

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

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

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

**H. R. 748**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. REFERENCES.**

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

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

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

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

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH  
 CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

Sec. 1001. Table of contents.

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 ACT

Sec. 1101. Definitions.

Sec. 1102. Paycheck protection program.

Sec. 1103. Entrepreneurial development.

Sec. 1104. Waiver of matching funds requirement under the women’s business  
 center program.

Sec. 1105. Loan forgiveness.

Sec. 1106. Direct appropriations.

Sec. 1107. Minority business development agency.

Sec. 1108. Contracting.

Sec. 1109. United States Treasury Program Management Authority.

Sec. 1110. Emergency EIDL grants.

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

Sec. 1112. Subsidy for certain loan payments.

Sec. 1113. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND  
 BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.

Sec. 2102. Pandemic Unemployment Assistance.

Sec. 2103. Emergency unemployment relief for governmental entities and non-  
 profit organizations.

Sec. 2104. Emergency increase in unemployment compensation benefits.

Sec. 2105. Temporary full Federal funding of the first week of compensable  
 regular unemployment for States with no waiting week.

Sec. 2106. Emergency State staffing flexibility.

Sec. 2107. Pandemic emergency unemployment compensation.

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

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

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

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- Sec. 2111. Assistance and guidance in implementing programs.
- Sec. 2112. Treatment of payments from the Railroad Unemployment Insurance Account.
- Sec. 2113. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
- Sec. 2114. Enhanced benefits under the Railroad Unemployment Insurance Act.
- Sec. 2115. Extended unemployment benefits under the Railroad Unemployment Insurance Act.

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- Sec. 2202. Special rules for use of retirement funds.
- Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
- Sec. 2204. Allowance of partial above the line deduction for charitable contributions.
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- Sec. 2301. Delay of payment of employer payroll taxes.
- Sec. 2302. Modifications for net operating losses.
- Sec. 2303. Modification of limitation on losses for taxpayers other than corporations.
- Sec. 2304. Modification of credit for prior year minimum tax liability of corporations.
- Sec. 2305. Modifications of limitation on business interest.
- Sec. 2306. Technical amendments regarding qualified improvement property.

TITLE III—SUPPORTING AMERICA’S HEALTH CARE SYSTEM IN  
THE FIGHT AGAINST THE CORONAVIRUS

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- Sec. 3101. National Academies report on America’s medical product supply chain security.
- Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
- Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

- Sec. 3111. Prioritize reviews of drug applications; incentives.
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SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

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

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## SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

- Sec. 3201. Coverage of diagnostic testing for COVID-19.
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- Sec. 3513. Temporary relief for federal student loan borrowers.
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- Sec. 3602. Emergency Paid Sick Leave Act Limitation.
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- Sec. 3605. OMB Waiver of Paid Family and Paid Sick Leave.
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- Sec. 3607. Advance refunding of credits.
- Sec. 3608. Expansion of DOL Authority to postpone certain deadlines.

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- Sec. 3701. Exemption for telehealth services.
- Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.
- Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.
- Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.
- Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.
- Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.
- Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.
- Sec. 3708. Improving care planning for Medicare home health services.
- Sec. 3709. Adjustment of sequestration.
- Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for covid-19 patients during emergency period.
- Sec. 3711. Increasing access to post-acute care during emergency period.
- Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.
- Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.
- Sec. 3714. Requiring Medicare prescription drug plans and MA-PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply.
- Sec. 3715. Providing home and community-based services in acute care hospitals.
- Sec. 3716. Clarification regarding uninsured individuals.

## Subtitle E—Health and Human Services Extenders

## PART I—MEDICARE PROVISIONS

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

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- Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
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## PART II—MEDICAID PROVISIONS

- Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
- Sec. 3812. Extension of spousal impoverishment protections.
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- Sec. 3814. Extension and expansion of Community Mental Health Services demonstration program.

## PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

- Sec. 3821. Extension of sexual risk avoidance education program.
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- Sec. 3832. Diabetes programs.

## PART V—MISCELLANEOUS PROVISIONS

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

## TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

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- Sec. 4002. Definitions.
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- Sec. 4008. Transaction account guarantee authority.
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- Sec. 4012. Temporary relief for community banks.
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- Sec. 4016. Increasing access to materials necessary for national security and pandemic recovery.
- Sec. 4017. Reports.
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Sec. 4020. Termination of authority.

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

4 **SEC. 1101. DEFINITIONS.**

5 In this title—

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

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

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

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

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

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

21 (B) staffing challenges;

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

23 (D) a closure; and





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

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

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

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

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

20           “(vii) the term ‘payroll costs’—

21                   “(I) means—

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

25                                   “(AA) salary or wage;

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

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

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

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

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

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

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

1 prorated for the covered period;  
2 and

3 “(II) shall not include—

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

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

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

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

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

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

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

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

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

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

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

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

7 “(I) 500 employees; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14                   “(bb) 2.5; or

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

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

25                   “(bb) 2.5; or



1 “(ii) \$10,000,000.

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

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

9 “(I) payroll costs;

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

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

17 “(IV) mortgage payments;

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

20 “(VI) utilities; and

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

24 “(ii) DELEGATED AUTHORITY.—

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

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

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

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

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

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

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

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

16           “(G) BORROWER REQUIREMENTS.—

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

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



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

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

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

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

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

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

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

1           “(L) INTEREST RATE REQUIREMENTS.—  
2           During the covered period, a covered loan shall  
3           bear an interest rate in accordance with the  
4           maximum interest rate in effect on February  
5           15, 2020 for a loan under this subsection.

6           “(M) SUBSIDY RECOUPMENT FEE.—Not-  
7           withstanding any other provision of law, a cov-  
8           ered loan shall not be subject to a subsidy  
9           recoupment fee.

10           “(N) LOAN DEFERMENT.—

11           “(i) DEFINITION OF IMPACTED BOR-  
12           ROWER.—

13           “(I) IN GENERAL.—In this sub-  
14           paragraph, the term ‘impacted bor-  
15           rower’ means an eligible recipient  
16           that—

17                   “(aa) is in operation on  
18                   February 15, 2020; and

19                   “(bb) has an application for  
20                   a covered loan that is approved  
21                   or pending approval on or after  
22                   the date of enactment of this  
23                   paragraph.

24           “(II) PRESUMPTION.—For pur-  
25           poses of this subparagraph, an im-

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

25               (c) EXPRESS LOANS.—

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

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

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

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

15          (a) DEFINITIONS.—In this section—

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

17                       (A) a small business development center;

18                       and

19                       (B) a women’s business center;

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (3) GRANT DETERMINATION.—

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

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

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

11 (4) GOALS AND METRICS.—

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

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

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

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

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

13 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (a) DEFINITIONS.—In this section—

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

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

10 (A) is a liability of the borrower;

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

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

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

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

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

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

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

7                   (A) payroll costs;

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

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

14                  (D) covered utility payments; and

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

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

23                   (1) Payroll costs.

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

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

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

5           (4) Any covered utility payment.

6       (c) TREATMENT OF AMOUNTS FORGIVEN.—

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

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

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

25          (4) ADVANCE PURCHASE OF COVERED LOAN.—

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

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

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

20 (d) LIMITS ON AMOUNT OF FORGIVENESS.—

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



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

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

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

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



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

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

13          (5) EXEMPTION FOR RE-HIRES.—

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

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

1 (i) in which—

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

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

12 (ii) in which—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4           (4) GOALS AND METRICS.—

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

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

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

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

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

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

10          (c) WAIVERS.—

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

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

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

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

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

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

13 (ii) accepts the decision of the center.

14 **SEC. 1108. CONTRACTING.**

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

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

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

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

24 (1) SMALL BUSINESS CONTRACTING RELIEF.—

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) the contract is mission-critical;

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

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

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

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



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

9           (c) REGULATIONS FOR LENDERS AND LOANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (e) EMERGENCY GRANT.—

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

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

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

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

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

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

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

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

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

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

1           (6) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

17 (1) guaranteed by the Administration under—

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

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

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

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

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

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

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

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

20 (c) PRINCIPAL AND INTEREST PAYMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (a) DEFINITIONS.—In this section:

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

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

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

13 (A) means an individual who—

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

23 (B) does not include—

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

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

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

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

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

24 (c) APPLICABILITY.—

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

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

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

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

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

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

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

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

10 (d) AMOUNT OF ASSISTANCE.—

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

14 (A) be equal to the sum of —

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

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

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

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

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

23                  (f) AGREEMENTS WITH STATES.—

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

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

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

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

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

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

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

8 (g) FUNDING.—

9 (1) ASSISTANCE.—

10 (A) IN GENERAL.—Funds in the extended  
11 unemployment compensation account (as estab-  
12 lished by section 905(a) of the Social Security  
13 Act (42 U.S.C. 1105(a)) of the Unemployment  
14 Trust Fund (as established by section 904(a) of  
15 such Act (42 U.S.C. 1104(a)) shall be used to  
16 make payments to States pursuant to sub-  
17 section (f)(2)(A).

18 (B) TRANSFER OF FUNDS.—Notwith-  
19 standing any other provision of law, the Sec-  
20 retary of the Treasury shall transfer from the  
21 general fund of the Treasury (from funds not  
22 otherwise appropriated) to the extended unem-  
23 ployment compensation account such sums as  
24 the Secretary of Labor estimates to be nec-  
25 essary to make payments described in subpara-



1 graph (A). There are appropriated from the  
2 general fund of the Treasury, without fiscal  
3 year limitation, the sums referred to in the pre-  
4 ceding sentence and such sums shall not be re-  
5 quired to be repaid.

6 (2) ADMINISTRATIVE EXPENSES.—

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

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

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

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

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

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

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

20                 “Transfers for Federal Reimbursement of State  
21                                 Unemployment Funds

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

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

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

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

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

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

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

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

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

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

1 (b) PROVISIONS OF AGREEMENT.—

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

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

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

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

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

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

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

23          (d) PAYMENTS TO STATES.—

24                (1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

17          (f) FRAUD AND OVERPAYMENTS.—

18                (1) IN GENERAL.—If an individual knowingly  
19                has made, or caused to be made by another, a false  
20                statement or representation of a material fact, or  
21                knowingly has failed, or caused another to fail, to  
22                disclose a material fact, and as a result of such false  
23                statement or representation or of such nondisclosure  
24                such individual has received an amount of Federal



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

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

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

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

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

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

24 (3) RECOVERY BY STATE AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (c) PAYMENTS TO STATES.—

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

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

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

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

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

8       (d) FUNDING.—

9               (1) COMPENSATION.—

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

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

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

3           (2) ADMINISTRATIVE EXPENSES.—

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

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

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

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

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

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

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

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

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

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



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

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

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

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

17 (a) FEDERAL-STATE AGREEMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (7) ACTIVELY SEEKING WORK.—

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

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

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

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

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

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

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

16 (C) FLEXIBILITY.—Notwithstanding the  
17 requirements under subparagraph (A) and  
18 paragraph (2)(B). a State shall provide flexi-  
19 bility in meeting such requirements in case of  
20 individuals unable to search for work because of  
21 COVID-19, including because of illness, quar-  
22 antine, or movement restriction.

23 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-  
24 PENSATION ACCOUNT.—

1           (1) IN GENERAL.—Any agreement under this  
2 section shall provide that the State will establish, for  
3 each eligible individual who files an application for  
4 pandemic emergency unemployment compensation,  
5 an pandemic emergency unemployment compensa-  
6 tion account with respect to such individual's benefit  
7 year.

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

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

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

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

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

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

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



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

4 (d) FINANCING PROVISIONS.—

5 (1) COMPENSATION.—

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

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

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

3           (2) ADMINISTRATION.—

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

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

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

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

14          (e) FRAUD AND OVERPAYMENTS.—

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

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

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

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

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

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

22           (3) RECOVERY BY STATE AGENCY.—

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

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

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

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

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

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

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

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

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

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

19      (a) PAYMENTS TO STATES.—

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

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

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

16            (3) LIMITATIONS ON PAYMENTS.—

17            (A) GENERAL PAYMENT LIMITATIONS.—

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

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

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

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

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

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

22          (d) FUNDING AND CERTIFICATIONS.—

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



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

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

7 (e) DEFINITIONS.—In this section:

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

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

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

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

22 (a) FEDERAL-STATE AGREEMENTS.—

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

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

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

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

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

17 (2) LIMITATIONS ON PLANS.—

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

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

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

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

19          (c) PAYMENTS TO STATES.—

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

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

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

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

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

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

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

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

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

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

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

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

19 (f) DEFINITIONS.—In this section:

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

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

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

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

5 (a) GRANTS.—

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

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

18 (3) ELIGIBILITY.—

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

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

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

8           (b) AMOUNT OF GRANTS.—

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

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

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

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

5 (c) GRANT APPLICATION AND DISBURSAL.—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (i) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (2) in subparagraph (C), by inserting “and” at  
2 the end; and

3 (3) by inserting after subparagraph (C) the fol-  
4 lowing new subparagraph:

5 “(D) any payment made from the Railroad Un-  
6 employment Insurance Account (established by sec-  
7 tion 10 of the Railroad Unemployment Insurance  
8 Act) for the purpose of carrying out the Railroad  
9 Unemployment Insurance Act, and funds appro-  
10 priated or transferred to or otherwise deposited in  
11 such Account,”.

12 (b) EFFECTIVE DATE.—The treatment of payments  
13 made from the Railroad Unemployment Insurance Ac-  
14 count pursuant to the amendment made by subsection (a)  
15 shall take effect 7 days after the date of enactment of this  
16 Act and shall apply only to obligations incurred on or after  
17 such effective date for such payments.

18 **SEC. 2113. WAIVER OF THE 7-DAY WAITING PERIOD FOR**  
19 **BENEFITS UNDER THE RAILROAD UNEM-**  
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-  
22 istration period beginning after the date of enactment of  
23 this Act and ending on or before December 31, 2020, sub-  
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           “(1) any nonresident alien individual,

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

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

3               “(3) an estate or trust.

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

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

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

19              “(f) ADVANCE REFUNDS AND CREDITS.—

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

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

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

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

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

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

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

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

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

18          “(g) IDENTIFICATION NUMBER REQUIREMENT.—

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

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

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

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

8           “(2) VALID IDENTIFICATION NUMBER.—

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

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

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

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

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

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

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

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

20           (b) ADMINISTRATIVE AMENDMENTS.—

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

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

5           (c) TREATMENT OF POSSESSIONS.—

6           (1) PAYMENTS TO POSSESSIONS.—

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

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



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

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

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

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

17 (3) DEFINITIONS AND SPECIAL RULES.—

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

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

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

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

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

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

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

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

11 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

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

17 (A) DEPARTMENT OF THE TREASURY.—

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

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

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

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

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

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

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

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

5        (g) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

20            (2) AGGREGATE DOLLAR LIMITATION.—

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

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

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

20 (3) AMOUNT DISTRIBUTED MAY BE REPAYED.—

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

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

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

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

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

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

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

24                        (ii) to an individual—



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

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

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

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

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

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

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

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

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

22           (6) SPECIAL RULES.—

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

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

5 (B) CORONAVIRUS-RELATED DISTRIBUTION  
6 TIONS TREATED AS MEETING PLAN DISTRIBUTION  
7 REQUIREMENTS.—For purposes of the In-  
8 ternal Revenue Code of 1986, a coronavirus-re-  
9 lated distribution shall be treated as meeting  
10 the requirements of sections 401(k)(2)(B)(i),  
11 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)  
12 of such Code.

13 (b) LOANS FROM QUALIFIED PLANS.—

14 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-  
15 ED AS DISTRIBUTIONS.—In the case of any loan  
16 from a qualified employer plan (as defined under  
17 section 72(p)(4) of the Internal Revenue Code of  
18 1986) to a qualified individual made during the 180-  
19 day period beginning on the date of the enactment  
20 of this Act—

21 (A) clause (i) of section 72(p)(2)(A) of  
22 such Code shall be applied by substituting  
23 “\$100,000” for “\$50,000”, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13                         (i) during the period—

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

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

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

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

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

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

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

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

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

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

1                   “(III) an individual retirement  
2                   plan.

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

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

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

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

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

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



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

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

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

15           (c) EFFECTIVE DATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(A) which is made in cash,

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

4           “(C) which is—

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

7                   “(ii) not—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) QUALIFIED CONTRIBUTIONS.—

21 (A) IN GENERAL.—For purposes of this  
22 subsection, the term “qualified contribution”  
23 means any charitable contribution (as defined  
24 in section 170(c) of the Internal Revenue Code  
25 of 1986) if—

1 (i) such contribution is paid in cash  
2 during calendar year 2020 to an organiza-  
3 tion described in section 170(b)(1)(A) of  
4 such Code, and

5 (ii) the taxpayer has elected the appli-  
6 cation of this section with respect to such  
7 contribution.

8 (B) EXCEPTION.—Such term shall not in-  
9 clude a contribution by a donor if the contribu-  
10 tion is—

11 (i) to an organization described in sec-  
12 tion 509(a)(3) of the Internal Revenue  
13 Code of 1986, or

14 (ii) for the establishment of a new, or  
15 maintenance of an existing, donor advised  
16 fund (as defined in section 4966(d)(2) of  
17 such Code).

18 (C) APPLICATION OF ELECTION TO PART-  
19 NERSHIPS AND S CORPORATIONS.—In the case  
20 of a partnership or S corporation, the election  
21 under subparagraph (A)(ii) shall be made sepa-  
22 rately by each partner or shareholder.

23 (b) INCREASE IN LIMITS ON CONTRIBUTIONS OF  
24 FOOD INVENTORY.—In the case of any charitable con-  
25 tribution of food during 2020 to which section

1 170(e)(3)(C) of the Internal Revenue Code of 1986 ap-  
2 plies, subclauses (I) and (II) of clause (ii) thereof shall  
3 each be applied by substituting “25 percent” for “15 per-  
4 cent.”

5 (c) EFFECTIVE DATE.—This section shall apply to  
6 taxable years ending after December 31, 2019.

## 7 **Subtitle C—Business Provisions**

### 8 **SEC. 2301. DELAY OF PAYMENT OF EMPLOYER PAYROLL** 9 **TAXES.**

10 (a) IN GENERAL.—

11 (1) TAXES.—Notwithstanding any other provi-  
12 sion of law, the payment for applicable employment  
13 taxes for the payroll tax deferral period shall not be  
14 due before the applicable date.

15 (2) DEPOSITS.—Notwithstanding section 6302  
16 of the Internal Revenue Code of 1986, an employer  
17 shall be treated as having timely made all deposits  
18 of applicable employment taxes that are required to  
19 be made (without regard to this section) for such  
20 taxes during the payroll tax deferral period if all  
21 such deposits are made not later than the applicable  
22 date.

23 (3) EXCEPTION.—This subsection shall not  
24 apply to any taxpayer if such taxpayer has had in-  
25 debtedness forgiven under section 2105 of this Act



1 with respect to a loan under paragraph (36) of sec-  
2 tion 7(a) of the Small Business Act (15 U.S.C.  
3 636(a)), as added by section 2102 of this Act, or in-  
4 debtedness forgiven under section 2109 of this Act.  
5 (b) SECA.—

6 (1) IN GENERAL.—Notwithstanding any other  
7 provision of law, the payment for 50 percent of the  
8 taxes imposed under section 1401(a) of the Internal  
9 Revenue Code of 1986 for the payroll tax deferral  
10 period shall not be due before the applicable date.

11 (2) ESTIMATED TAXES.—For purposes of ap-  
12 plying section 6654 of the Internal Revenue Code of  
13 1986 to any taxable year which includes any part of  
14 the payroll tax deferral period, 50 percent of the  
15 taxes imposed under section 1401(a) of such Code  
16 for the payroll tax deferral period shall not be treat-  
17 ed as taxes to which such section 6654 applies.

18 (c) LIABILITY OF THIRD PARTIES.—

19 (1) ACTS TO BE PERFORMED BY AGENTS.—For  
20 purposes of section 3504 of the Internal Revenue  
21 Code of 1986, in the case of any person designated  
22 pursuant to such section (and any regulations or  
23 other guidance issued by the Secretary with respect  
24 to such section) to perform acts otherwise required  
25 to be performed by an employer under such Code, if

1 such employer directs such person to defer payment  
2 of any applicable employment taxes during the pay-  
3 roll tax deferral period under this section, such em-  
4 ployer shall be solely liable for the payment of such  
5 applicable employment taxes before the applicable  
6 date for any wages paid by such person on behalf of  
7 such employer during such period.

8 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-  
9 GANIZATIONS.—For purposes of section 3511, in the  
10 case of a certified professional employer organization  
11 (as defined in subsection (a) of section 7705 of the  
12 Internal Revenue Code of 1986) that has entered  
13 into a service contract described in subsection (e)(2)  
14 of such section with a customer, if such customer di-  
15 rects such organization to defer payment of any ap-  
16 plicable employment taxes during the payroll tax de-  
17 ferral period under this section, such customer shall,  
18 notwithstanding subsections (a) and (c) of section  
19 3511, be solely liable for the payment of such appli-  
20 cable employment taxes before the applicable date  
21 for any wages paid by such organization to any work  
22 site employee performing services for such customer  
23 during such period.

24 (d) DEFINITIONS.—For purposes of this section—

1           (1) APPLICABLE EMPLOYMENT TAXES.—The  
2 term “applicable employment taxes” means the fol-  
3 lowing:

4           (A) The taxes imposed under section  
5 3111(a) of the Internal Revenue Code of 1986.

6           (B) So much of the taxes imposed under  
7 section 3211(a) of such Code as are attrib-  
8 utable to the rate in effect under section  
9 3111(a) of such Code.

10           (C) So much of the taxes imposed under  
11 section 3221(a) of such Code as are attrib-  
12 utable to the rate in effect under section  
13 3111(a) of such Code.

14           (2) PAYROLL TAX DEFERRAL PERIOD.—The  
15 term “payroll tax deferral period” means the period  
16 beginning on the date of the enactment of this Act  
17 and ending before January 1, 2021.

18           (3) APPLICABLE DATE.—The term “applicable  
19 date” means—

20           (A) December 31, 2021, with respect to 50  
21 percent of the amounts to which subsection (a)  
22 or (b), as the case may be, apply, and

23           (B) December 31, 2022, with respect to  
24 the remaining such amounts.

1           (4) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Treasury (or the Secretary’s  
3           delegate).

4           (e) TRUST FUNDS HELD HARMLESS.—There are  
5           hereby appropriated (out of any money in the Treasury  
6           not otherwise appropriated) for each fiscal year to the  
7           Federal Old-Age and Survivors Insurance Trust Fund and  
8           the Federal Disability Insurance Trust Fund established  
9           under section 201 of the Social Security Act (42 U.S.C.  
10          401) and the Social Security Equivalent Benefit Account  
11          established under section 15A(a) of the Railroad Retire-  
12          ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal  
13          to the reduction in the transfers to such fund for such  
14          fiscal year by reason of this section. Amounts appropriated  
15          by the preceding sentence shall be transferred from the  
16          general fund at such times and in such manner as to rep-  
17          licate to the extent possible the transfers which would have  
18          occurred to such Trust Fund had such amendments not  
19          been enacted.

20          (f) REGULATORY AUTHORITY.—The Secretary shall  
21          issue such regulations or other guidance as necessary to  
22          carry out the purposes of this section, including rules for  
23          the administration and enforcement of subsection (c).

1 **SEC. 2302. MODIFICATIONS FOR NET OPERATING LOSSES.**

2 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIM-  
3 TATION.—

4 (1) IN GENERAL.—The first sentence of section  
5 172(a) of the Internal Revenue Code of 1986 is  
6 amended by striking “an amount equal to” and all  
7 that follows and inserting “an amount equal to—

8 “(1) in the case of a taxable year beginning be-  
9 fore January 1, 2021, the aggregate of the net oper-  
10 ating loss carryovers to such year, plus the net oper-  
11 ating loss carrybacks to such year, and

12 “(2) in the case of a taxable year beginning  
13 after December 31, 2020, the sum of—

14 “(A) the aggregate amount of net oper-  
15 ating losses arising in taxable years beginning  
16 before January 1, 2018, carried to such taxable  
17 year, plus

18 “(B) the lesser of—

19 “(i) the aggregate amount of net oper-  
20 ating losses arising in taxable years be-  
21 ginning after December 31, 2017, carried  
22 to such taxable year, or

23 “(ii) 80 percent of the excess (if any)  
24 of—

25 “(I) taxable income computed  
26 without regard to the deductions

1 under this section and sections 199A  
2 and 250, over

3 “(II) the amount determined  
4 under subparagraph (A).”.

5 (2) CONFORMING AMENDMENTS.—

6 (A) Section 172(b)(2)(C) of such Code is  
7 amended to read as follows:

8 “(C) for taxable years beginning after De-  
9 cember 31, 2020, be reduced by 20 percent of  
10 the excess (if any) described in subsection  
11 (a)(2)(B)(ii) for such taxable year.”.

12 (B) Section 172(d)(6)(C) of such Code is  
13 amended by striking “subsection (a)(2)” and  
14 inserting “subsection (a)(2)(B)(ii)(I)”.

15 (C) Section 860E(a)(3)(B) of such Code is  
16 amended by striking all that follows “for pur-  
17 poses of” and inserting “subsection  
18 (a)(2)(B)(ii)(I) and the second sentence of sub-  
19 section (b)(2) of section 172.”.

20 (b) MODIFICATIONS OF RULES RELATING TO  
21 CARRYBACKS.—

22 (1) IN GENERAL.—Section 172(b)(1) of the In-  
23 ternal Revenue Code of 1986 is amended by adding  
24 at the end the following new subparagraph:

1                   “(D) SPECIAL RULE FOR LOSSES ARISING  
2                   IN 2018, 2019, AND 2020.—

3                   “(i) IN GENERAL.—In the case of any  
4                   net operating loss arising in a taxable year  
5                   beginning after December 31, 2017, and  
6                   before January 1, 2021—

7                   “(I) such loss shall be a net oper-  
8                   ating loss carryback to each of the 5  
9                   taxable years preceding the taxable  
10                  year of such loss, and

11                  “(II) subparagraphs (B) and  
12                  (C)(i) shall not apply.

13                  “(ii) SPECIAL RULES FOR REITS.—  
14                  For purposes of this subparagraph—

15                  “(I) IN GENERAL.—A net oper-  
16                  ating loss for a REIT year shall not  
17                  be a net operating loss carryback to  
18                  any taxable year preceding the taxable  
19                  year of such loss.

20                  “(II) SPECIAL RULE.—In the  
21                  case of any net operating loss for a  
22                  taxable year which is not a REIT  
23                  year, such loss shall not be carried  
24                  back to any taxable year which is a  
25                  REIT year.

1                   “(III) REIT YEAR.—For pur-  
2                   poses of this subparagraph, the term  
3                   ‘REIT year’ means any taxable year  
4                   for which the provisions of part II of  
5                   subchapter M (relating to real estate  
6                   investment trusts) apply to the tax-  
7                   payer.

8                   “(iii) SPECIAL RULE FOR LIFE INSUR-  
9                   ANCE COMPANIES.— In the case of a life  
10                  insurance company, if a net operating loss  
11                  is carried back under clause (i)(I) to a life  
12                  insurance company taxable year beginning  
13                  before January 1, 2018, such net oper-  
14                  ating loss carryback shall be treated in the  
15                  same manner as an operations loss  
16                  carryback (within the meaning of section  
17                  810 as in effect before its repeal) of such  
18                  company to such taxable year.

19                  “(iv) RULE RELATING TO  
20                  CARRYBACKS TO YEARS TO WHICH SEC-  
21                  TION 965 APPLIES.—If clause (i)(I) applies  
22                  and a net operating loss of a taxpayer is  
23                  carried to any taxable year described in  
24                  section 965(a), the taxpayer shall be treat-  
25                  ed as having made the election under sec-



1                   tion 965(n) with respect to any taxable  
2                   year so described.

3                   “(v) ELECTION.—An election under  
4                   paragraph (3) not to have clause (i) apply  
5                   to a net operating loss arising in a taxable  
6                   year beginning in 2018 or 2019 shall be  
7                   made by the due date (including extensions  
8                   of time) for filing the taxpayer’s return for  
9                   the first taxable year ending after the date  
10                  of the enactment of this subparagraph.”.

11                  (2) CONFORMING AMENDMENT.—Section  
12                  172(b)(1)(A) of such Code, as amended by sub-  
13                  section (c)(2), is amended by striking “and (C)(i)”  
14                  and inserting “, (C)(i), and (D)”.

15                  (c) TECHNICAL AMENDMENT RELATING TO SECTION  
16                  13302 OF PUBLIC LAW 115–97.—

17                  (1) Section 13302(e) of Public Law 115–97 is  
18                  amended to read as follows:

19                  “(e) EFFECTIVE DATES.—

20                  “(1) NET OPERATING LOSS LIMITATION.—The  
21                  amendments made by subsections (a) and (d)(2)  
22                  shall apply to—

23                  “(A) taxable years beginning after Decem-  
24                  ber 31, 2017, and

1           “(B) taxable years beginning on or before  
2           such date to which net operating losses arising  
3           in taxable years beginning after such date are  
4           carried.

5           “(2) CARRYOVERS AND CARRYBACKS.—The  
6           amendments made by subsections (b), (c), and  
7           (d)(1) shall apply to net operating losses arising in  
8           taxable years beginning after December 31, 2017.”.

9           (2) Section 172(b)(1)(A) of the Internal Rev-  
10          enue Code of 1986 is amended to read as follows:

11           “(A) GENERAL RULE.—A net operating  
12          loss for any taxable year—

13           “(i) shall be a net operating loss  
14           carryback to the extent provided in sub-  
15           paragraphs (B) and (C)(i), and

16           “(ii) except as provided in subpara-  
17           graph (C)(ii), shall be a net operating loss  
18           carryover—

19           “(I) in the case of a net oper-  
20           ating loss arising in a taxable year be-  
21           ginning before January 1, 2018, to  
22           each of the 20 taxable years following  
23           the taxable year of the loss, and

24           “(II) in the case of a net oper-  
25           ating loss arising in a taxable year be-

1                   ginning after December 31, 2017, to  
2                   each taxable year following the tax-  
3                   able year of the loss.”.

4       (d) EFFECTIVE DATES.—

5           (1) NET OPERATING LOSS LIMITATION.—The  
6       amendments made by subsection (a) shall apply—

7           (A) to taxable years beginning after De-  
8       cember 31, 2017, and

9           (B) to taxable years beginning on or before  
10       December 31, 2017, to which net operating  
11       losses arising in taxable years beginning after  
12       December 31, 2017, are carried.

13       (2) CARRYOVERS AND CARRYBACKS.—The  
14       amendment made by subsection (b) shall apply to—

15           (A) net operating losses arising in taxable  
16       years beginning after December 31, 2017, and

17           (B) to taxable years beginning before, on,  
18       or after such date to which such net operating  
19       losses are carried.

20       (3) TECHNICAL AMENDMENTS.—The amend-  
21       ments made by subsection (c) shall take effect as if  
22       included in the provisions of Public Law 115–97 to  
23       which they relate.

24       (4) SPECIAL RULE.—In the case of a net oper-  
25       ating loss arising in a taxable year beginning before

1 January 1, 2018, and ending after December 31,  
2 2017—

3 (A) an application under section 6411(a)  
4 of the Internal Revenue Code of 1986 with re-  
5 spect to the carryback of such net operating  
6 loss shall not fail to be treated as timely filed  
7 if filed not later than the date which is 120  
8 days after the date of the enactment of this  
9 Act, and

10 (B) an election to—

11 (i) forgo any carryback of such net  
12 operating loss,

13 (ii) reduce any period to which such  
14 net operating loss may be carried back, or

15 (iii) revoke any election made under  
16 section 172(b) to forgo any carryback of  
17 such net operating loss,

18 shall not fail to be treated as timely made if  
19 made not later than the date which is 120 days  
20 after the date of the enactment of this Act.

21 **SEC. 2303. MODIFICATION OF LIMITATION ON LOSSES FOR**  
22 **TAXPAYERS OTHER THAN CORPORATIONS.**

23 (a) IN GENERAL.—Section 461(l)(1) of the Internal  
24 Revenue Code of 1986 is amended to read as follows:

1           “(1) LIMITATION.—In the case of a taxpayer  
2 other than a corporation—

3           “(A) for any taxable year beginning after  
4 December 31, 2017, and before January 1,  
5 2026, subsection (j) (relating to limitation on  
6 excess farm losses of certain taxpayers) shall  
7 not apply, and

8           “(B) for any taxable year beginning after  
9 December 31, 2020, and before January 1,  
10 2026, any excess business loss of the taxpayer  
11 for the taxable year shall not be allowed.”.

12       (b) TECHNICAL AMENDMENTS RELATING TO SEC-  
13 TION 11012 OF PUBLIC LAW 115–97.—

14           (1) Section 461(l)(2) of the Internal Revenue  
15 Code of 1986 is amended by striking “a net oper-  
16 ating loss carryover to the following taxable year  
17 under section 172” and inserting “a net operating  
18 loss for the taxable year for purposes of determining  
19 any net operating loss carryover under section  
20 172(b) for subsequent taxable years”.

21           (2) Section 461(l)(3)(A) of such Code is  
22 amended—

23           (A) in clause (i), by inserting “and without  
24 regard to any deduction allowable under section



1                   only gains and losses attributable to a  
2                   trade or business, or  
3                   “(II) the capital gain net in-  
4                   come.”.

5           (c) EFFECTIVE DATES.—

6                   (1) IN GENERAL.—The amendments made by  
7                   subsection (a) shall apply to taxable years beginning  
8                   after December 31, 2017.

