

THE HEROES ACT

A Bold Response to the Coronavirus Pandemic and the Economic Collapse



H.R. 6800, The Heroes Act *Title-By-Title Summary*

DIVISION A – Coronavirus Recovery Supplemental Appropriations Act, 2020

Prepared by the Democratic staff of the House Committee on Appropriations

Title I – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

Supplemental Nutrition Assistance Program (SNAP) – Provides \$10 billion to support anticipated increases in participation and to cover program cost increases related to flexibilities provided to SNAP by the Families First Coronavirus Response Act.

Special Supplemental Nutrition Program for Women Infants and Children (WIC) – Provides an additional \$1.1 billion to provide access to nutritious foods to low-income pregnant women or mothers with young children who lose their jobs or are laid off due to the COVID-19 emergency.

The Emergency Food Assistance Program (TEFAP) – Includes \$150 million to help local food banks meet increased demand for low-income Americans during the emergency. Including funding provided by the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), TEFAP has received a total of \$1 billion.

Child Nutrition Programs – Includes \$3 billion in additional funding to provide emergency financial relief to school meal providers and USDA’s Child and Adult Care Food Program.

Farm and Ranch Stress Assistance Network program – Provides \$20 million to strengthen activities and services that connect farmers and ranchers to stress assistance resources and programs.

USDA Office of Inspector General – Provides \$2.5 million to increase monitoring and oversight activities.

Title II – Commerce, Justice, Science, and Related Agencies

Census Bureau, Periodic Censuses and Programs – \$400 million for expenses due to delays in the 2020 Decennial Census in response to the coronavirus.

Census Bureau, Current Surveys and Programs – \$10 million for expenses incurred as a result of the coronavirus.

National Oceanic and Atmospheric Administration (NOAA) – \$100 million for Fishery Disaster Assistance for tribal, subsistence, commercial, and charter fishery participants, in response to economic injury precipitated by the coronavirus.

Department of Commerce, Office of Inspector General – \$1 million for auditing and oversight of supplemental funds provided to the Commerce Department in the earlier CARES Act and this Act.

Bureau of Prisons – \$200 million to prevent, prepare for, and respond to coronavirus in Federal prisons, including funding for medical testing and services, personal protective equipment, hygiene supplies and services, and sanitation services

Violence Against Women Act (VAWA) programs – \$100 million, with a waiver of the local match requirement, including \$30 million for grants to combat violence against women, \$15 million for transitional housing assistance grants, \$15 million for sexual assault victims assistance, \$10 million for rural domestic violence and child abuse enforcement assistance, \$10 million for legal assistance for victims, \$4 million for assistance to tribal governments, and \$16 million to support families in the justice system.

Byrne Justice Assistance Grants – \$300 million to help prevent, prepare for, and respond to coronavirus, including for purchasing personal protective equipment and controlling outbreaks of coronavirus at prisons, with waivers of the local match and non-supplanting requirements. Public defender funding is also an authorized use of Byrne-JAG grants. The bill additionally prevents the Department of Justice from preventing these funds from going to sanctuary jurisdictions.

Community Oriented Policing Services (COPS) – \$300 million for law enforcement hiring grants and for the purchase of personal protective equipment, with waivers of the local match and non-supplanting requirements.

Second Chance Act grants – \$250 million for grants to help facilitate the reintegration of ex-prisoners back into society and to prevent recidivism.

Pandemic Justice Response Act Grants – \$600 million, including: (1) \$500 million to prevent, detect, and stop the presence of COVID-19 in correctional institutions, and for pre-trial citation and release grants, (2) \$25 million for Rapid COVID-19 Testing at correctional institutions, and (3) \$75 million for Juvenile Specific Services.

National Science Foundation (NSF) Research and Related Activities – \$125 million to prevent, prepare for, and respond to coronavirus.

Legal Services Corporation – \$50 million to address legal needs arising from coronavirus.

Department of Justice, Office of Inspector General – \$3 million to prevent, prepare for, and respond to coronavirus, including by providing auditing and oversight of supplemental funds provided to the Justice Department.

Title III – Financial Services and General Government

State Fiscal Relief – \$500 billion in funding to assist state governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Local Fiscal Relief – \$375 billion in funding to assist local governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Tribal Fiscal Relief – \$20 billion in funding to assist Tribal governments with the fiscal impacts from the public health emergency caused by the coronavirus.

Fiscal Relief for Territories – \$20 billion in funding to assist governments of the Territories with the fiscal impacts from the public health emergency caused by the coronavirus.

CARES Act Coronavirus Relief Fund Repayment to DC – Provides an additional \$755 million for the District of Columbia to assist with the fiscal impacts from the public health emergency caused by the coronavirus

Treasury Inspector Generals – \$35 million for the Treasury Inspector General for oversight of Coronavirus Fiscal Relief Fund payments to state and local governments, and \$2.5 million for the Treasury Inspector General for Tax Administration for oversight of IRS payments.

Community Development Financial Institutions (CDFI) – \$1 billion for economic support and recovery in distressed communities by providing financial and technical assistance to CDFIs.

Tax Credit Implementation – \$599 million for implementation of additional payments to individuals.

Assistance to Homeowners--\$75 billion to states, territories, and tribes to address the ongoing needs of homeowners struggling to afford their housing due directly or indirectly to the impacts of the pandemic by providing direct assistance with mortgage payments, property taxes, property insurance, utilities, and other housing related costs.

Elections – \$3.6 billion for grants to States for contingency planning, preparation, and resilience of elections for Federal office.

Broadband – \$1.5 billion to close the homework gap by providing funding for Wi-Fi hotspots and connected devices for students and library patrons, and \$4 billion for emergency home connectivity needs.

Assisting Small Businesses – \$10 billion in grants to small businesses that have suffered

financial losses as a result of the coronavirus outbreak.

Office of Personnel Management Inspector General Office (OPM IG) – \$1 million for the OPM IG to combat healthcare fraud associated with COVID-19.

General Services Administration Technology Modernization Fund – \$1 billion in funding for technology-related modernization activities to prevent, prepare for, and respond to coronavirus.

Postal Service – \$25 billion for revenue forgone due to the coronavirus pandemic, plus language providing additional protections to Postal workers. An additional \$15 million is provided for the Postal Service Inspector General for oversight of this funding.

Title IV – Homeland Security

Federal Emergency Management Agency – \$1.3 billion to prevent, prepare for, and respond to coronavirus, including \$200 million for the Emergency Food and Shelter Program; \$500 million for Assistance to Firefighter Grants (AFG); \$500 million for Staffing for Adequate Fire and Emergency Response (SAFER) grants; and \$100 million for Emergency Management Performance Grants (EMPG).

In addition –

- Prohibits the use of funds provided in the bill from being used for other purposes.
- For AFG and SAFER, waives cost sharing requirements for cash-strapped fire departments and waives certain other program requirements in order to help expedite grant awards.

Office of Inspector General – \$3 million for oversight of the Department of Homeland Security’s pandemic response activities.

Title V – Interior, Environment, and Related Agencies

Fish and Wildlife Service – \$71 million to support activities related to wildlife-borne disease prevention, with \$50 million for grants through the State and Tribal Wildlife grant program.

United States Geological Survey – \$40 million for biosurveillance and research related to wildlife-borne disease.

Bureau of Indian Affairs – \$900 million to meet Tribal government needs necessary to prevent, prepare for, and respond to coronavirus, including:

- \$780 million to continue Tribal government operations and programs and to clean Tribal facilities.
- \$100 million to address overcrowded housing which is prohibiting social isolation.

- \$20 million for sanitation needs to provide for water hydration and hygiene issues to mitigate and respond to coronavirus.

Department of the Interior – \$1 billion for building hospitals and critical infrastructure in the Insular Areas, as well as for general technical assistance in responding to Coronavirus; and \$5 million to perform oversight, accountability, and evaluation of programs, projects, or activities in the Department of the Interior pandemic response.

Environmental Protection Agency – \$50 million for environmental justice grants, including investigating links between pollution exposure and the transmission and health outcomes of coronavirus in environmental justice communities.

Indian Health Service – \$2.1 billion to address health care needs related to coronavirus for Native Americans, including:

- \$1 billion to account for lost third party revenues as a result of reduced medical care.
- \$64 million to assist Urban Indian Organizations.
- \$10 million to assist with sanitation, hydration and hygiene needs in Indian Country necessary to prevent, prepare for, and respond to coronavirus.
- \$500 million to provide health care, including telehealth services to Native Americans, and to purchase medical supplies and personal protective equipment.
- \$140 million to expand broadband infrastructure and information technology for telehealth and electronic health records system purposes.
- \$20 million to provide health care, housing and isolation units for domestic violence victims and homeless Native Americans.
- No less than \$366 million to provide isolation or quarantine space.

National Endowment for the Arts- \$10 million for the National Endowment for the Arts for grants to support the general operations of recipients and language to permit the waiver of matching requirements.

National Endowment for the Humanities- \$10 million for the National Endowment for the Humanities for grants to support the general operations of recipients and language to permit the waiver of matching requirements.

Title VI – Labor, Health and Human Services, Education, and Related Agencies

Department of Labor – \$3.1 billion to support workforce training and worker protection activities related to coronavirus, including:

- \$2 billion to support worker training;
- \$25 million for migrant and seasonal farmworkers, including emergency supportive services;
- \$925 million to assist States in processing unemployment insurance claims;
- \$15 million for the federal administration of unemployment insurance activities;

- \$100 million for the Occupational Safety and Health Administration for workplace protection and enforcement activities in response to coronavirus, including \$25 million for Susan Harwood training grants that protect and educate workers;
- \$6.5 million for the Wage and Hour Division to support enforcement and outreach activities for paid leave benefits; and
- \$5 million for the Office of the Inspector General.

Health Resources and Services Administration – \$7.6 billion to support expanded health care services for underserved populations, including:

- \$7.6 billion for Health Centers to expand the capacity to provide testing, triage, and care for COVID-19 and other health care services at approximately 1,000 existing health centers across the country; and
- \$10 million to Ryan White HIV/AIDS clinics to support extended operational hours, increased staffing hours, additional equipment, and additional home delivered meals and transportation needs of clients, who disproportionately suffer from co-morbidities and underlying immunosuppression that puts them at greater risk for COVID-19 complications.

Centers for Disease Control and Prevention – \$2.1 billion to support federal, state, and local public health agencies to prevent, prepare for, and respond to the coronavirus, including:

- \$2 billion for State, local, Territorial, and Tribal Public Health Departments and
- \$130 million for public health data surveillance and analytics infrastructure modernization.

National Institutes of Health – \$4.745 billion to expand COVID-19-related research on the NIH campus and at academic institutions across the country and to support the shutdown and startup costs of biomedical research laboratories nationwide.

Assistant Secretary for Preparedness and Response – \$4.575 billion to respond to coronavirus, including:

- \$3.5 billion for Biomedical Advanced Research and Development Authority (BARDA) for therapeutics and vaccines;
- \$500 million for BARDA to support U.S.-based next generation manufacturing facilities;
- \$500 million for BARDA to promote innovation in antibacterial research and development; and
- \$75 million for the Office of Inspector General.

Public Health and Social Services Emergency Fund – \$175 billion to reimburse for health care related expenses or lost revenue attributable to the coronavirus, as well as to support testing and contact tracing to effectively monitor and suppress COVID-19, including:

- \$100 billion in grants for hospital and health care providers to be reimbursed health care related expenses or lost revenue directly attributable to the public health emergency resulting from coronavirus; and
- \$75 billion for testing, contact tracing, and other activities necessary to effectively monitor and suppress COVID-19.

Substance Abuse and Mental Health Services Administration – \$3 billion to increase mental health support during this challenging time, to support substance abuse treatment, and to offer increased outreach, including:

- \$1.5 billion for the Substance Abuse Prevention and Treatment Block Grant;
- \$1 billion for the Community Mental Health Services Block Grant;
- \$100 million for services to homeless individuals;
- \$100 million for Project AWARE to identify students and connect them with mental health services;
- \$10 million for the National Child Traumatic Stress Network;
- \$265 million for emergency response grants to address immediate behavioral health needs as a result of COVID-19;
- \$25 million for the Suicide Lifeline and Disaster Distress Helpline; and
- Not less \$150 million for tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes across a variety of programs.

Centers for Medicare & Medicaid Services – Nursing Strike Team – \$150 million for States to establish and implement strike teams to deploy to skilled nursing facilities or nursing facilities within 72 hours of three residents or employees being diagnosed with or suspected of having COVID-19.

Centers for Medicare & Medicaid Services – Health Care Fraud and Abuse Control – \$25 million to support program integrity activities, including investigations and prosecutions of illegal or fraudulent activity affecting funds provided through Medicare, Medicaid, or the Children’s Health Insurance Program.

Administration for Children and Families – \$10.1 billion to provide supportive and social services for families and children through programs including:

- \$7 billion for Child Care and Development Block Grants;
- \$1.5 billion for the Low-Income Home Energy Assistance Program (LIHEAP);
- \$1.5 billion to support paying water bills for low income families \$50 million for Family Violence Prevention and Services;
- \$20 million for Child Abuse Prevention and Treatment Act (CAPTA) State Grants; and
- \$20 million for Community Based-Child Abuse Prevention Grants.

Administration for Community Living – \$100 million to provide direct services such as home-delivered and prepackaged meals, and supportive services for seniors and disabled individuals, and their caregivers.

Health and Human Services Office of Inspector General – \$75 million to provide necessary oversight and enforcement related to the COVID-19 pandemic.

Department of Education – \$100.15 billion to support the educational needs of States, school districts, and institutions of higher education in response to coronavirus, including:

- \$90 billion for a State Fiscal Stabilization Fund for grants to States to support statewide and local funding for elementary and secondary schools and public postsecondary institutions. This flexible funding can support:
 - costs associated with making up instructional time, including teacher, school leader, and classified school employee personnel costs;
 - providing school-based supports for impacted students, families, and staff, including counseling, mental health services, family engagement efforts, and the coordination of physical health services;
 - costs associated with sanitation and cleaning for schools and school transportation;
 - professional development for school-based staff on trauma-informed care to restore the learning environment;
 - purchasing educational technology, including assistive technology, that aids in regular and substantive interactions between students and their classroom instructor;
 - coordination efforts between State educational agencies and public health departments for emergency planning, response, and recovery;
 - authorized activities under education statutes including ESEA, IDEA, McKinney-Vento Homeless Assistance Act, the Adult Education and Family Literacy Act, and the Perkins Act;
 - training and professional development for college and university faculty and staff to use technology and services related to distance education;
 - general expenditures for institutions of higher education for expenses associated with a disruption in services or operations related to coronavirus, including defraying expenses due to lost revenue, reimbursement for expenses already incurred, and payroll; and,
 - emergency financial aid to postsecondary students for housing, food, technology, health care, and child care.
- \$10.15 billion to help alleviate burdens associated with the coronavirus for both colleges and students, including \$1.7 billion for Historically Black Colleges and Universities and Minority Serving Institutions, \$20 million for Howard University, \$11 million for Gallaudet University, \$11 million for the National Technical Institute for the Deaf, and \$8.4 billion for other institutions of higher education.

Institute for Museum and Library Services – \$5 million to support libraries and museums with costs and expenses associated with coronavirus, including operational supports and providing technology and resources for their communities.

Railroad Retirement Board – \$5 million to support the processing of unemployment benefits under the Railroad Unemployment Insurance Act, including \$500,000 for the Office of the Inspector General.

Title VII – Legislative Branch

House of Representatives – \$5 million to support an upgraded imaging solution required to expediently and efficiently meet the demand for House imaged laptops due to COVID-19. In addition, this funding will support an increase in inventory of satellite phone, Mobile Wi-Fi Hotspots, and updated satellite bandwidth technologies to meet escalating demand of District Offices during COVID-19, as well as provide funding for the newly formed Select Committee that will provide oversight of the funds provided for coronavirus and economic aid.

Government Accountability Office (GAO) – \$30 million for GAO to conduct oversight of funding provided to federal departments and agencies for coronavirus response and recovery efforts.

Title VIII – State, Foreign Operations, and Related Programs

Oversight – \$2 million to the Department of State Inspector General to conduct oversight of coronavirus response activities.

Title IX – Transportation, Housing and Urban Development, and Related Agencies

Department of Transportation (DOT)

FAA, Operations – \$75 million for additional janitorial services at air traffic control towers and other FAA facilities; hazard pay, and overtime pay to prevent, prepare for, and respond to coronavirus; and a study on mitigating pathogens in airliner cabin air.

Airport and Airway Trust Fund Relief (AATF) – The combination of reduced air passenger traffic and the suspension of certain aviation taxes through January 2021 in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136) will significantly reduce aviation-related excise tax revenue remitted to the AATF and may result in the AATF being unable to rely solely on aviation taxes to meet its obligations, such as grants to airports, air traffic control operations, and research in fiscal year 2020. Section 10901 ensures that the AATF can meet its obligations using the General Fund of the Treasury.

Highways – \$15 billion for grants to support the ongoing work of State, Tribal, and Territorial Departments of Transportation and certain local governments to mitigate the effects of coronavirus including the salaries of staff and other administrative expenses.

Transit Emergency Relief – \$15.75 billion for operating assistance grants to support the transit agencies that require significant additional assistance to maintain basic transit services. Of these amounts \$11.75 billion will be distributed by formula and \$4 billion will be available to any grantee or sub-recipient by application to the Secretary.

Department of Housing and Urban Development (HUD)

Tenant-Based Rental Assistance – \$4 billion to allow public housing agencies (PHAs) to respond to coronavirus and the ability to keep over 2.2 million families stably housed even when

facing a loss of income, including \$1 billion for new, temporary, vouchers for individuals and families who are homeless or at risk of becoming homeless, or fleeing domestic violence. Allows PHAs the flexibility necessary for the safe and effective administration of these funds while maintaining fair housing, nondiscrimination, labor standards, and environmental protections.

Public Housing Operating Fund – \$2 billion for PHAs to carry out coronavirus response for the operation and management of almost 1 million public housing units. Allows PHAs the flexibility necessary for the safe and effective administration of these funds while maintaining fair housing, nondiscrimination, labor standards, and environmental protections.

Housing for Persons with AIDS – \$15 million to maintain operations, rental assistance, supportive services, and other necessary actions to mitigate the impact of coronavirus on low-income persons with HIV/AIDS.

Community Development Block Grant – \$5 billion for coronavirus response and to mitigate the impacts in our communities to be distributed by formula to current grantees. The legislation continues to waive the public services cap to allow communities to respond to the impacts of the pandemic.

Homeless Assistance Grants – \$11.5 billion for Emergency Solutions Grants to address the impact of coronavirus among individuals and families who are homeless or at risk of homelessness and to support additional homeless assistance, prevention, and diversion activities to mitigate the impacts of the pandemic.

Emergency Rental Assistance – \$100 billion to provide emergency assistance to help low-income renters at risk of homelessness avoid eviction due to the economic impact of the coronavirus pandemic.

Project-Based Rental Assistance – \$750 million to ensure the continuation of housing assistance for low-income individuals and families living in project-based rental assistance properties, and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the pandemic.

Housing for the Elderly – \$500 million to maintain operations at properties providing affordable housing for low-income seniors and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the coronavirus pandemic. To ensure access to supportive services for this vulnerable population, this includes \$300 million for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects.

