SEC. 100202. PROVISIONS RELATED TO THE CORPORATION
7 FOR NATIONAL AND COMMUNITY SERVICE.

8 (a) ACCRUAL OF SERVICE HOURS.—

9 (1) ACCRUAL THROUGH OTHER SERVICE
10 HOURS.—

11 (A) IN GENERAL.—Notwithstanding any
12 other provision of the Domestic Volunteer Serv-
13 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
14 National and Community Service Act of 1990
15 (42 U.S.C. 12501 et seq.), the Corporation for
16 National and Community Service shall allow an
17 individual described in subparagraph (B) to ac-

1 Community Service Act of 1990 (42 U.S.C.
2 12601 et seq.)—

3 (i) who is performing limited service
4 due to COVID-19; or

5 (ii) whose position has been suspended
6 or placed on hold due to COVID-19.

7 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
8 any case where an individual serving in a position el-

1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to
7 enable the grant recipients to maintain operations and to
8 accept participants.

9 (c) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;

22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

1 DIVISION K—AGRICULTURE
2 PROVISIONS
3 TITLE I—COMMODITY SUPPORT
4 AND OTHER AGRICULTURE
5 PROGRAMS

6 SEC. 110101. SUPPLEMENTAL DAIRY MARGIN COVERAGE.

7 (a) IN GENERAL.—Of the funds of the Commodity
8 Credit Corporation, the Secretary of Agriculture shall pro-
9 vide supplemental dairy margin coverage payments to eli-
10 gible dairy operations described in subsection (b) whenever
11 the average actual dairy production margin (as defined in
12 section 1401 of the Agricultural Act of 2014 (7 U.S.C.
13 9051)) for a month is less than the coverage level thresh-
14 old selected by such eligible dairy operation under such
15 section 1406.

16 (b) ELIGIBLE DAIRY OPERATION DESCRIBED.—An
17 eligible dairy operation described in this subsection is a
18 participating dairy operation (as defined in section 1401
19 of the Agricultural Act of 2014 (7 U.S.C. 9051)) that—

20 (1) is located in the United States; and

21 (2) on the date of the enactment of this section,
22 had a production history established under the dairy
23 margin coverage program described in section 1405
24 of the Agricultural Act of 2014 (7 U.S.C. 9055) of

1 less than 5 million pounds, as determined in accord-
2 ance with subsection (c) of that Act.

3 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
4 CULATION.—For purposes of determining the production
5 history of an eligible dairy operation under this subsection,
6 such an operation’s production history shall be equal to—

7 (1) the production volume of such dairy oper-
8 ation for the 2019 milk marketing year; minus

9 (2) the production history of such dairy oper-
10 ation established under section 1405 of the Agricul-
11 tural Act of 2014 (7 U.S.C. 9055).

12 (d) COVERAGE PERCENTAGE.—

~~13~~2 (1) IN GENERAL.—For purposes of calculating
712 payments to be issued under this section, an eligible

1 (B) DETERMINATION OF AMOUNT.—In cal-
2 culating the total covered production history of
3 a dairy operation under subparagraph (A), the
4 Secretary shall multiply the coverage percentage
5 selected under section 1406 of the Agricultural

1 (g) RETROACTIVITY.—The authority to carry out this
2 section shall begin on January 1, 2020.

3 SEC. 110102. TARGETED PURCHASES.

4 (a) IN GENERAL.—The Secretary of Agriculture shall
5 utilize not less than \$300,000,000 of the funds available
6 under section 32 of the Act of August 24, 1935 (7 U.S.C.
7 612c) to purchase qualified agricultural products for the
8 purpose of donating the products to food assistance pro-
9 grams, including the Emergency Food Assistance Pro-
10 gram, of which the Secretary shall utilize—

11 (1) not less than \$150,000,000 to purchase spe-
cialty crops;

1 (3) the repurposing of which would be imprac-
2 tical for grocery or retail sale.

3 **TITLE II—SUPPLEMENTAL NU-**
4 **TRITION ASSISTANCE PRO-**
5 **GRAM**

6 SEC. 110201. SNAP FUNDING.

7 There are hereby appropriated to the Secretary of
8 Agriculture, out of any money in the Treasury not other-
9 wise appropriated, such sums as maybe necessary to carry
10 out this title and sections 2301 and 2302 of the Families
11 First Coronavirus Response Act (Public Law 116–127).

12 SEC. 110202. SNAP ALLOTMENTS.

13 (a) **NUTRITION ASSISTANCE ALLOTMENT**
14 **AMOUNT.—**

15 (1) **VALUE OF BENEFITS.—**Notwithstanding
16 any other provision of law, beginning on May 1,
17 2020, the value of benefits determined under section
18 8(a) of the Food and Nutrition Act of 2008 (7
19 U.S.C. 2017(a)), and consolidated block grants for
20 Puerto Rico and American Samoa determined under
21 section 19(a) of such Act (7 U.S.C. 2028(a)), shall
22 be calculated using 115 percent of the June 2019
23 value of the thrifty food plan (as defined in section

1 (4) disregard the additional amount of benefits
2 that a household receives as a result of this section
3 in determining the amount of overissuances under
4 section 13 of the Food and Nutrition Act of 2008
5 (7 U.S.C. 2022); and

6 (5) set the tolerance level for excluding small
7 errors for the purposes of section 16(c) of the Food
8 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
9 \$50 through September 30, 2021.

10 (c) ADMINISTRATIVE EXPENSES.—

11 (1) IN GENERAL.—For the costs of State ad-
12 ministrative expenses associated with carrying out
13 this section and administering the supplemental nu-
14 trition assistance program established under the
15 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
16 seq.), the Secretary of Agriculture shall make avail-
17 able \$150,000,000 for fiscal year 2020 and
18 \$150,000,000 for fiscal year 2021.

19 (2) TIMING FOR FISCAL YEAR 2020.—Not later
20 than 60 days after the date of the enactment of this
21 section, the Secretary shall make available to States
22 amounts for fiscal year 2020 under paragraph (1).

23 (3) ALLOCATION OF FUNDS.—Funds described
24 in paragraph (1) shall be made available as grants
25 to State agencies for each fiscal year as follows:

1 (A) 75 percent of the amounts available
2 for each fiscal year shall be allocated to States
3 based on the share of each State of households
4 that participate in the supplemental nutrition
5 assistance program as reported to the Depart-
6 ment of Agriculture for the most recent 12-
7 month period for which data are available, ad-
8 justed by the Secretary (as of the date of the
9 enactment of this section) for participation in
10 disaster programs under section 5(h) of the
11 Food and Nutrition Act of 2008 (7 U.S.C.
12 2014(h)); and

13 (B) 25 percent of the amounts available
14 for each fiscal year shall be allocated to States
15 based on the increase in the number of house-
16 holds that participate in the supplemental nu-
17 trition assistance program as reported to the
18 Department of Agriculture over the most recent
19 12-month period for which data are available,
20 adjusted by the Secretary (as of the date of the
21 enactment of this section) for participation in
22 disaster programs under section 5(h) of the
23 Food and Nutrition Act of 2008 (7 U.S.C.
24 2014(h)).

1 SEC. 110203. SNAP RULES.

2 No funds (including fees) made available under this
3 Act or any other Act for any fiscal year may be used to
4 finalize, implement, administer, enforce, carry out, or oth-
5 erwise give effect to—

6 (1) the final rule entitled “Supplemental Nutri-
7 tion Assistance Program: Requirements for Able-
8 Bodied Adults Without Dependents” published in
9 the Federal Register on December 5, 2019 (84 Fed.
10 Reg. 66782);

11 (2) the proposed rule entitled “Revision of Cat-
12 egorical Eligibility in the Supplemental Nutrition
13 Assistance Program (SNAP)” published in the Fed-
14 eral Register on July 24, 2019 (84 Fed. Reg.
15 35570); or

16 (3) the proposed rule entitled “Supplemental
17 Nutrition Assistance Program: Standardization of
18 State Heating and Cooling Standard Utility Allow-
19 ances” published in the Federal Register on October
20 3, 2019 (84 Fed. Reg. 52809).

21 SEC. 110204. SNAP HOT FOOD PURCHASES.

22 During the period beginning 10 days after the date
23 of the enactment of this Act and ending on the termi-
24 nation date of the public health emergency declaration
25 made by the Secretary of Health and Human Services
26 under section 319 of the Public Health Service Act based

1 on an outbreak of coronavirus disease 2019 (COVID–19),
2 the term “food”, as defined in section 3 of the Food and
3 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
4 to exclude “hot foods or hot food products ready for imme-
5 diate consumption other than those authorized pursuant
6 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
7 section,” for purposes of such Act, except that such exclu-
8 sion is limited to retail food stores authorized to accept
9 and redeem supplemental nutrition assistance program
10 benefits as of the date of enactment of this Act.

11 SEC. 110205. FOOD DISTRIBUTION PROGRAM ON INDIAN
12 RESERVATIONS.

13 Any funds provided in the Third Coronavirus Pre-
14 paredness and Response Supplemental Appropriations
15 Act, 2020 for the Food Distribution Program on Indian
16 Reservations, as authorized by section 4(b) of the Food
17 and Nutrition Act of 2008 (7 U.S.C. 2013(b)), are not
18 subject to the payment of the non-Federal share require-
19 ment described in section 4(b)(4)(A) of the Food and Nu-
20 trition Act of 2008 (7 U.S.C. 2013(b)(4)(A)).

21 DIVISION L—ACCESS ACT

22 SEC. 120001. SHORT TITLE.

23 This division may be cited as the “American
24 Coronavirus/COVID–19 Election Safety and Security
25 Act” or the “ACCESS Act”.

1 SEC. 120002. REQUIREMENTS FOR FEDERAL ELECTION
2 CONTINGENCY PLANS IN RESPONSE TO NAT-
3 URAL DISASTERS AND EMERGENCIES.
4 (a) IN GENERAL.—

1 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
2 POLL WORKERS.—The contingency plan established
3 under subsection (a) shall include initiatives by the chief
4 State election official and local election officials to recruit
5 poll workers from resilient or unaffected populations,
6 which may include—

7 (1) employees of other State and local govern-
8 ment offices; and

9 (2) in the case in which an infectious disease
10 poses significant increased health risks to elderly in-
11 dividuals, students of secondary schools and institu-
12 tions of higher education in the State.

13 (d) STATE.—For purposes of this section, the term
14 “State” includes the District of Columbia, the Common-
15 wealth of Puerto Rico, Guam, American Samoa, the
16 United States Virgin Islands, and the Commonwealth of
17 the Northern Mariana Islands.

18 (e) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL.—The Attorney Gen-
20 eral may bring a civil action against any State or ju-
21 risdiction in an appropriate United States District
22 Court for such declaratory and injunctive relief (in-
23 cluding a temporary restraining order, a permanent
24 or temporary injunction, or other order) as may be

1 necessary to carry out the requirements of this sec-
2 tion.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—In the case of a viola-
5 tion of this section, any person who is aggrieved
6 by such violation may provide written notice of
7 the violation to the chief election official of the
8 State involved.

9 (B) RELIEF.—If the violation is not cor-
10 rected within 20 days after receipt of a notice
11 under subparagraph (A), or within 5 days after
12 receipt of the notice if the violation occurred
13 within 120 days before the date of an election
14 for Federal office, the aggrieved person may, in
15 a civil action, obtain declaratory or injunctive
16 relief with respect to the violation.

17 (C) SPECIAL RULE.—If the violation oc-
18 curred within 5 days before the date of an elec-
19 tion for Federal office, the aggrieved person

1 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

2 Each polling place which allows voting during an early vot-

3 ing period under subsection (a) shall—

4 “(1) allow such voting for no less than 10 hours

5 on each day;

6 “(2) have uniform hours each day for which

7 such voting occurs; and

8 “(3) allow such voting to be held for some pe-

9 riod of time prior to 9:00 a.m (local time) and some

1 “(d) STANDARDS.—

 “(1) IN GENERAL

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.

3 "SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY
4 MAIL.

5 "(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
6 TO ALL VOTERS.—

7 "(1) IN GENERAL.—If an individual in a State
8 is eligible to cast a vote in an election for Federal
9 office, the State may not impose any additional con-
10 ditions or requirements on the eligibility of the indi-
11 vidual to cast the vote in such election by absentee
12 ballot by mail, including—

13 "(A) requiring any form of identification
14 as a condition of obtaining the absentee ballot;
15 or

16 "(B) requiring notarization or witness sig-
17 nature or other formal authentication (other
18 than voter attestation) as a condition of the ac-
19 ceptance of the ballot by an election official.

20 "(2) PERMITTING CERTAIN REQUIREMENTS.—
21 Notwithstanding paragraph (1)—

22 "(A) a State shall require an individual to
23 meet signature verification in accordance with
24 subsection (b); and

1 tion as to the validity of such ballot, shall make
2 a good faith effort to immediately notify such
3 individual by mail, telephone, and (if available)
4 electronic mail that—

5 “(i) a discrepancy exists between the
6 signature on such ballot and the signature
7 of such individual on the official list of reg-
8 istered voters in the State;

9 “(ii) such individual may provide the
10 official with information to cure such dis-
11 crepancy, either in person, by telephone, or
12 by electronic methods; and

13 “(iii) if such discrepancy is not cured
14 prior to the expiration of the 7-day period
15 which begins on the date of the election,
16 such ballot will not be counted.

17 “(B) OPPORTUNITY TO PROVIDE MISSING
18 SIGNATURE.—If an individual submits an ab-
19 sentee ballot without a signature, the State
20 shall notify the individual and give the indi-
21 vidual an opportunity to provide the missing
22 signature on a form proscribed by the State.

23 “(C) OTHER REQUIREMENTS.—An election
24 official may not make a determination that a
25 discrepancy exists between the signature on an

1

absentee ballot and the signature of the indi-

1 may complete the application and return it to
2 the official.

3 “(2) ENSURING DELIVERY PRIOR TO ELEC-
4 TION.—If an individual requests to vote by absentee
5 ballot in an election for Federal office, the appro-
6 priate State or local election official shall ensure
7 that the ballot and relating voting materials are re-
8 ceived by the individual prior to the date of the elec-
9 tion so long as the individual’s request is received by
10 the official not later than 5 days (excluding Satur-
11 days, Sundays, and legal public holidays) before the
12 date of the election, except that nothing in this para-
13 graph shall preclude a State or local jurisdiction
14 from allowing for the acceptance and processing of
15 ballot requests submitted or received after such re-
16 quired period.

17 “(3) SPECIAL RULES IN CASE OF EMERGENCY
18 PERIODS.—

19 “(A) AUTOMATIC MAILING OF ABSENTEE
20 BALLOTS TO ALL VOTERS.—If the area in which
21 an election is held is in an area in which an
22 emergency or disaster which is described in sub-
23 paragraph (A) or (B) of section 1135(g)(1) of
24 the Social Security Act (42 U.S.C. 1320b-

1 5(g)(1)) is declared during the period described
2 in subparagraph (C)—

3 “(i) paragraphs (1) and (2) shall not
4 apply with respect to the election; and

5 “(ii) not later than 2 weeks before the
6 date of the election, the appropriate State
7 or local election official shall transmit ab-
8 sentee ballots and balloting materials for
9 the election to all individuals who are reg-
10 istered to vote in such election.

11 “(B) AFFIRMATION.—If an individual re-
12 ceives an absentee ballot from a State or local
13 election official pursuant to subparagraph (A)
14 and returns the voted ballot to the official, the
15 ballot shall not be counted in the election unless
16 the individual includes with the ballot a signed
17 affirmation that—

18 “(i) the individual has not and will
19 not cast another ballot with respect to the
20 election; and

21 “(ii) acknowledges that a material
22 misstatement of fact in completing the bal-
23 lot may constitute grounds for conviction
24 of perjury.

1 “(C) PERIOD DESCRIBED.—The period de-
2 scribed in this subparagraph with respect to an
3 election is the period which begins 120 days be-
4 fore the date of the election and ends 30 days
5 before the date of the election.

6 “(D) APPLICATION TO NOVEMBER 2020
7 GENERAL ELECTION.—Because of the public
8 health emergency declared pursuant to section
9 319 of the Public Health Service Act (42
10 U.S.C. 247d) resulting from the COVID-19
11 pandemic, the special rules set forth in this
12 paragraph shall apply with respect to the regu-
13 larly scheduled general election for Federal of-
14 fice held in November 2020 in each State.

15 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
16 ABILITIES.—The State shall ensure that all absentee bal-
17 lots and related voting materials in elections for Federal
18 office are accessible to individuals with disabilities in a

1 for the administration of an election for Federal of-
2 fice shall prepay the postage on any ballot in the
3 election which is cast by mail.

4 “(2) USE OF SELF-SEALING ENVELOPE.—The
5 State or unit of local government shall provide with
6 any absentee ballot transmitted to a voter by mail
7 a self-sealing return envelope.

8 “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF
9 MAILED BALLOTS.—If a ballot submitted by an individual
10 by mail with respect to an election for Federal office in
11 a State is postmarked on or before the date of the election,
12 the State may not refuse to accept or process the ballot
13 on the grounds that the individual did not meet a deadline
14 for returning the ballot to the appropriate State or local
15 election official.

16 “(g) METHODS OF RETURNING BALLOTS.—

17 “(1) IN GENERAL.—The State shall permit an
18 individual to whom a ballot in an election was pro-
19 vided under this section to cast the ballot by deliv-
20 ering the ballot at such times and to such locations
21 as the State may establish, including—

22 “(A) permitting the individual to deliver
23 the ballot to a polling place on the date of the
24 election; and

1 tion at least 14 days prior to the date of the election
2 involved.

3 “(2) LIMITATION.—Nothing in this subsection
4 shall be construed to permit a State to tabulate bal-
5 lots in an election before the closing of the polls on
6 the date of the election.

7 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authority of States
9 to conduct elections for Federal office through the use of
10 polling places at which individuals cast ballots.

11 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
12 SENT MILITARY AND OVERSEAS VOTERS; TREATMENT OF
13 BLANK ABSENTEE BALLOTS TRANSMITTED TO CERTAIN
14 VOTERS.—Nothing in this section may be construed to af-
15 fect the treatment of any ballot submitted by an individual
16 who is entitled to vote by absentee ballot under the Uni-
17 formed and Overseas Citizens Absentee Voting Act (52
18 U.S.C. 20301 et seq.), and any blank absentee ballot
19 transmitted to an individual by mail or electronically in
20 accordance with section 102(f) of such Act shall be treated
21 in the same manner as any other absentee ballot for pur-
22 poses of this section.

“(k) EFFECTIVE D

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.

3 "SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.

4 "(a) REQUIREMENT.—Each State shall carry out a
5 program to track and confirm the receipt of absentee bal-
6 lots in an election for Federal office under which the State
7 or local election official responsible for the receipt of voted
8 absentee ballots in the election carries out procedures to
9 track and confirm the receipt of such ballots, and makes
10 information on the receipt of such ballots available to the
11 individual who cast the ballot, by means of online access
12 using the Internet site of the official's office.

13 "(b) INFORMATION ON WHETHER VOTE WAS
14 COUNTED.—The information referred to under subsection
15 (a) with respect to the receipt of an absentee ballot shall
16 include information regarding whether the vote cast on the
17 ballot was counted, and, in the case of a vote which was
18 not counted, the reasons therefor.

19 "(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
20 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
21 lished by a State or local election official whose office does
22 not have an Internet site may meet the requirements of
23 subsection (a) if the official has established a toll-free tele-
24 phone number that may be used by an individual who cast
25 an absentee ballot to obtain the information on the receipt

1 of the voted absentee ballot as provided under such sub-
2 section.

3 “(d) EFFECTIVE DATE.—This section shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2020 and each succeeding
6 election for Federal office.

7 “SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.

 “(a) S

- 1 issuance, handling, and counting of provisional bal-
- 2 lots.

“(2) E

1 occurred within 120 days before the date of an election
2 for Federal office, the aggrieved person may, in a civil ac-
3 tion, obtain declaratory or injunctive relief with respect
4 to the violation.

5 “(c) SPECIAL RULE.—If the violation occurred within
6 5 days before the date of an election for Federal office,
7 the aggrieved person need not provide notice to the chief

1 individuals in the same manner and under the same
2 terms and conditions under which the State trans-
3 mits such ballots to absent uniformed services voters
4 and overseas voters under section 102(f).

5 “(2) REQUIREMENTS.—Any blank absentee bal-
6 lot transmitted to a qualified individual under this
7 section—

8 “(A) must comply with the language re-
9 quirements under section 203 of the Voting
10 Rights Act of 1965 (52 U.S.C. 10503); and

11 “(B) must comply with the disability re-
12 quirements under section 508 of the Rehabilita-
tion Act of 1973 (29 U.S.C. 794d).

1 may constitute grounds for conviction of per-
2 jury.

3 “(4) CLARIFICATION REGARDING FREE POST-
4 AGE.—An absentee ballot obtained by a qualified in-
5 dividual under this section shall be considered bal-
6 loting materials as defined in section 107 for pur-
 poses of section 3406 of titlction.A6e9,3406 1 (ar-)]TJ ET BT 14 0 0 1

1 fied to vote in an election for Federal office and who
2 meets any of the following requirements:

3 “(A) The individual—

4 “(i) has requested an absentee ballot
5 from the State or jurisdiction in which
6 such individual is registered to vote; and

7 “(ii) has not received such absentee
8 ballot at least 2 days before the date of the
9 election.

10 “(B) The individual—

11 “(i) resides in an area of a State with
12 respect to which an emergency or public
13 health emergency has been declared by the
14 chief executive of the State or of the area
15 involved within 5 days of the date of the
16 election under the laws of the State due to
17 reasons including a natural disaster, in-
18 cluding severe weather, or an infectious
19 disease; and

20 “(ii) has not requested an absentee
21 ballot.

22 “(C) The individual expects to be absent
 from such individual’s jurisdiction on the date

1 service in response to a natural disaster or
2 emergency as described in subparagraph (B).

3 “(D) The individual is hospitalized or ex-
4 pects to be hospitalized on the date of the elec-
5 tion.

6 “(E) The individual is an individual with a
7 disability (as defined in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C.
9 12102)) and resides in a State which does not
10 offer voters the ability to use secure and acces-
11 sible remote ballot marking. For purposes of
12 this subparagraph, a State shall permit an indi-
13 vidual to self-certify that the individual is an in-
14 dividual with a disability.

15 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
16 ICES AND OVERSEAS VOTERS.—The term ‘qualified
17 individual’ shall not include an absent uniformed
18 services voter or an overseas voter.

19 “(c) STATE.—For purposes of this section, the term
20 ‘State’ includes the District of Columbia, the Common-
21 wealth of Puerto Rico, Guam, American Samoa, the
22 United States Virgin Islands, and the Commonwealth of
23 the Northern Mariana Islands.

24 “(d) EFFECTIVE DATE.—This section shall apply
25 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.”.

3 (b) CONFORMING AMENDMENT.—Section 102(a) of
4 such Act (52 U.S.C. 20302(a)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (10);

7 (2) by striking the period at the end of para-
8 graph (11) and inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(12) meet the requirements of section 103C
12 with respect to the provision of blank absentee bal-
13 lots for the use of qualified individuals described in
14 such section.”.

15 (c) CLERICAL AMENDMENTS.—The table of contents
16 of such Act is amended by inserting the following after
17 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

18 SEC. 120006. VOTER REGISTRATION.

19 (a) REQUIRING AVAILABILITY OF INTERNET FOR
20 VOTER REGISTRATION.—

21 (1) REQUIRING AVAILABILITY OF INTERNET
FOR REGISTRATION

1 amended by inserting after section 6 the following
2 new section:

3 "SEC. 6A. INTERNET REGISTRATION.

4 "(a) REQUIRING AVAILABILITY OF INTERNET FOR
5 ONLINE REGISTRATION.—

6 "(1) AVAILABILITY OF ONLINE REGISTRATION
7 AND CORRECTION OF EXISTING REGISTRATION IN-
8 FORMATION.—Each State, acting through the chief
9 State election official, shall ensure that the following
10 services are available to the public at any time on
11 the official public websites of the appropriate State
12 and local election officials in the State, in the same
13 manner and subject to the same terms and condi-
14 tions as the services provided by voter registration
15 agencies under section 7(a):

16 "(A) Online application for voter registra-
17 tion.

18 "(B) Online assistance to applicants in ap-
19 plying to register to vote.

20 "(C) Online completion and submission by
21 applicants of the mail voter registration applica-
22 tion form prescribed by the Election Assistance
23 Commission pursuant to section 9(a)(2), includ-
24 ing assistance with providing a signature as re-
25 quired under subsection (c).

1 “(D) Online receipt of completed voter reg-
2 istration applications.

3 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

4 A State shall accept an online voter registration applica-
5 tion provided by an individual under this section, and en-
6 sure that the individual is registered to vote in the State,
7 if—

8 “(1) the individual meets the same voter reg-
9 istration requirements applicable to individuals who
10 register to vote by mail in accordance with section
11 6(a)(1) using the mail voter registration application
12 form prescribed by the Election Assistance Commis-
13 sion pursuant to section 9(a)(2); and

14 “(2) the individual meets the requirements of
15 subsection (c) to provide a signature in electronic
16 form (but only in the case of applications submitted
17 during or after the second year in which this section
18 is in effect in the State).

19 “(c) SIGNATURE REQUIREMENTS.—

20 “(1) IN GENERAL.—For purposes of this sec-
21 tion, an individual meets the requirements of this
22 subsection as follows:

23 “(A) In the case of an individual who has
24 a signature on file with a State agency, includ-
25 ing the State motor vehicle authority, that is

1 required to provide voter registration services
2 under this Act or any other law, the individual
3 consents to the transfer of that electronic signa-
4 ture.

5 “(B) If subparagraph (A) does not apply,
6 the individual submits with the application an
7 electronic copy of the individual’s handwritten
8 signature through electronic means.

9 “(C) If subparagraph (A) and subpara-
10 graph (B) do not apply, the individual executes
11 a computerized mark in the signature field on
12 an online voter registration application, in ac-
13 cordance with reasonable security measures es-
14 tablished by the State, but only if the State ac-
15 cepts such mark from the individual.

16 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
17 MEET REQUIREMENT.—If an individual is unable to
18 meet the requirements of paragraph (1), the State
19 shall—

20 “(A) permit the individual to complete all
21 other elements of the online voter registration
22 application;

23 “(B) permit the individual to provide a sig-
24 nature at the time the individual requests a bal-
25 lot in an election (whether the individual re-

1 cial shall send the individual a notice of the disposi-
2 tion of the application.

3 “(3) METHOD OF NOTIFICATION.—The appro-
4 priate State or local election official shall send the
5 notices required under this subsection by regular
6 mail, and, in the case of an individual who has pro-
7 vided the official with an electronic mail address, by
8 both electronic mail and regular mail.

9 “(e) PROVISION OF SERVICES IN NONPARTISAN
10 MANNER.—The services made available under subsection

1 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
2 USING ONLINE REGISTRATION.—

3 (A) TREATMENT AS INDIVIDUALS REG-
4 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
5 FIRST-TIME VOTER IDENTIFICATION REQUIRE-
6 MENTS.—Section 303(b)(1)(A) of the Help
7 America Vote Act of 2002 (52 U.S.C.
8 21083(b)(1)(A)) is amended by striking “by
9 mail” and inserting “by mail or online under
10 section 6A of the National Voter Registration
11 Act of 1993”.

12 (B) REQUIRING SIGNATURE FOR FIRST-
13 TIME VOTERS IN JURISDICTION.—Section
14 303(b) of such Act (52 U.S.C. 21083(b)) is
15 amended—

16 (i) by redesignating paragraph (5) as
17 paragraph (6); and

18 (ii) by inserting after paragraph (4)
19 the following new paragraph:

20 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
21 TIME VOTERS USING ONLINE REGISTRATION.—

22 “(A) IN GENERAL.—A State shall, in a

1 “(i) the individual registered to vote
2 in the State online under section 6A of the
3 National Voter Registration Act of 1993;
4 and
5 “(ii) the individual has not previously
6 voted in an election for Federal office in

1 “(ii) provided the right to vote other-
2 wise than in person under section
3 3(b)(2)(B)(ii) of the Voting Accessibility
4 for the Elderly and Handicapped Act (52
5 U.S.C. 20102(b)(2)(B)(ii)); or

6 “(iii) entitled to vote otherwise than
7 in person under any other Federal law.”.

8 (C) CONFORMING AMENDMENT RELATING
9 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
10 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
11 ed by striking “Each State” and inserting “Ex-
12 cept as provided in subsection (b)(5), each
13 State”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) TIMING OF REGISTRATION.—Section
16 8(a)(1) of the National Voter Registration Act
17 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

18 (i) by striking “and” at the end of
19 subparagraph (C);

20 (ii) by redesignating subparagraph
21 (D) as subparagraph (E); and

22 (iii) by inserting after subparagraph
23 (C) the following new subparagraph:

24 “(D) in the case of online registration
25 through the official public website of an election

1 official under section 6A, if the valid voter reg-
2 istration application is submitted online not
3 later than the lesser of 28 days, or the period
4 provided by State law, before the date of the
5 election (as determined by treating the date on
6 which the application is sent electronically as
7 the date on which it is submitted); and”.

8 (B) INFORMING APPLICANTS OF ELIGI-
9 BILITY REQUIREMENTS AND PENALTIES.—Sec-
10 tion 8(a)(5) of such Act (52 U.S.C.
11 20507(a)(5)) is amended by striking “and 7”
12 and inserting “6A, and 7”.

13 (b) SAME DAY REGISTRATION.—

14 (1) IN GENERAL.—Subtitle C of title III of the
15 Help America Vote Act of 2002, as added by section
16 3(a), is amended—

17 (A) by redesignating sections 325 and 326
18 as sections 326 and 327; and

19 (B) by inserting after section 324 the fol-
20 lowing new section:

“SEC. 325. SAME DAY REGISTRATION.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act, as amended by section 3, is
3 amended—

4 (A) by redesignating the items relating to
5 sections 325 and 326 as relating to sections
6 326 and 327; and

7 (B) by inserting after the item relating to
8 section 324 the following new item:

 “Sec. 325. Same day registration.”.

9 (C) PROHIBITING STATE FROM REQUIRING APPLI-
10 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-
11 CIAL SECURITY NUMBER.—

12 (1) FORM INCLUDED WITH APPLICATION FOR
13 MOTOR VEHICLE DRIVER’S LICENSE.—Section
14 5(c)(2)(B)(ii) of the National Voter Registration Act
15 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended
16 by striking the semicolon at the end and inserting
17 the following: “, and to the extent that the applica-
18 tion requires the applicant to provide a Social Secu-
19 rity number, may not require the applicant to pro-
20 vide more than the last 4 digits of such number;”.

21 (2) NATIONAL MAIL VOTER REGISTRATION
22 FORM.—Section 9(b)(1) of such Act (52 U.S.C.
23 20508(b)(1)) is amended by striking the semicolon
24 at the end and inserting the following: “, and to the
25 extent that the form requires the applicant to pro-

1 vide a Social Security number, the form may not re-
2 quire the applicant to provide more than the last 4
3 digits of such number;”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to the
6 regularly scheduled general election for Federal of-
7 fice held in November 2020 and each succeeding
8 election for Federal office.

9 SEC. 120007. ACCOMMODATIONS FOR VOTERS RESIDING IN
10 INDIAN LANDS.

11 (a) ACCOMMODATIONS DESCRIBED.—

12 (1) DESIGNATION OF BALLOT PICKUP AND COL-
13 LECTION LOCATIONS.—Given the widespread lack of
14 residential mail delivery in Indian Country, an In-
15 dian Tribe may designate buildings as ballot pickup
16 and collection locations with respect to an election
17 for Federal office at no cost to the Indian Tribe. An
18 Indian Tribe may designate one building per pre-
19 cinct located within Indian lands. The applicable
20 State or political subdivision shall collect ballots
21 from those locations. The applicable State or polit-

(2) P

1 9428.4(a)(2) of title 11, Code of Federal Regula-
2 tions.

(4) L

1 (B) INDIAN LANDS.—The term “Indian
2 lands” includes—

3 (i) any Indian country of an Indian
4 Tribe, as defined under section 1151 of
5 title 18, United States Code;

6 (ii) any land in Alaska owned, pursu-
7 ant to the Alaska Native Claims Settle-
8 ment Act (43 U.S.C. 1601 et seq.), by an
9 Indian Tribe that is a Native village (as
10 defined in section 3 of that Act (43 U.S.C.
11 1602)) or by a Village Corporation that is
12 associated with an Indian Tribe (as de-
13 fined in section 3 of that Act (43 U.S.C.
14 1602));

15 (iii) any land on which the seat of the
16 Tribal Government is located; and

17 (iv) any land that is part or all of a
18 Tribal designated statistical area associ-
19 ated with an Indian Tribe, or is part or all
20 of an Alaska Native village statistical area
21 associated with an Indian Tribe, as defined
22 by the Census Bureau for the purposes of
23 the most recent decennial census.

24 (C) INDIAN TRIBE.—The term “Indian
25 Tribe” has the meaning given the term “Indian

1 tribe'' in section 4 of the Indian Self-Deter-
2 mination and Education Assistance Act (25
3 U.S.C. 5304).

4 (D) TRIBAL GOVERNMENT.—The term
5 ''Tribal Government'' means the recognized
6 governing body of an Indian Tribe.

7 (7) ENFORCEMENT.—

8 (A) ATTORNEY GENERAL.—The Attorney
9 General may bring a civil action in an appro-
10 priate district court for such declaratory or in-
11 junctive relief as is necessary to carry out this
12 subsection.

13 (B) PRIVATE RIGHT OF ACTION.—

14 (i) A person or Tribal Government
15 who is aggrieved by a violation of this sub-
16 section may provide written notice of the
17 violation to the chief election official of the
18 State involved.

19 (ii) An aggrieved person or Tribal
20 Government may bring a civil action in an
21 appropriate district court for declaratory
22 or injunctive relief with respect to a viola-
23 tion of this subsection, if—

1 (I) that person or Tribal Govern-
2 ment provides the notice described in
3 clause (i); and

4 (II)(aa) in the case of a violation
5 that occurs more than 120 days be-
6 fore the date of an election for Fed-
7 eral office, the violation remains and
8 90 days or more have passed since the
9 date on which the chief election offi-
10 cial of the State receives the notice
11 under clause (i); or

12 (bb) in the case of a violation
13 that occurs 120 days or less before
14 the date of an election for Federal of-
15 fice, the violation remains and 20
16 days or more have passed since the
17 date on which the chief election offi-
18 cial of the State receives the notice
19 under clause (i).

20 (iii) In the case of a violation of this
21 section that occurs 30 days or less before
22 the date of an election for Federal office,
23 an aggrieved person or Tribal Government
24 may bring a civil action in an appropriate
25 district court for declaratory or injunctive

1 relief with respect to the violation without
2 providing notice to the chief election offi-
3 cial of the State under clause (i).

4 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
5 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
6 is amended—

7 (1) in subsection (b)(3)(C), by striking “1990”
8 and inserting “2010”; and

9 (2) by striking subsection (c) and inserting the
10 following:

11 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
12 GUAGE OF A MINORITY GROUP.—

13 “(1) IN GENERAL.—Whenever any State or po-
14 litical subdivision subject to the prohibition of sub-
15 section (b) of this section provides any registration
16 or voting notices, forms, instructions, assistance, or
17 other materials or information relating to the elec-
18 toral process, including ballots, it shall provide them
19 in the language of the applicable minority group as
20 well as in the English language.

21 “(2) EXCEPTIONS.—

22 “(A) IN GENERAL.—

23 “(i) In the case of a minority group
24 that is not American Indian or Alaska Na-
25 tive and the language of that minority

1 group is oral or unwritten, the State or po-
2 litical subdivision shall only be required to
3 furnish, in the covered language, oral in-
4 structions, assistance, translation of voting
5 materials, or other information relating to
6 registration and voting.

7 “(ii) In the case of a minority group
8 that is American Indian or Alaska Native,
the State or political subdivision shall only

1 to the language of a minority group are complete,
2 accurate, and uniform.”.

3 (c) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section shall apply with respect to the
5 regularly scheduled general election for Federal office held

1 ments which require States to pre-pay the postage
2 on absentee ballots and balloting materials.

3 “(2) PUBLIC EDUCATION CAMPAIGNS.—For
4 purposes of this part, the costs incurred by a State
5 in carrying out a campaign to educate the public
6 about the requirements of the American
7 Coronavirus/COVID–19 Election Safety and Secu-
8 rity Act and the amendments made by such Act
9 shall be included as the costs of complying with such
10 Act and such amendments.