9                   (2) TECHNICAL AMENDMENTS.—The amend-  
10                  ments made by subsection (b) shall take effect as if  
11                  included in the provisions of Public Law 115–97 to  
12                  which they relate.

13 **SEC. 2304. MODIFICATION OF CREDIT FOR PRIOR YEAR**  
14 **MINIMUM TAX LIABILITY OF CORPORATIONS.**

15           (a) IN GENERAL.—Section 53(e) of the Internal Rev-  
16           enue Code of 1986 is amended—

17                   (1) by striking “2018, 2019, 2020, or 2021” in  
18                   paragraph (1) and inserting “2018 or 2019”, and

19                   (2) by striking “2021” in paragraph (2) and in-  
20                   serting “2019”.

21           (b) ELECTION TO TAKE ENTIRE REFUNDABLE  
22           CREDIT AMOUNT IN 2018.—

23                   (1) IN GENERAL.—Section 53(e) of such Code  
24                   is amended by adding at the end the following new  
25                   paragraph:

1           “(5) SPECIAL RULE.—In the case of a corpora-  
2           tion making an election under this paragraph—

3                   “(A) paragraph (1) shall not apply, and

4                   “(B) subsection (e) shall not apply to the  
5           first taxable year of such corporation beginning  
6           in 2018.”.

7           (c) EFFECTIVE DATE.—The amendments made by  
8           this section shall apply to taxable years beginning after  
9           December 31, 2017.

10          (d) SPECIAL RULE.—

11           (1) IN GENERAL.—For purposes of the Internal  
12           Revenue Code of 1986, a credit or refund for which  
13           an application described in paragraph (2)(A) is filed  
14           shall be treated as made under section 6411 of the  
15           Internal Revenue Code of 1986.

16           (2) TENTATIVE REFUND.—

17           (A) APPLICATION.—A taxpayer may file an  
18           application for a tentative refund of any  
19           amount for which a refund is due by reason of  
20           an election under section 53(e)(5) of the Inter-  
21           nal Revenue Code of 1986. Such application  
22           shall be in such manner and form as the Sec-  
23           retary of the Treasury (or the Secretary’s dele-  
24           gate) may prescribe and shall—



1 (i) be verified in the same manner as  
2 an application under section 6411(a) of  
3 such Code,

4 (ii) be filed prior to December 31,  
5 2020, and

6 (iii) set forth—

7 (I) the amount of the refundable  
8 credit claimed under section 53(e) of  
9 the Internal Revenue Code of 1986  
10 for such taxable year,

11 (II) the amount of the refundable  
12 credit claimed under such section for  
13 any previously filed return for such  
14 taxable year, and

15 (III) the amount of the refund  
16 claimed.

17 (B) ALLOWANCE OF ADJUSTMENTS.—

18 Within a period of 90 days from the date on  
19 which an application is filed under subpara-  
20 graph (A), the Secretary of the Treasury (or  
21 the Secretary's delegate) shall—

22 (i) review the application,

23 (ii) determine the amount of the over-  
24 payment, and

1 (iii) apply, credit, or refund such over-  
2 payment,  
3 in a manner similar to the manner provided in  
4 section 6411(b) of the Internal Revenue Code  
5 of 1986.

6 (C) CONSOLIDATED RETURNS.—The provi-  
7 sions of section 6411(c) of such Code shall  
8 apply to an adjustment under this paragraph to  
9 the same extent and manner as the Secretary of  
10 the Treasury (or the Secretary’s delegate) may  
11 provide.

12 **SEC. 2305. MODIFICATIONS OF LIMITATION ON BUSINESS**  
13 **INTEREST.**

14 (a) IN GENERAL.—Section 163(j) of the Internal  
15 Revenue Code of 1986 is amended by redesignating para-  
16 graph (10) as paragraph (11) and by inserting after para-  
17 graph (9) the following new paragraph:

18 “(10) SPECIAL RULE FOR TAXABLE YEARS BE-  
19 GINNING IN 2019 AND 2020.—

20 “(A) IN GENERAL.—

21 “(i) IN GENERAL.—Except as pro-  
22 vided in clause (ii) or (iii), in the case of  
23 any taxable year beginning in 2019 or  
24 2020, paragraph (1)(B) shall be applied by  
25 substituting ‘50 percent’ for ‘30 percent’.

1                   “(ii) SPECIAL RULE FOR PARTNER-  
2                   SHIPS.—In the case of a partnership—

3                   “(I) clause (i) shall not apply to  
4                   any taxable year beginning in 2019,  
5                   but

6                   “(II) unless a partner elects not  
7                   to have this subclause apply, in the  
8                   case of any excess business interest of  
9                   the partnership for any taxable year  
10                  beginning in 2019 which is allocated  
11                  to the partner under paragraph  
12                  (4)(B)(i)(II)—

13                  “(aa) 50 percent of such ex-  
14                  cess business interest shall be  
15                  treated as business interest  
16                  which, notwithstanding para-  
17                  graph (4)(B)(ii), is paid or ac-  
18                  rued by the partner in the part-  
19                  ner’s first taxable year beginning  
20                  in 2020 and which is not subject  
21                  to the limits of paragraph (1),  
22                  and

23                  “(bb) 50 percent of such ex-  
24                  cess business interest shall be  
25                  subject to the limitations of para-

1 graph (4)(B)(ii) in the same  
2 manner as any other excess busi-  
3 ness interest so allocated.

4 “(iii) ELECTION OUT.—A taxpayer  
5 may elect, at such time and in such man-  
6 ner as the Secretary may prescribe, not to  
7 have clause (i) apply to any taxable year.  
8 Such an election, once made, may be re-  
9 voked only with the consent of the Sec-  
10 retary. In the case of a partnership, any  
11 such election shall be made by the partner-  
12 ship and may be made only for taxable  
13 years beginning in 2020.

14 “(B) ELECTION TO USE 2019 INCOME FOR  
15 TAXABLE YEARS BEGINNING IN 2020.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii), in the case of any taxable year begin-  
18 ning in 2020, the taxpayer may elect to  
19 apply this subsection by substituting the  
20 adjusted taxable income of the taxpayer for  
21 the last taxable year beginning in 2019 for  
22 the adjusted taxable income for such tax-  
23 able year. In the case of a partnership, any  
24 such election shall be made by the partner-  
25 ship.

1           “(ii) SPECIAL RULE FOR SHORT TAX-  
2           ABLE YEARS.—If an election is made  
3           under clause (i) for a taxable year which is  
4           a short taxable year, the adjusted taxable  
5           income for the taxpayer’s last taxable year  
6           beginning in 2019 which is substituted  
7           under clause (i) shall be equal to the  
8           amount which bears the same ratio to such  
9           adjusted taxable income determined with-  
10          out regard to this clause as the number of  
11          months in the short taxable year bears to  
12          12”.

13          (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to taxable years beginning after  
15 December 31, 2018.

16 **SEC. 2306. TECHNICAL AMENDMENTS REGARDING QUALI-**  
17 **FIED IMPROVEMENT PROPERTY.**

18          (a) IN GENERAL.—Section 168 of the Internal Rev-  
19 enue Code of 1986 is amended—

20               (1) in subsection (e)—

21                       (A) in paragraph (3)(E), by striking “and”  
22                       at the end of clause (v), by striking the period  
23                       at the end of clause (vi) and inserting “, and”,  
24                       and by adding at the end the following new  
25                       clause:

1 “(vii) any qualified improvement prop-  
2 erty.”, and

3 (B) in paragraph (6)(A), by inserting  
4 “made by the taxpayer” after “any improve-  
5 ment”, and

6 (2) in the table contained in subsection  
7 (g)(3)(B)—

8 (A) by striking the item relating to sub-  
9 paragraph (D)(v), and

10 (B) by inserting after the item relating to  
11 subparagraph (E)(vi) the following new item:  
“(E)(vii) ..... 20”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect as if included in section  
14 13204 of Public Law 115–97.

1 **TITLE III—SUPPORTING AMER-**  
2 **ICA’S HEALTH CARE SYSTEM**  
3 **IN THE FIGHT AGAINST THE**  
4 **CORONAVIRUS**

5 **Subtitle A—Health Provisions**

6 **PART I—ADDRESSING SUPPLY SHORTAGES**

7 **Subpart A—Medical Product Supplies**

8 **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA’S**  
9 **MEDICAL PRODUCT SUPPLY CHAIN SECU-**  
10 **RITY.**

11 (a) **IN GENERAL.**—Not later than 60 days after the  
12 date of enactment of this Act, the Secretary of Health and  
13 Human Services shall enter into an agreement with the  
14 National Academies of Sciences, Engineering, and Medi-  
15 cine (referred to in this section as the “National Acad-  
16 emies”) to examine, and, in a manner that does not com-  
17 promise national security, report on, the security of the  
18 United States medical product supply chain.

19 (b) **PURPOSES.**—The report developed under this sec-  
20 tion shall—

21 (1) assess and evaluate the dependence of the  
22 United States, including the private commercial sec-  
23 tor, States, and the Federal Government, on critical  
24 drugs and devices that are sourced or manufactured

1 outside of the United States, which may include an  
2 analysis of—

3 (A) the supply chain of critical drugs and  
4 devices of greatest priority to providing health  
5 care;

6 (B) any potential public health security or  
7 national security risks associated with reliance  
8 on critical drugs and devices sourced or manu-  
9 factured outside of the United States, which  
10 may include responses to previous or existing  
11 shortages or public health emergencies, such as  
12 infectious disease outbreaks, bioterror attacks,  
13 and other public health threats;

14 (C) any existing supply chain information  
15 gaps, as applicable; and

16 (D) potential economic impact of increased  
17 domestic manufacturing; and

18 (2) provide recommendations, which may in-  
19 clude a plan to improve the resiliency of the supply  
20 chain for critical drugs and devices as described in  
21 paragraph (1), and to address any supply  
22 vulnerabilities or potential disruptions of such prod-  
23 ucts that would significantly affect or pose a threat  
24 to public health security or national security, as ap-  
25 propriate, which may include strategies to—



1 (A) promote supply chain redundancy and  
2 contingency planning;

3 (B) encourage domestic manufacturing, in-  
4 cluding consideration of economic impacts, if  
5 any;

6 (C) improve supply chain information  
7 gaps;

8 (D) improve planning considerations for  
9 medical product supply chain capacity during  
10 public health emergencies; and

11 (E) promote the accessibility of such drugs  
12 and devices.

13 (c) INPUT.—In conducting the study and developing  
14 the report under subsection (b), the National Academies  
15 shall—

16 (1) consider input from the Department of  
17 Health and Human Services, the Department of  
18 Homeland Security, the Department of Defense, the  
19 Department of Commerce, the Department of State,  
20 the Department of Veterans Affairs, the Department  
21 of Justice, and any other Federal agencies as appro-  
22 priate; and

23 (2) consult with relevant stakeholders, which  
24 may include conducting public meetings and other  
25 forms of engagement, as appropriate, with health

1 care providers, medical professional societies, State-  
2 based societies, public health experts, State and local  
3 public health departments, State medical boards, pa-  
4 tient groups, medical product manufacturers, health  
5 care distributors, wholesalers and group purchasing  
6 organizations, pharmacists, and other entities with  
7 experience in health care and public health, as ap-  
8 propriate.

9 (d) DEFINITIONS.—In this section, the terms “de-  
10 vice” and “drug” have the meanings given such terms in  
11 section 201 of the Federal Food, Drug, and Cosmetic Act  
12 (21 U.S.C. 321).

13 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**  
14 **PILE TO INCLUDE CERTAIN TYPES OF MED-**  
15 **ICAL SUPPLIES.**

16 Section 319F–2(a)(1) of the Public Health Service  
17 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting  
18 “(including personal protective equipment, ancillary med-  
19 ical supplies, and other applicable supplies required for the  
20 administration of drugs, vaccines and other biological  
21 products, medical devices, and diagnostic tests in the  
22 stockpile)” after “other supplies”.

1 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**  
2 **VICES AS COVERED COUNTERMEASURES.**

3 Section 319F–3(i)(1)(D) of the Public Health Service  
4 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as  
5 follows:

6 “(D) a respiratory protective device that is  
7 approved by the National Institute for Occupa-  
8 tional Safety and Health under part 84 of title  
9 42, Code of Federal Regulations (or any suc-  
10 cessor regulations), and that the Secretary de-  
11 termines to be a priority for use during a public  
12 health emergency declared under to section  
13 319.”.

14 **Subpart B—Mitigating Emergency Drug Shortages**

15 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**  
16 **INCENTIVES.**

17 Section 506C(g) of the Federal Food, Drug, and Cos-  
18 metic Act (21 U.S.C. 356c(g)) is amended—

19 (1) in paragraph (1), by striking “the Secretary  
20 may” and inserting “the Secretary shall, as appro-  
21 priate”;

22 (2) in paragraph (1), by inserting “prioritize  
23 and” before “expedite the review”; and

24 (3) in paragraph (2), by inserting “prioritize  
25 and” before “expedite an inspection”.

1 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**  
2 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**  
3 **AGES.**

4 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-  
5 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C  
6 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
7 356c) is amended—

8 (1) in paragraph (1)(C), by inserting “or any  
9 such drug that is critical to the public health during  
10 a public health emergency declared by the Secretary  
11 under section 319 of the Public Health Service Act”  
12 after “during surgery”; and

13 (2) in the flush text at the end—

14 (A) by inserting “, or a permanent dis-  
15 continuance in the manufacture of an active  
16 pharmaceutical ingredient or an interruption in  
17 the manufacture of the active pharmaceutical  
18 ingredient of such drug that is likely to lead to  
19 a meaningful disruption in the supply of the ac-  
20 tive pharmaceutical ingredient of such drug,”  
21 before “and the reasons”; and

22 (B) by adding at the end the following:  
23 “Notification under this subsection shall include  
24 disclosure of reasons for the discontinuation or  
25 interruption, and if applicable, an active phar-  
26 maceutical ingredient is a reason for, or risk

1 factor in, such discontinuation or interruption,  
2 the source of the active pharmaceutical ingre-  
3 dient and any alternative sources for the active  
4 pharmaceutical ingredient known by the manu-  
5 facturer; whether any associated device used for  
6 preparation or administration included in the  
7 drug is a reason for, or a risk factor in, such  
8 discontinuation or interruption; the expected  
9 duration of the interruption; and such other in-  
10 formation as the Secretary may require.”.

11 (b) RISK MANAGEMENT.—Section 506C of the Fed-  
12 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356e) is  
13 amended by adding at the end the following:

14 “(j) RISK MANAGEMENT PLANS.—Each manufac-  
15 turer of a drug described in subsection (a) or of any active  
16 pharmaceutical ingredient or any associated medical de-  
17 vice used for preparation or administration included in the  
18 drug, shall develop, maintain, and implement, as appro-  
19 priate, a redundancy risk management plan that identifies  
20 and evaluates risks to the supply of the drug, as applica-  
21 ble, for each establishment in which such drug or active  
22 pharmaceutical ingredient of such drug is manufactured.  
23 A risk management plan under this section shall be sub-  
24 ject to inspection and copying by the Secretary pursuant  
25 to an inspection or a request under section 704(a)(4).”.

1           (c) ANNUAL NOTIFICATION.—Section 506E of the  
2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)  
3 is amended by adding at the end the following:

4           “(d) INTERAGENCY NOTIFICATION.—Not later than  
5 180 days after the date of enactment of this subsection,  
6 and every 90 days thereafter, the Secretary shall transmit  
7 a report regarding the drugs of the current drug shortage  
8 list under this section to the Administrator of the Centers  
9 for Medicare & Medicaid Services.”.

10          (d) REPORTING AFTER INSPECTIONS.—Section  
11 704(b) of the Federal Food, Drug, and Cosmetic Act (21  
12 U.S.C. 374(b)) is amended—

13           (1) by redesignating paragraphs (1) and (2)  
14 and subparagraphs (A) and (B);

15           (2) by striking “(b) Upon completion” and in-  
16 serting “(b)(1) Upon completion”; and

17           (3) by adding at the end the following:

18           “(2) In carrying out this subsection with respect to  
19 any establishment manufacturing a drug approved under  
20 subsection (e) or (j) of section 505 for which a notification  
21 has been submitted in accordance with section 506C is,  
22 or has been in the last 5 years, listed on the drug shortage  
23 list under section 506E, or that is described in section  
24 505(j)(11)(A), a copy of the report shall be sent promptly

1 to the appropriate offices of the Food and Drug Adminis-  
2 tration with expertise regarding drug shortages.”.

3 (e) REPORTING REQUIREMENT.—Section 510(j) of  
4 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))  
5 is amended—

6 (1) by redesignating paragraphs (3) and (4) as  
7 paragraphs (4) and (5), respectively; and

8 (2) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3)(A) Each person who registers with the  
11 Secretary under this section with regard to a drug  
12 shall report annually to the Secretary on the amount  
13 of each drug listed under paragraph (1) that was  
14 manufactured, prepared, propagated, compounded,  
15 or processed by such person for commercial distribu-  
16 tion. Such information may be required to be sub-  
17 mitted in an electronic format as determined by the  
18 Secretary. The Secretary may require that informa-  
19 tion required to be reported under this paragraph be  
20 submitted at the time a public health emergency is  
21 declared by the Secretary under section 319 of the  
22 Public Health Service Act.

23 “(B) By order of the Secretary, certain biologi-  
24 cal products or categories of biological products reg-  
25 ulated under section 351 of the Public Health Serv-

1 ice Act may be exempt from some or all of the re-  
2 porting requirements under subparagraph (A), if the  
3 Secretary determines that applying such reporting  
4 requirements to such biological products or cat-  
5 egories of biological products is not necessary to pro-  
6 tect the public health.”.

7 (f) CONFIDENTIALITY.—Nothing in the amendments  
8 made by this section shall be construed as authorizing the  
9 Secretary to disclose any information that is a trade secret  
10 or confidential information subject to section 552(b)(4) of  
11 title 5, United States Code, or section 1905 of title 18,  
12 United States Code.

13 (g) EFFECTIVE DATE.—The amendments made by  
14 this section and section 3111 shall take effect on the date  
15 that is 180 days after the date of enactment of this Act.

16 **Subpart C—Preventing Medical Device Shortages**  
17 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**  
18 **PRODUCTION OF MEDICAL DEVICES.**

19 Chapter V of the Federal Food, Drug, and Cosmetic  
20 Act (21 U.S.C. 351 et seq.) is amended by inserting after  
21 section 506I the following:

22 **“SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**  
23 **PRODUCTION OF MEDICAL DEVICES.**

24 “(a) IN GENERAL.—A manufacturer of a device  
25 that—



1           “(1) is critical to public health during a public  
2 health emergency, including devices that are life-sup-  
3 porting, life-sustaining, or intended for use in emer-  
4 gency medical care or during surgery; or

5           “(2) for which the Secretary determines that in-  
6 formation on potential meaningful supply disrup-  
7 tions of such device is needed during, or in advance  
8 of, a public health emergency;

9 shall, during, or in advance of, a public health emergency  
10 determined by the Secretary under section 319, notify the  
11 Secretary, in accordance with subsection (b), of a perma-  
12 nent discontinuance in the manufacture of the device (ex-  
13 cept for discontinuances as a result of an approved modi-  
14 fication of the device) or an interruption of the manufac-  
15 ture of the device that is likely to lead to a meaningful  
16 disruption in the supply of that device in the United  
17 States, and the reasons for such discontinuance or inter-  
18 ruption.

19           “(b) TIMING.—A notice required under subsection (a)  
20 shall be submitted to the Secretary—

21           “(1) at least 6 months prior to the date of the  
22 discontinuance or interruption; or

23           “(2) if compliance with paragraph (1) is not  
24 possible, as soon as practicable.

25           “(c) DISTRIBUTION.—

1           “(1) PUBLIC AVAILABILITY.—To the maximum  
2           extent practicable, subject to paragraph (2), the Sec-  
3           retary shall distribute, through such means as the  
4           Secretary determines appropriate, information on  
5           the discontinuance or interruption of the manufac-  
6           ture of devices reported under subsection (a) to ap-  
7           propriate organizations, including physician, health  
8           provider, patient organizations, and supply chain  
9           partners, as appropriate and applicable, as described  
10          in subsection (g).

11          “(2) PUBLIC HEALTH EXCEPTION.—The Sec-  
12          retary may choose not to make information collected  
13          under this section publicly available pursuant to this  
14          section if the Secretary determines that disclosure of  
15          such information would adversely affect the public  
16          health, such as by increasing the possibility of un-  
17          necessary over purchase of product, component  
18          parts, or other disruption of the availability of med-  
19          ical products to patients.

20          “(d) CONFIDENTIALITY.—Nothing in this section  
21          shall be construed as authorizing the Secretary to disclose  
22          any information that is a trade secret or confidential infor-  
23          mation subject to section 552(b)(4) of title 5, United  
24          States Code, or section 1905 of title 18, United States  
25          Code.

1       “(e) FAILURE TO MEET REQUIREMENTS.—If a per-  
2 son fails to submit information required under subsection  
3 (a) in accordance with subsection (b)—

4               “(1) the Secretary shall issue a letter to such  
5 person informing such person of such failure;

6               “(2) not later than 30 calendar days after the  
7 issuance of a letter under paragraph (1), the person  
8 who receives such letter shall submit to the Sec-  
9 retary a written response to such letter setting forth  
10 the basis for noncompliance and providing informa-  
11 tion required under subsection (a); and

12               “(3) not later than 45 calendar days after the  
13 issuance of a letter under paragraph (1), the Sec-  
14 retary shall make such letter and any response to  
15 such letter under paragraph (2) available to the pub-  
16 lic on the internet website of the Food and Drug Ad-  
17 ministration, with appropriate redactions made to  
18 protect information described in subsection (d), ex-  
19 cept that, if the Secretary determines that the letter  
20 under paragraph (1) was issued in error or, after re-  
21 view of such response, the person had a reasonable  
22 basis for not notifying as required under subsection  
23 (a), the requirements of this paragraph shall not  
24 apply.

1       “(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,  
2 based on notifications described in subsection (a) or any  
3 other relevant information, the Secretary concludes that  
4 there is, or is likely to be, a shortage of an device, the  
5 Secretary shall, as appropriate—

6               “(1) prioritize and expedite the review of a sub-  
7 mission under section 513(f)(2), 515, review of a no-  
8 tification under section 510(k), or 520(m) for a de-  
9 vice that could help mitigate or prevent such short-  
10 age; or

11              “(2) prioritize and expedite an inspection or re-  
12 inspection of an establishment that could help miti-  
13 gate or prevent such shortage.

14       “(g) DEVICE SHORTAGE LIST.—

15              “(1) ESTABLISHMENT.—The Secretary shall es-  
16 tablish and maintain an up-to-date list of devices  
17 that are determined by the Secretary to be in short-  
18 age in the United States.

19              “(2) CONTENTS.—For each device included on  
20 the list under paragraph (1), the Secretary shall in-  
21 clude the following information:

22                      “(A) The category or name of the device in  
23 shortage.

24                      “(B) The name of each manufacturer of  
25 such device.

1           “(C) The reason for the shortage, as deter-  
2           mined by the Secretary, selecting from the fol-  
3           lowing categories:

4                   “(i) Requirements related to com-  
5                   plying with good manufacturing practices.

6                   “(ii) Regulatory delay.

7                   “(iii) Shortage or discontinuance of a  
8                   component or part.

9                   “(iv) Discontinuance of the manufac-  
10                  ture of the device.

11                  “(v) Delay in shipping of the device.

12                  “(vi) Delay in sterilization of the de-  
13                  vice.

14                  “(vii) Demand increase for the device.

15                  “(viii) Facility closure.

16           “(D) The estimated duration of the short-  
17           age as determined by the Secretary.

18           “(3) PUBLIC AVAILABILITY.—

19                   “(A) IN GENERAL.—Subject to subpara-  
20                   graphs (B) and (C), the Secretary shall make  
21                   the information in the list under paragraph (1)  
22                   publicly available.

23                   “(B) TRADE SECRETS AND CONFIDENTIAL  
24                   INFORMATION.—Nothing in this subsection  
25                   shall be construed to alter or amend section

1 1905 of title 18, United States Code, or section  
2 552(b)(4) of title 5 of such Code.

3 “(C) PUBLIC HEALTH EXCEPTION.—The  
4 Secretary may elect not to make information  
5 collected under this subsection publicly available  
6 if the Secretary determines that disclosure of  
7 such information would adversely affect the  
8 public health (such as by increasing the possi-  
9 bility of hoarding or other disruption of the  
10 availability of the device to patients).

11 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion shall be construed to affect the authority of the Sec-  
13 retary on the date of enactment of this section to expedite  
14 the review of devices under section 515 of the Federal  
15 Food, Drug, and Cosmetic Act, section 515B of such Act  
16 relating to the priority review program for devices, and  
17 section 564 of such Act relating to the emergency use au-  
18 thorization authorities.

19 “(i) DEFINITIONS.—In this section:

20 “(1) MEANINGFUL DISRUPTION.—The term  
21 ‘meaningful disruption’—

22 “(A) means a change in production that is  
23 reasonably likely to lead to a reduction in the  
24 supply of a device by a manufacturer that is  
25 more than negligible and affects the ability of

1 the manufacturer to fill orders or meet expected  
2 demand for its product;

3 “(B) does not include interruptions in  
4 manufacturing due to matters such as routine  
5 maintenance or insignificant changes in manu-  
6 facturing so long as the manufacturer expects  
7 to resume operations in a short period of time,  
8 not to exceed 6 months;

9 “(C) does not include interruptions in  
10 manufacturing of components or raw materials  
11 so long as such interruptions do not result in  
12 a shortage of the device and the manufacturer  
13 expects to resume operations in a reasonable  
14 period of time; and

15 “(D) does not include interruptions in  
16 manufacturing that do not lead to a reduction  
17 in procedures or diagnostic tests associated with  
18 a medical device designed to perform more than  
19 one procedure or diagnostic test.

20 “(2) SHORTAGE.—The term ‘shortage’, with re-  
21 spect to a device, means a period of time when the  
22 demand or projected demand for the device within  
23 the United States exceeds the supply of the device.”.

1 **PART II—ACCESS TO HEALTH CARE FOR COVID-**  
2 **19 PATIENTS**

3 **Subpart A—Coverage of Testing and Preventive**  
4 **Services**

5 **SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR**  
6 **COVID-19.**

7 Paragraph (1) of section 6001(a) of division F of the  
8 Families First Coronavirus Response Act (Public Law  
9 116–127) is amended to read as follows:

10 “(1) An in vitro diagnostic tests defined in sec-  
11 tion 809.3 of title 21, Code of Federal Regulations  
12 (or successor regulations) for the detection of  
13 SARS–CoV–2 or the diagnosis of the virus that  
14 causes COVID–19, and the administration of such a  
15 test, that

16 “(A) is approved, cleared, or authorized  
17 under section 510(k), 513, 515, or 564 of the  
18 Federal Food, Drug, and Cosmetic Act (21  
19 U.S.C. 360(k), 360c, 360e, 360bbb–3);

20 “(B) the developer has requested, or in-  
21 tends to request, emergency use authorization  
22 under section 564 of the Federal Food, Drug,  
23 and Cosmetic Act (21 U.S.C. 360bbb–3), unless  
24 and until the emergency use authorization re-  
25 quest under such section 564 has been denied  
26 or the developer of such test does not submit a



1 request under such section within a reasonable  
2 timeframe;

3 “(C) is developed in and authorized by a  
4 State that has notified the Secretary of Health  
5 and Human Services of its intention to review  
6 tests intended to diagnose COVID-19; or

7 “(D) other test that the Secretary deter-  
8 mines appropriate in guidance.”.

9 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

10 (a) REIMBURSEMENT RATES.—A group health plan  
11 or a health insurance issuer providing coverage of items  
12 and services described in section 6001(a) of division F of  
13 the Families First Coronavirus Response Act (Public Law  
14 116–127) with respect to an enrollee shall reimburse the  
15 provider of the diagnostic testing as follows:

16 (1) If the health plan or issuer has a negotiated  
17 rate with such provider in effect before the emer-  
18 gency declaration described in section 3201, such ne-  
19 gotiated rate shall apply throughout the period of  
20 such declaration, such negotiated rate shall apply.

21 (2) If the health plan or issuer does not have  
22 a negotiated rate with such provider, such plan or  
23 issuer shall reimburse the provider in an amount  
24 that equals the cash price for such service as listed  
25 by the provider on a public internet website.

1 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR  
2 DIAGNOSTIC TESTING FOR COVID-19.—

3 (1) IN GENERAL.—During the emergency pe-  
4 riod described in section 3201, each provider of a di-  
5 agnostic test for COVID-19 shall make public the  
6 cash price for such test on a public internet website  
7 of such provider.

8 (2) CIVIL MONETARY PENALTIES.—The Sec-  
9 retary of Health and Human Services may impose a  
10 civil monetary penalty on any provider of a diag-  
11 nostic test for COVID-19 that is not in compliance  
12 with paragraph (1) and has not completed a correc-  
13 tive action plan to comply with the requirements of  
14 such paragraph, in an amount not to exceed \$300  
15 per day that the violation is ongoing.

16 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**  
17 **AND VACCINES FOR CORONAVIRUS.**

18 (a) IN GENERAL.—Notwithstanding 2713(b) of the  
19 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-  
20 retary of Health and Human Services, the Secretary of  
21 Labor, and the Secretary of the Treasury shall require  
22 group health plans and health insurance issuers offering  
23 group or individual health insurance to cover (without  
24 cost-sharing) any qualifying coronavirus preventive serv-  
25 ice, pursuant to section 2713(a) of the Public Health Serv-

1 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-  
2 tions under sections 2590.715-2713 of title 29, Code of  
3 Federal Regulations, section 54.9815-2713 of title 26,  
4 Code of Federal Regulations, and section 147.130 of title  
5 45, Code of Federal Regulations (or any successor regula-  
6 tions)). The requirement described in this subsection shall  
7 take effect with respect to a qualifying coronavirus preven-  
8 tion service on the specified date described in subsection  
9 (b)(2).

10 (b) DEFINITIONS.—For purposes of this section:

11 (1) QUALIFYING CORONAVIRUS PREVENTIVE  
12 SERVICE.—The term “qualifying coronavirus preven-  
13 tive service” means an item, service, or immuniza-  
14 tion that is intended to prevent or mitigate  
15 coronavirus disease 2019 and that is—

16 (A) an evidence-based item or service that  
17 has in effect a rating of “A” or “B” in the cur-  
18 rent recommendations of the United States Pre-  
19 ventive Services Task Force; or

20 (B) an immunization that has in effect a  
21 recommendation from the Advisory Committee  
22 on Immunization Practices of the Centers for  
23 Disease Control and Prevention with respect to  
24 the individual involved.

1           (2) SPECIFIED DATE.—The term “specified  
2           date” means the date that is 15 business days after  
3           the date on which a recommendation is made relat-  
4           ing to the immunization as described in such para-  
5           graph.

6           (3) ADDITIONAL TERMS.—In this section, the  
7           terms “group health plan”, “health insurance  
8           issuer”, “group health insurance coverage”, and “in-  
9           dividual health insurance coverage” have the mean-  
10          ings given such terms in section 2791 of the Public  
11          Health Service Act (42 U.S.C. 300gg–91), section  
12          733 of the Employee Retirement Income Security  
13          Act of 1974 (29 U.S.C. 1191b), and section 9832 of  
14          the Internal Revenue Code, as applicable.

15           **Subpart B—Support for Health Care Providers**

16           **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**  
17           **TERS.**

18           (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the  
19          Public Health Service Act (42 U.S.C. 254b(r)) is amended  
20          by adding at the end the following:

21                   “(6) ADDITIONAL AMOUNTS FOR SUPPLE-  
22           MENTAL AWARDS.—In addition to any amounts  
23           made available pursuant to this subsection, section  
24           402A of this Act, or section 10503 of the Patient  
25           Protection and Affordable Care Act, there is author-

1        ized to be appropriated, and there is appropriated,  
2        out of any monies in the Treasury not otherwise ap-  
3        propriated, \$1,320,000,000 for fiscal year 2020 for  
4        supplemental awards under subsection (d) for the  
5        detection of SARS-CoV-2 or the prevention, diag-  
6        nosis, and treatment of COVID-19.”.

7        (b) APPLICATION OF PROVISIONS.—Amounts appro-  
8        priated pursuant to the amendment made by subsection  
9        (a) for fiscal year 2020 shall be subject to the require-  
10        ments contained in Public Law 116–94 for funds for pro-  
11        grams authorized under sections 330 through 340 of the  
12        Public Health Service Act (42 U.S.C. 254 through 256).