Housing for Persons with Disabilities – \$200 million to maintain operations at properties providing affordable housing for low-income persons with disabilities, and to ensure housing providers can take the necessary actions to prevent, prepare for, and respond to the coronavirus pandemic.

Housing Counseling Assistance – \$100 million to enable housing counselors to respond to the surge of demand for services, which include foreclosure and eviction mitigation counseling, in light of the economic impact of the COVID-19 pandemic. The bill allows the purchase of technology and equipment so services can be provided through electronic means.

Office of Fair Housing and Equal Opportunity – \$14 million to address fair housing issues resulting from coronavirus. This includes \$4 million for Fair Housing Organization Initiative grants and \$10 million for Education and Outreach grants to educate the public and the housing industry about fair housing rights and responsibilities during the COVID-19 pandemic.

Title X – General Provisions

Technical budgetary provisions.

DIVISION B – Revenue Provisions

Prepared by the Democratic staff of the House Committee on Ways and Means

Sec. 20001. Short title; table of contents.

Titles this division the “COVID-19 Tax Relief Act of 2020.”

Title I – Economic Stimulus

SUBTITLE A – 2020 RECOVERY REBATE IMPROVEMENTS

Sec. 20101. Dependents taken into account in determining credit and rebates.

Makes all dependents eligible for the \$500 qualifying child amount in the Economic Impact Payments made under the CARES Act, previously only applicable to children below age 17. This allows households with dependents who are full-time students below age 24 and adult dependents to also receive the \$500 amount. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 20102. Individuals providing taxpayer identification numbers taken into account in determining credit and rebates.

Allows Economic Impact Payments to be made to an individual who provides a Taxpayer Identification Number, rather than a Social Security Number. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 20103. 2020 recovery rebates not subject to reduction or offset with respect to past-due support.

Exempts Economic Impact Payments from reduction or offset with respect to past-due child support.

Sec. 20104. Protection of 2020 Economic Impact Payments.

Protects Economic Impact Payments from any form of transfer, assignment, execution, levy, attachment, garnishment, legal process, bankruptcy or insolvency law, and any other means of capture prohibited for payments made under Chapter 7 Subchapter 2 of the Social Security Act.

Sec. 20105. Payments to representative payees and fiduciaries.

Amends the CARES Act to clarify that, for an individual whose Economic Impact Payment was paid based on a Social Security Benefit Statement or Social Security Equivalent Benefit Statement, any Economic Impact Payment made to a representative payee or fiduciary shall only be used for the benefit of the person for whom the payment was intended. This provision is effective retroactive to the date of enactment of the CARES Act.

Sec. 20106. Application to taxpayers with respect to whom advance payment has already been made.

When the amendments to the Economic Impact Payments described above increase the amount of advance payments a taxpayer is eligible for, Treasury shall issue a rebate equal to the taxpayers' redetermined rebate less the previously issued rebate.

SUBTITLE B – ADDITIONAL RECOVERY REBATES TO INDIVIDUALS

Sec. 20111. Additional recovery rebates to individuals.

Provides a \$1,200 refundable tax credit for each family member that shall be paid out in advance payments, similar to the Economic Impact Payments in the CARES Act. The credit is \$1,200 for a single taxpayer (\$2,400 for joint filers), in addition to \$1,200 per dependent up to a maximum of 3 dependents. The credit phases out starting at \$75,000 of modified adjusted gross income (\$112,500 for head of household filers and \$150,000 for joint filers) at a rate of \$5 per \$100 of income.

Treasury shall issue this credit as an advance payment based on the information on 2018 or 2019 tax returns. Treasury shall issue advance payments for Social Security Old-Age, Survivors, and Disability Insurance beneficiaries, Supplemental Security Income recipients, Railroad Retirement Board beneficiaries, and Veterans Administration beneficiaries who did not file returns for 2018 or 2019 based on information provided by the Social Security Administration, the Railroad Retirement Board, and the Veterans Administration. Treasury shall conduct outreach to non-filers to inform them of how to file for their advance payment.

Taxpayers receiving an advance payment that exceeds their maximum eligible credit based on 2020 information will not be required to repay any amount of the payment to the Treasury. If the credit based on 2020 information exceeds the amount of the advance payment, taxpayers can claim the difference on their 2020 tax returns.

The recovery rebate improvements in sections 201 through 205 of this division generally apply to these additional rebates. Additionally, Treasury is instructed to make payments to the territories that relate to the cost of providing the credits for each territory.

SUBTITLE C – EARNED INCOME TAX CREDIT

Sec. 20121. Strengthening the earned income tax credit for individuals with no qualifying children for 2020.

Expands the eligibility and the amount of the earned income tax credit for taxpayers with no qualifying children (the “childless EITC”) for 2020. In particular, the minimum age to claim the childless EITC is reduced from 25 to 19 (except for full-time students) and the upper age limit for the childless EITC is increased from age 65 to age 66. This section also increases childless

EITC amount by increasing the credit percentage and phaseout percentage from 7.65 to 15.3 percent, increasing the earned income amount to \$9,720, increasing the phaseout amount to \$11,490. Under these parameters, the maximum credit amount in 2020 increases from \$538 to \$1,487.

Sec. 20122. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.

Repeals the provision prohibiting an EITC-eligible taxpayer with qualifying children from taking the childless EITC if he or she cannot claim the EITC with respect to qualifying children due to failure to meet child identification requirements (including a valid SSN for qualifying children). Accordingly, individuals who do not claim the EITC with respect to qualifying children due to failure to meet identification requirements would now be able claim the childless EITC.

Sec. 20123. Credit allowed in case of certain separated spouses.

Allows a married but separated individual to be treated as not married for purposes of the EITC if a joint return is not filed. Thus, the EITC may be claimed by the individual on a separate return. This rule only applies if the taxpayer lives with a qualifying child for more than one-half of the taxable year and either does not have the same principal place of abode as his or her spouse for the last six months of the year, or has a separation decree, instrument, or agreement and doesn't live with his or her spouse by the end of the taxable year. This change aligns the EITC eligibility requirements with present-day family law practice.

Sec. 20124. Elimination of disqualified investment income test.

Eliminates the disqualified investment income test so that individuals are able to claim the EITC without regard to the amount of certain investment income.

Sec. 20125. Application of earned income tax credit in possessions of the United States.

Instructs Treasury to make payments to the territories that relate to the cost of each territory's EITC. The possessions must provide Treasury with annual reports on the estimate of costs and a statement of costs with respect to the preceding year.

Sec. 20126. Temporary special rule for determining earned income for purposes of earned income tax credit.

Allows taxpayers in 2020, for purposes of computing the EITC, to substitute their 2019 earned income for their 2020 earned income if their 2020 earned income is less than their 2019 earned income.

SUBTITLE D – CHILD TAX CREDIT

Sec. 20131. Child tax credit improvements for 2020.

Makes the child tax credit (“CTC”) fully refundable for 2020 and increases the amount to \$3,000 per child (\$3,600 for a child under age 6). The provision also makes 17-year-olds qualifying children. The provision requires the Secretary to make best efforts to provide the enhanced credit in the form of an advanced payment.

Sec. 20132. Application of child tax credit in territories.

Instructs Treasury to make payments to each “mirror code” territory for the cost of the territories' CTC. This amount is determined by Treasury based on information provided by the territorial governments. Puerto Rico, which does not have a mirror code, will receive the

refundable CTC by having its residents file for the CTC with the IRS. For American Samoa, which does not have a mirror code, Treasury is instructed to make payments in an amount estimated by Treasury as being equal to the aggregate benefits that would have been provided if American Samoa had a mirror code in place.

SUBTITLE E – DEPENDENT CARE ASSISTANCE

Sec. 20141. Refundability and enhancement of child and dependent care tax credit for 2020.

Makes the child and dependent care tax credit (“CDCTC”) fully refundable for 2020 and increases the maximum credit rate to 50 percent. Amends the phaseout threshold to begin at \$120,000 instead of \$15,000. Doubles the amount of child and dependent care expenses that are eligible for the credit to \$6,000 for one qualifying individual and \$12,000 for two or more qualifying individuals.

Sec. 20142. Increase in exclusion for employer-provided dependent care assistance for 2020.

Increases the exclusion for employer-provided dependent care assistance from \$5,000 to \$10,500 (from \$2,500 to \$5,250 in the case of a separate return filed by a married individual) for 2020.

SUBTITLE F – FLEXIBILITY FOR CERTAIN EMPLOYEE BENEFITS

Sec. 20151. Increase in carryover for health flexible spending arrangements in 2020.

Permits cafeteria plans and health flexible spending arrangements to allow participants to carry over up to \$2,750 in unused benefits or contributions from 2020 to 2021.

Sec. 20152. Carryover for dependent care flexible spending arrangements in 2020.

Permits cafeteria plans and dependent care flexible spending arrangements to allow participants to carry over up to the annual maximum amount of unused dependent care assistance benefits or contributions from 2020 to 2021.

Sec. 20153. Carryover of paid time off in 2020.

Permits cafeteria plans to allow participants to carry over unused paid time off from 2020 to 2021.

Sec. 20154. Change in election amount in 2020.

Permits cafeteria plans and health flexible spending arrangements to allow participants to make one-time elections for any reason to a health FSA or to the amount of paid time off. Such one-time election is allowed between the date of enactment and December 31, 2020.

Sec. 20155. Extension of grace periods, etc. in 2020.

Permits cafeteria plans, health flexible spending arrangements, and dependent care flexible spending arrangements to provide an extension of the grace period for the 2020 plan year to 12 months after the end of the 2020 plan year. Extension of the grace period will allow benefits or contributions from these plans or arrangements to be used for expenses incurred up to 12 months after the end of the plan year.

Permits cafeteria plans and health flexible spending arrangements to allow employees who cease participation in the plan (e.g. due to being terminated) to continue to receive reimbursements from unused contributions for the rest of the plan year (including the grace period as extended above).

Sec. 20156. Plan amendments.

Permits retroactive amendments to cafeteria plans, health flexible spending arrangements, and dependent care arrangements for the purposes of this subtitle.

SUBTITLE G – DEDUCTION OF STATE AND LOCAL TAXES

Sec. 20161. Elimination for 2020 and 2021 of limitation on deduction of state and local taxes.

Eliminates the limitation on the deduction for state and local taxes for taxable years beginning on or after January 1, 2020 and on or before December 31, 2021.

Title II – Additional Relief For Workers

SUBTITLE A – ADDITIONAL RELIEF

Sec. 20201. Increase in above-the-line deduction for certain expenses of elementary and secondary school teachers.

Doubles the above-the-line deduction for certain unreimbursed out-of-pocket expenses for elementary and secondary school teachers from \$250 to \$500. This amount is adjusted for inflation.

Sec. 20202. Above-the-line deduction allowed for certain expenses of first responders.

Provides a \$500 above-the-line deduction for unreimbursed expenses of professional first responders related to the cost of uniforms or tuition and fees related to training. This deduction is indexed to inflation.

Sec. 20203. Temporary above-the-line deduction for supplies and equipment of first responders and COVID-19 front-line employees.

Provides a \$500 above-the-line deduction for 2020 for the uniforms, supplies, and equipment of first responders and COVID-19 front-line employees. COVID-19 front-line employees are those that perform at least 1,000 hours of essential work, as defined for pandemic premium pay reimbursable from the COVID-19 Heroes Fund.

Sec. 20204. Payroll credit for certain pandemic-related employee benefit expenses paid by employers.

Provides a 30% refundable payroll tax credit for expenses reimbursed or paid for the benefit of an employee for reasonable and necessary personal, family, living, or funeral expenses incurred as a result of the presidentially declared disaster related to COVID-19. The credit percentage is 50% for expenses paid to employees if a substantial portion of the services performed by the employee is essential work, as defined for pandemic premium pay reimbursable from the COVID-19 Heroes Fund. No credit is allowed if the expenses are provided in a manner which discriminates in favor of highly compensated employees. The Social Security Equivalent Benefit Account is held harmless under this provision, through a General Fund transfer of lost receipts as a result of this credit.

SUBTITLE B – TAX CREDITS TO PREVENT BUSINESS INTERRUPTION

Sec. 20211. Improvements to employee retention credit.

Increases the applicable percentage of qualified wages reimbursed through the employee retention credit from 50% to 80%.

Modifies the gross receipts requirement to allow a partial credit, phased in for a decline in gross receipts between 10% and 50% compared to the same calendar quarter of the previous year.

Increases the limit on wages taken into account per employee from \$10,000 for the year to \$15,000 per quarter (limited to \$45,000 for the calendar year).

Replaces the 100-employee delineation for determining the relevant qualified wage base with a definition of large employer. A large employer is an employer with greater than 1,500 full time employees and gross receipts of greater than \$41,500,000 in 2019.

Allows state and local governments and certain federal instrumentalities to claim the credit in the event they are paying wages to employees while their operations are fully or partially shut down.

Clarifies that group health plan expenses can be considered qualified wages even when no other wages are paid to the employee, consistent with recent revisions to IRS guidance on this issue.

This provision also clarifies that wages paid by an employer for lost tips will not trigger the wage limitation in section 2301(c)(3)(B) of the CARES Acts.

All provisions apply retroactively to the effective date included in section 2301 of the CARES Act.

Sec. 20212. Payroll credit for certain fixed expenses of employers subject to closure by reason of COVID-19.

Provides a 50% refundable payroll tax credit for qualified fixed costs. Qualified fixed costs include covered rent obligations, covered mortgage obligations, and covered utility payments. These terms have the same definitions as the definitions provided in section 1106 of the CARES Act, relating to forgiveness of Paycheck Protection Program loans. For each quarter, qualified expenses eligible for this credit are limited to 25% of qualified wages (as defined in the employee retention credit) or 6.25% of 2019 gross receipts (which annualizes to 25%), with a maximum of \$50,000.

This credit is limited to employers with no more than 1,500 full-time equivalent employees or no more than \$41,500,000 in gross receipts in 2019. Additionally, employers must be subject to a full or partial suspension due to a COVID-19 government order or have a decline in gross receipts of at least 20% compared to the same calendar quarter of the preceding year. This credit is phased in for employers with a decline in gross receipts between 10% and 50%.

The Social Security Equivalent Benefit Account is held harmless under this provision, through a General Fund transfer of lost receipts as a result of this credit.

The section applies to qualified fixed expenses paid or accrued from March 12, 2020 until December 31, 2020.

Sec. 20213. Business interruption credit for the self-employed.

Provides a 90% refundable individual income tax credit for certain self-employed individuals who have experienced a significant loss of income. The credit may be claimed on “qualified self-employment income” which is the loss in gross income for self-employment that exceeds a 10% reduction from 2019 to 2020, scaled using the ratio of net earnings from self-employment to gross income from self-employment in 2019. The amount of qualified self-employment income

taken into account cannot exceed the reduction in adjusted gross income from 2019 to 2020, and is capped at \$45,000. The credit phases out starting at \$60,000 of adjusted gross income (\$120,000 for married filing jointly) at a rate of \$50 for every \$100 of income.

SUBTITLE C – CREDITS FOR PAID SICK AND FAMILY LEAVE

Sec. 20221. Extension of credits.

Extends the refundable payroll tax credits for paid sick and family leave, enacted in the Families First Coronavirus Response Act, through the end of 2021. This provision is effective as if included in FFCRA.

Sec. 20222. Repeal of reduced rate of credit for certain leave.

Coordinates changes made to the requirement to provide paid sick time to allow employers to claim up to \$511 per day, rather than \$200 per day for leave for caregivers of individuals subject to a coronavirus related stay at home order and parents providing for children affected by a coronavirus related school closure. This provision applies to days on or after the date of enactment of this Act.

Sec. 20223. Increase in limitations on credits for paid family leave.

Coordinates changes made to the requirement to provide emergency paid family and medical leave to allow employers to claim up to \$12,000 in refundable payroll tax credits, rather than \$10,000. Allows individuals to claim the credit for a maximum of 60 days (corresponding to the \$12,000 amount) rather than 50 days. This provision is effective as if included in FFCRA.

Sec. 20224. Election to use prior year net earnings from self-employment in determining average daily self-employment income.

Allows individuals to elect to use their average daily self-employment income from 2019 rather than 2020 to compute the credit. This provision is effective as if included in FFCRA.

Sec. 20225. Federal, state, and local governments allowed tax credits for paid sick and paid family and medical leave.

Removes the exclusion disallowing the paid sick and family leave credits enacted in the Families First Coronavirus Response Act for Federal, state, and local governments. It makes conforming changes to the definition of qualified wages to align the credit with the intent that the credit cover the leave required by the respective mandates. This provision is effective as if included in FFCRA.

Sec. 20226. Certain technical improvements.

Makes technical changes coordinating the definitions of qualified wages within the paid sick leave, paid family and medical leave, and the exclusion of such leave from employer OASDI tax. This provision is effective as if included in FFCRA.

Sec. 20227. Credits not allowed for certain large employers.

Provides that, notwithstanding other changes in this Act requiring that employers with 500 or more employees provide required paid sick leave and paid family and medical leave, these employers are not eligible for payroll tax credits for these wages. This restriction does not apply to federal, state, and local governments. This provision applies to wages paid after the date of enactment.

SUBTITLE D – OTHER RELIEF

Sec. 20231. Payroll tax deferral allowed for recipients of certain loan forgiveness.

Allows businesses receiving Paycheck Protection Program loan forgiveness to defer payment of payroll taxes under Section 2302 of the CARES Act.

Sec. 20232. Emergency financial aid grants.

Excludes emergency financial aid grants made to students from gross income and holds students harmless for purposes of determining eligibility for higher education tax incentives.

Sec. 20233. Certain loan forgiveness and other business financial assistance under CARES Act not includable in gross income.

Excludes certain loan forgiveness by the Small Business Administration, emergency EIDL grants, and certain loan payments from the gross income of the ultimate recipient.

Sec. 20234. Authority to waive certain information reporting requirements.

Provides the Secretary of the Treasury with the authority to waive information reporting requirements under Chapter 61 of the Code with respect to income that is exempt from tax as excludible loan forgiveness under the Paycheck Protection Program or under sections 332 or 333 of this Act.

Sec. 20235. Clarification of treatment of expenses paid or incurred with proceeds from certain grants and loans.

Clarifies that expenses paid or incurred with proceeds from Payment Protection Program loans that are forgiven pursuant to section 1106(b) of the CARES Act and certain loan forgiveness by Small Business Administration, emergency EIDL grants, and certain loan payments that are not included in gross income under section 333 of this Act do not result in a denial of any deduction or basis of any asset for federal tax purposes. This provision also clarifies the order in which section 1106(i) of the CARES Act and relevant provisions of the Internal Revenue Code apply.

Sec. 20236. Reinstatement of certain protections for taxpayer return information.

Restores certain taxpayer protections under Section 6103 of the Internal Revenue Code that were modified by the CARES Act, retroactively effective as of the date of the FUTURE Act.

Title III – Net Operating Losses

Sec. 20301. Limitation on excess businesses losses of non-corporate taxpayers restored and made permanent.