11 “(b) PRIMARY ELECTIONS.—

12 “(1) PAYMENTS TO STATES.—In addition to
13 any payments under subsection (a), the Commission
14 shall make a payment to each eligible State to assist
15 the State with the costs incurred in voluntarily elect-
16 ing to comply with the American Coronavirus/
17 COVID–19 Election Safety and Security Act and
18 the amendments made by such Act with respect to
19 primary elections for Federal office held in the State
20 in 2020.

21 “(2) STATE POLITICAL PARTY-RUN PRI-
 MARIES

1 ments made by such Act with respect to primary
2 elections for Federal office held in the State in
3 2020, the Commission shall make a payment to each

1 “(d) SCHEDULE OF PAYMENTS.—As soon as prac-
2 ticable after the date of the enactment of this part and
3 not less frequently than once each calendar year there-
4 after, the Commission shall make payments under this
5 part.

6 “(e) COVERAGE OF COMMONWEALTH OF NORTHERN
MARIANA ISLANDS

1 Commission shall make a payment to the State in an
2 amount equal to the estimate provided by the State in the
3 request.

4 “(c) APPLICABLE DEADLINE.—The applicable dead-
5 line under this paragraph with respect to an election is—

6 “(1) with respect to the regularly scheduled
7 general election for Federal office held in November
8 2020, 15 days after the date of the enactment of
9 this part; and

10 “(2) with respect to any other election, 15 days
11 after the emergency or disaster described in section
12 322(c)(3) is declared.

13 “SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.

14 “There are authorized to be appropriated for pay-
15 ments under this part—

16 “(1) in the case of payments made under sec-
17 tion 297C, such sums as may be necessary for fiscal
18 year 2020 and each succeeding fiscal year; and

19 “(2) in the case of any other payments, such
20 sums as may be necessary for fiscal year 2020.

21 “SEC. 297E. REPORTS.

22 “(a) REPORTS BY RECIPIENTS.—Not later than 6
23 months after the end of each fiscal year for which an eligi-
24 ble State received a payment under this part, the State

1 shall submit a report to the Commission on the activities
2 conducted with the funds provided during the year.

3 “(b) REPORTS BY COMMISSION TO COMMITTEES.—
4 With respect to each fiscal year for which the Commission
5 makes payments under this part, the Commission shall
6 submit a report on the activities carried out under this
7 part to the Committee on House Administration of the
8 House of Representatives and the Committee on Rules
9 and Administration of the Senate.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended by adding at the end of the items
12 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH
ACCESS ACT

1 ducting a risk-limiting audit shall include the following
2 elements:

3 “(1) Rules for ensuring the security of ballots
4 and documenting that prescribed procedures were
5 followed.

6 “(2) Rules and procedures for ensuring the ac-
7 curacy of ballot manifests produced by election agen-
8 cies.

9 “(3) Rules and procedures for governing the
10 format of ballot manifests, cast vote records, and
11 other data involved in the audit.

12 “(4) Methods to ensure that any cast vote

1 group, and the number of ballots in each
2 such group.

3 “(2) The term ‘incorrect outcome’ means an
4 outcome that differs from the outcome that would be
5 determined by a full tabulation of all votes validly
6 cast in the election, determining voter intent manu-
7 ally, directly from voter-verifiable paper records.

8 “(3) The term ‘outcome’ means the winner of
9 an election, whether a candidate or a position.

10 “(4) The term ‘reported outcome’ means the
11 outcome of an election which is determined accord-
12 ing to the canvass and which will become the official,
13 certified outcome unless it is revised by an audit, re-
14 count, or other legal process.

15 “SEC. 298A. ELIGIBILITY OF STATES.

16 “A State is eligible to receive a grant under this part
17 if the State submits to the Commission, at such time and

1 chief State election official of the State has estab-
2 lished or will establish the rules and procedures for
3 conducting the audits which meet the requirements
4 of section 298(c);

5 “(3) a certification that the audit shall be com-
6 pleted not later than the date on which the State
7 certifies the results of the election;

8 “(4) a certification that, after completing the
9 audit, the State shall publish a report on the results
10 of the audit, together with such information as nec-
11 essary to confirm that the audit was conducted prop-
12 erly;

13 “(5) a certification that, if a risk-limiting audit
14 conducted under this part leads to a full manual
15 tally of an election, State law requires that the State
16 or election agency shall use the results of the full
17 manual tally as the official results of the election;
18 and

19 “(6) such other information and assurances as
20 the Commission may require.

21 “SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

22 “There are authorized to be appropriated for grants
23 under this part \$20,000,000 for fiscal year 2020, to re-
24 main available until expended.”.

1 SEC. 120010. ADDITIONAL APPROPRIATIONS FOR THE
2 ELECTION ASSISTANCE COMMISSION.

1 in paragraph (2)(A) with experience managing over-
2 sight of large organizations and expenditures and
3 shall be selected by the Chair of the Council of the
4 Inspectors General on Integrity and Efficiency.

5 (2) MEMBERS.—The members of the Com-
6 mittee shall include—

7 (A) the Inspectors General of the Depart-
8 ments of Commerce, Defense, Education,
9 Health and Human Services, Homeland Secu-
10 rity, Labor, Transportation, Treasury, Treasury
11 Inspector General for Tax Administration, Vet-
12 erans Affairs, and the Small Business Adminis-
13 tration; and

14 (B) any other Inspector General as des-
15 ignated by the Chair of the Council of the In-
16 spectors General on Integrity and Efficiency.

17 (c) FUNCTIONS OF THE COMMITTEE.—

18 (1) FUNCTIONS.—

19 (A) IN GENERAL.—The Committee shall
20 coordinate and assist Inspectors General in the
21 oversight of covered funds and the response of
22 the Executive Branch to the Coronavirus Pan-
23 demic in order to prevent fraud, waste, and
24 abuse.

1 (B) SPECIFIC FUNCTIONS.—The functions
2 of the Committee shall include—

3 (i) developing a strategic plan to en-

1 covered funds or that are otherwise related
2 to Coronavirus by assessing whether—

3 (I) the contracts, grants, and
4 other assistance meet applicable
5 standards;

6 (II) the contracts, grants, and
7 other assistance adequately specify the
8 purpose of the contract, grant, or
9 other assistance, as well as applicable
10 measures of performance; and

11 (III) there are sufficient qualified
12 acquisition and grant personnel over-
13 seeing the use of covered funds; and

14 (v) reviewing whether there are appro-
15 priate mechanisms for interagency collabo-
16 ration relating to covered funds, including
17 coordinating and collaborating to the ex-
18 tent practicable with State and local gov-
19 ernment entities.

20 (2) REPORTS.—

21 (A) REPORTS.—The Committee shall sub-
22 mit to the President and Congress, including
23 the appropriate congressional committees, time-
24 ly alerts on current or potential management
25 and funding problems that require immediate

1 attention. The Committee also shall submit to
2 Congress such other reports as the Committee
3 considers appropriate on the use and benefits of
4 covered funds and the response of the Executive
5 Branch to the Coronavirus.

6 (B) BIENNIAL REPORTS.—The Committee
7 shall submit reports every six months to the
8 President and the appropriate congressional
9 committees, summarizing the findings of the
10 Committee and Inspectors General of agencies.
11 The Committee may submit additional reports
12 as appropriate.

13 (C) PUBLIC AVAILABILITY.—

14 (i) IN GENERAL.—All reports sub-
15 mitted under this paragraph shall be made
16 publicly available and posted on the
17 website established by subsection (e).

18 (ii) REDACTIONS.—Any portion of a
19 report submitted under this paragraph
20 may be redacted when made publicly avail-
21 able, if that portion would disclose infor-
22 mation that is not subject to disclosure
23 under sections 552 and 552a of title 5,
24 United States Code.

25 (3) RECOMMENDATIONS.—

1 (A) IN GENERAL.—The Committee, in co-
2 ordination with the member Inspectors General,
3 shall make recommendations to agencies and to
4 Congress, including the appropriate committees,
5 on measures to prevent fraud, waste, and abuse
6 relating to covered funds.

7 (B) RESPONSIVE REPORTS.—Not later
8 than 30 days after receipt of a recommendation
9 under subparagraph (A), an agency shall sub-
10 mit a report to the President, the congressional
11 committees of jurisdiction, and the appropriate

1 Committee shall request that an Inspector General
2 or more than one Inspector General, designated by
3 the Chair, conduct the appropriate audit or review.

4 (2) AUDITS AND INVESTIGATIONS.—The Com-
5 mittee may—

6 (A) provide all necessary support to an In-
7 specter General or Inspectors General in the

1 appropriate United States district court as pro-
2 vided for Inspector General subpoenas under
3 section 6 of the Inspector General Act of 1978
4 (5 U.S.C. App.).

5 (B) STANDARDS AND GUIDELINES.—The
6 Committee shall carry out the powers under
7 paragraphs (1) and (2) in accordance with sec-
8 tion 4(b)(1) of the Inspector General Act of
9 1978 (5 U.S.C. App.).

10 (C) REPORT OF REFUSALS.—Whenever in-
11 formation or assistance requested by the Com-
12 mittee or an Inspector General, is unreasonably
13 refused or not provided, the Committee shall
14 immediately report the circumstances to the ap-
15 propriate committees.

16 (D) INFORMATION AND ASSISTANCE.—
17 Upon request of the Committee for information
18 or assistance from any agency or other entity of
19 the Federal Government, or any recipient under
20 this Act, the head of such entity shall, insofar
21 as is practicable and not in contravention of
22 any existing law, and consistent with section 6
23 of the Inspector General Act of 1978, as
24 amended, furnish such information or assist-
25 ance to the Committee.

1 (4) CONTRACTS.—The Council may enter into
2 contracts to enable the Committee to discharge its
3 duties under this Act, including contracts for audits,
4 studies, analyses, and other services with public

1 Council'' shall be substituted for the term
2 ''head of a temporary organization''.

3 (iii) CONSULTATION.—In exercising
4 the authorities described under clause (i),
5 the Chairperson shall consult with mem-
6 bers of the Committee.

7 (iv) EMPLOYMENT AUTHORITIES.—In
8 exercising the employment authorities
9 under subsection (b) of section 3161 of
10 title 5, United States Code, paragraph (2)
11 of subsection (b) of section 3161 of that
12 title (relating to periods of appointments)
13 shall not apply and no period of appoint-
14 ment may exceed the date on which the
15 Committee terminates under subsection (i).

16 (v) DETAIL OF PERSONNEL.—In addi-
17 tion to the authority provided by sub-
18 section (c) of section 3161 of title 5,
19 United States Code, upon the request of
20 an Inspector General, the Council may de-
21 tail, on a nonreimbursable basis, any per-
22 sonnel of the Committee to that Inspector
23 General to assist in carrying out any audit
24 or investigation referred to the Inspector
25 General by the Committee.

1 (vi) REHIRING ANNUITANTS.—The
2 Committee may employ annuitants covered
3 by section 9902(g) of title 5, United States
4 Code, for purposes of the oversight of cov-
5 ered funds or the Coronavirus response.
6 The employment of annuitants under this
7 subparagraph shall be subject to the provi-
8 sions of section 9902(g) of title 5, United
9 States Code, as if the Committee was the
10 Department of Defense.

11 (vii) COMPETITIVE STATUS.—A per-
12 son employed by the Committee shall ac-
13 quire competitive status for appointment to
14 any position in the competitive service for
15 which the employee possesses the required
6 qualification 14 0RQE7T97.1re the colmpe.1re of

1 no later than 30 days after the enactment of this
2 Act, a public-facing website for accountability and
3 transparency in the use of covered funds.

4 (2) PURPOSE.—The website established and
5 maintained under paragraph (1) shall provide infor-
6 mation relating to implementation of this Act and
7 provide connections to other government websites
8 with related information.

9 (3) CONTENT AND FUNCTION.—In establishing
10 the website established and maintained under para-
11 graph (1), the Committee shall ensure the website—

12 (A) provides materials explaining what this
13 Act means for citizens in plain language and
14 shall be regularly updated;

15 (B) provides accountability information, in-
16 cluding findings from audits, investigations, or
17 reviews conducted by the Committee, Inspectors
18 General, and the Government Accountability
19 Office;

20 (C) provides data made available in a
21 searchable, sortable, downloadable, and ma-
22 chine-readable format;

23 (D) provides—

24 (i) data on how funds provided under
25 this Act are spent including through rel-

1 evant economic, financial, grant, subgrant,
2 contract, subcontract, loan, and other rel-
3 evant information with a unique, trackable
4 identification number for each project
5 where applicable; and

6 (ii) information about the process that
7 was used for the award of loans, grants, or
8 contracts, and for contracts over \$150,000,
9 an explanation of the contract agreement
10 where applicable;

11 (E) includes searchable, sortable,
12 downloadable, machine-readable reports on cov-
13 ered funds obligated by month to each State
14 and congressional district where applicable;

15 (F) includes detailed information on Fed-
16 eral Government contracts, grants, and loans
17 that expend covered funds, using, where appli-
18 cable, the data elements required by the Digital
19 Access and Transparency Act (Public Law
20 113–101), and shall allow for aggregate report-
21 ing on awards below \$50,000 or to individuals,
22 as prescribed by the Director of the Office of
23 Management and Budget;

24 (G) includes appropriate links to other gov-
25 ernment websites with information concerning

1 covered funds, including Federal agency and
2 State websites;

3 (H) provides information on Federal allo-
4 cations of formula grants and awards of com-
5 petitive grants using covered funds;

6 (I) provides, if applicable, information on
7 Federal allocations of mandatory and other en-
8 titlement programs by State, county, or other

1 determine whether to conduct an audit or investiga-
2 tion of covered funds.

3 (2) REQUESTS BY COMMITTEE.—If the Com-
4 mittee requests that an Inspector General conduct or
5 refrain from conducting an audit or investigation
6 and such Inspector General rejects such request in
7 whole or in part, such Inspector General shall, not
8 later than 30 days after rejecting the request, sub-
9 mit a report to the appropriate congressional com-
10 mittees. The report shall state the reasons that such
11 Inspector General has rejected the request in whole
12 or in part.

13 (g) COORDINATION WITH THE COMPTROLLER GEN-
14 ERAL AND STATE AUDITORS.—The Committee shall co-
15 ordinate its oversight activities with the Comptroller Gen-
16 eral of the United States and State and local auditors.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purposes of carrying out the mission of the Council of the
19 Inspectors General on Integrity and Efficiency under sec-
20 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
21 App.) and to carry out this section, there are authorized
22 to be appropriated into the revolving fund described in
23 subsection (c)(3)(B) of such section, out of any amount
24 in the Treasury not otherwise appropriated, \$60,000,000
25 to carry out the duties and functions of the Council.

1 mittees'' means the Committees on Appropriations
2 and Homeland Security of the Senate and Commit-
3 tees on Appropriations and Oversight and Reform in
4 the House of Representatives.

5 SEC. 130002. GAO OVERSIGHT AND AUDIT AUTHORITY.

6 (a) AUTHORITY.—The Comptroller General shall con-
7 duct monitoring and oversight of the exercise of authori-
8 ties under this Act or any other Act to prepare for, re-
9 spond to, and recover from the Coronavirus pandemic and
10 the effect of the pandemic on the health, economy, and
11 public and private institutions of the United States, in-
12 cluding public health and homeland security efforts by the
13 Federal Government and the use of selected funds under
14 this or any other Act related to the Coronavirus pandemic.

15 (b) BRIEFINGS AND REPORTS.—In conducting moni-
16 toring and oversight under subsection (a), the Comptroller
17 General shall—

18 (1) during the period beginning on the date of
19 enactment of this Act and ending on the date on
20 which the national emergency declared by the Presi-
21 dent under the National Emergencies Act (50
22 U.S.C. 1601 et seq.) with respect to the Coronavirus
23 Disease 2019 expires, offer regular briefings on not
24 less frequently than a monthly basis to the appro-

1 appropriate congressional committees regarding Federal
2 public health and homeland security efforts;

3 (2) publish reports regarding the ongoing moni-
4 toring and oversight efforts, which, along with any
5 audits and investigations conducted by the Comp-
6 troller General, shall be submitted to the appropriate
7 congressional committees and posted on the website
8 of the Government Accountability Office—

9 (A) not later than 90 days after the date
10 of enactment of this Act, every other month
11 thereafter until the date that is 1 year after the
12 date of enactment of this Act; and

13 (B) after the period described in subpara-
14 graph (A), on a periodic basis; and

15 (3) submit to the appropriate congressional
16 committees additional reports as warranted by the
17 findings of the monitoring and oversight activities of
18 the Comptroller General.

19 (c) ACCESS TO INFORMATION.—

20 (1) RIGHT OF ACCESS.—In conducting moni-
21 toring and oversight activities under this section, the
22 Comptroller General shall have access to records,
 upon request, J Ef, A

1 type related to Coronavirus under this Act or any

1 (d) RELATIONSHIP TO EXISTING AUTHORITY.—
2 Nothing in this section shall be construed to limit, amend,
3 supersede, or restrict in any manner any existing author-
4 ity of the Comptroller General.

5 (e) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Appropriations of
10 the Senate;

11 (B) the Committee on Homeland Security
12 and Governmental Affairs of the Senate;

13 (C) the Committee on Health, Education,
14 Labor, and Pensions of the Senate;

15 (D) the Committee on Appropriations of
16 the House of Representatives;

17 (E) the Committee on Homeland Security
18 of the House of Representatives;

19 (F) the Committee on Oversight and Re-
20 form of the House of Representatives; and

21 (G) the Committee on Energy and Com-
22 merce of the House of Representatives.

23 (2) COMPTROLLER GENERAL.—The term
24 “Comptroller General” means the Comptroller Gen-
25 eral of the United States.

1 DIVISION N—U.S. POSTAL
2 SERVICE PROVISIONS

3 SEC. 140001. ELIMINATION OF USPS DEBT; ADDITIONAL
4 BORROWING AUTHORITY.

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law—

7 (1) any outstanding debt of the United States
8 Postal Service owed to the Treasury pursuant to sec-
9 tions 2005 and 2011 of title 5, United States Code,
10 on the date of the enactment of this Act is hereby
11 cancelled; and

12 (2) after the date of the enactment of this Act,
13 the United States Postal Service is authorized to
14 borrow money from the Treasury in an amount not
15 to exceed \$15,000,000,000 to carry out the duties
16 and responsibilities of the Postal Service, including
17 those under title 39, United States Code, and the
18 Secretary of the Treasury shall lend up to such
19 amount at the request of the Postal Service.

20 (b) REPEAL OF FISCAL YEAR BORROWING LIMIT.—
21 Section 2005(a)(1) of title 39, United States Code, is
22 amended by striking “In any one fiscal year,” and all that
23 follows through the period.

1 SEC. 140002. PRIORITIZATION OF DELIVERY FOR MEDICAL

2 PURPOSES DURING COVID-19 EMERGENCY.

3 Notwithstanding any other provision of law, the
United States Postal Service—

1 DIVISION O—FEDERAL
2 WORKFORCE PROVISIONS

3 SEC. 150001. REIMBURSEMENT FOR CHILD AND FAMILY
4 CARE FOR FEDERAL EMPLOYEES DURING
5 COVID-19 PANDEMIC.

6 (a) IN GENERAL.—During the period beginning on
7 the date of enactment of this Act and ending on December
8 31, 2020, any employee who is unable to care for a de-
9 pendent child of the employee or a relative of the employee
10 who has COVID-19 as a result of the employee being re-
11 quired to report to their duty station (either permanent
12 or temporary) or to telework shall be entitled to reim-
13 bursement for the costs of such care.

14 (b) APPLICATION.—

15 (1) IN GENERAL.—Any payment provided by
16 operation of subsection (a) shall be paid on a month-
17 ly basis, with payments being made to the employee
18 on the last day of each month.

19 (2) SUBMISSION OF RECEIPTS.—For purposes
20 of determining reimbursement amounts, each em-
21 ployee shall submit to their employing office receipts
22 or other documents as the office may require.

23 (3) LIMIT.—Reimbursement may not be paid to
24 any employee under this section for any month in an
25 amount greater than \$2,000 per child or relative.

1 (c) DEFINITIONS.—In this section—

2 (1) the term “employee” means any individual
3 occupying a position in the civil service (as that term
4 is defined in section 2101(1) of title 5, United
5 States Code); and

6 (2) the terms “dependent child” and “relative”
7 have the meaning given those terms in paragraphs
8 (2) and (16), respectively, of section 109 of the Eth-
9 ics in Government Act of 1978 (5 U.S.C. App.
10 109(2)).

11 SEC. 150002. FEDERAL CONTRACTOR REIMBURSEMENT.

12 Not later than 10 calendar days after the date of the
13 enactment of this Act, the Director of the Office of Man-
14 agement and Budget, in consultation with the Adminis-
15 trator of the Office of Federal Procurement Policy, shall
16 issue guidance to the head of each executive agency to pro-
17 vide equitable adjustment for any contractor under a con-
18 tract with the Federal Government whose work was dis-
19 rupted as a result of measures taken with respect to
20 COVID–19. For purposes of this section, work disruption
21 shall include denial of access to Federal facilities, supply
22 chain disruptions, use of annual leave by individuals em-
23 ployed to fulfill the contract, and furloughs of individuals
24 employed to fulfill the contract.

1 SEC. 150003. WEATHER AND SAFETY LEAVE FOR COVID-19.

(a) 1

1 SEC. 150004. COVID-19 TELEWORKING REQUIREMENTS FOR
2 FEDERAL EMPLOYEES.

3 (a) MANDATED TELEWORK.—

4 (1) IN GENERAL.—Effective immediately upon
5 the date of enactment of this Act, the head of any
6 Federal agency shall require any employee of such
7 agency who is authorized to telework under chapter

1 ecutive agency shall provide written notification, including
2 a justification for the reduction in telework participation
3 and a description of how the agency will pay for any in-
4 creased costs resulting from that reduction, to—

5 “(1) the Director of the Office of Personnel
6 Management;

7 “(2) the Committee on Oversight and Reform
8 of the House of Representatives; and

9 “(3) the Committee on Homeland Security and
10 Governmental Affairs of the Senate.

11 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
12 TELEWORKING.—An agency may not prohibit any delin-
13 eated period of teleworking participation for all employees
14 of the agency, including the periods described in subpara-
15 graphs (A) through (D) of subsection (b)(6). The agency
16 shall make any teleworking determination with respect to
17 an employee or group of employees at the agency on a
18 case-by-case basis.”.

19 (2) In section 6506(b)(2)—

20 (A) in subparagraph (F)(vi), by striking
21 “and” at the end;

22 (B) in subparagraph (G), by striking the
23 period at the end and inserting a semicolon;
24 and

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

1 “(H) agency cost savings achieved through
2 teleworking, consistent with the guidance devel-
3 oped under section 2(c) of the Telework Metrics
4 and Cost Savings Act; and
5 “(I) a detailed explanation of a plan to in-

1 SEC. 150005. PAY DIFFERENTIAL FOR DUTY RELATED TO
2 COVID-19.

3 (a) IN GENERAL.—Section 5545 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(e)(1) The Office shall establish a schedule or sched-
7 ules of pay differentials for duty during which an employee
8 is exposed to an individual who has (or who has been ex-
9 posed to) COVID-19.

1 SEC. 150006. WORKERS' COMPENSATION FOR CERTAIN FED-

2 ERAL EMPLOYEES WHO CONTRACT COVID-19.

(a) 1

1 “(6) Any employee carrying out duties that re-
2 quire substantial contact with the public.

3 “(7) Any employee whose duties include a rec-
4 ognized risk of exposure to the coronavirus (as that
5 term is defined in section 506 of the Coronavirus
6 Preparedness and Response Supplemental Appro-
7 priations Act, 2020).”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 for such chapter is amended—

10 (1) by redesignating the item relating to section
11 8152 as section 8153; and

12 (2) by inserting after the item relating to sec-
13 tion 8151 the following:

 “8152. Workers’ compensation for certain Federal employees who contract
 COVID-19.”.

14 DIVISION P—FEDERAL EM-
15 EMPLOYEE COLLECTIVE BAR-
16 GAINING AND OFFICIAL TIME

17 SEC. 160001. SHORT TITLE.

18 This division may be cited as the “Protecting Collec-
19 tive Bargaining and Official Time for Federal Workers
20 Act”.

21 SEC. 160002. FINDINGS.

22 Congress finds the following:

23 (1) Federal Unions play a critical role in pro-
24 tecting the rights of Federal workers by allowing

1 members to have a collective voice on the job and in
2 the legislative process, advance issues for working
3 families, ensure equal opportunities for all workers,
4 and raise the standards by which all professional
5 and technical workers are employed.

6 (2) Collective bargaining is essential to the
7 union process, because it provides mutual agreement
8 between all parties that fosters harmonious relation-
9 ships between the Federal Government and its em-
10 ployees and protects the interest of both parties.

11 (3) The current administration has acted
12 through Executive Orders and official memorandums
13 to dismantle Federal Unions and undermine their
14 collective bargaining rights across the Federal work-
15 force and these directives have already negatively
16 impacted labor contracts, both signed and under ac-
tive negotiation.

1 (5) Section 7101(a) of title 5, United States
2 Code, states, "Congress finds that labor organiza-
3 tions and collective bargaining in the civil service are
4 in the public interest.". Attempting to eliminate the
5 Union by eliminating almost all its official time re-
6 pudiates the statutory position that unions are in
7 the public interest.

8 (6) Through these orders, agencies are required
9 to comply with artificial bargaining schedules, which
10 undermine good faith negotiations and divert the de-
11 cision-making to an impasse panel, which has no
12 union representation on it and does not represent
13 both parties.

14 (7) Collectively, the administration's actions
15 have violated Congressional intent, undermined the
16 ability of unions to engage in collective bargaining,
17 and threatened the rights and benefits of millions of
18 Federal workers.

19 SEC. 160003. NULLIFICATION OF EXECUTIVE ORDERS RE-
20 LATING TO FEDERAL EMPLOYEE COLLEC-
21 TIVE BARGAINING.

22 Each of the following Executive Orders and presi-
23 dential memorandum are rescinded and shall have no force
24 or effect:

1 (1) Executive Order 13837 (relating to the use
2 of official time).

3 (2) Executive Order 13836 (relating to Federal
4 collective bargaining).

5 (3) Executive Order 13839 (relating to the
6 Merit Systems Protection Board).

7 (4) The Presidential Memorandum on the Dele-
8 gation of Certain Authority under the Federal Serv-
9 ice Labor-Management Relations Statute, issued to
10 the Secretary of Defense on January 29, 2020.

11 DIVISION Q—VETERAN
12 CORONAVIRUS RESPONSE
13 ACT OF 2020

14 SEC. 170001. SHORT TITLE.

15 This division may be cited as the “Student Veteran
16 Coronavirus Response Act of 2020”.

17 SEC. 170002. PAYMENT OF WORK-STUDY ALLOWANCES DUR-
18 ING EMERGENCY SITUATIONS.

19 Section 3485 of title 38, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(f)(1) In case of an individual who is in receipt of
23 work-study allowance pursuant to an agreement described
24 in subsection (a)(3) as of the date on which an emergency
25 situation occurs and who is unable to continue to perform

1 qualifying work-study activities described in subsection
2 (a)(4) by reason of the emergency situation—

3 “(A) the Secretary may continue to pay work-
4 study allowance under this section or make deduc-
5 tions described in subsection (e)(1) during the pe-
6 riod of such emergency situation, notwithstanding
7 the inability of the individual to perform such work-
8 study activities by reason of such emergency situa-
9 tion; and

10 “(B) at the option of the individual, the Sec-
11 retary shall extend the agreement described in sub-
12 section (a)(3) with the individual for any subsequent
13 period of enrollment initiated during the emergency
14 situation, notwithstanding the inability of the indi-
15 vidual to perform work-study activities described in
16 subsection (a)(4) by reason of such emergency situa-
17 tion.

18 “(2) The amount of work-study allowance payable to
19 an individual under paragraph (1)(A) during the period
20 of an emergency situation shall be an amount determined
21 by the Secretary but may not exceed the amount that
22 would be payable under subsection (a)(2) if the individual
23 worked 25 hours per week paid during such period.”.

1 termination of a course or program of education
2 by reason of an emergency situation; and''.

3 SEC. 170005. EXTENSION OF TIME LIMITATIONS FOR USE
4 OF ENTITLEMENT.

5 (a) MONTGOMERY GI BILL.—Section 3031 of title
6 38, United States Code, is amended by adding at the end
7 the following new subsection:

8 ''(i) In the case of an individual eligible for edu-
9 cational assistance under this chapter who is prevented
10 from pursuing the individual's chosen program of edu-
11 cation before the expiration of the 10-year period for the
use of entitlement under this chapter otherwise aptaptered 11 of becaaf

1 (1) IN GENERAL.—Section 3321(b)(1) of such
2 title is amended—

1 26 years because the educational institution
2 closed (temporarily or permanently) under an
3 established policy based on an Executive order
4 of the President or due to an emergency situa-
5 tion, the Secretary shall extend the period dur-
6 ing which the individual may use such entitle-
7 ment for a period equal to the number of
8 months that the individual was so prevented
9 from pursuing the program of education, as de-
10 termined by the Secretary.”.

11 (c) VOCATIONAL REHABILITATION AND TRAINING.—

12 (1) PERIOD FOR USE.—Section 3103 of such
13 title is amended—

14 (A) in subsection (a), by striking “or (e)”
15 and inserting “(e), or (g)”; and

16 (B) by adding at the end the following new
17 subsection:

18 “(g) In any case in which the Secretary determines
19 that a veteran has been prevented from participating in
20 a vocational rehabilitation program under this chapter
21 within the twelve-year period of eligibility prescribed in
22 subsection (a) by reason of an Executive order of the
23 President or due to an emergency situation, such twelve-
24 year period—

1 “(1) shall not run during the period the indi-
2 vidual is so prevented from participating such pro-
3 gram; and

4 “(2) shall again begin running on the first day
5 after the individual is able to resume participation in
6 such program.”.

7 (2) DURATION OF PROGRAM.—Section 3105(b)
8 of such title is amended—

9 (A) in paragraph (1), by striking “para-
10 graph (2)” and inserting “paragraphs (2) and
11 (3)”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(3)(A) In any case in which the Secretary deter-
15 mines that a veteran has been prevented from partici-
16 pating in counseling and placement and postplacement

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1 “(B) In any case in which the Secretary determines
2 that a veteran has been prevented from participating in
3 a vocational rehabilitation program under this chapter by
4 reason of an Executive order of the President or due to
5 an emergency situation, the Secretary shall extend the pe-

1 SEC. 170006. RESTORATION OF ENTITLEMENT TO REHA-
2 BILITATION PROGRAMS FOR VETERANS AF-
3 FECTED BY SCHOOL CLOSURE OR DIS-
4 APPROVAL.

5 (a) ENTITLEMENT.—Section 3699 of title 38, United
6 States Code, is amended by striking “chapter 30,” each
7 time it appears and inserting “chapter 30, 31,”.

8 (b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Sec-
9 tion 3680(a)(2)(B) of title 38, United States Code, is
10 amended—

11 (1) by inserting “or a subsistence allowance de-
12 scribed in section 3108” before “, during”; and

13 (2) by inserting “or allowance” after “such a
14 stipend”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply as if included in the enactment
17 of section 109 of the Harry W. Colmery Veterans Edu-
18 cational Assistance Act of 2017 (Public Law 115–48; 131
19 Stat. 978).

20 SEC. 170007. EXTENSION OF PAYMENT OF VOCATIONAL RE-
21 HABILITATION SUBSISTENCE ALLOWANCES.

22 In the case of any veteran who the Secretary of Vet-
23 erans Affairs determines is satisfactorily following a pro-
24 gram of employment services provided under section
25 3104(a)(5) of title 38, United States Code, during period
26 beginning on March 1, 2020, and ending on December 21,

1 2020, the Secretary may pay the veteran a subsistence al-
2 lowance, as prescribed in section 3108 of such title for
3 full-time training for the type of program that the veteran
4 was pursuing, for two additional months.''.

5 SEC. 170008. INCREASE OF AMOUNT OF DEPARTMENT OF
6 VETERANS AFFAIRS PAYMENTS FOR AID AND
7 ATTENDANCE DURING EMERGENCY PERIOD
8 RESULTING FROM COVID-19 PANDEMIC.

9 (a) IN GENERAL.—During the covered period, the
10 Secretary of Veterans Affairs shall apply each of the fol-
11 lowing provisions of title 38, United States Code, by sub-
12 stituting for the dollar amount in such provision the
13 amount equal to 125 percent of the dollar amount that
14 was in effect under such provision on the date of the en-
15 actment of this Act:

16 (1) Subsections (l), (m), and (r) of section
17 1114.

18 (2) Paragraphs (1) and (2) of subsection (d) of
19 section 1521.

20 (3) Paragraphs (2) and (4) of subsection (f) of
21 section 1521.

22 (b) COVERED PERIOD.—In this section, the covered
23 period is the period that begins on the date of the enact-
24 ment of this Act and ends 60 days after the last day of
25 the emergency period (as defined in section 1135(g)(1) of

1 the Social Security Act (42 U.S.C. 1320b-5(g)(1))) result-
2 ing from the COVID-19 pandemic.

3 SEC. 170009. TREATMENT OF WORK INJURY COMPENSA-
4 TION CLAIMS FILED BY EMPLOYEES OF THE

1 SEC. 170010. DEFERRAL OF CERTAIN DEBTS ARISING FROM
2 LAWS ADMINISTERED BY THE SECRETARY OF
3 VETERANS AFFAIRS.

4 (a) IN GENERAL.—With regard to a covered debt, the
5 Secretary of Veterans Affairs, during the covered period,
6 may not take any of the following actions:

7 (1) Collect a payment (including by the offset
8 of any payment by the Secretary).

9 (2) Record such a debt.

10 (3) Issue notice of such a debt to an individual
11 or a consumer reporting agency.

12 (4) Allow any interest to accrue.

13 (5) Apply any administrative fee.

14 (b) EXCEPTION.—Notwithstanding subsection (a),
15 the Secretary may collect a payment regarding a covered
16 debt (including interest or any administrative fee) from
17 an individual who elects to make such a payment during
18 the covered period.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “consumer reporting agency” has
21 the meaning given that term in section 5701 of title
22 38, United States Code.

23 (2) The term “covered debt” means a debt
24 owed—

25 (A) by an individual to the United States;

26 and

1 (B) arising from a covered law.

2 (3) The term “covered law” means any law ad-
3 ministered by the Secretary of Veterans Affairs
4 through—

5 (A) the Under Secretary for Health; or

6 (B) the Under Secretary of Benefits.

7 (4) The term “covered period” means—

8 (A) the COVID–19 emergency period; and

9 (B) the 60 days immediately following the
10 date of the end of the COVID–19 emergency
11 period.

12 (5) The term “COVID–19 emergency period”
13 means the emergency period described in section
14 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
15 1320b-5(g)(1)(B)).

16 DIVISION R—AVIATION WORKER 17 RELIEF

18 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

19 (a) SHORT TITLE.—This division may be cited as the
20 “Aviation Worker Relief Act of 2020”.

21 (b) TABLE OF CONTENTS.—The table of contents for
22 this division is as follows:

DIVISION R—AVIATION WORKER RELIEF

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AVIATION WORKER RELIEF

Sec. 101. Pandemic relief for aviation workers.

- Sec. 102. Procedures for financial assistance.
- Sec. 103. Terms and conditions.
- Sec. 104. Reports.
- Sec. 105. Coordination.

TITLE II—LABOR PROTECTIONS

- Sec. 201. Assistance irrespective of labor costs.
- Sec. 202. Collective bargaining and snap-back.
- Sec. 203. Protection of organizing activity.
- Sec. 204. Working and travel conditions.
- Sec. 205. Labor union representation on air carrier boards.
- Sec. 206. Furloughed worker protections.
- Sec. 207. Healthcare for unprotected workers.
- Sec. 208. Employee wages and leave.
- Sec. 209. Limitation on rejection of collective bargaining agreements.
- Sec. 210. Increased wage priority.
- Sec. 211. Rejection of collective bargaining agreements.

TITLE III—AIRLINE INDUSTRY FINANCIAL OVERSIGHT

- Sec. 301. Creation of Office of Airline Industry Financial Oversight.
- Sec. 302. Responsibilities of Office of Airline Industry Financial Oversight.
- Sec. 303. Access to information.
- Sec. 304. Reports to Congress.
- Sec. 305. Rulemaking authority.
- Sec. 306. Authorization of appropriations.

TITLE IV—AIRPORT RELIEF

- Sec. 401. Emergency pandemic funding for airports.
- Sec. 402. Maintaining pre-crisis airport improvement program levels.
- Sec. 403. National aviation preparedness plan.

TITLE V—SMALL COMMUNITY AIR SERVICE

- Sec. 501. Continuation of certain air service.
- Sec. 502. Tolling of EAS limitations.
- Sec. 503. Sunset.