13        **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**  
14        **SOURCE CENTERS GRANT PROGRAMS.**

15        Section 330I of the Public Health Service Act (42  
16        U.S.C. 254c–14) is amended—

17                (1) in subsection (d)—

18                        (A) in paragraph (1)—

19                                (i) in the matter preceding subpara-  
20                                graph (A), by striking “projects to dem-  
21                                onstrate how telehealth technologies can be  
22                                used through telehealth networks” and in-  
23                                sserting “evidence-based projects that uti-  
24                                lize telehealth technologies through tele-  
25                                health networks”;

1 (ii) in subparagraph (A)—

2 (I) by striking “the quality of”  
3 and inserting “access to, and the  
4 quality of,”; and

5 (II) by inserting “and” after the  
6 semicolon;

7 (iii) by striking subparagraph (B);

8 (iv) by redesignating subparagraph  
9 (C) as subparagraph (B); and

10 (v) in subparagraph (B), as so reded-  
11 igned, by striking “and patients and  
12 their families, for decisionmaking” and in-  
13 sserting “, patients, and their families”;  
14 and

15 (B) in paragraph (2)—

16 (i) by striking “demonstrate how tele-  
17 health technologies can be used” and in-  
18 sserting “support initiatives that utilize  
19 telehealth technologies”; and

20 (ii) by striking “, to establish tele-  
21 health resource centers”;

22 (2) in subsection (e), by striking “4 years” and  
23 inserting “5 years”;

24 (3) in subsection (f)—

25 (A) by striking paragraph (2);

1 (B) in paragraph (1)(B)—

2 (i) by redesignating clauses (i)  
3 through (iii) as paragraphs (1) through  
4 (3), respectively, and adjusting the mar-  
5 gins accordingly;

6 (ii) in paragraph (3), as so redesign-  
7 nated by clause (i), by redesignating sub-  
8 clauses (I) through (XII) as subparagraphs  
9 (A) through (L), respectively, and adjust-  
10 ing the margins accordingly; and

11 (iii) by striking “(1) TELEHEALTH  
12 NETWORK GRANTS—” and all that follows  
13 through “(B) TELEHEALTH NETWORKS—  
14 ”; and

15 (C) in paragraph (3)(I), as so redesign-  
16 nated, by inserting “and substance use dis-  
17 order” after “mental health” each place such  
18 term appears;

19 (4) in subsection (g)(2), by striking “or im-  
20 prove” and inserting “and improve”;

21 (5) by striking subsection (h);

22 (6) by redesignating subsections (i) through (p)  
23 as subsection (h) through (o), respectively;

24 (7) in subsection (h), as so redesignated—

25 (A) in paragraph (1)—

1 (i) in subparagraph (B), by striking  
2 “mental health, public health, long-term  
3 care, home care, preventive” and inserting  
4 “mental health care, public health services,  
5 long-term care, home care, preventive  
6 care”;

7 (ii) in subparagraph (E), by inserting  
8 “and regional” after “local”; and

9 (iii) by striking subparagraph (F);  
10 and

11 (B) in paragraph (2)(A), by striking  
12 “medically underserved areas or” and inserting  
13 “rural areas, medically underserved areas, or”;

14 (8) in paragraph (2) of subsection (i), as so re-  
15 designated, by striking “ensure that—” and all that  
16 follows through the end of subparagraph (B) and in-  
17 serting “ensure that not less than 50 percent of the  
18 funds awarded shall be awarded for projects in rural  
19 areas.”;

20 (9) in subsection (j), as so redesignated—

21 (A) in paragraph (1)(B), by striking “com-  
22 puter hardware and software, audio and video  
23 equipment, computer network equipment, inter-  
24 active equipment, data terminal equipment, and  
25 other”; and



1 (B) in paragraph (2)(F), by striking  
2 “health care providers and”;

3 (10) in subsection (k), as so redesignated—

4 (A) in paragraph (2), by striking “40 per-  
5 cent” and inserting “20 percent”; and

6 (B) in paragraph (3), by striking “(such as  
7 laying cable or telephone lines, or purchasing or  
8 installing microwave towers, satellite dishes,  
9 amplifiers, or digital switching equipment)”;

10 (11) by striking subsections (q) and (r) and in-  
11 serting the following:

12 “(p) REPORT.—Not later than 4 years after the date  
13 of enactment of the \_\_\_\_\_ Act of \_\_\_\_\_, and  
14 every 5 years thereafter, the Secretary shall prepare and  
15 submit to the Committee on Health, Education, Labor,  
16 and Pensions of the Senate and the Committee on Energy  
17 and Commerce of the House of Representatives a report  
18 on the activities and outcomes of the grant programs  
19 under subsection (b).”;

20 (12) by redesignating subsection (s) as sub-  
21 section (q); and

22 (13) in subsection (q), as so redesignated, by  
23 striking “this section—” and all that follows  
24 through the end of paragraph (2) and inserting

1 “this section \$29,000,000 for each of fiscal years  
2 2021 through 2025.”.

3 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**  
4 **RURAL HEALTH NETWORK DEVELOPMENT,**  
5 **AND SMALL HEALTH CARE PROVIDER QUAL-**  
6 **ITY IMPROVEMENT GRANT PROGRAMS.**

7 Section 330A of the Public Health Service Act (42  
8 U.S.C. 254c) is amended—

9 (1) in subsection (d)(2)—

10 (A) in subparagraph (A), by striking “es-  
11 sential” and inserting “basic”; and

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),  
14 by inserting “to” after “grants”; and

15 (ii) in clauses (i), (ii), and (iii), by  
16 striking “to” each place such term ap-  
17 pears;

18 (2) in subsection (e)—

19 (A) in paragraph (1)—

20 (i) by inserting “improving and” after  
21 “outreach by”;

22 (ii) by inserting “, through community  
23 engagement and evidence-based or innova-  
24 tive, evidence-informed models” before the  
25 period of the first sentence; and

1 (iii) by striking “3 years” and insert-  
2 ing “5 years”;

3 (B) in paragraph (2)—

4 (i) in the matter preceding subpara-  
5 graph (A), by inserting “shall” after “enti-  
6 ty”;

7 (ii) in subparagraph (A), by striking  
8 “shall be a rural public or rural nonprofit  
9 private entity” and inserting “be an entity  
10 with demonstrated experience serving, or  
11 the capacity to serve, rural underserved  
12 populations”;

13 (iii) in subparagraphs (B) and (C), by  
14 striking “shall” each place such term ap-  
15 pears; and

16 (iv) in subparagraph (B)—

17 (I) in the matter preceding clause  
18 (i), by inserting “that” after “mem-  
19 bers”; and

20 (II) in clauses (i) and (ii), by  
21 striking “that” each place such term  
22 appears; and

23 (C) in paragraph (3)(C), by striking “the  
24 local community or region” and inserting “the

1 rural underserved populations in the local com-  
2 munity or region”;

3 (3) in subsection (f)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A)—

6 (I) in the matter preceding clause  
7 (i), by striking “promote, through  
8 planning and implementation, the de-  
9 velopment of integrated health care  
10 networks that have combined the  
11 functions of the entities participating  
12 in the networks” and inserting “plan,  
13 develop, and implement integrated  
14 health care networks that collabo-  
15 rate”; and

16 (II) in clause (ii), by striking  
17 “essential health care services” and  
18 inserting “basic health care services  
19 and associated health outcomes”; and

20 (ii) by amending subparagraph (B) to  
21 read as follows:

22 “(B) GRANT PERIODS.—The Director may  
23 award grants under this subsection for periods  
24 of not more than 5 years.”;

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “shall” after “enti-  
3 ty”;

4 (ii) in subparagraph (A), by striking  
5 “shall be a rural public or rural nonprofit  
6 private entity” and inserting “be an entity  
7 with demonstrated experience serving, or  
8 the capacity to serve, rural underserved  
9 populations”;

10 (iii) in subparagraph (B)—

11 (I) in the matter preceding clause

12 (i)—

13 (aa) by striking “shall”; and

14 (bb) by inserting “that”  
15 after “participants”; and

16 (II) in clauses (i) and (ii), by  
17 striking “that” each place such term  
18 appears; and

19 (iv) in subparagraph (C), by striking  
20 “shall”; and

21 (C) in paragraph (3)—

22 (i) by amending clause (iii) of sub-  
23 paragraph (C) to read as follows:

24 “(iii) how the rural underserved popu-  
25 lations in the local community or region to

1 be served will benefit from and be involved  
2 in the development and ongoing operations  
3 of the network;” and

4 (ii) in subparagraph (D), by striking  
5 “the local community or region” and in-  
6 serting “the rural underserved populations  
7 in the local community or region”;

8 (4) in subsection (g)—

9 (A) in paragraph (1)—

10 (i) by inserting “, including activities  
11 related to increasing care coordination, en-  
12 hancing chronic disease management, and  
13 improving patient health outcomes” before  
14 the period of the first sentence; and

15 (ii) by striking “3 years” and insert-  
16 ing “5 years”;

17 (B) in paragraph (2)—

18 (i) in the matter preceding subpara-  
19 graph (A), by inserting “shall” after “enti-  
20 ty”;

21 (ii) in subparagraphs (A) and (B), by  
22 striking “shall” each place such term ap-  
23 pears; and

24 (iii) in subparagraph (A)(ii), by in-  
25 serting “or regional” after “local”; and

1                   (C) in paragraph (3)(D), by striking “the  
2                   local community or region” and inserting “the  
3                   rural underserved populations in the local com-  
4                   munity or region”;

5                   (5) in subsection (h)(3), in the matter pre-  
6                   ceding subparagraph (A), by inserting “, as appro-  
7                   priate,” after “the Secretary”;

8                   (6) by amending subsection (i) to read as fol-  
9                   lows:

10                  “(i) REPORT.—Not later than 4 years after the date  
11 of enactment of the CARES Act, and every 5 years there-  
12 after, the Secretary shall prepare and submit to the Com-  
13 mittee on Health, Education, Labor, and Pensions of the  
14 Senate and the Committee on Energy and Commerce of  
15 the House of Representatives a report on the activities and  
16 outcomes of the grant programs under subsections (e), (f),  
17 and (g), including the impact of projects funded under  
18 such programs on the health status of rural residents with  
19 chronic conditions.”; and

20                   (7) in subsection (j), by striking “\$45,000,000  
21                   for each of fiscal years 2008 through 2012” and in-  
22                   serting “\$79,500,000 for each of fiscal years 2021  
23                   through 2025”.

1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**  
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE  
4 CORPS.—Section 203 of the Public Health Service Act (42  
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking “a Ready  
7 Reserve Corps for service in time of national emer-  
8 gency” and inserting “, for service in time of a pub-  
9 lic health or national emergency, a Ready Reserve  
10 Corps”; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking “RE-  
13 SEARCH” and inserting “RESERVE CORPS”;

14 (B) in paragraph (1), by inserting “during  
15 public health or national emergencies” before  
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-  
19 graph (A), by inserting “, consistent with  
20 paragraph (1)” after “shall”;

21 (ii) in subparagraph (C), by inserting  
22 “during such emergencies” after “mem-  
23 bers”; and

24 (iii) in subparagraph (D), by inserting  
25 “, consistent with subparagraph (C)” be-  
26 fore the period; and



1 (D) by adding at the end the following:

2 “(3) STATUTORY REFERENCES TO RESERVE.—

3 A reference in any Federal statute, except in the  
4 case of subsection (b), to the ‘Reserve Corps’ of the  
5 Public Health Service or to the ‘reserve’ of the Pub-  
6 lic Health Service shall be deemed to be a reference  
7 to the Ready Reserve Corps.”.

8 (b) DEPLOYMENT READINESS.—Section  
9 203A(a)(1)(B) of the Public Health Service Act (42  
10 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Re-  
11 serves” and inserting “Ready Reserve Corps”.

12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—  
13 Section 211 of the Public Health Service Act (42 U.S.C.  
14 212) is amended—

15 (1) by striking “the Service” each place it ap-  
16 pears and inserting “the Regular Corps”;

17 (2) in subsection (a)(4), by striking “(in the  
18 case of an officer in the Reserve Corps)”;

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “or an officer of the  
22 Reserve Corps”; and

23 (ii) by inserting “or under section  
24 221(a)(19)” after “subsection (a)”; and

1 (B) in paragraph (2), by striking “Regular  
2 or Reserve Corps” and inserting “Regular  
3 Corps or Ready Reserve Corps”; and

4 (4) in subsection (f), by striking “the Regular  
5 or Reserve Corps of”.

6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND  
7 SURVIVING BENEFICIARIES.—Section 221 of the Public  
8 Health Service Act (42 U.S.C. 213a) is amended—

9 (1) in subsection (a), by adding at the end the  
10 following:

11 “(19) Chapter 1223, Retired Pay for Non-Reg-  
12 ular Service.

13 “(20) Section 12601, Compensation: Reserve on  
14 active duty accepting from any person.

15 “(21) Section 12684, Reserves: separation for  
16 absence without authority or sentence to imprison-  
17 ment.”; and

18 (2) in subsection (b)—

19 (A) by striking “Secretary of Health, Edu-  
20 cation, and Welfare or his designee” and insert-  
21 ing “Secretary of Health and Human Services  
22 or the designee of such secretary”;

23 (B) by striking “(b) The authority vested”  
24 and inserting the following:

25 “(b)(1) The authority vested”;

1 (C) by striking “For purposes of” and in-  
2 serting the following:

3 “(2) For purposes of”; and

4 (D) by adding at the end the following:

5 “(3) For purposes of paragraph (19) of subsection  
6 (a), the terms ‘Military department’, ‘Secretary con-  
7 cerned’, and ‘Armed forces’ in such title 10 shall be  
8 deemed to include, respectively, the Department of Health  
9 and Human Services, the Secretary of Health and Human  
10 Services, and the Commissioned Corps.”.

11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-  
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-  
13 ed—

14 (1) in sections 204 and 207(c), by striking  
15 “Regular or Reserve Corps” each place it appears  
16 and inserting “Regular Corps or Ready Reserve  
17 Corps”;

18 (2) in section 208(a), by striking “Regular and  
19 Reserve Corps” each place it appears and inserting  
20 “Regular Corps and Ready Reserve Corps”; and

21 (3) in section 205(c), 206(c), 210, and 219,  
22 and in subsections (a), (b), and (d) of section 207,  
23 by striking “Reserve Corps” each place it appears  
24 and inserting “Ready Reserve Corps”.

1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**  
2 **HEALTH CARE PROFESSIONALS DURING**  
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided  
5 in subsection (b), a health care professional shall not be  
6 liable under Federal or State law for any harm caused  
7 by an act or omission of the professional in the provision  
8 of health care services during the public health emergency  
9 with respect to COVID-19 declared by the Secretary of  
10 Health and Human Services (referred to in this section  
11 as the “Secretary”) under section 319 of the Public  
12 Health Service Act (42 U.S.C. 247d) on January 31,  
13 2020, if—

14 (1) the professional is providing health care  
15 services in response to such public health emergency,  
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care  
19 services;

20 (B) in the health care professional’s capac-  
21 ity as a volunteer;

22 (C) in the course of providing health care  
23 services that are within the scope of the license,  
24 registration, or certification of the volunteer, as  
25 defined by the State in which the medical serv-

1           ices are received or in which the act or omission  
2           occurs; and

3                   (D) in a good faith belief that the indi-  
4           vidual being treated is in need of health care  
5           services.

6           (b) EXCEPTIONS.—Subsection (a) does not apply if—

7                   (1) the harm was caused by an act or omission  
8           constituting willful or criminal misconduct, gross  
9           negligence, reckless misconduct, or a conscious fla-  
10          grant indifference to the rights or safety of the indi-  
11          vidual harmed by the health care professional; or

12                   (2) the health care professional rendered the  
13          health care services under the influence (as deter-  
14          mined pursuant to applicable State law) of alcohol  
15          or an intoxicating drug.

16          (c) PREEMPTION.—

17                   (1) IN GENERAL.—This section preempts the  
18          laws of a State or any political subdivision of a State  
19          to the extent that such laws are inconsistent with  
20          this section, unless such laws provide greater protec-  
21          tion from liability.

22                   (2) VOLUNTEER PROTECTION ACT.—Protec-  
23          tions afforded by this section are in addition to those  
24          provided by the Volunteer Protection Act of 1997  
25          (Public Law 105–19).

1 (d) DEFINITIONS.—In this section—

2 (1) the term “harm” includes physical, non-  
3 physical, economic, and noneconomic losses;

4 (2) the term “health care professional” means  
5 an individual who is licensed, registered, or certified  
6 under Federal or State law to provide health care  
7 services;

8 (3) the term “health care services” means any  
9 services provided by a health care professional, or by  
10 any individual working under the supervision of a  
11 health care professional that relate to—

12 (A) the diagnosis, prevention, or treatment  
13 of COVID-19; or

14 (B) the assessment or care of the health of  
15 a human being related to an actual or sus-  
16 pected case of COVID-19; and

17 (4) the term “volunteer” means a health care  
18 professional who, with respect to the health care  
19 services rendered, does not receive compensation or  
20 any other thing of value in lieu of compensation,  
21 which compensation—

22 (A) includes a payment under any insur-  
23 ance policy or health plan, or under any Fed-  
24 eral or State health benefits program; and

25 (B) excludes—

1 (i) receipt of items to be used exclu-  
2 sively for rendering health care services in  
3 the health care professional's capacity as a  
4 volunteer described in subsection (a)(1);  
5 and

6 (ii) any reimbursement for travel to  
7 the site where the volunteer services are  
8 rendered and any payments in cash or kind  
9 to cover room and board, if services are  
10 being rendered more than 75 miles from  
11 the volunteer's principal place of residence.

12 (e) EFFECTIVE DATE.—This section shall take effect  
13 upon the date of enactment of this Act, and applies to  
14 a claim for harm only if the act or omission that caused  
15 such harm occurred on or after the date of enactment.

16 (f) SUNSET.—This section shall be in effect only for  
17 the length of the public health emergency declared by the  
18 Secretary of Health and Human Services (referred to in  
19 this section as the “Secretary”) under section 319 of the  
20 Public Health Service Act (42 U.S.C. 247d) on January  
21 31, 2020 with respect to COVID-19.

1 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**  
2 **HEALTH SERVICE CORPS DURING EMER-**  
3 **GENCY PERIOD.**

4 During the public health emergency declared by the  
5 Secretary of Health and Human Services under section  
6 319 of the Public Health Service Act (42 U.S.C. 247d)  
7 on January 31, 2020, with respect to COVID-19, the Sec-  
8 retary may, notwithstanding section 333 of the Public  
9 Health Service Act (42 U.S.C. 254f), assign members of  
10 the National Health Service Corps, with the voluntary  
11 agreement of such corps members, to provide such health  
12 services at such places, and for such number of hours, as  
13 the Secretary determines necessary to respond to such  
14 emergency, provided that such places are within a reason-  
15 able distance to the site to which such members were origi-  
16 nally assigned, and the total number of hours required are  
17 the same as were required of such members prior to the  
18 date of enactment of this Act.

19 **Subpart C—Miscellaneous Provisions**

20 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**  
21 **RECORDS RELATING TO SUBSTANCE USE DIS-**  
22 **ORDER.**

23 (a) **CONFORMING CHANGES RELATING TO SUB-**  
24 **STANCE USE DISORDER.**—Subsections (a) and (h) of sec-  
25 tion 543 of the Public Health Service Act (42 U.S.C.



1 290dd–2) are each amended by striking “substance  
2 abuse” and inserting “substance use disorder”.

3 (b) DISCLOSURES TO COVERED ENTITIES CON-  
4 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)  
5 of the Public Health Service Act (42 U.S.C. 290dd–2(b))  
6 is amended to read as follows:

7 “(1) CONSENT.—The following shall apply with  
8 respect to the contents of any record referred to in  
9 subsection (a):

10 “(A) Such contents may be used or dis-  
11 closed in accordance with the prior written con-  
12 sent of the patient with respect to whom such  
13 record is maintained.

14 “(B) Once prior written consent of the pa-  
15 tient has been obtained, such contents may be  
16 used or disclosed by a covered entity, business  
17 associate, or a program subject to this section  
18 for purposes of treatment, payment, and health  
19 care operations as permitted by the HIPAA  
20 regulations. Any information so disclosed may  
21 then be redisclosed in accordance with the  
22 HIPAA regulations. Section 13405(e) of the  
23 Health Information Technology and Clinical  
24 Health Act (42 U.S.C. 17935(e)) shall apply to

1 all disclosures pursuant to subsection (b)(1) of  
2 this section.

3 “(C) It shall be permissible for a patient’s  
4 prior written consent to be given once for all  
5 such future uses or disclosures for purposes of  
6 treatment, payment, and health care operations,  
7 until such time as the patient revokes such con-  
8 sent in writing.

9 “(D) Section 13405(a) of the Health In-  
10 formation Technology and Clinical Health Act  
11 (42 U.S.C. 17935(a)) shall apply to all disclo-  
12 sures pursuant to subsection (b)(1) of this sec-  
13 tion.”.

14 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-  
15 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-  
16 graph (2) of section 543(b) of the Public Health Service  
17 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the  
18 end the following:

19 “(D) To a public health authority, so long  
20 as such content meets the standards established  
21 in section 164.514(b) of title 45, Code of Fed-  
22 eral Regulations (or successor regulations) for  
23 creating de-identified information.”.

1 (d) DEFINITIONS.—Section 543 of the Public Health  
2 Service Act (42 U.S.C. 290dd–2) is amended by adding  
3 at the end the following:

4 “(k) DEFINITIONS.—For purposes of this section:

5 “(1) BREACH.—The term ‘breach’ has the  
6 meaning given such term for purposes of the HIPAA  
7 regulations.

8 “(2) BUSINESS ASSOCIATE.—The term ‘busi-  
9 ness associate’ has the meaning given such term for  
10 purposes of the HIPAA regulations.

11 “(3) COVERED ENTITY.—The term ‘covered en-  
12 tity’ has the meaning given such term for purposes  
13 of the HIPAA regulations.

14 “(4) HEALTH CARE OPERATIONS.—The term  
15 ‘health care operations’ has the meaning given such  
16 term for purposes of the HIPAA regulations.

17 “(5) HIPAA REGULATIONS.—The term  
18 ‘HIPAA regulations’ has the meaning given such  
19 term for purposes of parts 160 and 164 of title 45,  
20 Code of Federal Regulations.

21 “(6) PAYMENT.—The term ‘payment’ has the  
22 meaning given such term for purposes of the HIPAA  
23 regulations.

1           “(7) PUBLIC HEALTH AUTHORITY.—The term  
2           ‘public health authority’ has the meaning given such  
3           term for purposes of the HIPAA regulations.

4           “(8) TREATMENT.—The term ‘treatment’ has  
5           the meaning given such term for purposes of the  
6           HIPAA regulations.

7           “(9) UNSECURED PROTECTED HEALTH INFOR-  
8           MATION.—The term ‘unprotected health information’  
9           has the meaning given such term for purposes of the  
10          HIPAA regulations.”.

11          (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-  
12          MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-  
13          CEEDINGS.—Subsection (c) of section 543 of the Public  
14          Health Service Act (42 U.S.C. 290dd–2(c)) is amended  
15          to read as follows:

16          “(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-  
17          MINISTRATIVE CONTEXTS.—Except as otherwise author-  
18          ized by a court order under subsection (b)(2)(C) or by the  
19          consent of the patient, a record referred to in subsection  
20          (a), or testimony relaying the information contained there-  
21          in, may not be disclosed or used in any civil, criminal, ad-  
22          ministrative, or legislative proceedings conducted by any  
23          Federal, State, or local authority, including with respect  
24          to the following activities:

1           “(1) Such record or testimony shall not be en-  
2           tered into evidence in any criminal prosecution or  
3           civil action before a Federal or State court.

4           “(2) Such record or testimony shall not form  
5           part of the record for decision or otherwise be taken  
6           into account in any proceeding before a Federal,  
7           State, or local agency.

8           “(3) Such record or testimony shall not be used  
9           by any Federal, State, or local agency for a law en-  
10          forcement purpose or to conduct any law enforce-  
11          ment investigation.

12          “(4) Such record or testimony shall not be used  
13          in any application for a warrant.”.

14          (f) PENALTIES.—Subsection (f) of section 543 of the  
15          Public Health Service Act (42 U.S.C. 290dd-2) is amend-  
16          ed to read as follows:

17          “(f) PENALTIES.—The provisions of sections 1176  
18          and 1177 of the Social Security Act shall apply to a viola-  
19          tion of this section to the extent and in the same manner  
20          as such provisions apply to a violation of part C of title  
21          XI of such Act. In applying the previous sentence—

22                 “(1) the reference to ‘this subsection’ in sub-  
23                 section (a)(2) of such section 1176 shall be treated  
24                 as a reference to ‘this subsection (including as ap-

1       plied pursuant to section 543(f) of the Public Health  
2       Service Act)’; and

3               “(2) in subsection (b) of such section 1176—

4                       “(A) each reference to ‘a penalty imposed  
5                       under subsection (a)’ shall be treated as a ref-  
6                       erence to ‘a penalty imposed under subsection  
7                       (a) (including as applied pursuant to section  
8                       543(f) of the Public Health Service Act)’; and

9                       “(B) each reference to ‘no damages ob-  
10                      tained under subsection (d)’ shall be treated as  
11                      a reference to ‘no damages obtained under sub-  
12                      section (d) (including as applied pursuant to  
13                      section 543(f) of the Public Health Service  
14                      Act)’.”.

15       (g) ANTIDISCRIMINATION.—Section 543 of the Public  
16       Health Service Act (42 U.S.C. 290dd-2) is amended by  
17       inserting after subsection (h) the following:

18               “(i) ANTIDISCRIMINATION.—

19                       “(1) IN GENERAL.—No entity shall discrimi-  
20                       nate against an individual on the basis of informa-  
21                       tion received by such entity pursuant to an inad-  
22                       vertent or intentional disclosure of records, or infor-  
23                       mation contained in records, described in subsection  
24                       (a) in—

1           “(A) admission, access to, or treatment for  
2 health care;

3           “(B) hiring, firing, or terms of employ-  
4 ment, or receipt of worker’s compensation;

5           “(C) the sale, rental, or continued rental of  
6 housing;

7           “(D) access to Federal, State, or local  
8 courts; or

9           “(E) access to, approval of, or mainte-  
10 nance of social services and benefits provided or  
11 funded by Federal, State, or local governments.

12           “(2) RECIPIENTS OF FEDERAL FUNDS.—No re-  
13 cipient of Federal funds shall discriminate against  
14 an individual on the basis of information received by  
15 such recipient pursuant to an intentional or inad-  
16 vertent disclosure of such records or information  
17 contained in records described in subsection (a) in  
18 affording access to the services provided with such  
19 funds.”.

20           (h) NOTIFICATION IN CASE OF BREACH.—Section  
21 543 of the Public Health Service Act (42 U.S.C. 290dd–  
22 2), as amended by subsection (g), is further amended by  
23 inserting after subsection (i) the following:

24           “(j) NOTIFICATION IN CASE OF BREACH.—The pro-  
25 visions of section 13402 of the HITECH Act (42 U.S.C.

1 17932) shall apply to a program or activity described in  
2 subsection (a), in case of a breach of records described  
3 in subsection (a), to the same extent and in the same man-  
4 ner as such provisions apply to a covered entity in the  
5 case of a breach of unsecured protected health informa-  
6 tion.”.

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and  
9 Human Services, in consultation with appropriate  
10 Federal agencies, shall make such revisions to regu-  
11 lations as may be necessary for implementing and  
12 enforcing the amendments made by this section,  
13 such that such amendments shall apply with respect  
14 to uses and disclosures of information occurring on  
15 or after the date that is 12 months after the date  
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-  
18 VACY PRACTICES.—Not later than 1 year after the  
19 date of enactment of this Act, the Secretary of  
20 Health and Human Services, in consultation with  
21 appropriate legal, clinical, privacy, and civil rights  
22 experts, shall update section 164.520 of title 45,  
23 Code of Federal Regulations, so that covered entities  
24 and entities creating or maintaining the records de-  
25 scribed in subsection (a) provide notice, written in



1 plain language, of privacy practices regarding pa-  
2 tient records referred to in section 543(a) of the  
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),  
4 including—

5 (A) a statement of the patient’s rights, in-  
6 cluding self-pay patients, with respect to pro-  
7 tected health information and a brief descrip-  
8 tion of how the individual may exercise these  
9 rights (as required by subsection (b)(1)(iv) of  
10 such section 164.520); and

11 (B) a description of each purpose for  
12 which the covered entity is permitted or re-  
13 quired to use or disclose protected health infor-  
14 mation without the patient’s written authoriza-  
15 tion (as required by subsection (b)(2) of such  
16 section 164.520).

17 (j) RULES OF CONSTRUCTION.—Nothing in this Act  
18 or the amendments made by this Act shall be construed  
19 to limit—

20 (1) a patient’s right, as described in section  
21 164.522 of title 45, Code of Federal Regulations, or  
22 any successor regulation, to request a restriction on  
23 the use or disclosure of a record referred to in sec-  
24 tion 543(a) of the Public Health Service Act (42

1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-  
2 ment, or health care operations; or

3 (2) a covered entity’s choice, as described in  
4 section 164.506 of title 45, Code of Federal Regula-  
5 tions, or any successor regulation, to obtain the con-  
6 sent of the individual to use or disclose a record re-  
7 ferred to in such section 543(a) to carry out treat-  
8 ment, payment, or health care operation.

9 (k) SENSE OF CONGRESS.—It is the sense of the  
10 Congress that—

11 (1) any person treating a patient through a  
12 program or activity with respect to which the con-  
13 fidentiality requirements of section 543 of the Public  
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-  
15 couraged to access the applicable State-based pre-  
16 scription drug monitoring program when clinically  
17 appropriate;

18 (2) patients have the right to request a restric-  
19 tion on the use or disclosure of a record referred to  
20 in section 543(a) of the Public Health Service Act  
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or  
22 health care operations;

23 (3) covered entities should make every reason-  
24 able effort to the extent feasible to comply with a

1 patient's request for a restriction regarding such use  
2 or disclosure;

3 (4) for purposes of applying section 164.501 of  
4 title 45, Code of Federal Regulations, the definition  
5 of health care operations shall have the meaning  
6 given such term in such section, except that clause  
7 (v) of paragraph (6) shall not apply; and

8 (5) programs creating records referred to in  
9 section 543(a) of the Public Health Service Act (42  
10 U.S.C. 290dd-2(a)) should receive positive incen-  
11 tives for discussing with their patients the benefits  
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms “As-  
15 sistant Secretary”, “Secretary”, “State agency”, and  
16 “area agency on aging” have the meanings given the  
17 terms in section 102 of the Older Americans Act of 1965  
18 (42 U.S.C. 3002).

19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—  
20 During any portion of the COVID-19 public health emer-  
21 gency declared under section 319 of the Public Health  
22 Service Act (42 U.S.C. 247d), the Secretary shall allow  
23 a State agency or an area agency on aging, without prior  
24 approval, to transfer not more than 100 percent of the  
25 funds received by the State agency or area agency on

1 aging, respectively, and attributable to funds appropriated  
2 under paragraph (1) or (2) of section 303(b) of the Older  
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-  
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et  
5 seq.) for such use as the State agency or area agency on  
6 aging, respectively, considers appropriate to meet the  
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-  
9 ER.—For purposes of State agencies’ determining the de-  
10 livery of nutrition services under section 337 of the Older  
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-  
12 riod of the COVID–19 public health emergency declared  
13 under section 319 of the Public Health Service Act (42  
14 U.S.C. 247d), the same meaning shall be given to an indi-  
15 vidual who is unable to obtain nutrition because the indi-  
16 vidual is practicing social distancing due to the emergency  
17 as is given to an individual who is homebound by reason  
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate  
20 implementation of subparts 1 and 2 of part C of title III  
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–  
22 2 et seq.) during any portion of the COVID–19 public  
23 health emergency declared under section 319 of the Public  
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-  
25 retary may waive the requirements for meals provided

1 under those subparts to comply with the requirements of  
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42  
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**  
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**  
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**  
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for  
9 participants in community service activities under title V  
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et  
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in  
13 projects under such title as of March 1, 2020, to ex-  
14 tend their participation for a period that exceeds the  
15 period described in section 518(a)(3)(B)(i) of such  
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary  
17 determines such extension is appropriate due to the  
18 effects of the COVID–19 public health emergency  
19 declared under section 319 of the Public Health  
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap  
22 for eligible individuals applicable to grantees as de-  
23 scribed in section 502(b)(1)(C) of the Older Ameri-  
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a  
25 cap the Secretary determines is appropriate due to

1 the effects of the COVID–19 public health emer-  
2 gency declared under section 319 of the Public  
3 Health Service Act (42 U.S.C. 247d); and

4 (2) may increase the amount available to pay  
5 the authorized administrative costs for a project, de-  
6 scribed in section 502(c)(3) of the Older Americans  
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount  
8 not to exceed 20 percent of the grant amount if the  
9 Secretary determines that such increase is necessary  
10 to adequately respond to the additional administra-  
11 tive needs to respond to the COVID–19 public  
12 health emergency declared under section 319 of the  
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**  
15 **TION.**

16 Not later than 180 days after the date of enactment  
17 of this Act, the Secretary of Health and Human Services  
18 shall issue guidance on the sharing of patients’ protected  
19 health information pursuant to section 160.103 of title 45,  
20 Code of Federal Regulations (or any successor regula-  
21 tions) during the public health emergency declared by the  
22 Secretary of Health and Human Services under section  
23 319 of the Public Health Service Act (42 U.S.C. 247d)  
24 with respect to COVID-19, during the emergency involv-  
25 ing Federal primary responsibility determined to exist by

1 the President under section 501(b) of the Robert T. Staf-  
2 ford Disaster Relief and Emergency Assistance Act (42  
3 U.S.C. 5191(b)) with respect to COVID-19, and during  
4 the national emergency declared by the President under  
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)  
6 with respect to COVID-19. Such guidance shall include  
7 information on compliance with the regulations promul-  
8 gated pursuant to section 264(c) of the Health Insurance  
9 Portability and Accountability Act of 1996 (42 U.S.C.  
10 1320d–2 note) and applicable policies, including such poli-  
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**  
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42  
15 U.S.C. 254e–8) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “, during  
18 fiscal year 2001 and subsequent years,”; and

19 (B) in paragraph (2), by inserting “or in-  
20 creasing above the national average” after  
21 “areas with high”;

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “con-  
24 sumers of project services, public health depart-  
25 ments, hospitals, health centers under section

1           330” and inserting “participants and former  
2           participants of project services, public health  
3           departments, hospitals, health centers under  
4           section 330, State substance abuse agencies”;  
5           and

6                   (B) in paragraph (2)—

7                           (i) in subparagraph (A), by striking  
8                           “such as low birthweight” and inserting  
9                           “including poor birth outcomes (such as  
10                           low birthweight and preterm birth) and so-  
11                           cial determinants of health”;

12                           (ii) by redesignating subparagraph  
13                           (B) as subparagraph (C);

14                           (iii) by inserting after subparagraph  
15                           (A), the following:

16                           “(B) Communities with—

17                                   “(i) high rates of infant mortality or  
18                                   poor perinatal outcomes; or

19                                   “(ii) high rates of infant mortality or  
20                                   poor perinatal outcomes in specific sub-  
21                                   populations within the community.”; and

22                           (iv) in subparagraph (C) (as so redesi-  
23                           gnated)—



1 (I) by redesignating clauses (i)  
2 and (ii) as clauses (ii) and (iii), re-  
3 spectively;

4 (II) by inserting before clause (ii)  
5 (as so redesignated) the following:

6 “(i) collaboration with the local com-  
7 munity in the development of the project;”;

8 (III) in clause (ii) (as so redesign-  
9 ated), by striking “and” at the end;

10 (IV) in clause (iii) (as so redesign-  
11 ated), by striking the period and in-  
12 serting “; and”; and

13 (V) by adding at the end the fol-  
14 lowing:

15 “(iv) the use and collection of data  
16 demonstrating the effectiveness of such  
17 program in decreasing infant mortality  
18 rates and improving perinatal outcomes, as  
19 applicable, or the process by which new ap-  
20 plicants plan to collect this data.”;

21 (3) in subsection (c)—

22 (A) by striking “Recipients of grants” and  
23 inserting the following:

24 “(1) IN GENERAL.—Recipients of grants”; and

25 (B) by adding at the end the following:

1           “(2) OTHER PROGRAMS.—The Secretary shall  
2 ensure coordination of the program carried out pur-  
3 suant to this section with other programs and activi-  
4 ties related to the reduction of the rate of infant  
5 mortality and improved perinatal and infant health  
6 outcomes supported by the Department.”;

7           (4) in subsection (e)—

8           (A) in paragraph (1), by striking “appro-  
9 priated—” and all that follows through the end  
10 and inserting “appropriated \$125,500,000 for  
11 each of fiscal years 2021 through 2025.”; and

12           (B) in paragraph (2)(B), by adding at the  
13 end the following: “Evaluations may also in-  
14 clude, to the extent practicable, information re-  
15 lated to—

16           “(i) progress toward achieving any  
17 grant metrics or outcomes related to re-  
18 ducing infant mortality rates, improving  
19 perinatal outcomes, or reducing the dis-  
20 parity in health status;

21           “(ii) recommendations on potential  
22 improvements that may assist with ad-  
23 dressing gaps, as applicable and appro-  
24 priate; and

1                   “(iii) the extent to which the grantee  
2                   coordinated with the community in which  
3                   the grantee is located in the development  
4                   of the project and delivery of services, in-  
5                   cluding with respect to technical assistance  
6                   and mentorship programs.”; and

7                   (5) by adding at the end the following:

8                   “(f) GAO REPORT.—

9                   “(1) IN GENERAL.—Not later than 4 years  
10                  after the date of the enactment of this subsection,  
11                  the Comptroller General of the United States shall  
12                  conduct an independent evaluation, and submit to  
13                  the appropriate Committees of Congress a report,  
14                  concerning the Healthy Start program under this  
15                  section.