Amends changes made by the CARES Act to section 461(l) of the Code, which provides that an excess business loss of a taxpayer (other than a corporation) is not allowed for a taxable year. Excess business losses are treated as net operating losses in the next succeeding taxable year. An excess business loss exists if taxpayer's total deductions from all trades or businesses exceed all income from such trades or businesses, plus \$250,000 (\$500,000 for joint filers). The CARES Act suspended this provision for taxable years beginning in 2018, 2019 and 2020. Under current law (as amended by CARES), this provision applies for taxable years beginning on or after January 1, 2021, and beginning before December 31, 2025. This section amends current law to apply the provision to taxable years beginning on or after January 1, 2018, as was the case before CARES passed. In addition, this section makes the provision permanent, and repeals section

461(j) of the Code as a deadwood provision. This provision is made effective retroactive to the date of enactment of the CARES Act.

Sec. 20302. Certain taxpayers allowed carryback of net operating losses arising in 2019 and 2020.

Amends the CARES Act changes to section 172 of the Code. Under current law (as amended by CARES), taxpayers with a loss in 2018, 2019 or 2020 may apply those losses to the preceding five taxable years. This section amends the provisions of CARES that provide for net operating loss carrybacks by limiting carrybacks to taxable years beginning on or after January 1, 2018. In addition, this provision prohibits taxpayers with excessive executive compensation or excessive stock buybacks and dividends from carrying back losses. This provision is made effective retroactive to the date of enactment of the CARES Act.

DIVISION C – Health Provisions

Prepared by the Democratic staff of the House Committees on Energy and Commerce, Ways and Means, and Education and Labor

Title I – Medicaid

Section 30101. FMAP increase. Increases Federal Medical Assistance Percentage (FMAP) payments to state Medicaid programs by a total of 14 percentage points starting July 1, 2020 through June 30, 2021.

Section 30102. MFAR. Prevents the Secretary of Health and Human Services (HHS) from finalizing the Medicaid Fiscal Accountability Regulation (MFAR) until the end of the COVID-19 public health emergency.

Section 30103. Home and Community Based Services. Increases the federal payments to state Medicaid programs by an additional 10 percentage points starting July 1, 2020 through June 30, 2021 to support activities that strengthen their home- and community-based services (HCBS) benefit.

Section 30104. No cost-sharing for COVID-19 treatment. Eliminates cost sharing for Medicaid beneficiaries for COVID-19 treatment and vaccines during the COVID-19 public health emergency.

Section 30105. Covering the uninsured for COVID-19 treatment. Ensures that uninsured individuals whom states opt to cover through the new Medicaid eligibility pathway will be able to receive treatment for COVID-19 without cost-sharing during the COVID-19 public health emergency.

Section 30106. Temporary extension of 100 percent FMAP to Indian health providers. Clarifies that services received through urban Indian providers are matched at 100 percent FMAP through June 30, 2021.

Section 30107. Medicaid coverage for citizens of Freely-Associated States. Restores Medicaid eligibility to individuals who are residents of the freely-associated states.

Section 30108. Increase DSH payments. Temporarily increases Medicaid disproportionate share hospital (DSH) allotments by 2.5 percent.

Section 30109. Extension of existing section 1115 demonstration projects. Authorizes states with section 1115 demonstration projects that expire on or before February 28, 2021 to extend them through December 31, 2021.

Section 30110. Allowance for medical assistance under Medicaid for inmates during 30-day period preceding release. Provides Medicaid eligibility to incarcerated individuals 30 days prior to their release.

Section 30111. Non-emergency medical transportation. Codifies the regulatory requirement that state Medicaid programs cover non-emergency medical transportation (NEMT).

Title II – Medicare

Section 30201. Hold Medicare beneficiaries harmless for specified COVID-19 treatment services furnished under Part A or Part B of the Medicare program. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under Medicare Parts A and B during the COVID-19 public health emergency.

Section 30202. Ensure communications accessibility for residents of skilled nursing facilities during the COVID-19 emergency period. Ensures skilled nursing facilities provide a means for residents to conduct “televisitation” with loved ones while in-person visits are not possible during the COVID-19 public health emergency.

Section 30203. Medicare hospital inpatient prospective payment system expanded outlier payment for COVID-19 patients. Provides an outlier payment for inpatient claims for any amount over the traditional Medicare payment to cover excess costs hospitals incur for more expensive COVID-19 patients until January 31, 2021.

Section 30204. Coverage of treatments for COVID-19 at no cost sharing under the Medicare Advantage program. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under Medicare Advantage during the COVID-19 public health emergency.

Section 30205. Coverage under Prescription Drug Plans (PDPs) and Medicare Advantage-Prescription Drug plans (MA-PDPs) without cost-sharing. Requires coverage under Medicare PDPs and MA-PDPs without cost-sharing or Utilization Management Requirements for drugs intended to treat COVID-19 during the COVID-19 public health emergency.

Section 30206. Improve the Accelerated and Advance Payment Program. Lowers the interest rate for loans to Medicare providers made under the Accelerated and Advance Payment Program, reduces the per-claim recoupment percentage, and extends the period before repayment begins.

Section 30207. Create a new special enrollment period for Medicare. Creates a new special enrollment period for Medicare Parts A & B eligible individuals during the COVID-19 public health emergency.

Section 30208. Skilled nursing facility incentive payments. Provides incentives for nursing facilities to create COVID-19-specific facilities and includes safety and quality protections for patients.

Section 30209. Nursing home strike teams. Directs HHS to allocate money to the states to create strike teams to help facilities manage outbreaks when they occur.

Section 30210. Infection control in nursing facilities. Requires the Secretary of HHS to provide additional assistance to facilities struggling with infection control through Medicare's Quality Improvement Organizations (QIOs).

Section 30211. Nursing homes demographic data reporting. Requires HHS to collect data on COVID-19 in nursing homes and to publicly report demographic data on COVID-19 cases in nursing homes on *Nursing Home Compare*.

Section 30212. Imputed Rural Floor. Requires the Centers for Medicare and Medicaid Services (CMS) to re-establish a rural floor for the Medicare hospital area wage index for hospitals in all-urban states.

Title III – Private Insurance

Section 30301. Special enrollment period through exchanges; federal exchange outreach and

Activities. Provides for a two-month open enrollment period to allow individuals who are uninsured, for whatever reason, to enroll in coverage. Currently, Americans can only enroll in an Affordable Care Act (ACA) plan during open enrollment period, or because of a qualifying life event if they were previously insured.

Section 30302. Ensuring access to COVID-19 prevention care. Requires the Advisory Committee on Immunization Practices (ACIP) to meet and provide a recommendation no later than 15 days after a COVID-19 vaccine is listed under the Public Health Service Act.

Section 30303. Coverage of COVID-19 related treatment at no cost sharing. Requires coverage of items and services related to the treatment of COVID-19 in group and individual market health plans and waives cost-sharing requirements for consumers during the COVID-19 public health emergency.

Section 30304. Requiring prescription drug refill notifications during emergencies.

Requires

group and individual market health plans to notify consumers if their plan permits advance prescription drug refills during an emergency period.

Section 30305. Improvement of certain notifications provided to qualified beneficiaries by group health plans in the case of qualifying events. Improves the information provided to workers who lose their employer-sponsored coverage so that they are aware of all affordable coverage options, including coverage available under the ACA.

Section 30306. Earlier coverage of testing for COVID-19. Makes the requirement for free coverage of COVID-19 testing retroactive to the beginning of the COVID-19 public health emergency.

Section 30307. Preserving health benefits for workers. Provides full premium subsidies, through January 2021, to allow workers to maintain their employer-sponsored coverage if they are eligible for COBRA due to a layoff or reduction in hours, and for workers who have been furloughed but are still active in their employer-sponsored plan.

Title IV – Other Health Provisions

Section 30401. Coverage of COVID-19 related treatment at no cost sharing in TRICARE. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under TRICARE.

Section 30402. Coverage of COVID-19 related treatment at no cost sharing for Veterans. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under the Department of Veterans Affairs health plans.

Section 30403. Coverage of COVID-19 related treatment at no cost sharing for Federal Civilians. Establishes zero cost-sharing (out-of-pocket costs) for COVID-19 treatment under the Federal Employee Health Benefit Program.

Title V – Public Health

Subtitle A—Supply Chain Improvements

Section 30511. Medical Supplies Response Coordinator. Requires the President to appoint a Medical Supplies Response Coordinator. A Medical Supplies Response Coordinator would serve as the point of contact for the health care system, supply chain officials, and states on medical supplies, including personal protective equipment (PPE), medical devices, drugs, and vaccines. The appointee is required to have health care training and an understanding of medical supply chain logistics.

Section 30512. Information to be included in list of devices determined to be in shortage. Clarifies that the medical device identifier or national product code shall be included with any required shortage reporting, which will help facilitate identification of acceptable alternatives.

Section 30513. Device shelf life dates. Provides authority to the Food and Drug Administration (FDA) to require manufacturers to provide the agency with information pertinent to an extension of medical device shelf life dates in cases of shortages or material slowdowns during public health emergencies.

Section 30514. Authority to destroy counterfeit devices. Extends FDA's administrative destruction authority to medical devices. This would allow FDA to destroy certain imported medical devices, such as counterfeit tests or masks, in instances where FDA believes such medical devices are adulterated, misbranded, or unapproved and may pose a threat to the public health as they currently do for drugs.

Section 30515. Reporting requirement for drug manufacturers. Requires drug manufacturers to report foreign drug manufacturing sites and to report quarterly on the volume of drugs manufactured.

Section 30516. Recommendations to encourage domestic manufacturing of critical drugs. Requires National Academies of Science, Engineering, and Medicine (NASEM) to conduct a symposium of experts to discuss recommendations to encourage domestic manufacturing of critical drugs and devices of greatest priority to providing health care.

Section 30517. Failure to notify of a permanent discontinuance or an interruption. Provides FDA with an enforcement mechanism to require timely notifications related to a permanent discontinuance or interruption in the manufacturing of certain drugs and the reasons for such discontinuance or interruption, as required under current law.

Section 30518. Failure to develop risk management plan. Provides FDA with an enforcement mechanism to require drug manufacturers to develop a risk management plan, as required under current law

Section 30519. National Centers of Excellence in Continuous Pharmaceutical Manufacturing. Directs FDA to designate National Centers of Excellence in Continuous Pharmaceutical Manufacturing (NCEs). NCEs will work with FDA and industry to craft a national framework for the implementation of continuous manufacturing of drugs, including supporting additional research and development of this technology, workforce development, standardization, and collaborating with manufacturers to support adoption of continuous manufacturing of drugs.

Section 30520. Vaccine manufacturing and administration capacity. Requires the Secretary of HHS to award contracts, grants, cooperative agreements, and enter into other transactions, as appropriate, to expand and enhance manufacturing capacity of vaccines and vaccine candidates to prevent the spread of COVID-19. It also requires a report on the vaccine supply necessary to stop the spread of COVID-19, the manufacturing capacity to produce vaccines, activities

conducted to enhance such capacity, and plans for continued support of vaccine manufacturing and administration.

Subtitle B—Strategic National Stockpile Improvements

Section 30531. Equipment maintenance. Requires the Secretary of HHS to ensure that contents of the Strategic National Stockpile (SNS) are in good working order and, as necessary, conduct maintenance on contents of the stockpile.

Section 30532. Supply chain flexibility manufacturing pilot. Improves the SNS domestic product availability by enhancing medical supply chain elasticity, improving the domestic production of PPE, and partnering with industry to refresh and replenish existing stocks of medical supplies.

Section 30533. Reimbursable transfers from Strategic National Stockpile. Improves the SNS financial security by allowing the SNS to sell products to other Federal departments or agencies within six months of product expiration.

Section 30534. Strategic National Stockpile action reporting. Requires the SNS to report to Congress about every request made to the SNS during the COVID-19 public health emergency and details regarding the outcomes of every request.

Section 30535. Improved, transparent processes for the Strategic National Stockpile. Requires the SNS to develop improved, transparent processes for SNS requests and identify clear plans for future communication between the SNS and States.

Section 30536. GAO study on the feasibility and benefits of a Strategic National Stockpile user fee agreement. Requires the Government Accountability Office (GAO) to conduct a study to investigate the public sector procurement process for single source materials from the SNS.

Subtitle C—Testing and Testing Infrastructure Improvements

Section 30541. COVID–19 testing strategy. Requires the Secretary of HHS to update the COVID-19 strategic testing plan required under the Paycheck Protection Program and Health Care Enhancement Act no later than June 15, 2020. The updated plan shall identify the types and levels of testing necessary to monitor and contribute to the control of COVID-19 and inform any reduction in social distancing. In addition, the updated strategic testing plan must include specific plans and benchmarks with clear timelines, regarding how to ensure sufficient availability and allocation of all testing materials and supplies, sufficient laboratory and personnel capacity, and specific guidelines to ensure adequate testing in vulnerable populations and populations at increased risk related to COVID-19, including older individuals, and rural and other underserved areas. This plan must also involve testing capacity in non-health care settings in order to help expand testing availability and make testing more accessible, as well as how to implement the testing strategy in a manner that will help to reduce disparities with respect to COVID-19.

Section 30542. Centralized testing information website. Requires the Secretary of HHS to establish and maintain a public, searchable website that lists all in vitro diagnostic and serological tests used in the United States to analyze critical specimens for detection of COVID-19 or antibodies for the virus. The website will also list relevant information about the tests, including the sensitivity and specificity of the test and the numbers of tests available.

Section 30543. Manufacturer reporting of test distribution. Requires in vitro diagnostic test manufacturers to notify the Secretary of HHS with information regarding distribution of tests, including quantity distributed.

Section 30544. State testing report. Requires States authorizing the development of in vitro COVID-19 tests to provide the Secretary of HHS with a weekly report identifying all authorized laboratories and providing relevant information about the laboratories, including their testing capacity, listing of all authorized tests, and providing relevant information about such tests.

Section 30545. State listing of testing sites. Requires States receiving funding through this Act to establish a public, searchable webpage identifying and providing contact information for COVID-19 testing sites within the State.

Section 30546. Reporting of COVID–19 testing results. Requires every laboratory that performs or analyzes COVID-19 tests to submit daily reports to the Secretary of HHS. This information would then be required to be made available to the public in a searchable, electronic format.

Section 30547. GAO report on diagnostic tests. Requires a GAO report on the response of laboratories, diagnostic test manufacturers, state, local, Tribal, and territorial governments, and relevant federal agencies, related to the COVID-19 epidemic with respect to the development, regulatory evaluation, and deployment of diagnostic tests.

Section 30548. Public health data system transformation. Requires HHS to expand, enhance, and improve public health data systems used by the Centers for Disease Control and Prevention (CDC). This includes: grants to State, local, Tribal, or territorial public health departments for the modernization of public health data systems in order to assist public health departments in assessing current data infrastructure capabilities and gaps; to improve secure public health data collection, transmission, exchange, maintenance, and analysis; to enhance the interoperability of public health data systems; to support and train related personnel; to support earlier disease and health condition detection; and to develop and disseminate related information and improved electronic case reporting.

Section 30549. Pilot program to improve laboratory infrastructure. Authorizes grants to states and localities to improve, renovate, or modernize clinical laboratory infrastructure in order to help increase COVID-19 testing capacities.

Section 30550. Core public health infrastructure for State, local, and Tribal health departments. Authorizes \$6 billion for public health departments to expand workforce, improve

laboratory systems, health information systems, disease surveillance, and contact tracing capacity to account for the unprecedented spread of COVID-19.

Section 30551. Core public health infrastructure and activities for CDC. Authorizes \$1 billion for CDC to expand and improve their core public health infrastructure and activities in order to address unmet and emerging public health needs.

Subtitle D—COVID-19 National Testing and Contact Tracing (CONTACT) Initiative

Section 30561. National system for COVID-19 testing, contact tracing, surveillance, containment and mitigation. Requires CDC to coordinate with State, local, Tribal, and territorial health departments to establish and implement a national evidence-based system for testing, contact tracing, surveillance, containment and mitigation of COVID-19, including offering guidance on voluntary isolation and quarantine of positive COVID-19 cases.

Section 30562. COVID-19 testing, contact tracing, surveillance, containment, and mitigation grants. Requires CDC to award grants to State, local, Tribal, and territorial health departments to carry out evidence-based systems for testing, contact tracing, surveillance, containment and mitigation of COVID-19. CDC shall provide a minimum level of funding for all State, local, Tribal, and territorial health departments, and prioritize additional funding for areas with high number of cases of COVID-19, areas with a surge in cases of COVID-19, and those proposing to serve high numbers of low-income and uninsured populations, including underserved populations. Funding shall be used to leverage or modernize existing systems, identify specific strategies for testing in medically underserved populations, establish culturally competent and multilingual strategies for contact tracing, hire and compensate a locally-sourced workforce, and support individuals who have been infected with or exposed to COVID-19.

Section 30563. COVID-19 testing, contact tracing, surveillance, containment, and mitigation guidance. Requires CDC and other relevant agencies to issue guidance, provide technical assistance and information, and establish clear communication pathways for State, local, Tribal, and territorial health departments for the establishment and maintenance of their testing, contact tracing, surveillance, containment, and mitigation systems.

Section 30564. Awareness campaign. Provides grants for a multilingual and culturally appropriate national, science-based COVID-19 campaign, to include information related to availability of testing and promote the importance of contact tracing. Grants can be issued to public or private entities, including faith-based organizations.

Section 30565. Research and development. Requires CDC, in collaboration with the National Institutes of Health (NIH), the Agency for Healthcare Research and Quality (AHRQ), FDA, and CMS to support research and development on efficient and effective testing, contact tracing, and surveillance strategies.

Section 30566. Grants to the Local Workforce Development System and Community-based Organizations. Authorizes grants to support the recruitment, placement, and training of individuals in COVID-19 contact tracing and related positions, with a focus on

recruiting from impacted local communities and building a culturally competent workforce. This section also provides for transitional assistance and support post-employment.

Section 30568. Authorization of Appropriations. Authorizes \$75 billion for these efforts.

Subtitle E—Demographic Data and Supply Reporting Related to COVID–19

Section 30571. COVID-19 reporting portal. Requires the Secretary of HHS, within 15 days, to establish and maintain an online portal for health entities to track and transmit data regarding their inventory and capacity related to COVID-19. This portal will enable hospitals and long-term care facilities to report their inventory related to PPE, medical supplies (like available ventilators and beds), and facility capacity (like number of needed doctors, nurses, and lab personnel). Facilities should be required to report these figures on a biweekly basis.

Section 30572. Regular CDC reporting on demographic data. Requires the Secretary of HHS, no later than 14 days following enactment, to update and make publicly available the report to Congress required by the Paycheck Protection and Health Care Enhancement Act on the collection of data on race, ethnicity, age, sex, and gender of individuals diagnosed with COVID-19. The updated report must include how the Secretary will provide technical assistance to State, local, and territorial health departments to improve collection and reporting of demographic data, and requirements for the report to be updated every 30 days and to identify any barriers for such health departments in collecting such data.

Section 30573. Federal modernization for health inequities data. Authorizes funding to AHRQ, CDC, CMS, FDA, the Office of the National Coordinator for Health Information Technology, and NIH to modernize their data collection methods and infrastructure in order to increase data collection related health inequities.

Section 30574. Modernization of state and local health inequities data. Authorizes grants to state, local, and territorial health departments in order to support the modernization of data collection methods and infrastructure in order to increase data collection related health inequities.