TITLE VI—CONSUMER PROTECTIONS

- Sec. 601. Airline price gouging during disaster or emergency.
- Sec. 602. Airline refunds during national disasters or emergencies.
- Sec. 603. Conditions on airline ancillary fees.

TITLE VII—ENVIRONMENTAL PROTECTIONS

- Sec. 701. Sustainable aviation fuel development program.
- Sec. 702. Airline Assistance to Recycle and Save Program.
- Sec. 703. Expansion of voluntary airport low emission program.
- Sec. 704. Airline carbon emissions offsets and goals.
- Sec. 705. Research and development of sustainable aviation fuels.
- Sec. 706. Improving consumer information regarding release of greenhouse gases from flights.

Sec. 801. Separability.

Sec. 802. Application of law.

1 SEC. 2. DEFINITIONS.

2 Unless otherwise specified, the terms in section
3 40102(a) of title 49, United States Code, shall apply to
4 this division, except that—

5 (1) the term “contractor” means a person that
6 performs airport ground support or catering func-
7 tions under contract with a passenger air carrier;
8 and

(2) the term “employee” means an individual,

1 (B) contractors of air carriers, in an ag-
2 gregate amount equal to \$3,000,000,000.

3 (2) Subject to section 102(c), issue unsecured
4 loans and loan guarantees to air carriers in amounts
5 that do not, in the aggregate, exceed
6 \$21,000,000,000.

7 (b) ASSURANCES.—To be eligible for assistance
8 under this section, an air carrier shall enter into an agree-
9 ment with the Secretary of Transportation, or otherwise
10 certify, as determined appropriate by the President, that
11 such air carrier shall comply with any actions required
12 under this division.

13 (c) ADMINISTRATIVE EXPENSES.—Notwithstanding
14 any other provision of law, the Secretary may use
15 \$100,000,000 of the funds made available under section
16 101(a)(2) for costs and administrative expenses associated
17 with the provision of loans or guarantees authorized under
18 such section.

19 (d) SPECIFIED ENTITY DEFINED.—In this section,
20 the term “specified entity” means—

21 (1) an air carrier that is authorized to conduct
22 operations under part 121 of title 14, Code of Fed-
23 eral Regulations; or

1 (3) DISCRETIONARY GRANTS.—For any funds
2 made available under paragraph (1) of section
3 101(a) that remain available after the issuance of
4 grants pursuant to paragraph (2) of such section,
5 the President shall determine an appropriate method
6 for the timely distribution of the remaining funds in
7 an equitable manner to air carriers for the payment
8 of employee wages, salaries, and benefits.

9 (c) INTEREST RATES.—A loan issued under section
10 101(a)(2) shall provide for repayment with no interest for
11 a period of at least 1 year after the loan is issued. The
12 President may otherwise provide for repayment at an in-
13 terest rate commensurate with the level of risk associated
14 with the loan.

15 (d) PRIORITY OF GOVERNMENT CLAIM.—In any pro-
16 ceeding initiated by or against an air carrier under chapter

1 SEC. 103. TERMS AND CONDITIONS.

2 (a) SHARE REPURCHASES.—

3 (1) IN GENERAL.—Notwithstanding any other
4 provision of law, an air carrier receiving assistance
5 under section 101 may not purchase an equity inter-
6 est of such air carrier on a national securities ex-
7 change.

8 (2) NO FORCE OR EFFECT.—Section 240.10b-
9 18 of title 17, Code of Federal Regulations, shall
10 have no force or effect.

11 (3) RULE OF CONSTRUCTION.—Nothing in this
12 section may be construed to affect tender offers sub-
13 ject to section 240.13e-4 and sections 240.14e-1
14 through 240.14f-1 of title 17, Code of Federal Reg-
15 ulations.

16 (4) DEFINITIONS.—In this subsection:

17 (A) EXCHANGE.—The term “exchange”
18 has the meaning given the terms in section 3 of
19 the Securities Exchange Act of 1934 (15
20 U.S.C. 78c).

21 (B) NATIONAL SECURITIES EXCHANGE.—
22 The term “national securities exchange” means
23 an exchange registered under section 6 of the
24 Securities Exchange Act of 1934 (15 U.S.C.
25 78f).

1 (2) TOTAL COMPENSATION DEFINED.—In this

thorized representatives of the employees choose to make

1 ties owned or operated by such person are clean and sani-
2 tary.

3 SEC. 205. LABOR UNION REPRESENTATION ON AIR CAR-
RIER BOARDS.

1 employers maintaining the plan for purposes of
2 vesting, participation, and determining the em-
3 ployee's benefit accruals.

4 (C) An employee shall be entitled to make-
5 up missed employee contributions or elective de-
6 ferrals that could have been made to a qualified
7 defined contribution plan during the period of
8 furlough. Makeup contributions under this
9 paragraph may be made during the period be-
10 ginning on the date of recall and whose dura-
11 tion is three times the period of the furlough,
12 such payment period not to exceed 5 years.

13 (D) The employer reemploying or recalling
14 such employee shall contribute all employer con-
15 tributions that the employer would have made
16 on behalf of such employee to qualified defined
17 contribution plans, including plans commonly
18 known as 401(k) plans, if the employee had re-
19 mained continuously employed.

20 (E) If employer contributions to a plan are

1 such payment may exceed the amount the em-
2 ployee would have been permitted or required to
3 contribute had the employee remained continu-
4 ously employed by the employer throughout the
5 period of service. Any payment to the plan de-
6 scribed in this paragraph shall be made during
7 the period beginning on the date of recall and
8 whose duration is three times the period of the
9 person's furlough, such payment period not to
10 exceed 5 years.

1 (b) EFFECTIVE PERIOD.—Subsection (a) shall apply
2 to an air carrier receiving assistance under section 101
3 for the 5-year period beginning on the date on which such
4 assistance was awarded.

5 (c) DEFINITIONS.—

6 (1) AIRLINE CATERING EMPLOYEE.—The term
7 “airline catering employee” means an employee who
8 performs airline catering services.

9 (2) AIRLINE CATERING SERVICES.—The term
10 “airline catering services” means preparation, as-
11 sembly, or both, of food, beverages, provisions and
12 related supplies for delivery, and the delivery of such
13 items, directly to aircraft or to a location on or near
14 airport property for subsequent delivery to aircraft.

15 SEC. 208. EMPLOYEE WAGES AND LEAVE.

16 (a) WAGES.—Section 6 of the Fair Labor Standards
17 Act of 1938 (29 U.S.C. 206) is amended by adding at
18 the end the following:

19 “(h) EMPLOYEES IN INDUSTRIES SAVED WITH TAX-
20 PAYER DOLLARS.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, subject to the requirements of this
23 subsection, the wage rate in effect under subsection
24 (a)(1) with respect to an employee of an employer
25 described in paragraph (2), or any individual who

1 provides labor or services for remuneration for such
 2 employer, regardless of whether the individual is
 3 classified as an independent contractor or otherwise
 4 by such employer, shall be not less than \$15.00 per
 5 hour.

6 “(2) EMPLOYER.—An employer described in
 7 this paragraph is an employer who—

8 “(A) receives financial assistance under
 9 section 101 of the Aviation Worker Relief Act
 10 of 2021 or

11 “(B) who provides goods or services under
 12 a contract to an employer who receives financial
 13 assistance under such section.

14 “(3) TREATMENT OF NON-EMPLOYEES.—An in-
 15 dividual who provides labor or services for remunera-
 16 tion to an employer as described in paragraph (1)
 17 shall be treated as an employee for the purposes of
 18 sections 10 through 17 of this Act.

“(4) PERIOD OF APPLICATION

1 national emergency declared by the President under the
2 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
3 lated to the pandemic of the coronavirus COVID-19—

4 (1) satisfy all funding obligations under part 3
5 of title I of the Employee Retirement Income Secu-
6 rity Act of 1974 (29 U.S.C. 1081 et seq.) with re-
7 spect to each plan to which such part applies and to
8 which the air carrier is obligated to contribute for
9 plan years beginning or ending during the duration
10 of such emergency;

11 (2) provide employees with a guaranteed wage
12 for every workweek that provides each employee con-
13 tinued payments in the amount of 100 percent of
14 the employee's full wages and for the employee's
15 total expected hours per workweek in the event that
16 the employee is terminated, furloughed, experiences
17 a reduction in work hours, or otherwise suffers any
18 loss of such wages during such period; and

19 (3) provide paid medical or sick leave and paid
20 family leave to encourage employees who are diag-
21 nosed with or experiencing symptoms of COVID-19
22 or are under quarantine relating to the coronavirus
23 pandemic, or caring for a dependent or any indi-
24 vidual experiencing such symptoms or under such a
25 quarantine.

1 SEC. 209. LIMITATION ON REJECTION OF COLLECTIVE BAR-
2 GAINING AGREEMENTS.

3 (a) DEFINITIONS.—

4 (1) COVERED AIR CARRIER.—The term “cov-
5 ered air carrier” means an air carrier that receives
6 Federal financial assistance.

7 (2) COVERED PERIOD.—The term “covered pe-
8 riod”, with respect to a covered air carrier, means
9 the period—

10 (A) beginning on the date on which the
11 covered air carrier first receives Federal finan-
12 cial assistance; and

13 (B) ending on the date that is 10 years
14 after the date on which the covered air carrier
15 last receives Federal financial assistance.

16 (3) DEBTOR IN POSSESSION.—The term “debt-
17 or in possession” has the meaning given such term
18 in section 1101 of title 11, United States Code.

19 (4) FEDERAL FINANCIAL ASSISTANCE.—The
20 term “Federal financial assistance” means financial
21 assistance or a credit instrument received from the
22 Federal Government under this Act.

23 (5) TRUSTEE.—The term “trustee” means a
24 trustee appointed in a case commenced by, or com-
25 menced against, a covered air carrier under title 11,
26 United States Code.

1 (b) LIMITATION.—If a covered air carrier commences
2 a case or if an involuntary case is commenced against a
3 covered air carrier under title 11, United States Code,
4 during the covered period with respect to the covered air
5 carrier, the covered air carrier, the debtor in possession,
6 or the trustee may not seek a rejection of, or interim relief
7 from, a collective bargaining agreement under—

8 (1) section 1113 of title 11, United States
9 Code; or

10 (2) any other provision of law.

11 SEC. 210. INCREASED WAGE PRIORITY.

12 Section 507(a) of title 11, United States Code, is
13 amended—

14 (1) in paragraph (4)—

15 (A) by redesignating subparagraphs (A)
16 and (B) as clauses (i) and (ii), respectively;

17 (B) in the matter preceding clause (i), as
18 so redesignated, by inserting “(A)” before
19 “Fourth”;

20 (C) in subparagraph (A), as so designated,
21 in the matter preceding clause (i), as so redesi-
22 gnated—

23 (i) by striking “\$10,000” and insert-
24 ing “\$20,000”;

1 (ii) by striking “within 180 days”;

2 and

3 (iii) by striking “or the date of the
4 cessation of the debtor’s business, which-
5 ever occurs first,”; and

6 (D) by adding at the end the following:

7 “(B) Severance pay described in subpara-
8 graph(A)(i) shall be deemed earned in full upon
9 the layoff or termination of employment of the
10 individual to whom the severance is owed.”;

11 (2) in paragraph (5)—

12 (A) in subparagraph (A)—

13 (i) by striking “within 180 days”; and

14 (ii) by striking “or the date of the
15 cessation of the debtor’s business, which-
16 ever occurs first”; and

17 (B) by striking subparagraph (B) and in-
18 serting the following:

19 “(B) for each such plan, to the extent of
20 the number of employees covered by each such
21 plan, multiplied by \$20,000.”.

1 SEC. 211. REJECTION OF COLLECTIVE BARGAINING AGREE-
2 MENTS.

3 (a) IN GENERAL.—Section 1113 of title 11, United
4 States Code, is amended by striking subsections (a)

1 promptly provide an initial proposal for modifications to
2 the collective bargaining agreement. Thereafter, the trust-
3 ee shall confer in good faith with the labor organization,
4 at reasonable times and for a reasonable period in light
5 of the complexity of the case, in attempting to reach mutu-
6 ally acceptable modifications of the collective bargaining
7 agreement.

8 “(2) The initial proposal and subsequent pro-
9 posals by the trustee for modification of a collective
10 bargaining agreement shall be based upon a business
11 plan for the reorganization of the debtor, and shall
12 reflect the most complete and reliable information
13 available. The trustee shall provide to the labor or-
14 ganization all information that is relevant for nego-
15 tiations. The court may enter a protective order to
16 prevent the disclosure of information if disclosure
17 could compromise the position of the debtor with re-
18 spect to the competitors in the industry of the debt-
19 or, subject to the needs of the labor organization to

1 gaining and in recognition of the bargained-for ex-
2 pectations of the employees covered by the collective
3 bargaining agreement, modifications proposed by the
4 trustee—

5 “(A) shall be proposed only as part of a
6 program of workforce and nonworkforce cost
7 savings devised for the reorganization of the
8 debtor, including savings in management per-
9 sonnel costs;

10 “(B) shall be limited to modifications de-
11 signed to achieve a specified aggregate financial
12 contribution for the employees covered by the
13 collective bargaining agreement (taking into
14 consideration any labor cost savings negotiated
15 within the 12-month period before the filing of
16 the petition), and shall be not more than the

1 the cost savings sought from such employees or
2 the nature of the modifications.

3 “(d)(1) If, after a period of negotiations, the trustee
4 and the labor organization have not reached an agreement
5 over mutually satisfactory modifications, and further ne-
6 gotiations are not likely to produce mutually satisfactory
7 modifications, the trustee may file a motion seeking rejec-
8 tion of the collective bargaining agreement after notice
9 and a hearing. Absent agreement of the parties, no such
10 hearing shall be held before the expiration of the 21-day
11 period beginning on the date on which notice of the hear-
12 ing is provided to the labor organization representing the
13 employees covered by the collective bargaining agreement.
14 Only the debtor and the labor organization may appear
15 and be heard at such hearing. An application for rejection
16 shall seek rejection effective upon the entry of an order
17 granting the relief.

18 “(2) In consideration of Federal policy encour-
19 aging the practice and process of collective bar-
20 gaining and in recognition of the bargained-for ex-
21 pectations of the employees covered by the collective
22 bargaining agreement, the court may grant a motion
23 seeking rejection of a collective bargaining agree-
24 ment only if, based on clear and convincing evi-
25 dence—

1 “(A) the court finds that the trustee has
2 complied with the requirements of subsection
3 (c);

1 “(E) the court concludes that rejection of
2 the collective bargaining agreement and imme-

1 (5) impose such other requirements, including
2 through the issuance of regulations, as the director
3 determines necessary to ensure the continued oper-
4 ations of air carriers despite an event described in
5 paragraph (2).

6 SEC. 303. ACCESS TO INFORMATION.

7 (a) IN GENERAL.—In discharging the responsibilities
8 enumerated in section 302, the director or employees of
9 the office may inspect such financial records in an air car-
10 rier's possession as the director or employees of the office
11 deem appropriate.

12 (b) PROTECTION OF TRADE SECRETS.—The Director
13 and employees of the Office of Airline Industry Financial
14 Oversight shall protect, from public disclosure, any mate-
15 rial containing trade secrets in the Office's custody, in ac-

1 SEC. 305. RULEMAKING AUTHORITY.

2 The Secretary may issue such regulations as the Sec-
3 retary determines are necessary to implement the require-
4 ments of this title.

5 SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

1 (B) the requirement reduces aviation safe-
2 ty or security.

3 (3) SMALL AIRPORTS.—This subsection shall
4 not apply to nonhub airports or nonprimary airports
5 receiving funds under subsection (c).

6 (e) RELIEF TO AIRPORT CONCESSIONS.—An airport
7 sponsor must use at least 2 percent of any funds received
8 under subsection (a) to provide financial relief to airport
9 concessionaires experiencing economic hardship (in terms
10 of rent, minimum annual guarantees, lease obligations, or
11 other fees). With respect to funds under this subsection,
12 airport sponsors must show good faith efforts to provide
13 relief to small business concerns owned and controlled by
14 socially and economically disadvantaged businesses, as
15 such term is defined under section 47113 of title 49,
16 United States Code.

17 (f) COST SHARE.—The Federal share payable of the
18 costs for which a grant is made under this section or under
19 the Consolidated Appropriations Act, 2020 (Public Law
20 116–94) shall be 100 percent.

21 (g) QUALITY ASSURANCE.—The Secretary shall insti-
22 tute adequate policies, procedures and internal controls to
23 prevent waste, fraud, abuse and program mismanagement
24 for the distribution of funds under this section.

(h) AVAILABILITY.—Sums authorized to be appro-

1 port that reported at least 2500 passenger boardings
2 at such airport during fiscal year 2018.

3 SEC. 402. MAINTAINING PRE-CRISIS AIRPORT IMPROVE-
4 MENT PROGRAM LEVELS.

5 Section 47114(c)(1) of title 49, United States Code,
6 is amended by adding at the end the following:

7 "(J) SPECIAL RULE FOR FISCAL YEARS
8 2021 THROUGH 2023.—Notwithstanding sub-

(b) CONTENTS OF

1 transportation service and that essential air service to
2 small communities continues without interruption and in
3 a manner that maintains well-functioning health care sup-
4 ply chains, including medical device, medical supplies, and
5 pharmaceutical supply chains.

6 (b) ANTITRUST IMMUNITY.—The Secretary may
7 grant an exemption under section 41308 of title 49,
8 United States Code, to 2 air carriers for the limited pur-
9 pose of such cooperation as is necessary to ensure that
10 small communities continue to receive an adequate level
11 of air transportation service.

12 SEC. 502. TOLLING OF EAS LIMITATIONS.

13 The Secretary may not order the termination of es-
14 sential air service on the basis of the applicable place fail-
15 ing to meet the definition of an eligible place under sub-
16 paragraph (B) or (C) of section 41731(a)(1) of title 49,
17 United States Code, if such community was otherwise an
18 eligible place as defined under section 41731 of such title
19 on March 1, 2020.

20 SEC. 503. SUNSET.

21 The requirements of this title, and any order issued
22 by the Secretary under this title, shall sunset on the day
23 that is 6 months after the last effective date of a national
24 emergency declared by the President under the National

1 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
2 pandemic of the coronavirus COVID-19.

3 **TITLE VI—CONSUMER**
4 **PROTECTIONS**

5 SEC. 601. AIRLINE PRICE GOUGING DURING DISASTER OR
6 EMERGENCY.

1 an air carrier or foreign air carrier departing from,
2 or arriving at, an airport located in an area with re-
3 spect to which—

4 “(A) a major disaster or emergency de-
5 clared by the President under the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5121 et seq.) is in effect
8 and State or local authorities have ordered a
9 mandatory evacuation;

10 “(B) a public health emergency declared
11 pursuant to section 319 of the Public Health
12 Service Act (42 U.S.C. 247d) is in effect;

13 “(C) a national emergency declared by the
14 President under the National Emergencies Act
15 (50 U.S.C. 1601 et seq.) is in effect; or

16 “(D) a restriction on air travel is in effect,
17 including restrictions on non-essential air trans-
18 portation or nationwide bans imposed on air
19 transportation during a disaster, emergency, or
20 pandemic.

21 “(3) SAVINGS PROVISION.—Nothing in this sub-
22 section, or the amendment made by this subsection,
23 may be construed to limit or otherwise affect any re-
24 sponsibility of any ticket agent, air carrier, or for-
25 eign air carrier or other person offering to sell a

1 ticket for air transportation during a major disaster
2 or emergency.”.

3 SEC. 602. AIRLINE REFUNDS DURING NATIONAL DISASTERS
4 OR EMERGENCIES.

5 (a) IN GENERAL.—Not later than 30 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall require that any covered seller who sells a tick-
8 et for a passenger to take a covered flight, and either such
9 flight is cancelled by the air carrier or such ticket is can-
10 celed by the passenger, such covered seller shall promptly
11 offer the passenger a choice of—

12 (1) a full monetary refund for such ticket, in-
13 cluding any ancillary fees paid; and

14 (2) an alternative compensation method deter-
15 mined appropriate by the covered seller, including
16 credit, voucher, or other mechanism to compensate
17 a passenger.

18 (b) CREDIT OR VOUCHER.—An alternative compensa-
19 tion method provided pursuant to subsection (a)(2) may
20 not expire for at least 1 year date of the covered flight.

21 (c) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) COVERED FLIGHT.—The term “covered
24 flight” has the meaning given to such term in sec-
25 tion 41712(d) of title 49, United States Code.

1 (2) COVERED SELLER.—The term “covered
2 seller” means a ticket agent, air carrier, foreign air
3 carrier, or other person offering to sell a ticket for
4 air transportation.

5 SEC. 603. CONDITIONS ON AIRLINE ANCILLARY FEES.

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall require covered air carriers to report to the
9 Secretary of Transportation, not less than quarterly, all
10 ancillary revenues collected by the air carrier during the
11 quarter for which the report is provided.

12 (b) CONTENTS.—In implementing the requirement
13 under subsection (a), the Secretary shall require reporting
14 of ancillary revenues from, at a minimum, the following
15 optional fees or charges:

16 (1) Booking fees, including fees for telephone
17 reservations.

18 (2) Fees for priority check-in and security
19 screening.

20 (3) Fees for the transportation of carry-on, first
21 checked, second checked, excess, and oversized or
22 overweight baggage.

23 (4) Fees for transportation of in-flight medical
24 equipment.

1 (5) Fees for in-flight entertainment, beverages,
2 and food.

3 (6) Fees for internet access.

4 (7) Fees for seating assignments.

5 (8) Fees for reservation cancellation and
6 change.

7 (9) Charges for lost tickets.

8 (10) Revenue from the sale of travel insurance

9 (11) Fees for unaccompanied minor and pas-
10 senger assistance.

11 (12) Fees for pets.

12 (c) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) ANCILLARY REVENUES.—The term “ancil-
15 lary revenues” means charges paid by airline pas-
16 sengers that are not included in the standard ticket
17 fare.

18 (2) COVERED AIR CARRIER.—

19 (A) IN GENERAL.—The term “covered air
20 carrier” means an air carrier covered under
21 part 241 of title 14, Code of Federal Regula-
22 tions.

23 (B) EXCLUSION.—The term “covered air
24 carrier” excludes air carriers with annual reve-
25 nues of less than \$20,000,000.

1 TITLE VII—ENVIRONMENTAL
2 PROTECTIONS

3 SEC. 701. SUSTAINABLE AVIATION FUEL DEVELOPMENT
4 PROGRAM.

5 (a) IN GENERAL.—The Secretary of Transportation,
6 in consultation with the Department of Agriculture and
7 the Environmental Protection Agency, shall make com-
8 petitive grants to eligible entities to offset the cost of a
9 project to develop, transport, or store sustainable aviation
10 fuels that would reduce United States greenhouse gas
11 emissions.

12 (b) SELECTION.—In making grants under subsection
13 (a), the Secretary shall consider—

14 (1) the anticipated public benefits of the
15 project;

16 (2) the potential to increase the commercial ap-
17 plication of sustainable aviation fuels among the
18 United States commercial aviation and aerospace in-
19 dustry;

20 (3) the potential greenhouse gases emitted from
21 the project;

22 (4) the potential for new job creation; and

23 (5) the potential the project has in reducing
24 United States greenhouse gas emissions associated
25 with air travel.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$200,000,000 for each
3 of the fiscal years 2021 through 2026 to carry out this
4 section.

5 (d) REPORT.—Not later than October 1, 2026, the
6 Secretary shall submit to the Committee on Commerce,
7 Science, and Transportation, the Committee on Environ-
8 ment and Public Works, and the Committee on Agri-
9 culture, Nutrition, and Forestry of the Senate, and the
10 Committee on Transportation and Infrastructure, the

- 1 from air carriers in exchange for commitments from such
- 2 air carriers to purchase fuel-efficient aircraft.

(b) A

(d) U

1 (B) EXCLUSION.—The term “eligible for-
2 eign air carrier” does not include a foreign air
3 carrier that—

4 (i) is domiciled in a country that is a
5 state sponsor of terrorism; or

6 (ii) has a majority ownership interest
7 of individuals or entities domiciled in a
8 country that is a state sponsor of ter-
9 rorism.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (5) STATE SPONSOR OF TERRORISM.—The term
13 “state sponsor of terrorism” means a country the
14 government of which the Secretary of State deter-
15 mines has repeatedly provided support for inter-
16 national terrorism pursuant to—

17 (A) section 1754(c)(1)(A) of the Export
18 Control Reform Act of 2018 (50 U.S.C.
19 4318(c)(1)(A));

20 (B) section 620A of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2371);

22 (C) section 40 of the Arms Export Control
23 Act (22 U.S.C. 2780); or

24 (D) any other provision of law.

1 fully offset the annual carbon emissions of such air
2 carriers for domestic flights beginning in 2025.

3 (2) VERIFICATION.—In issuing regulations and
4 guidance to carry out to paragraph (1), the Admin-
5 istrator shall develop standards and practices to en-
6 sure the use of carbon offsets by air carriers are
7 real, additional, permanent, verifiable, and not dou-
8 ble counted and align with standards, recommended
9 practices, assessment tools, and guidance agreed to
10 by the United States pursuant to the European
11 Union Emissions Trading Scheme Prohibition Act of
12 2011 (Public Law 112–200) for addressing aircraft
13 emissions.

14 (3) AUDITING.—An air carrier covered under
15 this subsection shall take reasonable and continuous
16 measures to ensure any carbon offsets credited to, or
purchased by, such carrier continue to be accurate.

1 Protection Agency, shall require each air carrier re-
2 ceiving assistance under section 101 to—

3 (A) make and achieve a binding commit-
4 ment to reduce the greenhouse gas emissions
5 attributable to the domestic flights of such air
carrier in every calendar year, beginning with

1 (A) IN GENERAL.—Not later than 5 years
2 after the date of enactment of this Act, and not
3 less frequently than every 5 years thereafter,
4 the Administrator shall certify each air carrier
5 covered under this subsection that is taking
6 such actions as are necessary to meet the re-
7 quirements established pursuant to paragraph
8 (1).

9 (B) REMEDIATION.—With respect to any
10 air carrier covered under this subsection that
11 the Administrator does not certify under sub-
12 paragraph (A), the Administrator, in consulta-
13 tion with such air carrier, shall, not later than
14 180 days after the last date on which a certifi-
15 cation could have been made under such sub-
16 paragraph, develop a plan to ensure such air
17 carrier meets the requirements established pur-
18 suant to paragraph (1).

19 (3) PUBLIC INFORMATION.—The Secretary
20 shall make publicly available the reports described in
21 paragraph (1).

22 (4) LIMITATION.—Nothing in this subsection
23 shall affect or alter the authorities and responsibil-
24 ities to address greenhouse gases under any other
25 provision of law.

1 (c) INTERNATIONAL COMPETITIVENESS.—In issuing
2 regulations to carry out to subsection (b) and (c), the Ad-
3 ministrator shall create a mechanism that ensures foreign

1 (2) made available on the first display of any
2 website selling any ticket for such flight, following a
3 search of a requested itinerary in a format that is
4 easily visible to the purchaser.

5 (b) PUBLIC REPORTING.—The Secretary shall pub-
6 lish monthly data and information that anonymously ag-
7 gregates and analyzes the information provided to indi-
8 vidual passengers under to subsection (a). Such informa-
9 tion and data shall—

10 (1) be accessible to the public on the internet;

11 and

12 (2) identify and quantify the greenhouse gas
13 emissions and relative climate change impact of each
14 passenger air carrier that receives assistance under
15 section 101.

16 SEC. 707. STUDY ON CERTAIN CLIMATE CHANGE MITIGA-
17 TION EFFORTS.

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall seek to enter into an agreement with the Na-
21 tional Academies of Sciences, Engineering, and Medicine
22 (referred to in this section as the “National Academies’
23 to conduct a study on climate change mitigation efforts
24 with respect to the civil aviation and aerospace industries.

1 (b) STUDY CONTENTS.—In conducting the study
2 under subsection (a), the National Academies shall—

3 (1) identify climate change mitigation efforts,
4 including efforts relating to emerging technologies,
5 in the civil aviation and aerospace industries;

6 (2) develop and apply an appropriate indicator
7 for assessing the effectiveness of such efforts;

8 (3) identify gaps in such efforts;

9 (4) identify barriers preventing expansion of
10 such efforts; and

11 (5) develop recommendations with respect to
12 such efforts.

(c) REPORTS

1 appropriate congressional committees a report that con-
2 tains an assessment of the findings.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary to carry
5 out this section \$1,500,000.

6 (e) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the Committee on Transportation
10 and Infrastructure of the House of Representatives,
11 the Committee on Commerce, Science, and Trans-
12 portation of the Senate, and other congressional
13 committees determined appropriate by the Secretary.

14 (2) CLIMATE CHANGE MITIGATION EFFORTS.—
The term “climate change mitigation efforts” means

1 made by this division) and the application thereof to other
2 persons or circumstances shall not be affected thereby.

3 SEC. 802. APPLICATION OF LAW.

4 Chapter 83 of title 41, United States Code, shall not
5 apply with respect to purchases made in response to—

6 (1) the public health emergency declared on
7 January 31, 2020 under section 319 of the Public
8 Health Service Act (42 U.S.C. 247d); or

9 (2) the emergency declared by the President on
10 March 13, 2020, under section 501 of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5191) and under any subsequent
13 major disaster declaration under section 401 of such
14 Act that supersedes such emergency declaration.

15 DIVISION S—SMALL BUSINESS 16 ADMINISTRATION

17 SEC. 190001. DEFINITIONS.

18 In this division—

19 (1) the terms “Administration” and “Adminis-
20 trator” mean the Small Business Administration
21 and the Administrator thereof, respectively;

22 (2) the term “covered small business concern”
23 means a small business concern that has experi-
24 enced, as a result of COVID-19—

1 (A) supply chain disruptions, including
2 changes in—

3 (i) quantity and lead time, including
4 the number of shipments of components
5 and delays in shipments;

6 (ii) quality, including shortages in
7 supply for quality control reasons; and

8 (iii) technology, including a com-
9 promised payment network;

10 (B) staffing challenges;

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

12 (D) a closure; and

13 (3) the term “small business concern” has the
14 meaning given the term in section 3 of the Small
15 Business Act (15 U.S.C. 636).

16 SEC. 190002. PAYCHECK PROTECTION PROGRAM.

17 (a) IN GENERAL.—Section 7(a) of the Small Busi-
18 ness Act (15 U.S.C. 636(a)) is amended—

19 (1) in paragraph (2)—

20 (A) in subparagraph (A), in the matter
21 preceding clause (i), by striking “and (E)” and
22 inserting “(E), and (F)”; and

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

24 “(F) PARTICIPATION IN THE PAYCHECK
25 PROTECTION PROGRAM.—In an agreement to

1 participate in a loan on a deferred basis under

“(vi) the term ‘nonprofit organization’

1 “(GG) payment of
2 State or local tax assessed
3 on the compensation of em-
4 ployees; and

5 “(bb) the sum of payments
6 of any compensation to a sole
7 proprietor or independent con-
8 tractor that is a wage, commis-
9 sion, or similar compensation and
10 that is in an amount that is not
11 more than \$100,000 in 1 year, as
12 prorated for the covered period;
13 and

14 “(II) shall not include—

15 “(aa) the compensation of
16 an individual employee in excess
17 of an annual salary of \$100,000,

1030

1

place of residence is outside of

1 and processes as a loan made under this sub-

1

bursal shall be eligible to receive a covered

1 “(E) MAXIMUM LOAN AMOUNT.—During
2 the covered period, with respect to a covered
3 loan, the maximum loan amount shall be the
4 lesser of—

5 “(i)(I) the product obtained by multi-
6 plying—

7 “(aa) the average total monthly
8 payments by the applicant for payroll
9 costs incurred during the 1-year pe-
10 riod before the date on which the loan
11 is made, except that, in the case of an
12 applicant that is seasonal employer, as
13 determined by the Administrator, the
14 average total monthly payments for
15 payroll shall be for the 12-week period
16 beginning February 15, 2019, or at
17 the election of the eligible recipient,
18 March 1, 2019, and ending June 30,
19 2019; by

20 “(bb) 2.5; or

21 “(II) if requested by an otherwise eli-
gible recipient that was February

1 “(aa) the average total monthly
2 payments by the applicant for payroll
3 costs incurred during the period be-
4 ginning on January 1, 2020 and end-
5 ing on February 29, 2020; by

6 “(bb) 2.5; or

7 “(ii) \$10,000,000.

8 “(F) ALLOWABLE USES OF COVERED
9 LOANS.—

10 “(i) IN GENERAL.—During the cov-
11 ered period, an eligible recipient may, in
12 addition to the allowable uses of a loan
13 made under this subsection, use the pro-
14 ceeds of the covered loan for—

15 “(I) payroll costs;

16 “(II) costs related to the continu-
17 ation of group health care benefits
18 during periods of paid sick, medical,
19 or family leave, and insurance pre-
20 miums;

21 “(III) employee salaries, commis-
22 sions, or similar compensations;

23 “(IV) mortgage payments;

24 “(V) rent (including rent under a
25 lease agreement);

1 “(VI) utilities; and

2 “(VII) interest on any other debt
3 obligations that were incurred before
4 the covered period.

5 “(ii) DELEGATED AUTHORITY.—

6 “(I) IN GENERAL.—For purposes

1 “(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC; and

4 “(cc) is substantially im-
5 pacted by public health restric-
6 tions related to the Coronavirus
7 2019 (COVID–19).

8 “(iii) ADDITIONAL LENDERS.—The
9 authority to make loans under this para-
10 graph shall be extended to additional lend-
11 ers determined by the Administrator and
12 the Secretary of the Treasury to have the
13 necessary qualifications to process, close,
14 disburse and service loans made with the
15 guarantee of the Administration.

16 “(iv) LIMITATION.—An eligible recipi-
17 ent of a covered loan for purposes of pay-
18 ing payroll costs and other obligations de-
19 scribed in this subparagraph shall not be
20 eligible to receive an economic injury dis-
21 aster loan under subsection (b)(2) for the
22 same purpose.

23 “(G) BORROWER REQUIREMENTS.—

1

“(i) CERTIFICATION.—An eligible recipient applying for a covered loan shall

1 “(H) FEE WAIVER.—During the covered
2 period, with respect to a covered loan—

3 “(i) in lieu of the fee otherwise appli-
4 cable under paragraph (23)(A), the Ad-
5 ministrator shall collect no fee; and

6 “(ii) in lieu of the fee otherwise appli-
7 cable under paragraph (18)(A), the Ad-
8 ministrator shall collect no fee.

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

14 “(J) COLLATERAL AND PERSONAL GUAR-
15 ANTEE REQUIREMENTS.—During the covered
16 period, with respect to a covered loan—

17 “(i) no collateral shall be required for
18 the covered loan; and

19 “(ii) no personal guarantee shall be
20 required for the covered loan.

21 “(K) MATURITY FOR LOANS WITH RE-
22 MAINING BALANCE AFTER APPLICATION OF
23 FORGIVENESS.—With respect to a covered loan
24 that has a remaining balance after reduction

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 pur-
9 poses of this subparagraph, an im-
10 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 recipi-
16 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 pay-
20 ment deferment relief for impacted
21 borrowers with covered loans for a pe-
22 riod of less than 6 months, including
23 payment of principal, interest, and
24 fees.

1 “(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 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 defer-
9 ral for a period of not less than 6 months
10 starting on the date on which the loan is
11 disbursed.

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 “(O) SECONDARY MARKET SALES.—A cov-
19 ered loan shall not be eligible to be sold in the
20 secondary market until the covered recipient of
21 the covered loan has requested the loan forgive-
22 ness authorized under section 1105 of the
23 CARES Act and the Administrator has finally
24 determined the amount of any forgiveness to
25 which the eligible recipient is entitled and has

1 made payment to the lender. Any remaining
2 balance on the loan after the application of that
3 payment may be sold in the secondary market.

4 “(P) REGULATORY CAPITAL REQUIRE-
5 MENTS.—

6 “(i) RISK WEIGHT.—With respect to
7 the appropriate Federal banking agencies
8 applying capital requirements under their
9 respective risk-based capital requirements,
10 a covered loan shall receive a risk weight
11 of zero percent.