16                  “(2) EVALUATION.—In conducting the evalua-  
17                  tion under paragraph (1), the Comptroller General  
18                  shall consider, as applicable and appropriate, infor-  
19                  mation from the evaluations under subsection  
20                  (e)(2)(B).

21                  “(3) REPORT.—The report described in para-  
22                  graph (1) shall review, assess, and provide rec-  
23                  ommendations, as appropriate, on the following:

24                          “(A) The allocation of Healthy Start pro-  
25                          gram grants by the Health Resources and Serv-

1           ices Administration, including considerations  
2           made by such Administration regarding dispari-  
3           ties in infant mortality or perinatal outcomes  
4           among urban and rural areas in making such  
5           awards.

6                   “(B) Trends in the progress made toward  
7           meeting the evaluation criteria pursuant to sub-  
8           section (e)(2)(B), including programs which de-  
9           crease infant mortality rates and improve  
10          perinatal outcomes, programs that have not de-  
11          creased infant mortality rates or improved  
12          perinatal outcomes, and programs that have  
13          made an impact on disparities in infant mor-  
14          tality or perinatal outcomes.

15                   “(C) The ability of grantees to improve  
16          health outcomes for project participants, pro-  
17          mote the awareness of the Healthy Start pro-  
18          gram services, incorporate and promote family  
19          participation, facilitate coordination with the  
20          community in which the grantee is located, and  
21          increase grantee accountability through quality  
22          improvement, performance monitoring, evalua-  
23          tion, and the effect such metrics may have to-  
24          ward decreasing the rate of infant mortality  
25          and improving perinatal outcomes.

1           “(D) The extent to which such Federal  
2           programs are coordinated across agencies and  
3           the identification of opportunities for improved  
4           coordination in such Federal programs and ac-  
5           tivities.”.

6 **SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

7           (a) IN GENERAL.—The Secretary of Health and  
8 Human Services (referred to in this section as the “Sec-  
9 retary”) shall carry out a national campaign to improve  
10 awareness of, and support outreach to, the public and  
11 health care providers about the importance and safety of  
12 blood donation and the need for donations for the blood  
13 supply during the public health emergency declared by the  
14 Secretary under section 319 of the Public Health Service  
15 Act (42 U.S.C. 247d) with respect to COVID-19.

16           (b) AWARENESS CAMPAIGN.—In carrying out sub-  
17 section (a), the Secretary may enter into contracts with  
18 1 one or more public or private nonprofit entities, to estab-  
19 lish a national blood donation awareness campaign that  
20 may include television, radio, internet, and newspaper  
21 public service announcements, and other activities to pro-  
22 vide for public and professional awareness and education.

23           (c) CONSULTATION.—In carrying out subsection (a),  
24 the Secretary shall consult with the Commissioner of Food  
25 and Drugs, the Assistant Secretary for Health, the Direc-

1 tor of the Centers for Disease Control and Prevention, the  
2 Director of the National Institutes of Health, and the  
3 heads of other relevant Federal agencies, and relevant ac-  
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years  
6 after the date of enactment of this Act, the Secretary shall  
7 submit to the Committee on Health, Education, Labor,  
8 and Pensions of the Senate and the Committee on Energy  
9 and Commerce of the House of Representatives, a report  
10 that shall include—

11 (1) a description of the activities carried out  
12 under subsection (a);

13 (2) a description of trends in blood supply do-  
14 nations; and

15 (3) an evaluation of the impact of the public  
16 awareness campaign, including any geographic or  
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**  
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service  
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);  
24 and

25 (2) by inserting after clause (ii) the following:

1                   “(ii) AUTHORITY DURING A PUBLIC  
2 HEALTH EMERGENCY.—

3                   “(I) IN GENERAL.—Notwith-  
4 standing clause (ii), the Secretary,  
5 shall, to the maximum extent prac-  
6 ticable, use competitive procedures  
7 when entering into transactions to  
8 carry out projects under this sub-  
9 section for purposes of a public health  
10 emergency declared by the Secretary  
11 under section 319. Any such trans-  
12 actions entered into during such pub-  
13 lic health emergency shall not be ter-  
14 minated solely due to the expiration of  
15 such public health emergency, if such  
16 public health emergency ends before  
17 the completion of the terms of such  
18 agreement.

19                   “(II) REPORT.—After the expira-  
20 tion of the public health emergency  
21 declared by the Secretary under sec-  
22 tion 319, the Secretary shall provide a  
23 report to the Committee on Health,  
24 Education, Labor, and Pensions of  
25 the Senate and the Committee on En-

1                   ergy and Commerce of the House of  
2                   Representatives regarding the use of  
3                   any funds pursuant to the authority  
4                   under subclause (I), including any  
5                   outcomes, benefits, and risks associ-  
6                   ated with the use of such funds.”.

7   **SEC. 3302. PRIORITY ZONOTIC ANIMAL DRUGS.**

8           Chapter V of the Federal Food, Drug, and Cosmetic  
9 Act (21 U.S.C. 351 et seq.) is amended by inserting after  
10 section 512 the following:

11   **“SEC. 512A. PRIORITY ZONOTIC ANIMAL DRUGS.**

12           “(a) IN GENERAL.—The Secretary shall, at the re-  
13 quest of the sponsor intending to submit an application  
14 for approval of a new animal drug under section 512(b)(1)  
15 or an application for conditional approval of a new animal  
16 drug under section 571, expedite the development and re-  
17 view of such new animal drug if preliminary clinical evi-  
18 dence indicates that the new animal drug, alone or in com-  
19 bination with 1 or more other animal drugs, has the poten-  
20 tial to prevent or treat a zoonotic disease in animals, in-  
21 cluding a vector borne-disease, that has the potential to  
22 cause serious adverse health consequences for, or serious  
23 or life-threatening diseases in, humans.

24           “(b) REQUEST FOR DESIGNATION.—The sponsor of  
25 a new animal drug may request the Secretary to designate



1 a new animal drug described in subsection (a) as a priority  
2 zoonotic animal drug. A request for the designation may  
3 be made concurrently with, or at any time after, the open-  
4 ing of an investigational new animal drug file under sec-  
5 tion 512(j) or the filing of an application under section  
6 512(b)(1) or 571.

7 “(c) DESIGNATION.—

8 “(1) IN GENERAL.—Not later than 60 calendar  
9 days after the receipt of a request under subsection  
10 (b), the Secretary shall determine whether the new  
11 animal drug that is the subject of the request meets  
12 the criteria described in subsection (a). If the Sec-  
13 retary determines that the new animal drug meets  
14 the criteria, the Secretary shall designate the new  
15 animal drug as a priority zoonotic animal drug and  
16 shall take such actions as are appropriate to expe-  
17 dite the development and review of the application  
18 for approval or conditional approval of such new ani-  
19 mal drug.

20 “(2) ACTIONS.—The actions to expedite the de-  
21 velopment and review of an application under para-  
22 graph (1) may include, as appropriate—

23 “(A) taking steps to ensure that the design  
24 of clinical trials is as efficient as practicable,  
25 when scientifically appropriate, such as by uti-

1           lizing novel trial designs or drug development  
2           tools (including biomarkers) that may reduce  
3           the number of animals needed for studies;

4           “(B) providing timely advice to, and inter-  
5           active communication with, the sponsor (which  
6           may include meetings with the sponsor and re-  
7           view team) regarding the development of the  
8           new animal drug to ensure that the develop-  
9           ment program to gather the nonclinical and  
10          clinical data necessary for approval is as effi-  
11          cient as practicable;

12          “(C) involving senior managers and review  
13          staff with experience in zoonotic or vector-borne  
14          disease to facilitate collaborative, cross-discipli-  
15          nary review, including, as appropriate, across  
16          agency centers; and

17          “(D) implementing additional administra-  
18          tive or process enhancements, as necessary, to  
19          facilitate an efficient review and development  
20          program.”.

21           **PART IV—HEALTH CARE WORKFORCE**

22   **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**  
23           **WORKFORCE PROGRAMS.**

24           Title VII of the Public Health Service Act (42 U.S.C.  
25   292 et seq.) is amended—

1           (1) in section 736 (42 U.S.C. 293), by striking  
2           subsection (i) and inserting the following:

3           “(i) AUTHORIZATION OF APPROPRIATIONS.—To  
4           carry out this section, there is authorized to be appro-  
5           priated \$23,711,000 for each of fiscal years 2021 through  
6           2025.”;

7           (2) in section 740 (42 U.S.C. 293d)—

8           (A) in subsection (a), by striking  
9           “\$51,000,000 for fiscal year 2010, and such  
10           sums as may be necessary for each of the fiscal  
11           years 2011 through 2014” and inserting  
12           “\$51,470,000 for each of fiscal years 2021  
13           through 2025”;

14           (B) in subsection (b), by striking  
15           “\$5,000,000 for each of the fiscal years 2010  
16           through 2014” and inserting “\$1,190,000 for  
17           each of fiscal years 2021 through 2025”;

18           (C) in subsection (c), by striking  
19           “\$60,000,000 for fiscal year 2010 and such  
20           sums as may be necessary for each of the fiscal  
21           years 2011 through 2014” and inserting  
22           “\$15,000,000 for each of fiscal years 2021  
23           through 2025”; and

24           (D) in subsection (d), by striking “Not  
25           Later than 6 months after the date of enact-

1           ment of this part, the Secretary shall prepare  
2           and submit to the appropriate committees of  
3           Congress” and inserting: “Not later than Sep-  
4           tember 30, 2025, and every five years there-  
5           after, the Secretary shall prepare and submit to  
6           the Committee on Health, Education, Labor,  
7           and Pensions of the Senate, and the Committee  
8           on Energy and Commerce of the House of Rep-  
9           resentatives,”;

10          (3) in section 747 (42 U.S.C. 293k)—

11           (A) in subsection (a)—

12           (i) in paragraph (1)(G), by striking  
13           “to plan, develop, and operate a dem-  
14           onstration program that provides training”  
15           and inserting: “to plan, develop, and oper-  
16           ate a program that identifies or develops  
17           innovative models of providing care, and  
18           trains primary care physicians on such  
19           models and”;

20           (ii) by adding at the end the fol-  
21           lowing:

22          “(3) PRIORITIES IN MAKING AWARDS.—In  
23          awarding grants or contracts under paragraph (1),  
24          the Secretary may give priority to qualified appli-

1 cants that train residents in rural areas, including  
2 for Tribes or Tribal Organizations in such areas.”;

3 (B) in subsection (b)(3)(E), by striking  
4 “substance-related disorders” and inserting  
5 “substance use disorders”; and

6 (C) in subsection (c)(1), by striking  
7 “\$125,000,000 for fiscal year 2010, and such  
8 sums as may be necessary for each of fiscal  
9 years 2011 through 2014” and inserting  
10 “\$48,924,000 for each of fiscal years 2021  
11 through 2025”;

12 (4) in section 748 (42 U.S.C. 293k-2)—

13 (A) in subsection (c)(5), by striking “sub-  
14 stance-related disorders” and inserting “sub-  
15 stance use disorders”; and

16 (B) in subsection (f), by striking  
17 “\$30,000,000 for fiscal year 2010 and such  
18 sums as may be necessary for each of fiscal  
19 years 2011 through 2015” and inserting  
20 “\$28,531,000 for each of fiscal years 2021  
21 through 2025”;

22 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),  
23 by striking “Committee on Labor and Human Re-  
24 sources of the Senate, and the Committee on Com-  
25 merce of the House of Representatives” and insert-

1 ing “Committee on Health, Education, Labor, and  
2 Pensions of the Senate, and the Committee on En-  
3 ergy and Commerce of the House of Representa-  
4 tives”;

5 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),  
6 by striking “\$125,000,000 for each of the fiscal  
7 years 2010 through 2014” and inserting  
8 “\$41,250,000 for each of fiscal years 2021 through  
9 2025”;

10 (7) in section 754(b)(1)(A) (42 U.S.C.  
11 294d(b)(1)(A)), by striking “new and innovative”  
12 and inserting “innovative or evidence-based”;

13 (8) in section 755(b)(1)(A) (42 U.S.C.  
14 294e(b)(1)(A)), by striking “the elderly” and insert-  
15 ing “geriatric populations or for maternal and child  
16 health”;

17 (9) in section 761(e) (42 U.S.C. 294n(e))—

18 (A) in paragraph (1)(A), by striking  
19 “\$7,500,000 for each of fiscal years 2010  
20 through 2014” and inserting “\$5,663,000 for  
21 each of fiscal years 2021 through 2025”; and

22 (B) in paragraph (2), by striking “sub-  
23 section (a)” and inserting “paragraph (1)”;

24 (10) in section 762 (42 U.S.C. 294o)—

1 (A) in subsection (a)(1), by striking “Com-  
2 mittee on Labor and Human Resources” and  
3 inserting “Committee on Health, Education,  
4 Labor, and Pensions”;

5 (B) in subsection (b)—

6 (i) in paragraph (2), by striking  
7 “Health Care Financing Administration”  
8 and inserting “Centers for Medicare &  
9 Medicaid Services”;

10 (ii) by redesignating paragraphs (4)  
11 through (6) as paragraphs (5) through (7),  
12 respectively; and

13 (iii) by inserting after paragraph (3),  
14 the following:

15 “(4) the Administrator of the Health Resources  
16 and Services Administration;”;

17 (C) by striking subsections (i), (j), and (k)  
18 and inserting the following:

19 “(i) REPORTS.—Not later than September 30, 2023,  
20 and not less than every 5 years thereafter, the Council  
21 shall submit to the Secretary, and to the Committee on  
22 Health, Education, Labor, and Pensions of the Senate and  
23 the Committee on Energy and Commerce of the House  
24 of Representatives, a report on the recommendations de-  
25 scribed in subsection (a).”; and

1 (D) by redesignating subsection (l) as sub-  
2 section (j);

3 (11) in section 766(b)(1) (42 U.S.C.  
4 295a(b)(1)), by striking “that plans” and all that  
5 follows through the period and inserting “that plans,  
6 develops, operates, and evaluates projects to improve  
7 preventive medicine, health promotion and disease  
8 prevention, or access to and quality of health care  
9 services in rural or medically underserved commu-  
10 nities.”;

11 (12) in section 770(a) (42 U.S.C. 295e(a)), by  
12 striking “\$43,000,000 for fiscal year 2011, and such  
13 sums as may be necessary for each of the fiscal  
14 years 2012 through 2015” and inserting  
15 “\$17,000,000 for each of fiscal years 2021 through  
16 2025”; and

17 (13) in section 775(e) (42 U.S.C. 295f(e)), by  
18 striking “\$30,000,000” and all that follows through  
19 the period and inserting “such sums as may be nec-  
20 essary for each of fiscal years 2021 through 2025.”.

21 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

22 (a) STRATEGIC PLAN.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of enactment of this Act, the Secretary of  
25 Health and Human Services (referred to in this Act



1 as the “Secretary”), in consultation with the Advi-  
2 sory Committee on Training in Primary Care Medi-  
3 cine and Dentistry and the Advisory Council on  
4 Graduate Medical Education, shall develop a com-  
5 prehensive and coordinated plan with respect to the  
6 health care workforce development programs of the  
7 Department of Health and Human Services, includ-  
8 ing education and training programs.

9 (2) REQUIREMENTS.—The plan under para-  
10 graph (1) shall—

11 (A) include performance measures to de-  
12 termine the extent to which the programs de-  
13 scribed in paragraph (1) are strengthening the  
14 Nation’s health care system;

15 (B) identify any gaps that exist between  
16 the outcomes of programs described in para-  
17 graph (1) and projected health care workforce  
18 needs identified in workforce projection reports  
19 conducted by the Health Resources and Serv-  
20 ices Administration;

21 (C) identify actions to address the gaps de-  
22 scribed in subparagraph (B); and

23 (D) identify barriers, if any, to imple-  
24 menting the actions identified under subpara-  
25 graph (C).

1 (b) COORDINATION WITH OTHER AGENCIES.—The  
2 Secretary shall coordinate with the heads of other Federal  
3 agencies and departments that fund or administer health  
4 care workforce development programs, including education  
5 and training programs, to—

6 (1) evaluate the performance of such programs,  
7 including the extent to which such programs are effi-  
8 cient and effective and are meeting the nation’s  
9 health workforce needs; and

10 (2) identify opportunities to improve the quality  
11 and consistency of the information collected to evalu-  
12 ate within and across such programs, and to imple-  
13 ment such improvements.

14 (c) REPORT.—Not later than 2 years after the date  
15 of enactment of this Act, the Secretary shall submit to  
16 the Committee on Health, Education, Labor, and Pen-  
17 sions of the Senate, and the Committee on Energy and  
18 Commerce of the House of Representatives, a report de-  
19 scribing the plan developed under subsection (a) and ac-  
20 tions taken to implement such plan.

21 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**  
22 **ATRICS.**

23 Section 753 of the Public Health Service Act (42  
24 U.S.C. 294e) is amended to read as follows:

1 **“SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**  
2 **ATRICS.**

3 “(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-  
4 GRAM.—

5 “(1) IN GENERAL.—The Secretary shall award  
6 grants, contracts, or cooperative agreements under  
7 this subsection to entities described in paragraph  
8 (1), (3), or (4) of section 799B, section 801(2), or  
9 section 865(d), or other health professions schools or  
10 programs approved by the Secretary, for the estab-  
11 lishment or operation of Geriatrics Workforce En-  
12 hancement Programs that meet the requirements of  
13 paragraph (2).

14 “(2) REQUIREMENTS.—

15 “(A) IN GENERAL.—A Geriatrics Work-  
16 force Enhancement Program receiving an  
17 award under this section shall support the  
18 training of health professionals in geriatrics, in-  
19 cluding traineeships or fellowships. Such pro-  
20 grams shall emphasize, as appropriate, patient  
21 and family engagement, integration of geriatrics  
22 with primary care and other appropriate spe-  
23 cialties, and collaboration with community part-  
24 ners to address gaps in health care for older  
25 adults.

1                   “(B) ACTIVITIES.—Activities conducted by  
2 a program under this section may include the  
3 following:

4                   “(i) Clinical training on providing in-  
5 tegrated geriatrics and primary care deliv-  
6 ery services.

7                   “(ii) Interprofessional training to  
8 practitioners from multiple disciplines and  
9 specialties, including training on the provi-  
10 sion of care to older adults.

11                   “(iii) Establishing or maintaining  
12 training-related community-based pro-  
13 grams for older adults and caregivers to  
14 improve health outcomes for older adults.

15                   “(iv) Providing education on Alz-  
16 heimer’s disease and related dementias to  
17 families and caregivers of older adults, di-  
18 rect care workers, and health professions  
19 students, faculty, and providers.

20                   “(3) DURATION.—Each grant, contract, or co-  
21 operative agreement or contract awarded under  
22 paragraph (1) shall be for a period not to exceed 5  
23 years.

24                   “(4) APPLICATIONS.—To be eligible to receive a  
25 grant, contract, or cooperative agreement under

1 paragraph (1), an entity described in such para-  
2 graph shall submit to the Secretary an application at  
3 such time, in such manner, and containing such in-  
4 formation as the Secretary may require.

5 “(5) PROGRAM REQUIREMENTS.—

6 “(A) IN GENERAL.—In awarding grants,  
7 contracts, and cooperative agreements under  
8 paragraph (1), the Secretary—

9 “(i) shall give priority to programs  
10 that demonstrate coordination with an-  
11 other Federal or State program or another  
12 public or private entity;

13 “(ii) shall give priority to applicants  
14 with programs or activities that are ex-  
15 pected to substantially benefit rural or  
16 medically underserved populations of older  
17 adults, or serve older adults in Indian  
18 Tribes or Tribal organizations; and

19 “(iii) may give priority to any pro-  
20 gram that—

21 “(I) integrates geriatrics into pri-  
22 mary care practice;

23 “(II) provides training to inte-  
24 grate geriatric care into other special-  
25 ties across care settings, including

1 practicing clinical specialists, health  
2 care administrators, faculty without  
3 backgrounds in geriatrics, and stu-  
4 dents from all health professions;

5 “(III) emphasizes integration of  
6 geriatric care into existing service de-  
7 livery locations and care across set-  
8 tings, including primary care clinics,  
9 medical homes, Federally qualified  
10 health centers, ambulatory care clin-  
11 ics, critical access hospitals, emer-  
12 gency care, assisted living and nursing  
13 facilities, and home- and community-  
14 based services, which may include  
15 adult daycare;

16 “(IV) supports the training and  
17 retraining of faculty, primary care  
18 providers, other direct care providers,  
19 and other appropriate professionals on  
20 geriatrics;

21 “(V) emphasizes education and  
22 engagement of family caregivers on  
23 disease management and strategies to  
24 meet the needs of caregivers of older  
25 adults; or

1                   “(VI) proposes to conduct out-  
2                   reach to communities that have a  
3                   shortage of geriatric workforce profes-  
4                   sionals.

5                   “(B) SPECIAL CONSIDERATION.—In  
6                   awarding grants, contracts, and cooperative  
7                   agreements under this section, the Secretary  
8                   shall give special consideration to entities that  
9                   provide services in areas with a shortage of  
10                  geriatric workforce professionals.

11                  “(6) PRIORITY.—The Secretary may provide  
12                  awardees with additional support for activities in  
13                  areas of demonstrated need, which may include edu-  
14                  cation and training for home health workers, family  
15                  caregivers, and direct care workers on care for older  
16                  adults.

17                  “(7) REPORTING.—

18                  “(A) REPORTS FROM ENTITIES.—Each en-  
19                  tity awarded a grant, contract, or cooperative  
20                  agreement under this section shall submit an  
21                  annual report to the Secretary on the activities  
22                  conducted under such grant, contract, or coop-  
23                  erative agreement, which may include informa-  
24                  tion on the number of trainees, the number of  
25                  professions and disciplines, the number of part-

1           nerships with health care delivery sites, the  
2           number of faculty and practicing professionals  
3           who participated in such programs, and other  
4           information, as the Secretary may require.

5           “(B) REPORT TO CONGRESS.—Not later  
6           than 4 years after the date of enactment of the  
7           Title VII Health Care Workforce Reauthoriza-  
8           tion Act of 2019 and every 5 years thereafter,  
9           the Secretary shall submit to the Committee on  
10          Health, Education, Labor, and Pensions of the  
11          Senate and the Committee on Energy and Com-  
12          merce of the House of Representatives a report  
13          that provides a summary of the activities and  
14          outcomes associated with grants, contracts, and  
15          cooperative agreements made under this sec-  
16          tion. Such reports shall include—

17               “(i) information on the number of  
18               trainees, faculty, and professionals who  
19               participated in programs under this sec-  
20               tion;

21               “(ii) information on the impact of the  
22               program conducted under this section on  
23               the health status of older adults, including  
24               in areas with a shortage of health profes-  
25               sionals; and



1                   “(iii) information on outreach and  
2                   education provided under this section to  
3                   families and caregivers of older adults.

4                   “(C) PUBLIC AVAILABILITY.—The Sec-  
5                   retary shall make reports submitted under  
6                   paragraph (B) publically available on the inter-  
7                   net website of the Department of Health and  
8                   Human Services.

9                   “(b) GERIATRIC ACADEMIC CAREER AWARDS.—

10                   “(1) ESTABLISHMENT OF PROGRAM.—The Sec-  
11                   retary shall, as appropriate, establish or maintain a  
12                   program to provide geriatric academic career awards  
13                   to eligible entities applying on behalf of eligible indi-  
14                   viduals to promote the career development of such  
15                   individuals as academic geriatricians or other aca-  
16                   demic geriatrics health professionals.

17                   “(2) ELIGIBILITY.—

18                   “(A) ELIGIBLE ENTITY.—For purposes of  
19                   this subsection, the term ‘eligible entity’  
20                   means—

21                   “(i) an entity described in paragraph  
22                   (1), (3), or (4) of section 799B or section  
23                   801(2); or

1                   “(ii) another accredited health profes-  
2                   sions school or graduate program approved  
3                   by the Secretary.

4                   “(B) ELIGIBLE INDIVIDUAL.—For pur-  
5                   poses of this subsection, the term ‘eligible indi-  
6                   vidual’ means an individual who—

7                   “(i)(I) is board certified or board eli-  
8                   gible in internal medicine, family practice,  
9                   psychiatry, or licensed dentistry, or has  
10                  completed required training in a discipline  
11                  and is employed in an accredited health  
12                  professions school or graduate program  
13                  that is approved by the Secretary; or

14                  “(II) has completed an approved fel-  
15                  lowship program in geriatrics, or has com-  
16                  pleted specialty training in geriatrics as re-  
17                  quired by the discipline and any additional  
18                  geriatrics training as required by the Sec-  
19                  retary; and

20                  “(ii) has a junior, nontenured, faculty  
21                  appointment at an accredited health pro-  
22                  fessions school or graduate program in  
23                  geriatrics or a geriatrics health profession.

24                  “(C) CLARIFICATION.—If an eligible indi-  
25                  vidual is promoted during the period of an

1           award under this subsection and thereby no  
2           longer meets the criteria of subparagraph  
3           (B)(ii), the individual shall continue to be treat-  
4           ed as an eligible individual through the term of  
5           the award.

6           “(3) APPLICATION REQUIREMENTS.—In order  
7           to receive an award under paragraph (1), an eligible  
8           entity, on behalf of an eligible individual, shall—

9                   “(A) submit to the Secretary an applica-  
10                  tion, at such time, in such manner, and con-  
11                  taining such information as the Secretary may  
12                  require;

13                   “(B) provide, in such form and manner as  
14                  the Secretary may require, assurances that the  
15                  eligible individual will meet the service require-  
16                  ment described in paragraph (6); and

17                   “(C) provide, in such form and manner as  
18                  the Secretary may require, assurances that the  
19                  individual has a full-time faculty appointment  
20                  in a health professions institution and docu-  
21                  mented commitment from such eligible entity  
22                  that the individual will spend 75 percent of the  
23                  individual’s time that is supported by the award  
24                  on teaching and developing skills in inter-  
25                  disciplinary education in geriatrics.

1           “(4) **EQUITABLE DISTRIBUTION.**—In making  
2 awards under this subsection, the Secretary shall  
3 seek to ensure geographical distribution among  
4 award recipients, including among rural or medically  
5 underserved areas of the United States.

6           “(5) **AMOUNT AND DURATION.**—

7           “(A) **AMOUNT.**—The amount of an award  
8 under this subsection shall be at least \$75,000  
9 for fiscal year 2021, adjusted for subsequent  
10 years in accordance with the consumer price  
11 index. The Secretary shall determine the  
12 amount of an award under this subsection for  
13 individuals who are not physicians.

14           “(B) **DURATION.**—The Secretary shall  
15 make awards under paragraph (1) for a period  
16 not to exceed 5 years.

17           “(6) **SERVICE REQUIREMENT.**—An individual  
18 who receives an award under this subsection shall  
19 provide training in clinical geriatrics, including the  
20 training of interprofessional teams of health care  
21 professionals. The provision of such training shall  
22 constitute at least 75 percent of the obligations of  
23 such individual under the award.

1       “(c) NONAPPLICABILITY OF PROVISION.—Notwith-  
2 standing any other provision of this title, section 791(a)  
3 shall not apply to awards made under this section.

4       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated \$40,737,000 for each of  
6 fiscal years 2021 through 2025 for purposes of carrying  
7 out this section.”.

8       **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**

9       (a) IN GENERAL.—Title VIII of the Public Health  
10 Service Act (42 U.S.C. 296 et seq.) is amended—

11               (1) in section 801 (42 U.S.C. 296), by adding  
12               at the end the following:

13                       “(18) NURSE MANAGED HEALTH CLINIC.—The  
14               term ‘nurse managed health clinic’ means a nurse-  
15               practice arrangement, managed by advanced practice  
16               nurses, that provides primary care or wellness serv-  
17               ices to underserved or vulnerable populations and  
18               that is associated with a school, college, university or  
19               department of nursing, federally qualified health  
20               center, or independent nonprofit health or social  
21               services agency.”;

22               (2) in section 802(c) (42 U.S.C. 296a(c)), by  
23               inserting “, and how such project aligns with the  
24               goals in section 806(a)” before the period in the sec-  
25               ond sentence;

1           (3) in section 803(b) (42 U.S.C. 296b(b)), by  
2 adding at the end the following: “Such Federal  
3 funds are intended to supplement, not supplant, ex-  
4 isting non-Federal expenditures for such activities.”;

5           (4) in section 806 (42 U.S.C. 296e)—

6           (A) in subsection (a), by striking “as need-  
7 ed to” and all that follows and inserting the fol-  
8 lowing: “as needed to address national nursing  
9 needs, including—

10           “(1) addressing challenges, including through  
11 supporting training and education of nursing stu-  
12 dents, related to the distribution of the nursing  
13 workforce and existing or projected nursing work-  
14 force shortages in geographic areas that have been  
15 identified as having, or that are projected to have,  
16 a nursing shortage;

17           “(2) increasing access to and the quality of  
18 health care services, including by supporting the  
19 training of professional registered nurses, advanced  
20 practice registered nurses, and advanced education  
21 nurses within community based settings and in a va-  
22 riety of health delivery system settings; or

23           “(3) addressing the strategic goals and prior-  
24 ities identified by the Secretary and that are in ac-  
25 cordance with this title.