Section 30575. Tribal funding to research health inequities, including COVID-19. Requires the Indian Health Service (IHS), in coordination with CDC and NIH, to conduct research and field studies to improve understanding of tribal health inequities.

Section 30576. CDC field studies pertaining to specific health inequities. Requires CDC to establish field studies to better understand health inequities that are not currently tracked by the Secretary of HHS.

Section 30577. Additional reporting to Congress on the race and ethnicity rates of COVID-19 testing, hospitalization, and mortalities. Requires the Secretary of HHS, by August 1, to expand on the report to Congress as required by the Paycheck Protection Program and Health Care Enhancement Act describing the testing, positive diagnoses, hospitalization, intensive care admissions, mortality rates, associated with COVID–19, disaggregated by race, ethnicity, age,

sex, and gender. The Secretary of HHS must also now propose evidence-based response strategies to reduce disparities related to COVID-19 and a final report in 2024.

Subtitle F— Miscellaneous

Makes technical corrections to the CARES Act.

Title VI – Public Health Assistance

Subtitle A—Assistance to Providers and Health System

Section 30611. Health Care Provider Relief Fund. Codifies the CARES Act health care provider relief fund for the purposes of reimbursing eligible health care providers for expenses related to preventing, preparing for, and responding to COVID-19, as well as lost revenues that have resulted from the COVID-19 pandemic.

Section 30612. Public Health Workforce Loan Repayment Program. Establishes a loan repayment program to enhance recruitment and retention of state, local, tribal, and territorial public health department workforce.

Section 30613. Expanding capacity for health outcomes. Authorizes grants to expand the use of technology-enabled collaborative learning and capacity building models to respond to COVID-19. To be eligible for funding under this section, health entities must have experience providing services to rural, frontier, health professional shortage areas, medically underserved populations, or Indian Tribes.

Section 30614. Additional funding for Medical Reserve Corps. Authorizes additional funding for the Medical Reserve Corps (MRC), which is a national network of local volunteer units who engage their local communities to strengthen public health, reduce vulnerability, build resilience, and improve preparedness, response, and recovery capabilities.

Section 30615. Grants for schools of medicine in diverse and underserved areas. Authorizes grants to schools of medicine in rural, underserved, or Minority-Serving Institutions. Grants can be used to build new schools of medicine and expand, enhance, modernize, support existing schools of medicine. Funding priority is given to rural, underserved, or Minority-Serving Institutions, including Historically Black Colleges and Universities, Hispanic-Serving Institutions, Tribal Colleges and Universities, and Asian American and Pacific Islander Serving Institutions.

Section 30616. GAO study on public health workforce. Requires the GAO to conduct a study to investigate gaps, challenges, and recommended steps for improvement associated with the Federal, State, local, Tribal, and territorial public health workforce.

Section 30617. Longitudinal study on the impact of COVID-19 on recovered patients.

Directs NIH to carry out a study on the short- and long-term impact of COVID-19 on infected and recovered individuals.

Section 30618. Research on the mental health impact of COVID–19. Directs the NIH’s National Institute of Mental Health to support research on the mental health consequences of COVID-19, including the impact on health care providers.

Section 30619. Emergency mental health and substance use training and technical assistance center. Establishes a technical assistance center at the Substance Abuse and Mental Health Services Administration (SAMHSA) that will support public or nonprofit entities and public health professionals seeking to establish or expand access to mental health and substance use services associated with the COVID-19 public health emergency.

Section 30620. Importance of the blood plasma supply. Updates the blood donation public awareness campaign authorized by the CARES Act to include blood plasma.

Subtitle B— Assistance for Individuals and Families

Section 30631. Reimbursement for additional health services relating to coronavirus.

Authorizes COVID-19 treatment to be reimbursed for uninsured individuals.

Section 30632. Centers for Disease Control and Prevention COVID–19 response line.

Requires CDC to maintain a toll-free telephone number to address public health questions related to COVID-19.

Section 30633. Grants to address substance use during COVID-19. Authorizes SAMHSA to award grants to support local, tribal, and state substance use efforts that need further assistance as a result of COVID-19.

Section 30634. Grants to support increased behavioral health needs due to COVID-19.

Authorizes SAMHSA to award grants to States, tribes, and community-based entities to enable such entities to increase capacity and support or enhance behavioral health services.

Subtitle C —Public Health Assistance to Tribes

Section 30641. Improving State, local, and Tribal public health security. Extends eligibility for the CDC’s Public Health Emergency Preparedness (PHEP) program to Tribes.

Section 30642. Provision of items to Indian programs and facilities. Guarantees IHS and other Tribal health organizations direct access to the Strategic National Stockpile, just like all 50 other states.

Section 30643. Ensure parity for urban Native veterans. Allows the Urban Indian Health Organizations (UIHO) to bill VA for care provided to qualified urban native veterans.

Section 30644. Ensure coverage for Native veterans. Clarifies VA coverage for Native Veterans who qualify for both VA benefits and IHS services.

DIVISION D – Retirement Provisions

Prepared by the Democratic staff of the House Committees on Ways and Means and Education and Labor

Sec. 100. Short title. The short title of the legislation is the Emergency Pension Plan Relief Act of 2020 (“EPPRA”).

Title I – Relief for Multiemployer Pension Plans

Sec. 101. Special Partition Relief. About 10 million Americans participate in multiemployer pension plans and about 1.3 million of them are in plans that are quickly running out of money. Many of these troubled multiemployer plans cover workers who are on the front lines of the COVID-19 public health crisis, such as trucking, food processing, grocery store workers, and others. Even before the pandemic, workers, businesses, and retirees faced a crisis and were in dire need of our help. With work drying up around the country and the market downturn, the economic catastrophe resulting from COVID-19 has exacerbated the multiemployer pension crisis and threatened the hard-earned pensions of even more workers and retirees. This threatens to bankrupt the Pension Benefit Guaranty Corporation (“PBGC”), impose damaging liabilities on thousands of businesses, and devastate communities across the country.

Under current law, PBGC has limited authority to partition certain troubled multiemployer pension plans. In a partition, PBGC takes on the financial responsibility of some of the benefits of an eligible plan, so that the plan can stay solvent. EPPRA creates a special partition program that would expand PBGC’s existing authority, increase the number of eligible plans, and simplify the application process—allowing more troubled plans to obtain much-needed relief. Just like the bipartisan Butch Lewis Act (H.R. 397), eligible plans would include: plans in critical and declining status, plans with significant underfunding with more retirees than active workers, plans that have suspended benefits, and certain plans that have already become insolvent. In contrast, EPPRA allows plans to become eligible for the special partition program through 2024. Because the COVID-19 crisis has already caused significant investment losses to pension plan assets and decreased the number of hours worked, plan funding may deteriorate over time. Consequently, plans may need to access the special partition relief program in coming years.

PBGC is required to issue regulations within 120 days of enactment of this legislation and may prioritize the processing of applications of plans most in need. A qualifying plan may apply to PBGC and, upon approval, would receive financial assistance. Under the special partition program, a plan would receive enough financial assistance to keep it solvent and well-funded for thirty years—with no cuts to the earned benefits of participants and beneficiaries. Plans that previously cut benefits would have to restore them to the retirees who earned them. In exchange for the financial assistance, each plan would have to comply with certain conditions, and would be required to file regular comprehensive reports to PBGC and to the Congressional committees of jurisdiction.

This legislation also includes important accountability and transparency provisions. PBGC would be required to annually report to Congress. The Government Accountability Office (“GAO”) would be required to regularly evaluate PBGC’s implementation and administration of the special partition relief program. PBGC’s Inspector General would receive funding to audit the special partition relief program to prevent against waste, fraud, and abuse. PBGC would be required to establish and regularly update a user-friendly website so that plan administrators, employers, participants, beneficiaries, interested stakeholders, and the public can track the implementation and administration of the special partition relief program. Because PBGC currently receives no appropriations, the legislation includes additional funding to cover the costs of the program.

By stabilizing these pensions, the special partition relief program would protect retirees who worked for decades to earn their benefits. It would also help businesses avoid crushing liabilities and support communities around the country.

Sec. 102. Repeal of Benefit Suspensions for Multiemployer Plans in Critical and Declining Status. Upon date of enactment, no plan would be permitted to apply, or be approved, for a suspension of benefits under the Multiemployer Pension Reform Act (“MPRA”). This restores the promise of a secure retirement for millions of workers currently in danger. Going forward, no participant or beneficiary in a multiemployer pension plan would suffer a cut to their earned benefits under MPRA.

Sec. 103. Temporary Delay of Designation of Multiemployer Plans as in Endangered, Critical, or Critical and Declining Status. Under the legislation, a plan could retain its funding zone status as of a plan year beginning in 2019 for plan years that begin in 2020 or 2021. A plan in endangered or critical status would not have to update its plan or schedules until the plan year beginning March 1, 2021. This would provide a plan with flexibility and ease an administrative burden given the economic and financial turmoil resulting from the COVID-19 public health crisis.

Sec. 104. Temporary Extension of the Funding Improvement and Rehabilitation Periods for Multiemployer Pension Plans in Critical and Endangered Status for 2020 or 2021. Under the bill, a plan in endangered or critical status for a plan year beginning in 2020 or 2021 could extend its rehabilitation period by five years. This would give a plan additional time to improve its contribution rates, limit benefit accruals, and maintain plan funding—all on its own terms. This provision is effective for plan years beginning after December 31, 2019.

Sec. 105. Adjustments to Funding Standard Account Rules. Funding shortfalls as a result of investment losses are generally required to be made up over a period of 15 years. Following the financial crisis of 2008, multiemployer plans were allowed to amortize investment losses from 2008 or 2009 over a period of 30 years. Now, the market downturn resulting from the COVID-19 pandemic is already damaging the funding of multiemployer pension plans. Under the legislation, for investment losses in plan years beginning in 2019 and 2020, a plan could use a 30-year amortization base to spread out losses over time. Pension plans, participants, and plan sponsors need more stability and a longer period over which to pay for long-term liabilities that

can stretch out for decades. This would help a plan weather this economic and financial storm. This provision is effective for plan years ending on or after February 29, 2020.

Sec. 106. PBGC Guarantee for Participants in Multiemployer Plans. PBGC provides a maximum guaranteed benefit of \$12,870 to a participant in a multiemployer plan, if that participant had 30 years of service. The guarantee is 100% of the first \$11 of the monthly benefit rate, plus 75% of the next \$33 of the monthly benefit rate, multiplied by the participant's years of credited service. This legislation would double the guarantee to 100% of the first \$15 in monthly benefits per year of service and 75% of the next \$70 in monthly benefits per year of service, and indexes it thereafter. This would help participants and beneficiaries receive more of the benefits they earned through their hard work and service. All plans receiving financial assistance beginning December 16, 2014, would see the improved guarantee take effect. A plan that becomes insolvent in the future would be subject to the increased guarantee in the calendar year in which it becomes insolvent.

Title II – Relief for Single Employer Pension Plans

Sec. 201. Extended Amortization for Single Employer Plans. In light of an ongoing pattern of interest rate and market volatility due to the COVID-19 public health crisis, the current law requirement to amortize funding shortfalls over seven years is no longer appropriate. Pension plans, participants, and plan sponsors need more stability and a longer period over which to pay for long-term liabilities that can stretch out for more than 50 years. Accordingly, under the bill, the following rules would apply to all single employer pension plans, effective for plan years beginning after December 31, 2019:

All shortfall amortization bases for all plan years beginning before January 1, 2020 (and all shortfall amortization installments determined with respect to such bases) would be reduced to zero.

All shortfalls would be amortized over 15 years, rather than seven years.

Sec. 202. Extension of Pension Funding Stabilization Percentages for Single Employer Plans. In 2012, 2014, and 2015, Congress provided for pension interest rate smoothing in order to address concerns that historically low interest rates were creating inflated pension funding obligations, diverting corporate assets away from jobs and business recovery. Under interest rate smoothing, the interest rates used to value pension liabilities must be within 10% of 25-year interest rate averages. The smoothed interest rates would begin phasing out in 2021, with the 10% corridor around the 25-year interest rate averages increasing five percentage points each year until interest rates need only be within 30% of the 25-year averages. Because of this phase-out, smoothing would soon cease to have much effect. In order to preserve the stabilizing effects of smoothing:

The 10% interest rate corridor would be reduced to 5%, effective in 2020.

The phase-out of the 5% corridor would be delayed until 2026, at which point the corridor would, as under current law, increase by 5 percentage points each year until it attains 30% in 2030, where it would stay.

A 5% floor would be put on the 25-year interest rate averages. This floor would establish stability and predictability on a longer-term basis, so that interest rate variations do not create

excessive volatility. In addition, this floor would protect funding rules from the extremes of interest rate movements.

This provision is effective for plan years beginning after December 31, 2019.

Title III – Other Retirement Related Provisions

Sec. 301. Waiver of Required Minimum Distributions for 2019. Under current law, generally at the age of 72, individuals must take a required minimum distribution (“RMD”) from their defined contribution plans and IRAs. Due to the market downturn resulting from the COVID-19 pandemic, the balances in these accounts have sharply decreased – in many instances, the market has reduced taxpayers’ accounts more than what their RMD would have been. Therefore, the recently enacted CARES Act waived RMDs for 2020, allowing individuals to keep funds in their retirement plans. This provision expands this relief further by providing that 2019 RMDs would be waived for defined contribution plans and IRAs.

Sec. 302. Waiver of 60-Day Rule in case of Rollover of Otherwise Required Minimum Distributions in 2019 and 2020. This provision further expands the 2020 RMD relief in the CARES Act by providing that:

- The RMDs made for 2019 would be permitted to be rolled back to a plan or IRA without regard to the 60-day requirement if the rollover is made by November 30, 2020.
- RMDs made for 2020 would be permitted to be rolled back to a plan or IRA without regard to the 60-day requirement if the rollover is made by November 30, 2020.

Sec. 303. Employee Certification as to Eligibility for Increased CARES Act Loan Limits from Employer Plan. The CARES Act permits eligible retirement plans to rely on an employee’s certification that the employee qualifies to receive a coronavirus-related distribution. Technically, it appears that a plan cannot rely on such a certification for purposes of determining whether an employee is eligible for the special loan rules. In past disaster relief, the IRS has generally permitted reliance on reasonable representations by an employee in a similar context, absent actual knowledge to the contrary. But in the past, the statute has not had a specific employee certification provision that applies for distributions but not loans. This provision provides a statutory clarification.

Sec. 304. Exclusion of Benefits Provided to Volunteer Firefighters and Emergency Medical Responders Made Permanent. Almost 70 percent of firefighters and emergency medical services (“EMS”) personnel are volunteers, 71 percent of fire departments are exclusively staffed by volunteers, and 91 percent of all US fire department use volunteer firefighters and EMTs to some degree. Therefore, at the end of last year, the SECURE Act reinstated for one year the exclusions for qualified State or local tax benefits and qualified reimbursement payments provided to members of qualified volunteer emergency response organizations and increases the exclusion for qualified reimbursement payments to \$50 for each month during which a volunteer performs services. This would allow volunteer fire and EMS personnel for 2020 to receive nominal recruitment and retention incentives without those incentives being considered as taxable income.

The COVID-19 pandemic places an enormous amount of strain on these volunteer personnel as they are exposing themselves to COVID-19 and are responding to a much higher than normal call volume. Therefore, the provision would make permanent these amendments to Code Section 139B.

Sec. 305. Application of Special Rules to Money Purchase Pension Plans. The CARES Act provided for early distribution and loan relief for retirement plans during the coronavirus relief period. While this relief was intended to apply to all qualified retirement plans, there were questions as to whether it would apply to money purchase pension plans (“MPPP”). MPPPs are a type of defined-contribution retirement plan offered by some employers. This provision would clarify that MPPPs would benefit from the legislation.

Sec. 306. Grants to Assist Low-Income Women and Survivors of Domestic Violence in Obtaining Qualified Domestic Relations Orders. Certain states under stay-at-home orders have seen domestic violence rates rise as much as 30 percent since the beginning of the COVID-19 pandemic. This provision directs the Secretary of Labor, acting through the Director of the Women’s Bureau in conjunction with the Assistant Secretary of the Employee Benefits Security Administration, to award grants of at least \$250,000 to established community-based organizations on a competitive basis to assist low-income women and survivors of domestic violence in obtaining qualified domestic relations orders to ensure that these women actually obtain the benefits to which they are entitled through those orders.

Sec. 307. Modification of Special Rules for Minimum Funding Standards for Community Newspaper Plans. Community newspapers are generally family-owned, non-publicly traded, independent newspapers. The recently enacted SECURE Act provided pension funding relief for a number of community newspaper plan sponsors by increasing the interest rate to calculate those funding obligations to 8%. Additionally, the SECURE Act provided for a longer amortization period of 30 years from 7 years. These two changes enable struggling community newspapers to stretch out their required pension plan contributions over a longer time period. The legislation would expand the SECURE Act relief to additional community newspapers.

Sec. 308. Minimum Rate of Interest for Certain Determinations Related to Life Insurance Contracts. In order to qualify as life insurance contracts for tax purposes, permanent life insurance policies must meet several requirements under Internal Revenue Code section 7702. These requirements include two interest rate assumptions for determining the premiums that can be used to fund the contracts. The interest rate assumptions were set by statute at 4 percent and 6 percent when the requirements were put in place in 1984. At the time, the average long-term Treasury rate was around 12 percent. The recent public health and economic crisis has prompted the Federal Reserve to reduce already persistently low interest rates to around 0 percent, and the daily long-term Treasury rate has hovered at 1 percent. Without adjusting the section 7702 interest rates to reflect economic realities, consumer access to financial security via permanent life insurance policies—which represent approximately 60 percent of the individual life insurance market—could decrease significantly. This legislation updates section 7702 to reflect the interest rate environment that has been exacerbated by the current crisis, and ensures that the rates will continue to appropriately reflect economic conditions, by tying the rates to either a floating rate prescribed in the National Association of Insurance Commissioners’

Standard Valuation Law or a floating rate based on the average applicable Federal mid-term rates over a 60-month period.

DIVISION E – Continued Assistance to Unemployed Workers
Prepared by the Democratic staff of the House Committee on Ways and Means

Sec. 101. Extension of Federal Pandemic Unemployment Compensation (FPUC).

Subsection (a).

This subsection would extend the \$600 per week FPUC supplement to state and federal unemployment benefits through January 31, 2021. It would also add a transition rule (sometimes called a “soft cutoff”) to allow individuals already receiving regular state unemployment benefits on January 31 to continue receiving the FPUC supplement until the end of the period of benefits to which they are entitled so long as they would end by March 31, 2021.

Subsection (b).

This subsection would require federal programs and state and local programs which receive any federal funding to disregard FPUC payments when calculating income for the purposes of determining eligibility for benefits or assistance, and to exclude it from resource limits for 9 months following receipt.

Sec. 102. Extension and benefit phaseout rule for Pandemic Unemployment Assistance.

This section would extend Pandemic Unemployment Assistance benefits (PUA) provided to workers who do not qualify for regular unemployment compensation through January 31, 2021. Under this provision, workers would be able to apply for PUA through January 31, 2021. Individuals would receive all of the weeks of benefits they so long as they are for weeks ending by March 31, 2021.