12 “(ii) TEMPORARY RELIEF FROM TDR
13 DISCLOSURES.—Notwithstanding any other
14 provision of law, an insured depository in-
15 stitution that modifies a covered loan in re-
16 lation to COVID-19-related difficulties in
17 a troubled debt restructuring on or after
18 March 13, 2020, shall not be required to
19 comply with the Financial Accounting
20 Standards Board Accounting Standards
21 Codification Subtopic 310-40 (‘Receivables
22 – Troubled Debt Restructurings by Credi-
23 tors’) for purposes of compliance with the
24 requirements of the Federal Deposit Insur-
25 ance Act (12 U.S.C. 1811 et seq.), until

1 (1) the amount authorized for commitments for
2 general business loans authorized under section 7(a)
3 of the Small Business Act (15 U.S.C. 636(a)), in-

, T

1 (2) USE OF FUNDS.—Grants under this sub-
2 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 Fed-
7 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

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 CEN-

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 Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 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 re-
17 source partners under subsection (b);

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

20 (C) the online platform and training devel-
21 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—

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 access-
8 ing services provided by the Administration
9 and resource partners;

1 develop 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 de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 SEC. 190004. WAIVER OF MATCHING FUNDS REQUIREMENT
9 UNDER THE WOMEN'S BUSINESS CENTER
10 PROGRAM.

11 During the 3-month period beginning on the date of
12 enactment of this Act, the requirement relating to obtain-
13 ing cash contributions from non-Federal sources under
14 section 29(c)(1) of the Small Business Act (15 U.S.C.

656(c)(1)) is waived for any recipient of assistance8T B(si(the)-118.64-rTi 14

1

(A) is a liability of the borrower;

- 1 any prepayment of or payment of principal on
 - 2 a covered mortgage obligation);
 - 3 (C) payments on any covered rent obliga-
 - 4 tion; and
- (D) covered utility payments; and

1 scribed in subparagraph (A) as if the amount
2 were the principal amount of a loan guaranteed
3 under section 7(a) of the Small Business Act
4 636(a)).

5 (C) TIMING.—Not later than 5 days after
6 the date on which the Administrator receives a
7 report under subparagraph (A), the Adminis-
8 trator shall purchase the expected forgiveness
9 amount under subparagraph (B) with respect to
10 each covered loan to which the report relates.

(d) LIMITS ON A

1 by the eligible recipient during the covered
2 period; by

3 (ii)(I) the average number of full-time
4 equivalent employees per month employed
5 by the eligible recipient during the period
6 beginning on February 15, 2019 and end-
7 ing on June 30, 2019;

8 (II) if the eligible recipient was not in
9 operation before June 30, 2019, the aver-
10 age number of full-time equivalent employ-

1 equivalent employees shall be determined by
2 calculating the average number of full-time
3 equivalent employees for each pay period falling
4 within a month.

5 (3) REDUCTION RELATING TO SALARY AND
6 WAGES.—

(A) I

1 givenness for additional wages paid to those employ-
2 ees.

3 (5) EXEMPTION FOR RE-HIRES.—

4 (A) IN GENERAL.—In a circumstance de-
5 scribed in subparagraph (B), the amount of
6 loan forgiveness under this section shall be de-
7 termined without regard to a reduction in the
8 number of full-time equivalent employees of an
9 eligible recipient or a reduction in the salary of
10 1 or more employees of the eligible recipient, as
11 applicable, during the period beginning on Feb-
12 ruary 15, 2020 and ending on April 1, 2020.

13 (B) CIRCUMSTANCES.—A circumstance de-
14 scribed in this subparagraph is a cir-
15 cumstance—

16 (i) in which—

17 (I) during the period beginning
18 on February 15, 2020 and ending on
19 April 1, 2020, there is a reduction, as
20 compared to February 15, 2020, in
21 the number of full-time equivalent em-
22 ployees of an eligible recipient; and

23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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 April 1, 2020, there is a reduction, as
7 compared to February 15, 2020, in
8 the salary or wages of 1 or more em-
9 ployees of the eligible recipient; and

10 (II) not later than June 30,
11 2020, the eligible employer has elimi-
12 nated the reduction in the salary or
13 wages of such employees; or

14 (iii) in which the events described in
15 clause (i) and (ii) occur.

16 (e) APPLICATION.—An eligible recipient seeking loan
17 forgiveness under this section shall submit to the lender
18 that originated the covered loan an application, which
19 shall include—

20 (1) documentation verifying the number of full-
21 time equivalent employees on payroll and pay rates
22 for the periods described in subsection (d), includ-
23 ing—

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

1 (B) State income, payroll, and unemploy-
2 ment insurance filings;

3 (2) documentation, including cancelled checks,
4 payment receipts, transcripts of accounts, or other
5 documents verifying payments on covered mortgage
6 obligations, payments on covered lease obligations,
7 and covered utility payments;

8 (3) a certification from a representative of the
9 eligible recipient authorized to make such certifi-
10 cations that—

11 (A) the documentation presented is true
12 and correct; and

13 (B) the amount for which forgiveness is re-
14 quested was used to retain employees, make in-
15 terest payments on a covered mortgage obliga-
16 tion, make payments on a covered rent obliga-
17 tion, or make covered utility payments; and

18 (4) any other documentation the Administrator
19 determines necessary.

20 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
21 MENTATION.—No eligible recipient shall receive forgive-
22 ness under this section without submitting to the lender
23 that originated the covered loan the documentation re-
24 quired under subsection (e).

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

5 (h) SAFE HARBOR.—If a lender determines that an
6 eligible recipient has accurately verified the payments for
7 payroll costs, payments on covered mortgage obligations,
8 payments on covered lease obligations, or covered utility
9 payments during covered period—

10 (1) an enforcement action may not be taken
11 against the lender under section 47(e) of the Small
12 Business Act (15 U.S.C. 657t(e)) relating to loan
13 forgiveness for the payments for payroll costs, pay-
14 ments on covered mortgage obligations, payments on
15 covered lease obligations, or covered utility pay-
16 ments, as the case may be; and

17 (2) the lender shall not be subject to any pen-
18 alties by the Administrator relating to loan forgive-
19 ness for the payments for payroll costs, payments on
20 covered mortgage obligations, payments on covered
21 lease obligations, or covered utility payments, as the
22 case may be.

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

1 (j) RULE OF CONSTRUCTION.—The cancellation of
2 indebtedness on a covered loan under this section shall not
3 otherwise modify the terms and conditions of the covered
4 loan.

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

8 SEC. 190006. DIRECT APPROPRIATIONS.

9 (a) IN GENERAL.—There is appropriated, out of
10 amounts in the Treasury not otherwise appropriated, for
11 the fiscal year ending September 30, 2020, to remain
12 available until September 30, 2021, for additional
13 amounts—

14 (1) \$299,400,000,000 under the heading
15 “Small Business Administration—Business Loans
16 Program Account” for the cost of guaranteed loans
17 as authorized under paragraph (36) of section 7(a)
18 of the Small Business Act (15 U.S.C. 636(a)), as
19 added by [section ____02(a)] of this division;

20 (2) \$26,800,000,000 under the heading “Small
21 Business Administration—Disaster Loans Program
22 Account”, of which—

23 (A) \$16,800,000,000 shall be for carrying
out

1 (B) \$100,000,000,000 shall be for carrying
2 out **section ____10** of this division;

3 (3) \$700,000,000 under the heading "Small
4 Business Administration—Salaries and Expenses"
5 for salaries and expenses of the Administration;

6 (4) \$25,000,000 under the heading "Small
Business Administration—Office of Inspector Gen-

1 (1) MICROLOAN PROGRAM.—In addition to
2 amounts provided under the Consolidated Appropria-
3 tions Act, 2020 (Public Law 116–93) for the pro-
4 gram established under section 7(m) of the Small
5 Business Act (15 U.S.C. 636(m)), there is author-
6 ized to be appropriated for fiscal year 2020, to re-
7 main available until expended—

8 (A) \$50,000,000 to provide technical as-
9 sistance grants under such section 7(m); and

10 (B) \$7,000,000 to provide direct loans
11 under such section 7(m).

12 (2) CERTAIN LOANS.—There is authorized to be
13 appropriated \$2,000,000,000 to carry out the re-
14 quirements of [section ____13 (relating to tem-
15 porary fee reductions), section ____14 (relating to
16 guarantee amounts), and section ____15 (relating to
17 maximum loan amount and program levels for 7(a)
18 loans)].

19 (3) ECONOMIC INJURY DISASTER LOAN IM-
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1 mit to the Committee on Appropriations of the Senate and
2 the Committee on Appropriations of the House of Rep-
3 resentatives a detailed expenditure plan for using the
4 amounts appropriated under this section.

5 SEC. 190007. MINORITY BUSINESS DEVELOPMENT AGENCY.

6 (a) DEFINITIONS.—In this section—

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

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

12 (b) EDUCATION, TRAINING, AND ADVISING
GRANTS

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (ii) accepts the decision of the center.

14 SEC. 190008. CONTRACTING.

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

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

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

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

24 (1) SMALL BUSINESS CONTRACTING RELIEF.—

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

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

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

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

1 (2) PAYMENT CONTINUATION.—If the perform-
2 ance of all or any part of the work of a Federal
3 goods or services contract with a contractor that is
4 a small business concern or a nonprofit organization
5 in force and effect during the period beginning on
6 the date of enactment of this Act and ending on

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

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

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

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

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

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

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

25 (1) the contract is mission-critical;

1 not already participate in lending under programs of the
2 Administration, to participate in the small business inter-
3 ruption loans program to provide loans under this section
4 until the date on which the national emergency declared
5 by the President under the National Emergencies Act (50
6 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
7 ease 2019 (COVID–19) expires.

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

16 (c) REGULATIONS FOR LENDERS AND LOANS.—

17 (1) IN GENERAL.—The Secretary of the Treas-
18 ury, in consultation with the Administrator, shall
19 issue regulations and guidance in order to direct ad-
20 ditional lenders under this section and establish
21 terms and conditions for small business interruption
22 loans under this section, including terms concerning
23 compensation, underwriting standards, interest
24 rates, and maturity.

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

4 (A) A rate of interest that does not exceed
5 the maximum permissible rate of interest avail-
6 able on a loan of comparable maturity under
7 paragraph (36) of section 7(a) of the Small
8 Business Act (15 U.S.C. 636(a)), as added by
9 【section ____02】 of this division.

10 (B) Terms and conditions that, to the
11 maximum extent practicable, are the same as
12 the terms and conditions required under the fol-
13 lowing provisions of paragraph (36) of section
14 7(a) of the Small Business Act (15 U.S.C.
15 636(a)), as added by 【section ____02】 of this
16 division:

17 (i) Subparagraph (D), pertaining to
18 borrower eligibility.

19 (ii) Subparagraph (E), pertaining to
20 the maximum loan amount.

21 (iii) Subparagraph (F)(i), pertaining
22 to allowable uses of program loans.

23 (iv) Subparagraph (H), pertaining to
24 fee waivers.

1 (v) Subparagraph (N), pertaining to
2 loan deferment.

3 (C) A guarantee percentage that, to the
4 maximum extent practicable, is the same as the
5 guarantee percentage required under subpara-
6 graph (F) of section 7(a)(2) of the Small Busi-
7 ness Act (15 U.S.C. 636(a)(2)), as added by
8 **【section ____02】** of this division.

9 (D) Loan forgiveness under terms and con-
10 ditions that, to the maximum extent prac-
11 ticable, are the same as the terms and condi-
12 tions for loan forgiveness under **【section**
13 **____05】** of this division.

14 (d) **ADDITIONAL REGULATIONS GENERALLY.**—The
15 Secretary of the Treasury may issue regulations and guid-
16 ance as may be necessary to carry out the purposes of
17 this section.

(e) **CERTIFICATION.**—As a condition of receiving a

1 sult of the public health emergency declared because of
2 COVID–19.

3 (b) ADDITIONAL COVERED ENTITY DEFINED.—The
4 term “additional covered entity” means—

5 (1) a business concern that employs not more
6 than 500 employees per physical location of the busi-
7 ness concern and that is assigned a North American
8 Industry Classification System code beginning with
9 72;

10 (2) a small business concern (as defined under
11 section 3 of the Small Business Act (15 U.S.C.
12 632)); and

13 (3) if such person was in operation on or before
14 January 31, 2020—

15 (A) a individual who operates under a sole
16 proprietorship or as an independent contractor;

17 (B) a cooperative that employs not more
18 than 500 employees per physical location of the
19 cooperative;

20 (C) an ESOP (as defined in section
21 3(q)(6) of the Small Business Act (15 U.S.C.
22 632(q)(6))) that employs not more than 500
23 employees per physical location of the ESOP;

24 (D) an organization serving veterans or
25 members of the Armed Forces (as defined in

1 section 501(c)(19) of the Internal Revenue
2 Code of 1986, that is exempt from taxation
3 under subsection (a) of such section);

4 (E) a public or private non-profit organiza-
5 tion that employs not more than 500 employees
6 per physical location of the organization; or

7 (F) a start-up small business concern that
8 employs not more than 500 employees per phys-
9 ical location of the concern.

10 (c) PROCESS.—The Administrator shall use the exist-
11 ing direct loan application process administered under sec-
12 tion 7(b) of the Small Business Act (15 U.S.C. 636(b))
13 to disburse grant funds, to greatest extent possible, within
14 3 days after receiving an application from an additional
15 covered entity.

16 (d) VERIFICATION.—Before disbursing amounts
17 under this subsection, the Administrator shall verify that
18 the applicant is an additional covered entity.

19 (e) EXEMPTION FROM AFFILIATION RULES.—For
20 the purposes of this section, the Administrator of the
21 Small Business Administration shall suspend the applica-
22 tion of the affiliation rules of the Administration during
23 the period beginning on January 31, 2020 and ending on
24 September 30, 2021, except that individual affiliates may
25 not exceed the current small business size standard for

1 the industry in which the affiliate operates, and any group
2 of affiliates may not receive more than 3 times the max-
3 imum allowable grant amount under subsection (f).

4 (f) AMOUNT OF GRANT.—The amount of a grant pro-
5 vided under this section shall be not more than \$10,000.

6 (g) USE OF FUNDS.—An additional covered entity
7 that receives a grant under this section may use the grant
8 funds to address the direct effects of the COVID–19 pan-
9 demic, including—

10 (1) payroll support, including paid sick, med-
11 ical, or family leave and costs related to the continu-
12 ation of health care benefits;

13 (2) maintaining payroll to retain employees dur-
14 ing business disruptions or substantial slowdowns;

15 (3) meeting increased costs to obtain materials
16 unavailable from the original source of the additional
17 covered entity due to interrupted supply chains;

18 (4) making payments under a lease or mortgage
19 loan, or a contract for utility services, related to a
20 place of operation of the additional covered entity;

21 (5) repaying obligations that cannot be met due
22 to revenue losses; and

23 (6) other expenses, as deemed appropriate by
24 the Administrator.

1 (h) ELIGIBILITY FOR ADDITIONAL ASSISTANCE.—An
2 additional covered entity that receives a grant under this
3 section may also apply for a loan under subsections (a)
4 or (b) of section 7 of the Small Business Act (15 U.S.C.
5 636).

6 (i) PROCEDURES.—The Administrator shall establish
7 procedures to verify and document the compliance of an
8 additional covered entity that receives a grant under this
9 section with the requirements under this section in order
10 to prevent waste, fraud, and abuse of such grant funds.

11 (j) REPORT.—Not later than March 31, 2022, the
12 Administrator of the Small Business Administration shall
13 submit to Congress a report that includes—

14 (1) the number of grants made under this sec-
15 tion, disaggregated by the number of grants made—

16 (A) in an amount less than or equal to
17 \$1,000;

18 (B) in an amount greater than \$2,000 but
19 less than or equal to \$3,000;

20 (C) in an amount greater than \$3,000 but
21 less than or equal to \$4,000;

22 (D) in an amount greater than \$4,000 but
23 less than or equal to \$5,000;

24 (E) in an amount greater than \$5,000 but
25 less than or equal to \$6,000;

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(F) in an amount greater than \$6,000 but

1 tration to small business concerns in the 10 most com-
2 monly spoken languages, other than English, in the
3 United States, which shall include Mandarin, Cantonese,
4 Japanese, and Korean.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to the Administrator
7 \$25,000,000 to carry out this section.

8 SEC. 190012. SUBSIDY FOR CERTAIN LOAN PAYMENTS.

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

11 (1) guaranteed by the Administration under—

12 (A) section 7(a) of the Small Business Act
13 (15 U.S.C. 636(a)), including a loan made
14 under the Community Advantage Pilot Program
15 of the Administration; or

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

18 (2) made by an intermediary to a small busi-
19 ness concern using loans or grants received under
20 section 7(m) of the Small Business Act (15 U.S.C.
21 636(m)).

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

24 (1) all borrowers are adversely affected by
25 COVID-19;

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

3 (3) in addition to the relief provided under this
4 division, the Administration should encourage lend-
5 ers to provide payment deferments, when appro-
6 priate, and to extend the maturity of covered loans,
7 so as to avoid balloon payments or any requirement
8 for increases in debt payments resulting from
9 deferments provided by lenders during the period of
10 the national emergency declared by the President
11 under the National Emergencies Act (50 U.S.C.
12 1601 et seq.) with respect to the Coronavirus Dis-
13 ease 2019 (COVID-19).

14 (c) PRINCIPAL AND INTEREST PAYMENTS.—

15 (1) IN GENERAL.—The Administrator shall pay
16 the principal, interest, and any associated fees that
17 are owed on a covered loan in a regular servicing
18 status—

19 (A) with respect to a covered loan made
20 before the date of enactment of this Act and
21 not on deferment, for the 6-month period begin-
22 ning with the next payment due on the covered
23 loan;

- 1 deferment, for the 6-month period beginning
- 2 with the next payment due on the covered loan

1 ceiving payments made by the Administrator under

1 (B) in lieu of the fee otherwise applicable
2 under section 7(a)(18)(A) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
4 fee or reduce fees to the maximum extent pos-
5 sible.

6 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
7 Ductions.—To the extent that amounts are made
8 available to the Administrator for the purpose of fee
9 eliminations or reductions under paragraph (1), the
10 Administrator shall—

11 (A) first use any amounts provided to
12 eliminate or reduce fees paid by small business
13 borrowers under clauses (i) through (iii) of sec-
14 tion 7(a)(18)(A) of the Small Business Act (15
15 U.S.C. 636(a)(18)(A)), to the maximum extent
16 possible; and

17 (B) then use any amounts provided to
18 eliminate or reduce fees under 7(a)(23)(A) of
19 the Small Business Act (15 U.S.C.
20 636(a)(23)(A)).

21 (c) EXCEPTION TO GUARANTEE FEE WAIVER FOR
22 VETERANS.—Section 7(a)(31)(G) of the Small Business
23 Act (15 U.S.C. 636(a)(31)(G)) is amended—

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

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

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(d) TEMPORARY FEE ELIMINATION FOR THE 504

1 development company that does not collect a
2 processing fee pursuant to paragraph (1)(B).

3 (B) AMOUNT.—The payment to a develop-
4 ment company under subparagraph (A) shall be
5 in an amount equal to 1.5 percent of the net
6 debenture proceeds for which the development
7 company does not collect a processing fee pur-
8 suant to paragraph (1)(B).

9 SEC. 190014. GUARANTEE AMOUNTS.

10 (a) PURPOSE.—The purpose of this section is to in-
11 crease loan guarantee amounts in order to mitigate risk
12 for lenders and keep credit flowing, including an emphasis
13 on underserved borrowers.

14 (b) 7(A) LOAN GUARANTEES.—

15 (1) IN GENERAL.—Section 7(a)(2)(A) of the
16 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
17 amended by striking “), such participation by the
18 Administration shall be equal to” and all that fol-
19 lows through the period at the end and inserting “or
20 the Community Advantage Pilot Program of the Ad-
21 ministration), such participation by the Administra-
22 tion shall be equal to 90 percent of the balance of
23 the financing outstanding at the time of disburse-
24 ment of the loan.”.

1 (2) TERMINATION.—Effective September 30,
2 2021, section 7(a)(2)(A) of the Small Business Act
3 (15 U.S.C. 636(a)(2)(A)), as amended by paragraph
4 (1), is amended to read as follows:

5 “(A) IN GENERAL.—Except as provided in
6 subparagraphs (B), (D), and (E), in an agree-
7 ment to participate in a loan on a deferred
8 basis under this subsection (including a loan
9 made under the Preferred Lenders Program),
10 such participation by the Administration shall
11 be equal to—

“(i) 75 percent of the balance of the a

- 1 (A) in subparagraph (A)(iv), by striking
- 2 “with a guaranty rate of not more than 50 per-

1 SEC. 190015. MAXIMUM LOAN AMOUNT AND PROGRAM LEV-

2 ELS FOR 7(A) LOANS.

3 (a) PURPOSE.—The purpose of this section is to tem-

1 V of the Small Business Investment Act of 1958 (15
2 U.S.C. 695 et seq.) for which an application is approved
3 or pending approval on or after the date of enactment of
4 this section, the maximum portion of a loan that is backed
5 by the CDC shall be \$10,000,000.

6 (c) PERMANENT INCREASE FOR SMALL MANUFAC-
7 TURERS.—Effective on October 1, 2021, section
8 502(2)(A)(iii) of the Small Business Investment Act of
9 1958 (15 U.S.C. 696(2)(A)(iii)) is amended by striking
10 “\$5,500,000” and inserting “\$10,000,000”.

11 (d) REFINANCING NOT INVOLVING EXPANSIONS.—

12 (1) IN GENERAL.—Section 502(7) of the Small
13 Business Investment Act of 1958 (15 U.S.C.
14 696(7)) is amended by adding at the end the fol-
15 lowing:

16 “(C) REFINANCING NOT INVOLVING EX-
17 PANSIONS.—

18 “(i) DEFINITIONS.—In this subpara-
19 graph—

20 “(I) the term ‘borrower’ means a
21 small business concern that submits
22 an application to a development com-
23 pany for financing under this sub-
24 paragraph;

1 “(II) the term ‘eligible fixed
2 asset’ means tangible property relat-
3 ing to which the Administrator may
4 provide financing under this section;
5 and

6 “(III) the term ‘qualified debt’
7 means indebtedness—

8 “(aa) that—

9 “(AA) was incurred not
10 less than 2 years before the
11 date of the application for
12 assistance under this sub-
13 paragraph;

1 for not less than 1 year before
2 the date of the application.

3 “(ii) AUTHORITY.—A project that
4 does not involve the expansion of a small
5 business concern may include the refi-
6 nancing of qualified debt if—

7 “(I) the amount of the financing
8 is not more than 90 percent of the
9 value of the collateral for the financ-
10 ing, except that, if the appraised value
11 of the eligible fixed assets serving as
12 collateral for the financing is less than
13 the amount equal to 125 percent of
14 the amount of the financing, the bor-
15 rower may provide additional cash or
16 other collateral to eliminate any defi-
17 ciency;

18 “(II) the borrower has been in
19 operation for all of the 2-year period
20 ending on the date of the loan;

21 “(III) the financing will provide a
22 substantial benefit to the borrower
23 when prepayment penalties, financing
24 fees, and other financing costs are ac-
25 counted for; and

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1 “(bb) an itemization of the
2 amount of each expense.

3 “(III) CONDITION ON ADDI-
4 TIONAL FINANCING.—A borrower may

1 “(v) NONDELEGATION.—Notwith-
2 standing section 508(e), the Administrator
3 may not permit a premier certified lender
4 to approve or disapprove an application for
5 assistance under this subparagraph.

6 “(vi) TOTAL AMOUNT OF LOANS.—
7 The Administrator may provide not more
8 than a total of \$7,500,000,000 of financ-
9 ing under this subparagraph for each fiscal
10 year.”.

11 (2) CONFORMING AMENDMENT.—Section 521
12 of division E of the Consolidated Appropriations Act,
13 2016 (15 U.S.C. 696 note) is repealed.

14 (e) 504 DEBT REFINANCE WITH EXPANSION.—Sec-
15 tion 502(7)(B) of the Small Business Investment Act of
16 1948 (15 U.S.C. 696(7)(B)) is amended, in the matter
17 preceding clause (i), by striking “50” and inserting
18 “100”.

19 “(c) EXPRESS PROGRAM.—An accredited lender cer-
20 tified company, may, with respect to a covered loan, take
21 any of the following actions with respect to the loan:

22 “(1) Any action described in any of subpara-
23 graphs (A) through (J) of subsection (b)(1).

24 “(2) If the borrower is not delinquent with re-
25 spect to the loan payments—

1 “(A) permit the loan to subordinate to a
2 new third party lender loan for the purposes of
3 refinancing that third party lender loan, except
4 that no refinanced amount with respect to the
5 loan may be increased in order to provide cash
6 to the borrower;

7 “(B) permit a new party to assume respon-
8 sibility for the loan if the original borrower re-
9 mains on the loan as the original guarantor;

10 “(C) obtain force placed insurance cov-
11 erage for the loan if the borrower has allowed
12 insurance coverage with respect to the loan to
13 lapse; and

14 “(D) endorse an insurance check with re-
15 spect to the property that is financed by the
16 loan in an amount that is less than \$100,000.

17 “(3) Certify that the loan is compliant with the
18 appraisal requirements and environmental policies
19 and procedures applicable to the loan under Stand-
20 ard Operating Procedure 50 10 5(K) of the Admin-
21 istration, effective April 1, 2019, or any successor
22 Standard Operating Procedure.

23 “(d) DEFINITIONS.—In this section—

24 “(1) the term ‘accredited lender certified com-
25 pany’ means a certified development company that

1 meets the requirements under section 507(b), includ-
2 ing a certified development company that the Ad-
3 ministration has designated as an accredited lender
4 under such section 507(b); and

5 “(2) the term ‘covered loan’—

6 “(A) means a loan made under subsection
7 (a) in an amount that is not more than
8 \$500,000; and

9 “(B) does not include a loan made to a
10 borrower that is a franchise that, or is in an in-

1 (b) EMERGENCIES INVOLVING FEDERAL PRIMARY
2 RESPONSIBILITY QUALIFYING FOR SMALL BUSINESS AD-
3 MINISTRATION ASSISTANCE.—Section 7(b)(2) of the

4 Small Business Act (15 U.S.C. 636(b)(2)) is amended—

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

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

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

11 (4) by redesignating subparagraph (D) as sub-
12 paragraph (E);

13 (5) by inserting after subparagraph (C) the fol-
14 lowing:

15 “(D) an emergency involving Federal pri-
16 mary responsibility determined to exist by the

1 \$350,000 or less, the Administrator shall not require a
2 personal guarantee such a loan”.

3 (d) ELIGIBILITY OF COOPERATIVES.—Section
4 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
5 is amended by striking “small agricultural cooperative”
6 and inserting “small cooperative”.

7 (e) ADDITIONAL AMOUNTS.—

8 (1) IN GENERAL.—The Administrator of the
9 Small Business Administration may increase by 20
10 percent the amount received by an eligible small
11 business concern under section 7(b)(2) of the Small
12 Business Act (15 U.S.C. 636(b)(2)) to cover con-
13 tinuity-of-operations and risk mitigation improve-
14 ments, including telework capability, offsite record
15 keeping, redundancy, the administrative costs of es-
16 tablishing paid sick leave, and presenteeism preven-
17 tion.

18 (2) DEFINITION.—In this section, the term “el-
19 igible small business concern” means a small busi-
20 ness concern that—

21 (A) meets the applicable size standard es-
22 tablished under section 3 of the Small Business
23 Act (15 U.S.C. 632); and

1 (B) is receiving assistance under section
2 7(b)(2) of the Small Business Act (15 U.S.C.
3 636(b)(2)) related to COVID-19.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator to
6 carry out the loan program under section 7(b)(2) of the
7 Small Business Act (15 U.S.C. 636(b)(2))—

1 (ii) by inserting before the period at
2 the end the following: “, and \$4,500,000 in
3 any of those remaining years”;

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking
6 “subparagraph (C)” each place that term
7 appears and inserting “subparagraphs (C)
8 and (G)”;

9 (ii) in subparagraph (C), by amending
10 clause (i) to read as follows:

11 “(i) IN GENERAL.—In addition to
12 grants made under subparagraph (A) or
13 (G), each intermediary shall be eligible to
14 receive a grant equal to 5 percent of the
15 total outstanding balance of loans made to
16 the intermediary under this subsection if—

17 “(I) the intermediary provides
18 not less than 25 percent of its loans

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1 “(aa) that averages not
2 more than \$10,000 during the
3 period of the intermediary’s par-
4 ticipation in the program; or

5 “(bb) of which not less than
6 25 percent is serving rural areas
7 during the period of the
8 intermediary’s participation in
9 the program.”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(G) GRANT AMOUNTS BASED ON APPRO-
13 PRIATIONS.—In any fiscal year in which the
14 amount appropriated to make grants under
15 subparagraph (A) is sufficient to provide to
16 each intermediary that receives a loan under
17 paragraph (1)(B)(i) a grant of not less than 25
18 percent of the total outstanding balance of
19 loans made to the intermediary under this sub-
20 section, the Administration shall make a grant
21 under subparagraph (A) to each intermediary
22 of not less than 25 percent and not more than
23 30 percent of that total outstanding balance for
24 the intermediary.”; and

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(C) by striking paragraph (7) and insert-

1 (2) the limitation on amounts allowed to be ex-
2 pended to provide information and technical assist-
3 ance under clause (i) of section 7(m)(4)(E) of the
4 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
5 entering into third party contracts to provide tech-
6 nical assistance under clause (ii) of such section
7 7(m)(4)(E).

8 (d) TEMPORARY DURATION OF LOANS TO BOR-
9 ROWERS.—

10 (1) IN GENERAL.—During the period beginning
11 on the date of enactment of this section and ending
12 on September 30, 2021, the duration of a loan made
13 by an eligible intermediary under section 7(m) of the
14 Small Business Act (15 U.S.C. 636(m))—

15 (A) to an existing borrower may be ex-

1 (e) PROGRAM LEVELS.—Section 20 of the Small
2 Business Act (15 U.S.C. 631 note) is amended by adding
3 at the end the following:

4 “(h) MICROLOAN PROGRAM.—For each of fiscal
5 years 2021 through 2025, the Administration is author-
6 ized to make—

7 “(1) \$80,000,000 in technical assistance grants,
8 as provided in section 7(m); and

9 “(2) \$110,000,000 in direct loans, as provided
10 in section 7(m).”.

11 SEC. 190019. ADDITIONAL LEVERAGE FOR SMALL BUSI-
12 NESSES AFFECTED BY THE COVID-19 OUT-
13 BREAK.

14 (a) IN GENERAL.—Section 303(b)(2) of the Small
15 Business Investment Act of 1958 (15 U.S.C. 683(b)(2))
16 is amended by adding at the end the following:

17 “(E) ADDITIONAL LEVERAGE BASE ON IN-
VESTMENT.—

1 cluded is used exclusively for working cap-
2 ital purposes.

3 “(ii) COVERED SMALL BUSINESS DE-
4 FINED.—In this subparagraph, the term
5 ‘covered small business’ means a small
6 business concern is located in a State or
7 territory of the United States with at least
8 one confirmed or presumed positive case of
9 COVID-19.”.

10 (b) APPLICATION.—Notwithstanding any other provi-
11 sion of law, for purposes of additional leverage requested
12 under subparagraph (E) of section 303(b)(2) of the Small
13 Business Investment Act of 1958, as added by subsection
14 (a), the Administrator shall approve or deny such request
15 within 14 calendar days of receipt by the Administrator
16 of the request.

17 SEC. 190020. STATE TRADE EXPANSION PROGRAM.

18 (a) REIMBURSEMENT.—The Administrator of the
19 Small Business Administration shall reimburse any recipi-
20 ent of assistance under section 22(l) of the Small Business
21 Act (15 U.S.C. 649(l)) for financial losses relating to a
22 foreign trade mission or a trade show exhibition that was
23 cancelled solely due to a public health emergency declared
24 due to COVID-19.

(b) B

1 (D), the State may not implement the re-
2 vised budget plan without the approval of
3 the Associate Administrator, unless the As-
4 sociate Administrator fails to approve or
5 deny the revised plan within 10 days after
6 receipt of such revised plan.''.
7

7 SEC. 190021. EMERGENCY RULEMAKING AUTHORITY.

8 Not later than 15 days after the date of enactment

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- Sec. 201. 2020 economic assistance payments to individuals.
- Sec. 202. Economic assistance payments to certain Federal beneficiaries.

Subtitle B—Earned Income Tax Credit

- Sec. 211. Strengthening the earned income tax credit for individuals with no qualifying children.
- Sec. 212. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.
- Sec. 213. Credit allowed in case of certain separated spouses.
- Sec. 214. Elimination of disqualified investment income test.
- Sec. 215. Application of earned income tax credit in possessions of the United States.

Subtitle C—Child Tax Credit

- Sec. 221. Child tax credit fully refundable for 2020 through 2025.
- Sec. 222. Application of child tax credit in possessions.
- Sec. 223. Increased child tax credit for children who have not attained age 6.

Subtitle D—Dependent Care Assistance

- Sec. 231. Refundability and enhancement of child and dependent care tax credit.
- Sec. 232. Increase in exclusion for employer-provided dependent care assistance.

Subtitle E—Net Operating Losses

- Sec. 241. Five-year carryback of net operating losses and temporary suspension of taxable income limitation.

Subtitle F—Employee Retention Credit

- Sec. 251. Payroll credit for certain employers affected by COVID-19.

Subtitle G—Credits for Paid Sick and Family Leave

- Sec. 261. Extension of credits.
- Sec. 262. Repeal of reduced rate of credit for certain leave.
- Sec. 263. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.
- Sec. 264. Credits not allowed to certain large employers.
- Sec. 265. Effective date.

TITLE III—ADMINISTRATIVE

- Sec. 301. Delay of certain deadlines.

TITLE IV—RETIREMENT PROVISIONS

- Sec. 401. Special rules for use of retirement funds.
- Sec. 402. Single-employer plan funding rules.
- Sec. 403. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
- Sec. 404. Modification of special rules for minimum funding standards for community newspaper plans.

Sec. 405. Application of cooperative and small employer charity pension plan

1 lowed under subsection (e) or (f) of section 3111 of
2 such Code, or under section 7001 or 7003 of the
3 Families First Coronavirus Response Act, for such
4 quarter) on the wages paid with respect to the em-
5 ployment of all employees of the employer.

6 (2) REFUNDABILITY OF EXCESS CREDIT.—

7 (A) IN GENERAL.—If the amount of the
8 credit under subsection (a) exceeds the limita-
9 tion of paragraph (1) for any calendar quarter,
10 such excess shall be treated as an overpayment
11 that shall be refunded under sections 6402(a)
12 and 6413(b) of such Code.

13 (B) TREATMENT OF PAYMENTS.—For pur-
14 poses of section 1324 of title 31, United States
15 Code, any amounts due to an employer under
16 this paragraph shall be treated in the same
17 manner as a refund due from a credit provision
18 referred to in subsection (b)(2) of such section.

19 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
20 tion, the term “eligible hospital” means a subsection (d)
21 hospital as defined in section 1886(d)(1)(B) of the Social
22 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
23 access hospital (as defined in section 1861(mm)(1) of such
24 Act (42 U.S.C. 1395x(mm)(1)).

1 (d) COVID-RELATED CHARITY CARE.—For purposes
2 of this section—

3 (1) IN GENERAL.—The term “COVID-related
4 charity care” means, with respect to any eligible

- 1 to establish such employer's eligibility for the credit
- 2 allowed under this section (and the amount thereof).

(3) ELECTIONNOT-10TO-10HAV]0STIONAPPLY]TJ E BT 14 0 0 14 17468.3682

1 (3) regulations or other guidance to minimize
2 compliance and record-keeping burdens under this
3 section,

4 (4) regulations or other guidance providing for
5 a waiver of penalties for the failure to deposit taxes

1 calendar quarter which includes the date of the en-
2 actment of this Act shall be treated as having been
3 furnished in such calendar quarter.

(h) TRANSFERS TO FEDERAL OLD-A

- 1 first fiscal year in which the factor described in
- 2 paragraph (2)(C) is calculated based on a cost re-
- 3 porting period that includes any portion of calendar

1 lies First Coronavirus Response Act, or under the
2 preceding section of this Act, for such quarter) on
3 the wages paid with respect to the employment of all
4 employees of the employer.

5 (2) REFUNDABILITY OF EXCESS CREDIT.—

6 (A) IN GENERAL.—If the amount of the
7 credit under subsection (a) exceeds the limita-
8 tion of paragraph (1) for any calendar quarter,
9 such excess shall be treated as an overpayment
10 that shall be refunded under sections 6402(a)
11 and 6413(b) of such Code.

12 (B) TREATMENT OF PAYMENTS.—For pur-
13 poses of section 1324 of title 31, United States
14 Code, any amounts due to an employer under
15 this paragraph shall be treated in the same
16 manner as a refund due from a credit provision
17 referred to in subsection (b)(2) of such section.