1 Contracts may be entered into under this title with public  
2 or private entities as determined necessary by the Sec-  
3 retary.”;

4 (B) in subsection (b)(2), by striking “a  
5 demonstration” and all that follows and insert-  
6 ing the following: “the reporting of data and in-  
7 formation demonstrating that satisfactory  
8 progress has been made by the program or  
9 project in meeting the performance outcome  
10 standards (as described in section 802) of such  
11 program or project.”;

12 (C) in subsection (e)(2), by inserting “,  
13 and have relevant expertise and experience” be-  
14 fore the period at the end of the first sentence;  
15 and

16 (D) by adding at the end the following:  
17 “(i) BIENNIAL REPORT ON NURSING WORKFORCE  
18 PROGRAM IMPROVEMENTS.—Not later than September  
19 30, 2020, and biennially thereafter, the Secretary shall  
20 submit to the Committee on Health, Education, Labor,  
21 and Pensions of the Senate and the Committee on Energy  
22 and Commerce of the House of Representatives, a report  
23 that contains an assessment of the programs and activities  
24 of the Department of Health and Human Services related  
25 to enhancing the nursing workforce, including the extent

1 to which programs and activities under this title meet the  
2 identified goals and performance measures developed for  
3 the respective programs and activities, and the extent to  
4 which the Department coordinates with other Federal de-  
5 partments regarding programs designed to improve the  
6 nursing workforce.”;

7 (5) in section 811 (42 U.S.C. 296j)—

8 (A) in subsection (b)—

9 (i) by striking “Master’s” and insert-  
10 ing “graduate”; and

11 (ii) by inserting “clinical nurse lead-  
12 ers,” after “nurse administrators,”;

13 (B) by redesignating subsections (f) and  
14 (g) as subsections (g) and (h), respectively; and

15 (C) by inserting after subsection (e), the  
16 following:

17 “(f) AUTHORIZED CLINICAL NURSE SPECIALIST  
18 PROGRAMS.—Clinical nurse specialist programs eligible  
19 for support under this section are education programs  
20 that—

21 “(1) provide registered nurses with full-time  
22 clinical nurse specialist education; and

23 “(2) have as their objective the education of  
24 clinical nurse specialists who will, upon completion  
25 of such a program, be qualified to effectively provide



1 care through the wellness and illness continuum to  
2 inpatients and outpatients experiencing acute and  
3 chronic illness.”; and

4 (6) in section 831 (42 U.S.C. 296p)—

5 (A) in the section heading, by striking  
6 **“AND QUALITY GRANTS”** and inserting  
7 **“QUALITY, AND RETENTION GRANTS”**;

8 (B) in subsection (b)(2), by striking “other  
9 high-risk groups such as the elderly, individuals  
10 with HIV/AIDS, substance abusers, the home-  
11 less, and victims” and inserting “high risk  
12 groups, such as the elderly, individuals with  
13 HIV/AIDS, individuals with mental health or  
14 substance use disorders, individuals who are  
15 homeless, and survivors”;

16 (C) in subsection (c)(1)—

17 (i) in subparagraph (A)—

18 (I) by striking “advancement for  
19 nursing personnel” and inserting the  
20 following: “advancement for—  
21 “(i) nursing”;

22 (II) by striking “professional  
23 nurses, advanced education nurses, li-  
24 censed practical nurses, certified  
25 nurse assistants, and home health

1 aides” and inserting “professional  
2 registered nurses, advanced practice  
3 registered nurses, and nurses with  
4 graduate nursing education”; and

5 (III) by adding at the end the  
6 following:

7 “(ii) individuals including licensed  
8 practical nurses, licensed vocational nurses,  
9 certified nurse assistants, home health  
10 aides, diploma degree or associate degree  
11 nurses, and other health professionals,  
12 such as health aides or community health  
13 practitioners certified under the Commu-  
14 nity Health Aide Program of the Indian  
15 Health Service, to become registered  
16 nurses with baccalaureate degrees or  
17 nurses with graduate nursing education;”;

18 (ii) in subparagraph (B), by striking  
19 the period and inserting “; and”; and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(C) developing and implementing intern-  
23 ships, accredited fellowships, and accredited  
24 residency programs in collaboration with one or  
25 more accredited schools of nursing, to encour-

1           age the mentoring and development of special-  
2           ties.”;

3           (D) by striking subsections (e) and (h);

4           (E) by redesignating subsections (f) and  
5           (g), as subsections (e) and (f), respectively;

6           (F) in subsection (e) (as so redesignated),  
7           by striking “The Secretary shall submit to the  
8           Congress before the end of each fiscal year”  
9           and inserting “As part of the report on nursing  
10          workforce programs described in section 806(i),  
11          the Secretary shall include”; and

12          (G) in subsection (f) (as so redesignated),  
13          by striking “a school of nursing, as defined in  
14          section 801(2),” and inserting “an accredited  
15          school of nursing, as defined in section 801(2),  
16          a health care facility, including federally quali-  
17          fied health centers or nurse-managed health  
18          clinics, or a partnership of such a school and  
19          facility”;

20          (7) by striking section 831A (42 U.S.C. 296p-  
21          1);

22          (8) in section 846 (42 U.S.C. 297n)—

23                (A) by striking the last sentence of sub-  
24                section (a);

1 (B) in subsection (b)(1), by striking “he  
2 began such practice” and inserting “the indi-  
3 vidual began such practice”; and

4 (C) in subsection (i), by striking “FUND-  
5 ING” in the subsection heading and all that fol-  
6 lows through “paragraph (1)” in paragraph (2),  
7 and inserting the following: “ALLOCATIONS.—  
8 Of the amounts appropriated under section  
9 871(b),”;

10 (9) in section 846A (42 U.S.C. 247n–1), by  
11 striking subsection (f);

12 (10) in section 847 (42 U.S.C. 297o), by strik-  
13 ing subsection (g);

14 (11) in section 851 (42 U.S.C. 297t)—

15 (A) in subsection (b)(1)(A)(iv), by striking  
16 “and nurse anesthetists” and inserting “nurse  
17 anesthetists, and clinical nurse specialists”;

18 (B) in subsection (d)(3)—

19 (i) by striking “3 years after the date  
20 of enactment of this section” and inserting  
21 “2 years after the date of enactment of the  
22 Title VIII Nursing Reauthorization Act”;

23 (ii) by striking “Labor and Human  
24 Resources” and inserting “Health, Edu-  
25 cation, Labor, and Pensions”; and

1 (iii) by inserting “Energy and” before  
2 “Commerce”; and

3 (C) in subsection (g), by striking “under  
4 this title” and inserting “for carrying out parts  
5 B, C, and D”;

6 (12) by striking sections 861 and 862 (42  
7 U.S.C. 297w and 297x); and

8 (13) in section 871 (42 U.S.C. 298d)—

9 (A) by striking “For the purpose of” and  
10 inserting the following:

11 “(a) IN GENERAL.—For the purpose of”;

12 (B) by striking “\$338,000,000 for fiscal  
13 year 2010, and such sums as may be necessary  
14 for each of the fiscal years 2011 through 2016”  
15 and inserting “\$137,837,000 for each of fiscal  
16 years 2021 through 2025”; and

17 (C) by adding at the end the following:

18 “(b) PART E.—For the purpose of carrying out part  
19 E, there are authorized to be appropriated \$117,135,000  
20 for each of the fiscal years 2021 through 2025.”.

21 (b) EVALUATION AND REPORT ON NURSE LOAN RE-  
22 PAYMENT PROGRAMS.—

23 (1) EVALUATION.—The Comptroller General  
24 shall conduct an evaluation of the nurse loan repay-  
25 ment programs administered by the Health Re-

1 sources and Services Administration. Such evalua-  
2 tion shall include—

3 (A) the manner in which payments are  
4 made under such programs;

5 (B) the existing oversight functions nec-  
6 essary to ensure the proper use of such pro-  
7 grams, including payments made as part of  
8 such programs;

9 (C) the identification of gaps, if any, in  
10 oversight functions; and

11 (D) information on the number of nurses  
12 assigned to facilities pursuant to such pro-  
13 grams, including the type of facility to which  
14 nurses are assigned and the impact of modi-  
15 fying the eligibility requirements for programs  
16 under section 846 of the Public Health Service  
17 Act (42 U.S.C. 297n), such as the impact on  
18 entities to which nurses had previously been as-  
19 signed prior to fiscal year 2019 (such as feder-  
20 ally qualified health centers and facilities affili-  
21 ated with the Indian Health Service).

22 (2) REPORT.—Not later than 18 months after  
23 the enactment of this Act, the Comptroller General  
24 shall submit to the Committee on Health, Edu-  
25 cation, Labor, and Pensions of the Senate and the

1 Committee on Energy and Commerce of the House  
2 of Representatives, a report on the evaluation under  
3 paragraph (1), which may include recommendations  
4 to improve relevant nursing workforce loan repay-  
5 ment programs.

## 6 **Subtitle B—Education Provisions**

### 7 **SEC. 3501. SHORT TITLE.**

8 This subtitle may be cited as the “COVID-19 Pan-  
9 demic Education Relief Act of 2020”.

### 10 **SEC. 3502. DEFINITIONS.**

11 (a) DEFINITIONS.—In this subtitle:

12 (1) CORONAVIRUS.—The term “coronavirus”  
13 has the meaning given the term in section 506 of the  
14 Coronavirus Preparedness and Response Supple-  
15 mental Appropriations Act, 2020 (Public Law 116–  
16 123).

17 (2) FOREIGN INSTITUTION.—The term “foreign  
18 institution” means an institution of higher education  
19 located outside the United States that is described  
20 in paragraphs (1)(C) and (2) of section 102(a) of  
21 the Higher Education Act of 1965 (20 U.S.C.  
22 1002(a)).

23 (3) INSTITUTION OF HIGHER EDUCATION.—The  
24 term “institution of higher education” has the

1 meaning of the term under section 102 of the High-  
2 er Education Act of 1965 (20 U.S.C. 1002).

3 (4) QUALIFYING EMERGENCY.—The term  
4 “qualifying emergency” means—

5 (A) a public health emergency related to  
6 the coronavirus declared by the Secretary of  
7 Health and Human Services pursuant to sec-  
8 tion 319 of the Public Health Service Act (42  
9 U.S.C. 247d);

10 (B) an event related to the coronavirus for  
11 which the President declared a major disaster  
12 or an emergency under section 401 or 501, re-  
13 spectively, of the Robert T. Stafford Disaster  
14 Relief and Emergency Assistance Act (42  
15 U.S.C. 5170 and 5191); or

16 (C) a national emergency related to the  
17 coronavirus declared by the President under  
18 section 201 of the National Emergencies Act  
19 (50 U.S.C. 1601 et seq.).

20 (5) SECRETARY.—The term “Secretary” means  
21 the Secretary of Education.

22 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

23 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-  
24 MENT.—Notwithstanding sections 413C(a)(2) and  
25 443(b)(5) of the Higher Education Act of 1965 (20



1 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect  
2 to funds made available for award years 2019-2020 and  
3 2020-2021, the Secretary shall waive the requirement that  
4 a participating institution of higher education provide a  
5 non-Federal share to match Federal funds provided to the  
6 institution for the programs authorized pursuant to sub-  
7 part 3 of part A and part C of title IV of the Higher  
8 Education Act of 1965 (20 U.S.C. 1070b et seq. and  
9 1087–51 et seq.) for all awards made under such pro-  
10 grams during such award years, except nothing in this  
11 subsection shall affect the non-Federal share requirement  
12 under section 443(c)(3) that applies to private for-profit  
13 organizations.

14 (b) **AUTHORITY TO REALLOCATE.**—Notwithstanding  
15 sections 413D, 442, and 488 of the Higher Education Act  
16 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during  
17 a period of a qualifying emergency, an institution may  
18 transfer up to 100 percent of the institution’s unexpended  
19 allotment under section 442 of such Act to the institu-  
20 tion’s allotment under section 413D of such Act, but may  
21 not transfer any funds from the institution’s unexpended  
22 allotment under section 413D of such Act to the institu-  
23 tion’s allotment under section 442 of such Act.

1 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**  
2 **TUNITY GRANTS FOR EMERGENCY AID.**

3 (a) IN GENERAL.—Notwithstanding section 413B of  
4 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),  
5 an institution of higher education may reserve any amount  
6 of an institution’s allocation under subpart 3 of part A  
7 of title IV of the Higher Education Act of 1965 (20 U.S.C.  
8 1070b et seq.) for a fiscal year to award, in such fiscal  
9 year, emergency financial aid grants to assist under-  
10 graduate or graduate students for unexpected expenses  
11 and unmet financial need as the result of a qualifying  
12 emergency.

13 (b) DETERMINATIONS.—In determining eligibility for  
14 and awarding emergency financial aid grants under this  
15 section, an institution of higher education may—

16 (1) waive the amount of need calculation under  
17 section 471 of the Higher Education Act of 1965  
18 (20 U.S.C. 1087kk);

19 (2) allow for a student affected by a qualifying  
20 emergency to receive funds in an amount that is not  
21 more than the maximum Federal Pell Grant for the  
22 applicable award year; and

23 (3) utilize a contract with a scholarship-grant-  
24 ing organization designated for the sole purpose of  
25 accepting applications from or disbursing funds to  
26 students enrolled in the institution of higher edu-

1 cation, if such scholarship-granting organization dis-  
2 burses the full allocated amount provided to the in-  
3 stitution of higher education to the recipients.

4 (c) SPECIAL RULE.—Any emergency financial aid  
5 grants to students under this section shall not be treated  
6 as other financial assistance for the purposes of section  
7 471 of the Higher Education Act of 1965 (20 U.S.C.  
8 1087kk).

9 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**  
10 **EMERGENCY.**

11 (a) IN GENERAL.—In the event of a qualifying emer-  
12 gency, an institution of higher education participating in  
13 the program under part C of title IV of the Higher Edu-  
14 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make  
15 payments under such part to affected work-study stu-  
16 dents, for the period of time (not to exceed one academic  
17 year) in which affected students were unable to fulfill the  
18 students' work-study obligation for all or part of such aca-  
19 demic year due to such qualifying emergency, as follows:

20 (1) Payments may be made under such part to  
21 affected work-study students in an amount equal to  
22 or less than the amount of wages such students  
23 would have been paid under such part had the stu-  
24 dents been able to complete the work obligation nec-

1        essary to receive work study funds, as a one time  
2        grant or as multiple payments.

3            (2) Payments shall not be made to any student  
4        who was not eligible for work study or was not com-  
5        pleting the work obligation necessary to receive work  
6        study funds under such part prior to the occurrence  
7        of the qualifying emergency.

8            (3) Any payments made to affected work-study  
9        students under this subsection shall meet the match-  
10       ing requirements of section 443 of the Higher Edu-  
11       cation Act of 1965 (20 U.S.C. 1087–53), unless  
12       such matching requirements are waived by the Sec-  
13       retary.

14        (b) DEFINITION OF AFFECTED WORK-STUDY STU-  
15       DENT.—In this section, the term “affected work-study  
16       student” means a student enrolled at an eligible institu-  
17       tion participating in the program under part C of title IV  
18       of the Higher Education Act of 1965 (20 U.S.C. 1087–  
19       51 et seq.) who—

20            (1) received a work-study award under section  
21        443 of the Higher Education Act of 1965 (20  
22        U.S.C. 1087–53) for the academic year during which  
23        a qualifying emergency occurred;

24            (2) earned Federal work-study wages from such  
25        eligible institution for such academic year; and

1           (3) was prevented from fulfilling the student's  
2           work-study obligation for all or part of such aca-  
3           demic year due to such qualifying emergency.

4   **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**  
5                           **ITS.**

6           Notwithstanding section 455(q)(3) of the Higher  
7           Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-  
8           retary shall exclude from a student's period of enrollment  
9           for purposes of loans made under part D of title IV of  
10          the Higher Education Act of 1965 (20 U.S.C. 1087a et  
11          seq.) any semester (or the equivalent) that the student  
12          does not complete due to a qualifying emergency, if the  
13          Secretary is able to administer such policy in a manner  
14          that limits complexity and the burden on the student.

15   **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**  
16                           **TION LIMIT.**

17          The Secretary shall exclude from a student's Federal  
18          Pell Grant duration limit under section 401(c)(5) of the  
19          Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any  
20          semester (or the equivalent) that the student does not  
21          complete due to a qualifying emergency if the Secretary  
22          is able to administer such policy in a manner that limits  
23          complexity and the burden on the student.

1 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**  
2 **DENT LOAN FLEXIBILITY.**

3 (a) INSTITUTIONAL WAIVER.—

4 (1) IN GENERAL.—The Secretary shall waive  
5 the institutional requirement under section 484B of  
6 the Higher Education Act of 1965 (20 U.S.C.  
7 1091b) with respect to the amount of grant or loan  
8 assistance (other than assistance received under part  
9 C of title IV of such Act) to be returned under such  
10 section if a recipient of assistance under title IV of  
11 the Higher Education Act of 1965 (20 U.S.C. 1070  
12 et seq.) withdraws from the institution of higher  
13 education during the payment period or period of  
14 enrollment as a result of a qualifying emergency.

15 (2) WAIVERS.—The Secretary shall require  
16 each institution using a waiver relating to the with-  
17 drawal of recipients under this subsection to report  
18 the number of such recipients, the amount of grant  
19 or loan assistance (other than assistance received  
20 under part C of title IV of such Act) associated with  
21 each such recipient, and the total amount of grant  
22 or loan assistance (other than assistance received  
23 under part C of title IV of such Act) for which each  
24 institution has not returned assistance under title IV  
25 to the Secretary.

1           (b) STUDENT WAIVER.—The Secretary shall waive  
2 the amounts that students are required to return under  
3 section 484B of the Higher Education Act of 1965 (20  
4 U.S.C. 1091b) with respect to Federal Pell Grants or  
5 other grant assistance if the withdrawals on which the re-  
6 turns are based, are withdrawals by students who with-  
7 drew from the institution of higher education as a result  
8 of a qualifying emergency.

9           (c) CANCELING LOAN OBLIGATION.—Notwith-  
10 standing any other provision of the Higher Education Act  
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-  
12 cel the borrower's obligation to repay the entire portion  
13 of a loan made under part D of title IV of such Act (20  
14 U.S.C. 1087a et seq.) associated with a payment period  
15 for a recipient of such loan who withdraws from the insti-  
16 tution of higher education during the payment period as  
17 a result of a qualifying emergency.

18           (d) APPROVED LEAVE OF ABSENCE.—Notwith-  
19 standing any other provision of the Higher Education Act  
20 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving  
21 assistance under title IV of the Higher Education Act of  
22 1965 (20 U.S.C. 1070 et seq.), an institution of higher  
23 education may, as a result of a qualifying emergency, pro-  
24 vide a student with an approved leave of absence that does  
25 not require the student to return at the same point in the

1 academic program that the student began the leave of ab-  
2 sence if the student returns within the same semester (or  
3 the equivalent).

4 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

5 Notwithstanding section 484 of the Higher Education  
6 Act of 1965 (20 U.S.C. 1091), in determining whether a  
7 student is maintaining satisfactory academic progress for  
8 purposes of title IV of the Higher Education Act of 1965  
9 (20 U.S.C. 1070 et seq.), an institution of higher edu-  
10 cation may, as a result of a qualifying emergency, exclude  
11 from the quantitative component of the calculation any at-  
12 tempted credits that were not completed by such student  
13 without requiring an appeal by such student.

14 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**  
15 **IGN INSTITUTIONS.**

16 (a) IN GENERAL.—Notwithstanding section 481(b)  
17 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),  
18 with respect to a foreign institution, in the case of a public  
19 health emergency, major disaster or emergency, or na-  
20 tional emergency declared by the applicable government  
21 authorities in the country in which the foreign institution  
22 is located, the Secretary may permit any part of an other-  
23 wise eligible program to be offered via distance education  
24 for the duration of such emergency or disaster and the



1 following payment period for purposes of title IV of the  
2 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

3 (b) ELIGIBILITY.—An otherwise eligible program  
4 that is offered in whole or in part through distance edu-  
5 cation by a foreign institution between March 1, 2020, and  
6 the date of enactment of this Act shall be deemed eligible  
7 for the purposes of part D of title IV of the Higher Edu-  
8 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-  
9 tion of the qualifying emergency and the following pay-  
10 ment period for purposes of title IV of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-  
12 tion of higher education that uses the authority provided  
13 in the previous sentence shall report such use to the Sec-  
14 retary—

15 (1) for the 2019–2020 award year, not later  
16 than June 30, 2020; and

17 (2) for an award year subsequent to the 2019–  
18 2020 award year, not later than 30 days after such  
19 use.

20 (c) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, and every 180 days thereafter  
22 for the duration of the qualifying emergency and the fol-  
23 lowing payment period, the Secretary shall submit to the  
24 authorizing committees (as defined in section 103 of the  
25 Higher Education Act of 1965 (20 U.S.C. 1003)) a report

1 that identifies each foreign institution that carried out a  
2 distance education program authorized under this section.

3 (d) WRITTEN ARRANGEMENTS.—

4 (1) IN GENERAL.—Notwithstanding section 102  
5 of the Higher Education Act of 1965 (20 U.S.C.  
6 1002), for the duration of a qualifying emergency  
7 and the following payment period, the Secretary may  
8 allow a foreign institution to enter into a written ar-  
9 rangement with an institution of higher education  
10 located in the United States that participates in the  
11 Federal Direct Loan Program under part D of title  
12 IV of the Higher Education Act of 1965 (20 U.S.C.  
13 1087a et seq.) for the purpose of allowing a student  
14 of the foreign institution who is a borrower of a loan  
15 made under such part to take courses from the insti-  
16 tution of higher education located in the United  
17 States.

18 (2) FORM OF ARRANGEMENTS.—

19 (A) PUBLIC OR OTHER NONPROFIT INSTI-  
20 TUTIONS.—A foreign institution that is a public  
21 or other nonprofit institution may enter into a  
22 written arrangement under subsection (a) only  
23 with an institution of higher education de-  
24 scribed in section 101 of such Act (20 U.S.C.  
25 1001).

1           (B) OTHER INSTITUTIONS.—A foreign in-  
2           stitution that is a graduate medical school,  
3           nursing school, or a veterinary school and that  
4           is not a public or other nonprofit institution  
5           may enter into a written arrangement under  
6           subsection (a) with an institution of higher edu-  
7           cation described in section 101 or section 102  
8           of such Act (20 U.S.C. 1001 and 1002).

9           (3) REPORT ON USE.—An institution of higher  
10          education that uses the authority described in para-  
11          graph (2) shall report such use to the Secretary—

12                 (A) for the 2019–2020 award year, not  
13                 later than June 30, 2020; and

14                 (B) for an award year subsequent to the  
15                 2019–2020 award year, not later than 30 days  
16                 after such use.

17          (4) REPORT FROM THE SECRETARY.—Not later  
18          than 180 days after the date of enactment of this  
19          Act, and every 180 days thereafter for the duration  
20          of the qualifying emergency and the following pay-  
21          ment period, the Secretary shall submit to the au-  
22          thorizing committees (as defined in section 103 of  
23          the Higher Education Act of 1965 (20 U.S.C.  
24          1003)) a report that identifies each foreign institu-

1           tion that entered into a written arrangement author-  
2           ized under subsection (a).

3 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

4           (a) IN GENERAL.—Notwithstanding any other provi-  
5 sion of law, the Secretary may, upon the request of a State  
6 or Indian tribe, waive any statutory or regulatory provi-  
7 sion described under paragraphs (1) and (2) of subsection  
8 (b), and upon the request of a local educational agency,  
9 waive any statutory or regulatory provision described  
10 under paragraph (2) of subsection (b), if the Secretary  
11 determines that such a waiver is necessary and appro-  
12 priate due to the emergency involving Federal primary re-  
13 sponsibility determined to exist by the President under the  
14 section 501(b) of the Robert T. Stafford Disaster Relief  
15 and Emergency Assistance Act (42 U.S.C. 5191(b)) with  
16 respect to the Coronavirus Disease 2019 (COVID-19).

17           (b) APPLICABLE PROVISIONS OF LAW.—

18                 (1) STREAMLINED WAIVERS.—The Secretary  
19 shall create an expedited application process to re-  
20 quest a waiver and the Secretary may waive any  
21 statutory or regulatory requirements for a State  
22 educational agency (related to assessments, account-  
23 ability, and reporting requirements related to assess-  
24 ments and accountability), if the Secretary deter-  
25 mines that such a waiver is necessary and appro-

1        appropriate as described in subsection (a), under the fol-  
2        lowing provisions of law:

3                (A) Paragraphs (2) and (3) of subsection  
4                (b), subsections (c) and (d), and requirements  
5                under subsection (h) that relate to paragraphs  
6                (2) and (3) of subsection (b), and subsections  
7                (c) and (d), of section 1111 of the Elementary  
8                and Secondary Education Act of 1965 (20  
9                U.S.C. 6311).

10              (B) Section 421(b) of the General Edu-  
11              cation Provisions Act (20 U.S.C. 1225(b)).

12              (2) STATE AND LOCALLY-REQUESTED WAIV-  
13              ERS.—For a State educational agency, local edu-  
14              cational agency, or Indian tribe that receives funds  
15              under a program authorized under the Elementary  
16              and Secondary Education Act of 1965 (20 U.S.C.  
17              6301 et seq.) that requests a waiver under sub-  
18              section (c), the Secretary may waive statutory and  
19              regulatory requirements under any of the following  
20              provisions of such Act:

21                      (A) Section 1114(a)(1).

22                      (B) Section 1118(a) and section 8521.

23                      (C) Section 1127.

24                      (D) Section 4106(d).

1           (E) Subparagraphs (C), (D), and (E) of  
2 section 4106(e)(2).

3           (F) Section 4109(b).

4           (G) The professional development (as de-  
5 fined in section 8101(42) of the Elementary  
6 and Secondary Education Act of 1965 (20  
7 U.S.C. 7801(42)) requirements under the Ele-  
8 mentary and Secondary Education Act of 1965  
9 (20 U.S.C. 6301 et seq.).

10         (3) APPLICABILITY TO CHARTER SCHOOLS.—

11         Any waivers issued by the Secretary under this sec-  
12 tion shall be implemented, as applicable—

13           (A) for all public schools, including public  
14 charter schools within the boundaries of the re-  
15 cipient of the waiver;

16           (B) in accordance with State charter  
17 school law; and

18           (C) pursuant to section 1111(e)(5) of the  
19 Elementary and Secondary Education Act of  
20 1965 (20 U.S.C. 6311(e)(5)).

21         (4) LIMITATION.—Nothing in this section shall  
22 be construed to allow the Secretary to waive any  
23 statutory or regulatory requirements under applica-  
24 ble civil rights laws.

1           (5) ACCOUNTABILITY AND IMPROVEMENT.—

2           Any school located in a State that receives a waiver  
3           under paragraph (1) and that is identified for com-  
4           prehensive support and improvement or targeted  
5           support and improvement in the 2019-2020 school  
6           year under section 1111(c)(4)(D) or section  
7           1111(d)(2) of the Elementary and Secondary Edu-  
8           cation Act of 1965 (20 U.S.C. 6311(c)(4)(D) or  
9           (d)(2)) shall maintain that identification status in  
10          the 2020-2021 school year and continue to receive  
11          supports and interventions consistent with the  
12          school's support and improvement plan in the 2020-  
13          2021 school year.

14          (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—

15                 (1) IN GENERAL.—A State educational agency,  
16                 local educational agency, or Indian tribe that desires  
17                 a waiver from any statutory or regulatory provision  
18                 described under subsection (b)(2), may submit a  
19                 waiver request to the Secretary in accordance with  
20                 this subsection.

21                 (2) REQUESTS SUBMITTED.—A request for a  
22                 waiver under this subsection shall—

23                         (A) identify the Federal programs affected  
24                         by the requested waiver;

1 (B) describe which Federal statutory or  
2 regulatory requirements are to be waived;

3 (C) describe how the emergency involving  
4 Federal primary responsibility determined to  
5 exist by the President under the section 501(b)  
6 of the Robert T. Stafford Disaster Relief and  
7 Emergency Assistance Act (42 U.S.C. 5191(b))  
8 with respect to the Coronavirus Disease 2019  
9 (COVID-19) prevents or otherwise restricts the  
10 ability of the State, State educational agency,  
11 local educational agency, Indian tribe, or school  
12 to comply with such statutory or regulatory re-  
13 quirements; and

14 (D) provide an assurance that the State,  
15 local educational agency, or Indian tribe will  
16 work to mitigate any negative effects, if any,  
17 that may occur as a result of the requested  
18 waiver.

19 (3) SECRETARY APPROVAL.—

20 (A) IN GENERAL.—Except as provided  
21 under subparagraph (B), the Secretary shall  
22 approve or disapprove a waiver request sub-  
23 mitted under paragraph (1) not more than 30  
24 days after the date on which such request is  
25 submitted.



1 (B) EXCEPTIONS.—The Secretary may dis-  
2 approve a waiver request submitted under para-  
3 graph (1), only if the Secretary determines  
4 that—

5 (i) the waiver request does not meet  
6 the requirements of this section;

7 (ii) the waiver is not permitted pursu-  
8 ant to subsection (b)(2); or

9 (iii) the description required under  
10 paragraph (2)(C) provides insufficient in-  
11 formation to demonstrate that the waiving  
12 of such requirements is necessary or ap-  
13 propriate consistent with subsection (a).

14 (4) DURATION.—A waiver approved by the Sec-  
15 retary under this section may be for a period not to  
16 exceed the 2019–2020 academic year, except in the  
17 case of implementation of any maintenance of effort  
18 waivers granted during the 2019–2020 academic  
19 year.

20 (d) REPORTING AND PUBLICATION.—

21 (1) PUBLIC NOTICE.—A State, Indian Tribe, or  
22 local educational agency requesting a waiver under  
23 subsection (b)(2) shall provide the public and all  
24 local educational agencies in the State with notice  
25 of, and the opportunity to comment on, the request

1 by posting information regarding the waiver request  
2 and the process for commenting on the State  
3 website.

4 (2) NOTIFYING CONGRESS.—Not later than 7  
5 days after granting a waiver under this section, the  
6 Secretary shall notify the Committee on Health,  
7 Education, Labor, and Pensions of the Senate, the  
8 Committee on Appropriations of the Senate, the  
9 Committee on Education and Labor of the House of  
10 Representatives, and the Committee on Appropria-  
11 tions of the House of Representatives of such waiv-  
12 er.

13 (3) PUBLICATION.—Not later than 30 days  
14 after granting a waiver under this section, the Sec-  
15 retary shall publish a notice of the Secretary's deci-  
16 sion (including which waiver was granted and the  
17 reason for granting the waiver) in the Federal Reg-  
18 ister and on the website of the Department of Edu-  
19 cation.

20 (4) REPORT.—Not later than 30 days after the  
21 date of enactment of this Act, the Secretary shall  
22 prepare and submit a report to the Committee on  
23 Health, Education, Labor, and Pensions and the  
24 Committee on Appropriations of the Senate, and the  
25 Committee on Education and Labor and the Com-

1        mittee on Appropriations of the House of Represent-  
2        atives, with recommendations on any additional  
3        waivers under the Individuals with Disabilities Edu-  
4        cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-  
5        tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-  
6        mentary and Secondary Education Act of 1965 (20  
7        U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-  
8        reer and Technical Education Act of 2006 (20  
9        U.S.C. 2301 et seq.) the Secretary believes are nec-  
10       essary to be enacted into law to provide limited flexi-  
11       bility to States and local educational agencies to  
12       meet the needs of students during the emergency in-  
13       volving Federal primary responsibility determined to  
14       exist by the President under section 501(b) of the  
15       Robert T. Stafford Disaster Relief and Emergency  
16       Assistance Act (42 U.S.C. 5191(b)) with respect to  
17       the Coronavirus Disease 2019 (COVID-19).

18       (e) TERMS.—In this section, the term “State edu-  
19       cational agency” includes the Bureau of Indian Education,  
20       and the term “local educational agency” includes Bureau  
21       of Indian Education funded schools operated pursuant to  
22       a grant under the Tribally Controlled Schools Act of 1988  
23       (25 U.S.C. 2501 et seq.), or a contract under the Indian  
24       Self-Determination and Education Assistance Act (25  
25       U.S.C. 5301 et seq.).

1 **SEC. 3512. HBCU CAPITAL FINANCING.**

2 (a) DEFERMENT PERIOD.—

3 (1) IN GENERAL.—Notwithstanding any provi-  
4 sion of title III of the Higher Education Act of 1965  
5 (20 U.S.C. 1051 et seq.), or any regulation promul-  
6 gated under such title, the Secretary may grant a  
7 deferment, for the duration of a qualifying emer-  
8 gency, to an institution that has received a loan  
9 under part D of title III of such Act (20 U.S.C.  
10 1066 et seq.).

11 (2) TERMS.—During the deferment period  
12 granted under this subsection—

13 (A) the institution shall not be required to  
14 pay any periodic installment of principal or in-  
15 terest required under the loan agreement for  
16 such loan; and

17 (B) the Secretary shall make principal and  
18 interest payments otherwise due under the loan  
19 agreement.

20 (3) CLOSING.—At the closing of a loan deferred  
21 under this subsection, terms shall be set under  
22 which the institution shall be required to repay the  
23 Secretary for the payments of principal and interest  
24 made by the Secretary during the deferment, on a  
25 schedule that begins upon repayment to the lender  
26 in full on the loan agreement, except in no case shall

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1        repayment be required to begin before the date that  
2        is 1 full fiscal year after the date that is the end of  
3        the qualifying emergency.

4        (b) TERMINATION DATE.—

5            (1) IN GENERAL.—The authority provided  
6        under this section to grant a loan deferment under  
7        subsection (a) shall terminate on the date on which  
8        the qualifying emergency is no longer in effect.

9            (2) DURATION.—Any provision of a loan agree-  
10        ment or insurance agreement modified by the au-  
11        thority under this section shall remain so modified  
12        for the duration of the period covered by the loan  
13        agreement or insurance agreement.