Sec. 103. Extension and benefit phaseout rule for Pandemic Extended Unemployment

Compensation. This section would extend Pandemic Extended Unemployment Compensation (PEUC), which provides 13 additional weeks of unemployment benefits to individuals who have exhausted other benefits, through January 31, 2021. Workers would be able to apply for PEUC through January 31, 2021, and to receive the full 13 weeks so long as they are for weeks ending no later than March 31, 2021.

Sec. 104. Extension of full federal funding for the first week of compensable regular unemployment for states with no waiting week. This section would extend the provision in the CARES Act which reimbursed states that waived the “waiting week” for the first week of regular unemployment compensation through January 31, 2021.

Sec. 105. Extension of emergency relief and technical corrections for governmental entities and nonprofit organizations. This section would extend the financial relief provided to reimbursable employers in the CARES Act through January 31, 2021, and make technical corrections to ensure that states can simply waive 50 percent of the amount owed by such employers.

Sec. 106. Reduction of state administrative burden in determination of amount of Pandemic Unemployment Assistance (PUA). This clarifies state flexibility to use the most readily available sources of income verification for PUA applicants, including data from the mobile apps used by many gig workers.

Sec. 107. Extension of temporary assistance to states with advances. The Families First Coronavirus Response Act provided states with interest-free loans through December 31, 2020. This provision extends that duration through June 30, 2021.

Sec. 108. Extension of full federal funding of extended unemployment compensation. The Families First Coronavirus Response Act increased federal reimbursement for extended unemployment compensation (EB) from 50 percent to 100 percent for benefits provided through December 31, 2020. This section extends the 100 percent reimbursement to cover benefits paid through June 30, 2021.

Sec. 109. Extension of temporary financing of Short-Time Compensation payments to states with programs in law. This section would extend the period in which payments under short-time compensation programs in state law were 100 percent federally reimbursable through January 31, 2021.

Sec. 110. Extension of temporary financing of Short-Time Compensation payments. This section would extend the 50 percent reimbursement for Short-Time Compensation payments not made under a state law through January 31, 2021.

Sec. 111. Grace period for full financing of new short-time compensation programs. This provision ensures that any states that enacts a short-time compensation (STC) law will receive full federal financing for all agreements in place after March 29, even if agreement began before a new state STC law became effective.

DIVISION F – Assistance to Agricultural Producers and Other Matters Relating to Agriculture

Prepared by the Democratic staff of the House Committee on Agriculture

Title I – Livestock

Section 60101. Ensures livestock producers are paid for their animals by requiring dealer trusts, for the benefit of all unpaid cash sellers of livestock.

Section 60102. Provides emergency assistance to support livestock producers who are forced to euthanize market-ready livestock due to local processing plant disruptions because of COVID-19.

Section 60103. Provides \$300 million to support improved animal health surveillance and laboratories, some of which are performing COVID-19 tests in this public health emergency.

Title II – Dairy

Section 60201. Establishes a direct dairy donation program to prevent dumped milk and facilitate rapid donations of displaced dairy products directly to feeding programs. Milk associated with donated products would be reimbursed at current Class I prices.

Section 60202. Provides necessary cash flow assistance to small and mid-sized dairies that have grown over the last seven years by establishing supplemental margin coverage based on the difference between 2019 actual production and Dairy Margin Coverage production history.

Section 60203. Authorizes an USDA recourse loan program for dairy processors, packagers, merchants, marketers, wholesalers, and distributors.

Section 60204. Reduces the cost of Dairy Margin Coverage premiums for operations that commit to participating in the program for 2021-2023 by providing a payment worth 15% of annual premium costs.

Title III – Specialty Crops and Other Commodities

Section 60301. Provides \$100 million in additional funding to address COVID-19 specialty crop supply chain issues at the state level via Specialty Crop Block Grant Program. Temporarily waives matching requirements for these additional funds.

Section 60302. Provides \$50 million in additional funding to support local farmers, farmers markets, and other local food outlets who are impacted by COVID-19 market disruptions. Temporarily waives matching requirements for these additional funds.

Section 60303. Provides \$50 million to support beginning farmers and ranchers with financial, operational, and marketing advice in this difficult market. Temporarily waives matching requirements for these additional funds.

Section 60304. Provides \$28 million to be distributed as block grants to State departments of agriculture for use to support existing farm stress programs.

Section 60305. Provides support for renewable fuels and cotton textile mills.

Section 60306. Provides \$16.5 billion for direct payments to agricultural producers.

Title IV – Commodity Credit Corporation

Section 60401. Amends the CCC Charter Act to add authority for the Secretary to deal with removal and disposal of livestock and poultry due to supply chain interruption during a public health emergency. Amends the CCC Charter Act to add authority to provide assistance to agricultural processing plants in the event of a public health emergency in order to assure the continuation of markets for agricultural commodities

Section 60402. Amends the CCC Charter Act to require Congressional notification before disbursement of CCC funding.

Title V – Conservation

Section 60501. Expands the Conservation Reserve Program Soil Health Incentive Pilot Program to 5 million acres.

Title VI – Nutrition

Section 60601. Definitions.

Section 60602. Provides \$25 million for Farm to Food Bank and makes program improvements for these additional funds.

Section 60603. Waives the non-Federal match requirement for TEFAP administrative funds.

Section 60604. Provides additional administrative flexibilities for the Senior Farmers Market Nutrition Program.

Section 60605. Provides flexibilities for the Food Distribution Program on Indian Reservations.

Section 60606. Increases the SNAP benefit level by 15%. Excludes the Pandemic Unemployment Compensation as countable income for SNAP benefit calculation. Increases the minimum SNAP benefit to \$30 per month. Waives all work requirements for SNAP and prevents funding for USDA to implement or finalize the Able-Bodied Adults Without Dependents, Broad Based Categorical Eligibility, and Standard Utility Allowance rules. Provides additional funding to States for SNAP administration this fiscal year, to meet the increased need for SNAP.

Section 60607. Directs USDA to allow the use of SNAP to purchase hot foods or hot food products ready for immediate consumption from authorized retail food stores.

Section 60608. Provides flexibility for SNAP Nutrition Education.

DIVISION G – Accountability and Government Operations

Prepared by the Democratic staff of the House Committee on Oversight and Reform

Title I – Accountability

Sec. 70101. Membership of the Pandemic Response Accountability Committee.

This section would provide the Chair of the Council of the Inspectors General for Accountability and Efficiency greater flexibility in choosing a Chair of the Committee by expanding the Inspectors General eligible to be named Chair of the Committee to all Inspectors General on the Committee.

Sec. 70102. Congressional Notification of Change in Status of Inspector General.

This section would require the President to notify Congress 30 days prior to placing an Inspector General in paid or unpaid non-duty status (administrative leave).

Sec. 70103. Presidential Explanation of Failure to Nominate an Inspector General.

This section would require the President to inform Congress of the reasons for not filling a vacancy in an Inspector General position if that position is vacant for more than 210 days.

Sec. 70104. Inspector General Independence.

This section would allow an Inspector General to be removed only for specified causes including permanent incapacity, inefficiency, neglect of duty, malfeasance, conviction of a felony or conduct involving moral turpitude, knowing violation of a law, rule, or regulation, gross mismanagement, gross waste of funds, or abuse of authority.

Sec. 70105. U.S. Postal Service Inspector General Oversight Responsibilities.

This section would require the Postal Service Inspector General to conduct audits and investigations of activities carried out with funds provided by this Act.

Title II – Census Matters

Sec. 70201. Modification of 2020 Census Deadlines and Tabulation of Population

This section would implement an Administration request to allow a delay of the publication of apportionment and state redistricting data by 120 days. The delay is necessary due to the postponement of major census operations caused by the coronavirus. The section also requires the Census Bureau to use the same data quality standards used for the 2010 Census.

Sec. 70202. Reporting Requirement for the 2020 Census.

This section would require monthly reporting by the Census Bureau to the House Committee on Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, the Appropriations Committees of the House and Senate of detailed operational information about the 2020 Census.

Sec. 70203. Providing the Bureau of the Census Access to Information from Institutions of Higher Education.

This section would clarify that colleges and universities are permitted to provide the Census Bureau information about students living on campus for purposes of responding to the 2020 Census. With many colleges closed due to the coronavirus outbreak, this section would ensure that the Census Bureau will still be able to get an accurate count of students by receiving information directly from schools. This section would require schools to provide ten days public notice and an opportunity for students to opt-out before transmitting this information. This section would apply only to the 2020 Census.

Sec. 70204. Limitation on Producing Non-Census Data in Connection with 2020 Census.

This section would prohibit the compiling or production of any data products in connection with the 2020 Census based on data that is not collected during the 2020 Census, except for data products that are required by 13 U.S.C. 141(b) and (c), use the same methodology as a tabulation

produced by the Census Bureau prior to January 1, 2019, or use a methodology finalized and made public prior to January 1, 2018.

Title III – Federal Workforce

Sec. 70301. Teleworking Requirements for Federal Employees.

This section would require agency leaders to allow telework for all eligible federal employees during the coronavirus pandemic. The provisions would require agencies to expand telework by creating incentives to increase its use and disincentives to reducing it.

Sec. 70302. Retirement for Certain Employees

This section would allow federal first responders to stay in their current retirement plans if they are unable to meet the physical requirements of their position due to exposure to the coronavirus and are moved to other jobs in the civil service as a result.

Sec. 70303. Workers' Compensation for Certain Federal Employees Diagnosed with Coronavirus. This section would create a presumption that the coronavirus was contracted in the workplace for employees whose duties require substantial contact with the public.

Title IV – Federal Contractors

Sec. 70401. Mandatory Telework.

This section would mandate that agencies allow contractor personnel to telework during the coronavirus health emergency if their work can be conducted remotely and to provide periodic reports to Congress.

Sec. 70402. Guidance on the Implementation of Section 3610 of the CARES Act.

This section would require OMB to issue governmentwide guidance to implement Section 3610 of the CARES Act, which allows agencies to reimburse contractors to keep their employees and subcontractors in a ready state.

Sec. 70403. Past Performance Ratings.

This section would ensure that contractors are not penalized by adverse performance ratings due to contract disruptions caused by the coronavirus crisis.

Sec. 70404. Accelerated Payments.

This section would require contracting officers to pay prime contractors within 15 days of the submission of an invoice.

Title V – District of Columbia

Sec. 70501. Special Borrowing Authority by the District of Columbia.

This section would authorize the District of Columbia to participate in the Municipal Liquidity Facility (MLF) established by the Federal Reserve to support lending to states, cities, and counties in response to the coronavirus, as well as in any future such facilities. Under the rules

of the MLF, the District is expressly eligible to participate, but the District Home Rule Act does not authorize the District to so.

Title VI – Other Matters

Sec. 70601. Estimates of Aggregate Economic Growth Across Income Groups

This section would require the Bureau of Economic Analysis to include in its quarterly and annual reports on Gross Domestic Product and estimate of the impact on each decile of income and the highest 1% of income.

Sec. 70602. Waiver of Matching Funds Requirement for the Drug Free Community Support Program.

This section would allow the Administrator of the Office of National Drug Control Policy to modify or waive the matching requirements for Drug Free Community grants for the duration of the coronavirus emergency.

Sec. 70603. U.S. Postal Service Borrowing Authority

This section would repeal certain restrictions on the \$10 billion in borrowing authority provided to the U.S. Postal Service in the CARES Act.

DIVISION H – Veterans and Servicemembers Provisions

Prepared by the Democratic staff of the House Committee on Veterans' Affairs

Section 80001. Flexibility for the VA to care for homeless veterans during the COVID-19 public health emergency. Allows VA to provide transportation, purchase food, shelter, telecommunication equipment, clothing, blankets, and toiletry items for homeless veterans.

Authorizes VA to setup homeless encampments on the grounds of VAMCs during a public health emergency, and make improvements to allow homeless veterans to stay temporarily in VA parking lots.

Amends the CARES Act to expedite additional funding for Grant Per Diem (GPD) providers and the award of additional grants to service providers. Authorizes Grant Per Diem providers to use per diem payments for food, basic supplies, and housing to assist homeless veterans and formerly homeless veterans to self-isolate during a public health emergency.

Section 80002. Streamlining provision of HUD-VASH vouchers to homeless veterans during the COVID-19 pandemic. Allows public housing agencies administering HUD-VASH rental assistance vouchers to process applications electronically and waive in-person inspection requirements to rapidly house veterans during the COVID-19 public health emergency.

Section 80003. Grant Per Diem for children of homeless veterans. Authorizes VA to provide reimbursements to social service providers receiving grants for the costs of services for minor children of homeless veterans. This provision would modify the calculation of grants to providers to ensure children are included in calculations.

Section 80004. Increase in aid and attendance for disabled veterans during the COVID-19 public health emergency. Increases by 25% the amount being paid to disabled veterans to assist with daily activities including purchase of personal protective equipment for veterans and their caregivers or home health aides.

Section 80006. Streamlining payment of emergency care claims to community providers during the COVID-19 public health emergency. Grants prior authorization for any emergency care sought by veterans at non-VA hospitals, including COVID-19-related diagnosis and treatment, and ambulance transportation.

Section 80007. VA health care for veterans without health insurance. Authorizes veterans without a disability but determined to have a financial hardship to qualify for enrollment in VA's health care system, and be exempt from payment of hospital and medical care copays.

Section 80008. No copays for COVID-19 preventative services at VA medical facilities. Eliminates the payment of copays or cost-sharing for preventative treatment or services for COVID-19, including the administration of a vaccine.

Section 80009. Suspension of VA debt collection activities during the COVID-19 public health emergency. Prohibits the Secretary from taking enforcement actions to collect payments for benefit debts, establishing new benefit debts, sending notices regarding benefit debts to individuals or consumer reporting agencies, allowing interest to accrue on benefit debts, or applying administrative fees on benefit debts. Suspension of debt collection applies for 60 days past the end of the COVID-19 public health emergency.

Section 80010. Extending deadlines for veterans to file claims and appeals for VA benefits. Extends the deadline for veterans to file claims and appeals for VA benefits, including disability compensation, during the COVID-19 public health emergency and 90 days after the emergency has ended.

Section 80010. Consumer protections for military servicemembers under stop-movement orders during the COVID-19 pandemic. Allows servicemembers to terminate home and vehicle leases, and cable, internet, and phone contracts without penalty when a servicemember under orders to report to a new duty station receives a stop movement order of at least 30 days.

Section 80011. Consumer protections for military servicemembers and their families due to death or catastrophic disability. Authorizes the families of fallen and catastrophically injured servicemembers to terminate their phone, television, or internet contracts, and housing and vehicle leases without being financially penalized.

Section 80012. Technical correction authorizing existing salaries for senior health care leaders at VA. Clarifies a conflict in the law that caused senior VA health care leaders to be paid at a rate above a statutory pay cap for over 10 years.

Section 80013. Vet Center mental health care and services for National Guard and Reserve members responding to the COVID-19 public health emergency. Permits any National Guard

or Reserve member to receive mental health care at Vet Centers if deployed for more than 14 days in support of the COVID-19 public health emergency.

DIVISION I – Small Business Provisions

Prepared by the Democratic staff of the House Committee on Small Business

Summary pending.

DIVISION J – Support for Essential Workers, At-Risk Individuals, Families, and Communities

Prepared by the Democratic staff of the House Committee on Ways and Means

Title I – Family Care for Essential Workers

Sec. 100101. Family Care for Essential Workers.

Subsection (a). Increase in Funding.

This section increases the overall authorization level for the Social Services Block Grant (SSBG) to \$12.15 billion in 2020 and directly appropriates \$850 million to SSBG to fund child and family care for essential workers.

Subsection (b). Rules Governing Use of Additional Funds.

This section specifies that states can only use the \$850 million appropriated in this section to provide care for members of the households of essential workers that are incapable of self-care, including children and adult family members who require daytime care.

The section gives states several options for providing care, including reimbursing workers directly for care they obtain themselves, paying child care and adult care providers, and setting up emergency child care. It specifies that there is no income test for receiving this emergency child care help, and waives some existing SSBG funding restrictions that prevent states from working directly with health care facilities or otherwise providing these services.

In cases where the state works with child care providers or sets up child care facilities, they would be required to follow state and local licensing laws unless the state determined that a specific requirement would prevent them from providing the services, in which case they are required to report specifically to the Secretary on the requirement and why it is an impediment.

The section specifies that states cannot supplant state funding used for child care with these new federal dollars, or exclude essential workers by requiring a means test for services.

Finally, the section defines “essential worker” to include:

- Health care sector workers
- Emergency response workers
- Sanitation workers

- Workers at businesses which state or local officials have determined must stay open to serve the public during the COVID-19 emergency
- Any other worker who cannot telework and who the State or local government deems to be essential during the COVID-19 pandemic

Title II – Pandemic Emergency Assistance and Services

Sec. 100201. Funding to States, Localities, and Community-Based Organizations for Emergency Aid and Services.

Subsection (a). Funding for States.

This subsection directly appropriates \$9.6 billion to the Social Services Block Grant for the sole purpose of providing emergency aid and services to disadvantaged children, families, and households. It requires the Department of Health and Human Services to distribute the funds to all 50 states, the District of Columbia, and all U.S. Territories within 45 days, and requires states and territories to obligate the funds by December 31, 2020.

Under this section, states would be required to pass through at least 50 percent of the funds to county governments, local governments working in partnership with community-based organizations, or directly to community-based organizations with experience serving disadvantaged individuals or families. States are required to distribute the funds expeditiously, ensure that the pass-through funds are distributed to sub-state areas based on the area's share of disadvantaged individuals, and report to HHS on their plan for distribution within 90 days.

The funds could be used to provide basic economic and well-being necessities, provide necessary supplies to protect against infection, help connect individuals and families to payments and services for which they are eligible, provide short-term cash, non-cash, or in-kind disaster relief, and pay operational costs directly related to providing the services and maintaining local social service operations to assist needy families.

This section also prohibits imposition of burdensome individual eligibility determinations for emergency assistance and waives section 2005(a)(2) and 2005(a)(8) of the Social Security Act to allow emergency payments.

Finally, it prohibits states from using any of the funds to supplant existing state spending or to pay for services which would be reimbursed by the Federal Emergency Management Agency.

Subsection (b). Funding for Federally Recognized Indian Tribes and Tribal Organizations.

This subsection provides \$400 million to federally recognized Indian Tribes and Tribal organizations to fund emergency aid and services for disadvantaged individuals and families. Funds would be distributed on the basis of population and could not be used for services that would be reimbursed by the Federal Emergency Management Agency.

Sec. 100202. Emergency Assistance to Older Foster Youth.

Subsection (a). Funding Increases.

This section increases fiscal year 2020 funding for the John H. Chafee Foster Care Independence Program, which serves older youth who were in foster care at age 14, by \$50 million for 2020. It also increases authorized funding for the specific program that provides Education and Training Vouchers (ETV) to these youth by 30 percent, and provides flexibility to better serve youth.

Subsection (b). Programmatic Flexibility.

This section provides states with various temporary flexibilities needed to serve vulnerable older foster youth during the COVID-19 pandemic. Those include:

- Eliminating the age limit on receiving Chafee-funded services, so states can serve more former foster youth in need
- Suspending work and educational progress requirements for older youth receiving assistance due to current or past foster care during the time period in which they may be impossible to comply with
- Giving states authority to waive limits on providing housing assistance to older youth, who may have lost their current housing due to university and other closings
-
- Waiving educational progress and employment requirements for older foster youth who are unable to work or go to school during the pandemic

All flexibilities expire January 31, 2021.