18 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
19 tion, the term “eligible hospital” means a subsection (d)
20 hospital as defined in section 1886(d)(1)(B) of the Social
21 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
22 access hospital (as defined in section 1861(mm)(1) of such
23 Act (42 U.S.C. 1395x(mm)(1)).

24 (d) COVID-19 HOSPITAL FACILITY EXPENDI-
25 TURES.—For purposes of this section—

1 (1) IN GENERAL.—The term “COVID–19 hos-
2 pital facility expenditures” means amounts paid or
3 incurred by an eligible hospital for—

4 (A) the purchase or construction of a tem-
5 porary structure in the United States for speci-
6 fied COVID-related purposes,

7 (B) the lease of any structure in the
8 United States for specified COVID-related pur-
9 poses if the term of such lease is not greater
10 than 2 years,

11 (C) the retrofitting of any existing perma-
12 nent structure in the United States for specified
13 COVID-related purposes, and

14 (D) any property for use in a structure de-
15 scribed in subparagraph (A), (B), or (C) for
16 specified COVID-related purposes if such prop-
17 erty is of a character which is subject to the al-
18 lowance for depreciation provided in section 167
19 of the Internal Revenue Code of 1986.

20 (2) SPECIFIED COVID-RELATED PURPOSES.—
21 The term “specified COVID-related purposes”
22 means the diagnosis, prevention, or treatment of

1 ture which by its design or nature is not suitable to
2 serve as a permanent structure.

3 (4) COORDINATION WITH GOVERNMENT
4 GRANTS.—The COVID–19 hospital facility expendi-
5 tures taken into account under this section by any
6 eligible hospital shall be reduced by any amounts
7 provided by any Federal, State, or local government
8 for purposes of making or reimbursing such expendi-
9 tures.

10 (e) SPECIAL RULES.—

1 tions or other guidance as may be necessary to carry out
2 the purposes of this section, including—

3 (1) regulations or other guidance to effectuate
4 the purposes of the limitations under this section,

5 (2) regulations or other guidance to minimize
6 compliance and record-keeping burdens under this
7 section,

8 (3) regulations or other guidance providing for
9 a waiver of penalties for the failure to deposit taxes
10 imposed under section 3111(a) in anticipation of the
11 allowance of the credit allowed under this section,

12 (4) regulations or other guidance for recap-
13 turing the benefit of credits determined under this
14 section in cases where there is a subsequent adjust-
15 ment to the credit determined under subsection (a),

16 (5) regulations or other guidance (prescribed

1 (1) IN GENERAL.—This section shall apply only
2 to COVID–19 hospital facility expenditures which
3 are paid or incurred during the period beginning on
4 February 1, 2020, and ending on December 31,
5 2020.

6 (2) TREATMENT OF CERTAIN EXPENDITURES
7 MADE BEFORE DATE OF ENACTMENT.—For pur-
8 poses of this section, any COVID–19 hospital facility
9 expenditures which are paid or incurred after Janu-
10 ary 31, 2020, and before the calendar quarter which
11 includes the date of the enactment of this Act shall

1 occurred to such Trust Fund had this section not been
2 enacted.

3 SEC. 103. RESTORATION OF LIMITATIONS ON RECONCILI-
4 ATION OF TAX CREDITS FOR COVERAGE
UNDER A QUALIFIED HEALTH PLAN WITH AD-

1 (b) EFFECTIVE DATE.—The amendments made by

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 TITLE II—ECONOMIC STIMULUS
5 Subtitle A—Economic Assistance
6 Payments

7 SEC. 201. 2020 ECONOMIC ASSISTANCE PAYMENTS TO INDI-
8 VIDUALS.

(a) I

1 “(2) \$1,500 multiplied by the number of quali-
2 fying children (within the meaning of section 24(c))
3 of the taxpayer (not in excess of 3 such children) for
4 the taxpayer’s first taxable year beginning in 2020.

5 “(c) INCOME SUPPLEMENT AMOUNT.—For purposes
6 of this section—

7 “(1) IN GENERAL.—The term ‘income supple-
8 ment amount’ means—

9 “(A) in the case of any taxpayer not de-
10 scribed in subparagraph (B), the excess (if any)
11 of—

12 “(i) adjusted gross income for the tax-
13 able year immediately preceding such tax-
14 payer’s first taxable year beginning in
15 2020, over

16 “(ii) adjusted gross income for such
17 taxpayer’s first taxable year beginning in
18 2020, and

19 “(B) in the case of any taxpayer whose
20 household income for such taxpayer’s first tax-
21 able year beginning in 2020 does not exceed the
22 applicable phaseout amount, the greater of—

23 “(i) the excess (if any) described in
24 subparagraph (A), or

25 “(ii) the sum of—

1 “(I) base amount multiplied by 5,
2 plus
3 “(II) \$5,000.

4 “(2) MAXIMUM INCOME SUPPLEMENT
5 AMOUNT.—The income supplement amount deter-
6 mined under this subsection shall not exceed the
7 sum described in paragraph (1)(B)(ii) (determined
8 without regard to paragraph (3)).

9 “(3) PHASEOUT OF THE MINIMUM INCOME SUP-
10 PLEMENT AMOUNT.—The sum described in para-
11 graph (1)(B)(ii) shall be reduced (but not below
12 zero) by the amount which bears the same ratio to
13 such sum as—

14 “(A) the excess (if any) of the household
15 income for the taxpayer’s first taxable year be-
16 ginning in 2020 over 200 percent of the poverty
17 line for a family of the size involved, bears to

18 “(B) the excess of the applicable phaseout
19 amount over 200 percent of the poverty line for
20 a family of the size involved.

21 “(4) DEFINITIONS RELATING TO THE POVERTY
22 LINE.—For purposes of this subsection—

23 “(A) IN GENERAL.—The terms ‘family
24 size’ and ‘poverty line’ have the respective

1 meaning given such terms under section
2 36B(d).

3 “(B) HOUSEHOLD INCOME.—The term
4 ‘household income’ has the meaning given such
5 term by section 36B(d)(2)(A) applied by using
6 adjusted gross income (within the meaning of
7 this section) in lieu of modified adjusted gross
8 income (within the meaning of section 36B).

9 “(d) OVERALL PHASEOUT BASED ON ADJUSTED
10 GROSS INCOME.—

11 “(1) IN GENERAL.—The amount of the credit
12 allowed by subsection (a) (determined without re-
13 gard to this subsection and subsection (g)) shall be
14 reduced (but not below zero) by the amount which
15 bears the same ratio to such amount as—

16 “(A) the excess (if any) of the adjusted
17 gross income for the taxpayer’s first taxable
18 year beginning in 2020 over the applicable
19 phaseout amount, bears to

20 “(B) 50 percent of the applicable phaseout
21 amount.

22 “(2) APPLICABLE PHASEOUT AMOUNT.—The
23 term ‘applicable phaseout amount’ means—

1 allowed by subpart C of part IV of subchapter A of
2 chapter 1.

3 “(2) TREATMENT OF CREDIT AND ADVANCE
4 PAYMENTS.—For purposes of section 1324 of title
5 31, United States Code, any credit under subsection
6 (a) and any credit or refund under subsection (h)
7 shall be treated in the same manner as a refund due
8 from a credit provision referred to in subsection
9 (b)(2) of such section.

1 Any failure to so reduce the credit shall be treated
2 as arising out of a mathematical or clerical error
3 and assessed according to section 6213(b)(1).

4 “(2) RECAPTURE OF PAYMENTS IN EXCESS OF
5 REFUNDABLE CREDIT.—

6 “(A) IN GENERAL.—If the sum of the ag-
7 gregate refunds and credits made or allowed to
8 the taxpayer under subsection (h) and the ag-
9 gregate payments to which the taxpayer is enti-
10 tled under section 202 of the Emergency Pen-
11 sion Plan Relief Act of 2020 exceeds the credit
12 allowed under subsection (a) (determined with-
13 out regard to paragraph (1)), the tax imposed
14 under chapter 1 for the taxpayer’s first taxable

1 year beginning in 2020 and in each of the 2 im-
2 mediately following taxable years.

3 “(3) JOINT RETURNS.—In the case of a refund
4 or credit made or allowed under subsection (h) with
5 respect to a joint return, half of such refund or cred-
6 it shall be treated as having been made or allowed
7 to each individual filing such return.

8 “(h) ADVANCE REFUNDS AND CREDITS.—

9 “(1) IN GENERAL.—Each taxpayer who was an
10 eligible individual for such taxpayer’s first taxable

1 to paragraph (1) as is not less than the prior-
2 year base amount as rapidly as possible.

3 “(B) PERIODIC ADDITIONAL PAYMENTS.—

4 To the extent that the Secretary determines
5 feasible, the Secretary shall, subject to the pro-
6 visions of this title, refund or credit any re-
7 maining overpayment in periodic additional
8 amounts. The Secretary, to the maximum ex-
9 tent practicable, shall ensure that the entire
10 overpayment attributable to paragraph (1) is
11 refunded or credited under this paragraph not
12 later than December 31, 2020. For purposes of
13 the preceding sentence, the term ‘remaining
14 overpayment’ means so much of the overpay-
15 ment attributable to paragraph (1) as is not re-
16 funded or credited under subparagraph (A).

17 “(C) TERMINATION OF PAYMENT AUTHOR-
18 ITY.—No refund or credit shall be made or al-
19 lowed under this subsection after December 31,
20 2020.

21 “(4) PRIOR-YEAR BASE AMOUNT.—For pur-
22 poses of this subsection, the term ‘prior-year base
23 amount’ means the base amount determined under
24 subsection (b) with respect to—

1 “(A) the taxpayer’s first taxable year be-
2 ginning in 2019, or

3 “(B) if information regarding such taxable
4 year is not available to the Secretary, the tax-
5 payer’s first taxable year beginning in 2018.

6 “(5) COORDINATION WITH PAYMENTS TO SO-
7 CIAL SECURITY ADMINISTRATION RECIPIENTS.—This
8 subsection shall not apply with respect to any tax-
9 payer entitled to a payment under section 202 of the
10 Emergency Pension Plan Relief Act of 2020.

11 “(6) NO INTEREST.—No interest shall be al-
12 lowed on any overpayment attributable to this sec-
13 tion.

14 “(7) INFORMATION PROVIDED TO TAX-
15 PAYERS.—As soon as practicable, the Secretary
16 shall—

17 “(A) make best efforts to inform every tax-
18 payer that amounts received pursuant to this
19 subsection may be subject to recapture under
20 subsection (g)(2), and

21 “(B) develop an Internet tool allowing tax-
22 payer’s to determine the amount of such recap-
23 ture using input from the taxpayer.

24 “(i) REGULATIONS.—The Secretary shall prescribe
25 such regulations or other guidance as may be necessary

1 tax system had been in effect in such possession.
2 The preceding sentence shall not apply unless the re-
3 spective possession has a plan, which has been ap-
4 proved by the Secretary of the Treasury, under
5 which such possession will promptly distribute such
6 payments to its residents.

(3) COORDINATION WITH CREDIT ALLOWED

1 (4) TREATMENT OF CREDIT AND ADVANCE PAY-
2 MENTS.—For purposes of section 1324 of title 31,
3 United States Code, any credit under section
4 6431(a) of the Internal Revenue Code of 1986, any
5 credit or refund under section 6431(h) of such Code,
6 and any payment under subsection (b) of this Act,
7 shall be treated in the same manner as a refund due
8 from a credit provision referred to in subsection
9 (b)(2) of such section 1324.

10 (d) APPROPRIATIONS TO CARRY OUT THIS SEC-
11 TION.—

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

17 (A) For an additional amount for “Depart-
18 ment of the Treasury—Bureau of Fiscal Serv-
19 ices—Salaries and Expenses”, \$78,600,000, to

1 (C) For an additional amount for “Depart-
2 ment of the Treasury—Internal Revenue Serv-
3 ice—Enforcement”, \$37,200,000, to remain
4 available until December 31, 2020.

5 (D) For an additional amount for “De-
6 partment of the Treasury—Internal Revenue
7 Service—Operations Support”, \$8,000,000, to
8 remain available until December 31, 2020.

9 (2) REPORTS.—No later than 15 days after en-
10 actment of this Act, the Secretary of the Treasury
11 shall submit a plan to the Committees on Appropria-
12 tions of the House of Representatives and the Sen-

1 burse a base amount payment to each individual
2 who, as of the date of the enactment of this Act, is
3 an eligible individual. Such payment shall be in the
4 amount that would be paid under section 6431(b) of
5 the Internal Revenue Code of 1986 for a single tax-
6 payer with no qualifying children.

7 (2) INCOME SUPPLEMENT AMOUNT PAY-
8 MENTS.—Subject to subsection (c), the Secretary of
9 the Treasury shall disburse income supplement
10 amount payments to each individual who, as of the
11 date of the enactment of this Act, is an eligible indi-
12 vidual. The total of such payments to each such in-
13 dividual shall equal the amount defined in
14 6431(c)(1)(B)(ii) for a single taxpayer with no
15 qualifying children.

16 (b) ELIGIBLE INDIVIDUAL.—

17 (1) IN GENERAL.—For purposes of subsection
18 (a), an “eligible individual” is an individual who, for
19 the last month that ends prior to the date of enact-
20 ment of this Act—

21 (A) is entitled to a social security insur-
22 ance benefit described in paragraph (2); or

23 (B) is eligible for a supplemental security
24 income benefit described in paragraph (3).

1 (1) RESIDENCY REQUIREMENT.—A payment
2 under this section shall be made only to individuals
3 who reside in 1 of the 50 States, the District of Co-
4 lumbia, Puerto Rico, Guam, the United States Vir-
5 gin Islands, American Samoa, or the Northern Mar-
6 iana Islands, or who are utilizing a foreign or do-
7 mestic Army Post Office or Fleet Post Office ad-
8 dress. For purposes of the preceding sentence, the
9 determination of the individual's residence shall be
10 based on the address of record, as of the date of cer-
11 tification under subsection (d) for a payment under
12 this section, under a program specified in paragraph
13 (b).

14 (2) TIMING AND MANNER OF PAYMENTS.—

15 (A) TIMING OF BASE AMOUNT PAYMENT.—

16 The Secretary of the Treasury shall commence
17 disbursing payments under subsection (a)(1) at
18 the earliest practicable date but in no event
19 later than 90 days after the date of enactment
20 of this Act.

21 (B) TIMING OF INCOME SUPPLEMENT
22 AMOUNT PAYMENTS.—The Secretary of the
23 Treasury shall disburse payments under sub-
24 section (a)(2) on a periodic basis in coordina-
25 tion with the timing of refunds and credits

1 made under section 6431(h)(3)(B) of the Inter-
2 nal Revenue Code of 1986.

3 (C) ELECTRONIC DISBURSEMENT.—The
4 Secretary of the Treasury may disburse any
5 payment electronically to an individual in such
6 manner as if such payment were a benefit pay-
7 ment made to such individual under the appli-
8 cable program described in paragraph (2) or (3)
9 of subsection (b).

10 (D) NOTICES.—The Commissioner of So-
11 cial Security shall send one or more notices, as
12 appropriate, in connection with such payments.
13 Such notices shall include the information de-
14 scribed in section 6431(h)(7)(A) of the Internal
15 Revenue Code of 1986 relating to such pay-
16 ments being subject to recapture.

17 (d) IDENTIFICATION OF RECIPIENTS.—The Commis-
18 sioner of Social Security shall certify the individuals enti-
19 tled to receive payments under this section and provide
20 the Secretary of the Treasury with the information needed
21 to disburse such payments. A certification of an individual
22 for payment shall be unaffected by any subsequent deter-
23 mination or redetermination of the individual's entitlement
24 to, or eligibility for, a benefit specified in paragraph (2)
25 or (3) of subsection (b).

(e) TREATMENT OF P

1 payment under subsection (a) shall not be subject to
2 any reduction, offset, or levy pursuant to—

3 (A) section 3716 or 3720A of title 31,
4 United States Code;

5 (B) section 6331 of the Internal Revenue
6 Code of 1986; or

1 with respect to any payments made under this section or
2 section 6431(h) of the Internal Revenue Code of 1986.

3 (h) APPROPRIATION.—Out of any money in the
4 Treasury not otherwise appropriated, there is appro-
5 priated to the Commissioner of Social Security such sums
6 as may be necessary for payments to individuals certified
7 by the Commissioner of Social Security as entitled to re-
8 ceive a payment under this section, to remain available
9 until expended.

10 Subtitle B—Earned Income Tax 11 Credit

12 SEC. 211. STRENGTHENING THE EARNED INCOME TAX
13 CREDIT FOR INDIVIDUALS WITH NO QUALI-
14 FYING CHILDREN.

15 (a) SPECIAL RULES FOR 2020 AND 2021.—Section
16 32 of the Internal Revenue Code of 1986 is amended by
17 adding at the end the following new subsection:

18 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
19 QUALIFYING CHILDREN.—In the case of any taxable year
20 beginning in 2020 or 2021—

21 “(1) DECREASE IN MINIMUM AGE FOR CRED-
22 IT.—

23 “(A) IN GENERAL.—Subsection
24 (c)(1)(A)(ii)(II) shall be applied by substituting
25 ‘the applicable minimum age’ for ‘age 25’.

1 “(B) APPLICABLE MINIMUM AGE.—For
2 purposes of this paragraph, the term ‘applicable
3 minimum age’ means—

4 “(i) except as otherwise provided in
5 this subparagraph, age 19,

6 “(ii) in the case of a full-time student
7 (other than a qualified former foster youth
8 or a qualified homeless youth), age 25, and

9 “(iii) in the case of a qualified former

1 istering (or eligible to administer) a plan
2 under part B or part E of the Social Secu-
3 rity Act (without regard to whether Fed-
4 eral assistance was provided with respect
5 to such child under such part E), and

6 “(ii) provides (in such manner as the
7 Secretary may provide) consent for State
8 and tribal agencies which administer a
9 plan under part B or part E of the Social
10 Security Act to disclose to the Secretary
11 information related to the status of such
12 individual as a qualified former foster
13 youth.

14 “(E) QUALIFIED HOMELESS YOUTH.—For
15 purposes of this paragraph, the term ‘qualified
16 homeless youth’ means, with respect to any tax-
17 able year, an individual who—

18 “(i) is certified by a local educational
19 agency or a financial aid administrator
20 during such taxable year as being either an
21 unaccompanied youth who is a homeless
22 child or youth, or as unaccompanied, at
23 risk of homelessness, and self-supporting.
24 Terms used in the preceding sentence
25 which are also used in section 480(d)(1) of

1 the Higher Education Act of 1965 shall
2 have the same meaning as when used in
3 such section, and

4 “(ii) provides (in such manner as the
5 Secretary may provide) consent for local
6 educational agencies and financial aid ad-
7 ministrators to disclose to the Secretary in-
8 formation related to the status of such in-
9 dividual as a qualified homeless youth.

10 “(2) INCREASE IN MAXIMUM AGE FOR CRED-
11 IT.—Subsection (c)(1)(A)(ii)(II) shall be applied by
12 substituting ‘age 66’ for ‘age 65’.

13 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
14 CENTAGES.—The table contained in subsection
15 (b)(1) shall be applied by substituting ‘15.3’ for
16 ‘7.65’ each place it appears therein.

17 “(4) INCREASE IN EARNED INCOME AND
18 PHASEOUT AMOUNTS.—

19 “(A) IN GENERAL.—The table contained in
20 subsection (b)(2)(A) shall be applied—

21 “(i) by substituting ‘\$9,570’ for
22 ‘\$4,220’, and

23 “(ii) by substituting ‘\$11,310’ for
24 ‘\$5,280’.

1 “(B) COORDINATION WITH INFLATION AD-
2 JUSTMENT.—

3 “(i) IN GENERAL.—In the case of any

1 retary's delegate) shall develop and implement procedures
2 for checking an individual's claim for a credit under sec-
3 tion 32 of the Internal Revenue Code of 1986, by reason
4 of subsection (n)(1) thereof, against any information re-
5 turn made with respect to such individual under section
6 6050S (relating to returns relating to higher education
7 tuition and related expenses).

8 (c) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 SEC. 212. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-
12 COME CREDIT IN CASE OF QUALIFYING CHIL-
13 DREN WHO FAIL TO MEET CERTAIN IDENTI-
14 FICATION REQUIREMENTS.

15 (a) IN GENERAL.—Section 32(c)(1) of the Internal
16 Revenue Code of 1986 is amended by striking subpara-
17 graph (F).

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after

1 (1) by striking "MARRIED INDIVIDUALS.—In
2 the case of" and inserting the following: "MARRIED
3 INDIVIDUALS.—

4 "(1) IN GENERAL.—In the case of", and

5 (2) by adding at the end the following new
6 paragraph:

7 "(2) DETERMINATION OF MARITAL STATUS.—
8 For purposes of this section—

9 "(A) IN GENERAL.—Except as provided in
10 subparagraph (B), marital status shall be deter-
11 mined under section 7703(a).

12 "(B) SPECIAL RULE FOR SEPARATED
13 SPOUSE.—An individual shall not be treated as
14 married if such individual—

15 "(i) is married (as determined under

1 “(II) has a decree, instrument, or
2 agreement (other than a decree of divorce)
3 described in section 121(d)(3)(C) with re-
4 spect to the individual’s spouse and is not
5 a member of the same household with the
6 individual’s spouse by the end of the tax-
 able year.”.

1 (1) Section 32(j)(1) of such Code is amended
2 by striking “subsections (b)(2) and (i)(1)” and in-
3 serting “subsection (b)(2)”.

4 (2) Section 32(j)(1)(B)(i) of such Code is
5 amended by striking “subsections (b)(2)(A) and
6 (i)(1)” and inserting “subsection (b)(2)(A)”.

7 (3) Section 32(j)(2) of such Code is amended—
8 (A) by striking subparagraph (B), and
9 (B) by striking “ROUNDING.—” and all
10 that follows through “If any dollar amount”
11 and inserting the following: “ROUNDING.—If
12 any dollar amount”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 the date of the enactment of this Act.

16 SEC. 215. APPLICATION OF EARNED INCOME TAX CREDIT
17 IN POSSESSIONS OF THE UNITED STATES.

18 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
19 enue Code of 1986 is amended by adding at the end the
20 following new section:

21 “SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT
22 TO POSSESSIONS OF THE UNITED STATES.

23 “(a) PUERTO RICO.—

24 “(1) IN GENERAL.—With respect to calendar
25 year 2021 and each calendar year thereafter, the

1 Secretary shall, except as otherwise provided in this
2 subsection, make payments to Puerto Rico equal
3 to—

4 “(A) the specified matching amount for
5 such calendar year, plus

6 “(B) in the case of calendar years 2021
7 through 2025, the lesser of—

8 “(i) the expenditures made by Puerto
9 Rico during such calendar year for edu-
10 cation efforts with respect to individual
11 taxpayers and tax return preparers relat-
12 ing to the earned income tax credit, or

13 “(ii) \$1,000,000.

14 “(2) REQUIREMENT TO REFORM EARNED IN-
15 COME TAX CREDIT.—The Secretary shall not make
16 any payments under paragraph (1) with respect to
17 any calendar year unless Puerto Rico has in effect
18 an earned income tax credit for taxable years begin-
19 ning in or with such calendar year which (relative to
20 the earned income tax credit which was in effect for
21 taxable years beginning in or with calendar year
22 2019) increases the percentage of earned income
23 which is allowed as a credit for each group of indi-
24 viduals with respect to which such percentage is sep-

1 arately stated or determined in a manner designed
2 to substantially increase workforce participation.

3 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
4 poses of this subsection—

“(A) I

1 “(II) \$200,000,000.

2 “(ii) INFLATION ADJUSTMENT.—In
3 the case of any calendar year after 2021,
4 the term ‘base amount’ means the dollar
5 amount determined under clause (i) in-
6 creased by an amount equal to—

7 “(I) such dollar amount, multi-
8 plied by—

9 “(II) the cost-of-living adjust-
10 ment determined under section 1(f)(3)
11 for such calendar year, determined by
12 substituting ‘calendar year 2020’ for
13 ‘calendar year 2016’ in subparagraph
14 (A)(ii) thereof.

15 Any amount determined under this clause
16 shall be rounded to the nearest multiple of
17 \$1,000,000.

18 “(4) RULES RELATED TO PAYMENTS AND RE-
19 PORTS.—

20 “(A) TIMING OF PAYMENTS.—The Sec-
21 retary shall make payments under paragraph
22 (1) for any calendar year—

23 “(i) after receipt of the report de-
24 scribed in subparagraph (B) for such cal-
25 endar year, and

1 “(ii) except as provided in clause (i),
2 within a reasonable period of time before
3 the due date for individual income tax re-
4 turns (as determined under the laws of
5 Puerto Rico) for taxable years which began

1 curate. Proper adjustment shall be made in
2 the amount of any subsequent payments
3 made under paragraph (1) to the extent
4 that proper payment is not made under the
5 preceding sentence before such subsequent
6 payments.

7 “(ii) ADDITIONAL REPORTS.—The
8 Secretary may require such additional peri-
9 odic reports of the information described in
10 subparagraph (B) as the Secretary deter-
11 mines appropriate to facilitate timely ad-
12 justments under clause (i).

13 “(D) DETERMINATION OF COST OF
14 EARNED INCOME TAX CREDIT.—For purposes
15 of this subsection, the cost to Puerto Rico of
16 the earned income tax credit shall be deter-
17 mined by the Secretary on the basis of the laws
of 205Nm76 SI Puerto17

1 credit as in effect in Puerto Rico for taxable
2 years beginning in or with calendar year 2019
3 is modified after the date of the enactment of
4 this subsection.

5 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
6 TEMS.—

7 “(1) IN GENERAL.—With respect to calendar
8 year 2021 and each calendar year thereafter, the
9 Secretary shall, except as otherwise provided in this
10 subsection, make payments to the Virgin Islands,
11 Guam, and the Commonwealth of the Northern Mar-
12 iana Islands equal to—

13 “(A) 75 percent of the cost to such posses-
14 sion of the earned income tax credit for taxable
15 years beginning in or with such calendar year,
16 plus

17 “(B) in the case of calendar years 2021
18 through 2025, the lesser of—

19 “(i) the expenditures made by such
20 possession during such calendar year for
21 education efforts with respect to individual
22 taxpayers and tax return preparers relat-
23 ing to such earned income tax credit, or

24 “(ii) \$50,000.

1 “(2) APPLICATION OF CERTAIN RULES.—Rules
2 similar to the rules of subparagraphs (A), (B), (C),
3 and (D) of subsection (a)(4) shall apply for purposes
4 of this subsection.

 “(c) A

1 “(2) REQUIREMENT TO ENACT AND MAINTAIN
2 AN EARNED INCOME TAX CREDIT.—The Secretary
3 shall not make any payments under paragraph (1)
4 with respect to any calendar year unless American
5 Samoa has in effect an earned income tax credit for
6 taxable years beginning in or with such calendar
7 year which allows a refundable tax credit to individ-
8 uals on the basis of the taxpayer’s earned income
9 which is designed to substantially increase workforce
10 participation.

11 “(3) INFLATION ADJUSTMENT.—In the case of
12 any calendar year after 2021, the \$12,000,000
13 amount in paragraph (1)(A)(ii) shall be increased by
14 an amount equal to—

15 “(A) such dollar amount, multiplied by—

16 “(B) the cost-of-living adjustment deter-
17 mined under section 1(f)(3) for such calendar
18 year, determined by substituting ‘calendar year
19 2020’ for ‘calendar year 2016’ in subparagraph
20 (A)(ii) thereof.

21 Any increase determined under this clause shall be
22 rounded to the nearest multiple of \$100,000.

23 “(4) APPLICATION OF CERTAIN RULES.—Rules
24 similar to the rules of subparagraphs (A), (B), (C),

1 and (D) of subsection (a)(4) shall apply for purposes
2 of this subsection.

“(d) TREATMENT

1 “(C) MIRROR CODE TAX SYSTEM.—For
2 purposes of this paragraph, the term ‘mirror
3 code tax system’ means, with respect to any
4 possession of the United States, the income tax
5 system of such possession if the income tax li-
6 ability of the residents of such possession under
7 such system is determined by reference to the
8 income tax laws of the United States as if such
9 possession were the United States.

10 “(2) PUERTO RICO.—In the case of any bona
11 fide resident of Puerto Rico (within the meaning of
12 section 937(a))—

13 “(A) the credit determined under this sec-
14 tion shall be allowable to such resident,

15 “(B) in the case of any taxable year begin-
16 ning after December 31, 2021, and before Jan-
17 uary 1, 2027, the increase determined under
18 the first sentence of subsection (d)(1) shall be
19 the lesser of—

20 “(i) the amount determined under
21 subsection (d)(1)(A) (determined without
22 regard to subsection (h)(4)), or

23 “(ii) the dollar amount in effect under
24 subsection (h)(5), and

1 “(C) in the case of any taxable year after
2 December 31, 2026, the increase determined
3 under the first sentence of subsection (d)(1)
4 shall be the amount determined under sub-
5 section (d)(1)(A).

6 “(3) AMERICAN SAMOA.—

 “(A) IN GENERAL

1 “(C) COORDINATION WITH CREDIT AL-
2 LOWED AGAINST UNITED STATES INCOME
3 TAXES.—

4 “(i) IN GENERAL.—In the case of a
5 taxable year with respect to which a plan
6 is approved under subparagraph (B), this
7 section (other than this subsection) shall
8 not apply to any individual eligible for a
9 distribution under such plan.

10 “(ii) APPLICATION OF SECTION IN
11 EVENT OF ABSENCE OF APPROVED
12 PLAN.—In the case of a taxable year with
13 respect to which a plan is not approved
14 under subparagraph (B), rules similar to
15 the rules of paragraph (2) shall apply with
16 respect to bona fide residents of American
17 Samoa (within the meaning of section
18 937(a)).

19 “(4) TREATMENT OF PAYMENTS.—The pay-
20 ments made under this subsection shall be treated in
21 the same manner for purposes of section 1324(b)(2)
22 of title 31, United States Code, as refunds due from
23 the credit allowed under this section.”.

1 “(1) CREDIT MADE REFUNDABLE.—In the case
2 of an individual other than a nonresident alien, the
3 credit allowed under subsection (a) shall be treated
4 as a credit allowed under subpart C (and not allowed
5 under this subpart).

6 “(2) INCREASE IN APPLICABLE PERCENTAGE.—
7 Subsection (a)(2) shall be applied—

8 “(A) by substituting ‘50 percent’ for ‘35
9 percent’, and

10 “(B) by substituting ‘\$120,000’ for
11 ‘\$15,000’.

12 “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT
13 CREDITABLE.—Subsection (c) shall be applied—

14 “(A) by substituting ‘\$6,000’ for ‘\$3,000’
15 in paragraph (1) thereof, and

16 “(B) by substituting ‘twice the amount in
17 effect under paragraph (1)’ for ‘\$6,000’ in
18 paragraph (2) thereof.

19 “(4) INFLATION ADJUSTMENT OF DOLLAR
20 AMOUNTS.—In the case of any taxable year begin-
21 ning after 2020, the \$120,000 amount in paragraph
22 (2)(B) and the \$6,000 amount in paragraph (3)(A)
23 shall each be increased by an amount equal to—

24 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year in which the taxable year begins, deter-
4 mined by substituting ‘2019’ for ‘2016’ in sub-
5 paragraph (A)(ii) thereof.

6 If any increase determined under this paragraph is
7 not a multiple of \$100, such increase shall be round-
8 ed to the next lowest multiple of \$100.

9 “(5) INCOME LIMITATION.—

 “(A) I

1 1986 (as added by this section) shall not apply to any per-
2 son—

3 (1) to whom a credit is allowed against taxes
4 imposed by a possession with a mirror code tax sys-
5 tem by reason of the application of section 21 of
6 such Code in such possession for such taxable year,
7 or

8 (2) to whom a credit would be allowed against
9 taxes imposed by a possession which does not have
10 a mirror code tax system if the provisions of section
11 21 of such Code had been in effect in such posses-
12 sion for such taxable year.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to taxable years beginning after
15 December 31, 2019.

16 SEC. 232. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-
17 VIDED DEPENDENT CARE ASSISTANCE.

18 (a) IN GENERAL.—Section 129(a)(2) of the Internal
19 Revenue Code of 1986 is amended by adding at the end
20 the following new subparagraph:

21 “(D) SPECIAL RULE FOR 2021 AND 2022.—
22 In the case of any taxable year beginning in
23 2021 or 2022—

24 “(i) IN GENERAL.—Subparagraph (A)
25 shall be applied be substituting ‘\$10,500

1 (half such dollar amount' for '\$5,000
2 (\$2,500'.

3 "(ii) INFLATION ADJUSTMENT.—In
4 the case of any taxable year beginning
5 after 2021, the \$10,500 amount in clause
6 (i) shall be increased by an amount equal
7 to—

1 Subtitle E—Net Operating Losses

2 SEC. 241. FIVE-YEAR CARRYBACK OF NET OPERATING

1 such manner as may be prescribed by the Sec-
2 retary, and shall be made—

3 “(i) in the case of any election relat-
4 ing to a net operating loss arising in a tax-
5 able year beginning in 2018 or 2019, by
6 the due date (including extension of time)
7 for filing the return for the taxpayer’s first
8 taxable year ending after the date of the
9 enactment of this subparagraph.

10 “(ii) in the case of any election relat-
11 ing to a net operating loss arising in a tax-
12 able year beginning in 2020, by the due
13 date (including extensions of time) for
14 such taxable year.

15 Any such election, once made, shall be irrev-
16 ocable.

17 “(2) SUSPENSION OF NET OPERATING LOSS
18 LIMITATION.—For taxable years beginning after De-
19 cember 31, 2017, and before January 1, 2021, the
20 amount of the deduction allowed under subsection
21 (a) shall be the aggregate of the net operating loss
22 carryovers to such year, plus the net operating loss

1 able year in which the taxpayer is a disqualified tax-
2 payer. Any taxpayer who is a disqualified taxpayer
3 in the first taxable year ending after the date of the
4 enactment of this paragraph, shall be treated as a
5 disqualified taxpayer for taxable years beginning on
6 or after January 1, 2018.

7 “(4) DEFINITIONS.—For purposes of this sub-
8 section—

9 “(A) DISQUALIFIED TAXPAYER.—A tax-
10 payer is a disqualified taxpayer with respect to
11 a taxable year if—

12 “(i) in the case of a taxable year end-
13 ing after December 31, 2019, and begin-
14 ning before January 1, 2021, the taxpayer
15 (or any related person) is not allowed a de-
16 duction under this chapter for the taxable

1 “(5) SPECIAL RULE FOR LIFE INSURANCE COM-
2 PANIES.—In the case of a net operating loss of a life
3 insurance company which arises in a taxable year

1 (d) REGULATORY AUTHORITY.—The Secretary of the
2 Treasury (or the Secretary’s delegate) shall prescribe such
3 regulations or other guidance as are necessary or appro-
4 priate to prevent the abuse of the purposes of the amend-
5 ments made by this section, including—

6 (1) anti-stuffing rules, anti-churning rules (in-
7 cluding rules relating to sale-leasebacks), and rules
8 similar to the rules under section 1091 of the Inter-
9 nal Revenue Code of 1986 relating to losses from
10 wash sales,

11 (2) rules applying this subsection to successor
12 corporations and in cases where a taxpayer becomes,
13 or ceases to be, a member of an affiliated group fil-
14 ing a consolidated return under section 1501 of such
15 Code,

16 (3) rules treating members of an affiliated
17 group filing a consolidated return under section
18 1501 of such Code as a single corporation, and

19 (4) rules to prevent the avoidance of this sec-
20 tion through related parties, pass-through entities,
21 and intermediaries.

22 (e) SPECIAL RULES.—Rules similar to the rules of
23 subparagraphs (B) and (D) of section 172(b)(1) of the
24 Internal Revenue Code of 1986, as in effect on the day
25 before the date of the enactment of Public Law 115–97,

1 shall apply to any net operating loss to which the amend-
2 ment made by this section applies. The Secretary of the
3 Treasury (or the Secretary's delegate) shall prescribe such
4 regulations or other guidance as are necessary or appro-
5 priate to effect the purposes of such subparagraphs with
6 respect to any such net operating losses.

7 (f) EFFECTIVE DATE.—

8 (1) NET OPERATING LOSS LIMITATION.—EX-
9 cept as provided in paragraph (2), the amendments
10 made by subsections (a) shall apply to—

11 (A) taxable years beginning after Decem-
12 ber 31, 2017, and

13 (B) taxable years beginning on or before
14 December 31, 2017, to which net operating
15 losses arising in taxable years beginning after
16 December 31, 2017, are carried.