14        (c) REPORT.—Not later than 180 days after the date  
15        of enactment of this Act, and every 180 days thereafter  
16        during the period beginning on the first day of the quali-  
17        fying emergency and ending on September 30 of the fiscal  
18        year following the end of the qualifying emergency, the  
19        Secretary shall submit to the authorizing committees (as  
20        defined in section 103 of the Higher Education Act of  
21        1965 (20 U.S.C. 1003)) a report that identifies each insti-  
22        tution that received assistance under this section.

1 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**  
2 **LOAN BORROWERS.**

3 (a) IN GENERAL.—The Secretary shall suspend all  
4 payments due for loans made under part D and part B  
5 (that are held by the Department of Education) of title  
6 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a  
7 et seq.; 1071 et seq.) for 6 months.

8 (b) NO ACCRUAL OF INTEREST.—Notwithstanding  
9 any other provision of the Higher Education Act of 1965  
10 (20 U.S.C. 1001 et seq.), interest shall not accrue on a  
11 loan described under subsection (a) for which payment  
12 was suspended for the period of the suspension.

13 (c) CONSIDERATION OF PAYMENTS.—The Secretary  
14 shall deem each month for which a loan payment was sus-  
15 pended under this section as if the borrower of the loan  
16 had made a payment for the purpose of any loan forgive-  
17 ness program authorized under part D or B of title IV  
18 of the Higher Education Act of 1965 (20 U.S.C. 1087a  
19 et seq.; 1071 et seq.) for which the borrower would have  
20 otherwise qualified.

21 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**  
22 **FOR NATIONAL AND COMMUNITY SERVICE.**

23 (a) ACCRUAL OF SERVICE HOURS.—

24 (1) ACCRUAL THROUGH OTHER SERVICE  
25 HOURS.—

1           (A) IN GENERAL.—Notwithstanding any  
2 other provision of the Domestic Volunteer Serv-  
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the  
4 National and Community Service Act of 1990  
5 (42 U.S.C. 12501 et seq.), the Corporation for  
6 National and Community Service shall allow an  
7 individual described in subparagraph (B) to ac-  
8 crue other service hours that will count toward  
9 the number of hours needed for the individual’s  
10 education award.

11           (B) AFFECTED INDIVIDUALS.—Subpara-  
12 graph (A) shall apply to any individual serving  
13 in a position eligible for an educational award  
14 under subtitle D of title I of the National and  
15 Community Service Act of 1990 (42 U.S.C.  
16 12601 et seq.)—

17                   (i) who is performing limited service  
18 due to COVID-19; or

19                   (ii) whose position has been suspended  
20 or placed on hold due to COVID-19.

21           (2) PROVISIONS IN CASE OF EARLY EXIT.—In  
22 any case where an individual serving in a position el-  
23 igible for an educational award under subtitle D of  
24 title I of the National and Community Service Act  
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

1       exit the position early at the direction of the Cor-  
2       poration for National and Community Service, the  
3       Chief Executive Officer of the Corporation for Na-  
4       tional and Community Service may—

5               (A) deem such individual as having met  
6               the requirements of the position; and

7               (B) award the individual the full value of  
8               the educational award under such subtitle for  
9               which the individual would otherwise have been  
10              eligible.

11       (b) AVAILABILITY OF FUNDS.—Notwithstanding any  
12       other provision of law, all funds made available to the Cor-  
13       poration for National and Community Service under any  
14       Act, including the amounts appropriated to the Corpora-  
15       tion under the headings “OPERATING EXPENSES”, “SALA-  
16       RIES AND EXPENSES”, and “OFFICE OF THE INSPECTOR  
17       GENERAL” under the heading “CORPORATION FOR NA-  
18       TIONAL AND COMMUNITY SERVICE” under title IV of Divi-  
19       sion A of the Further Consolidated Appropriations Act,  
20       2020 (Public Law 116–94), shall remain available for the  
21       fiscal year ending September 30, 2021.

22       (c) NO REQUIRED RETURN OF GRANT FUNDS.—  
23       Notwithstanding section 129(l)(3)(A)(i) of the National  
24       and Community Service Act of 1990 (42 U.S.C.  
25       12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-



1 poration for National and Community Service may permit  
2 fixed-amount grant recipients under such section 129(l)  
3 to maintain a pro rata amount of grant funds, at the dis-  
4 cretion of the Corporation for National and Community  
5 Service, for participants who exited, were suspended, or  
6 are serving in a limited capacity due to COVID-19, to en-  
7 able the grant recipients to maintain operations and to  
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-  
10 withstanding any other provision of law, the Corporation  
11 for National and Community Service may extend the term  
12 of service (for a period not to exceed the 1-year period  
13 immediately following the end of the national emergency)  
14 or waive any upper age limit (except in no case shall the  
15 maximum age exceed 26 years of age) for national service  
16 programs carried out by the National Civilian Community  
17 Corps under subtitle E of title I of the National and Com-  
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),  
19 and the participants in such programs, for the purposes  
20 of—

21 (1) addressing disruptions due to COVID-19;

22 and

23 (2) minimizing the difficulty in returning to full  
24 operation due to COVID-19 on such programs and  
25 participants.

1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-  
3 tion 128(b)(4) of the Workforce Innovation Opportunity  
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated  
5 to a local area (including the total amount allotted to a  
6 single State local area) under subtitle B of title I of such  
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not  
8 more than 20 percent of the total amount may be used  
9 for the administrative costs of carrying out local workforce  
10 investment activities under chapter 2 or chapter 3 of sub-  
11 title B of title I of such Act, if the portion of the total  
12 amount that exceeds 10 percent of the total amount is  
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the  
16 funds reserved by a Governor for program year 2019  
17 for statewide activities under section 128(a) of the  
18 Workforce Innovation and Opportunity Act (29  
19 U.S.C. 3163(a)) that remain unobligated, such  
20 funds may be used for statewide rapid response ac-  
21 tivities as described in section 134(a)(2)(A) of such  
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a  
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by  
25 a Governor for program 2019 under section  
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

1 remain unobligated, such funds may be released  
2 within 30 days after the date of enactment of this  
3 Act to the local boards most impacted by the  
4 coronavirus at the determination of the Governor for  
5 rapid response activities related to responding to a  
6 qualifying emergency.

7 (c) DEFINITIONS.—Except as otherwise provided, the  
8 terms in this section have the meanings given the terms  
9 in section 3 of the Workforce Innovation and Opportunity  
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—

13 (1) Section 6103(a)(3) of the Internal Revenue  
14 Code of 1986, as amended by the FUTURE Act  
15 (Public Law 116-91), is further amended by striking  
16 “(13), (16)” and inserting “(13)(A), (13)(B),  
17 (13)(C), (13)(D)(i), (16)”.

18 (2) Section 6103(p)(3)(A) of such Code, as so  
19 amended, is further amended by striking “(12),”  
20 and inserting “(12), (13)(A), (13)(B), (13)(C),  
21 (13)(D)(i)”.

22 (3) Section 6103(p)(4) of such Code, as so  
23 amended, is further amended by striking “(13) or  
24 (16)” each place it appears and inserting “(13), or  
25 (16)”.

1           (4) Section 6103(p)(4) of such Code, as so  
2           amended and as amended by paragraph (3), is fur-  
3           ther amended by striking “(13)” each place it ap-  
4           pears and inserting “(13)(A), (13)(B), (13)(C),  
5           (13)(D)(i)”.

6           (5) Section 6103(l)(13)(C)(ii) of such Code, as  
7           added by the FUTURE Act (Public Law 116-91), is  
8           amended by striking “section 236A(e)(4)” and in-  
9           serting “section 263A(e)(4)”.

10          (b) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply as if included in the enactment  
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**  
14 **MENT FOR INSTITUTIONAL AID.**

15          (a) WAIVER AUTHORITY.—Notwithstanding any  
16 other provision of the Higher Education Act of 1965  
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-  
18 erence to this section, for any institution of higher edu-  
19 cation that was receiving assistance under title III, title  
20 V, or subpart 4 of part A of title VII of such Act (20  
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the  
22 time of a qualifying emergency, the Secretary may, for the  
23 period beginning on the first day of the qualifying emer-  
24 gency and ending on September 30 of the fiscal year fol-  
25 lowing the end of the qualifying emergency—

1 (1) waive—

2 (A) the eligibility data requirements set  
3 forth in section 391(d) and 521(e) of the High-  
4 er Education Act of 1965 (20 U.S.C. 1068(d);  
5 1103(e));

6 (B) the wait-out period set forth in section  
7 313(d) of the Higher Education Act of 1965  
8 (20 U.S.C. 1059(d));

9 (C) the allotment requirements under  
10 paragraphs (2) and (3) of subsection 318(e) of  
11 the Higher Education Act of 1965 (20 U.S.C.  
12 1059e(e)), and the reference to “the academic  
13 year preceding the beginning of that fiscal  
14 year” under such section 318(e)(1);

15 (D) the allotment requirements under sub-  
16 sections (b), (c), and (g) of section 324 of the  
17 Higher Education Act of 1965 (20 U.S.C.  
18 1063), the reference to “the end of the school  
19 year preceding the beginning of that fiscal  
20 year” under such section 324(a), and the ref-  
21 erence to “the academic year preceding such  
22 fiscal year” under such section 324(h);

23 (E) subparagraphs (A), (C), (D), and (E)  
24 of section 326(f)(3) of the Higher Education  
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

1           erences to “previous year” under such section  
2           326(f)(3)(B);

3           (F) subparagraphs (A), (C), (D), and (E)  
4           of section 723(f)(3) and subparagraphs (A),  
5           (C), (D), and (E) of section 724(f)(3) of the  
6           Higher Education Act of 1965 (20 U.S.C.  
7           1136a(f)(3); 1136b(f)(3)), and references to  
8           “previous academic year” under subparagraph  
9           (B) of such sections 723(f)(3) and 724(f)(3);  
10          and

11          (G) the allotment restriction set forth in  
12          section 318(d)(4) and section 323(c)(2) of the  
13          Higher Education Act of 1965 (20 U.S.C.  
14          1059e(d)(4); 1062(c)(2)); and

15          (2) waive or modify any statutory or regulatory  
16          provision to ensure that institutions that were re-  
17          ceiving assistance under title III, title V, or subpart  
18          4 of part A of title VII of such Act (20 U.S.C. 1051  
19          et seq.; 1101 et seq.; 1136a et seq.) at the time of  
20          a qualifying emergency are not adversely affected by  
21          any formula calculation for fiscal year 2020 and for  
22          the period beginning on the first day of the quali-  
23          fying emergency and ending on September 30 of the  
24          fiscal year following the end of the qualifying emer-  
25          gency, as necessary.

1           (b) USE OF UNEXPENDED FUNDS.—Any funds paid  
2 to an institution under title III, title V, or subpart 4 of  
3 part A of title VII of the Higher Education Act of 1965  
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and  
5 not expended or used for the purposes for which the funds  
6 were paid to the institution during the 5-year period fol-  
7 lowing the date on which the funds were first paid to the  
8 institution, may be carried over and expended during the  
9 succeeding 5-year period.

10           (c) REPORT.—Not later than 180 days after the date  
11 of enactment of this Act, and every 180 days thereafter  
12 for the period beginning on the first day of the qualifying  
13 emergency and ending on September 30 of the fiscal year  
14 following the end of the qualifying emergency, the Sec-  
15 retary shall submit to the authorizing committees (as de-  
16 fined in section 103 of the Higher Education Act of 1965  
17 (20 U.S.C. 1003)) a report that identifies each institution  
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**  
20 **FOR GRANTS.**

21           (a) IN GENERAL.—The Secretary is authorized to  
22 modify the required and allowable uses of funds for grants  
23 awarded under part A or B of title III, chapter I or II  
24 of subpart 2 of part A of title IV, title V, or subpart 4  
25 of part A of title VII of the Higher Education Act of 1965

1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;  
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-  
3 tution of higher education or other grant recipient (not  
4 including individual recipients of Federal student financial  
5 assistance), at the request of an institution of higher edu-  
6 cation or other recipient of a grant (not including indi-  
7 vidual recipients of Federal student financial assistance)  
8 as a result of a qualifying emergency, for the period begin-  
9 ning on the first day of the qualifying emergency and end-  
10 ing on September 30 of the fiscal year following the end  
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—  
13 Notwithstanding any other provision of the Higher Edu-  
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary  
15 is authorized to modify any Federal share or other finan-  
16 cial matching requirement for a grant awarded on a com-  
17 petitive basis or a grant awarded under part A or B of  
18 title III or subpart 4 of part A of title VII of the Higher  
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et  
20 seq.; 1136a et seq.) at the request of an institution of  
21 higher education or other grant recipient as a result of  
22 a qualifying emergency, for the period beginning on the  
23 first day of the qualifying emergency and ending on Sep-  
24 tember 30 of the fiscal year following the end of the quali-  
25 fying emergency.



1           (c) REPORTS.—Not later than 180 days after the  
2 date of enactment of this Act, and every 180 days there-  
3 after for the duration of the period beginning on the first  
4 day of the qualifying emergency and ending on September  
5 30 of the fiscal year following the end of the qualifying  
6 emergency, the Secretary shall submit to the authorizing  
7 committees (as defined in section 103 of the Higher Edu-  
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-  
9 fies each institution of higher education or other grant re-  
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12           (a) TEACH GRANTS.—For the purpose of section  
13 420N of the Higher Education Act of 1965 (20 U.S.C.  
14 1070g–2), during a qualifying emergency, the Secretary—

15               (1) may modify the categories of extenuating  
16 circumstances under which a recipient of a grant  
17 under subpart 9 of part A of title IV of the Higher  
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)  
19 who is unable to fulfill all or part of the recipient’s  
20 service obligation may be excused from fulfilling that  
21 portion of the service obligation; and

22               (2) shall consider teaching service that, as a re-  
23 sult of a qualifying emergency, is part-time or tem-  
24 porarily interrupted, to be full-time service and to

1 fulfill the service obligations under such section  
2 420N.

3 (b) TEACHER LOAN FORGIVENESS.—Notwith-  
4 standing section 428J or 460 of the Higher Education Act  
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall  
6 waive the requirements under such sections that years of  
7 teaching service shall be consecutive if—

8 (1) the teaching service of a borrower is tempo-  
9 rarily interrupted due to a qualifying emergency;  
10 and

11 (2) after the temporary interruption due to a  
12 qualifying emergency, the borrower resumes teaching  
13 service and completes a total of 5 years of qualifying  
14 teaching service under such sections, including quali-  
15 fying teaching service performed before, during, and  
16 after such qualifying emergency.

## 17 **Subtitle C—Labor Provisions**

### 18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical  
20 Leave Act of 1993 (as added by the Emergency Family  
21 and Medical Leave Expansion Act) is amended by striking  
22 clause (ii) and inserting the following:

23 “(ii) LIMITATION.—An employer shall  
24 not be required to pay more than \$200 per  
25 day and \$10,000 in the aggregate for each

1                   employee for paid leave under this sec-  
2                   tion.”.

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4           Section 5102 of the Emergency Paid Sick Leave Act  
5 (division E of the Families First Coronavirus Response  
6 Act) is amended by adding at the end the following:

7           “(f) LIMITATIONS.—

8                   “(1) IN GENERAL.—An employer shall not be  
9                   required to pay more than either—

10                           “(A) \$511 per day and \$5,110 in the ag-  
11                           gregate for each employee, when the employee  
12                           is taking leave for a reason described in para-  
13                           graph (1), (2), or (3) of section 5102(a); or

14                           “(B) \$200 per day and \$2,000 in the ag-  
15                           gregate for each employee, when the employee  
16                           is taking leave for a reason described in para-  
17                           graph (4), (5), or (6) of section 5102(a).

18                   “(2) EXPIRATION OF REQUIREMENT.— An em-  
19                   ployer’s requirement to provide paid leave with re-  
20                   spect to a specific employee shall expire at the ear-  
21                   lier of—

22                           “(A) the time when the employer has paid  
23                           that employee for paid leave under this section  
24                           for an equivalent of 80 hours of work; or

1                   “(B) upon the employee’s return to work  
2                   after taking paid leave under this section.”.

3 **SEC. 3603. REGULATORY AUTHORITIES UNDER THE EMER-**  
4 **GENCY PAID SICK LEAVE ACT.**

5           Section 5111(2) of the Emergency Paid Sick Leave  
6 Act (division E of the Families First Coronavirus Re-  
7 sponse Act) is amended by striking “section 5102(a)(5)”  
8 and inserting “paragraphs (4) and (5) of section  
9 5102(a).”.

10 **SEC. 3604. UNEMPLOYMENT INSURANCE.**

11           Section 903(h)(2)(B) of the Social Security Act (42  
12 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the  
13 Emergency Unemployment Insurance Stabilization and  
14 Access Act of 2020, is amended to read as follows:

15                   “(B) The State ensures that applications  
16                   for unemployment compensation, and assistance  
17                   with the application process, are accessible in  
18                   person, by phone, or online.”.

19 **SEC. 3605. OMB WAIVER OF PAID FAMILY AND PAID SICK**  
20 **LEAVE.**

21           (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—  
22 Section 110(a) of title I of the Family and Medical Leave  
23 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division  
24 C of the Families First Coronavirus Response Act) is

1 amended by adding at the end the following new para-  
2 graph:

3           “(4) The Director of the Office of Management  
4 and Budget shall have the authority to exclude for  
5 good cause from the requirements under subsection  
6 (b) certain employers of the United States Govern-  
7 ment with respect to certain categories of Executive  
8 Branch employees.”.

9           (b) EMERGENCY PAID SICK LEAVE ACT.—The  
10 Emergency Paid Sick Leave Act (division E of the Fami-  
11 lies First Coronavirus Response Act) is amended by add-  
12 ing at the end the following new section:

13 **“SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

14           “The Director of the Office of Management and  
15 Budget shall have the authority to exclude for good cause  
16 from the definition of employee under section 5110(1) cer-  
17 tain employees described in subparagraphs (E) and (F)  
18 of such section, including by exempting certain United  
19 States Government employers covered by section  
20 5110(2)(A)(i)(V) from the requirements of this title with  
21 respect to certain categories of Executive Branch employ-  
22 ees.”.

23 **SEC. 3606. PAID LEAVE FOR REHIRED EMPLOYEES.**

24           Section 110(a)(1)(A) of the Family and Medical  
25 Leave Act of 1993, as added by section 3102 of the Emer-

1 gency Family and Medical Leave Expansion Act, is  
2 amended to read as follows:

3 “(A) ELIGIBLE EMPLOYEE.—

4 “(i) IN GENERAL.—In lieu of the defi-  
5 nition in sections 101(2)(A) and  
6 101(2)(B)(ii), the term ‘eligible employee’  
7 means an employee who has been employed  
8 for at least 30 calendar days by the em-  
9 ployer with respect to whom leave is re-  
10 quested under section 102(a)(1)(F).

11 “(ii) RULE REGARDING REHIRED EM-  
12 PLOYEES.—For purposes of clause (i), the  
13 term ‘employed for at least 30 calendar  
14 days’, used with respect to an employee  
15 and an employer described in clause (i), in-  
16 cludes an employee who was laid off by  
17 that employer not earlier than March 1,  
18 2020, had worked for the employer for not  
19 less than 30 of the last 60 calendar days  
20 prior to the employee’s layoff, and was re-  
21 hired by the employer.”.

22 **SEC. 3607. ADVANCE REFUNDING OF CREDITS.**

23 (a) PAYROLL CREDIT FOR REQUIRED PAID SICK  
24 LEAVE.—Section 7001 of division G of the Families First  
25 Coronavirus Response Act is amended—

1 (1) in subsection (b)(4)(A)—

2 (A) by striking “(A) In general.—If the  
3 amount” and inserting “(A)(i) Credit is refund-  
4 able.—If the amount”; and

5 (B) by adding at the end the following:

6 “(ii) ADVANCING CREDIT.—In antici-  
7 pation of the credit, including the refund-  
8 able portion under clause (i), the credit  
9 may be advanced, according to forms and  
10 instructions provided by the Secretary, up  
11 to an amount calculated under subsection  
12 (a), subject to the limits under subsection  
13 (b), both calculated through the end of the  
14 most recent payroll period in the quarter.”;

15 (2) in subsection (f)—

16 (A) in paragraph (4), by striking “, and”  
17 and inserting a comma;

18 (B) in paragraph (5), by striking the pe-  
19 riod at the end and inserting “, and”; and

20 (C) by adding at the end the following:

21 “(6) regulations or other guidance to permit the  
22 advancement of the credit determined under sub-  
23 section (a).”; and

24 (3) by inserting after subsection (h) the fol-  
25 lowing new subsection:

1           “(i) TREATMENT OF DEPOSITS.—The Secretary of  
2 the Treasury (or the Secretary’s delegate) shall waive any  
3 penalty under section 6656 of the Internal Revenue Code  
4 of 1986 for any failure to make a deposit of the tax im-  
5 posed by section 3111(a) or 3221(a) of such Code if the  
6 Secretary determines that such failure was due to the an-  
7 ticipation of the credit allowed under this section.”.

8           (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY  
9 LEAVE.—Section 7003 of division G of the Families First  
10 Coronavirus Response Act is amended—

11           (1) in subsection (b)(3)—

12                   (A) by striking “If the amount” and in-  
13 serting “(A) Credit is refundable.—If the  
14 amount”; and

15                   (B) by adding at the end the following:

16                           “(B) ADVANCING CREDIT.—In anticipation  
17 of the credit, including the refundable portion  
18 under subparagraph (A), the credit may be ad-  
19 vanced, according to forms and instructions  
20 provided by the Secretary, up to an amount cal-  
21 culated under subsection (a), subject to the lim-  
22 its under subsection (b), both calculated  
23 through the end of the most recent payroll pe-  
24 riod in the quarter.”;

25           (2) in subsection (f)—



1 (A) in paragraph (4), by striking “, and”  
2 and inserting a comma;

3 (B) in paragraph (5), by striking the pe-  
4 riod at the end and inserting “, and”; and

5 (C) by adding at the end the following:

6 “(6) regulations or other guidance to permit the  
7 advancement of the credit determined under sub-  
8 section (a).”; and

9 (c) by inserting after subsection (h) the following new  
10 subsection:

11 “(i) TREATMENT OF DEPOSITS.—The Secretary of  
12 the Treasury (or the Secretary’s delegate) shall waive any  
13 penalty under section 6656 of the Internal Revenue Code  
14 of 1986 for any failure to make a deposit of the tax im-  
15 posed by section 3111(a) or 3221(a) of such Code if the  
16 Secretary determines that such failure was due to the an-  
17 ticipation of the credit allowed under this section.”.

18 **SEC. 3608. EXPANSION OF DOL AUTHORITY TO POSTPONE**

19 **CERTAIN DEADLINES.**

20 Section 518 of the Employee Retirement Income Se-  
21 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-  
22 ing “or a terroristic or military action (as defined in sec-  
23 tion 692(c)(2) of such Code), the Secretary may” and in-  
24 serting “a terroristic or military action (as defined in sec-  
25 tion 692(c)(2) of such Code), or a public health emergency

1 declared by the Secretary of Health and Human Services  
2 pursuant to section 319 of the Public Health Service Act,  
3 the Secretary may”.

## 4 **Subtitle D—Finance Committee**

### 5 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

6 (a) IN GENERAL.—Paragraph (2) of section 223(c)  
7 of the Internal Revenue Code of 1986 is amended by add-  
8 ing at the end the following new subparagraph:

9 “(E) SAFE HARBOR FOR ABSENCE OF DE-  
10 DUCTIBLE FOR TELEHEALTH.—In the case of  
11 plan years beginning on or before December 31,  
12 2021, a plan shall not fail to be treated as a  
13 high deductible health plan by reason of failing  
14 to have a deductible for telehealth and other re-  
15 mote care services.”.

16 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)  
17 of section 223(c)(1)(B) of the Internal Revenue Code of  
18 1986 is amended by striking “or long-term care” and in-  
19 serting “long-term care, or (in the case of plan years be-  
20 ginning on or before December 31, 2021) telehealth and  
21 other remote care”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on the date of the enactment  
24 of this Act.

1 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**  
2 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**  
3 **EXPENSES.**

4 (a) HSAs.—Section 223(d)(2) of the Internal Rev-  
5 enue Code of 1986 is amended—

6 (1) by striking the last sentence of subpara-  
7 graph (A) and inserting the following: “For pur-  
8 poses of this subparagraph, amounts paid for men-  
9 strual care products shall be treated as paid for  
10 medical care.”; and

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(D) MENSTRUAL CARE PRODUCT.—For  
14 purposes of this paragraph, the term ‘menstrual  
15 care product’ means a tampon, pad, liner, cup,  
16 sponge, or similar product used by individuals  
17 with respect to menstruation or other genital-  
18 tract secretions.”.

19 (b) ARCHER MSAs.—Section 220(d)(2)(A) of such  
20 Code is amended by striking the last sentence and insert-  
21 ing the following: “For purposes of this subparagraph,  
22 amounts paid for menstrual care products (as defined in  
23 section 223(d)(2)(D)) shall be treated as paid for medical  
24 care.”.

25 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS  
26 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-

1 tion 106 of such Code is amended by striking subsection  
2 (f) and inserting the following new subsection:

3 “(f) REIMBURSEMENTS FOR MENSTRUAL CARE  
4 PRODUCTS.—For purposes of this section and section  
5 105, expenses incurred for menstrual care products (as  
6 defined in section 223(d)(2)(D)) shall be treated as in-  
7 curred for medical care.”.

8 (d) EFFECTIVE DATES.—

9 (1) DISTRIBUTIONS FROM SAVINGS AC-  
10 COUNTS.—The amendment made by subsections (a)  
11 and (b) shall apply to amounts paid after December  
12 31, 2019.

13 (2) REIMBURSEMENTS.—The amendment made  
14 by subsection (c) shall apply to expenses incurred  
15 after December 31, 2019.

16 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**  
17 **BILITIES DURING EMERGENCY PERIOD.**

18 Section 1135 of the Social Security Act (42 U.S.C.  
19 1320b–5) is amended—

20 (1) in subsection (b)(8), by striking “to an indi-  
21 vidual by a qualified provider (as defined in sub-  
22 section (g)(3))” and all that follows through the pe-  
23 riod and inserting “, the requirements of section  
24 1834(m).”; and

25 (2) in subsection (g), by striking paragraph (3).

1 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**  
2 **FOR FEDERALLY QUALIFIED HEALTH CEN-**  
3 **TERS AND RURAL HEALTH CLINICS DURING**  
4 **EMERGENCY PERIOD.**

5 Section 1834(m) of the Social Security Act (42  
6 U.S.C. 1395m(m)) is amended—

7 (1) in the first sentence of paragraph (1), by  
8 striking “The Secretary” and inserting “Subject to  
9 paragraph (8), the Secretary”;

10 (2) in paragraph (2)(A), by striking “The Sec-  
11 retary” and inserting “Subject to paragraph (8), the  
12 Secretary”;

13 (3) in paragraph (4)—

14 (A) in subparagraph (A), by striking “The  
15 term” and inserting “Subject to paragraph (8),  
16 the term”; and

17 (B) in subparagraph (F)(i), by striking  
18 “The term” and inserting “Subject to para-  
19 graph (8), the term”; and

20 (4) by adding at the end the following new  
21 paragraph:

22 “(8) **ENHANCING TELEHEALTH SERVICES FOR**  
23 **FEDERALLY QUALIFIED HEALTH CENTERS AND**  
24 **RURAL HEALTH CLINICS DURING EMERGENCY PE-**  
25 **RIOD.—**



1 service or Federally qualified health  
2 center service that is furnished using  
3 telehealth to the extent that payment  
4 codes corresponding to services identi-  
5 fied by the Secretary under clause (i)  
6 or (ii) of paragraph (4)(F) are listed  
7 on the corresponding claim for such  
8 rural health clinic service or Federally  
9 qualified health center service.

10 “(B) SPECIAL PAYMENT RULE.—

11 “(i) IN GENERAL.—The Secretary  
12 shall develop and implement payment  
13 methods that apply under this subsection  
14 to a Federally qualified health center or  
15 rural health clinic that serves as a distant  
16 site that furnishes a telehealth service to  
17 an eligible telehealth individual during  
18 such emergency period. Such payment  
19 methods shall be based on payment rates  
20 that are similar to the national average  
21 payment rates for comparable telehealth  
22 services under the physician fee schedule  
23 under section 1848. Notwithstanding any  
24 other provision of law, the Secretary may

1           implement such payment methods through  
2           program instruction or otherwise.

3                   “(ii) EXCLUSION FROM FQHC PPS  
4           CALCULATION AND RHC AIR CALCULA-  
5           TION.—Costs associated with telehealth  
6           services shall not be used to determine the  
7           amount of payment for Federally qualified  
8           health center services under the prospec-  
9           tive payment system under section 1834(o)  
10          or for rural health clinic services under the  
11          methodology for all-inclusive rates (estab-  
12          lished by the Secretary) under section  
13          1833(a)(3).”.

14 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**  
15 **FACE-TO-FACE VISITS BETWEEN HOME DI-**  
16 **ALYSIS PATIENTS AND PHYSICIANS.**

17          Section 1881(b)(3)(B) of the Social Security Act (42  
18 U.S.C. 1395rr(b)(3)(B)) is amended—

19               (1) in clause (i), by striking “clause (ii)” and  
20               inserting “clauses (ii) and (iii)”;

21               (2) in clause (ii), in the matter preceding sub-  
22               clause (I), by striking “Clause (i)” and inserting  
23               “Except as provided in clause (iii), clause (i)”;

24               (3) by adding at the end the following new  
25               clause:



1                   “(iii) The Secretary may waive the  
2                   provisions of clause (ii) during the emer-  
3                   gency period described in section  
4                   1135(g)(1)(B).”.

5 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**  
6 **FACE ENCOUNTER PRIOR TO RECERTIFI-**  
7 **CATION OF ELIGIBILITY FOR HOSPICE CARE**  
8 **DURING EMERGENCY PERIOD.**

9           Section 1814(a)(7)(D)(i) of the Social Security Act  
10 (42 U.S.C. 1395f(a)(7)(D)(i)) is amended—

11           (1) by striking “a hospice” and inserting “(I  
12           subject to subclause (II), a hospice”; and

13           (2) by inserting after subclause (I), as added by  
14           paragraph (1), the following new subclause:

15                   “(II) during the emergency period de-  
16                   scribed in section 1135(g)(1)(B), a hospice  
17                   physician or nurse practitioner may con-  
18                   duct a face-to-face encounter required  
19                   under this clause via telehealth, as deter-  
20                   mined appropriate by the Secretary; and”.

21 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**  
22 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**  
23 **NISHED DURING EMERGENCY PERIOD.**

24           With respect to home health services (as defined in  
25 section 1861(m) of the Social Security Act (42 U.S.C.

1 1395x(m)) that are furnished during the emergency period  
2 described in section 1135(g)(1)(B) of such Act (42 U.S.C.  
3 1320b–5(g)(1)(B)), the Secretary of Health and Human  
4 Services shall consider ways to encourage the use of tele-  
5 communications systems, including for remote patient  
6 monitoring as described in section 409.46(e) of title 42,  
7 Code of Federal Regulations (or any successor regula-  
8 tions) and other communications or monitoring services,  
9 consistent with the plan of care for the individual, includ-  
10 ing by clarifying guidance and conducting outreach, as ap-  
11 propriate.

12 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**  
13 **HOME HEALTH SERVICES.**

14 (a) PART A PROVISIONS.—Section 1814(a) of the So-  
15 cial Security Act (42 U.S.C. 1395f(a)) is amended—

16 (1) in paragraph (2)—

17 (A) in the matter preceding subparagraph  
18 (A), by inserting “, a nurse practitioner or clin-  
19 ical nurse specialist (as such terms are defined  
20 in section 1861(aa)(5)) who is working in ac-  
21 cordance with State law, or a physician assist-  
22 ant (as defined in section 1861(aa)(5)) under  
23 the supervision of a physician, who is” after “in  
24 the case of services described in subparagraph  
25 (C), a physician”; and

1 (B) in subparagraph (C)—

2 (i) by inserting “, a nurse practi-  
3 tioner, a clinical nurse specialist, or a phy-  
4 sician assistant (as the case may be)” after  
5 “physician” the first 2 times it appears;  
6 and

7 (ii) by striking “, and, in the case of  
8 a certification made by a physician” and  
9 all that follows through “face-to-face en-  
10 counter” and inserting “, and, in the case  
11 of a certification made by a physician after  
12 January 1, 2010, or by a nurse practi-  
13 tioner, clinical nurse specialist, or physi-  
14 cian assistant (as the case may be) after a  
15 date specified by the Secretary (but in no  
16 case later than the date that is 6 months  
17 after the date of the enactment of the  
18 CARES Act), prior to making such certifi-  
19 cation a physician, nurse practitioner, clin-  
20 ical nurse specialist, or physician assistant  
21 must document that a physician, nurse  
22 practitioner, clinical nurse specialist, or  
23 physician assistant has had a face-to-face  
24 encounter”;

25 (2) in the third sentence—

1 (A) by striking “physician certification”  
2 and inserting “certification”;

3 (B) by inserting “(or in the case of regula-  
4 tions to implement the amendments made by  
5 section 3708 of the CARES Act, the Secretary  
6 shall prescribe regulations, which shall become  
7 effective no later than 6 months after the date  
8 of the enactment of such Act)” after “1981”;  
9 and

10 (C) by striking “a physician who” and in-  
11 sserting “a physician, nurse practitioner, clinical  
12 nurse specialist, certified nurse-midwife, or phy-  
13 sician assistant who”;

14 (3) in the fourth sentence, by inserting “, nurse  
15 practitioner, clinical nurse specialist, certified nurse-  
16 midwife, or physician assistant” after “physician”;  
17 and

18 (4) in the fifth sentence—

19 (A) by inserting “or no later than 6  
20 months after the date of the enactment of the  
21 CARES Act for purposes of documentation for  
22 certification and recertification made under  
23 paragraph (2) by a nurse practitioner, clinical  
24 nurse specialist, certified nurse-midwife, or phy-  
25 sician assistant,”; and

1 (B) by inserting “, nurse practitioner, clin-  
2 ical nurse specialist, certified nurse-midwife, or  
3 physician assistant” after “of the physician”.