Sec. 100203. Emergency Assistance to Families Through Home Visiting Programs.

This section temporarily allows home visiting programs funded under the Maternal, Infant, and Early Childhood Home Visiting program (MIECHV) to

- Conduct virtual home visits, when needed to comply with public health directives
 - Help families acquire needed technology to participate in virtual home visits
 - Train home visitors in conducting virtual home visits
- Train home visitors to assist families with emergency preparedness and response
- Provide emergency supplies to families, such as diapers, formula, non-perishable food, water, soap, and hand sanitizer.
- Provide prepaid debit cards to families to help meet emergency needs.

The section also provides an additional \$100 million for home visiting in 2020, and allows HHS to extend contracts and delay reporting deadlines as is reasonable during the COVID-19 pandemic.

The flexibilities end January 31, 2021.

Title III – Program Flexibility During the Pandemic

Sec. 100301. Emergency Flexibility for Child Welfare Programs.

This section provides state child welfare programs with flexibility to provide services, including caseworker visits, virtually when necessary to comply with public health directives.

Sec. 100302. Emergency Flexibility for Child Support Programs.

This section provides states with the option to suspend penalties for non-custodial parents for inability to pay child support during the COVID-19 pandemic, since some courts have suspended non-emergency proceedings, including those related to modifying child support orders. It also suspends federal requirements to penalize custodial parents (via TANF) and non-custodial parents (via Child Support Enforcement) for failure to comply with paternity establishment rules, since paternity establishment requires in-person action which may not be possible during the pandemic. In some states, using this flexibility may require a change in state law.

The section does not change that the state’s duty to make all reasonable efforts to deliver child support funds to custodial parents, but does suspend financial penalties and generally holds states financially harmless for failure to meet strict targets and state plan and operational requirements during the pandemic. The flexibility means states can continue to receive federal child support incentive payments even if they fall below the 90 percent paternity establishment threshold.

The section also allows the Secretary of HHS to, wherever possible, provide tribal child support programs with the same flexibilities as those afforded to state programs.

The flexibilities expire January 31, 2021.

Sec. 100303. Emergency Flexibility for TANF Programs.

In order to allow compliance with social distancing, shelter-in-place, and other public health guidance, this section suspends the federal work participation rate requirements and the federal time limit for the federal Temporary Assistance for Needy Families (TANF) Program during the COVID-19 emergency, and creates penalties for any state or Tribal TANF program that fails to “stop the clock” on federal time limits for families, and/or that sanctions families for failure to work or participate in “work participation” activities. The policy suspensions expire January 31, 2021.

DIVISION K – COVID-19 HERO Act

Prepared by the Democratic staff of the House Committee on Financial Services

Summary pending.

DIVISION L – Families, Workers, and Community Support Provisions

Prepared by the Democratic staff of the House Committee on Education and Labor

Title I – Amendments to Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave Act

Subtitle A - Emergency Family and Medical Leave Expansion Act Amendments

Sec. 120101. References.

Sec. 120102. Employee Eligibility and Employer Clarification. This section temporarily suspends, until December 31, 2022, the current 1,250 hour eligibility requirement and reduces the tenure eligibility requirement from 12 months to 90 days under non-emergency Family and Medical Leave Act (FMLA). This will ensure rampant unemployment and furloughs do not leave workers unable to qualify for FMLA benefits in the near future. This section also clarifies that public agencies are covered under the Family and Medical Leave Act of 1993, regardless of the number of employees.

Sec. 120103. Emergency Leave Extension. This section extends the availability of Emergency Family and Medical Leave benefits from December 31, 2020 to December 31, 2021.

Sec. 120104. Emergency Leave Definitions. This section

- Provides private sector and public sector employees who have been on the job for at least 30 calendar days with the right take up to 12 weeks of job-protected paid leave under the Family and Medical Leave Act, *regardless of the size of their employers.*
- Employees can take this leave to: (1) self-isolate because they were diagnosed with COVID-19, (2) obtain a medical diagnosis or to care for symptoms of COVID-19, (3) comply with a recommendation or order to self-isolate because physical presence at work would jeopardize the health of the employee, other employees, or a person in the employee's household, (4) care for a family member who is self-isolating, (5) care for a child whose school has closed or child care provider is unavailable due to COVID-19, or (6) care for a family member who is individual with a disability or senior citizen whose place of care or direct care provider is unavailable.

Sec. 120105. Regulatory Authorities. This section removes the Secretary of Labor's authority to issue regulations, authorized under Families First Coronavirus Response Act, to exempt employees of businesses with fewer than 50 employees, or to issue regulations to exempt health care providers and emergency responders from the right to paid leave. Any regulations that have been issued under that previous authority shall have no effect.

Sec. 120106. Paid Leave. This section ensures that workers are provided with a full 12 weeks of paid emergency FMLA leave and such leave does not count towards an employee's 12 weeks of non-emergency unpaid FMLA leave. This section also clarifies that only the employee can decide to take emergency FMLA leave concurrently with any other paid leave they have available.

Sec. 120107. Wage Rate. This section ensures employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay, up to \$200 a day, but no less than the applicable minimum wage in their area.

Sec. 120108. Notice. This section requires that employees provide their employers with notice as soon as is practicable.

Sec. 120109. Intermittent Leave. This section clarifies that employees can take leave intermittently or on a reduced work schedule, regardless of a previous agreement between an employer and employee.

Sec. 120110. Certification. This section states employers may require requests for emergency leave to be supported by basic documentation, but not before five weeks after the employee has started the leave.

Sec. 120111. Authority of the Director of the Office of Management and Budget to Exclude Certain Federal Employees. This section eliminates the authority of the Director of the Office of Management and Budget to exclude certain federal employees from paid leave.

Sec. 120112. Technical Amendments. This section makes technical amendments.

Sec. 120113. Amendments to the Families First Emergency Family and Medical Leave Expansion Act.

- Clarifies that employees who work under a multiemployer collective bargaining agreement and whose employers pay into a multiemployer plan are provided with leave.
- Eliminates provisions that allow employers of health care providers and emergency responders the ability to exclude their employees from emergency FMLA leave.
- Eliminates provisions that restrict employees from exercising a private right of action against employers, with fewer than 50 employees.

Subtitle B – Emergency Paid Sick Leave Act Amendments

Sec. 120114. References.

Sec. 120115. Paid Sick Time Requirement. This section—

- Allows eligible employees to use paid sick leave for the uses allowed under the emergency FMLA (see above).
- For each 12-month period, entitles eligible full-time employees to two workweeks (80 hours) of emergency paid sick leave. For each 12-month period, eligible part-time employees are entitled to the hours of emergency paid sick leave that equals the typical number of hours that they work in a typical two-week period.
- Ensures employees receive emergency paid sick leave in addition to any existing employer-provided paid leave.
- Clarifies that employees can take leave intermittently or on a reduced work schedule, regardless of a previous agreement between an employer and employee.
- Allows employers to require requests for paid sick leave to be supported by basic documentation, but not before 7 days after the employee has returned to work.
- Requires employees to provide their employers with notice of need to take leave as soon as is practicable.
- Clarifies that full emergency paid sick leave is available to employees where they begin employment with a new employer.
- Requires employers to restore employees to their positions after returning from paid sick leave.

Sec. 120116. Sunset. This section extends the availability of emergency paid sick leave from December 31, 2020 to December 31, 2021.

Sec. 120117. Definitions. This section eliminates the large employer exemption and clarifies that nonprofit organizations are covered employers. This section ensures that full-time and part-time employees earn full wage replacement (up to \$511 per day) for all emergency paid sick leave uses.

Sec. 120118. Emergency Paid Sick Leave for Employees of the Department of Veterans Affairs and the Transportation Security Administration for Purposes Relating to COVID-19. This section ensures employees of the Department of Veterans Affairs and Transportation Security Administration are eligible for paid sick days.

Sec. 120119. Authority of the Director of the Office of Management and Budget to Exclude Certain Federal Employees. This section eliminates the authority of the Director of the Office of Management and Budget to exclude certain federal employees from paid sick leave.

Sec. 120120. Regulatory Authorities. This section eliminates the Secretary of Labor’s authority to issue regulations, provided under the Families First Coronavirus Response Act, to exempt certain employers with fewer than 50 employees, health care providers, and emergency responders from the emergency paid sick leave provisions. This section also eliminates the Secretary’s authority to issue regulations to align Divisions C (Emergency Family and Medical Leave Act), E (Emergency Paid Sick Leave Act) and G (Tax Credits for Paid Sick and Paid Family and Medical Leave) of the Family First Coronavirus Response Act. Any such regulations issued by the Department shall have no force and effect.

Title II – COVID-19 Workforce Development Response Activities

Section 120201. Definitions and Special Rule: Defines coronavirus, COVID-19 national emergency, “Secretary” as the Secretary of Labor, apprenticeship programs as Registered Apprenticeship programs. Requires that any funds used under this Act for apprenticeships are used only for Registered Apprenticeships.

Section 120202. Job Corps Response to the COVID–19 National Emergency: Provides additional programmatic flexibilities, including for eligibility, enrollment length, advanced career training programs, counseling, job placement and assessments, and transition support for Job Corps participants.

Section 120203. Native American Programs Responding to the COVID-19 National Emergency: Authorizes a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency.

Section 120204. Migrant and Seasonal Farmworkers Program Response: Authorizes a 1-year extension on the 4-year grant cycle due to the COVID-19 national emergency, and expands eligibility to individuals not exceeding 150 percent of the poverty line.

Section 120205. YouthBuild Activities Responding to the COVID-19 National Emergency: Expands eligibility for individuals who turned 25 during the COVID-19 national emergency, and expands enrollment length beyond 2 years for individuals participating in the program during the COVID-19 national emergency.

Section 120206. Apprenticeship Support During the COVID-19 National Emergency: Requires the Secretary to identify and disseminate strategies and tools to support virtual and online learning and training within 30 days of bill enactment.

Title III – COVID–19 Every Worker Protection Act of 2020”.

Sec. 120301. Short Title. This division may be cited as the “COVID–19 Every Worker Protection Act of 2020”.

Sec. 120302. Emergency Temporary and Permanent Standards.

Requires OSHA to issue an emergency temporary standard (ETS) within 7 days of enactment to protect health care and other workers at occupational risk of exposure to COVID-19. The ETS:

- Requires employers to develop and implement a comprehensive infectious disease exposure control plan to protect workers from exposure to the SARS-CoV-2 virus that causes COVID-19.
- Incorporates, as appropriate, guidance issued by the Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health, and OSHA which are designed to prevent the transmission of infectious agents in healthcare settings and relevant scientific research on novel pathogens.
- Requires the ETS to be no less protective than the infectious disease precautions for novel pathogens issued by any OSHA state plan.
- Permits OSHA to exercise enforcement discretion in the event of equipment shortages.
- Requires OSHA state plan states to adopt an ETS within 14 days of enactment.
- Covers public employees in the 24 states where they are not currently covered by OSHA
- Requires OSHA to issue a permanent infectious disease standard within 24 months of enactment.
- Requires employers to comply with existing OSHA recordkeeping regulations.
- Prohibits employers from retaliating against workers for reporting or publicizing health and safety hazards, or for using their own more protective personal protective equipment if not provided by the employer.

Sec. 120303. Surveillance, Tracking, And Investigation of Work-Related Cases of COVID–19.

Requires the CDC, in conjunction with the National Institute for Occupational Safety and Health, to collect and, as appropriate, investigate reports of work-related transmission of COVID-19 to health care and other workers, and make recommendations on needed actions or guidance based on those reports and investigations.

Title IV – Community and Family Support

Community and Family Support

Sec. 120401. Matching Funds Waiver for Formula Grants and Subgrants Under the Family Violence Prevention and Services Act. This section waives the matching requirement for grantees and subgrantees under the Family Violence Prevention and Services Act (FVPSA) during the COVID-19 pandemic. This will provide relief to domestic violence providers who rely on volunteer support to meet their matching requirements, but have been unable to maintain volunteers due to the pandemic.

Sec. 120402. Distribution of Certain Funds Appropriated for the Community Services Block Grant Act. This section ensures that all states receive the appropriate share of Community Services Block Grant (CSBG) funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), raises the poverty line for all CSBG funds appropriated during fiscal years 2020-2022 to 200 percent, and ensures that states distribute CSBG funds received under the CARES Act to local community action agencies in a timely manner.

Sec. 120403. Low Income Home Energy Assistance Program (LIHEAP)

This section expands energy assistance for low-income families, reduces barriers to LIHEAP participation during the COVID-19 emergency, and temporarily increases LIHEAP agencies' administrative resources to process the higher volume of applications remotely.

Title V – COVID-19 Protections under the Longshore and Harbor Workers' Compensation Act

Sec. 120501. Compensation Pursuant to the Longshore and Harbor Workers' Compensation Act.—Establishes a presumption that COVID-19 is work related and authorizes eligibility for benefits under the LHWCA to those maritime employees who were employed between January 27, 2020 and January 27, 2022 who are diagnosed with COVID-19, or who were ordered not to return to work by the employer or by a public health agency because of exposure or risk of exposure in the workplace to 1 or more individuals diagnosed with COVID-19.

An employer or carrier is entitled to reimbursement for the costs of compensation paid for COVID-19 claims from the Special Fund established under the LHWCA Section 44, provided such employer is in compliance with requirements and guidance related to the prevention of exposure to COVID-19 issued by the Occupational Safety and Health Administration, Centers for Disease Control, the U.S. Coast Guard, or state or local health authority related. Insurance premiums and experience ratings cannot be adjusted based upon compensation paid by the carrier, if the carrier is reimbursed for the costs of claim from the Special Fund for purposes of this Title. Claims for reimbursement shall be submitted to the Department of Labor pursuant to regulations established under the War Hazards Compensation Act.

Funds are appropriated to the Special Fund. DOL shall report to Congress on claims paid, claims denied and claims pending, and expenditures from the Special Fund related to COVID-19 claims under this Title.

DIVISION M – Consumer Protection and Telecommunications Provisions
Prepared by the Democratic staff of the House Committee on Energy and Commerce

Title I – Covid-19 Price Gouging Prevention

Sec. 101. Short Title. Stipulates that the short title of this section is the “COVID-19 Price Gouging Prevention Act”.

Sec. 102. Prevention of Price Gouging. Prohibits the sale of consumer goods and services at unconscionably excessive prices. Goods and services include personal protective equipment, drugs, hand sanitizers, and healthcare services, among others. It also authorizes the Federal Trade Commission and State attorneys general to enforce the law and impose civil penalties on price gougers. No state laws would be preempted by the title.

Title II – E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices

Sec. 201. E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices During Emergency Periods Related to COVID-19. Authorizes \$5 billion in funding for a temporary disbursement to be administered through the Federal Communications Commission’s (FCC) E-rate Program for schools and libraries to provide internet service in a technologically neutral way to students and teachers, prioritizing those without internet access at home. It allows authorized funding to be used for internet service and providing connected devices, like laptops and tablets, Wi-Fi hotspots, modems, and routers, to students and teachers to help keep them in the digital classroom during the COVID-19 pandemic. Five percent of the emergency funds authorized are set aside to help serve schools and libraries that serve people living on tribal lands.

Title III – Emergency Benefit for Broadband Service

Sec. 301. Benefit for Broadband Service During Emergency Periods Relating to COVID-19. Entitles households in which a member has been laid off or furloughed to get a \$50 benefit, or a \$75 benefit on tribal lands, to put toward the monthly price of internet service during the COVID-19 public health emergency. Internet service providers would be required to provide eligible households service at a price reduced by an amount up to the emergency benefit, and those providers can seek a reimbursement from the FCC for such amount. This would authorize nearly \$9 billion to cover the costs of reimbursements.

Sec. 302. Enhanced Lifeline Benefits During Emergency Periods. Requires that Lifeline providers make unlimited minutes and unlimited data available to those that rely on the Lifeline program to stay connected to phone or internet service and provides additional support.

Sec. 303. Grants to States to Strengthen National Lifeline Eligibility Verifier. Authorizes \$200 million in funding to help states participate in the National Lifeline Eligibility Verifier.

Title IV – Continued Connectivity

Section 401. Continued Connectivity During Emergency Periods Relating to COVID-19. Prohibits broadband and telephone providers from terminating service due to a customer's inability to pay their bill because of financial hardships caused by the COVID-19 pandemic or imposing late fees incurred because of hardships caused by the COVID-19 pandemic. It also prohibits broadband providers from employing data caps or charging customers from going over data caps and requires them to open Wi-Fi hotspots to the public at no cost during the COVID-19 public health emergency.

Title V – Don't Break Up the T-Band

Section 501. Repeal of Requirement to Reallocate and Auction T-Band Spectrum. Allows public safety organizations to continue using a portion of the airwaves critical for their radios, specifically, the T-Band.

Title VI – National Suicide Hotline Designation

Sec. 601. Findings. Includes findings related to suicide and mental health crisis counseling and the importance of designating a three-digit code for the National Suicide Prevention Lifeline.

Sec. 602. Universal Telephone Number for National Suicide Prevention and Mental Health Crisis Hotline System. Designates 9-8-8 as the universal dialing code for the National Suicide Prevention Lifeline.

Sec. 603. State Authority Over Fees. Allows states to impose a fee or charge on voice service subscribers' bills for the support or implementation of 9-8-8 services for the support of the National Suicide Prevention Lifeline.

Sec. 604. Location Identification Report. Requires the FCC to evaluate and submit a report to Congress on the feasibility and cost of automatically providing the dispatchable location of calls to 9-8-8.

Sec. 605. Report on Certain Training Programs. Requires the Assistant Secretary for Mental Health and Substance Use to submit a report to Congress that details a strategy for offering support or providing technical assistance for training programs for National Suicide Prevention Lifeline counselors to increase competency in serving LGBTQ youth.

Title VII – COVID-19 Compassion and Martha Wright Prison Phone Justice

Sec. 701. Findings. Includes findings regarding the need to connect families and incarcerated family members, particularly during the COVID-19 pandemic.

Sec. 702. Requirement for Confinement Facility Communications Services, During the Covid-19 Pandemic and Other Times. Sets a mandatory, immediate, interim cap on all rates charged in connection with voice calls and video calls made to or from prisons or jails —both for calls within a state and calls between states — of .04 cents per-minute for debit calls and .05 cents per-minute for collect calls. It also gives the FCC the authority to set rates in connection with voice calls and video calls in prisons and jails both for calls within a state and calls between states. Finally, it requires the FCC to adopt rules to replace the mandatory interim caps within 18 months of passage and to review those rates every two years. Prohibits prisons or jails from charging site commissions.

Sec. 703. Authority. Preempts any state law that permits a higher rate for voice or video calling but allows state laws mandating a lower rate to persist.

Title VIII – Healthcare Broadband Expansion During COVID-19

Section 801. Expansion of Rural Health Care Program of FCC in Response to COVID-19.