(2) C

1 **Subtitle F—Employee Retention**
2 **Credit**

3 SEC. 251. PAYROLL CREDIT FOR CERTAIN EMPLOYERS AF-
4 FFECTED BY COVID-19.

5 (a) IN GENERAL.—In the case of an eligible em-
6 ployer, there shall be allowed as a credit against the tax
7 imposed by section 3111(a) or 3221(a) of the Internal
8 Revenue Code of 1986 for each calendar quarter an
9 amount equal to 80 percent of the qualified wages allo-
10 cable to the inoperable trade or business with respect to

- 1 (C) which had either—
- 2 (i) no more than 1,500 full-time

1 (A) beginning in the calendar quarter in
2 which the trade or business became an inoper-
3 able trade or business, and

4 (B) ending in the calendar quarter for
5 which the gross receipts of the trade or busi-
6 ness of the eligible employer are greater than
7 90 percent of gross receipts for the same cal-
8 endar quarter for the prior year.

9 Such term shall include wages paid or incurred with-
10 out regard to whether the employee performs no
11 services, performs services at a different place of em-
12 ployment, or performs services during the period in
13 which the eligible employer is an inoperable trade or
14 business.

15 (d) AGGREGATION RULE.—All persons treated as a
16 single employer under subsection (a) or (b) of section 52
17 of such Code, or subsection (m) or (o) of section 414 of
18 such Code, shall be treated as one eligible employer for
19 purposes of this section.

20 (e) DENIAL OF DOUBLE BENEFIT.—For purposes of
21 chapter 1 of such Code, the gross income of the employer

1 (f) SPECIAL RULE FOR THIRD PARTY PAYORS.—Any
2 credit allowed under this section shall be treated as a cred-
3 it described in section 3511(d)(2) of such Code.

4 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
5 section shall not apply with respect to any eligible em-
6 ployer for any calendar quarter if such employer elects (at
7 such time and in such manner as the Secretary of the
8 Treasury (or the Secretary's delegate) may prescribe) not
9 to have this section apply.

(h) EMPLOYEE NOT TAKEN I

1 (2) regulations or other guidance regarding the
2 form and manner for recapturing credits under this
3 section,

4 (3) regulations or other guidance to prevent the
5 avoidance of the purposes of this section,

6 (4) regulations or other guidance describing
7 proper calculation of gross receipts for purposes of
8 subsection (c) for eligible employers that did not op-
9 erate a trade or business in prior calendar quarters,
10 and

11 (5) regulations or other guidance regarding the
12 application of the credit under subsection (a) to
13 third party payors (including professional employer
14 organizations, certified professional employer organi-
15 zations, or agents under section 3504 of such Code),
16 including regulations or other guidance allowing
17 such payors to submit documentation necessary to
18 substantiate the eligible employer status of employ-
19 ers that use such payors.

(j) TRANSFERS TO FEDERAL OLD-AGE AND SUR-

1 Equivalent Benefit Account established under section

1 (1) IN GENERAL.—Section 7002(c)(1)(B) of
2 Public Law 116–127 is amended to read as follows:

3 “(B) the lesser of—

4 “(i) \$511, or

5 “(ii) the average daily self-employ-
6 ment income of the individual for the tax-
7 able year.”.

8 (2) CONFORMING AMENDMENT.—Section
9 7002(d)(3) of Public Law 116–127 is amended by
10 striking “\$2,000 (\$5,110 in the case of any day any
11 portion of which is paid sick time described in para-
12 graph (1), (2), or (3) of section 5102(a) of the
13 Emergency Paid Sick Leave Act)” and inserting
14 “\$5,110”.

15 SEC. 263. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-
16 LOWED TAX CREDITS FOR PAID SICK AND
17 PAID FAMILY AND MEDICAL LEAVE.

18 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—Sec-
19 tion 7001(e) of Public Law 116–127 is amended by strik-
20 ing paragraph (4).

21 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—
22 Section 7003(e) of Public Law 116–127 is amended by
23 striking paragraph (4).

1 SEC. 264. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-
2 PLOYERS.

3 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

4 (1) IN GENERAL.—Section 7001(a) of Public

- 1 (1) IN GENERAL.—Section 7003(a) of Public Law 116–127 is amended by striking “In the case

1 SEC. 265. EFFECTIVE DATE.

2 The amendments made by this title shall take effect
3 as if included in the provisions of Public Law 116–127
4 to which they relate.

5 TITLE III—ADMINISTRATIVE

6 SEC. 301. DELAY OF CERTAIN DEADLINES.

7 (a) FILING DEADLINES FOR 2019.—In the case of
8 any return required to be filed for a taxable year ending
9 in 2019, including for purposes of section 6151(a) of the
10 Internal Revenue Code of 1986, section 6072(a) of such
11 Code shall be applied—

12 (1) by substituting “July” for “April”, and

13 (2) by substituting “the seventh month” for
14 “the fourth month”.

15 (b) ESTIMATED TAX PAYMENTS FOR INDIVID-
16 UALS.—

17 (1) IN GENERAL.—In the case of an individual,
18 the due date for any required installment under sec-
19 tion 6654 of the Internal Revenue Code of 1986
20 which (but for the application of this section) would
21 be due during the applicable period shall not be due
22 before October 15, 2020, and all such installments
23 shall be treated as one installment due on such date.
24 The Secretary of the Treasury (or the Secretary’s
25 delegate) shall prescribe such regulations or other

1 guidance as may be necessary to carry out the pur-
2 poses of this subsection.

3 (2) APPLICABLE PERIOD.—For purposes of this
4 subsection, the applicable period is the period begin-
5 ning on the date of the enactment of this Act and
6 ending before October 15, 2020.

7 TITLE IV—RETIREMENT 8 PROVISIONS

9 SEC. 401. SPECIAL RULES FOR USE OF RETIREMENT
10 FUNDS.

11 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
12 MENT PLANS.—

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

16 (2) AGGREGATE DOLLAR LIMITATION.—

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

22 (B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would
23 (without regard to subparagraph (A)) be a
24 coronavirus-related distribution, a plan shall not
25

1 be treated as violating any requirement of the
2 Internal Revenue Code of 1986 merely because
3 the plan treats such distribution as a
4 coronavirus-related distribution, unless the ag-
5 gregate amount of such distributions from all
6 plans maintained by the employer (and any
7 member of any controlled group which includes
8 the employer) to such individual exceeds
9 \$100,000.

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

16 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—

17 (A) IN GENERAL.—Any individual who re-
18 ceives a coronavirus-related distribution may, at
19 any time during the 3-year period beginning on
20 the day after the date on which such distribu-
21 tion was received, make 1 or more contributions
22 in an aggregate amount not to exceed the
23 amount of such distribution to an eligible retire-
24 ment plan of which such individual is a bene-
25 ficiary and to which a rollover contribution of

1 such distribution could be made under section
2 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
3 457(e)(16), of the Internal Revenue Code of
4 1986, as the case may be.

(B) TREATMENT OF REPAYMENTS OF DIS

1 tion from an individual retirement plan (as de-
2 fined by section 7701(a)(37) of such Code),
3 then, to the extent of the amount of the con-
4 tribution, the coronavirus-related distribution
5 shall be treated as a distribution described in
6 section 408(d)(3) of such Code and as having
7 been transferred to the eligible retirement plan
8 in a direct trustee to trustee transfer within 60
9 days of the distribution.

10 (4) DEFINITIONS.—For purposes of this sub-
11 section—

12 (A) CORONAVIRUS-RELATED DISTRIBUTION.—Except as provided in paragraph (2),
13 the term “coronavirus-related distribution”
14 means any distribution from an eligible retire-
15 ment plan made—
16

17 (i) on or after January 1, 2020, and
18 before December 31, 2020,

19 (ii) to an individual—

20 (I) who is diagnosed with the
21 virus SARS-CoV-2 or with
22 coronavirus disease 2019 (COVID-
23 19) by a test approved by the Centers
24 for Disease Control and Prevention,

1 (II) whose spouse or dependent
2 (as defined in section 152 of the In-
3 ternal Revenue Code of 1986) is diag-
4 nosed with such virus or disease by
5 such a test, or

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

19 (B) EMPLOYEE CERTIFICATION.—The ad-
20 ministrator of an eligible retirement plan may
21 rely on an employee's certification that the em-
22 ployee satisfies the conditions of subparagraph
23 (A)(ii) in determining whether any distribution
24 is a coronavirus-related distribution.

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(C) ELIGIBLE RETIREMENT PLAN

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

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

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

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

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

5 (c) PROVISIONS RELATING TO PLAN AMEND-
6 MENTS.—

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

12 (2) AMENDMENTS TO WHICH SUBSECTION AP-
13 PLIES.—

14 (A) IN GENERAL.—This subsection shall
15 apply to any amendment to any plan or annuity
16 contract which is made—

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

23 (ii) on or before the last day of the
24 first plan year beginning on or after Janu-
25 ary 1, 2022, or such later date as the Sec-

1 retary of the Treasury (or the Secretary's
2 delegate) may prescribe.

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

8 (B) CONDITIONS.—This subsection shall
9 not apply to any amendment unless—

10 (i) during the period—

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

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

22 the plan or contract is operated as if such
23 plan or contract amendment were in effect,
24 and

1 (ii) such plan or contract amendment
2 applies retroactively for such period.

3 SEC. 402. SINGLE-EMPLOYER PLAN FUNDING RULES.

4 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
5 CONTRIBUTIONS.—In the case of any minimum required
6 contribution (as determined under section 430(a) of the
7 Internal Revenue Code of 1986 and section 303(a) of the
8 Employee Retirement Income Security Act of 1974 (29
9 U.S.C. 1083(a))) which (but for this section) would other-
10 wise be due under section 430(j) of such Code (including
11 quarterly contributions under paragraph (3) thereof) and
12 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
13 quarterly contributions under paragraph (3) thereof) dur-
14 ing calendar year 2020—

15 (1) such contributions shall not be required to
16 be made until January 1, 2021, and

17 (2) the amount of each such minimum required
18 contribution shall be increased by interest accruing
19 for the period between the original due date (without
20 regard to this section) for the contribution and the
21 payment date, at the effective rate of interest for the
22 plan for the plan year which includes such payment
23 date.

24 (b) BENEFIT RESTRICTION STATUS.—For purposes
25 of section 436 of the Internal Revenue Code of 1986 and

1 section 206(g) of the Employee Retirement Income Secu-
2 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
3 elect to treat the plan's adjusted funding target attain-
4 ment percentage for the last plan year ending before Janu-
5 ary 1, 2020, as the adjusted funding target attainment
6 percentage for plan years which include calendar year
7 2020.

8 SEC. 403. TEMPORARY WAIVER OF REQUIRED MINIMUM
9 DISTRIBUTION RULES FOR CERTAIN RETIRE-
10 MENT PLANS AND ACCOUNTS.

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

14 (I) TEMPORARY WAIVER OF MINIMUM RE-
15 QUIRED DISTRIBUTION.—

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

19 (I) a defined contribution plan
20 which is described in this subsection
21 or in section 403(a) or 403(b),

22 (II) a defined contribution plan
23 which is an eligible deferred com-
24 pensation plan described in section
25 457(b) but only if such plan is main-

1 terminated without regard to calendar
2 year 2020,

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

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

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

17 (c) EFFECTIVE DATES.—

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

21 (2) PROVISIONS RELATING TO PLAN OR CON-
22 TRACT AMENDMENTS.—

23 (A) IN GENERAL.—If this paragraph ap-
24 plies to any pension plan or contract amend-
25 ment, such pension plan or contract shall not

1 fail to be treated as being operated in accord-
2 ance with the terms of the plan during the pe-
3 riod described in subparagraph (B)(ii) solely be-
4 cause the plan operates in accordance with this
5 section.

6 (B) AMENDMENTS TO WHICH PARAGRAPH
7 APPLIES.—

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

11 (I) is made pursuant to the
12 amendments made by this section,
13 and

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

17 In the case of a governmental plan, sub-
18 clause (II) shall be applied by substituting
19 “2024” for “2022”.

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

1 operated as if such plan or contract
2 amendment were in effect.

3 SEC. 404. MODIFICATION OF SPECIAL RULES FOR MINIMUM
4 FUNDING STANDARDS FOR COMMUNITY
5 NEWSPAPER PLANS.

6 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
7 1986.—Subsection (m) of section 430 of the Internal Rev-

1 group of a plan sponsor of a community news-
2 paper plan if such member is in the trade or
3 business of publishing 1 or more newspapers.

“(3) ELECTION

1 year with respect to which an election
2 under paragraph (1) is in effect shall be
3 determined on the basis of the United
4 States Treasury obligation yield curve for
5 the day that is the valuation date of such
6 plan for such plan year.

7 “(iii) UNITED STATES TREASURY OB-
8 LIGATION YIELD CURVE.—For purposes of
9 this subsection, the term ‘United States
10 Treasury obligation yield curve’ means,
11 with respect to any day, a yield curve
12 which shall be prescribed by the Secretary
13 for such day on interest-bearing obligations
14 of the United States.

15 “(B) SHORTFALL AMORTIZATION BASE.—

16 “(i) PREVIOUS SHORTFALL AMORTIZA-
17 TION BASES.—The shortfall amortization
18 bases determined under subsection (c)(3)
19 for all plan years preceding the first plan
20 year to which the election under paragraph
21 (1) applies (and all shortfall amortization
22 installments determined with respect to
23 such bases) shall be reduced to zero under
24 rules similar to the rules of subsection
25 (c)(6).

1 “(ii) NEW SHORTFALL AMORTIZATION
2 BASE.—Notwithstanding subsection (c)(3),
3 the shortfall amortization base for the first
4 plan year to which the election under para-
5 graph (1) applies shall be the funding
6 shortfall of such plan for such plan year
7 (determined using the interest rates as
8 modified under subparagraph (A)).

9 “(C) DETERMINATION OF SHORTFALL AM-
10 ORTIZATION INSTALLMENTS.—

11 “(i) 30-YEAR PERIOD.—Subpara-
12 graphs (A) and (B) of subsection (c)(2)
13 shall be applied by substituting ‘30-plan-
14 year’ for ‘7-plan-year’ each place it ap-
15 pears.

16 “(ii) NO SPECIAL ELECTION.—The
17 election under subparagraph (D) of sub-
18 section (c)(2) shall not apply to any plan
19 year to which the election under paragraph
20 (1) applies.

21 “(D) EXEMPTION FROM AT-RISK TREAT-
22 MENT.—Subsection (i) shall not apply.

23 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
24 poses of this subsection—

1 “(A) IN GENERAL.—The term ‘community
2 newspaper plan’ means any plan to which this
3 section applies maintained as of December 31,

1 “(iii) is controlled, directly or indi-
2 rectly—

3 “(I) by 1 or more persons resid-
4 ing primarily in a State in which the
5 community newspaper has been pub-
6 lished on newsprint or carrier-distrib-
7 uted,

8 “(II) during the entire 30-year
9 period ending on the date of the en-
10 actment of this subsection by individ-
11 uals who are members of the same
12 family,

13 “(III) by 1 or more trusts, the
14 sole trustees of which are persons de-
15 scribed in subclause (I) or (II), or

16 “(IV) by a combination of per-
17 sons described in subclause (I), (II),
18 or (III).

19 “(B) NEWSPAPER.—The term ‘newspaper’
20 does not include any newspaper (determined
21 without regard to this subparagraph) to which
22 any of the following apply:

23 “(i) Is not in general circulation.

1 “(ii) Is published (on newsprint or
2 electronically) less frequently than 3 times
3 per week.

4 “(iii) Has not ever been regularly
5 published on newsprint.

6 “(iv) Does not have a bona fide list of
7 paid subscribers.

8 “(C) CONTROL.—A person shall be treated
9 as controlled by another person if such other
10 person possesses, directly or indirectly, the
11 power to direct or cause the direction and man-
12 agement of such person (including the power to
13 elect a majority of the members of the board of
14 directors of such person) through the ownership
15 of voting securities.

16 “(6) CONTROLLED GROUP.—For purposes of
17 this subsection, the term ‘controlled group’ means all
18 persons treated as a single employer under sub-
19 section (b), (c), (m), or (o) of section 414 as of the
20 date of the enactment of this subsection.”.

21 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
22 COME SECURITY ACT OF 1974.—Subsection (m) of section
23 303 of the Employee Retirement Income Security Act of
24 1974 (29 U.S.C. 1083(m)), as added by the Setting Every

1 Community Up for Retirement Enhancement Act of 2019,
2 is amended to read as follows:

3 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
4 PLANS.—

5 “(1) IN GENERAL.—An eligible newspaper plan
6 sponsor of a plan under which no participant has
7 had the participant’s accrued benefit increased
8 (whether because of service or compensation) after
9 April 2, 2019, may elect to have the alternative
10 standards described in paragraph (4) apply to such
11 plan.

12 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
13 The term ‘eligible newspaper plan sponsor’ means
14 the plan sponsor of—

15 “(A) any community newspaper plan, or

16 “(B) any other plan sponsored, as of April
17 2, 2019, by a member of the same controlled
18 group of a plan sponsor of a community news-

1 apply to all subsequent plan years unless revoked
2 with the consent of the Secretary of the Treasury.

3 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
4 ARDS.—The alternative standards described in this
5 paragraph are the following:

6 “(A) INTEREST RATES.—

7 “(i) IN GENERAL.—Notwithstanding
8 subsection (h)(2)(C) and except as pro-
9 vided in clause (ii), the first, second, and
10 third segment rates in effect for any

1 “(iii) UNITED STATES TREASURY OB-
2 LIGATION YIELD CURVE.—For purposes of

1 (determined using the interest rates as
2 modified under subparagraph (A)).

“(C) DETERMINATION OF SHORTFALL AM

1 publishing 1 or more newspapers which
2 were published by the employer at any
3 time during the 11-year period ending on
4 the date of the enactment of this sub-
5 section,

6 “(ii)(I) is not a company the stock of
7 which is publicly traded (on a stock ex-
8 change or in an over-the-counter market),
9 and is not controlled, directly or indirectly,
10 by such a company, or

11 “(II) is controlled, directly, or indi-
12 rectly, during the entire 30-year period
13 ending on the date of the enactment of this
14 subsection by individuals who are members
15 of the same family, and does not publish or
16 distribute a daily newspaper that is car-
17 rier-distributed in printed form in more
18 than 5 States, and

19 “(iii) is controlled, directly, or indi-
20 rectly—

21 “(I) by 1 or more persons resid-
22 ing primarily in a State in which the
23 community newspaper has been pub-
24 lished on newsprint or carrier-distrib-
25 uted,

- 1 “(II) during the entire 30-year
- 2 period ending on the date of the en-

1 person possesses, directly or indirectly, the
2 power to direct or cause the direction and man-
3 agement of such person (including the power to
4 elect a majority of the members of the board of
5 directors of such person) through the ownership
6 of voting securities.

7 “(6) CONTROLLED GROUP.—For purposes of
8 this subsection, the term ‘controlled group’ means all
9 persons treated as a single employer under sub-
10 section (b), (c), (m), or (o) of section 414 of the In-
11 ternal Revenue Code of 1986 as of the date of the
12 enactment of this subsection.

13 “(7) EFFECT ON PREMIUM RATE CALCULA-
14 TION.—Notwithstanding any other provision of law
15 or any regulation issued by the Pension Benefit
16 Guaranty Corporation, in the case of a plan for
17 which an election is made to apply the alternative
18 standards described in paragraph (3), the additional
19 premium under section 4006(a)(3)(E) shall be deter-
20 mined as if such election had not been made.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to plan years ending after Decem-
23 ber 31, 2017.

1 SEC. 405. APPLICATION OF COOPERATIVE AND SMALL EM-
2 PLOYER CHARITY PENSION PLAN RULES TO
3 CERTAIN CHARITABLE EMPLOYERS WHOSE
4 PRIMARY EXEMPT PURPOSE IS PROVIDING
5 SERVICES WITH RESPECT TO MOTHERS AND
6 CHILDREN.

7 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
8 OF 1974.—Section 210(f)(1) of the Employee Retirement
9 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
10 amended—

11 (1) by striking “or” at the end of subparagraph
12 (B);

13 (2) by striking the period at the end of sub-
14 paragraph (C)(iv) and inserting “; or”; and

15 (3) by inserting after subparagraph (C) the fol-
16 lowing new subparagraph:

17 “(D) that, as of January 1, 2000, was
18 maintained by an employer—

19 “(i) described in section 501(c)(3) of
20 the Internal Revenue Code of 1986,

21 “(ii) who has been in existence since
22 at least 1938,

23 “(iii) who conducts medical research
24 directly or indirectly through grant mak-
25 ing, and

1 “(iv) whose primary exempt purpose
2 is to provide services with respect to moth-
3 ers and children.”.

4 (b) INTERNAL REVENUE CODE OF 1986.—Section
5 414(y)(1) of the Internal Revenue Code of 1986 is amend-
6 ed—

7 (1) by striking “or” at the end of subparagraph

8 (B);

9 (2) by striking the period at the end of sub-
10 paragraph (C)(iv) and inserting “; or”; and

11 (3) by inserting after subparagraph (C) the fol-
12 lowing new subparagraph:

13 “(D) that, as of January 1, 2000, was
14 maintained by an employer—

15 “(i) described in section 501(c)(3),

16 “(ii) who has been in existence since
17 at least 1938,

18 “(iii) who conducts medical research
19 directly or indirectly through grant mak-
20 ing, and

21 “(iv) whose primary exempt purpose
22 is to provide services with respect to moth-
23 ers and children.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2018.

4 SEC. 406. EXTENDED AMORTIZATION FOR SINGLE EM-
5 PLOYER PLANS.

6 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
7 REVENUE CODE OF 1986.—Section 430(c) of the Internal
8 Revenue Code of 1986 is amended by adding at the end
9 the following new paragraph:

“(8) 15-

1 “(8) 15-YEAR AMORTIZATION.—With respect to
2 plan years beginning after December 31, 2019—

3 “(A) the shortfall amortization bases for
4 all plan years preceding the first plan year be-
5 ginning after December 31, 2019 (and all
6 shortfall amortization installments determined
7 with respect to such bases) shall be reduced to
8 zero, and

9 “(B) subparagraphs (A) and (B) of para-
10 graph (2) shall each be applied by substituting
11 ‘15-plan-year period’ for ‘7-plan-year period’.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to plan years beginning after De-

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
2 (1) of section 430(h)(2)(C)(iv) of such Code is
3 amended by adding at the end the following: “Not-
4 withstanding anything in this subclause, if the aver-
5 age of the first, second, or third segment rate for
6 any 25-year period is less than 5 percent, such aver-
7 age shall be deemed to be 5 percent.”.

8 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
COME SECURITY

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"If the calendar year is:

The applica-
ble min-
imum per-

1 at the end the following: "Notwithstanding anything
2 in this subclause, if the average of the first, second,
3 or third segment rate for any 25-year period is less
4 than 5 percent, such average shall be deemed to be
5 5 percent."

(c) EFFECTIVE DATE

1 (A) IN GENERAL.—The term of office of
2 the Director shall be 5 years.

3 (B) SERVICE UNTIL APPOINTMENT OF
4 SUCCESSOR.—An individual serving as Director
5 at the expiration of a term may continue to
6 serve until a successor is appointed.

7 (3) POWERS.—

8 (A) APPOINTMENT OF DEPUTY DIREC-
9 TORS, OFFICERS, AND EMPLOYEES.—The Di-
10 rector may appoint Deputy Directors, officers,
11 and employees, including attorneys, in accord-
12 ance with chapter 51 and subchapter III of
13 chapter 53 of title 5, United States Code.

14 (B) CONTRACTING.—

15 (i) IN GENERAL.—The Director may
16 contract for financial and administrative
17 services (including those related to budget
18 and accounting, financial reporting, per-
19 sonnel, and procurement) with the General
20 Services Administration, or such other
21 Federal agency as the Director determines

1 agreed upon by the Director and the head
2 of the Federal agency providing the serv-
3 ices.

4 (ii) SUBJECT TO APPROPRIATIONS.—
5 Contract authority under clause (i) shall be
6 effective for any fiscal year only to the ex-
7 tent that appropriations are available for
8 that purpose.

9 SEC. 503. PENSION REHABILITATION TRUST FUND.

10 (a) IN GENERAL.—Subchapter A of chapter 98 of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following new section:

13 "SEC. 9512. PENSION REHABILITATION TRUST FUND.

14 “(a) CREATION OF TRUST FUND.—There is estab-
15 lished in the Treasury of the United States a trust fund
16 to be known as the ‘Pension Rehabilitation Trust Fund’
17 (hereafter in this section referred to as the ‘Fund’), con-
18 sisting of such amounts as may be appropriated or cred-
19 ited to the Fund as provided in this section and section
20 9602(b).

21 “(b) TRANSFERS TO FUND.—

22 “(1) AMOUNTS ATTRIBUTABLE TO TREASURY
23 BONDS.—There shall be credited to the Fund the
24 amounts transferred under section 506 of the Reha-
25 bilitation for Multiemployer Pensions Act of 2020.

1 “(2) LOAN INTEREST AND PRINCIPAL.—

2 “(A) IN GENERAL.—The Director of the
3 Pension Rehabilitation Administration estab-
4 lished under section 502 of the Rehabilitation
5 for Multiemployer Pensions Act of 2020 shall
6 deposit in the Fund any amounts received from
7 a plan as payment of interest or principal on a
8 loan under section 504 of such Act.

9 “(B) INTEREST.—For purposes of sub-
10 paragraph (A), the term ‘interest’ includes
11 points and other similar amounts.

12 “(3) AVAILABILITY OF FUNDS.—Amounts cred-
13 ited to or deposited in the Fund shall remain avail-
14 able until expended.

15 “(c) EXPENDITURES FROM FUND.—Amounts in the
16 Fund are available without further appropriation to the
17 Pension Rehabilitation Administration—

18 “(1) for the purpose of making the loans de-
19 scribed in section 504 of the Rehabilitation for Mul-
20 tiemployer Pensions Act of 2020,

21 “(2) for the payment of principal and interest
22 on obligations issued under section 506 of such Act,
23 and

24 “(3) for administrative and operating expenses
25 of such Administration.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for subchapter A of chapter 98 of the Internal Revenue
3 Code of 1986 is amended by adding at the end the fol-
4 lowing new item:

“Sec. 9512. Pension Rehabilitation Trust Fund.”.

5 SEC. 504. LOAN PROGRAM FOR MULTIEMPLOYER DEFINED
6 BENEFIT PLANS.

7 (a) LOAN AUTHORITY.—

8 (1) IN GENERAL.—The Pension Rehabilitation

1 305(e)(9) of such Act as of such date or
2 during such period;

3 (ii) which as of such date of enact-
4 ment, or during such period, are in critical
5 status (within the meaning of section
6 432(b)(2) of such Code and section
7 305(b)(2) of such Act), have a modified
8 funded percentage of less than 40 percent,
9 and have a ratio of active to inactive par-
10 ticipants which is less than 2 to 5; or

11 (iii) which are insolvent for purposes
12 of section 418E of such Code as of such
13 date of enactment, or during such period,
14 if they became insolvent after December
15 16, 2014, and have not been terminated;
16 and

17 (B) subject to subsection (b), to establish
18 appropriate terms for such loans.

19 For purposes of subparagraph (A)(ii), the term
20 "modified funded percentage" means the percentage
21 equal to a fraction the numerator of which is current
22 value of plan assets (as defined in section 3(26) of
23 such Act) and the denominator of which is current
24 liabilities (as defined in section 431(c)(6)(D) of such
25 Code and section 304(c)(6)(D) of such Act).

1 ing the 30-year period described in sub-
2 paragraphs (A) and (B);

3 (ii) in the case of a plan with respect
4 to which a suspension of benefits has been
5 approved under section 432(e)(9) of the
6 Internal Revenue Code of 1986 and section
7 305(e)(9) of the Employee Retirement In-
8 come Security Act of 1974, or under sec-

1 The terms of the loan shall not make reference
2 to whether the plan is receiving financial assist-
3 ance under section 4261(d) of the Employee
4 Retirement Income Security Act of 1974 (29
5 U.S.C. 1431(d)) or to any adjustment of the
6 loan amount under subsection (d)(2)(A)(ii).

7 (2) INTEREST RATE.—Except as provided in
the second sentence of this paragraph and sub-

1 (A) demonstrate that, except as provided
2 in subparagraph (C)—

3 (i) the loan will enable the plan to
4 avoid insolvency for at least the 30-year
5 period described in subparagraphs (A) and
6 (B) of subsection (b)(1) or, in the case of
7 a plan which is already insolvent, to
8 emerge from insolvency within and avoid
9 insolvency for the remainder of such pe-
10 riod; and

11 (ii) the plan is reasonably expected to
12 be able to pay benefits and the interest on
13 the loan during such period and to accu-
14 mulate sufficient funds to repay the prin-
15 cipal when due;

16 (B) provide the plan's most recently filed
17 Form 5500 as of the date of application and
18 any other information necessary to determine
19 the loan amount under subsection (d);

1 ready receiving such financial assistance as a
2 result of a previous application;

3 (D) state in what manner the loan pro-
4 ceeds will be invested pursuant to subsection

1 sistent with any rules issued by the Director pursu-
2 ant to subsection (g).

3 (3) REQUIRED ACTIONS; DEEMED APPROVAL.—

4 The Director of the Pension Rehabilitation Adminis-
5 tration shall approve any application under this sub-
6 section within 90 days after the submission of such
7 application unless such application is incomplete or
8 the Director makes a conclusion described in para-
9 graph (2) with respect to the application. An appli-
10 cation shall be deemed approved unless, within such
11 90 days, the Director notifies the plan sponsor of
12 the denial of such application and the reasons for
13 such denial. Any approval or denial of an application

1 418E of such Code, before the date of the enactment
2 of this Act shall apply for a loan under this section.
3 The Director of the Pension Rehabilitation Adminis-
4 tration shall provide for such plan sponsors to use
5 the simplified application under subsection
6 (d)(2)(B).

(5) I

1 ficiaries of the plan in pay status, and termi-
2 nated vested benefits, at the time the loan is
3 made.

4 (B) PLANS WITH SUSPENDED BENE-
5 FITS.—In the case of a plan with respect to
6 which a suspension of benefits has been ap-
7 proved under section 432(e)(9) of the Internal
8 Revenue Code of 1986 and section 305(e)(9) of
9 the Employee Retirement Income Security Act
10 of 1974 (29 U.S.C. 1085(e)(9)) or under sec-
11 tion 418E of such Code—

12 (i) the suspension of benefits shall not
13 be taken into account in applying subpara-
14 graph (A); and

15 (ii) the loan amount shall be the
16 amount sufficient to provide benefits of
17 participants and beneficiaries of the plan
18 in pay status and terminated vested bene-
19 fits at the time the loan is made, deter-
20 mined without regard to the suspension,
21 including retroactive payment of benefits
22 which would otherwise have been payable
23 during the period of the suspension.

24 (2) COORDINATION WITH PBGC FINANCIAL AS-
25 SISTANCE.—

1 (A) IN GENERAL.—In the case of a plan
2 which is also applying for financial assistance
3 under section 4261(d) of the Employee Retirement
4 Income Security Act of 1974 (29 U.S.C.
5 1431(d))—

6 (i) the plan sponsor shall submit the
7 loan application and the application for fi-
8 nancial assistance jointly to the Pension
9 Rehabilitation Administration and the Pen-
10 sion Benefit Guaranty Corporation with
11 the information necessary to determine the
12 eligibility for and amount of the loan under
13 this section and the financial assistance
14 under section 4261(d) of such Act; and

15 (ii) if such financial assistance is
16 granted, the amount of the loan under sub-
17 section (a) shall not exceed an amount
18 equal to the excess of—

19 (I) the amount determined under
20 paragraph (1)(A) or (1)(B)(ii) (which-
21 ever is applicable); over

22 (II) the amount of such financial
23 assistance.

(B) PLANS ALREADY RECEIVING PBGC AS

1 bilitation Administration shall provide for a
2 simplified application for the loan under this
3 section which may be used by an insolvent plan
4 which has not been terminated and which is al-
5 ready receiving financial assistance (other than
6 under section 4261(d) of such Act) from the
7 Pension Benefit Guaranty Corporation at the
8 time of the application for the loan under this
9 section.

10 (3) USE OF LOAN FUNDS.—

11 (A) IN GENERAL.—Notwithstanding sec-
12 tion 432(f)(2)(A)(ii) of the Internal Revenue
13 Code of 1986 and section 305(f)(2)(A)(ii) of
14 such Act, the loan received under subsection (a)
15 shall only be used to purchase annuity contracts
16 which meet the requirements of subparagraph
17 (B) or to implement a portfolio described in
18 subparagraph (C) (or a combination of the two)
19 to provide the benefits described in paragraph
20 (1).

21 (B) ANNUITY CONTRACT REQUIRE-
22 MENTS.—The annuity contracts purchased

1 rated A or better by a nationally recognized sta-

1 tive of the interests of participants
2 and beneficiaries.

3 Once implemented, such a portfolio shall
4 be maintained until all liabilities to partici-
5 pants and beneficiaries in pay status, and
6 terminated vested participants, at the time
7 of the loan are satisfied.

8 (ii) FIDUCIARY DUTY.—Any invest-
9 ment manager of a portfolio under this
10 subparagraph shall acknowledge in writing
11 that such person is a fiduciary under the
12 Employee Retirement Income Security Act
13 of 1974 with respect to the plan.

14 (iii) TREATMENT OF PARTICIPANTS
15 AND BENEFICIARIES.—Participants and
16 beneficiaries covered by a portfolio under
17 this subparagraph shall continue to be
18 treated as participants and beneficiaries of
19 the plan, including for purposes of title IV
20 of the Employee Retirement Income Secu-

1

to provide the benefits described in para-

1 Secretary of Labor, is authorized to issue rules regarding
2 the form, content, and process of applications for loans
3 under this section, actuarial standards and assumptions
4 to be used in making estimates and projections for pur-
5 poses of such applications, and assumptions regarding in-
6 terest rates, mortality, and distributions with respect to
7 a portfolio described in subsection (d)(3)(C).

8 (h) REPORT TO CONGRESS ON STATUS OF CERTAIN
9 PLANS WITH LOANS.—Not later than 1 year after the
10 first loan is made under this section, and annually there-
11 after, the Director of the Pension Rehabilitation Adminis-
12 tration shall submit to the Committee on Ways and Means
13 and the Committee on Education and Labor of the House
14 of Representatives, and the Committee on Finance and the
15 Committee on Health, Education, Labor and Pensions of
16 the Senate, a report identifying any plan that—

17 (1) has failed to make any scheduled payment
18 on a loan under this section;

19 (2) has negotiated revised terms for repayment
20 of such loan (including any installment payments or
21 forgiveness of a portion of the loan principal); or

22 (3) the Director has determined is no longer
23 reasonably expected to be able to—

24 (A) pay benefits and the interest on the
25 loan; or

1 (B) accumulate sufficient funds to repay
2 the principal when due.

3 Such report shall include the details of any such failure,
4 revised terms, or determination, as the case may be.

5 (i) COORDINATION WITH TAXATION OF UNRELATED

1 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
2 SION REHABILITATION LOANS.—

3 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
4 ITY.—

5 “(A) IN GENERAL.—If any employer par-
6 ticipating in a plan at the time the plan receives
7 a loan under section 504(a) of the Rehabilita-
8 tion for Multiemployer Pensions Act of 2020
9 withdraws from the plan before the end of the

1 tion 4281 of the Employee Retirement In-
2 come Security Act of 1974 in the case of
3 such a mass withdrawal.

4 “(B) ANNUITY CONTRACTS AND INVEST-
5 MENT PORTFOLIOS PURCHASED WITH LOAN
6 FUNDS.—Annuity contracts purchased and
7 portfolios implemented under section 504(d)(3)
8 of the Rehabilitation for Multiemployer Pen-
9 sions Act of 2020 shall not be taken into ac-
10 count as plan assets in determining the with-
11 drawal liability of any employer under subpara-
12 graph (A), but the amount equal to the greater
13 of—

14 “(i) the benefits provided under such
15 contracts or portfolios to participants and
16 beneficiaries, or

17 “(ii) the remaining payments due on
18 the loan under section 504(a) of such Act,
19 shall be taken into account as unfunded vested
20 benefits in determining such withdrawal liabil-
21 ity.

22 “(2) COORDINATION WITH FUNDING REQUIRE-
23 MENTS.—In the case of a plan which receives a loan
24 under section 504(a) of the Rehabilitation for Multi-
25 employer Pensions Act of 2020—

1 “(A) annuity contracts purchased and
2 portfolios implemented under section 504(d)(3)
3 of such Act, and the benefits provided to par-
4 ticipants and beneficiaries under such contracts
5 or portfolios, shall not be taken into account in
6 determining minimum required contributions
7 under section 412,

8 “(B) payments on the interest and prin-
9 cipal under the loan, and any benefits owed in
10 excess of those provided under such contracts
11 or portfolios, shall be taken into account as li-
12 abilities for purposes of such section, and

13 “(C) if such a portfolio is projected due to
14 unfavorable investment or actuarial experience
15 to be unable to fully satisfy the liabilities which
16 it covers, the amount of the liabilities projected
17 to be unsatisfied shall be taken into account as
18 liabilities for purposes of such section.”.