4 (b) PART B PROVISIONS.—Section 1835(a) of the So-  
5 cial Security Act (42 U.S.C. 1395n(a)) is amended—

6 (1) in paragraph (2)—

7 (A) in the matter preceding subparagraph  
8 (A), by inserting “, a nurse practitioner or clin-  
9 ical nurse specialist (as those terms are defined  
10 in section 1861(aa)(5)) who is working in ac-  
11 cordance with State law, or a physician assist-  
12 ant (as defined in section 1861(aa)(5)) under  
13 the supervision of a physician, who is” after “in  
14 the case of services described in subparagraph  
15 (A), a physician”; and

16 (B) in subparagraph (A)—

17 (i) in each of clauses (ii) and (iii) of  
18 subparagraph (A) by inserting “, a nurse  
19 practitioner, a clinical nurse specialist, or a  
20 physician assistant (as the case may be)”  
21 after “physician”; and

22 (ii) in clause (iv), by striking “after  
23 January 1, 2010” and all that follows  
24 through “face-to-face encounter” and in-  
25 serting “made by a physician after Janu-

1           ary 1, 2010, or by a nurse practitioner,  
2           clinical nurse specialist, or physician as-  
3           sistant (as the case may be) after a date  
4           specified by the Secretary (but in no case  
5           later than the date that is 6 months after  
6           the date of the enactment of the CARES  
7           Act), prior to making such certification a  
8           physician, nurse practitioner, clinical nurse  
9           specialist, certified nurse-midwife, or physi-  
10          cian assistant must document that a physi-  
11          cian, nurse practitioner, clinical nurse spe-  
12          cialist, or physician assistant has had a  
13          face-to-face encounter”;

14           (2) in the third sentence, by inserting “, nurse  
15          practitioner, clinical nurse specialist, or physician as-  
16          sistant (as the case may be)” after physician;

17           (3) in the fourth sentence—

18           (A) by striking “physician certification”  
19          and inserting “certification”;

20           (B) by inserting “(or in the case of regula-  
21          tions to implement the amendments made by  
22          section 3708 of the CARES Act the Secretary  
23          shall prescribe regulations which shall become  
24          effective no later than 6 months after the enact-  
25          ment of such Act)” after “1981”; and

1 (C) by striking “a physician who” and in-  
2 serting “a physician, nurse practitioner, clinical  
3 nurse specialist, or physician assistant who”;

4 (4) in the fifth sentence, by inserting “, nurse  
5 practitioner, clinical nurse specialist, or physician as-  
6 sistant” after “physician”; and

7 (5) in the sixth sentence—

8 (A) by inserting “or no later than 6  
9 months after the date of the enactment of the  
10 CARES Act for purposes of documentation for  
11 certification and recerification made under  
12 paragraph (2) by a nurse practitioner, clinical  
13 nurse specialist, certified nurse-midwife, or phy-  
14 sician assistant,” after “January 1, 2019”; and

15 (B) by inserting “, nurse practitioner, clin-  
16 ical nurse specialist, certified nurse-midwife, or  
17 physician assistant” after “of the physician”.

18 (c) DEFINITION PROVISIONS.—

19 (1) HOME HEALTH SERVICES.—Section  
20 1861(m) of the Social Security Act (42 U.S.C.  
21 1395x(m)) is amended—

22 (A) in the matter preceding paragraph  
23 (1)—

24 (i) by inserting “, a nurse practitioner  
25 or a clinical nurse specialist (as those

1 terms are defined in subsection (aa)(5)), or  
2 a physician assistant (as defined in sub-  
3 section (aa)(5))” after “physician” the  
4 first place it appears; and

5 (ii) by inserting “, a nurse practi-  
6 tioner, a clinical nurse specialist, or a phy-  
7 sician assistant” after “physician” the sec-  
8 ond place it appears; and

9 (B) in paragraph (3), by inserting “, a  
10 nurse practitioner, a clinical nurse specialist, or  
11 a physician assistant” after “physician”.

12 (2) HOME HEALTH AGENCY.—Section  
13 1861(o)(2) of the Social Security Act (42 U.S.C.  
14 1395x(o)(2)) is amended—

15 (A) by inserting “, nurse practitioners or  
16 clinical nurse specialists (as those terms are de-  
17 fined in subsection (aa)(5)), certified nurse-mid-  
18 wives (as defined in subsection (gg)), or physi-  
19 cian assistants (as defined in subsection  
20 (aa)(5))” after “physicians”; and

21 (B) by inserting “, nurse practitioner, clin-  
22 ical nurse specialist, certified nurse-midwife,  
23 physician assistant,” after “physician”.

24 (3) COVERED OSTEOPOROSIS DRUG.—Section  
25 1861(kk)(1) of the Social Security Act (42 U.S.C.



1 1395x(kk)(1)) is amended by inserting “, nurse  
2 practitioner or clinical nurse specialist (as those  
3 terms are defined in subsection (aa)(5)), certified  
4 nurse-midwife (as defined in subsection (gg)), or  
5 physician assistant (as defined in subsection  
6 1820(aa)(5))” after “attending physician”.

7 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM  
8 PROVISIONS.—Section 1895 of the Social Security Act (42  
9 U.S.C. 1395fff) is amended—

10 (1) in subsection (c)(1)—

11 (A) by striking “(provided under section  
12 1842(r))”; and

13 (B) by inserting “the nurse practitioner or  
14 clinical nurse specialist (as those terms are de-  
15 fined in section 1861(aa)(5)), or the physician  
16 assistant (as defined in section 1861(aa)(5))”  
17 after “physician”; and

18 (2) in subsection (e)—

19 (A) in paragraph (1)(A), by inserting “a  
20 nurse practitioner or clinical nurse specialist, or  
21 a physician assistant” after “physician”; and

22 (B) in paragraph (2)—

23 (i) in the heading, by striking “PHY-  
24 SICIAN CERTIFICATION” and inserting

1                   “RULE OF CONSTRUCTION REGARDING RE-  
2                   QUIREMENT FOR CERTIFICATION”; and

3                   (ii) by striking “physician”.

4           (e) APPLICATION TO MEDICAID.—The amendments  
5 made under this section shall apply under title XIX of the  
6 Social Security Act in the same manner and to the same  
7 extent as such requirements apply under title XVIII of  
8 such Act or regulations promulgated thereunder.

9           (f) EFFECTIVE DATE.—The Secretary of Health and  
10 Human Services shall prescribe regulations to apply the  
11 amendments made by this section to items and services  
12 furnished, which shall become effective no later than 6  
13 months after the date of the enactment of this legislation.  
14 The Secretary shall promulgate an interim final rule if  
15 necessary, to comply with the required effective date.

16 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

17           (a) TEMPORARY SUSPENSION OF MEDICARE SE-  
18 QUESTRATION.—During the period beginning on May 1,  
19 2020 and ending on December 31, 2020, the Medicare  
20 programs under title XVIII of the Social Security Act (42  
21 U.S.C. 1395 et seq.) shall be exempt from reduction under  
22 any sequestration order issued before, on, or after the date  
23 of enactment of this Act.

24           (b) EXTENSION OF DIRECT SPENDING REDUCTIONS  
25 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the

1 Balanced Budget and Emergency Deficit Control Act of  
2 1985 (2 U.S.C. 901a(6)) is amended—

3 (1) in subparagraph (B), in the matter pre-  
4 ceding clause (i), by striking “through 2029” and  
5 inserting “through 2030”; and

6 (2) in subparagraph (C), in the matter pre-  
7 ceding clause (i), by striking “fiscal year 2029” and  
8 inserting “fiscal year 2030”.

9 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**  
10 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**  
11 **COVID-19 PATIENTS DURING EMERGENCY PE-**  
12 **RIOD.**

13 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-  
14 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-  
15 ed by adding at the end the following new clause:

16 “(iv)(I) For discharges occurring during the emer-  
17 gency period described in section 1135(g)(1)(B), in the  
18 case of a discharge of an individual diagnosed with  
19 COVID-19, the Secretary shall increase the weighting fac-  
20 tor that would otherwise apply to the diagnosis-related  
21 group to which the discharge is assigned by 20 percent.  
22 The Secretary shall identify a discharge of such an indi-  
23 vidual through the use of diagnosis codes, condition codes,  
24 or other such means as may be necessary.

1 “(II) Any adjustment under subclause (I) shall not  
2 be taken into account in applying budget neutrality under  
3 clause (iii).”.

4 (b) IMPLEMENTATION.—Notwithstanding any other  
5 provision of law, the Secretary may implement the amend-  
6 ment made by subsection (a) by program instruction or  
7 otherwise.

8 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**  
9 **ING EMERGENCY PERIOD.**

10 (a) WAIVER OF IRF 3-HOUR RULE.—With respect  
11 to inpatient rehabilitation services furnished by a rehabili-  
12 tation facility described in section 1886(j)(1) of the Social  
13 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-  
14 gency period described in section 1135(g)(1)(B) of the So-  
15 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-  
16 retary of Health and Human Services shall waive section  
17 412.622(a)(3)(ii) of title 42, Code of Federal Regulations  
18 (or any successor regulations), relating to the requirement  
19 that patients of an inpatient rehabilitation facility receive  
20 at least 3 hours of therapy a day.

21 (b) ENFORCEMENT DISCRETION REGARDING PAY-  
22 MENT FOR LONG-TERM CARE HOSPITALS.—With respect  
23 to inpatient hospital services furnished by a long-term care  
24 hospital described in section 1886(d)(1)(B)(iv) of the So-  
25 cial Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) during

1 the emergency period described in section 1135(g)(1)(B)  
2 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),  
3 the Secretary of Health and Human Services shall exercise  
4 enforcement discretion with respect to the following:

5 (1) LTCH 50-PERCENT RULE.—Subparagraph  
6 (C)(ii) of section 1886(m)(6) of such Act (42 U.S.C.  
7 1395ww(m)(6)), relating to the payment adjustment  
8 for long-term care hospitals that do not have a dis-  
9 charge payment percentage for the period that is at  
10 least 50 percent.

11 (2) LTCH EXCLUSION CRITERIA FROM SITE-  
12 NEUTRAL IPPS PAYMENT RATE.—Subparagraph  
13 (A)(ii) of such section, to include among the criteria  
14 for discharges to be excluded from the site-neutral  
15 payment rate under subparagraph (A)(i) of such sec-  
16 tion an admission of a beneficiary to a long-term  
17 care hospital when that admission occurs during  
18 such emergency period and is in response to the  
19 public health emergency described in such section  
20 1135(g)(1)(B).

1 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**  
2 **ICAL EQUIPMENT UNDER THE MEDICARE**  
3 **PROGRAM THROUGH DURATION OF EMER-**  
4 **GENCY PERIOD.**

5 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-  
6 retary of Health and Human Services shall implement sec-  
7 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-  
8 tions (or any successor regulation), to apply the transition  
9 rule described in such section to all applicable items and  
10 services furnished in rural areas and noncontiguous areas  
11 (as such terms are defined for purposes of such section)  
12 as planned through December 31, 2020, and through the  
13 duration of the emergency period described in section  
14 1135(g)(1)(B) of the Social Security Act (42 U.S.C.  
15 1320b–5(g)(1)(B)), if longer.

16 (b) AREAS OTHER THAN RURAL AND NONCONTIG-  
17 UOUS AREAS.—With respect to items and services fur-  
18 nished on or after the date that is 30 days after the date  
19 of the enactment of this Act, the Secretary of Health and  
20 Human Services shall apply section 414.210(g)(9)(iv) of  
21 title 42, Code of Federal Regulations (or any successor  
22 regulation), as if the reference to “dates of service from  
23 June 1, 2018 through December 31, 2020, based on the  
24 fee schedule amount for the area is equal to 100 percent  
25 of the adjusted payment amount established under this  
26 section” were instead a reference to “dates of service from

1 March 6, 2020, through the remainder of the duration of  
2 the emergency period described in section 1135(g)(1)(B)  
3 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),  
4 based on the fee schedule amount for the area is equal  
5 to 75 percent of the adjusted payment amount established  
6 under this section and 25 percent of the unadjusted fee  
7 schedule amount”.

8 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**  
9 **PART B OF THE MEDICARE PROGRAM WITH-**  
10 **OUT ANY COST-SHARING.**

11 (a) **MEDICAL AND OTHER HEALTH SERVICES.**—Sec-  
12 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.  
13 1395x(s)(10)(A)) is amended by inserting “, and COVID-  
14 19 vaccine and its administration” after “influenza vac-  
15 cine and its administration”.

16 (b) **PART B DEDUCTIBLE.**—The first sentence of sec-  
17 tion 1833(b) of the Social Security Act (42 U.S.C.  
18 1395l(b)) is amended—

19 (1) in paragraph (10), by striking “and” at the  
20 end; and

21 (2) in paragraph (11), by striking the period at  
22 the end and inserting “, and (12) such deductible  
23 shall not apply with respect a COVID-19 vaccine  
24 and its administration described in section  
25 1861(s)(10)(A).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of enactment of  
3 this Act and shall apply with respect to a COVID-19 vac-  
4 cine beginning on the date that such vaccine is licensed  
5 under section 351 of the Public Health Service Act (42  
6 U.S.C. 262).

7 (d) IMPLEMENTATION.—Notwithstanding any other  
8 provision of law, the Secretary may implement the provi-  
9 sions of, and the amendments made by, this section by  
10 program instruction or otherwise.

11 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**  
12 **PLANS AND MA-PD PLANS TO ALLOW DURING**  
13 **THE COVID-19 EMERGENCY PERIOD FOR**  
14 **FILLS AND REFILLS OF COVERED PART D**  
15 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

16 (a) IN GENERAL.—Section 1860D-4(b) of the Social  
17 Security Act (42 U.S.C. 1395w-104(b)) is amended by  
18 adding at the end the following new paragraph:

19 “(4) ENSURING ACCESS DURING COVID-19 PUB-  
20 LIC HEALTH EMERGENCY PERIOD.—

21 “(A) IN GENERAL.—During the emergency  
22 period described in section 1135(g)(1)(B), sub-  
23 ject to subparagraph (B), a prescription drug  
24 plan or MA-PD plan shall, notwithstanding any  
25 cost and utilization management, medication



1 therapy management, or other such programs  
2 under this part, permit a part D eligible indi-  
3 vidual enrolled in such plan to obtain in a sin-  
4 gle fill or refill, at the option of such individual,  
5 the total day supply (not to exceed a 90-day  
6 supply) prescribed for such individual for a cov-  
7 ered part D drug.

8 “(B) SAFETY EDIT EXCEPTION.—A pre-  
9 scription drug plan or MA–PD plan may not  
10 permit a part D eligible individual to obtain a  
11 single fill or refill inconsistent with an applica-  
12 ble safety edit.”.

13 (b) IMPLEMENTATION.—Notwithstanding any other  
14 provision of law, the Secretary of Health and Human  
15 Services may implement the amendment made by this sec-  
16 tion by program instruction or otherwise.

17 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**  
18 **SERVICES IN ACUTE CARE HOSPITALS.**

19 Section 1902(h) of the Social Security Act (42 U.S.C.  
20 1396a(h)) is amended—

21 (1) by inserting “(1)” after “(h)”;

22 (2) by inserting “, home and community-based  
23 services provided under subsection (c), (d), or (i) of  
24 section 1915 or under a waiver or demonstration  
25 project under section 1115, self-directed personal as-

1       sistance services provided pursuant to a written plan  
2       of care under section 1915(j), and home and com-  
3       munity-based attendant services and supports under  
4       section 1915(k)” before the period; and

5               (3) by adding at the end the following:

6       “(2) Nothing in this title, title XVIII, or title XI shall  
7       be construed as prohibiting receipt of any care or services  
8       specified in paragraph (1) in an acute care hospital that  
9       are—

10              “(A) identified in an individual’s person-cen-  
11             tered service plan (or comparable plan of care);

12              “(B) provided to meet needs of the individual  
13             that are not met through the provision of hospital  
14             services;

15              “(C) not a substitute for services that the hos-  
16             pital is obligated to provide through its conditions of  
17             participation or under Federal or State law, or  
18             under another applicable requirement; and

19              “(D) designed to ensure smooth transitions be-  
20             tween acute care settings and home and community-  
21             based settings, and to preserve the individual’s func-  
22             tional abilities.”.

1 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**  
2 **VIDUALS.**

3 Subsection (ss) of section 1902 of the Social Security  
4 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)  
5 of the Families First Coronavirus Response Act, is amend-  
6 ed by adding at the end the following flush sentences:  
7 “Such term shall include an individual who is described  
8 in subclause (VIII) of section 1902(a)(10)(A)(i) if such  
9 individual resides in a State that does not make medical  
10 assistance available to individuals described in such sub-  
11 clause. Such term shall also include individuals who are  
12 enrolled for benefits under a State program under this  
13 title or another Federal health care program (as so de-  
14 fined) but whose benefits under such program do not in-  
15 clude coverage at no cost sharing of a COVID-19 vaccine  
16 (and the administration of such vaccine) or coverage at  
17 no cost sharing of an in vitro diagnostic testing product  
18 described in section 1905(a)(3)(B) (and the administra-  
19 tion of such product).”.

1       **Subtitle E—Health and Human**  
2                   **Services Extenders**

3                   **PART I—MEDICARE PROVISIONS**

4       **SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX**  
5                   **FLOOR UNDER THE MEDICARE PROGRAM.**

6           Section 1848(e)(1)(E) of the Social Security Act (42  
7 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “May  
8 23, 2020” and inserting “January 1, 2022”.

9       **SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-**  
10                   **URE ENDORSEMENT, INPUT, AND SELECTION.**

11       (a) IN GENERAL.—Section 1890(d)(2) of the Social  
12 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

13           (1) in the first sentence, by striking  
14           “\$4,830,000 for the period beginning on October 1,  
15           2019, and ending on May 22, 2020” and inserting  
16           “\$20,000,000 for each of fiscal years 2020 and  
17           2021”; and

18           (2) in the third sentence, by striking “and 2019  
19           and for the period beginning on October 1, 2019,  
20           and ending on May 22, 2020” and inserting “,  
21           2019, 2020, and 2021”.

22       (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall take effect as if included in the enact-  
24 ment of the Further Consolidated Appropriations Act,  
25 2020 (Public Law 116–94).

1 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**  
2 **SISTANCE FOR LOW-INCOME PROGRAMS.**

3 (a) FUNDING EXTENSIONS.—

4 (1) ADDITIONAL FUNDING FOR STATE HEALTH  
5 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of  
6 section 119 of the Medicare Improvements for Pa-  
7 tients and Providers Act of 2008 (42 U.S.C. 1395b-  
8 3 note), as amended by section 3306 of the Patient  
9 Protection and Affordable Care Act (Public Law  
10 111–148), section 610 of the American Taxpayer  
11 Relief Act of 2012 (Public Law 112–240), section  
12 1110 of the Pathway for SGR Reform Act of 2013  
13 (Public Law 113–67), section 110 of the Protecting  
14 Access to Medicare Act of 2014 (Public Law 113–  
15 93), section 208 of the Medicare Access and CHIP  
16 Reauthorization Act of 2015 (Public Law 114–10),  
17 section 50207 of division E of the Bipartisan Budg-  
18 et Act of 2018 (Public Law 115–123), section 1402  
19 of division B of the Continuing Appropriations Act,  
20 2020, and Health Extenders Act of 2019 (Public  
21 Law 116–59), section 1402 of division B of the Fur-  
22 ther Continuing Appropriations Act, 2020, and Fur-  
23 ther Health Extenders Act of 2019 (Public Law  
24 116–69), and section 103 of division N of the Fur-  
25 ther Consolidated Appropriations Act, 2020 (Public  
26 Law 116–94) is amended—

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1 (A) in clause (ix), by inserting “and” at  
2 the end; and

3 (B) by striking clauses (x) through (xii)  
4 and inserting the following new clause:

5 “(x) for each of fiscal years 2020 and  
6 2021, of \$13,000,000.”.

7 (2) ADDITIONAL FUNDING FOR AREA AGENCIES  
8 ON AGING.—Subsection (b)(1)(B) of such section  
9 119, as so amended, is amended—

10 (A) in clause (ix), by inserting “and” at  
11 the end; and

12 (B) by striking clauses (x) through (xii)  
13 and inserting the following new clause:

14 “(x) for each of fiscal years 2020 and  
15 2021, of \$7, 500,000.”.

16 (3) ADDITIONAL FUNDING FOR AGING AND DIS-  
17 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)  
18 of such section 119, as so amended, is amended—

19 (A) in clause (ix), by inserting “and” at  
20 the end; and

21 (B) by striking clauses (x) through (xii)  
22 and inserting the following new clause:

23 “(x) for each of fiscal years 2020 and  
24 2021, of \$5,000,000.”.

1           (4) ADDITIONAL FUNDING FOR CONTRACT  
2 WITH THE NATIONAL CENTER FOR BENEFITS AND  
3 OUTREACH ENROLLMENT.—Subsection (d)(2) of  
4 such section 119, as so amended, is amended—

5           (A) in clause (ix), by inserting “and” at  
6 the end; and

7           (B) by striking clauses (x) through (xii)  
8 and inserting the following new clause:

9                   “(x) for each of fiscal years 2020 and  
10                   2021, of \$12,000,000.”.

11       (b) EFFECTIVE DATE.—The amendments made by  
12 subsection (a) shall take effect as if included in the enact-  
13 ment of the Further Consolidated Appropriations Act,  
14 2020 (Public Law 116–94).

15                   **PART II—MEDICAID PROVISIONS**

16       **SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PER-**  
17                   **SON REBALANCING DEMONSTRATION PRO-**  
18                   **GRAM.**

19       Section 6071(h)(1)(G) of the Deficit Reduction Act  
20 of 2005 (42 U.S.C. 1396a note) is amended to read as  
21 follows:

22                   “(G) subject to paragraph (3),  
23                   \$450,000,000 for each of fiscal years 2020  
24                   through 2021.”.

1 **SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT**  
2 **PROTECTIONS.**

3 (a) IN GENERAL.—Section 2404 of Public Law 111–  
4 148 (42 U.S.C. 1396r–5 note) is amended by striking  
5 “May 22, 2020” and inserting “September 30, 2021”.

6 (b) RULE OF CONSTRUCTION.—Nothing in section  
7 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)  
8 or section 1902(a)(17) or 1924 of the Social Security Act  
9 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as  
10 prohibiting a State from—

11 (1) applying an income or resource disregard  
12 under a methodology authorized under section  
13 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

14 (A) to the income or resources of an indi-  
15 vidual described in section  
16 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C.  
17 1396a(a)(10)(A)(ii)(VI)) (including a disregard  
18 of the income or resources of such individual’s  
19 spouse); or

20 (B) on the basis of an individual’s need for  
21 home and community-based services authorized  
22 under subsection (c), (d), (i), or (k) of section  
23 1915 of such Act (42 U.S.C. 1396n) or under  
24 section 1115 of such Act (42 U.S.C. 1315); or

25 (2) disregarding an individual’s spousal income  
26 and assets under a plan amendment to provide med-



1        ical assistance for home and community-based serv-  
2        ices for individuals by reason of being determined el-  
3        igible under section 1902(a)(10)(C) of such Act (42  
4        U.S.C. 1396a(a)(10)(C)) or by reason of section  
5        1902(f) of such Act (42 U.S.C. 1396a(f)) or other-  
6        wise on the basis of a reduction of income based on  
7        costs incurred for medical or other remedial care  
8        under which the State disregarded the income and  
9        assets of the individual’s spouse in determining the  
10       initial and ongoing financial eligibility of an indi-  
11       vidual for such services in place of the spousal im-  
12       poverishment provisions applied under section 1924  
13       of such Act (42 U.S.C. 1396r-5).

14    **SEC. 3813. DELAY OF DSH REDUCTIONS.**

15       Section 1923(f) of the Social Security Act (42 U.S.C.  
16    1396r-4(f)) is amended—

17            (1) in paragraph (7)(A)—

18                    (A) in clause (i), in the matter preceding  
19                    subclause (I), by striking “For the period be-  
20                    ginning May 23, 2020, and ending September  
21                    30, 2020, and for each of fiscal years 2022  
22                    through 2025” and inserting “For each of fis-  
23                    cal years 2022 through 2028”; and

24                    (B) in clause (ii)—

1 (i) in subclause (I), by striking “for  
2 the period beginning May 23, 2020, and  
3 ending September 30, 2020” and inserting  
4 “for fiscal year 2022”; and

5 (ii) in subclause (II), by striking  
6 “2021 through 2025” and inserting “2023  
7 through 2028”; and

8 (2) in paragraph (8), by striking “2025” and  
9 inserting “2028”.

10 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**  
11 **MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.**  
12 **TION PROGRAM.**

13 (a) IN GENERAL.—Section 223(d) of the Protecting  
14 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)  
15 is amended—

16 (1) in paragraph (3)—

17 (A) by striking “Not more than” and in-  
18 serting “Subject to paragraph (8), not more  
19 than”;

20 (B) by striking “May 22, 2020” and in-  
21 serting “September 30, 2021”; and

22 (C) by inserting “(or, in the case of a  
23 State selected to conduct a demonstration pro-  
24 gram under paragraph (8), for 2 years after the

1 date that the State begins such demonstration  
2 program)” after “whichever is longer”; and

3 (2) by adding at the end the following new  
4 paragraph:

5 “(8) ADDITIONAL PROGRAMS.—

6 “(A) IN GENERAL.—Not later than 6  
7 months after the date of enactment of this  
8 paragraph, in addition to the 8 States selected  
9 under paragraph (1), the Secretary shall select  
10 2 States to participate in 2-year demonstration  
11 programs that meet the requirements of this  
12 subsection.

13 “(B) SELECTION OF STATES.—

14 “(i) IN GENERAL.—Subject to clause  
15 (ii), in selecting States under this para-  
16 graph, the Secretary—

17 “(I) shall select States that—

18 “(aa) were awarded plan-  
19 ning grants under subsection (c);  
20 and

21 “(bb) applied to participate  
22 in the demonstration programs  
23 under this subsection under para-  
24 graph (1) but, as of the date of  
25 enactment of this paragraph,

1                   were not selected to participate  
2                   under paragraph (1); and

3                   “(II) shall use the results of the  
4                   Secretary’s evaluation of each State’s  
5                   application under paragraph (1) to  
6                   determine which States to select, and  
7                   shall not require the submission of  
8                   any additional application.

9                   “(C) REQUIREMENTS FOR SELECTED  
10                  STATES.—Prior to services being delivered  
11                  under the demonstration authority in a State  
12                  selected under this paragraph, the State shall—

13                   “(i) submit a plan to monitor certified  
14                   community behavioral health clinics under  
15                   the demonstration program to ensure com-  
16                   pliance with certified community behavioral  
17                   health criteria during the demonstration  
18                   period; and

19                   “(ii) commit to collecting data, noti-  
20                   fying the Secretary of any planned changes  
21                   that would deviate from the prospective  
22                   payment system methodology outlined in  
23                   the State’s demonstration application, and  
24                   obtaining approval from the Secretary for



1                   tion program under paragraph (8),  
2                   during first 8 fiscal quarter period  
3                   that the State participates in a dem-  
4                   onstration program.”.

5           (c) GAO STUDY AND REPORT ON THE COMMUNITY  
6 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-  
7 GRAM.—

8           (1) IN GENERAL.—Not later than 18 months  
9           after the date of the enactment of this Act, the  
10           Comptroller General of the United States shall sub-  
11           mit to the Committee on Energy and Commerce of  
12           the House of Representatives and the Committee on  
13           Finance of the Senate a report on the community  
14           and mental health services demonstration program  
15           conducted under section 223 of the Protecting Ac-  
16           cess to Medicare Act of 2014 (42 U.S.C. 1396a  
17           note) (referred to in this subsection as the “dem-  
18           onstration program”).

19           (2) CONTENT OF REPORT.—The report re-  
20           quired under paragraph (1) shall include the fol-  
21           lowing information:

22                   (A) Information on States’ experiences  
23                   participating in the demonstration program, in-  
24                   cluding the extent to which States—

1 (i) measure the effects of access to  
2 certified community behavioral health clin-  
3 ics on patient health and cost of care, in-  
4 cluding—

5 (I) engagement in treatment for  
6 behavioral health conditions;

7 (II) relevant clinical outcomes, to  
8 the extent collected;

9 (III) screening and treatment for  
10 comorbid medical conditions; and

11 (IV) use of crisis stabilization,  
12 emergency department, and inpatient  
13 care.

14 (B) Information on Federal efforts to  
15 evaluate the demonstration program, includ-  
16 ing—

17 (i) quality measures used to evaluate  
18 the program;

19 (ii) assistance provided to States on  
20 data collection and reporting;

21 (iii) assessments of the reliability and  
22 usefulness of State-submitted data; and

23 (iv) the extent to which such efforts  
24 provide information on the relative quality,  
25 scope, and cost of services as compared

1 with services not provided under the dem-  
2 onstration program, and in comparison to  
3 Medicaid beneficiaries with mental illness  
4 and substance use disorders not served  
5 under the demonstration program.

6 (C) Recommendations for improvements to  
7 the following:

8 (i) The reporting, accuracy, and vali-  
9 dation of encounter data.

10 (ii) Accuracy in payments to certified  
11 community behavioral health clinics under  
12 State plans or waivers under title XIX of  
13 the Social Security Act (42 U.S.C. 1396 et  
14 seq.).

15 **PART III—HUMAN SERVICES AND OTHER**

16 **HEALTH PROGRAMS**

17 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**  
18 **CATION PROGRAM.**

19 Section 510 of the Social Security Act (42 U.S.C.  
20 710) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-  
24 graph (A)—



1 (I) by striking “and 2019 and for  
2 the period beginning October 1, 2019,  
3 and ending May 22, 2020” and in-  
4 serting “through 2021”; and

5 (II) by striking “(or, with respect  
6 to such period, for fiscal year 2020)”;  
7 and

8 (ii) in subparagraph (A), by striking  
9 “or period” each place it appears;  
10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by striking  
12 “and 2019 and for the period beginning  
13 October 1, 2019, and ending May 22,  
14 2020” and inserting “through 2021”; and

15 (ii) by striking “(or, with respect to  
16 such period, for fiscal year 2020)” each  
17 place it appears; and

18 (2) in subsection (f)—

19 (A) in paragraph (1), by striking “and  
20 2019 and \$48,287,671 for the period beginning  
21 October 1, 2019, and ending May 22, 2020”  
22 and inserting “through 2021”; and

23 (B) in paragraph (2), by striking “of fiscal  
24 years 2018 and 2019 and for the period” and  
25 inserting “fiscal year”.

1 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**  
2 **EDUCATION PROGRAM.**

3 Section 513 of the Social Security Act (42 U.S.C.  
4 713) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), in the matter  
7 preceding clause (i), by striking “2019 and for  
8 the period beginning October 1, 2019, and end-  
9 ing May 22, 2020” and inserting “2021”;

10 (B) in subparagraph (B)(i), by striking the  
11 second sentence; and

12 (2) in subsection (f), by striking “2019 and  
13 \$48,287,671 for the period beginning October 1,  
14 2019, and ending May 22, 2020” and inserting  
15 “2021”.

16 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**  
17 **ADDRESS HEALTH PROFESSIONS WORK-**  
18 **FORCE NEEDS.**

19 Section 2008(c)(1) of the Social Security Act (42  
20 U.S.C. 1397g(c)(1)) is amended by striking “2019” and  
21 inserting “2021”.

22 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**  
23 **FOR NEEDY FAMILIES PROGRAM AND RE-**  
24 **LATED PROGRAMS.**

25 (a) **FAMILY ASSISTANCE GRANTS.**—Section  
26 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1))

1 is amended in each of subparagraphs (A) and (C) by strik-  
2 ing “2017 and 2018” and inserting “2020 and 2021”.

3 (b) HEALTHY MARRIAGE PROMOTION AND RESPON-  
4 SIBLE FATHERHOOD GRANTS.—Section 403(a)(2)(D) of  
5 such Act (42 U.S.C. 603(a)(2)(D)) is amended—

6 (1) by striking “2017 and 2018” and inserting  
7 “2020 and 2021”; and

8 (2) by striking “for fiscal year 2017 or 2018”.

9 (c) CONTINGENCY FUND.—Section 403(b)(2) of such  
10 Act (42 U.S.C. 603(b)(2)) is amended by striking “for fis-  
11 cal year 2018” and inserting “for each of fiscal years 2020  
12 and 2021”.

13 (d) TRIBAL FAMILY ASSISTANCE GRANTS.—Para-  
14 graphs (1)(A) and (2)(A) of section 412(a) of such Act  
15 (42 U.S.C. 612(a)) are each amended by striking “2017  
16 and 2018” and inserting “2020 and 2021”.

17 (e) CHILD CARE.—Section 418(a)(3) of such Act (42  
18 U.S.C. 618(a)(3)) is amended by striking “2017 and  
19 2018” and inserting “2020 and 2021”.

20 (f) GRANTS TO THE TERRITORIES.—Section  
21 1108(b)(2) of such Act (42 U.S.C. 1308(b)(2)) is amend-  
22 ed by striking “2017 and 2018” and inserting “2020 and  
23 2021”.