Authorizes \$2 billion for a temporary expansion of the FCC’s Rural Health Care Program (RHCP) to partially subsidize their health care providers’ broadband service. Authorized subsidies would flow to all nonprofit and public hospitals, not just rural ones. Increases the broadband subsidy rate from 65 percent to 85 percent. Also uses authorized funds to expand eligibility of the RHCP to ensure mobile and temporary health care delivery sites are eligible and temporarily modifies administrative processes to ensure funding is delivered expediently.

DIVISION N – Giving Retirement Options to Workers Act

Prepared by the Democratic staff of the House Committee on Education and Labor

Sec. ___0001. Short Title: This division may be cited as the “COVID-19 Protections under the Longshore and Harbor Workers’ Compensation Act.”

Sec. ___0002. Composite Plans

The section changes the multiemployer pension system by authorizing what is referred to as a “composite plan.” This new plan is composed of features of a traditional defined benefit plan and of a 401(k)-style defined contribution plan.

A composite plan may be a stand-alone plan or a part of an existing multiemployer plan as long as such plan is not in critical status or anticipated to be in critical status in the next five years. An eligible existing plan (referred to as a “legacy plan”) that establishes a composite plan must satisfy certain requirements for funding the composite plan. Whether it is a stand-alone plan or part of an existing multiemployer plan, a composite plan must be professionally managed and must maintain a projected funding ratio of 120 percent on a 15-year going forward basis. If the amount of plan assets is not enough to pay 120 percent of participants’ promised benefits, the plan would have to take remedial action by adopting what is referred to as a “realignment

program.” The realignment program consists of several tiers of options to be undertaken by the plan to enable it to achieve a 120 percent funding ratio. The first options include increasing contribution rates (negotiated by the bargaining parties), reducing future accrual rates, and reducing adjustable benefits for non-retirees. If necessary, the last option is reducing retiree benefits. Consequently, a participant’s benefit may increase or decrease depending on the funding level of the composite plan. Ensuring that a composite plan maintains a 120 percent funding target is viewed as beneficial and could help mitigate against the kind of volatility in the financial markets that has occurred during the COVID-19 public health crisis.

There are requirements to provide annual notices to composite plan participants. Composite plans do not pay PBGC premiums and are not covered by the PBGC guarantee. If a composite plan were to become insolvent, it could not obtain financial assistance from PBGC, and its participants and beneficiaries would not be covered by the PBGC guarantee. Those employers who contribute to a composite plan negotiate a fixed contribution rate and do not have withdrawal liability, which is a payment or series of payments by an employer that no longer participates in a multiemployer plan. A legacy plan that establishes a composite plan, however, must continue to pay PBGC premiums and comply with existing funding rules, among other requirements. Participants and beneficiaries in a legacy plan continue to be covered by PBGC and their benefits would be covered by the PBGC guarantee.

DIVISION O – Education Provisions and Other Programs

Prepared by the Democratic staff of the House Committee on Education and Labor

Title I – Higher Education Provisions

Sec. 150101. Definitions.

This section provides definitions for terms such as “award year”, “authorizing committees”, and “FAFSA”, which stands for the Free Application for Federal Student Aid.

Subtitle A – CARES Act Amendments

Sec. 150102. Application of Waiver to Participating Nonprofit Employers.

This section clarifies that the Secretary will waive the non-federal match requirement for non-profit employers for award years 2019-2020 and 2020-2021.

Sec. 150103. Extension of Federal Work-Study During a Qualifying Emergency.

This section extends flexibility into the fall that allows institutions of higher education (institutions) to pay federal work-study students even if they are unable to complete their jobs due to COVID-19.

Sec. 150104. Continuing Education at Affected Foreign Institutions.

This section clarifies that a foreign institution is eligible to offer courses via distance education based on a declaration of an emergency in the applicable country rather than the qualifying emergency in the United States. Further, it allows foreign institutions to enter into agreements with US based institutions for the duration of the emergency in the applicable country as well as in the United States.

Sec. 150105. Funding for HBCU Capital Financing.

This section replaces the \$62 million cap on mandatory funding provided for the Historically Black Colleges and Universities (HBCU) Capital Financing program with “such sums.”

Sec. 150106. Waiver Authority for Institutional Aid

This section repeals a provision in the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) that allows the Secretary of Education to waive the special allotment rule for HBCUs with direct HEA appropriations.

Sec. 150107. Scope of Modifications to Required and Allowable Uses.

This section clarifies that the Department of Education cannot use the authority provided under the CARES Act to grant waivers that would allow grant funds to be used in a way that deviates from the overall purpose of the grant program. This section additionally allows the Secretary of Education to grant waivers related to the required and allowable uses for the Minority Science and Engineering Improvement Program.

Subtitle B – Financial Aid Access

Sec. 150108. Emergency Financial Aid Grants Excluded from Need Analysis.

This section specifies that emergency financial aid grants shall not be included as income or assets for the purposes of calculating a student’s expected family contribution (EFC) or treated as estimated financial assistance not received under Title IV of the *Higher Education Act of 1965* (HEA). As a result, emergency financial aid provided to a student in response to the COVID-19 emergency will not impact that student’s eligibility for federal financial aid.

The term “emergency financial aid grant” includes emergency aid awarded under the Higher Education Emergency Relief Fund of the CARES Act, emergency aid supported with Supplemental Educational Opportunity Grant (SEOG) program funds, and any other emergency aid provided by a Federal agency, state, Indian tribe, institution, or scholarship-granting organization for the purpose of providing relief in response to a qualifying emergency.

Sec. 150109. Facilitating Access to Financial Aid for Recently Unemployed Students.

This section specifies that any individual who has applied for, or is receiving, unemployment benefits at the time that they submit an application for federal financial aid will be treated as a dislocated worker on the FAFSA, which can qualify a FAFSA applicant for the simplified needs test or an automatic zero EFC. This provision is effective for the duration of the COVID-19 emergency and the following award year. The Department of Education is required to implement this provision within 30 days of enactment.

This section also requires the Department of Education to work with the Department of Labor and institutions to provide guidance and conduct outreach to recently unemployed individuals informing them of their potential eligibility for aid, including their treatment as dislocated workers on the FAFSA. The Department of Education is additionally required to work with institutions to inform applicants for federal student aid of the availability of other means-tested federal benefit programs and to inform institutions of their authority to share information from a

student's FAFSA (with the student's consent) with organizations that assist students in applying for and receiving Federal, State, local, or tribal assistance.

This section specifies that guidance released by the Department of Education on May 8, 2009, shall be effective for the duration of the COVID-19 emergency and the following award year, including guidance regarding the ability of financial aid administrators to conduct professional judgement for recently unemployed students and adjustments to the Department of Education's risk-based model for selecting institutions for program reviews.

Sec. 150110. Student Eligibility for Higher Education Emergency Relief Fund

This section prohibits the Secretary of Education from imposing restrictions on the populations of students who may receive funds under section 18004 of the CARES Act, which creates the Higher Education Emergency Relief Fund. This section specifies that the Personal Responsibility and *Work Opportunity Reconciliation Act of 1996* does not apply to funds made available under section 18004 of the CARES Act.

Sec. 150111. Definition of Distance Education.

This section applies the definition of distance education that was included in the Department of Education's proposed rule on Distance Education and Innovation published on April 2, 2020 that was reached by consensus, to programs that begin on or after August 15, 2020. Distance education is defined as education that uses technology to deliver instruction to students who are separated from the instructor(s) and to support regular and substantive interaction between the students and the instructor(s), either synchronously or asynchronously. This provision is effective until the end of the 2020-2021 award year.

Sec. 150112. Institutional Stabilization Program.

This section creates the Institutional Stabilization Program (ISP) which allows eligible institutions, in lieu of submitting a letter of credit to be considered financially responsible in order to participate in title IV, to enter into a COVID-19 provisional program participation agreement (CVPPPA) after meeting certain requirements.

To participate in the ISP, a non-profit institution, that offered on campus classes during award year 2018-2019, must have a composite score below 1.0 and a liquidity level of 180 days or below. An institution that does not currently have a composite score below 1.0 but estimates that it will have a composite score below 1.0 for the following year can also opt into the program if it meets the liquidity threshold. Institutions with a liquidity level above 180 days are not eligible to participate.

An eligible institution must submit an application to the Secretary of Education no later than December 31, 2020 and include in the application: an estimated liquidity level; assurance that the institution will submit a record management plan and teach-out plan; and an assurance that the institution will meet the requirements of the teach-out agreement if applicable. Eligible institutions that want to opt into the ISP have 10 days to notify the institutional state authorizer and accreditor of such application and 60 days to procure an auditor attestation of its liquidity level (calculated under the FASB ASU 2016-14) and submit a teach-out plan and record management plan as approved by the Department of Education and the institution's accreditor. If

the institution closes, it must release all financial holds placed on student records and provide access to transcripts at no cost for three years after the institution closes. Institutions with 90 days or less in liquidity must meet additional requirements after the application is approved. While applications are pending, the Secretary of Education cannot collect a letter of credit. The Secretary of Education is required to approve or deny complete applications within 10 days of receiving them and institutions must notify the state authorizer and accreditor within 5 days of such decision.

All institutions must also meet other eligibility requirements regarding administrative capability and cash reserve requirements under the HEA. The institution will be required to meet the teach-out plan or agreement requirement based on the liquidity level verified by the auditor – not the institution’s estimate in the initial application. Once the institution is in the program, changes in liquidity level will no longer impact eligibility or treatment under the program, until it is up for renewal. However, if there is a consistent decline in liquidity, the Secretary may require an institution to make substantial progress on a teach-out agreement.

After an institution has met the above requirements, the institution is now approved to enter the ISP under a COVID-19 Provisional Program Participation Agreement (CVPPPA). Institutions with 90 days or less in liquidity must additionally make sufficient progress on the teach-out agreement (requiring that a minimum of 75% of students are covered) within 30 days of being approved for the CVPPPA and must submit updates on subsequent progress every 14 days as determined by its accreditor thereafter until the teach-out agreement(s) covers all students. All participating institutions must also report regularly (i.e. every 15 days for those with 90 days or below in liquidity and every 30 days for those with 91-180 days in liquidity) to the Secretary of Education regarding liquidity and student enrollment. If these requirements are not met, the institution is no longer eligible for the CVPPPA and the Secretary can collect a letter of credit.

The CVPPPA may be renewed through June 30, 2022, and if the Secretary of Education determines that it is in the benefit of the institution to extend such participation, the agreements may be renewed through June 30, 2024. The Secretary of Education must also submit reports to Congress with a summary of each agreement 90 days after enactment and every 90 days thereafter until all agreements have expired or been terminated.

If a student attending an institution participating in a CVPPPA at the time of closure, and 120 days prior, is entitled to an automatic closed school discharge if such student has not re-enrollment in a new institution within three years of such closure.

This section also defines “liquidity level”, “teach-out agreement”, “teach-out institution”, and “teach-out plan”.

The Secretary is authorized \$300 million to provide grants to participating institutions that meet the CVPPPA requirements.

Subtitle C – Federal Student Loan Relief

Part A – Temporary Relief for Federal student Loan Borrowers Under the CARES Act

Sec. 150113. Expanding Loan Relief to all Federal Student Loan Borrowers.

This section amends the CARES Act to define the term “Federal student loan” to include Direct Loans, Department- and commercially-held Federal Family Education Loans (FFEL), Department- and institutionally-held Perkins loans, and Health and Human Services (HHS) student loans under subpart II of part A of Title VII and part E of Title VIII of the *Public Health Service Act* that are eligible for consolidation with Direct Loans under the HEA.

Sec. 150114. Extending the Length of Borrower Relief due to the Coronavirus Emergency.

This section amends the CARES Act to extend suspension of payments for Federal student loans through September 30, 2021 and adds a 30-day transition period where any missed payments after payment suspension ends do not result in collection fees and are not reported to consumer reporting agencies. Adds a provision that requires the Secretary or, as applicable, the HHS Secretary to make the borrowers with loans that were excluded from the CARES Act (i.e., commercially-held FFEL, institutionally-held Perkins loans, and HHS student loans) whole as if those loans were part of the original CARES Act. Allows borrowers repaying under an income-driven repayment plan to not recertify their income or family size until after December 30, 2021.

Sec. 150115. No Interest Accrual.

This section amends the CARES Act to extend no interest accrual on Federal student loans (regardless of repayment status) until September 30, 2021 or until the economy shows initial signs of recovery (as defined in the Act), whichever is longer. For commercially-held FFEL and institutionally-held Perkins loans, the Secretary is required to pay the amount of interest due on the unpaid principal to the holder on a monthly basis. The payments cannot affect payment calculations under the special allowance rules in the HEA. The HHS Secretary must also pay the amount of interest due on the unpaid principal to the holder of the loan on a monthly basis. Adds a provision that requires the Secretary or, as applicable, the HHS Secretary to make the borrowers with loans that were excluded from the CARES Act (i.e., commercially-held FFEL, institutionally-held Perkins loans, and HHS student loans) whole as if those loans were part of the original CARES Act.

Clarifies that accrued interest prior to March 13, 2020 cannot be capitalized as a consequence of the implementation of pause payments or the no interest accrual provisions.

Sec. 150116. Notice to Borrowers.

This section makes conforming amendments to the CARES Act such as requiring the HHS Secretary to notify HHS borrowers that the benefits provided to them under the CARES Act, as amended in this Act will end. Also requires the Secretary of Education and, as applicable, the HHS Secretary to notify Perkins loan and HHS borrowers of income-driven repayment plans available to them if they consolidate.

Sec. 150117. Writing Down Balances for Federal Student Loan Borrowers.

This section amends the CARES Act to provide \$10,000 of up-front debt relief for all Department of Education loan borrowers. Borrowers owing less than \$10,000 will receive up to the amount owed on their balance. Unless otherwise requested by the borrower, the discharge is applied first toward the loan with the highest interest rate. Borrowers with the same interest rate

on all loans, the discharge is applied first toward the loan with the highest principal balance. The discharged amount is excluded from gross income and not required to be reported to the Internal Revenue Services.

Sec. 150118. Implementation.

This section amends the CARES Act to facilitate implementation of the temporary relief provided to borrowers. Requires holders of commercially-held FFEL, institutionally-held Perkins loans, and HHS loans to report information that allows the Secretary of Education and, as applicable, the HHS Secretary to verify borrower payments that are to be provided or suspended and calculate the amount of interest due to the holder for reimbursement.

Sec. 150119. Effective Date.

This section requires that the amendments made under this Part take effect as if enacted as part of the CARES Act.

Part B – Consolidation Loans and Public Service Loan Forgiveness

Sec. 150120. Special Rules Relating to Federal Direct Consolidation Loans.

This section establishes special rules for borrowers consolidating loans between the date of enactment and September 30, 2021 or until the economy shows initial signs of recovery (as defined in this Act), whichever is longer. The special rule allows borrowers to consolidate without losing prior payments for purposes of Public Service Loan Forgiveness (PSLF) and income-driven repayment plans. To determine the number of monthly qualifying payments, the Secretary of Education must calculate the weighted factor of each component loan, determine the number of qualifying monthly payments made on each component loan before consolidation, add the number of qualifying monthly payments on each loan, and round to the nearest whole number. When determining the new interest rate, the standard rules for consolidation apply except that the Secretary must not round up the weighted average of the interest rate. The Secretary of Education and the HHS Secretary must undertake a campaign to alert borrowers on the benefits of consolidating.

This section also requires the Government Accountability Office to submit a report within six months after the date of enactment of this Act on the implementation of this section.

Sec. 150121. Treatment of PSLF.

This section removes the requirement that a borrower must be employed in a public service employer at the time of forgiveness under PSLF. This section also allows a borrower with a full-time job as a health care practitioner working at a public or non-profit hospital or health care facility but prohibited by State law from being employed directly by the hospital or health care facility to be eligible for PSLF.

Part C – Emergency Relief for Defrauded Borrowers

Sec. 150122. Emergency Relief for Defrauded Borrowers.

This section provides full student loan relief to borrowers who attended an institution that, according to findings made by the Department of Education on or before the date of enactment

of this Act, made a false or misleading job placement representation. Full student loan relief is also provided to borrowers who attended an institution that, according to findings made by the Department of Education on or before the date of enactment, made a false or misleading guaranteed employment or credit transferability representation and submitted a claim to the Department of Education. Under this section, borrowers covered under these findings who have already received partial relief are entitled to the rest of relief on their loans.

Not later than 30 days after enactment, the Secretary of Education must notify each eligible borrower with information about the relief, the borrower's eligibility to receive federal financial aid, and any additional relief the Secretary deems appropriate. Not later than 45 days after enactment, the Secretary of Education will cancel or repay the full balance of interest and principle (including fees and charges) and refund the borrower with the full amount of payments such borrower made on their loans. Not later than 60 days after enactment, the Secretary of Education is required to remove all adverse credit history related to such loans.

Additionally, this section requires the Secretary of Education to adjudicate claims submitted by State Attorneys General (AGs) within 180 days of enactment. For each claim where the State AG proves misrepresentation and the borrower has not yet received full relief, the Secretary of Education is required to provide full relief. While the claims are being adjudicated, the Secretary of Education must suspend payments, involuntary collections and interest on the eligible loans. Further, not later than 10 days after relief is provided, the Secretary of Education must notify borrowers. The Secretary of Education must provide detailed documents to the authorizing committees regarding claims pertaining to 20 or more individuals not later than 10 days after the claims are adjudicated.

Regarding each loan cancelled or repaid under this section, the Secretary of Education shall initiate an appropriate proceeding to require the institution whose act or omission resulted in relief provided to the borrowers in this section to repay the Secretary of Education.

Relief provided under this section is excluded from gross income and not required to be reported to the Internal Revenue Services.

Subtitle D – Notifications and Reporting Relating to Higher Education

Sec. 150123. Notification Related to Non-CARES Act Flexibilities

This section requires the Secretary of Education to submit written notification to the authorizing committees each time an HEA provision (including regulation or subregulatory guidance) will be modified or waived due to COVID-19, other than a provision authorized to modify or waive under the CARES Act. This notification must also be published online. Each notification must include certain elements outlined in the Act. The Secretary of Education must also submit quarterly reports through the end of the first fiscal year after the qualifying emergency ends. For flexibilities already granted prior to enactment of this Act, the Secretary must submit a report outlining those flexibilities and include the elements outlined in the Act.

This section also requires institutions that exercise an authority provided under specific sections in the CARES Act to submit to the Secretary of Education a report that describes how the

institution used the authority and the number of students affected by the use of such authority. The Secretary of Education is then required to submit a summary of this information to the authorizing committees, along with other information as outlined in this Act.

The Secretary of Education must submit a report to the authorizing committees summarizing modifications to any contracts with servicers and amendments to program participation agreements with institutions. The Secretary of Education must also submit randomly selected sample copies of program participation agreements.

This section amends other sections in the CARES Act to add certain reporting requirements.

Title II – Other Programs

Subtitle A - Carl D. Perkins Career and Technical Education Act of 2006 and Adult Education and Literacy COVID-19 National Emergency Response

Sec. 150201. Definitions.

This section defines “apprenticeship” and “apprenticeship program”, “coronavirus”, “COVID-19 national emergency”, and “Secretary” as the Secretary of Education.

Sec. 150202. COVID-19 Career and Technical Education Response Flexibility.

This section provides legislative flexibility for programs under the *Perkins Career and Technical Education Act of 2006* (Perkins CTE) in response to COVID-19 such as allowing Perkins CTE entities to retain funds at the local level instead of returning unspent academic year funds to the state.