19 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
20 COME SECURITY ACT OF 1974.—Section 305 of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1085) is amended by adding at the end the fol-
23 lowing new subsection:

24 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
25 SION REHABILITATION LOANS.—

1 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
2 ITY.—

3 “(A) IN GENERAL.—If any employer par-

1 of the Rehabilitation for Multiemployer Pen-
2 sions Act of 2020 shall not be taken into ac-
3 count in determining the withdrawal liability of
4 any employer under subparagraph (A), but the
5 amount equal to the greater of—

6 “(i) the benefits provided under such
7 contracts or portfolios to participants and
8 beneficiaries, or

9 “(ii) the remaining payments due on
10 the loan under section 504(a) of such Act,
11 shall be taken into account as unfunded vested
12 benefits in determining such withdrawal liabil-
13 ity.

14 “(2) COORDINATION WITH FUNDING REQUIRE-
15 MENTS.—In the case of a plan which receives a loan
16 under section 504(a) of the Rehabilitation for Multi-
17 employer Pensions Act of 2020—

18 “(A) annuity contracts purchased and
19 portfolios implemented under section 504(d)(3)
20 of such Act, and the benefits provided to par-
21 ticipants and beneficiaries under such contracts
22 or portfolios, shall not be taken into account in
23 determining minimum required contributions
24 under section 302,

- 1 “(B) payments on the interest and prin-
- 2 cipal under the loan, and any benefits owed in

1 1986 is amended by adding at the end the following new
2 section:

3 "SEC. 6059A. REPORTS OF PLANS RECEIVING PENSION RE-
4 HABILITATION LOANS.

“(a) I

1 “(3) the total value of all contributions made by
2 employers and employees during the plan year pre-
3 ceding such plan year,

4 “(4) the total value of all benefits paid during
5 the plan year preceding such plan year,

6 “(5) cash flow projections for such plan year
7 and the 9 succeeding plan years, and the assump-
8 tions used in making such projections,

9 “(6) funding standard account projections for
10 such plan year and the 9 succeeding plan years, and
11 the assumptions relied upon in making such projec-
12 tions,

13 “(7) the total value of all investment gains or
14 losses during the plan year preceding such plan year,

15 “(8) any significant reduction in the number of
1 active participants during the plan year preceding

1 “(16) the information contained on the most re-
2 cent annual return under section 6058 and actuarial
3 report under section 6059 of the plan, and

4 “(17) copies of the plan document and amend-
5 ments, other retirement benefit or ancillary benefit
6 plans relating to the plan and contribution obliga-
7 tions under such plans, a breakdown of administra-
8 tive expenses of the plan, participant census data
9 and distribution of benefits, the most recent actu-
10 arial valuation report as of the plan year, copies of
11 collective bargaining agreements, and financial re-
12 ports, and such other information as the Secretary,
13 in consultation with the Director of the Pension Re-
14 habilitation Administration, may require.

15 “(b) ELECTRONIC SUBMISSION.—The report re-
16 quired under subsection (a) shall be submitted electroni-
17 cally.

18 “(c) INFORMATION SHARING.—The Secretary shall
19 share the information in the report under subsection (a)
20 with the Secretary of Labor and the Director of the Pen-
21 sion Benefit Guaranty Corporation.

 “(d) REPORT TO PARTICIPANTS, B

1 vide a summary (written in a manner so as to be under-
2 stood by the average plan participant) of the information
3 in such report to participants and beneficiaries in the plan
4 and to each employer with an obligation to contribute to
5 the plan.”.

6 (b) PENALTY.—Subsection (e) of section 6652 of the
7 Internal Revenue Code of 1986 is amended—

8 (1) by inserting “, 6059A (relating to reports of
9 plans receiving pension rehabilitation loans)” after
10 “deferred compensation)”;

11 (2) by inserting “(\$100 in the case of failures
12 under section 6059A)” after “\$25”; and

1 “(d)(1) The plan sponsor of a multiemployer plan—

2 “(A) which is in critical and declining status
3 (within the meaning of section 305(b)(6)) as of the
4 date of the enactment of this subsection or during
5 the 2-year period beginning on such date, or with re-
6 spect to which a suspension of benefits has been ap-
7 proved under section 305(e)(9) as of such date;

8 “(B) which, as of such date of enactment or
9 during such period, is in critical status (within the
10 meaning of section 305(b)(2)), has a modified fund-
11 ed percentage of less than 40 percent (as defined in
12 section 504(a)(1) of the Rehabilitation for Multiem-
13 ployer Pensions Act of 2020), and has a ratio of ac-
14 tive to inactive participants which is less than 2 to
15 5; or

16 “(C) which is insolvent for purposes of section
17 418E of the Internal Revenue Code of 1986 as of
18 such date of enactment or during such period, if the

1 The application for financial assistance under this sub-
2 section shall demonstrate, based on projections by the plan
3 actuary, that after the receipt of the anticipated loan
4 amount under section 4(a) of such Act, the plan will still
5 become (or remain) insolvent within the 30-year period be-
6 ginning on the date of the loan.

7 “(2) In reviewing an application under paragraph
8 (1), the corporation shall review the determinations and
9 demonstrations submitted with the loan application under
10 section 504(c) of the Rehabilitation for Multiemployer
11 Pensions Act of 2020 and provide guidance regarding such
12 determinations and demonstrations prior to approving any
13 application for financial assistance under this subsection.
14 The corporation may deny any application if any such de-
15 terminations or demonstrations (or any underlying as-
16 sumptions) are clearly erroneous, or inconsistent with
17 rules issued by the corporation, and the plan and the cor-
18 poration are unable to reach agreement on such deter-
19 minations or demonstrations. The corporation shall pre-
20 scribe any such rules or guidance not later than August
21 31, 2020.

22 “(3) In the case of a plan described in paragraph
23 (1)(A) or (1)(B), the total financial assistance provided
24 under this subsection shall be an amount equal to the
smallest portion of the total assets of the plan as of the

1 plan under paragraph (1)(A) or (1)(B)(ii) of section
2 504(d) of the Rehabilitation for Multiemployer Pensions
3 Act of 2020 (determined without regard to paragraph (2)
4 thereof) that, if provided as financial assistance under this
5 subsection instead of a loan, would allow the plan to avoid
6 the projected insolvency.

7 “(4) In the case of a plan described in paragraph
8 (1)(C), the financial assistance provided pursuant to such
9 application under this subsection shall be the present value
10 of the amount (determined by the plan actuary and sub-
mitted on the application) that, if such amount were paid

1 “(I) the amount by which the plan’s 5-year
2 expenditure projection exceeds such fair market
3 value; or

4 “(II) the plan’s expected expenditures for
5 the plan year.

6 “(ii) For purposes of this subparagraph, the term ‘5-
7 year expenditure projection’ means, with respect to any
8 plan for a plan year, an amount equal to 500 percent of
9 the plan’s expected expenditures for the plan year.

10 “(iii) For purposes of this subparagraph, the term
11 ‘expected expenditures’ means, with respect to any plan
12 for a plan year, an amount equal to the sum of—

13 “(I) expected benefit payments for the plan
14 year;

15 “(II) expected administrative expense payments
16 for the plan year; plus

17 “(III) payments on the loan scheduled during
18 the plan year pursuant to the terms of the loan
19 under section 504(b) of the Rehabilitation for Multi-
20 employer Pensions Act of 2020.

21 “(iv) For purposes of this subparagraph, in the case
22 of any plan year during which a plan is approved for a
23 loan under section 504 of such Act, but has not yet re-
24 ceived the proceeds, such proceeds shall be included in de-
25 termining the fair market value of the plan’s assets for

1 the plan year. The preceding sentence shall not apply in
2 the case of any plan that for the plan year beginning in
3 2015 was certified pursuant to section 305(b)(3) as being
4 in critical and declining status, and had more than
5 300,000 participants.

6 “(B) The financial assistance under this subsection
7 shall be provided in a lump sum if the plan sponsor dem-
8 onstrates in the application, and the corporation deter-
9 mines, that such a lump sum payment is necessary for
10 the plan to avoid the insolvency to which the application
11 relates. In the case of a plan described in paragraph
12 (1)(C), such lump sum shall be provided not later than
13 December 31, 2020.

14 “(6) Subsections (b) and (c) shall apply to financial
15 assistance under this subsection as if it were provided
16 under subsection (a), except that the terms for repayment
17 under subsection (b)(2) shall not require the financial as-
18 sistance to be repaid before the date on which the loan
19 under section 504(a) of the Rehabilitation for Multiem-

1 (b) APPROPRIATIONS.—There is appropriated to the
2 Director of the Pension Benefit Guaranty Corporation
3 such sums as may be necessary for each fiscal year to pro-
4 vide the financial assistance described in section 4261(d)
5 of the Employee Retirement Income Security Act of 1974
6 (29 U.S.C. 1431(d)) (as added by this section) (including
7 necessary administrative and operating expenses relating
8 to such assistance).

9 DIVISION U—CONSUMER PRO-
10TECTION AND TELE-
11COMMUNICATIONS PROVI-
12SIONS

13 TITLE I—COVID-19 PRICE
14GOUGING PREVENTION

15 SEC. 101. SHORT TITLE.

16 This title may be cited as the “COVID-19 Price
17 Gouging Prevention Act”.

18 SEC. 102. PREVENTION OF PRICE GOUGING.

19 (a) IN GENERAL.—For the duration of a public
20 health emergency declared pursuant to section 319 of the
21 Public Health Service Act (42 U.S.C. 247d) as a result
22 of confirmed cases of 2019 novel coronavirus (COVID-
23 19), including any renewal thereof, it shall be unlawful
24 for any person to sell or offer for sale a good or service
25 at a price that—

1 (1) is unconscionably excessive; and

2 (2) indicates the seller is using the cir-
3 cumstances related to such public health emergency
4 to increase prices unreasonably.

5 (b) FACTORS FOR CONSIDERATION.—In determining
6 whether a person has violated subsection (a), there shall
7 be taken into account, with respect to the price at which
8 such person sold or offered for sale the good or service,
9 factors that include the following:

10 (1) Whether such price grossly exceeds the av-
11 erage price at which the same or a similar good or
12 service was sold or offered for sale by such person—

13 (A) during the 90-day period immediately
14 preceding January 31, 2020; or

15 (B) during the same 90-day period of the
16 previous year.

17 (2) Whether such price grossly exceeds the av-
18 erage price at which the same or a similar good or
19 service was readily obtainable from other similarly
20 situated competing sellers before January 31, 2020.

21 (3) Whether such price reasonably reflects addi-
22 tional costs, not within the control of such person,
23 that were paid, incurred, or reasonably anticipated
24 by such person, or reasonably reflects the profit-
25 ability of forgone sales or additional risks taken by

1 such person, to produce, distribute, obtain, or sell
2 such good or service under the circumstances.

3 (c) ENFORCEMENT.—

4 (1) ENFORCEMENT BY FEDERAL TRADE COM-
5 MISSION.—

6 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of subsection (a) shall be
8 treated as a violation of a regulation under sec-
9 tion 18(a)(1)(B) of the Federal Trade Commis-
10 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
11 unfair or deceptive acts or practices.

12 (B) POWERS OF COMMISSION.—The Com-
13 mission shall enforce subsection (a) in the same
14 manner, by the same means, and with the same
15 jurisdiction, powers, and duties as though all
16 applicable terms and provisions of the Federal
17 Trade Commission Act (15 U.S.C. 41 et seq.)
18 were incorporated into and made a part of this
19 section. Any person who violates such sub-

1 authority of the Commission under any other provi-
2 sion of law.

3 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
4 ERAL.—

5 (A) IN GENERAL.—If the chief law en-
6 forcement officer of a State, or an official or
7 agency designated by a State, has reason to be-

1 (B) NOTICE AND INTERVENTION BY THE
2 FTC.—The attorney general of a State shall
3 provide prior written notice of any action under

1 authority to bring an action under State law di-
2 rected at acts or practices that also violate this
3 section, the attorney general may assert the
4 State-law claim and a claim under this section
5 in the same civil action.

6 (4) SAVINGS CLAUSE.—Nothing in this section
7 shall preempt or otherwise affect any State or local
8 law.

9 (d) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) GOOD OR SERVICE.—The term “good or
13 service” means a good or service offered in com-
14 merce, including—

15 (A) food, beverages, water, ice, a chemical,
16 or a personal hygiene product;

17 (B) any personal protective equipment for
18 protection from or prevention of contagious dis-
19 eases, filtering facepiece respirators, medical
20 supplies (including medical testing supplies),
21 cleaning supplies, disinfectants, sanitizers; or

22 (C) any healthcare service, cleaning serv-
23 ice, or delivery service.

24 (3) STATE.—The term “State” means each of
25 the several States, the District of Columbia, each

1 commonwealth, territory, or possession of the United
2 States, and each federally recognized Indian Tribe.

3 **TITLE II—E-RATE SUPPORT FOR**
4 **WI-FI HOTSPOTS AND CON-**
5 **NECTED DEVICES**

6 SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS AND CON-
7 NECTED DEVICES DURING EMERGENCY PERI-
8 ODS RELATING TO COVID-19.

9 (a) REGULATIONS REQUIRED.—Not later than 7
10 days after the date of the enactment of this Act, the Com-
11 mission shall promulgate regulations providing for the
12 provision, during an emergency period described in sub-
13 section (b) and from amounts made available from the
14 Emergency Connectivity Fund established under sub-
15 section (i)(1), of universal service support under section
16 254(h)(1)(B) of the Communications Act of 1934 (47
17 U.S.C. 254(h)(1)(B)) to an elementary school, secondary
18 school, or library eligible for support under such section,
19 as well as a tribal elementary school, tribal secondary
20 school, or tribal library designated as eligible to receive
21 support under such regulations by an Indian tribe that
22 is eligible for support under section 261 of the Library
23 Services and Technology Act (20 U.S.C. 9161), for—

1 (A) in the case of a school, students and
2 staff of such school for use at locations that in-
3 clude locations other than such school; and

4 (B) in the case of a library, patrons of
5 such library for use at locations that include lo-
6 cations other than such library;

7 (2) providing connected devices to students and
8 staff or patrons (as the case may be) for use as de-
9 scribed in subparagraph (A) or (B) of paragraph
10 (1); and

11 (3) providing mobile broadband internet access
12 service through such Wi-Fi hotspots or connected
13 devices.

14 (b) EMERGENCY PERIODS DESCRIBED.—An emer-
15 gency period described in this subsection is the duration
16 of a public health emergency declared pursuant to section
17 319 of the Public Health Service Act (42 U.S.C. 247d)
18 as a result of COVID–19, including any renewal thereof.

19 (c) SERVICE REQUIREMENT FOR CONNECTED DE-
20 VICES.—If a school or library provides a connected device
21 to a student, staff member, or patron using universal serv-
22 ice support under the regulations required by subsection
23 (a) and such connected device is only capable of con-
24 necting to broadband internet access service through the
25 use of Wi-Fi, such school or library shall also provide to

1 such student, staff member, or patron a Wi-Fi hotspot and
2 mobile broadband internet access service through such Wi-
3 Fi hotspot.

4 (d) TREATMENT OF WI-FI HOTSPOTS AND CON-
5 NECTED DEVICES AFTER EMERGENCY PERIOD.—The
6 Commission shall provide in the regulations required by
7 subsection (a) that, in the case of a school or library that
8 purchases Wi-Fi hotspots or connected devices using sup-
9 port received under such regulations, such school or li-
10 brary—

11 (1) may, after the emergency period with re-
12 spect to which such support is received, use such
13 Wi-Fi hotspots or connected devices for such pur-
14 poses as such school or library considers appro-
15 priate, subject to any restrictions provided in such
16 regulations (or any successor regulation); and

17 (2) may not sell or otherwise transfer in ex-
18 change for any thing of value such Wi-Fi hotspots
19 or connected devices.

20 (e) PRIORITIZATION OF SUPPORT.—The Commission
21 shall provide in the regulations required by subsection (a)
22 that a school or library shall prioritize the provision of

1 trons (as the case may be) that the school or library be-
2 lieves do not otherwise have access to broadband internet
3 access service at the residences of such students and staff
4 or patrons.

5 (f) CERTIFICATION REQUIREMENTS.—The Commis-
6 sion shall provide in the regulations required by subsection
7 (a) that—

8 (1) Wi-Fi hotspots and connected devices for
9 which support is received under such regulations
10 shall be treated as computers for purposes of the
11 certification requirements of paragraphs (5) and (6)
12 of section 254(h) of the Communications Act of
13 1934 (47 U.S.C. 254(h)); and

14 (2) notwithstanding the requirements of such
15 paragraphs relating to the timing of certifications,
16 the certifications required by such paragraphs shall
17 be made with respect to such Wi-Fi hotspots and
18 connected devices as a condition of receiving such
19 support.

20 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to affect any authority the Com-
22 mission may have under section 254(h)(1)(B) of the Com-
23 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to

- 1 used for the purposes described in subsection (a) other
- 2 than as required by such subsection.

3 (h) EXEMPTIONS.—

1 Treasury not otherwise appropriated,

1 TITLE III—EMERGENCY LIFE-
2 LINE BENEFIT FOR

1 tion 54.409 of title 47, Code of Federal Regula-
2 tions, or any successor regulation; or

3 (B) the household receives benefits from
4 the National School Lunch Program's free or
5 reduced cost lunch program.

6 (2) A provider of broadband internet access
7 service shall apply to the Commission for the reim-
8 bursement described in paragraph (6) for each eligi-
9 ble household that requests the emergency lifeline
10 broadband benefit and receives Tier I or Tier II
11 service from the provider.

12 (3) Within five business days of receiving a re-
13 quest from a broadband internet service provider,
14 the Commission shall determine and issue a decision
15 whether it is in the public interest—

16 (A) to allow such provider to provide Tier
17 I or Tier II service supported by the emergency
18 lifeline broadband benefit, and

19 (B) to allow the provider to use its own
20 verification processes to determine whether a
21 household is eligible to receive the emergency
22 lifeline broadband benefit according to the eligi-
23 bility criteria in paragraph (1), if such proc-
24 esses are reasonable and sufficient to avoid
25 waste, fraud, and abuse.

1 that requests the emergency lifeline broadband
2 benefit and receives the Tier I service.

3 (B) The broadband internet access service
4 provider shall receive \$30.00 per month, or an
5 amount equal to the monthly charge for service
6 and equipment if such charge is less than
7 \$30.00 per month, for each eligible household
8 that requests the emergency lifeline broadband
9 benefit and receives Tier II service.

10 (7) To receive a reimbursement under para-
11 graph (6), a broadband internet access service pro-
12 vider shall certify to the Commission—

13 (A) the number of eligible households that
14 requested the emergency lifeline broadband ben-
15 efit and received Tier I service—

16 (i) monthly for the duration of the
17 emergency period; or

18 (ii) for each month of the emergency
19 period, collectively, after the expiration of
20 the emergency period under paragraph (5);

21 (B) the number of eligible households that
22 requested the emergency lifeline broadband ben-
23 efit and received Tier II service—

24 (i) monthly for the duration of the
25 emergency period; or

1 (ii) for each month of the emergency
2 period, collectively, after the expiration of
3 the emergency period under paragraph (5);

4 (C) that the reimbursement sought for pro-
5 viding Tier I service or Tier II service to an eli-
6 gible household did not exceed the provider's
7 rate for that offering, or similar offerings, for
8 households that are not eligible households sub-
9 scribing to the same or substantially similar
10 service;

11 (D) that eligible households for which the
12 provider is seeking reimbursement for providing
13 Tier I or Tier II service using the emergency
14 lifeline broadband benefit—

15 (i) were not charged for the Tier I
16 service or Tier II service; and

17 (ii) were not disqualified from receiv-
18 ing the emergency lifeline broadband serv-
19 ice based on past or present arrearages;
20 and

21 (E) that the eligibility of eligible house-
22 holds is verified in accordance with the require-
23 ments adopted by the Commission pursuant to
paragraph (3).

1 (c) ELIGIBLE PROVIDERS.—The Commission may
2 provide a reimbursement to a broadband internet access
3 service provider under this section without requiring such
4 provider to be designated as an eligible telecommuni-
5 cations carrier under section 214(e) of the Communica-
6 tions Act of 1934 (47 U.S.C. 214(e)) and notwithstanding
7 section 254(e) of the Communications Act of 1934 (47
8 U.S.C. 254(e)).

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall affect the collection, distribution, or administra-
11 tion of the Lifeline Assistance Program governed by the
12 rules set forth in subpart E of part 54 of title 47, Code
13 of Federal Regulations.

14 (e) EXEMPTIONS.—

15 (1) NOTICE AND COMMENT RULEMAKING RE-
16 QUIREMENTS.—Section 553 of title 5, United States
17 Code, shall not apply to a regulation promulgated
18 under subsection (a) or a rulemaking to promulgate
19 such a regulation.

20 (2) PAPERWORK REDUCTION ACT REQUIRE-
21 MENTS.—A collection of information conducted or
22 sponsored under the regulations required by sub-
23 section (a), or under section 254 of the Communica-
24 tions Act of 1934 (47 U.S.C. 254) in connection
25 with universal service support provided under such

1 regulations, shall not constitute a collection of infor-
2 mation for the purposes of subchapter I of chapter
3 35 of title 44, United States Code (commonly re-
4 ferred to as the Paperwork Reduction Act).

5 (f) EMERGENCY BROADBAND CONNECTIVITY
6 FUND.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund to be
9 known as the Emergency Broadband Connectivity
10 Fund.

(2) AUTHORIZATION OF APPRN0u11N.9 (10.544 24ET 14\$ Tf [(U584.4335

1 to allow real-time, interactive applications, with no
2 data caps or additional fees for the provision of such
3 service, except taxes and other governmental fees.

4 (6) TIER II SERVICE.—The term “Tier II serv-
5 ice” means broadband internet access service that,
6 at a minimum, provides a download speed of 25
7 megabits per second, an upload speed of 3 megabits
8 per second, and latency that is sufficiently low to
9 allow real-time, interactive applications, with no data
10 caps or additional fees for the provision of such serv-
11 ice, except taxes and other governmental fees.

12 TITLE IV—CONTINUED 13 CONNECTIVITY

14 SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY
15 PERIODS RELATING TO COVID-19.

16 Title VII of the Communications Act of 1934 (47
17 U.S.C. 601 et seq.) is amended by adding at the end the
18 following:

19 “SEC. 723. CONTINUED CONNECTIVITY DURING EMER-
20 GENCY PERIODS RELATING TO COVID-19.

21 “(a) IN GENERAL.—During an emergency period de-
22 scribed in subsection (b), it shall be unlawful—

23 “(1) for a provider of advanced telecommuni-
24 cations service or voice service to—

1 “(A) terminate, reduce, or change such
2 service provided to any individual customer or
3 small business because of the inability of the in-
4 dividual customer or small business to pay for
5 such service if the individual customer or small
6 business certifies to such provider that such in-
7 ability to pay is a result of disruptions caused
8 by the public health emergency to which such
9 emergency period relates; or

10 “(B) impose late fees on any individual
11 customer or small business because of the in-
12 ability of the individual customer or small busi-
13 ness to pay for such service if the individual
14 customer or small business certifies to such pro-
15 vider that such inability to pay is a result of
16 disruptions caused by the public health emer-
17 gency to which such emergency period relates;

18 “(2) for a provider of advanced telecommuni-
19 cations service to, during such emergency period—

20 “(A) employ a limit on the amount of data
21 allotted to an individual customer or small busi-
22 ness during such emergency period, except that
23 such provider may engage in reasonable net-
24 work management; or

- 1 “(B) charge an individual customer or
- 2 small business an additional fee for exceeding

1 “(1) **ADVANCED TELECOMMUNICATIONS SERV-**
2 **ICE.**—The term ‘advanced telecommunications serv-

3 ice’ means a service that provides advanced tele-

4 communications capability (as defined in section 706

5 of the Telecommunications Act of 1996 (47 U.S.C.

6 1302)).

7 “(2) **BROADBAND INTERNET ACCESS SERV-**
8 **ICE.**—The term ‘broadband internet access service’

9 has the meaning given such term in section 8.1(b)

10 of title 47, Code of Federal Regulations (or any suc-

11 cessor regulation).

12 “(3) **INDIVIDUAL CUSTOMER.**—The term ‘indi-

13 vidual customer’ means an individual who contracts

14 with a mass-market retail provider of advanced tele-

15 communications service or voice service to provide

16 service to such individual.

17 “(4) **REASONABLE NETWORK MANAGEMENT.**—

18 The term ‘reasonable network management’—

19 “(A) means the use of a practice that—

20 “(i) has a primarily technical network

21 management justification; and

1 ticular network architecture and tech-
2 nology of the service; and

3 “(B) does not include other business prac-
4 tices.

5 “(5) SMALL BUSINESS.—The term ‘small busi-
6 ness’ has the meaning given such term under section
7 601(3) of title 5, United States Code.

8 “(6) VOICE SERVICE.—The term ‘voice service’
9 has the meaning given such term under section
10 227(e)(8) of the Communications Act of 1934 (47
11 U.S.C. 227(e)(8)).

12 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-
13 less networking protocol based on Institute of Elec-
14 trical and Electronics Engineers standard 802.11
15 (or any successor standard).

16 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi
 hotspot’ means a device that is capable of—

1 TITLE V—DON'T BREAK UP THE
2 T-BAND

1 "PART 8—COMPOSITE PLANS AND LEGACY

2 PLANS

3 "SEC. 801. COMPOSITE PLAN DEFINED.

4 "(a) IN GENERAL.—For purposes of this Act, the
5 term 'composite plan' means a pension plan—6 "(1) which is a multiemployer plan that is nei-
7 ther a defined benefit plan nor a defined contribu-
8 tion plan;9 "(2) the terms of which provide that the plan
10 is a composite plan for purposes of this title with re-
11 spect to which not more than one multiemployer de-
12 fined benefit plan is treated as a legacy plan within
13 the meaning of section 805, unless there is more
14 than one legacy plan following a merger of composite
15 plans under section 806;16 "(3) which provides systematically for the pay-
ment of benefits—

1 “(4) for which the plan contributions for the
2 first plan year are at least 120 percent of the nor-
3 mal cost for the plan year;

4 “(5) which requires—

5 “(A) an annual valuation of the liability of
6 the plan as of a date within the plan year to
7 which the valuation refers or within one month
8 prior to the beginning of such year;

9 “(B) an annual actuarial determination of
10 the plan’s current funded ratio and projected
11 funded ratio under section 802(a);

12 “(C) corrective action through a realign-
13 ment program pursuant to section 803 when-
14 ever the plan’s projected funded ratio is below
15 120 percent for the plan year; and

16 “(D) an annual notification to each partici-
17 pant describing the participant’s benefits under
18 the plan and explaining that such benefits may
19 be subject to reduction under a realignment
20 program pursuant to section 803 based on the
21 plan’s funded status in future plan years; and

22 “(6) the board of trustees of which includes at

1 at least 5 percent of the participants in the plan are
2 retirees or beneficiaries in pay status.

3 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
4 FINED BENEFIT PLAN.—

5 “(1) IN GENERAL.—The plan sponsor of a de-
6 fined benefit plan that is a multiemployer plan may,
7 subject to paragraph (2), amend the plan to incor-
8 porate the features of a composite plan as a compo-
9 nent of the multiemployer plan separate from the
10 defined benefit plan component, except in the case of
11 a defined benefit plan for which the plan actuary has
12 certified under section 305(b)(3) that the plan is or
13 will be in critical status for the plan year in which
14 such amendment would become effective or for any
15 of the succeeding 5 plan years.

16 “(2) REQUIREMENTS.—Any amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan shall—

20 “(A) apply with respect to all collective
21 bargaining agreements providing for contribu-
22 tions to the multiemployer plan on or after the
23 effective date of the amendment;

24 “(B) apply with respect to all participants
25 in the multiemployer plan for whom contribu-

1 tions are made to the multiemployer plan on or
2 after the effective date of the amendment;

3 “(C) specify that the effective date of the
4 amendment is—

5 “(i) the first day of a specified plan
6 year following the date of the adoption of
7 the amendment, except that the plan spon-
8 sor may alternatively provide for a sepa-
9 rate effective date with respect to each col-
10 lective bargaining agreement under which
11 contributions to the multiemployer plan
12 are required, which shall occur on the first
13 day of the first plan year beginning after
14 the termination, or if earlier, the re-open-
15 ing, of each such agreement, or such ear-
16 lier date as the parties to the agreement
17 and the plan sponsor of the multiemployer
18 plan shall agree to; and

19 “(ii) not later than the first day of the
20 fifth plan year beginning on or after the
21 date of the adoption of the amendment;

22 “(D) specify that, as of the amendment’s
23 effective date, no further benefits shall accrue
24 under the defined benefit component of the
25 multiemployer plan; and

1 “(E) specify that, as of the amendment’s
2 effective date, the plan sponsor of the multiem-
3 ployer plan shall be the plan sponsor of both
4 the composite plan component and the defined
5 benefit plan component of the plan.

6 “(3) SPECIAL RULES.—If a multiemployer plan
7 is amended pursuant to paragraph (1)—

8 “(A) the requirements of this title and title
9 IV shall be applied to the composite plan com-
10 ponent and the defined benefit plan component
11 of the multiemployer plan as if each such com-
12 ponent were maintained as a separate plan; and

13 “(B) the assets of the composite plan com-
14 ponent and the defined benefit plan component
15 of the plan shall be held in a single trust form-
16 ing part of the plan under which the trust in-
17 strument expressly provides—

18 “(i) for separate accounts (and appro-
19 priate records) to be maintained to reflect
20 the interest which each of the plan compo-
21 nents has in the trust, including separate
22 accounting for additions to the trust for
23 the benefit of each plan component, dis-
24 bursements made from each plan compo-
25 nent’s account in the trust, investment ex-

1 perience of the trust allocable to that ac-
2 count, and administrative expenses (wheth-
3 er direct expenses or shared expenses allo-
4 cated proportionally), and permits, but
5 does not require, the pooling of some or all
6 of the assets of the two plan components
7 for investment purposes; and

8 “(ii) that the assets of each of the two
9 plan components shall be held, invested,
10 reinvested, managed, administered and dis-
11 tributed for the exclusive benefit of the
12 participants and beneficiaries of each such
13 plan component, and in no event shall the
14 assets of one of the plan components be
15 available to pay benefits due under the
16 other plan component.

17 “(4) NOT A TERMINATION EVENT.—Notwith-
18 standing section 4041A, an amendment pursuant to
19 paragraph (1) to incorporate the features of a com-
20 posite plan as a component of a multiemployer plan
21 does not constitute termination of the multiemployer
22 plan.

23 “(5) NOTICE TO THE SECRETARY.—

24 “(A) NOTICE.—The plan sponsor of a
25 composite plan shall provide notice to the Sec-

1 retary of the intent to establish the composite
2 plan (or, in the case of a composite plan incor-
3 porated as a component of a multiemployer
4 plan as described in paragraph (1), the intent
5 to amend the multiemployer plan to incorporate
6 such composite plan) at least 30 days prior to
7 the effective date of such establishment or
8 amendment.

9 “(B) CERTIFICATION.—In the case of a
10 composite plan incorporated as a component of
11 a multiemployer plan as described in paragraph
12 (1), such notice shall include a certification by
13 the plan actuary under section 305(b)(3) that
14 the effective date of the amendment occurs in
15 a plan year for which the multiemployer plan is
16 not in critical status for that plan year and any
17 of the succeeding 5 plan years.

18 “(6) REFERENCES TO COMPOSITE PLAN COM-
19 PONENT.—As used in this part, the term ‘composite
20 plan’ includes a composite plan component added to
21 a defined benefit plan pursuant to paragraph (1).

22 “(7) RULE OF CONSTRUCTION.—Paragraph
23 (2)(A) shall not be construed as preventing the plan
24 sponsor of a multiemployer plan from adopting an
25 amendment pursuant to paragraph (1) because some

1 collective bargaining agreements are amended to
2 cease any covered employer's obligation to contribute
3 to the multiemployer plan before or after the plan
4 amendment is effective. Paragraph (2)(B) shall not
5 be construed as preventing the plan sponsor of a
6 multiemployer plan from adopting an amendment
7 pursuant to paragraph (1) because some partici-
8 pants cease to have contributions made to the multi-
9 employer plan on their behalf before or after the
10 plan amendment is effective.

11 "(c) COORDINATION WITH FUNDING RULES.—Ex-
12 cept as otherwise provided in this title, sections 302, 304,
13 and 305 shall not apply to a composite plan.

14 "(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
15 poses of this Act (other than sections 302 and 4245), a
16 composite plan shall be treated as if it were a defined ben-
17 efit plan unless a different treatment is provided for under
18 applicable law.

19 "SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.

20 "(a) CERTIFICATION OF FUNDED RATIOS.—

21 "(1) IN GENERAL.—Not later than the one-
22 hundred twentieth day of each plan year of a com-
23 posite plan, the plan actuary of the composite plan
24 shall certify to the Secretary, the Secretary of the
25 Treasury, and the plan sponsor the plan's current

1 funded ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section:

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year; to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

For purposes of this part:

1 ities shall be based on the most recent actuarial
2 valuation required under section 801(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary of the Treasury.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this part, the

1 shall adopt an updated realignment program for
2 each succeeding plan year for which a certification
3 described in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate is not less than 1 percent of the con-
23 tributions on which benefits are based as
24 of the start of the plan year (or the equiva-

1 lent standard accrual rate as described in
2 section 305(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other lawfully available
8 measures not specifically described in this
9 subparagraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—
13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent for
17 the following plan year, such reasonable meas-
18 ures may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1); or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii); or

15 “(ii) a reduction of core benefits;
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 305(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this part, the term ‘adjustable benefit’
7 means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits;

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 204(g)(2)(A)) and any benefit payment op-
15 tion (other than the qualified joint and survivor
16 annuity); and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this part, the term ‘core benefit’ means a partici-
23 pant’s accrued benefit payable in the normal form of
24 an annuity commencing at normal retirement age,

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit; and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

“(5) C

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in subparagraph (C) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 802(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A); and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection;
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

“(4) D

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits);

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent;

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent and the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent; and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) ADDITIONAL REQUIREMENTS WHERE CORE
22 BENEFITS REDUCED.—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 803(a)(2)(D), such plan may not be subse-

1 quently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only; and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 of the Internal Revenue Code of 1986 or to com-
15 ply with other applicable law.

16 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
17 LIMIT APPLIES.—Subsection (a) shall not apply in con-
18 nection with a plan amendment if and to the extent that
19 contributions to the composite plan would not be deduct-
20 ible for the plan year under section 404(a)(1)(E) of the
21 Internal Revenue Code of 1986 if the plan amendment is
22 not adopted.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

- 1 a plan amendment under section 803(a)(5)(C), regarding
- 2 conditional benefit modifications.

“(f) TREATMENT OF PLAN A

1 treated as a legacy plan with respect to the com-
2 posite plan under which the employees who were eli-
3 gible to accrue a benefit under the defined benefit
4 plan become eligible to accrue a benefit under such
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in
7 which a defined benefit plan is amended to add a
8 composite plan component pursuant to section
9 801(b), paragraph (1) shall be applied by sub-
10 stituting ‘defined benefit component’ for ‘defined
11 benefit plan’ and ‘composite plan component’ for
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
14 purposes of paragraph (1), an employee is consid-
15 ered eligible to accrue a benefit under a composite
16 plan as of the first day in which the employee com-
17 pletes an hour of service under a collective bar-
18 gaining agreement that provides for contributions to
19 and accruals under the composite plan in lieu of ac-
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—
22 As used in this part, the term ‘collective bargaining
23 agreement’ includes any agreement under which an
24 employer has an obligation to contribute to a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 part which is not defined in this part and which is
3 also used in section 305 shall have the same mean-
4 ing provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
PLAN OF AGREEMENTS AND

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-
12 posite plan who have ceased to accrue or other-
13 wise earn benefits with respect to service with
14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the
16 Treasury, and the Pension Benefit Guaranty
17 Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—
11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

1 of the cessation of accruals, the period during which
2 such cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes payment of contributions
12 to a legacy plan at a rate or rates equal to or
13 greater than the transition contribution rate es-
14 tablished by the legacy plan under paragraph
15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to
18 the legacy plan with respect to any period
19 of service; or

20 “(ii) any new direct or indirect exclu-
21 sion of younger or newly hired employees
22 of the employer from being taken into ac-
23 count in determining contributions owed to
24 the legacy plan.