1           **PART IV—PUBLIC HEALTH PROVISIONS**  
2   **SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS,**  
3           **THE NATIONAL HEALTH SERVICE CORPS,**  
4           **AND TEACHING HEALTH CENTERS THAT OP-**  
5           **ERATE GME PROGRAMS.**

6           (a) COMMUNITY HEALTH CENTERS.—Section  
7 10503(b)(1)(F) of the Patient Protection and Affordable  
8 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by  
9 striking “fiscal year 2019, and \$2,575,342,466 for the pe-  
10 riod beginning on October 1, 2019, and ending on May  
11 22, 2020” and inserting “each of fiscal years 2019  
12 through 2021”.

13           (b) NATIONAL HEALTH SERVICE CORPS.—Section  
14 10503(b)(2) of the Patient Protection and Affordable  
15 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

16               (1) in subparagraph (E), by adding “and” at  
17           the end;

18               (2) in subparagraph (F), by striking “and  
19           2019; and” and inserting “through 2021.”; and

20               (3) by striking subparagraph (G).

21           (c) TEACHING HEALTH CENTERS THAT OPERATE  
22 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section  
23 340H(g)(1) of the Public Health Service Act (42 U.S.C.  
24 256h(g)(1)) is amended by striking “and 2019, and  
25 \$81,445,205 for the period beginning on October 1, 2019,

1 and ending on May 22, 2020” and inserting “through  
2 2021”.

3 (d) APPLICATION OF PROVISIONS.—Amounts appro-  
4 priated pursuant to the amendments made by this section  
5 for fiscal years 2020 through 2021 shall be subject to the  
6 requirements contained in Public Law 116–94 for funds  
7 for programs authorized under sections 330 through 340  
8 of the Public Health Service Act (42 U.S.C. 254 through  
9 256).

10 (e) CONFORMING AMENDMENT.—Paragraph (4) of  
11 section 3014(h) of title 18, United States Code, as amend-  
12 ed by section 401(e) of division N of Public Law 116–  
13 94, is amended by striking “section 401(d) of division N  
14 of the Further Consolidated Appropriations Act, 2020”  
15 and inserting “section 3831 of the CARES Act”.

16 **SEC. 3832. DIABETES PROGRAMS.**

17 (a) TYPE I.—Section 330B(b)(2)(D) of the Public  
18 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is  
19 amended by striking “and 2019, and \$96,575,342 for the  
20 period beginning on October 1, 2019, and ending on May  
21 22, 2020” and inserting “through 2021”.

22 (b) INDIANS.—Section 330C(c)(2)(D) of the Public  
23 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is  
24 amended by striking “and 2019, and \$96,575,342 for the

1 period beginning on October 1, 2019, and ending on May  
2 22, 2020” and inserting “through 2021”.

3 **PART V—MISCELLANEOUS PROVISIONS**

4 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**  
5 **FOR FISCAL YEAR 2020.**

6 Expenditures made under any provision of law  
7 amended in this subtitle pursuant to the amendments  
8 made by the Continuing Appropriations Act, 2020, and  
9 Health Extenders Act of 2019 (Public Law 116–59), the  
10 Further Continuing Appropriations Act, 2020, and Fur-  
11 ther Health Extenders Act of 2019 (Public Law 116-69),  
12 and the Further Consolidated Appropriations Act, 2020  
13 (Public Law 116–94) for fiscal year 2020 shall be charged  
14 to the applicable appropriation or authorization provided  
15 by the amendments made by this subtitle to such provision  
16 of law for such fiscal year.

17 **TITLE IV—ECONOMIC STA-**  
18 **BILIZATION AND ASSISTANCE**  
19 **TO SEVERELY DISTRESSED**  
20 **SECTORS OF THE UNITED**  
21 **STATES ECONOMY**

22 **SEC. 4001. SHORT TITLE.**

23 This title may be cited as the “Coronavirus Economic  
24 Stabilization Act of 2020”.

1 **SEC. 4002. DEFINITIONS.**

2 In this title:

3 (1) AIR CARRIER.—The term “air carrier” has  
4 the meaning such term has under section 40102 of  
5 title 49, United States Code.

6 (2) CORONAVIRUS.—The term “coronavirus”  
7 means SARS-CoV-2 or another coronavirus with  
8 pandemic potential.

9 (3) COVERED LOSS.—The term “covered loss”  
10 includes losses incurred directly or indirectly as a re-  
11 sult of coronavirus, as determined by the Secretary.

12 (4) ELIGIBLE BUSINESS.—The term “eligible  
13 business” means—

14 (A) an air carrier; or

15 (B) a United States business that has not  
16 otherwise received adequate economic relief in  
17 the form of loans or loan guarantees provided  
18 under this Act.

19 (5) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Treasury, or the designee of the  
21 Secretary of the Treasury.

22 (6) STATE.—The term “State” means any of  
23 the several States, the District of Columbia, any of  
24 the territories and possessions of the United States,  
25 and any Indian tribe.

1 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**  
2 **TIONS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, to provide liquidity to eligible businesses,  
5 States, and municipalities related to losses incurred as a  
6 result of coronavirus, the Secretary is authorized to make  
7 loans, loan guarantees, and other investments in support  
8 of eligible businesses, States, and municipalities that do  
9 not, in the aggregate, exceed \$500,000,000,000 and pro-  
10 vide the subsidy amounts necessary for such loans, loan  
11 guarantees, and other investments in accordance with the  
12 provisions of the Federal Credit Reform Act of 1990 (2  
13 U.S.C. 661 et seq.).

14 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-  
15 VESTMENTS.—Loans, loan guarantees, and other invest-  
16 ments made pursuant to subsection (a) shall be made  
17 available as follows:

18 (1) Not more than \$50,000,000,000 shall be  
19 available to make loans and loan guarantees for pas-  
20 senger air carriers.

21 (2) Not more than \$8,000,000,000 shall be  
22 available to make loans and loan guarantees for  
23 cargo air carriers.

24 (3) Not more than \$17,000,000,000 shall be  
25 available to make loans and loan guarantees for  
26 businesses critical to maintaining national security.



1           (4) Not more than the sum of  
2           \$425,000,000,000 and any amounts available under  
3           paragraphs (1), (2), and (3) that are not used as  
4           provided under those paragraphs shall be available  
5           to make loans, loan guarantees, and other invest-  
6           ments in support of programs or facilities estab-  
7           lished by the Board of Governors of the Federal Re-  
8           serve System for the purpose of providing liquidity  
9           to the financial system that supports lending to eli-  
10          gible businesses, States, or municipalities by—

11                   (A) purchasing obligations or other inter-  
12                   ests directly from issuers of such obligations or  
13                   other interests; or

14                   (B) purchasing obligations or other inter-  
15                   ests in secondary markets or otherwise.

16          (c) TERMS AND CONDITIONS.—

17                   (1) IN GENERAL.—

18                           (A) FORMS; TERMS AND CONDITIONS.—A  
19                           loan, loan guarantee, or other investment shall  
20                           be made under this section in such form and on  
21                           such terms and conditions and contain such  
22                           covenants, representations, warranties, and re-  
23                           quirements (including requirements for audits)  
24                           as the Secretary determines appropriate. Any  
25                           loans made by the Secretary under this section

1 shall be at a rate determined by the Secretary  
2 based on the risk and the current average yield  
3 on outstanding marketable obligations of the  
4 United States of comparable maturity.

5 (B) PROCEDURES.—As soon as prac-  
6 ticable, but in no case later than 10 days after  
7 the date of enactment of this Act, the Secretary  
8 shall publish procedures for application and  
9 minimum requirements, which may be supple-  
10 mented by the Secretary in the Secretary's dis-  
11 cretion, for making loans, loan guarantees, or  
12 other investments under paragraphs (1), (2),  
13 and (3) of subsection (b).

14 (2) LOANS AND LOAN GUARANTEES.—The Sec-  
15 retary may enter into agreements to make loans or  
16 loan guarantees to 1 or more eligible businesses  
17 under paragraphs (1), (2), or (3) of subsection (b)  
18 if the Secretary determines that, in the Secretary's  
19 discretion—

20 (A) the applicant is an eligible business for  
21 which credit is not reasonably available at the  
22 time of the transaction;

23 (B) the intended obligation by the appli-  
24 cant is prudently incurred;

1 (C) the loan or loan guarantee is suffi-  
2 ciently secured or is made at a rate that—

3 (i) reflects the risk of the loan or loan  
4 guarantee; and

5 (ii) is to the extent practicable, not  
6 less than an interest rate based on market  
7 conditions for comparable obligations prev-  
8 alent prior to the outbreak of the  
9 coronavirus disease 2019 (COVID–19);

10 (D) the duration of the loan or loan guar-  
11 antee is as short as practicable and in any case  
12 not longer than 5 years;

13 (E) except to the extent required under a  
14 contractual obligation in effect as of the date of  
15 enactment of this Act, the agreement prohibits  
16 the eligible business from repurchasing any out-  
17 standing equity interests while the loan or loan  
18 guarantee is outstanding;

19 (F) the agreement requires the eligible  
20 business to maintain its existing employment  
21 levels as of March 13, 2020, to the extent prac-  
22 ticable, while the loan or loan guarantee is out-  
23 standing; and

24 (G) for purposes of lending under sub-  
25 section (b)(3), the eligible borrower must have

1           incurred or is expected to incur covered losses  
2           such that the continued operations of the busi-  
3           ness are jeopardized, as determined by the Sec-  
4           retary.

5           (3) FEDERAL RESERVE PROGRAMS OR FACILI-  
6           TIES.—

7           (A) TERMS AND CONDITIONS.—

8           (i) IN GENERAL.—The Secretary may  
9           make a loan, loan guarantee, or other in-  
10          vestment under subsection (b)(4) as part  
11          of a program or facility that purchases ob-  
12          ligations or other interests directly from  
13          issuers of such obligations or other inter-  
14          ests only to the extent required under a  
15          contractual obligation in effect as of the  
16          date of enactment of this Act, the issuer of  
17          such obligations or interests agrees not to  
18          repurchase any outstanding equity inter-  
19          ests while the loan, loan guarantee, or  
20          other interest under subsection (b)(4) is  
21          outstanding.

22          (ii) WAIVER.—The Secretary may  
23          waive the requirement under this clause  
24          (i)(I) with respect to any program or facil-



1           (1) IN GENERAL.—To the extent feasible and  
2           practicable, the Secretary shall ensure that the com-  
3           pensation of the Federal Government is commensu-  
4           rate to the risk assumed in making loans and loan  
5           guarantees under this section. The Secretary shall  
6           liquidate any equity interests the Secretary acquires  
7           under this section as soon as reasonably practicable,  
8           consistent with maximizing returns to the Federal  
9           Government. The Secretary shall not exercise voting  
10          power with respect to any shares of common stock  
11          acquired under this section.

12          (2) GOVERNMENT PARTICIPATION IN GAINS.—If  
13          an eligible business receives a loan or loan guarantee  
14          under paragraphs (1), (2), or (3) of subsection (b),  
15          the Secretary is authorized to enter into contracts  
16          under which the Federal Government, contingent on  
17          the financial success of the eligible business, would  
18          participate in the gains of the eligible business or its  
19          security holders through the use of such instruments  
20          as warrants, stock options, common or preferred  
21          stock, or other appropriate equity instruments, pro-  
22          vided that the Secretary shall not exercise voting  
23          power with respect to any shares of common stock  
24          so acquired.

1 (e) DEPOSIT OF PROCEEDS.—Amounts collected by  
2 the Secretary under this section, including the repayment  
3 of principal, proceeds of investments, earnings, and inter-  
4 est collected, shall be deposited as follows:

5 (1) Amounts collected under paragraphs (1) or  
6 (2) of subsection (b) shall be deposited in the Air-  
7 port and Airway Trust Fund under section 9502 of  
8 the Internal Revenue Code of 1986 up to the  
9 amount of the difference between—

10 (A) the amount of deposits in such fund  
11 forecast in such fund's budget for fiscal year  
12 2020; and

13 (B) the amount deposited in such fund  
14 during fiscal year 2020.

15 (2) Amounts collected under paragraphs (3) or  
16 (4) of subsection (b) and any amount collected  
17 under paragraphs (1) or (2) of subsection (b) that  
18 is not deposited in the Airport and Airway Trust  
19 Fund under the preceding subparagraph, shall be  
20 deposited in the Treasury as miscellaneous receipts.

21 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding  
22 any other provision of law, the Secretary may use not  
23 greater than \$100,000,000 of the funds made available  
24 under this section to pay costs and administrative ex-  
25 penses associated with the loans, loan guarantees, and

1 other investments authorized under this section. The Sec-  
2 retary is authorized to take such actions as the Secretary  
3 deems necessary to carry out the authorities in this chap-  
4 ter, including, without limitation—

5 (1) using direct hiring authority to hire employ-  
6 ees to administer this title;

7 (2) entering into contracts, including contracts  
8 for services authorized by this title;

9 (3) establishing vehicles that are authorized,  
10 subject to supervision by the Secretary, to purchase,  
11 hold, and sell assets and issue obligations; and

12 (4) issuing such regulations and other guidance  
13 as may be necessary or appropriate to carry out the  
14 authorities or purposes of this title.

15 (g) FINANCIAL AGENTS.—The Secretary is author-  
16 ized to designate financial institutions, including but not  
17 limited to, depositories, brokers, dealers, and other institu-  
18 tions, as financial agents of the United States. Such insti-  
19 tutions shall—

20 (1) perform all reasonable duties the Secretary  
21 determines necessary to respond to the coronavirus;  
22 and

23 (2) shall be paid for such duties using appro-  
24 priations available to the Secretary to reimburse fi-



1       nancial institutions in their capacity as financial  
2       agents of the United States.

3       (h) LOANS MADE BY OR GUARANTEED BY THE DE-  
4       PARTMENT OF THE TREASURY TREATED AS INDEBTED-  
5       NESS FOR TAX PURPOSES.—

6               (1) IN GENERAL.—Any loan made by or guar-  
7       anteed by the Department of the Treasury under  
8       this section shall be treated as indebtedness for pur-  
9       poses of the Internal Revenue Code of 1986, shall be  
10      treated as issued for its stated principal amount,  
11      and stated interest on such loans shall be treated as  
12      qualified stated interest.

13              (2) REGULATIONS OR GUIDANCE.—The Sec-  
14      retary of the Treasury (or the Secretary's delegate)  
15      shall prescribe such regulations or guidance as may  
16      be necessary or appropriate to carry out the pur-  
17      poses of this section, including guidance providing  
18      that the acquisition of warrants, stock options, com-  
19      mon or preferred stock or other equity under this  
20      section does not result in an ownership change for  
21      purposes of section 382 of the Internal Revenue  
22      Code of 1986.

1 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**  
2 **PENSATION.**

3 (a) IN GENERAL.—The Secretary may only enter into  
4 an agreement directly with an eligible business to make  
5 a loan or loan guarantee under paragraph (1), (2), or (3)  
6 of section 4003(b) if such agreement provides that, during  
7 the 2-year period beginning March 1, 2020, and ending  
8 March 1, 2022, no officer or employee of the eligible busi-  
9 ness whose total compensation exceeded \$425,000 in cal-  
10 endar year 2019 (other than an employee whose com-  
11 pensation is determined through an existing collective bar-  
12 gaining agreement entered into prior to March 1, 2020)—

13 (1) will receive from the eligible business total  
14 compensation which exceeds, during any 12 consecu-  
15 tive months of such 2-year period, the total com-  
16 pensation received by the officer or employee from  
17 the eligible business in calendar year 2019; and

18 (2) will receive from the eligible business sever-  
19 ance pay or other benefits upon termination of em-  
20 ployment with the eligible business which exceeds  
21 twice the maximum total compensation received by  
22 the officer or employee from the eligible business in  
23 calendar year 2019.

24 (b) TOTAL COMPENSATION DEFINED.—In this sec-  
25 tion, the term “total compensation” includes salary, bo-  
26 nuses, awards of stock, and other financial benefits pro-

1 vided by an eligible business to an officer or employee of  
2 the eligible business.

3 **SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

4       The Secretary of Transportation is authorized to re-  
5 quire, to the extent reasonable and practicable, an air car-  
6 rier receiving loans and loan guarantees under section  
7 4003 to maintain scheduled air transportation service as  
8 the Secretary of Transportation deems necessary to ensure  
9 services to any point served by that carrier before March  
10 1, 2020. When considering whether to exercise the author-  
11 ity granted by this section, the Secretary of Transpor-  
12 tation shall take into consideration the air transportation  
13 needs of small and remote communities. The authority  
14 under this section, including any requirement issued by  
15 the Secretary under this section, shall terminate on March  
16 1, 2022.

17 **SEC. 4006. COORDINATION WITH SECRETARY OF TRANS-**  
18 **PORTATION.**

19       In implementing this title with respect to air carriers,  
20 the Secretary shall coordinate with the Secretary of  
21 Transportation.

22 **SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE**  
23 **TAXES.**

24       (a) **TRANSPORTATION BY AIR.**—In the case of any  
25 amount paid for transportation by air (including any

1 amount treated as paid for transportation by air by reason  
2 of section 4261(e)(3) of the Internal Revenue Code of  
3 1986) during the excise tax holiday period, no tax shall  
4 be imposed under section 4261 or 4271 of such Code. The  
5 preceding sentence shall not apply to amounts paid on or  
6 before the date of the enactment of this Act.

7 (b) USE OF KEROSENE IN COMMERCIAL AVIATION.—  
8 In the case of kerosene used in commercial aviation (as  
9 defined in section 4083 of the Internal Revenue Code of  
10 1986) during the excise tax holiday period—

11 (1) no tax shall be imposed on such kerosene  
12 under—

13 (A) section 4041(c) of the Internal Rev-  
14 enue Code of 1986, or

15 (B) section 4081 of such Code (other than  
16 at the rate provided in subsection (a)(2)(B)  
17 thereof), and

18 (2) section 6427(l) of such Code shall be ap-  
19 plied—

20 (A) by treating such use as a nontaxable  
21 use, and

22 (B) without regard to paragraph (4)(A)(ii)  
23 thereof.

24 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of  
25 this section, the term “excise tax holiday period” means

1 the period beginning after the date of the enactment of  
2 this section and ending before January 1, 2021.

3 **SEC. 4008. TRANSACTION ACCOUNT GUARANTEE AUTHOR-**  
4 **ITY.**

5 (a) Section 1105 of the Dodd-Frank Wall Street Re-  
6 form and Consumer Protection Act (12 U.S.C. 5612) is  
7 amended—

8 (1) in subsection (f), by striking “shall not”  
9 and inserting “may”; and

10 (2) by adding at the end the following:

11 “(h) APPROVAL OF GUARANTEE PROGRAM DURING  
12 THE COVID-19 CRISIS.—For purposes of the congressional  
13 joint resolution of approval provided for in subsections  
14 (c)(1) and (2) and (d), notwithstanding any other provi-  
15 sion of this section, the Federal Deposit Insurance Cor-  
16 poration is approved upon enactment of this Act to estab-  
17 lish a program provided for in subsection (a) without a  
18 maximum guarantee provided that any such program and  
19 any such guarantee shall terminate not later than Decem-  
20 ber 31, 2020.”.

21 (b) FEDERAL CREDIT UNION TRANSACTION AC-  
22 COUNT GUARANTEES.—Notwithstanding any other provi-  
23 sion of law and in coordination with the Federal Deposit  
24 Insurance Corporation, the National Credit Union Admin-  
25 istration Board may by a vote of the Board increase to

1 unlimited, or such lower amount as the Board approves,  
2 the share insurance coverage provided by the National  
3 Credit Union Share Insurance Fund on any noninterest-  
4 bearing transaction account in any federally insured credit  
5 union without exception, provided that any such increase  
6 shall terminate not later than December 31, 2020.

7 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**  
8 **ACT RELIEF.**

9 (a) IN GENERAL.—Except as provided in subsection  
10 (b), notwithstanding any other provision of law, if the  
11 Chairman of the Board of Governors of the Federal Re-  
12 serve System determines, in writing, that unusual and exi-  
13 gent circumstances exist, the Board may conduct meetings  
14 without regard to the requirements of section 552b of title  
15 5, United States Code, during the period beginning on the  
16 date of enactment of this Act and ending on the earlier  
17 of—

18 (1) the date on which the public health emer-  
19 gency declared by the Secretary of Health and  
20 Human Services on January 31, 2020, under section  
21 319 of the Public Health Service Act (42 U.S.C.  
22 247d), terminates; or

23 (2) December 31, 2020.

24 (b) RECORDS.—The Board of Governors of the Fed-  
25 eral Reserve System shall keep a record of all Board votes

1 and the reasons for such votes during the period described  
2 in subsection (a).

3 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

4 (a) DEFINITION.—In this section, the term “covered  
5 period” means the period beginning on the date of enact-  
6 ment of this Act and ending on the sooner of—

7 (1) the termination date of the public health  
8 emergency declared by the Secretary of Health and  
9 Human Services on January 31, 2020, under section  
10 319 of the Public Health Services Act (42 U.S.C.  
11 247d) in response to COVID–19; or

12 (2) December 31, 2020.

13 (b) AUTHORITY.— During the covered period, the  
14 Secretary of Housing and Urban Development and the Se-  
15 curities and Exchange Commission may, without regard  
16 to sections 3309 through 3318 of title 5, United States  
17 Code, recruit and appoint candidates to fill temporary and  
18 term appointments within their respective agencies upon  
19 a determination that those expedited procedures are nec-  
20 essary and appropriate to enable the respective agencies  
21 to prevent, prepare for, or respond to COVID–19.

22 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

23 (a) IN GENERAL.—Section 5200 of the Revised Stat-  
24 utes of the United States (12 U.S.C. 84) is amended—

25 (1) in subsection (c)(7)—

1 (A) by inserting “any nonbank financial  
2 company (as that term is defined in section 102  
3 of the Financial Stability Act of 2010 (12  
4 U.S.C. 5311)),” after “Loans or extensions of  
5 credit to”; and

6 (B) by striking “financial institution or to”  
7 and inserting “financial institution, or to”; and

8 (2) in subsection (d), by adding at the end of  
9 paragraph (1) the following: “The Comptroller of  
10 the Currency may, by order, exempt any transaction  
11 or series of transactions from the requirements of  
12 this section upon a finding by the Comptroller that  
13 such exemption is in the public interest and con-  
14 sistent with the purposes of this section.”.

15 (b) EFFECTIVE PERIOD.—This section, and the  
16 amendments made by this section, shall be effective during  
17 the period beginning on the date of enactment of this Act  
18 and ending on the sooner of—

19 (1) the termination date of the public health  
20 emergency declared by the Secretary of Health and  
21 Human Services on January 31, 2020, under section  
22 319 of the Public Health Services Act (42 U.S.C.  
23 247d) in response to COVID–19; or

24 (2) December 31, 2020.



1 **SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

2 (a) DEFINITIONS.—In this section—

3 (1) the term “appropriate Federal banking  
4 agency” has the meaning given the term in section  
5 2 of the Economic Growth, Regulatory Relief, and  
6 Consumer Protection Act (12 U.S.C. 5365 note);  
7 and

8 (2) the terms “Community Bank Leverage  
9 Ratio” and “qualifying community bank” have the  
10 meanings given the terms in section 201(a) of the  
11 Economic Growth, Regulatory Relief, and Consumer  
12 Protection Act (12 U.S.C. 5371 note).

13 (b) INTERIM RULE.—

14 (1) IN GENERAL.—Notwithstanding any other  
15 provision of law or regulation, the appropriate Fed-  
16 eral banking agencies shall issue an interim final  
17 rule that provides that, for the purposes of section  
18 201 of the Economic Growth, Regulatory Relief, and  
19 Consumer Protection Act (12 U.S.C. 5371 note)—

20 (A) the Community Bank Leverage Ratio  
21 shall be 8 percent; and

22 (B) a qualifying community bank that falls  
23 below the Community Bank Leverage Ratio es-  
24 tablished under subparagraph (A) shall have a  
25 reasonable grace period to satisfy the Commu-  
26 nity Bank Leverage Ratio.

1           (2) EFFECTIVE PERIOD.—The interim rule  
2           issued under paragraph (1) shall be effective during  
3           the period beginning on the date on which the ap-  
4           propriate Federal banking agencies issue the rule  
5           and ending on the sooner of—

6                   (A) the termination date of the public  
7                   health emergency declared by the Secretary of  
8                   Health and Human Services on January 31,  
9                   2020, under section 319 of the Public Health  
10                  Services Act (42 U.S.C. 247d) in response to  
11                  COVID-19; or

12                   (B) December 31, 2020.

13           (c) GRACE PERIOD.—During a grace period de-  
14           scribed in paragraph (1)(B), a qualifying community bank  
15           to which the grace period applies may continue to be treat-  
16           ed as a qualifying community bank and shall be presumed  
17           to satisfy the capital and leverage requirements described  
18           in section 201(c) of the Economic Growth, Regulatory Re-  
19           lief, and Consumer Protection Act (12 U.S.C. 5371 note).

20   **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**  
21                   **RESTRUCTURINGS.**

22           (a) DEFINITIONS.—In this section:

23                   (1) APPLICABLE PERIOD.—The term “applica-  
24                   ble period” means the period beginning on March 1,  
25                   2020 and ending on the date 60 days after the date

1 on which the public health emergency declared by  
2 the Secretary of Health and Human Services on  
3 January 31, 2020, under section 319 of the Public  
4 Health Service Act (42 U.S.C. 247d), terminates.

5 (2) APPROPRIATE FEDERAL BANKING AGEN-  
6 CY.—The term “appropriate Federal banking agen-  
7 cy” has the meaning given the term in section 3 of  
8 the Federal Deposit Insurance Act (12 U.S.C.  
9 1813).

10 (b) SUSPENSION.—

11 (1) IN GENERAL.—During the applicable pe-  
12 riod, a financial institution may elect to—

13 (A) suspend the requirements under  
14 United States generally accepted accounting  
15 principles for loan modifications related to the  
16 coronavirus disease 2019 (COVID–19) pan-  
17 demic that would otherwise be categorized as a  
18 troubled debt restructuring; and

19 (B) suspend any determination of a loan  
20 modified as a result of the effects of the  
21 coronavirus disease 2019 (COVID–19) pan-  
22 demic as being a troubled debt restructuring,  
23 including impairment for accounting purposes.

24 (2) APPLICABILITY.—Any suspension under  
25 paragraph (1)—

1           (A) shall be applicable for the term of the  
2           loan modification, but solely with respect to any  
3           modification, including a forbearance arrange-  
4           ment, an interest rate modification, a repay-  
5           ment plan, and any other similar arrangement  
6           that defers or delays the payment of principal  
7           or interest, that occurs during the applicable  
8           period for a loan that was not more than 30  
9           days past due as of December 31, 2019; and

10           (B) shall not apply to any adverse impact  
11           on the credit of a borrower that is not related  
12           to the coronavirus disease 2019 (COVID-19)  
13           pandemic.

14           (c) DEFERENCE.—The appropriate Federal banking  
15           agency of the financial institution shall defer to the deter-  
16           mination of the financial institution to make a suspension  
17           under this section.

18           (d) RECORDS.—For modified loans for which suspen-  
19           sions under subsection (a) apply—

20           (1) financial institutions should continue to  
21           maintain records of the volume of loans involved;  
22           and

23           (2) the appropriate Federal banking agencies  
24           may collect data about such loans for supervisory  
25           purposes.

1 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**  
2 **EXPECTED CREDIT LOSSES.**

3 (a) DEFINITIONS.—In this section, the terms “appro-  
4 priate Federal banking agency” and “insured depository  
5 institution” have the same meanings as in section 3 of  
6 the Federal Deposit Insurance Act.

7 (b) TEMPORARY RELIEF FROM CECL STAND-  
8 ARDS.—Notwithstanding any other provision of law, no in-  
9 sured depository institution, bank holding company, or  
10 any affiliate thereof shall be required to comply with the  
11 Financial Accounting Standards Board Accounting Stand-  
12 ards Update No. 2016–13 (“Measurement of Credit  
13 Losses on Financial Instruments”), including the current  
14 expected credit losses methodology for estimating allow-  
15 ances for credit losses, during the period beginning on the  
16 date of enactment of this Act and ending on the earlier  
17 of—

18 (1) the date on which the public health emer-  
19 gency declared by the Secretary of Health and  
20 Human Services on January 31, 2020, under section  
21 319 of the Public Health Service Act (42 U.S.C.  
22 247d), terminates; or

23 (2) December 31, 2020.

1 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**  
2 **DURING NATIONAL EMERGENCY.**

3 (a) IN GENERAL.—Section 131 of the Emergency  
4 Economic Stabilization Act of 2008 (12 U.S.C. 5236)  
5 shall not apply during the period beginning on the date  
6 of enactment of this Act and ending on December 31,  
7 2020. Any guarantee established as a result of the applica-  
8 tion of subsection (a) shall terminate not later than De-  
9 cember 31, 2020.

10 (b) DIRECT APPROPRIATION.—Upon the expiration  
11 of the period described in subsection (a), there is appro-  
12 priated, out of amounts in the Treasury not otherwise ap-  
13 propriated, such sums as may be necessary to reimburse  
14 the fund established under section 5302(a)(1) of title 31,  
15 United States Code, for any funds that are used for the  
16 Treasury Money Market Funds Guaranty Program for the  
17 United States money market mutual fund industry to the  
18 extent a claim payment made exceeds the balance of fees  
19 collected by the fund.

20 **SEC. 4016. INCREASING ACCESS TO MATERIALS NECESSARY**  
21 **FOR NATIONAL SECURITY AND PANDEMIC**  
22 **RECOVERY.**

23 Notwithstanding any other provision of law—

24 (1) during the 2-year period beginning on the  
25 date of enactment of this Act, the requirements de-  
26 scribed in sections 303(a)(6)(C) and 304(e) of the

1 Defense Production Act of 1950 (50 U.S.C.  
2 4533(a)(6)(C), 4534(e)) shall not apply; and

3 (2) during the 1-year period beginning on the  
4 date of enactment of this Act, the requirements de-  
5 scribed in sections 302(d)(1) and 303 (a)(6)(B) of  
6 the Defense Production Act of 1950 (50 U.S.C.  
7 4532(d)(1), 4533(a)(6)(B)) shall not apply.

8 **SEC. 4017. REPORTS.**

9 (a) SECRETARY.—The Secretary shall, with respect  
10 to the loans, loan guarantees, and other investments under  
11 paragraphs (1), (2), and (3) of section 4003(b), make  
12 such reports as are required under section 5302(c) of title  
13 31, United States Code, provided that the names of appli-  
14 cable eligible businesses, States, and municipalities and  
15 the amounts of individual loans or loan guarantees may  
16 be disclosed on a delayed basis of up to 6 months, if nec-  
17 essary and appropriate to promote the stability of United  
18 States financial markets or the safety and soundness of  
19 eligible businesses, States, and municipalities.

20 (b) GOVERNMENT ACCOUNTABILITY OFFICE.—

21 (1) STUDY.—The Comptroller General of the  
22 United States shall conduct a study on the loans,  
23 loan guarantees, and other investments provided  
24 under section 4003.

1           (2) REPORT.—Not later than 9 months after  
2           the date of enactment of this Act, and annually  
3           thereafter through the year succeeding the last year  
4           for which loans or loan guarantees provided under  
5           section 4003 are outstanding, the Comptroller Gen-  
6           eral shall submit to the Committee on Banking,  
7           Housing and Urban Affairs, Committee on Trans-  
8           portation and Infrastructure, the Committee on Ap-  
9           propriations, and the Committee on the Budget of  
10          the House of Representatives and the Committee on  
11          Commerce, Science, and Transportation, the Com-  
12          mittee on Appropriations, and the Committee on the  
13          Budget of the Senate a report on the loans and loan  
14          guarantees provided under section 4003.

15 **SEC. 4018. DIRECT APPROPRIATION.**

16          (a) IN GENERAL.—Notwithstanding any other provi-  
17          sion of law, there is appropriated, out of amounts in the  
18          Treasury not otherwise appropriated, to the fund estab-  
19          lished under section 5302(a)(1) of title 31, United States  
20          Code, \$500,000,000,000 to carry out this title.

21          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22          Section 5302(a) of title 31, United States Code, is amend-  
23          ed—

24                  (1) by striking “and” before “section 3”; and



1           (2) by inserting “and the Coronavirus Eco-  
2           nomic Stabilization Act of 2020,” before “and for  
3           investing”.

4 **SEC. 4019. RULE OF CONSTRUCTION.**

5           Nothing in this title shall be construed to allow the  
6           Secretary to provide relief to eligible businesses, States,  
7           and municipalities except in the form of loans, loan guar-  
8           antees, and other investments as provided in this title and  
9           under terms and conditions that are in the interest of the  
10          Federal Government.

11 **SEC. 4020. TERMINATION OF AUTHORITY.**

12          (a) IN GENERAL.—Except as provided in subsection  
13          (b), on December 31, 2020, the authority provided under  
14          this title to make new loans, loan guarantees, or other in-  
15          vestments shall terminate.

16          (b) OUTSTANDING.—Any loan, loan guarantee, or  
17          other investment outstanding on the date described in sub-  
18          section (a) may be modified, restructured, or otherwise  
19          amended.

20 **DIVISION B—EMERGENCY AP-**  
21 **PROPRIATIONS FOR**  
22 **CORONAVIRUS HEALTH RE-**  
23 **SPONSE AND AGENCY OPER-**  
24 **ATIONS**