Sec. 150203. Adult Education and Literacy Response Activities.

This section provides legislative flexibility for the *Adult Education and Family Literacy Act* to allow for program administration and state leadership funds to be used for online service delivery and requires the Secretary of Education to provide guidance on virtual proctoring of adult education.

Sec. 150204. General Provisions.

This section allows Perkins CTE and Adult Education eligible agencies to apply for waivers under the General Education Provisions Act for the 2019-2020 academic year.

Subtitle B - Corporation for National and Community Service COVID-19 Response Activities

Sec. 150201. Definitions.

This section defines “apprenticeship, apprenticeship program”, “coronavirus”, “COVID-19 national emergency” and “Secretary” as the Secretary of Education.

Sec. 150202. COVID-19 Career and Technical Education Response Flexibility.

This section provides legislative flexibility for programs under the *Perkins Career and Technical Education Act of 2006* (Perkins CTE) in response to COVID-19 such as allowing Perkins CTE entities to retain funds at the local level instead of returning unspent academic year funds to the state.

Sec. 150203. Adult Education and Literacy Response Activities.

This section provides legislative flexibility for the *Adult Education and Family Literacy Act* to allow for program administration and state leadership funds to be used for online service delivery and requires the Secretary of Education to provide guidance on virtual proctoring of adult education.

Sec. 150204. General Provisions.

This section allows Perkins CTE and Adult Education eligible agencies to apply for waivers under the General Education Provisions Act for the 2019-2020 academic year.

Subtitle C - Corporation for National and Community Service COVID-19 Response Activities

Sec. 150205. Corporation for National and Community Service Provisions.

This section provides a technical correction to the CARES Act to provide for the stipend available to AmeriCorps volunteers whose service was interrupted by the COVID-19 national emergency.

Sec. 150206. National Service Expansion Feasibility Study.

This section requires CNCS to conduct a study on the feasibility of increasing the capacity of national service programs to respond to the economic and social impacts of COVID-19.

Sec. 150207. Definitions.

This section provides definitions, including definitions from the Domestic Volunteer Service Act of 1973.

DIVISION P – ACCESS Act

Prepared by the Democratic staff of the Committee on House Administration

Section 160001: Short Title. The “American Coronavirus/COVID-19 Election Safety and Security Act” or the “ACCESS Act”.

Section 160002. Requirements for Federal Election Contingency Plans In Response To Natural Disasters And Emergencies.

- Requires states and jurisdictions to establish and make publicly available contingency plans that enable voting in federal elections during a state of emergency, public health emergency or national emergency and to update such plans at least every 5 years.
- Requires contingency plans to include initiatives to provide equipment and resources necessary to protect the health and safety of poll workers and voters and to recruit poll workers from resilient and unaffected populations.
- Permits the Attorney General to bring a civil action in an appropriate United States District Court as may be necessary to carry out the requirements of this section and permits a private right of action.

Section 160003. Early Voting and Voting by Mail.

- Requires at least 15 consecutive days of early voting for federal elections. Goes into effect in the November 2020 election and for each succeeding federal election.
 - Requires the early voting period to be no less than 10 hours each day, to have uniform hours for each day, and to allow for voting prior to 9:00am and after 5:00pm.
 - Requires polling places with early voting periods to be located within walking distance of a stop on a public transportation route and to be available in rural areas of states.
 - Directs the Election Assistance Commission to issue election administration standards for early voting that include standards for nondiscriminatory geographic placement of polling places and that permit deviation (provided there is adequate public notice) in the case of unforeseen circumstances.
 - Requires states to begin processing and scanning ballots cast during the early voting period at least 14 days prior to election day.

- Ensures that every voter can access no-excuse absentee vote-by-mail. Goes into effect in the November 2020 election and for each succeeding federal election.
 - Prohibits states from imposing additional conditions or requirements for eligibility to vote by absentee ballot upon individuals who are already eligible voters.
 - Prohibits states from requiring any form of identification to obtain an absentee ballot, although requiring a signed affirmation of identity is permitted.
 - Prohibits states from requiring notarization or witness signatures to obtain or cast an absentee ballot.
 - Ensures that voters can opt-in to voting permanently by absentee ballot by mail in their absentee voting applications.
 - Requires states that conduct signature verification of voters submitting an absentee ballot to provide due process protections that must include a notice and an opportunity to cure a discrepancy in signatures or a missing signature. Provides voters with a 10-day period to cure which begins on the date the voter is notified.
 - Requires states to submit a report to Congress containing information on invalidated ballots no later than 120 days after each federal election cycle.
 - Ensures that every voter can submit an online request for an absentee ballot.
 - Requires states to deliver an absentee ballot and related voting materials to voters prior to election day if the request for such materials is received prior to 5 days before election day.

- With respect to the COVID-19 pandemic and all future emergencies declared between 120 days before election day and 30 days before election day, requires states to automatically mail absentee ballots and balloting materials to all registered voters no later than two weeks before election day (and for states that do not register voters, to all voters in the state's central voter file). Requires a voter to attest that the voter has not and will not cast another ballot.

- Provides standards for absentee ballots cast by mail.
 - Ensures that absentee ballots and related voting materials are accessible to voters with disabilities.
 - Requires that submitted absentee ballots be accepted and processed if postmarked, signed or otherwise indicated by the United States Postal Service to have been mailed on or before election day and if received within ten days after election day.
 - Permits voters to return absentee ballots by mail, by casting it at a polling place on election day, by submitting it at a designated ballot drop-off location, or by designating another person to return the ballot to the post office, a ballot drop-off location, a tribally designated building or an election office.
 - Requires states to begin processing and scanning ballots cast by mail at least 14 days prior to election day.

- Requires states to establish an absentee ballot tracking program. Goes into effect in the November 2020 election and for each succeeding federal election.

- Ensures that notwithstanding the precinct or polling place at which a provisional ballot is cast within the state, the appropriate election official shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote. Goes into effect in the November 2020 election and for each succeeding federal election.

- Provides voters with a private right of action for violations of requirements under Subtitle C of Title III under the Help America Vote Act of 2002.

Section 160004. Permitting Use of Sworn Written Statement To Meet Identification Requirements For Voting.

- Provides that if a state has a voter identification requirement to cast a ballot in-person or by mail, an individual may make a sworn written statement attesting to their identity to fulfill the identification requirement. Does not affect the Help America Vote Act's requirements for certain first-time voters who submitted their voter registration by mail.

Section 160005. Voting Materials Postage.

- Ensures that voter registration application forms, absentee ballot application forms, and absentee ballots in federal elections are mailed to voters expeditiously with self-sealing envelopes and prepaid postage.

Section 160006. Requiring Transmission of Blank Absentee Ballots Under UOCAVA To Certain Voters.

- Amends the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to require states to transmit blank absentee ballots electronically to certain qualified individuals and prohibits electronic return of such marked ballots. Goes into effect in the November 2020 election and for each succeeding federal election.

- Defines qualified individuals as voters who have requested an absentee ballot but have not received it at least 2 days before election day, voters who reside in an area where an emergency has been declared within 5 days of election day and have not already requested an absentee ballot, voters who will be absent on election day due to professional or volunteer service in response to an emergency or disaster, voters who are hospitalized or expect to be on election day, or voters who have a disability and reside in a state that does not offer secure remote ballot marking.
- Requires blank absentee ballots transmitted to qualified voters to comply with the language requirements under section 203 of the Voting Rights Act of 1965 and the disability requirements under section 508 of the Rehabilitation Act of 1973.
- Requires qualified individuals to provide the state with an attestation in electronic form that they are qualified, that they have not and will not cast another ballot and that they acknowledge the consequences of stating a material misstatement of fact.
- Requires electronic blank absentee ballots transmitted to qualified individuals to have prepaid return postage.
- Prohibits states from refusing to accept and process an absentee ballot from a qualified individual based on notarization or witness signature, paper type, or envelope type requirements.

Section 160007. Voter Registration.

- Amends the National Voter Registration Act of 1993 to ensure that voters can register to vote online, can submit an EAC-prescribed mail voter registration application online, and can update their voter registration information online.
 - Requires states to establish technological security measures to protect information provided through online voter registration services.
 - Ensures that online voter registrations services are available to individuals with disabilities.
 - Ensures that online voter registration services are also available through the use of an automated telephone-based system.
- Amends the Help America Vote Act of 2002 to ensure that all eligible individuals can register to vote on the same day that they vote. Goes into effect in the November 2020 election and for each succeeding federal election.
- Amends the National Voter Registration Act of 1993 to prohibit states from requiring voter registration applicants to provide more than the last 4 digits of their social security numbers. Goes into effect in the November 2020 election and for each succeeding federal election.

Section 160008. Accommodations for Voters Residing in Indian Lands.

- Permits an Indian Tribe to designate buildings as ballot pickup and collection locations and to designate one building per precinct located within Indian lands at no cost to the Indian Tribe.
- Requires states or political subdivisions to collect ballots from designated locations and to provide Indian Tribes with accurate precinct maps for all precincts located within Indian lands at least 60 days before an election.
- Requires states or political subdivisions to provide absentee ballots for federal elections to each individual who is registered to vote and who resides on Indian lands without requiring a residential address or a mail-in or absentee ballot request.
- Ensures that voters living on Indian lands may use the address of a designated building for ballot pickup and collection as their residential and mailing address if such building is in the same precinct of the voter, and if the building is not in the same precinct, may use the address of another tribally designated building within Indian lands.
- Requires that states or political subdivisions covered under section 203 of the Voting Rights Act of 1965 provide all applicable language accessibility requirements.
- Permits the Attorney General to bring a civil action in an appropriate United States District Court as may be necessary to carry out the requirements of this section and permits a private right of action.
- Goes into effect in the November 2020 election and for each succeeding federal election.

Section 160009. Payments by Election Assistance Commission to States to Assist with Costs of Compliance.

- Requires the Election Assistance Commission to make payments to eligible states for the costs of complying with the ACCESS Act, including the costs for pre-paying the postage on absentee ballots and balloting material, for public education campaigns regarding the requirements of the ACCESS Act, and for voluntarily electing to comply with the ACCESS Act in the 2020 primary elections.
- For party-run primaries, requires the Election Assistance Commission to make payments to eligible political parties for costs incurred in transmitting absentee ballots and balloting materials in accordance with the ACCESS Act in the 2020 primary elections.
- Requires states to pass through funds to local jurisdictions or Tribal Governments.
- Requires states and political parties of states to submit an application to the Election Assistance Commission to receive payment assistance.

- In the case of an emergency, permits states to submit a payment request to the Election Assistance Commission and requires that payment be made to the states no later than 7 days after receipt of the request.
- Prohibits funding for costs attributable to the electronic return of marked ballots.
- Requires states to submit reports to the Election Assistance Commission no later than 6 months after the end of each fiscal year on the activities conducted with the funds provided.
- Requires the Election Assistance Commission to submit a report on such payments each fiscal year to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

Section 160010. Grants to States for Conducting Risk-Limiting Audits of Results of Elections.

- Permits the Election Assistance Commission to make grants to eligible states to conduct risk-limiting audits with respect to federal general elections. Goes into effect in the November 2020 election and for each succeeding federal election.
- Authorizes the appropriation of \$20 million for fiscal year 2020 for risk-limiting audit grants.
- Authorizes a GAO analysis no later than 6 months after the first grants are awarded on the extent to which risk-limiting audits improve the administration and security of elections.

Section 160011. Additional Appropriations for the Election Assistance Commission.

- Authorizes the additional appropriation of \$3 million to the Election Assistance Commission for fiscal year 2020 in order for the Commission to provide additional assistance and resources to states to improve election administration.

Section 160012: Definition.

- Clarifies that the definition of election for Federal office in Titles I to III in the Help America Vote Act apply to primaries, special, runoff and general elections.

DIVISION Q – COVID–19 Heroes Fund Act of 2020

Prepared by the Democratic staff of the House Committee on Education and Labor, the House Committee on Ways and Means, and the House Committee on Oversight and Reform

Title I – Provisions Relating to State, Local, Tribal, And Private Sector

Workers

Section 170101. Definitions. This section defines key terms under Title I, including “essential work employers” and “essential work.” “Essential work” (1) is performed during the COVID–19 Public Health Emergency, (2) is not performed while teleworking, (3) involves regular interaction with others or items handled by others, and (4) is work in any of the 33 enumerated areas of work (*e.g.*, health care, first responders, grocery stores, transportation, etc.)

Section 170102. Pandemic premium pay for essential workers. This section provides that employers that apply for and receive grants will pay essential workers \$13 per hour premium pay on top of regular wages. Essential workers are eligible for up to \$10,000 (“highly compensated” essential workers earning above \$200,000, up to \$5,000) for work performed from January 27, 2020 until 60 days after the last day of the COVID–19 Public Health Emergency. If an essential worker develops symptoms of COVID-19 and dies, the worker’s next of kin receives the remainder of the premium pay as a lump sum.

Section 170103. COVID–19 Heroes Fund. This section establishes the COVID–19 Heroes Fund in the Treasury of the United States and to be administered by the Secretary of Treasury.

Section 170104. COVID–19 Heroes Fund grants. This section directs the Secretary of the Treasury to award grants to essential work employers who choose to apply for grants for the purpose of providing premium pay to essential workers. Essential work employers are eligible for grants of \$10,000 per essential worker (\$5,000 for highly compensated essential workers) to cover the entire cost of premium pay, including employer payroll taxes for premium pay. Employer payroll taxes include the employer portion of Medicare Hospital Insurance tax (and the corresponding part of the Railroad Retirement Board (RRB) tier 1 tax), federal unemployment tax, and state and local employment taxes. Unused funds must be returned to the Treasury.

Section 170105. Enforcement and outreach. This section grants the Secretary of Labor authority to enforce payment requirements and to conduct outreach to employers. Failure to adhere to payment requirements are treated as violations of overtime requirements under the Fair Labor Standards Act.

Section 170106. Funding for the Department of the Treasury Office of Inspector General. This section appropriates \$1 million to the Inspector General of the Department of the Treasury to conduct oversight.

Section 170107. Authorization and appropriations. This section appropriates \$190 billion to carry out Title I.

Title II – Provisions Relating To Federal Employees And COVID–19

Section 170201. Definitions. This section provides definitions of agency, employee, covered duty, covered period. The definition of agency includes any entity within the executive, legislative, and judicial branches of the federal government except for the Postal Service or the Postal Regulatory Commission. (The Postal Service is covered under Title I.) The definition of employee includes employees in all federal personnel systems but does not include political appointees, Members of Congress, or Congressional staff. It also includes employees of federally funded Tribal programs. Covered duty is defined as duty that requires an employee to have regular or routine contact with the public or the reporting of an employee to a worksite at

which social distancing is not possible, consistent with the regularly assigned duties of the position of the employee and other preventative measures with respect to COVID-19 are not available. It does not include duty performed while teleworking from a residence. The covered period is the period from January 27, 2020, to the date that is 60 days after the end of the national public health emergency.

Section 170202. Pandemic duty differential. Federal employees will be eligible for the same premium pay as is available to employees in the state/local/tribal/private sectors. OPM (or the employing agency that is not in the executive branch) is required to develop criteria for determining eligibility for premium pay and implementing regulations, which shall apply equally to all federal agencies.

Section 170203. Limitation on premium pay. This section provides that pandemic premium pay is in addition to other premium pay that may be available for federal employees, except that aggregate pay may not exceed the annual rate of pay available in any calendar year for Level II of the Executive Schedule.

Section 170204. Authorization and Appropriation. This section appropriates \$10 billion to carry out Title II.

Title III – Coordination Of Benefits With Other Programs And Laws

Section 170301. Coordination with other benefits. This section provides that payments under this Act are not regarded as income for the purposes of determining eligibility for federal, state, or local benefits or assistance. For purposes of determining health insurance premium tax credit amounts, household income is generally reduced by premium pay received. This section also provides that premium pay shall not be considered wages for purposes of the employer portion of Social Security tax, as well as the corresponding rates for RRB tier 1 tax and self-employment tax. The Social Security trust funds and the Social Security Benefit Account are held harmless.

Section 170302. Clarification of coordination with other laws. This section clarifies that nothing in this Act allows noncompliance with or diminishes any rights or benefits under federal, state, or local laws, collective bargaining agreements, or employer policies.

Section 170303. Applicability of Fair Labor Standards Act of 1938 to sovereign Tribal employers. This section clarifies that receipt of funds by a sovereign Tribal employer under this Act will not expand, constrict, or alter the application of the Fair Labor Standards Act of 1938 such sovereign Tribal employer.

DIVISION R – Child Nutrition and Related Programs

Prepared by the Democratic staff of the House Committee on Education and Labor

Sec. 180001. Short Title: Child Nutrition and Related Programs Recovery Act.

Sec. 180002. Emergency Costs for Child Nutrition Programs During COVID-19 Pandemic. This section provides emergency funding to the school meal and child adult care food programs to help cover operational costs during COVID-19. These programs operate on a per-meal reimbursement, making additional funding necessary to cover fixed costs at a time when the number of meals served is drastically reduced due to the pandemic. This funding will help to ensure that these child nutrition programs have sufficient funding to continue feeding children in

need. The funding will be administered by states and distributed to providers based on a formula that takes into account the typical level of reimbursement a program would receive to operate the program, and the reimbursement being received during the pandemic.

Sec. 180003. Amendments to the Pandemic EBT Act. This section extends the Pandemic EBT program (which provides resources to families with children who would have otherwise received free or reduced price meals in school but for pandemic-related school closures) through the summer and until schools reopen, and allows states to include children who would have otherwise received meals through child care.

Sec. 180004. Fresh Produce for Kids in Need. This section extends the waiver authority provided to the Department of Agriculture under the Families First Coronavirus Response Act to the Fresh Fruit and Vegetable Program (FFVP). FFVP provides fresh fruit and vegetable snacks to children in low-income schools. This waiver authority will provide more flexibility for schools to serve FFVP foods, such as serving in bulk.

Sec. 180005. WIC Benefit Flexibility During COVID-19 Act. This section allows the Secretary of Agriculture to increase the value of the WIC Cash Value Voucher (CVV) from \$9 for children and \$11 for women per month to \$35 per month for women and children through the end of fiscal year 2020. The WIC CVV may be used to purchase fruits and vegetables.

Sec. 180006. Calculation of Payments and Reimbursements for Certain Child Nutrition Programs. This section ensures that certain calculations under the Richard B. Russell National School Lunch Act and the Child Nutrition Act that are based on reimbursements for school year 2019-2020, such as commodity allocations and administrative funding amounts, may not be less than the amounts provided for school year 2018-2019.

Sec. 180007. Reporting on Waiver Authority. This section requires the Secretary of Agriculture to make public all child nutrition waiver applications authorized by the Families First Coronavirus Response Act, as well as the Department's response to such applications in a timely manner. It also requires all guidance related to such waivers to be dated to avoid confusion among child nutrition providers.

DIVISION S – Other Matters

Prepared by the Democratic staff of the House Committees on Natural Resources, Transportation and Infrastructure, Energy and Commerce, and Judiciary

Summary pending.

DIVISION T – Additional Other Matters

Prepared by the Democratic staff of the House Committees on Transportation and Infrastructure and House Administration

Summary pending.