25 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 305(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year;

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established; and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan; or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) E .—The transition
4 contribution rate applicable to an employer

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 304 (or, if appli-
6 cable, section 305) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 requirements at least 30 days before the begin-

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan's liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(c)(1)(D) and 4281 for multiemployer plans
5 terminating by mass withdrawal, as in effect for the
6 date of the determination, except the plan's reason-
7 able assumption regarding the starting date of bene-
8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as
10 provided in paragraph (2), actuarial determinations
11 and projections under this section shall be based on

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 805(d)(2)(B).”.

24 (2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
4 amended—

5 (i) in paragraph (10), by striking “or”
6 at the end;

7 (ii) in paragraph (11), by striking the
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(12) in the case of a composite plan required
12 to adopt a realignment program under section 803,
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-
15 gram under that section by the deadline estab-
16 lished in such section; or

17 “(B) fails to update or comply with the
18 terms of the realignment program in accordance
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-
21 tion to contribute with respect to the composite plan,
22 or by an employee organization that represents ac-
23 tive participants in the composite plan, for an order
24 compelling the plan sponsor to adopt a realignment
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-
2 quirements of such section and the realignment pro-
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)
9 through (12) as paragraphs (12) through
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)
12 the following:

13 “(9) The Secretary may assess against any plan
14 sponsor of a composite plan a civil penalty of not
15 more than \$1,100 per day for each violation by such
16 sponsor—

17 “(A) of the requirement under section
18 802(a) on the plan actuary to certify the plan’s
19 current or projected funded ratio by the date
20 specified in such subsection; or

1 “(10)(A) The Secretary may assess against any
2 plan sponsor of a composite plan a civil penalty of
3 not more than \$100 per day for each violation by
4 such sponsor of the requirement under section
5 803(b) to provide notice as described in such section,
6 except that no penalty may be assessed in any case
7 in which the plan sponsor exercised reasonable dili-
8 gence to meet the requirements of such section
9 and—

10 “(i) the plan sponsor did not know that the
11 violation existed; or

12 “(ii) the plan sponsor provided such notice
13 during the 30-day period beginning on the first
14 date on which the plan sponsor knew, or in ex-
15 ercising reasonable due diligence should have
16 known, that such violation existed.

17 “(B) In any case in which the plan sponsor ex-
18 ercised reasonable diligence to meet the require-
19 ments of section 803(b)—

20 “(i) the total penalty assessed under this
21 paragraph against such sponsor for a plan year
22 may not exceed \$500,000; and

23 “(ii) the Secretary may waive part or all of
24 such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any
4 plan sponsor of a composite plan a civil penalty of
5 not more than \$100 per day for each violation by
6 such sponsor of the notice requirements under sec-
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of
9 contents in section 1 of such Act (29 U.S.C. 1001
10 note) is amended by inserting after the item relating
11 to section 734 the following:

“PART 8—COMPOSITE PLANS AND LEGACY PLANS

“Sec. 801. Composite plan defined.

“Sec. 802. Funded ratios; actuarial assumptions.

“Sec. 803. Realignment program.

“Sec. 804. Limitation on increasing benefits.

“Sec. 805. Composite plan restrictions to preserve legacy plan funding.

“Sec. 806. Mergers and asset transfers of composite plans.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of
15 chapter 1 of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following:

17 “Subpart C—Composite Plans and Legacy Plans

“Sec. 437. Composite plan defined.

“Sec. 438. Funded ratios; actuarial assumptions.

“Sec. 439. Realignment program.

“Sec. 440. Limitation on increasing benefits.

“Sec. 440A. Composite plan restrictions to preserve legacy plan funding.

“Sec. 440B. Mergers and asset transfers of composite plans.

1 "SEC. 437. COMPOSITE PLAN DEFINED.

2 "(a) IN GENERAL.—For purposes of this title, the
3 term 'composite plan' means a pension plan—

4 "(1) which is a multiemployer plan that is nei-
5 ther a defined benefit plan nor a defined contribu-
6 tion plan,

7 "(2) the terms of which provide that the plan
8 is a composite plan for purposes of this title with re-
9 spect to which not more than one multiemployer de-
10 fined benefit plan is treated as a legacy plan within
11 the meaning of section 440A, unless there is more
12 than one legacy plan following a merger of composite
13 plans under section 440B,

14 "(3) which provides systematically for the pay-
15 ment of benefits—

16 "(A) objectively calculated pursuant to a

1 “(5) which requires—

2 “(A) an annual valuation of the liability of
3 the plan as of a date within the plan year to
4 which the valuation refers or within one month
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of
7 the plan’s current funded ratio and projected
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-
10 ment program pursuant to section 439 when-
11 ever the plan’s projected funded ratio is below
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-
14 pant describing the participant’s benefits under
15 the plan and explaining that such benefits may
16 be subject to reduction under a realignment
17 program pursuant to section 439 based on the
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at
20 least one retiree or beneficiary in pay status during
21 each plan year following the first plan year in which

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 432(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment,

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment,

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to, and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment,

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan, and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 cated proportionally), and permits, but
2 does not require, the pooling of some or all
3 of the assets of the two plan components
4 for investment purposes, and
5 “(ii) that the assets of each of the two

1 porated as a component of a multiemployer
2 plan as described in paragraph (1), the intent
3 to amend the multiemployer plan to incorporate
4 such composite plan) at least 30 days prior to
5 the effective date of such establishment or
6 amendment.

7 “(B) CERTIFICATION.—In the case of a
8 composite plan incorporated as a component of
9 a multiemployer plan as described in paragraph
10 (1), such notice shall include a certification by
11 the plan actuary under section 432(b)(3) that
12 the effective date of the amendment occurs in
13 a plan year for which the multiemployer plan is
14 not in critical status for that plan year and any
15 of the succeeding 5 plan years.

16 “(6) REFERENCES TO COMPOSITE PLAN COM-
17 PONENT.—As used in this subpart, the term ‘com-
18 posite plan’ includes a composite plan component
19 added to a defined benefit plan pursuant to para-
20 graph (1).

21 “(7) RULE OF CONSTRUCTION.—Paragraph
22 (2)(A) shall not be construed as preventing the plan
23 sponsor of a multiemployer plan from adopting an
24 amendment pursuant to paragraph (1) because some
25 collective bargaining agreements are amended to

1 cease any covered employer's obligation to contribute
2 to the multiemployer plan before or after the plan
3 amendment is effective. Paragraph (2)(B) shall not
4 be construed as preventing the plan sponsor of a
5 multiemployer plan from adopting an amendment
6 pursuant to paragraph (1) because some partici-
7 pants cease to have contributions made to the multi-
8 employer plan on their behalf before or after the
9 plan amendment is effective.

10 “(c) COORDINATION WITH FUNDING RULES.—Ex-
11 cept as otherwise provided in this title, sections 412, 431,
12 and 432 shall not apply to a composite plan.

13 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
14 poses of this title (other than sections 412 and 418E),
15 a composite plan shall be treated as if it were a defined
 benefit plan unless a different bene8 0 14 314M 47d 93 0 9a.'8

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest, and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations),

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan, and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial

1 equivalent standard accrual rate as de-
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-
8 ures not specifically described in this sub-
9 paragraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—
13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent the
17 following plan year, such reasonable measures
18 may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1), or

23 “(ii) a reduction of any benefits of
24
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 432(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this subpart, the term ‘adjustable ben-
7 efit’ means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits,

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit, and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days following the first day of the first
22 plan year that begins following the adoption of
23 the realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary,

7 “(B) a description of the types of benefits
8 that might be reduced, and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries,

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan,
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A), and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor,

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection,
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 “SEC. 440. LIMITATION ON INCREASING BENEFITS.

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least

1 quently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only, and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

“(c) E

- 1 legacy plan with respect to the composite plan under
- 2 which the employees who were eligible to accrue a

1 “(5) OTHER TERMS.—Any term used in this
2 subpart which is not defined in this part and which
3 is also used in section 432 shall have the same
4 meaning provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite
12 plan who have ceased to accrue or otherwise

1 cessation of accruals, the period during which such
2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-
12 tions to a legacy plan at a rate or rates equal
13 to or greater than the transition contribution
14 rate established under paragraph (2), and

15 “(B) does not provide for—

1

ginning with the plan year in which such change in unfunded liability is incurred.

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 432 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 432, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 431 (or, if appli-
6 cable, section 432) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-

- 1 requirements at least 30 days before the beginning of the plan year for which the rate is effective.

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
 first plan year followr

1 the present value of the plan's liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(c)(1)(D) and 4281 of Employee Retirement
5 Income and Security Act for multiemployer plans
6 terminating by mass withdrawal, as in effect for the
7 date of the determination, except the plan's reason-
8 able assumption regarding the starting date of bene-
9 fits may be used.

10 "(3) OTHER APPLICABLE RULES.—Except as
11 provided in paragraph (2), actuarial determinations
12 and projections under this section shall be based on
13 the rules in section 432(b)(3) and section 438(b).

14 "SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-
15 POSITE PLANS.

16 "(a) IN GENERAL.—Assets and liabilities of a com-
17 posite plan may only be merged with, or transferred to,
18 another plan if—

19 "(1) the other plan is a composite plan,

"(2) the plan or plans res-372 c0/e5froms-372 c0/lan com-

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

1 the Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after the
5 date of the enactment of this Act.

6 SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO
7 COMPOSITE PLANS.

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
9 INCOME SECURITY ACT OF 1974.—

(1) T

1 (C) by adding at the end the following:

2 “(h) COMPOSITE PLANS.—A multiemployer plan that

1 as subsection (g) and by inserting after subsection (e) the
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that
4 incorporates the features of a composite plan as provided
5 in section 437(b) shall be treated as a single plan for pur-
6 poses of the return required by this section, except that
7 separate financial statements shall be provided for the de-
8 fined benefit plan component and for the composite plan
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE
14 IV.

15 (a) DEFINITION.—Section 4001(a) of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C.
17 1301(a)) is amended by striking the period at the end of
18 paragraph (21) and inserting a semicolon and by adding
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29
23 U.S.C. 1306(a)) is amended by adding at the end the fol-
24 lowing:
25

1 “(9) The composite plan component of a multi-
2 employer plan shall be disregarded in determining
3 the premiums due under this section from the multi-
4 employer plan.”.

5 (c) COMPOSITE PLANS NOT COVERED.—Section
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-
7 ed by striking “Act” and inserting “Act, or a composite
8 plan, as defined in paragraph (43) of section 3 of this
9 Act”.

10 (d) NO WITHDRAWAL LIABILITY.—Section 4201 of
11 such Act (29 U.S.C. 1381) is amended by adding at the
12 end the following:

13 “(c) Contributions by an employer to the composite
14 plan component of a multiemployer plan shall not be taken
15 into account for any purpose under this title.”.

16 (e) NO WITHDRAWAL LIABILITY FOR CERTAIN
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is
18 further amended by adding at the end the following:

19 “(d) Contributions by an employer to a multiem-
20 ployer plan described in the except clause of section 3(35)
21 of this Act pursuant to a collective bargaining agreement
22 that specifically designates that such contributions shall
23 be allocated to the separate defined contribution accounts
24 of participants under the plan shall not be taken into ac-
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-
2 mination of the employer's highest contribution rate under
3 section 4219), even if, under the terms of the plan, partici-
4 pants have the option to transfer assets in their separate
5 defined contribution accounts to the defined benefit por-
6 tion of the plan in return for service credit under the de-
7 fined benefit portion, at rates established by the plan
8 sponsor.

9 “(e) A legacy plan created under section 805 shall
10 be deemed to have no unfunded vested benefits for pur-
11 poses of this part, for each plan year following a period
12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-
14 ing of section 805 for at least 3 of the plan years
15 during that period, ending with a plan year for
16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be
4 allocated to an employer that has an obligation to con-
5 tribute to a legacy plan described in subsection (e) of sec-
6 tion 4201 for each plan year for which such subsection

1 ated with a composite plan pursuant to a collective
2 bargaining agreement but employees of that em-
3 ployer were not eligible to accrue benefits under the
4 legacy plan with respect to service with that em-
5 ployer.''.

6 (h) NO INFERENCE.—Nothing in the amendment
7 made by subsection (e) shall be construed to create an in-
8 ference with respect to the treatment under title IV of the
9 Employee Retirement Income Security Act of 1974, as in
10 effect before such amendment, of contributions by an em-
11 ployer to a multiemployer plan described in the except
12 clause of section 3(35) of such Act that are made before
13 the effective date of subsection (e) specified in subsection
14 (h)(2).

15 (i) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in sub-
17 paragraph (2), the amendments made by this section
18 shall apply to plan years beginning after the date of
19 the enactment of this Act.

20 (2) SPECIAL RULE FOR SECTION 414(k) MULTI-
21 EMPLOYER PLANS.—The amendment made by sub-
22 section (e) shall apply only to required contributions
23 payable for plan years beginning after the date of
24 the enactment of this Act.

1 SEC. 105. CONFORMING CHANGES.

2 (a) DEFINITIONS.—Section 3 of the Employee Re-
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-
6 posite plan” after “other than an individual account
7 plan”; and

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

9 “(43) The term ‘composite plan’ has the mean-
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of
15 the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1084(b)) is amended by adding at

1

(A) by striking so much of the first sen-

1 (ii) by striking the second sentence;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) shall
7 not apply to any multiemployer plan with re-
8 spect to any transaction to the extent that par-
9 ticipants either before or after the transaction
10 are covered under a multiemployer plan to
11 which title IV of the Employee Retirement In-
12 come Security Act of 1974 applies or a com-
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-
15 MENT.—Paragraph (1) of section 414(l) of such
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and
18 all that follows through “shall not con-
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a trust which forms a part
24 of a plan shall not constitute”; and

- 1 (ii) by striking the second sentence;
- 2 and

1 “(ii) SPECIAL RULES FOR PREDE-
2 CESSOR MULTIEMPLOYER PLAN TO COM-
3 POSITE PLAN.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), if an em-
6 ployer contributes to a composite plan
7 with respect to its employees, con-
8 tributions by that employer to a mul-
9 tiemployer defined benefit plan with
10 respect to some or all of the same
11 group of employees shall be deductible
12 under sections 162 and this section,
13 subject to the limits in subparagraph
14 (D).

15 “(II) TRANSITION CONTRIBU-
16 TION.—The full amount of a contribu-
17 tion to satisfy the transition contribu-
18 tion requirement (as defined in sec-
19 tion 440A(d)) and allocated to the
20 legacy defined benefit plan for the
21 plan year shall be deductible for the
22 employer’s taxable year ending with or
23 within the plan year.”.

24 (f) MINIMUM VESTING STANDARDS.—

1 (1) YEARS OF SERVICE UNDER COMPOSITE
2 PLANS.—

3 (A) EMPLOYEE RETIREMENT INCOME SE-
4 CURITY ACT OF 1974.—Section 203 of the Em-
5 ployee Retirement Income Security Act of 1974
6 (29 U.S.C. 1053) is amended by inserting after
7 subsection (f) the following:

8 “(g) SPECIAL RULES FOR COMPUTING YEARS OF
9 SERVICE UNDER COMPOSITE PLANS.—

10 “(1) IN GENERAL.—In determining a qualified
11 employee’s years of service under a composite plan
12 for purposes of this section, the employee’s years of
13 service under a legacy plan shall be treated as years
14 of service earned under the composite plan. For pur-
15 poses of such determination, a composite plan shall
16 not be treated as a defined benefit plan pursuant to
17 section 801(d).

18 “(2) QUALIFIED EMPLOYEE.—For purposes of
19 this subsection, an employee is a qualified employee
20 if the employee first completes an hour of service
21 under the composite plan (determined without re-
22 gard to the provisions of this subsection) within the
23 12-month period immediately preceding or the 24-
24 month period immediately following the date the em-

1 ployee ceased to accrue benefits under the legacy
2 plan.

3 “(3) CERTIFICATION OF YEARS OF SERVICE.—

4 For purposes of paragraph (1), the plan sponsor of
5 the composite plan shall rely on a written certifi-
6 cation by the plan sponsor of the legacy plan of the
7 years of service the qualified employee completed
8 under the defined benefit plan as of the date the em-
9 ployee satisfies the requirements of paragraph (2),
10 disregarding any years of service that had been for-
11 feited under the rules of the defined benefit plan be-
12 fore that date.

13 “(h) SPECIAL RULES FOR COMPUTING YEARS OF
14 SERVICE UNDER LEGACY PLANS.—

15 “(1) IN GENERAL.—In determining a qualified
16 employee’s years of service under a legacy plan for
17 purposes of this section, and in addition to any serv-
18 ice under applicable regulations, the employee’s
19 years of service under a composite plan shall be
20 treated as years of service earned under the legacy
21 plan. For purposes of such determination, a com-
22 posite plan shall not be treated as a defined benefit
23 plan pursuant to section 801(d).

24 “(2) QUALIFIED EMPLOYEE.—For purposes of
25 this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service
2 under the composite plan (determined without re-
3 gard to the provisions of this subsection) within the
4 12-month period immediately preceding or the 24-
month period immediately following the date the emwithout re-

1 under the rules of the defined benefit plan be-
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS

1 plan sponsor of the legacy plan shall rely on a
2 written certification by the plan sponsor of the
3 composite plan of the years of service the quali-
4 fied employee completed under the composite
5 plan after the employee satisfies the require-
6 ments of subparagraph (B), disregarding any
7 years of service that has been forfeited under
8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-
11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)

1 1974" and inserting "section 432(e) or
2 439 or under section 4281 of the Em-
3 ployee Retirement Income Security Act of
4 1974"; and

5 (ii) in clause (ii) by inserting "or
6 432(e)" after "section 418E".

7 (3) ACCRUED BENEFIT REQUIREMENTS.—

8 (A) EMPLOYEE RETIREMENT INCOME SE-
9 CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)
10 of the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is
12 amended by inserting ", including an amend-
13 ment reducing or suspending benefits under
14 section 305(e), 803, 4245 or 4281," after "any
15 amendment to the plan".

16 (B) INTERNAL REVENUE CODE OF 1986.—
17 Section 411(b)(1)(B)(i) of the Internal Revenue
18 Code of 1986 is amended by inserting ", includ-
19 ing an amendment reducing or suspending ben-
20 efits under section 418E, 432(e) or 439, or
21 under section 4281 of the Employee Retirement
22 Income Security Act of 1974," after "any
23 amendment to the plan".

24 (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-
25 MENTS.—

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1

(A) EMPLOYEE RETIREMENT INCOME SE-
CURITY ACT OF 1974

1 of regulations by the Secretary of Labor, the Secretary
2 of the Treasury, or the Pension Benefit Guaranty Cor-
3 poration, a multiemployer plan shall not be treated as fail-
4 ing to meet the requirements of any such provision prior
5 to the issuance of final regulations or other guidance to
6 carry out such provision if such plan is operated in accord-
7 ance with a reasonable, good faith interpretation of such
8 provision.

9 SEC. 106. EFFECTIVE DATE.

10 Unless otherwise specified, the amendments made by
11 this division shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 DIVISION W—OTHER MATTERS

14 SEC. 240001. SMALL BUSINESS DEBTOR REORGANIZATION.

15 (a) 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 ac-
20 tivities (including any affiliate of such person
21 that is also a debtor under this title and exclud-
22 ing a person whose primary activity is the busi-
23 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

1 the petition or the date of the order for relief
2 in an amount not more than \$7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 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 affili-
9 ated debtors that has aggregate noncontin-
10 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 Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).”.

23 (b) APPLICABILITY OF CHAPTERS.—Section 103(i) of
24 title 11, United States Code, is amended by striking

1 “small business debtor” and inserting “debtor (as defined
2 in section 1182)”.

3 (c) APPLICATION OF AMENDMENT.—The amendment
4 made by subsection (a) shall apply only with respect to
5 cases commenced under title 11, United States Code, on
6 or after the date of enactment of this Act.

7 (d) TECHNICAL CORRECTIONS.—

8 (1) DEFINITION OF SMALL BUSINESS DEBT-
9 OR.—Section 101(51D)(B)(iii) of title 11, United
10 States Code, is amended to read as follows:

11 “(iii) any debtor that is an affiliate of
12 an issuer (as defined in section 3 of the
13 Securities Exchange Act of 1934 (15
14 U.S.C. 78c)).”.

15 (2) UNCLAIMED PROPERTY.—Section 347(b) of
16 title 11, United States Code, is amended by striking
17 “1194” and inserting “1191”.

18 (e) SUNSET.—On the date that is 1 year after the
19 date of enactment of this Act, section 1182(1) of title 11,
20 United States Code, is amended to read as follows:

“(1) DEBTOR

1 (1) EXCLUSION FROM CURRENT MONTHLY IN-
2 COME.—Section 101(10A)(B)(ii) of title 11, United
3 States Code, is amended—

4 (A) in subclause (III), by striking “; and”
5 and inserting a semicolon;

6 (B) in subclause (IV), by striking the pe-
7 riod at the end and inserting “; and”; and

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

9 “(V) Payments made under Federal law
10 relating to the national emergency declared by
11 the President under the National Emergencies
12 Act (50 U.S.C. 1601 et seq.) with respect to
13 the coronavirus disease 2019 (COVID–19).”.

14 (2) CONFIRMATION OF PLAN.—Section
15 1325(b)(2) of title 11, United States Code, is
16 amended by inserting “payments made under Fed-
17 eral law relating to the national emergency declared
18 by the President under the National Emergencies
19 Act (50 U.S.C. 1601 et seq.) with respect to the
20 coronavirus disease 2019 (COVID–19),” after
21 “other than”.

22 (3) MODIFICATION OF PLAN AFTER CONFIRMA-
23 TION.—Section 1329 of title 11, United States Code,
24 is amended by adding at end the following:

1 “(d)(1) Subject to paragraph (3), for a plan con-
2 firmed prior to the date of enactment of this subsection,
3 the plan may be modified upon the request of the debtor
4 if—

5 “(A) the debtor is experiencing or has ex-
6 perience a material financial hardship due, di-
7 rectly or indirectly, to the coronavirus disease
8 2019 (COVID-19) pandemic; and

9 “(B) the modification is approved after no-
10 tice and a hearing.

11 “(2) A plan modified under paragraph (1) may
12 not provide for payments over a period that expires
13 more than 7 years after the time that the first pay-
14 ment under the original confirmed plan was due.

15 “(3) Sections 1322(a), 1322(b), 1323(c), and
16 the requirements of section 1325(a) shall apply to
17 any modification under paragraph (1).”.

18 (4) APPLICABILITY.—

19 (A) The amendments made by paragraphs
20 (1) and (2) shall apply to any case commenced
21 before, on, or after the date of enactment of
22 this Act.

23 (B) The amendment made by paragraph
24 (3) shall apply to any case for which a plan has
been confirmed under section 1325 of title 11,

1 United States Code, before the date of enact-
2 ment of this Act.

3 (b) SUNSET.—

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 the
9 semicolon at the end and inserting “;
10 and”;

11 (ii) in subclause (IV), by striking “;
12 and” and inserting a period; and

13 (iii) by striking subclause (V).

14 (B) CONFIRMATION OF PLAN.—Section
15 1325(b)(2) of title 11, United States Code, is
16 amended by striking “payments made under
17 Federal law relating to the national emergency
18 declared by the President under the National
19 Emergencies Act (50 U.S.C. 1601 et seq.) with
20 respect to the coronavirus disease 2019
21 (COVID-19),”.

22 (C) MODIFICATION OF PLAN AFTER CON-
23 FIRMATION.—Section 1329 of title 11, United
24 States Code, is amended by striking subsection
25 (d).

1 SEC. 199992. LOW-INCOME HOUSEHOLD DRINKING WATER
2 AND WASTEWATER ASSISTANCE.

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$1,500,000,000 to the Sec-

1 Tribe, that are low-income, as determined by
2 the Secretary;

3 (B) the average State or Tribal drinking
4 water and wastewater service rates; and

5 (C) the extent to which the State or Indian
6 Tribe has been impacted by the public health
7 emergency.

8 (2) NOTIFICATION TO CONGRESS.—Not later
9 than 15 days after determining an amount to allot
10 to each State or Indian Tribe pursuant to paragraph
11 (1), and prior to making grants under this section,
12 the Secretary shall notify Congress of such allotment
13 amounts.

14 (e) DETERMINATION OF LOW-INCOME HOUSE-
15 HOLDS.—

16 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
17 determining whether a household is considered low-
18 income for the purposes of this section, a State or
19 Indian Tribe shall—

20 (A) ensure that, at a minimum, all house-
21 holds within 150 percent of the Federal poverty
22 line are included as low-income households; and

23 (B) consider households that have not pre-
24 viously received assistance under the Low-In-
25 come Home Energy Assistance Act of 1981 in

1 with providing drinking water and wastewater services to
2 rural and small communities, and Indian Tribes, to assist
3 in identifying low-income households and to carry out this
4 section.

5 (h) ADMINISTRATIVE COSTS.—A State or Indian
6 Tribe that receives a grant under this section may use up
7 to 15 percent of the granted amounts for administrative
8 costs.

9 (i) FEDERAL AGENCY COORDINATION.—In carrying
10 out this section, the Secretary shall coordinate with the
11 Administrator of the Environmental Protection Agency
12 and consult with other Federal agencies with authority
13 over the provision of drinking water and wastewater serv-
14 ices.

15 (j) AUDITS.—The Secretary shall require each State
16 and Indian Tribe receiving a grant under this section to
17 undertake periodic audits and evaluations of expenditures
18 made by such State or Indian Tribe pursuant to this sec-
19 tion.

20 (k) REPORTS TO CONGRESS.—The Secretary shall
21 submit to Congress a report on the results of activities
22 carried out pursuant to this section—

- 1 (2) upon disbursement of all funds appropriated
- 2 pursuant to this section.

(I) D

1 Guam, American Samoa, and the Commonwealth of
2 the Northern Mariana Islands.

3 SEC. 199993. DELAY OF STRATEGIC PETROLEUM RESERVE

4 SALE.

 (a) BIPARTISAN BUDGET ACT OF 2015.—Section

1 into the 'Energy Security and Infrastructure Moderniza-
2 tion Fund' during the fiscal year in which the sale occurs
3 and shall be made available in such fiscal year, to remain
4 available until expended, for necessary expenses to carry
5 out the Life Extension II project for the Strategic Petro-
6 leum Reserve.'.

7 SEC. 199994. EXPANSION OF DOL AUTHORITY TO POSTPONE
8 CERTAIN DEADLINES.

9 Section 518 of the Employee Retirement Income Se-
10 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
11 ing "or a terroristic or military action (as defined in sec-
12 tion 692(c)(2) of such Code), the Secretary may" and in-
13 serting "a terroristic or military action (as defined in sec-
14 tion 692(c)(2) of such Code), or a public health emergency
15 declared by the Secretary of Health and Human Services
16 pursuant to section 319 of the Public Health Service Act,
17 the Secretary may".

18 SEC. 199995. PROVIDING BUREAU OF THE CENSUS ACCESS
19 TO INSTITUTIONS OF HIGHER EDUCATION.

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, including section 444 of the General Edu-
22 cation Provisions Act (commonly known as the "Family
23 Educational Rights and Privacy Act of 1974"), an institu-
24 tion of higher education may, in furtherance of a full and
25 accurate decennial census of population count, provide to

1 the Bureau of the Census information requested by the
2 Bureau for purposes of enumeration for the 2020 decen-
3 nial Census.

4 (b) APPLICATION.—

5 (1) INFORMATION.—Only information requested
6 on the official 2020 decennial census of population
7 form may be provided to the Bureau of the Census
8 pursuant to this section. No institution of higher
9 education may provide any information to the Bu-
10 reau on the immigration or citizenship status of any
11 individual.

12 (2) GROUP QUARTERS.—Only students who, ac-
13 cording to guidance from the Bureau, are living in
14 group quarters may be included in the data provided
15 to the Bureau under this section.

16 (3) NOTICE REQUIRED.—Before information
17 can be provided to the Bureau, the institution of
18 higher education shall give public notice of the cat-
19 egories of information which it plans to provide and
20 shall allow 10 days after such notice has been given
21 for a parent or student to inform the institution that
22 any or all of the information designated should not
23 be released without the parent or student's prior
24 consent. No institution of higher education shall pro-
25 vide the Bureau with the information of any indi-

1 vidual who has objected or whose legal guardian has
2 objected to the provision of such information.

3 (4) USE OF INFORMATION.—Information pro-

1 of subsection (a) for fiscal year 2020 which remains
2 after the application of paragraph (2) of that sub-
3 section, the Secretary shall, not later than the later
4 of the date that is 15 days after the date of enact-
5 ment of this section or the date that a State or In-
6 dian Tribe provides the certification required by sub-

1 State other than a State that is a territory specified
2 in subsection (a)(2)(A) under this section for fiscal
3 year 2020 shall be the amount equal to the relative
4 population proportion amount described in para-
5 graph (4) for such fiscal year.

6 “(2) STATE MINIMUM PAYMENT.—No State
7 that is 1 of the 50 States, the District of Columbia,
8 or the Commonwealth of Puerto Rico, shall receive
9 a payment under this section for fiscal year 2020
10 that is less than, \$2,500,000,000.

11 “(3) DIRECT PAYMENTS TO UNITS OF LOCAL
12 GOVERNMENT.—If a unit of local government of a
13 State submits the certification required by sub-
14 section (f) for purposes of receiving a direct payment
15 from the Secretary under subsection (b)(2), the Sec-
16 retary shall reduce the amount determined for a
17 State under paragraph (1) or (2) (as applicable) by
18 the relative unit of local government population pro-
19 portion (as defined in paragraph (6)).

20 “(4) RELATIVE POPULATION PROPORTION
21 AMOUNT.—The relative population proportion
22 amount described in this paragraph is the product
23 of—

24 “(A) the amount appropriated under para-
25 graph (1) of subsection (a) for fiscal year 2020

1 which remains after the application of para-
2 graph (2) of that subsection; and

3 “(B) the relative State population propor-
4 tion (as defined in paragraph (5)).

5 “(5) RELATIVE STATE POPULATION PROPOR-
6 TION DEFINED.—For purposes of paragraph (4)(B),
7 the term ‘relative State population proportion’
8 means, with respect to a State, the amount equal to
9 the quotient of—

10 “(A) the population of the State; and

11 “(B) the total population of all States.

12 “(6) RELATIVE UNIT OF LOCAL GOVERNMENT
13 POPULATION PROPORTION DEFINED.—For purposes
14 of paragraph (3), the term ‘relative unit of local gov-
15 ernment population proportion’ means, with respect
16 to a unit of local government, the amount equal to
17 the quotient of—

18 “(A) the population of the unit of local
19 government; and

20 “(B) the total population of the State in
21 which the unit of local government is located.

22 “(7) CERTAIN TERRITORIES.—The amount paid
23 to a State that is a territory specified in subsection
24 (a)(2)(A) under this section for fiscal year 2020,
25 shall be the amount equal to the product of the

1425

1 year for which data are available from the Bureau

1 “(2) In the case of a State for which the initial
2 payment is 50 percent of the amount determined for
3 the State under subsection (c)(1), the Secretary
4 shall pay the State the remaining 50 percent of such
5 amount on the earlier of—

6 “(A) the 1st day of the month succeeding
7 the first month that begins after the date of en-
8 actment of this section for which the national
9 employment-to-population ratio is below 60 per-
10 cent or the seasonally adjusted national unem-
11 ployment rate (U-3) determined by the Bureau
12 of Labor Statistics of the Department of Labor
13 for the applicable calendar month as initially re-
14 ported and prior to any subsequent revisions
15 (rounded to the nearest tenth of a percentage
16 point) exceeds 5.0 percent; or

17 “(B) July 1, 2020.

18 A unit of local government for which a direct pay-
19 ment may be made under subsections (b)(2) and
20 (c)(3) shall be paid at the same time and in the per-
21 centages as the State in which such government is
22 located.

23 “(e) USE OF FUNDS.—

24 “(1) IN GENERAL.—Subject to paragraphs (2)
25 and (3), a State, Indian Tribe, or unit of local gov-

1 ernment shall use the funds provided under a pay-
2 ment made under this section to cover only those
3 costs of the State, Indian Trib, or unite of local gov-

1 cause of decreased or delayed revenues during the
2 period described in paragraph (1).

3 “(3) LIMITATIONS.—A State, Indian Tribe, or
4 unit of local government may not use funds provided
5 under a payment made under this section to—

6 “(A) supplant expenditures permitted
7 under the most recently approved budget for
8 the State, Indian Tribe, or unit of local govern-
9 ment for which the State, Indian Tribe, or unit
10 of local government has funds immediately
11 available; or

12 “(B) provide any kind of tax cut, rebate,
13 deduction, credit, or any other tax benefit, or to
14 reduce or eliminate any other fee imposed by
15 the State, Indian Tribe, or unit of local govern-
16 ment, during the period described in paragraph
17 (1).

18 “(f) CERTIFICATION.—In order to receive a payment
19 under this section for a fiscal year, a State, Indian Tribe,
20 or unit of local government shall provide the Secretary
21 with a certification signed by the Governor of the State
22 or the Chief Executive for the Indian Tribe or unit of local
23 government that the State’s, Indian Tribe’s, or unit of
24 local government’s proposed uses of the funds are con-
25 sistent with subsection (e).

1 “(g) RECOUPMENT.—If the Comptroller General of
2 the United States determines that a State, Indian Tribe,
3 or unit of local government has failed to comply with sub-
4 paragraph (B) of subsection (e)(3), the Secretary shall es-
5 tablish a process for recouping from the State, Indian
6 Tribe, or unit of local government an amount equal to the
7 amount of funds used in violation of such subparagraph.
8 Amounts recovered by the Secretary under this subsection
9 shall be used as follows:

10 “(1) 65 percent of such amounts shall be trans-
11 ferred or credited to the Housing Trust Fund estab-
12 lished under section 1338 of the Federal Housing
13 Enterprises Financial Safety and Soundness Act of
14 1992 (12 U.S.C. 4568); and

15 “(2) 35 percent of such amounts shall be trans-
16 ferred or credited to the Capital Magnet Fund es-
17 tablished under section 1339 of the Federal Housing
18 Enterprises Financial Safety and Soundness Act of
1992 (12 U.S.C. 4569).

1 “(2) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of the Treasury.

3 “(3) STATE.—The term ‘State’ means the 50
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, the United States Virgin Islands,
6 Guam, the Commonwealth of the Northern Mariana
7 Islands, and American Samoa.

8 “(4) UNIT OF LOCAL GOVERNMENT.—The term
9 ‘unit of local government’ means a county, munic-
10 ipality, town, township, village, parish, borough, or
11 other unit of general government below the State
12 level with a population that exceeds 500,000.

13 “(i) EMERGENCY DESIGNATION.—

14 “(1) IN GENERAL.—The amounts provided by
15 this section are designated as an emergency require-
16 ment pursuant to section 4(g) of the Statutory Pay-
17 As-You-Go-Act of 2010 (2 U.S.C. 933(g)).

18 “(2) DESIGNATION IN SENATE.—In the Senate,
19 this section is designated as an emergency require-
20 ment pursuant to section 4112(a) of H. Con. Res.
21 71 (115th Congress), the concurrent resolution on
22 the budget for fiscal year 2018.”.

23 SEC. 199997. BUDGETARY EFFECTS.

24 (a) STATUTORY PAYGO SCORECARDS.—The budg-
25 etary effects of division B and each succeeding division

1 shall not be entered on either PAYGO scorecard main-
2 tained pursuant to section 4(d) of the Statutory Pay-As-
3 You-Go Act of 2010.

4 (b) SENATE PAYGO SCORECARDS.—The budgetary
5 effects of division B and each succeeding division shall not
6 be entered on any PAYGO scorecard maintained for pur-
7 poses of section 4106 of H. Con. Res. 71 (115th Con-
8 gress).

9 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
10 Notwithstanding Rule 3 of the Budget Scorekeeping
11 Guidelines set forth in the joint explanatory statement of
12 the committee of conference accompanying Conference Re-
13 port 105–217 and section 250(c)(8) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985, the

1 final regulations establishing emission standards for emis-
2 sions of greenhouse gases from both new and in-service
3 aircraft pursuant to section 231 of the Clean Air Act (42
4 U.S.C. 7571).

5 (b) SOLICITING COMMENTS.—In proposing such reg-
6 ulations, the Administrator of the Environmental Protec-
7 tion Agency shall solicit comments on—

8 (1) the minimum greenhouse gas emission
9 standards established by the International Civil
10 Aviation Organization; and

11 (2) relative to such minimum standards, green-
12 house gas emission standards that would achieve
13 greater reductions in greenhouse gas emissions.